

Stat. 687, related to appointment and duties of Assistant Secretaries of the Navy, prior to repeal by Pub. L. 99-433, §511(e). See section 5016 of this title.

### § 5035. Vice Chief of Naval Operations

(a) There is a Vice Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list in the line of the Navy serving in grades above captain and eligible to command at sea.

(b) The Vice Chief of Naval Operations, while so serving, has the grade of admiral without vacating his permanent grade.

(c) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same effect as those issued by the Chief of Naval Operations.

(d) When there is a vacancy in the office of Chief of Naval Operations or during the absence or disability of the Chief of Naval Operations—

(1) the Vice Chief of Naval Operations shall perform the duties of the Chief of Naval Operations until a successor is appointed or the absence or disability ceases; or

(2) if there is a vacancy in the office of the Vice Chief of Naval Operations or the Vice Chief of Naval Operations is absent or disabled, unless the President directs otherwise, the most senior officer of the Navy in the Office of the Chief of Naval Operations who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Naval Operations until a successor to the Chief of Naval Operations or the Vice Chief of Naval Operations is appointed or until the absence or disability of the Chief of Naval Operations or Vice Chief of Naval Operations ceases, whichever occurs first.

(Added Pub. L. 99-433, title V, §512(b), Oct. 1, 1986, 100 Stat. 1050.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5085 of this title prior to enactment of Pub. L. 99-433.

A prior section 5035, act Aug. 10, 1956, ch. 1041, 70A Stat. 279, authorized an Assistant Secretary of the Navy for Air, provided for his appointment and duties, and prescribed his compensation, prior to repeal by Pub. L. 85-599, §8(b)(2), Aug. 6, 1958, 72 Stat. 519, eff. six months after Aug. 6, 1958. Subsec. (c) was also repealed by Pub. L. 85-861, §36B(12), Sept. 2, 1958, 72 Stat. 1571.

### § 5036. Deputy Chiefs of Naval Operations

(a) There are Deputy Chiefs of Naval Operations in the Office of the Chief of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list of the Navy serving in grades above captain. The Secretary of the Navy shall prescribe the number of Deputy Chiefs of Naval Operations under this section and Assistant Chiefs of Naval Operations under section 5037 of this title, for a total of not more than eight positions.

(b) The Deputy Chiefs of Naval Operations are charged, under the direction of the Chief of Naval Operations, with the execution of the functions of their respective divisions. Orders issued by the Deputy Chiefs of Naval Operations in performing the duties assigned them are considered as coming from the Chief of Naval Operations.

(Added Pub. L. 99-433, title V, §512(b), Oct. 1, 1986, 100 Stat. 1051; amended Pub. L. 108-375, div. A, title V, §502(a), Oct. 28, 2004, 118 Stat. 1875; Pub. L. 110-181, div. A, title IX, §902(b)(1), Jan. 28, 2008, 122 Stat. 273.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5086 of this title prior to enactment of Pub. L. 99-433.

A prior section 5036, acts Aug. 10, 1956, ch. 1041, 70A Stat. 280; Nov. 2, 1966, Pub. L. 89-718, §32, 80 Stat. 1119; Jan. 2, 1968, Pub. L. 90-235, §4(a)(8), 81 Stat. 759; Dec. 12, 1980, Pub. L. 96-513, title V, §513(4), 94 Stat. 2931, related to succession to duties of Secretary of the Navy, prior to repeal by Pub. L. 99-433, §511(e). See section 5017 of this title.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “There are Deputy Chiefs of Naval Operations in the Office of the Chief of Naval Operations,” for “There are in the Office of the Chief of Naval Operations not more than five Deputy Chiefs of Naval Operations,” and inserted at end “The Secretary of the Navy shall prescribe the number of Deputy Chiefs of Naval Operations under this section and Assistant Chiefs of Naval Operations under section 5037 of this title, for a total of not more than eight positions.”

2004—Subsec. (a). Pub. L. 108-375 struck out “in the line” after “active-duty list”.

### § 5037. Assistant Chiefs of Naval Operations

(a) There are Assistant Chiefs of Naval Operations in the Office of the Chief of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list of the Navy and officers on the active-duty list of the Marine Corps. The Secretary of the Navy shall prescribe the number of Assistant Chiefs of Naval Operations in accordance with section 5036(a) of this title.

(b) The Assistant Chiefs of Naval Operations shall perform such duties as the Secretary of the Navy prescribes.

(Added Pub. L. 99-433, title V, §512(b), Oct. 1, 1986, 100 Stat. 1051; amended Pub. L. 108-375, div. A, title V, §502(b), Oct. 28, 2004, 118 Stat. 1875; Pub. L. 110-181, div. A, title IX, §902(b)(2), Jan. 28, 2008, 122 Stat. 273.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5087 of this title prior to enactment of Pub. L. 99-433.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “There are Assistant Chiefs of Naval Operations in the Office of the Chief of Naval Operations,” for “There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations,” and inserted at end “The Secretary of the Navy shall prescribe the number of Assistant Chiefs of Naval Operations in accordance with section 5036(a) of this title.”