

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 (c) was also repealed by Pub.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.”

2004—Subsec. (a). Pub. L. 108-375 struck out “in the line” before “of the Navy”.

§ 5038. Director for Expeditionary Warfare

(a) One of the Directors within the office of the Deputy Chief of Naval Operations with responsibility for warfare requirements and programs shall be the Director for Expeditionary Warfare who shall be detailed from officers on the active-duty list of the Marine Corps.

(b) The principal duty of the Director for Expeditionary Warfare shall be to supervise the performance of all staff responsibilities of the Chief of Naval Operations regarding expeditionary warfare, including responsibilities regarding amphibious lift, mine warfare, naval fire support, and other missions essential to supporting expeditionary warfare.

(c) The Chief of Naval Operations shall transfer duties, responsibilities, and staff from other personnel within the Office of the Chief of Naval Operations as necessary to fully support the Director for Expeditionary Warfare.

(Added Pub. L. 102-484, div. A, title IX, §935(b)(1), Oct. 23, 1992, 106 Stat. 2478; amended Pub. L. 103-35, title II, §201(c)(10), May 31, 1993, 107 Stat. 98; Pub. L. 103-160, div. A, title IX, §944, Nov. 30, 1993, 107 Stat. 1737; Pub. L. 107-107, div. A, title IX, §932, Dec. 28, 2001, 115 Stat. 1200; Pub. L. 114-328, div. A, title V, §502(w), Dec. 23, 2016, 130 Stat. 2104.)

AMENDMENTS

2016—Subsecs. (b) to (d). Pub. L. 114-328 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: “An officer assigned to the position of Director for Expeditionary Warfare, while so serving, has the grade of major general.”

2001—Subsec. (a). Pub. L. 107-107 substituted “office of the Deputy Chief of Naval Operations with responsibility for warfare requirements and programs” for “Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments”.

1993—Subsec. (e). Pub. L. 103-160 struck out subsec. (e) which read as follows: “This section shall cease to apply on November 1, 1997.”

Pub. L. 103-35 substituted “section” for “subsection”.

CHAPTER 506—HEADQUARTERS, MARINE CORPS

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AMENDMENTS

2002—Pub. L. 107-314, div. A, title V, §504(d)(3)(B), Dec. 2, 2002, 116 Stat. 2532, added item 5047.

2000—Pub. L. 106-398, §1 [[div. A], title IX, §902(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-224, substituted “Deputy Commandants” for “Chief of Staff; Deputy and Assistant Chiefs of Staff” in item 5045.

1986—Pub. L. 99-661, div. A, title V, §509(a)(2), Nov. 14, 1986, 100 Stat. 3868, added item 5046.

§ 5041. Headquarters, Marine Corps: function; composition

(a) There is in the executive part of the Department of the Navy a Headquarters, Marine

Corps. The function of the Headquarters, Marine Corps, is to assist the Secretary of the Navy in carrying out his responsibilities.

(b) The Headquarters, Marine Corps, is composed of the following:

(1) The Commandant of the Marine Corps.

(2) The Assistant Commandant of the Marine Corps.

(3) The Deputy Commandants.

(4) The Staff Judge Advocate to the Commandant of the Marine Corps.

(5) Other members of the Navy and Marine Corps assigned or detailed to the Headquarters, Marine Corps.

(6) Civilian employees in the Department of the Navy assigned or detailed to the Headquarters, Marine Corps.

(c) Except as otherwise specifically prescribed by law, the Headquarters, Marine Corps, shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

(Added Pub. L. 99-433, title V, §513(b), Oct. 1, 1986, 100 Stat. 1052; amended Pub. L. 106-398, §1 [[div. A], title IX, §902(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-224; Pub. L. 112-239, div. A, title V, §531(c), Jan. 2, 2013, 126 Stat. 1726.)

AMENDMENTS

2013—Subsec. (b)(4) to (6). Pub. L. 112-239 added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

2000—Subsec. (b)(3) to (7). Pub. L. 106-398 added par. (3), redesignated pars. (6) and (7) as (4) and (5), respectively, and struck out former pars. (3) to (5) which read as follows:

“(3) The Chief of Staff of the Marine Corps.

“(4) The Deputy Chiefs of Staff.

“(5) The Assistant Chiefs of Staff.”

§ 5042. Headquarters, Marine Corps: general duties

(a) The Headquarters, Marine Corps, shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Commandant of the Marine Corps.

(b) Under the authority, direction, and control of the Secretary of the Navy, the Headquarters, Marine Corps, shall—

(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Marine Corps, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Marine Corps, as will assist in the execution of any power, duty, or function of the Secretary or the Commandant;

(2) investigate and report upon the efficiency of the Marine Corps and its preparation to support military operations by combatant commanders;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) as directed by the Secretary or the Commandant, coordinate the action of organizations of the Marine Corps; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.