

the seal must be approved by the President. Judicial notice shall be taken of the seal.

(Added Pub. L. 99-433, title V, §511(c)(2), Oct. 1, 1986, 100 Stat. 1043, §5012; renumbered §8012, Pub. L. 115-232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

PRIOR PROVISIONS

A prior section 8012 was renumbered section 9012 of this title.

Another prior section 8012 was renumbered section 8013 of this title and subsequently repealed.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5012 of this title as this section.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8013. Secretary of the Navy

(a)(1) There is a Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience. The Secretary is the head of the Department of the Navy.

(2) A person may not be appointed as Secretary of the Navy within five years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Navy is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Navy, including the following functions:

- (1) Recruiting.
- (2) Organizing.
- (3) Supplying.
- (4) Equipping (including research and development).
- (5) Training.
- (6) Servicing.
- (7) Mobilizing.
- (8) Demobilizing.
- (9) Administering (including the morale and welfare of personnel).
- (10) Maintaining.
- (11) The construction, outfitting, and repair of military equipment.
- (12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Navy is also responsible to the Secretary of Defense for—

- (1) the functioning and efficiency of the Department of the Navy;

(2) the formulation of policies and programs by the Department of the Navy that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Navy;

(4) carrying out the functions of the Department of the Navy so as to fulfill the current and future operational requirements of the unified and specified combatant commands;

(5) effective cooperation and coordination between the Department of the Navy and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

(6) the presentation and justification of the positions of the Department of the Navy on the plans, programs, and policies of the Department of Defense; and

(7) the effective supervision and control of the intelligence activities of the Department of the Navy.

(d) The Secretary of the Navy is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

(e) After first informing the Secretary of Defense, the Secretary of the Navy may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

(f) The Secretary of the Navy may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Navy and to the Assistant Secretaries of the Navy. Officers of the Navy and the Marine Corps shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

(g) The Secretary of the Navy may—

(1) assign, detail, and prescribe the duties of members of the Navy and Marine Corps and civilian personnel of the Department of the Navy;

(2) change the title of any officer or activity of the Department of the Navy not prescribed by law; and

(3) prescribe regulations to carry out his functions, powers, and duties under this title.

(Added Pub. L. 99-433, title V, §511(c)(2), Oct. 1, 1986, 100 Stat. 1043, §5013; amended Pub. L. 99-661, div. A, title V, §534, Nov. 14, 1986, 100 Stat. 3873; Pub. L. 108-136, div. A, title IX, §901, Nov. 24, 2003, 117 Stat. 1558; Pub. L. 114-328, div. A, title IX, §931(b), Dec. 23, 2016, 130 Stat. 2363; renumbered §8013, Pub. L. 115-232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5031 of this title prior to enactment of Pub. L. 99-433.

A prior section 8013 was renumbered section 9013 of this title.

Another prior section 8013, acts Aug. 10, 1956, ch. 1041, 70A Stat. 488, §8012; Sept. 2, 1958, Pub. L. 85-861, §1(152),

72 Stat. 1513; Sept. 7, 1962, Pub. L. 87-651, title II, §211, 76 Stat. 524; Aug. 14, 1964, Pub. L. 88-426, title III, §§305(7), 306(j)(7), 78 Stat. 423, 432; renumbered §8013, Oct. 1, 1986, Pub. L. 99-433, title V, §521(a)(1), 100 Stat. 1055, related to Secretary of the Air Force, powers and duties, and delegations, prior to repeal by Pub. L. 99-433, §521(a)(3).

Another prior section 8013 was renumbered section 8014 of this title and subsequently repealed.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5013 of this title as this section.

2016—Subsec. (a)(1). Pub. L. 114-328 inserted “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.” after first sentence.

2003—Subsec. (c)(4). Pub. L. 108-136 struck out “(to the maximum extent practicable)” after “fulfill”.

1986—Subsec. (a)(2). Pub. L. 99-661 substituted “five years” for “10 years”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

LIMITATION ON MODIFICATIONS TO NAVY FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION STRUCTURE AND MECHANISM

Pub. L. 115-232, div. A, title III, §328, Aug. 13, 2018, 132 Stat. 1723, provided that: “The Secretary of the Navy may not make any modification to the existing Navy Facilities Sustainment, Restoration, and Modernization structure or mechanism that would modify duty relationships or significantly alter the existing structure until 90 days after providing notice of the proposed modification to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].”

NOTIFICATION ON MANNING OF AFLOAT NAVAL FORCES

Pub. L. 115-232, div. A, title V, §525, Aug. 13, 2018, 132 Stat. 1757, provided that:

“(a) IN GENERAL.—The Secretary of the Navy shall notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], in writing, not later than 15 days after any of the following conditions are met:

“(1) The manning fit for a covered ship is less than 87 percent.

“(2) The manning fill for a covered ship is less than 90 percent.

“(b) NOTIFICATION REQUIRED.—The notification required by subsection (a) shall include, with respect to a covered ship, the following:

“(1) The name and hull number of the ship.

“(2) The homeport location of the ship.

“(3) The current manning fit and fill of the ship.

“(4) The lowest levels of manning fit and fill projected for the ship and the date on which such levels are expected to occur.

“(5) The projected date on which the Navy will achieve a manning fit and fill at least 87 percent and 90 percent, respectively, for the ship.

“(6) The projected date on which the Navy will achieve a manning fit and fill of at least 92 percent and 95 percent, respectively, for the ship.

“(7) A description of any reasons the Navy will not achieve manning fit and fill of at least 87 percent and 90 percent, respectively, for the ship, including a detailed description of the specific ratings or skillset areas that must be manned to achieve those percentages.

“(8) A description of corrective actions the Navy is taking to improve manning fit or manning fill on the ship.

“(c) SPECIAL RULE.—For purposes of determining whether a percentage of manning fit or manning fill has been achieved, a sailor in a more senior paygrade may count as filling the billet of a more junior paygrade, but a sailor in a more junior paygrade may not count as filling the billet of a more senior paygrade.

“(d) DEFINITIONS.—In this section:

“(1) MANNING FIT.—The term ‘manning fit’ means the skills (rating), specialty skills (Navy Enlisted Classifications), and experience (paygrade) for the ship as compared with the billets authorized for such skills and experience.

“(2) MANNING FILL.—The term ‘manning fill’, in the case of a ship, means the total number of military personnel assigned to the ship by rating when compared with the billets authorized for the ship by rating.

“(3) COVERED SHIP.—The term ‘covered ship’ means a commissioned battle force ship that is included in the battle force count of the Naval Vessel Register.”

NAVY WATCHSTANDER RECORDS

Pub. L. 115-232, div. A, title V, §526, Aug. 13, 2018, 132 Stat. 1758, provided that:

“(a) IN GENERAL.—The Secretary of the Navy shall require that, commencing not later than 180 days after the date of the enactment of this Act [Aug. 13, 2018], key watchstanders on Navy surface ships shall maintain a career record of watchstanding hours and specific operational evolutions.

“(b) KEY WATCHSTANDER DEFINED.—In this section, the term ‘key watchstander’ means each of the following:

“(1) Officer of the Deck.

“(2) Engineering Officer of the Watch.

“(3) Conning Officer or Piloting Officer.

“(4) Any other officer specified by the Secretary for purposes of this section.

“(c) BRIEFINGS OF CONGRESS.—

“(1) INITIAL BRIEFING.—Not later than 150 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the plan of the Secretary for the maintenance of watchstander records, including updates to policy documents.

“(2) UPDATE BRIEFINGS.—Not later than one year after the briefing pursuant to paragraph (1), and annually thereafter for the next two years, the Secretary shall provide to the committees of Congress referred to in that paragraph an update briefing on the status of the implementation of the plan described in that paragraph.”

REVERSIONARY INTERESTS IN REAL PROPERTY USED BY CLOSED OR REALIGNED NAVAL STATIONS

Pub. L. 109-148, div. B, title I, §702, Dec. 30, 2005, 119 Stat. 2773, provided that: “For any real property expressly granted to the United States since January 1, 1980 for use as or in connection with a Navy homeport subject to a reversionary interest retained by the grantor and serving as the site of or being used by a naval station subsequently closed or realigned pursuant to the Defense Base Closure and Realignment Act of 1990 [part A of title XXIX of div. B of Pub. L. 101-510, set out as a note under section 2687 of this title] as amended, the right of the United States to any consideration or repayment for the fair market value of the real property as improved shall be released, relinquished, waived, or otherwise permanently extinguished. The Secretary shall execute such written agreements as may be needed to facilitate the reversion and transfer all right, title, and interest of the United States in any real property described in this section, including the improvements thereon, for no

consideration to the reversionary interest holder as soon as practicable after the naval station is closed or realigned. This agreement shall not require the reversionary interest holder to assume any environmental liabilities of the United States or relieve the United States from any responsibilities for environmental remediation that it may have incurred as a result of federal ownership or use of the real property.”

ELIMINATION OF REVERSIONARY INTERESTS CLOUDING UNITED STATES TITLE TO PROPERTY USED AS NAVY HOMEPORTS

Pub. L. 108-375, div. B, title XXVIII, §2823, Oct. 28, 2004, 118 Stat. 2132, provided that:

“(a) AUTHORITY TO ACQUIRE COMPLETE TITLE.—If real property owned by the United States and used as a Navy homeport is subject to a reversionary interest of any kind, the Secretary of the Navy may enter into an agreement with the holder of the reversionary interest to acquire the reversionary interest and thereby secure for the United States all right, title, and interest in and to the property.

“(b) AUTHORIZED CONSIDERATION.—(1) As consideration for the acquisition of a reversionary interest under subsection (a), the Secretary shall provide the holder of the reversionary interest with in-kind consideration, to be determined pursuant to negotiations between the Secretary and the holder of the reversionary interest.

“(2) In determining the type and value of any in-kind consideration to be provided for the acquisition of a reversionary interest under subsection (a), the Secretary shall take into account the nature of the reversionary interest, including whether it would require the holder of the reversionary interest to pay for any improvements acquired by the holder as part of the reversion of the real property, and the long-term use and ultimate disposition of the real property if the United States were to acquire all right, title, and interest in and to the real property subject to the reversionary interest.

“(c) PROHIBITED CONSIDERATION.—Cash payments are not authorized to be made as consideration for the acquisition of a reversionary interest under subsection (a).”

MULTI-TRADES DEMONSTRATION PROJECT

Pub. L. 108-136, div. A, title III, §338, Nov. 24, 2003, 117 Stat. 1447, as amended by Pub. L. 110-181, div. A, title III, §329, Jan. 28, 2008, 122 Stat. 67; Pub. L. 112-239, div. A, title III, §321, Jan. 2, 2013, 126 Stat. 1694; Pub. L. 113-66, div. A, title X, §1091(d), Dec. 26, 2013, 127 Stat. 876; Pub. L. 115-91, div. A, title III, §321, Dec. 12, 2017, 131 Stat. 1352, provided that:

“(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.

“(b) SELECTION REQUIREMENTS.—As a condition on eligibility for selection to participate in the demonstration project, the head of an Air Force Air Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base, or Army depot shall submit to the Secretary of the military department concerned a business case analysis and concept plan—

“(1) that, on the basis of the results of analysis of work processes, demonstrate that process improvements would result from the trade combinations proposed to be implemented under the demonstration project; and

“(2) that describes the improvements in cost, quality, or schedule of work that are anticipated to result from the participation in the demonstration project.

“(c) PARTICIPATING WORKERS.—(1) Actual worker participation in the demonstration project shall be determined through competitive selection. Not more than 15

percent of the wage grade journeyman at a demonstration project location may be selected to participate.

“(2) Job descriptions and competency-based training plans must be developed for each worker while in training under the demonstration project and once certified as a multi-trade worker. A certified multi-trade worker who receives a pay grade promotion under the demonstration project must use each new skill during at least 25 percent of the worker’s work year.

“(d) DURATION.—The demonstration project shall be conducted during fiscal years 2008 through 2023.

“(e) REPORT.—Not later than January 15, 2024, the Secretary of each military department that carried out a demonstration project under this section shall submit a report to Congress describing the results of the demonstration project. Each such report shall include the Secretary’s recommendation on whether permanent multi-trade authority should be authorized.

“(f) GAO EVALUATION.—Each Secretary who submits a report under subsection (e) shall transmit a copy of the report to the Comptroller General. Within 90 days after receiving a report, the Comptroller General shall submit to Congress an evaluation of that report.”

USE OF NAVAL INSTALLATIONS FOR EMPLOYMENT TRAINING OF NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS

Pub. L. 103-160, div. A, title XIII, §1374, Nov. 30, 1993, 107 Stat. 1821, as amended by Pub. L. 103-337, div. A, title X, §1064, Oct. 5, 1994, 108 Stat. 2848, provided that:

“(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of the Navy may conduct a demonstration project to test the feasibility of using Navy facilities to provide employment training to nonviolent offenders in a State penal system prior to their release from incarceration. The demonstration project shall be limited to not more than three military installations under the jurisdiction of the Secretary.

“(b) SOURCES OF TRAINING.—The Secretary may enter into a cooperative agreement with one or more private, nonprofit organizations for purposes of providing at the military installations included in the demonstration project the prerelease employment training authorized under subsection (a) or may provide such training directly at such installations by agreement with the State concerned.

“(c) USE OF FACILITIES.—Under a cooperative agreement entered into under subsection (b), the Secretary may lease or otherwise make available to a nonprofit organization participating in the demonstration project at a military installation included in the demonstration project any real property or facilities at the installation that the Secretary considers to be appropriate for use to provide the prerelease employment training authorized under subsection (a). Notwithstanding section 2667(b)(4) of title 10, United States Code, the use of such real property or facilities may be permitted with or without reimbursement.

“(d) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept voluntary services provided by persons participating in the prerelease employment training authorized under subsection (a).

“(e) LIABILITY AND INDEMNIFICATION.—(1) The Secretary may not enter into a cooperative agreement under subsection (b) with a nonprofit organization for the participation of that organization in the demonstration project unless the agreement includes provisions that the nonprofit organization shall—

“(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of prerelease employment training by the organization under the demonstration project; and

“(B) hold harmless and indemnify the United States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from or in connection with the demonstration project.

“(2) The Secretary may not enter into an agreement under subsection (b) with the State concerned for the

provision of prerelease employment training directly by the Secretary unless the agreement with the State concerned includes provisions that the State shall—

“(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of the training except to the extent that the loss or damage results from a wrongful act or omission of Federal Government personnel; and

“(B) hold harmless and indemnify the United States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from, or in connection with, the provision of the training except to the extent that the personal injury or property damage results from a wrongful act or omission of Federal Government personnel.

“(f) REPORT.—Not later than two years after the date of the enactment of this Act [Nov. 30, 1993], the Secretary shall submit to Congress a report evaluating the success of the demonstration project and containing such recommendations with regard to the termination, continuation, or expansion of the demonstration project as the Secretary considers to be appropriate.”

ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Navy, see Ex. Ord. No. 12879, Nov. 8, 1993, 58 F.R. 59929, listed in a table under section 3345 of Title 5, Government Organization and Employees.

§ 8013a. Secretary of the Navy: powers with respect to Coast Guard

(a) Whenever the Coast Guard operates as a service in the Navy under section 3¹ of title 14, the Secretary of the Navy has the same powers and duties with respect to the Coast Guard as the Secretary of Homeland Security has when the Coast Guard is not so operating.

(b) While operating as a service in the Navy, the Coast Guard is subject to the orders of the Secretary of the Navy, who may order changes in Coast Guard operations to make them uniform, to the extent he considers advisable, with Navy operations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 279, §5032; Pub. L. 96-513, title V, §513(3), Dec. 12, 1980, 94 Stat. 2931; renumbered §5013a, Pub. L. 99-433, title V, §511(c)(3), Oct. 1, 1986, 100 Stat. 1045; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; renumbered §8013a, Pub. L. 115-232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

Subsection (a) is derived from 14 U.S.C. 5, and subsection (b) from the second sentence of 14 U.S.C. 3. These provisions are duplicated in this title for the purpose of producing a statement of the general powers of the Secretary of the Navy in this important area.

REFERENCES IN TEXT

Section 3 of title 14, referred to in subsec. (a), was redesignated section 103 of title 14 by Pub. L. 115-282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195, and references to section 3 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5013a of this title as this section.

2002—Subsec. (a). Pub. L. 107-296 substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

1986—Pub. L. 99-433 renumbered section 5032 of this title as this section.

1980—Subsec. (a). Pub. L. 96-513 substituted “Secretary of Transportation” for “Secretary of the Treasury”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 8014. Office of the Secretary of the Navy

(a) There is in the Department of the Navy an Office of the Secretary of the Navy. The function of the Office is to assist the Secretary of the Navy in carrying out his responsibilities.

(b) The Office of the Secretary of the Navy is composed of the following:

- (1) The Under Secretary of the Navy.
- (2) The Assistant Secretaries of the Navy.
- (3) The General Counsel of the Department of the Navy.
- (4) The Judge Advocate General of the Navy.
- (5) The Naval Inspector General.
- (6) The Chief of Legislative Affairs.
- (7) The Chief of Naval Research.
- (8) Such other offices and officials as may be established by law or as the Secretary of the Navy may establish or designate.

(c)(1) The Office of the Secretary of the Navy shall have sole responsibility within the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, for the following functions:

- (A) Acquisition.
- (B) Auditing.
- (C) Comptroller (including financial management).
- (D) Information management.
- (E) Inspector General.
- (F) Legislative affairs.
- (G) Public affairs.

(2) The Secretary of the Navy shall establish or designate a single office or other entity within the Office of the Secretary of the Navy to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Office of the Chief of Naval Operations or the Headquarters, Marine Corps, to conduct any of the functions specified in paragraph (1).

(3) The Secretary shall—

(A) prescribe the relationship of each office or other entity established or designated under paragraph (2)—

¹ See References in Text note below.