

Stat. 520; Sept. 2, 1958, Pub. L. 85-861, §1(153), 72 Stat. 1513; Aug. 14, 1964, Pub. L. 88-426, title III, §305(8), 78 Stat. 423; Dec. 1, 1967, Pub. L. 90-168, §2(15), 81 Stat. 523; Nov. 9, 1979, Pub. L. 96-107, title VIII, §820(d), 93 Stat. 819; renumbered §8014, Oct. 1, 1986, Pub. L. 99-433, title V, §521(a)(1), 100 Stat. 1055, related to Under Secretary and Assistant Secretaries of the Air Force, appointment, and duties, prior to repeal by Pub. L. 99-433, §521(a)(3).

Another prior section 8014 was renumbered section 8015 of this title and subsequently repealed.

#### AMENDMENTS

2019—Subsec. (f)(1). Pub. L. 116-92, §901(a)(4)(A), substituted “3,150” for “2,866”.

Subsec. (f)(2). Pub. L. 116-92, §901(a)(4)(B), substituted “1,800” for “1,720”.

2018—Pub. L. 115-232 renumbered section 5014 of this title as this section.

2016—Subsec. (f)(4). Pub. L. 114-328, §903(d)(1), substituted “time of war.” for “time of war or during a national emergency declared by the President or Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, or the Headquarters, Marine Corps.”

Subsec. (f)(5). Pub. L. 114-328, §903(d)(2), added par. (5).

2002—Subsec. (b)(6) to (8). Pub. L. 107-314 added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

2001—Subsec. (f)(3). Pub. L. 107-107 substituted “74” for “the number equal to 85 percent of the number of general and flag officers assigned or detailed to such duty on the date of the enactment of this subsection”.

1989—Subsec. (f)(5). Pub. L. 101-189 struck out par. (5) which read as follows: “The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.”

1988—Subsec. (c)(5). Pub. L. 100-456 added par. (5).

1987—Subsec. (f)(4). Pub. L. 100-180 inserted “the President or” after “declared by”.

#### Statutory Notes and Related Subsidiaries

##### 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 1988 AMENDMENT

Pub. L. 100-456, div. A, title III, §325(d), Sept. 29, 1988, 102 Stat. 1955, provided that:

“(1) The requirements of sections 3014(c)(5), 5014(c)(5)(A), and 8014(c)(5) [now 7014(c)(5), 8014(c)(5)(A), and 9014(c)(5)] of title 10, United States Code (as added by subsections (a), (b), and (c), respectively), shall apply with respect to any person appointed on or after the date of the enactment of this Act [Sept. 29, 1988] as the head of the office or other entity designated for conducting the auditing function in a military department.

“(2) Subparagraph (B) of section 5014(c)(5) [now 8014(c)(5)] of title 10, United States Code (as added by subsection (b)), shall take effect at the end of the one-year period beginning on the date of the enactment of this Act.”

##### EFFECTIVE DATE

Subsecs. (c) and (d) of this section to be implemented not later than 180 days after Oct. 1, 1986, see section 532(a) of Pub. L. 99-433, set out as a note under section 7014 of this title.

##### EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL

Baseline personnel limitations in this section inapplicable to certain acquisition personnel and personnel

hired pursuant to a shortage category designation for fiscal year 2009 and fiscal years thereafter, and Secretary of Defense or a secretary of a military department authorized to adjust such limitations for fiscal year 2009 and fiscal years thereafter, see section 1111 of Pub. L. 110-417, set out as a note under section 143 of this title.

#### § 8015. Under Secretary of the Navy

(a) There is an Under Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

(Added Pub. L. 99-433, title V, §511(c)(4), Oct. 1, 1986, 100 Stat. 1047, §5015; renumbered §8015, Pub. L. 115-232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5033 of this title prior to enactment of Pub. L. 99-433.

A prior section 8015 was renumbered section 9015 of this title.

Another prior section 8015, acts Aug. 10, 1956, ch. 1041, 70A Stat. 489, §8014; renumbered §8015, Oct. 1, 1986, Pub. L. 99-433, title V, §521(a)(1), 100 Stat. 1055, related to Comptroller and Deputy Comptroller of the Air Force, powers and duties, and appointment, prior to repeal by Pub. L. 99-433, §521(a)(3).

##### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5015 of this title as this section.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### Executive Documents

##### 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.

#### § 8016. Assistant Secretaries of the Navy

(a) There are four Assistant Secretaries of the Navy. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Navy.

(3)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Financial Management.

(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(C) The principal responsibility of the Assistant Secretary shall be the exercise of the comptroller functions of the Department of the Navy, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Navy and shall advise the Secretary of the Navy on financial management.

(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Research, Development, and Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of research, development, acquisition, and sustainment (including maintenance) matters of the Department of the Navy.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be an officer of the Navy or the Marine Corps on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1731 of this title. In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.

(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary for Energy, Installations, and Environment.

(B) The principal duty of the Assistant Secretary for Energy, Installations, and Environment shall be the overall supervision of energy, installation, and environment matters for the Department of the Navy.

(Added Pub. L. 99-433, title V, §511(c)(4), Oct. 1, 1986, 100 Stat. 1047, §5016; amended Pub. L. 100-456, div. A, title VII, §702(b)[(1)], Sept. 29, 1988, 102 Stat. 1994; Pub. L. 110-181, div. A, title IX, §908(b), Jan. 28, 2008, 122 Stat. 278; Pub. L. 114-328, div. A, title V, §502(t), title VIII, §802(b), Dec. 23, 2016, 130 Stat. 2104, 2249; Pub. L. 115-91, div. A, title IX, §921(b), Dec. 12, 2017, 131 Stat. 1524; renumbered §8016 and amended Pub. L. 115-232, div. A, title VIII, §807(a)(1), title IX, §915, Aug. 13, 2018, 132 Stat. 1834, 1924; Pub. L. 116-92, div. A, title VIII, §861(j)(15), title IX, §911(b), Dec. 20, 2019, 133 Stat. 1520, 1559.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5034 of this title prior to enactment of Pub. L. 99-433.

A prior section 8016 was renumbered section 9016 of this title.

##### AMENDMENTS

2019—Subsec. (b)(4)(B). Pub. L. 116-92, §861(j)(15), substituted “under section 1731 of this title” for “under section 1733 of this title”.

Subsec. (b)(5). Pub. L. 116-92, §911(b), added par. (5).

2018—Pub. L. 115-232, §807(a)(1), renumbered section 5016 of this title as this section.

Subsec. (b)(4)(A). Pub. L. 115-232, §915, substituted “acquisition, and sustainment (including maintenance) matters” for “and acquisition matters”.

2017—Subsec. (b)(3). Pub. L. 115-91 designated first sentence as subpar. (A), designated second and third sentences as subpar. (C) and, in subpar. (C), substituted “The principal responsibility of the Assistant Secretary shall be” for “The Assistant Secretary shall have as his principal responsibility”, and added subpar. (B).

2016—Subsec. (b)(4)(B). Pub. L. 114-328, §802(b), inserted at end “In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.”

Pub. L. 114-328, §502(t), substituted “an officer of the Navy or the Marine Corps” for “a vice admiral of the Navy or a lieutenant general of the Marine Corps”.

2008—Subsec. (b)(4). Pub. L. 110-181 added par. (4).

1988—Subsec. (b)(3). Pub. L. 100-456 added par. (3).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 807(a)(1) of 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 2017 AMENDMENT

For applicability of appointment qualifications imposed by section 921 of Pub. L. 115-91 to certain appointments made on or after Dec. 12, 2017, see section 921(d) of Pub. L. 115-91, set out as a note under section 7016 of this title.

##### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Jan. 20, 1989, see section 702(e)(1) of Pub. L. 100-456, set out as a note under section 7016 of this title.

#### § 8017. Secretary of the Navy: successors to duties

If the Secretary of the Navy dies, resigns, is removed from office, is absent, or is disabled, the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President, under section 3347<sup>1</sup> of title 5, directs another person to perform those duties or until the absence or disability ceases:

- (1) The Under Secretary of the Navy.
- (2) The Assistant Secretaries of the Navy, in the order prescribed by the Secretary of the Navy and approved by the Secretary of Defense.
- (3) The General Counsel of the Department of the Navy.
- (4) The Chief of Naval Operations.
- (5) The Commandant of the Marine Corps.

(Added Pub. L. 99-433, title V, §511(c)(4), Oct. 1, 1986, 100 Stat. 1047, §5017; amended Pub. L. 103-337, div. A, title IX, §902(b), Oct. 5, 1994, 108 Stat. 2823; renumbered §8017, Pub. L. 115-232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

<sup>1</sup> See References in Text note below.