

as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

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.

REAPPOINTMENT OF INCUMBENT CHIEF OF NAVAL OPERATIONS

Pub. L. 108–136, div. A, title V, §508, Nov. 24, 2003, 117 Stat. 1458, provided that: “Notwithstanding the provisions of section 5033(a)(1) [now 8033(a)(1)] of title 10, United States Code, the President, by and with the advice and consent of the Senate, may reappoint the officer serving as Chief of Naval Operations on October 1, 2003, for an additional term as Chief of Naval Operations. Such a reappointment shall be for a term of not more than two years.”

WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF

For provisions giving President temporary authority to waive requirements in subsec. (a)(2) of this section, see section 532(c) of Pub. L. 99–433, title V, Oct. 1, 1986, 100 Stat. 1063, which was formerly set out as a note under section 3033 of this title.

§ 8035. 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, §5035; renumbered §8035, 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 5085 of this title prior to enactment of Pub. L. 99–433.

A prior section 8035 was renumbered section 9035 of this title.

Another prior section 8035 was renumbered section 9034 of this title.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5035 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.

§ 8036. 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 8037 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, §5036; 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; renumbered §8036 and amended Pub. L. 115–232, div. A, title VIII, §§807(a)(1), 809(a), Aug. 13, 2018, 132 Stat. 1834, 1840.)

Editorial Notes

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 8036 was renumbered section 9036 of this title.

AMENDMENTS

2018—Pub. L. 115–232, §807(a)(1), renumbered section 5036 of this title as this section.