

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5011 of this title as this section.

1986—Pub. L. 99-433, §511(c)(1), substituted “Organization” for “Composition” in section catchline.

Pub. L. 99-433, §511(b)(2), struck out the last two sentences which read as follows: “It is composed of the executive part of the Department of the Navy; the Headquarters, United States Marine Corps; the entire operating forces, including naval aviation, of the United States Navy and of the United States Marine Corps, and the reserve components of those operating forces; and all field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy. It includes the United States Coast Guard when it is operating as a service in the Navy.” See section 5061 of this title.

1962—Pub. L. 87-651 inserted sentences providing that the Department of the Navy is separately organized under the Secretary of the Navy, and that it operates under the authority, direction, and control of the Secretary of Defense.

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.

§ 8012. Department of the Navy: seal

The Secretary of the Navy shall have a seal for the Department of the Navy. The design of 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.)

Editorial Notes

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Another prior section 8012 was renumbered section 8013 of this title and subsequently repealed.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

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.

§ 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 seven 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; Pub. L. 117-81, div. A, title IX, §901(d), Dec. 27, 2021, 135 Stat. 1868.)

Editorial Notes

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

2021—Subsec. (a)(2). Pub. L. 117-81 substituted “seven” for “five”.

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”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 applicable with respect to appointments made on or after Dec. 27, 2021, see section 901(g) of Pub. L. 117-81, set out as a note under section 113 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.

STRATEGY ON USE OF AUTOMATION AND ARTIFICIAL INTELLIGENCE FOR SHIPYARD OPTIMIZATION

Pub. L. 118-31, div. A, title III, §350(a), Dec. 22, 2023, 137 Stat. 228, provided that: “The Secretary of the Navy, in coordination with the Shipyard Infrastructure Optimization Program of the Department of the Navy, shall develop and implement a strategy to leverage commercial best practices used in shipyards to improve the efficiency of operations and to demonstrate a digital platform that uses artificial intelligence to analyze data on the maintenance and condition of shipboard assets of the Navy at shipyards, for the purpose of improving the readiness of the Armed Forces, predicting and diagnosing issues prior to the occurrence of such issues, and lowering maintenance costs.”

DIGITAL AMBASSADOR PROGRAM OF THE NAVY: CESSATION; REPORT; RESTART

Pub. L. 118-31, div. A, title V, §594, Dec. 22, 2023, 137 Stat. 286, provided that:

“(a) CESSATION.—The Secretary of the Navy shall cease all activities of the digital ambassador program of the Office of Information of the Department of the Navy. The Secretary shall notify each individual designated as a digital ambassador of such cessation and that the individual is not authorized to act as a digital ambassador of the Navy.

“(b) RESTART.—The Secretary may not restart such program until 60 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report containing the following:

“(1) All policies and documents of the program.

“(2) The number of digital ambassadors designated.

“(3) The process and criteria for such designation.

“(4) The duties of a digital ambassador.

“(5) The online platforms (including social media) on which an individual is authorized under such program to perform duties of a digital ambassador.

“(6) The determination of the Secretary that such program complies with applicable laws, regulations, and guidance.”

PILOT PROGRAM TO SUPPORT THE DEVELOPMENT OF PATENTABLE INVENTIONS IN THE DEPARTMENT OF THE NAVY

Pub. L. 117-263, div. A, title II, §224, Dec. 23, 2022, 136 Stat. 2483, provided that:

“(a) IN GENERAL.—The Secretary of the Navy may carry out a pilot program to expand the support available to covered personnel who seek to engage in the development of patentable inventions that—

“(1) have applicability [sic] to the job-related functions of such personnel; and

“(2) may have applicability in the civilian sector.

“(b) ACTIVITIES.—As part of the pilot program under subsection (a), the Secretary of the Navy may—

“(1) expand outreach to covered personnel regarding the availability of patent-related training, legal assistance, and other support for personnel interested in developing patentable inventions;

“(2) expand the availability of patent-related training to covered personnel, including by making such training available online;

“(3) clarify and issue guidance detailing how covered personnel, including personnel outside of the laboratories and other research organizations of the Department of the Navy, may—

“(A) seek and receive support for the development of patentable inventions; and

“(B) receive a portion of any royalty or other payment as an inventor or coinventor such as may

be due under section 14(a)(1)(A)(i) of the Stevenson-Wydler [sic; probably should be “Stevenson-Wydler”] Technology Innovation Act of 1980 (15 U.S.C. 3710c(a)(1)(A)(i)); and

“(4) carry out other such activities as the Secretary determines appropriate in accordance with the purposes of the pilot program.

“(c) TERMINATION.—The authority to carry out the pilot program under subsection (a) shall terminate three years after the date of the enactment of this Act [Dec. 23, 2022].

“(d) DEFINITIONS.—In this section:

“(1) The term ‘covered personnel’ means members of the Navy and Marine Corps and civilian employees of the Department of the Navy, including members and employees whose primary duties do not involve research and development.

“(2) The term ‘patentable invention’ means an invention that is patentable under title 35, United States Code.”

ESTABLISHMENT OF CYBER OPERATIONS DESIGNATOR
AND RATING FOR THE NAVY

Pub. L. 117–263, div. A, title XV, § 1532, Dec. 23, 2022, 136 Stat. 2901, provided that:

“(a) MILITARY CAREER FIELD.—

“(1) OFFICERS.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2023], the Secretary of the Navy, in coordination with the Chief of Naval Operations, shall establish a cyber warfare operations designator for officers (including an intended billet base, functions, and training pipeline), which shall be a separate designator from the cryptologic warfare officer designator.

“(2) ENLISTED.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Chief, shall establish a cyber warfare rating for enlisted personnel (including an intended billet base, functions, and training pipeline), which shall be a separate rating from the cryptologic technician enlisted rating.

“(3) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in coordination with the Chief, shall submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan to carry out paragraphs (1) and (2).

“(b) REQUIREMENT.—

“(1) DEADLINE.—Except as provided by paragraphs (2) and (3), the Secretary shall ensure that, beginning October 1, 2025, members of the Navy assigned to the cyber mission force shall be qualified with either the designator or rating established under subsection (a), as the case may be.

“(2) EXCEPTION.—The requirement under paragraph (1) shall not apply to—

“(A) a member of the Navy who is assigned to the cyber mission force under orders issued before October 1, 2025; or

“(B) a position whose primary function is the provision of intelligence, foreign language, or administrative support to the cyber mission force.

“(3) WAIVER.—The Secretary may waive, on a case-by-case basis, the requirement under paragraph (1), except that the total number of such waivers made during a fiscal year may not exceed 10 percent of the total number of members of the Navy assigned to the cyber mission force (not counting members assigned to a position described in paragraph (2)(B)).

“(c) RESERVE MATTERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Chief, shall direct the Chief of Navy Reserve to establish, and retain, a cadre of members of the Navy Reserve with the designator and rating established under subsection (a).

“(d) OFFICER QUALIFICATIONS AND TRAINING.—The Secretary, in coordination with the Chief of Naval Operations and in consultation with the Commander of the United States Cyber Command, shall ensure that the designator established under subsection (a)(1) in-

cludes the development and execution of a training curriculum and qualification standards commensurate with those of the cyber officers of the Army and the Air Force.

“(e) COMMUNITY MANAGEMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary, acting through the Principal Cyber Advisor of the Navy, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], and provide to such committees a briefing on, the findings of a study on whether the designator and rating established under subsection (a), along with the Maritime Space Officer and the Cyberspace Warfare Engineer, should continue to be considered part of the information warfare community.

“(f) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and Senate a report certifying that the following actions have been carried out or are in the process of being completed (including detailed explanations):

“(1) An identification by the Chief of Naval Operations of the resource manager within the Office of the Chief of Naval Operations for the designator and rating established under subsection (a).

“(2) An identification by the Chief of the type command at United States Fleet Forces Command responsible for manning and training the designator and rating established under subsection (a).

“(3) An inventory of those billets within the Cyber Mission Force, or any other service or joint assignment that requires personnel (both officer and enlisted) to conduct operations through cyberspace.

“(4) An inventory and position description of the those positions within the Cyber Mission Force that have been identified under subsection (b)(2)(B).

“(5) A funding profile detailing the complete costs associated with the designator and rating established under subsection (a), including costs associated with meeting the training requirements of the United States Cyber Command for the period covered by the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code.

“(6) An inventory of all flag officer positions at joint and naval components and commands conducting or managing cyberspace operations and activities, including with respect to—

“(A) the United States Cyber Command;

“(B) the Fleet Cyber Command;

“(C) Joint Forces Headquarters-Cyber, Navy;

“(D) 10th Fleet;

“(E) the Deputy Chief of Naval Operations for Information Warfare and the Director of Naval Intelligence; and

“(F) Naval Information Forces.

“(7) An update to the plan required under subsection (a)(3), including timelines and procedures, for filling the positions within the cyber mission force for which the Secretary is responsible.

“(8) Any anticipated changes to the end-strength of the Navy by reason of establishing the designator and rating under subsection (a).

“(9) The implementation of the designator and rating established under subsection (a) within the Navy Reserve.

“(10) The development and execution of the training curriculum and qualification standards under subsection (d).

“(g) LEADERSHIP QUALIFICATIONS.—The Secretary shall ensure that flag officers with the cyber warfare operations designator established under subsection (a) are primarily employed in billets identified under subsection (f)(6).

“(h) DETERMINATION BY CYBER COMMAND.—Not later than 60 days after the date on which the Secretary submits the report under subsection (f), the Commander of the United States Cyber Command shall submit to the

Committees on Armed Services of the House of Representatives and Senate a determination with respect to whether the matters contained in the report satisfy the requirements of the United States Cyber Command.”

SHIPYARD INFRASTRUCTURE OPTIMIZATION PROGRAM OF THE NAVY

Pub. L. 117-263, div. A, title III, § 356, Dec. 23, 2022, 136 Stat. 2534, provided that:

“(a) IN GENERAL.—Not later than March 1, 2023, the Secretary of the Navy shall—

“(1) develop metrics for assessing progress of the Secretary toward improved shipyard capacity and performance in carrying out the Shipyard Infrastructure Optimization Plan of the Navy, including by measuring the effectiveness of capital investments;

“(2) ensure that the shipyard optimization program office of the Navy—

“(A) includes all costs, such as inflation, program office activities, utilities, roads, environmental remediation, historic preservation, and alternative workspace when developing a detailed cost estimate; and

“(B) uses cost estimating best practices in developing a detailed cost estimate, including—

“(i) a program baseline;

“(ii) a work breakdown structure;

“(iii) a description of the methodology and key assumptions;

“(iv) a consideration of inflation;

“(v) a full assessment of risk and uncertainty; and

“(vi) a sensitivity analysis; and

“(3) obtain independent cost estimates for projects under the shipyard optimization program that are estimated to exceed \$250,000,000, to validate the cost estimates of the Navy developed for such projects pursuant to paragraph (2) and inform the prioritization of projects under such program.

“(b) BRIEFING.—If the Secretary of the Navy is unable to implement the requirements under subsection (a) by March 1, 2023, the Secretary shall brief the Committees on Armed Services of the Senate and the House of Representatives before such date on—

“(1) the current progress of the Secretary toward implementing those requirements;

“(2) any hindrance to implementing those requirements; and

“(3) any additional resources necessary to implement those requirements.”

Pub. L. 117-81, div. A, title III, § 355, Dec. 27, 2021, 135 Stat. 1657, as amended by Pub. L. 118-31, div. A, title III, § 344(a), Dec. 22, 2023, 137 Stat. 225, provided that:

“(a) UPDATED PLAN.—

“(1) IN GENERAL.—Not later than September 30, 2022, the Secretary of the Navy shall submit to the congressional defense committees [Committee on Armed Services and Committee on Appropriations of the Senate and House of Representatives] an update to the plan of the Secretary for implementation of the Shipyard Infrastructure Optimization Program of the Department of the Navy, with the objective of providing increased transparency for the actual costs and schedules associated with infrastructure optimization activities for shipyards covered by such program.

“(2) UPDATED COST ESTIMATES.—The updated plan required under paragraph (1) shall include updated cost estimates comprising the most recent costs of capital improvement projects for each of the four public shipyards covered by the Shipyard Infrastructure Optimization Program.

“(b) BRIEFING REQUIREMENT.—

“(1) IN GENERAL.—Before the start of physical construction with respect to a covered project, the Secretary of the Navy or a designee of the Secretary shall brief each of the congressional defense committees on such project, regardless of the source of funding for such project.

“(2) WRITTEN INFORMATION.—Before conducting a briefing under paragraph (1) with respect to a covered project, the Secretary of the Navy or a designee of the Secretary shall submit to the congressional defense committees in writing the following information:

“(A) An updated cost estimate for such project that—

“(i) meets the standards of the Association for the Advancement of Cost Engineering for a Level 1 or Level 2 cost estimate; or

“(ii) is an independent cost estimate.

“(B) A schedule for such project that is comprehensive, well-constructed, credible, and controlled pursuant to the Schedule Assessment Guide: Best Practices for Project Schedules (GAO-16-89G) set forth by the Comptroller General of the United States in December 2015, or successor guide.

“(C) An estimate of the likelihood that programmed and planned funds for such project will be sufficient for the completion of the project.

“(D) A risk analysis of how the schedule for such project affects the availability schedule for submarines and aircraft carriers, including the following:

“(i) A timeline for the completion of such project, including construction dates and dates of planned maintenance at each shipyard under such project.

“(ii) Contingency maintenance plans if such project is delayed, including any backup location for maintenance availabilities determined by the Chief Naval Officer and any resulting alteration in plans or schedules for maintenance.

“(iii) The effect on public shipyards should a delay to such project result in the implementation of a contingency plan pursuant to clause (ii), including the effect on the workforce and workload capacity at the public shipyard with respect to which such project is conducted.

“(iv) A cost-benefit analysis of the potential for private shipyards to assist with such workload should such project be delayed, including an identification of any gaps in the capability of private shipyards to conduct the maintenance described in clause (ii).

“(v) An assessment of whether greater flexibilities in authorities are necessary to better support fleet maintenance needs and the Shipyard Infrastructure Optimization Program.

“(3) COVERED PROJECT DEFINED.—In this subsection, the term ‘covered project’ means a shipyard project under the Shipyard Infrastructure Optimization Program—

“(A) with a contract awarded on or after October 1, 2024; and

“(B) valued at \$250,000,000 or more.

“(c) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than December 31, 2022, and not later than December 31 of each year thereafter, the Commander of the Naval Sea Systems Command, in coordination with the Program Manager Ships 555, shall submit to the congressional defense committees a report detailing the use by the Department of the Navy of funding for all efforts associated with the Shipyard Infrastructure Optimization Program, including the use of amounts made available by law to support the projects identified in the plan to implement such program, including any update to such plan under subsection (a).

“(2) ELEMENTS.—Each report required by paragraph (1) shall include updated cost and schedule estimates—

“(A) for the plan to implement the Shipyard Optimization Program, including any update to such plan under subsection (a); and

“(B) for each dry dock, major facility, and infrastructure project valued at \$250,000,000 or more under such program.

“(d) COMPTROLLER GENERAL REPORT.—

“(1) REPORT.—

“(A) IN GENERAL.—Not later than May 1, 2023, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of the Secretary of the Navy in implementing the Shipyard Infrastructure Optimization Program, including—

“(i) the progress of the Secretary in completing the first annual report required under such program; and

“(ii) the cost and schedule estimates for full implementation of such program.

“(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

“(i) An assessment of the extent to which the cost estimate for the updated optimization plan for the Shipyard Infrastructure Optimization Program is consistent with leading practices for cost estimation.

“(ii) An assessment of the extent to which the project schedule for such program is comprehensive, well-constructed, credible, and controlled.

“(iii) An assessment of whether programmed and planned funds for a project under such program will be sufficient for the completion of the project.

“(iv) Such other related matters as the Comptroller General considers appropriate.

“(2) INITIAL BRIEFING.—Not later than April 1, 2023, the Comptroller General shall brief the Committees on Armed Services of the Senate and the House of Representatives on the preliminary findings of the report under paragraph (1).”

IMPROVED OVERSIGHT OF CERTAIN INFRASTRUCTURE SERVICES PROVIDED BY NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND PACIFIC

Pub. L. 117–81, div. B, title XXVIII, § 2871, Dec. 27, 2021, 135 Stat. 2214, provided that: “The Secretary of the Navy shall designate an administrative position within the Naval Facilities Engineering Systems Command Pacific for the purpose of improving the continuity of management and oversight of real property and infrastructure assets in the Pacific Area of Responsibility related to the training needs of the Armed Forces, particularly regarding leased property for which the lease will expire within 10 years after the date of the enactment of this Act [Dec. 27, 2021].”

EXECUTIVE AGENT FOR AUTONOMY

Pub. L. 116–283, div. A, title II, § 218, Jan. 1, 2021, 134 Stat. 3463, provided that:

“(a) IN GENERAL.—Not later than February 1, 2022, the Secretary of the Navy shall designate an existing program executive officer from within the Department of the Navy to serve as the acquisition executive agent for autonomy who shall be the official within the Department with primary responsibility for the acquisition of autonomous technology. The officer designated as acquisition executive agent for autonomy shall carry out the responsibilities of such position in addition to the responsibilities otherwise assigned to such officer as a program executive officer.

“(b) PROGRAM EXECUTIVE OFFICER DEFINED.—In this section, the term ‘program executive officer’ has the meaning given that term in section 1737(a)(4) of title 10, United States Code.”

FIRE FIGHTERS ALTERNATIVE WORK SCHEDULE DEMONSTRATION PROJECT FOR THE NAVY REGION MID-ATLANTIC FIRE AND EMERGENCY SERVICES

Pub. L. 116–283, div. A, title XI, § 1109, Jan. 1, 2021, 134 Stat. 3891, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Commander, Navy Region Mid-Atlantic, shall establish and carry out, for a period of not less than five years, a Fire Fighters Alternative Work Schedule demonstra-

tion project for the Navy Region Mid-Atlantic Fire and Emergency Services. Such demonstration project shall provide, with respect to each employee of the Navy Region Mid-Atlantic Fire and Emergency Services, that—

“(1) assignments to tours of duty are scheduled in advance over periods of not less than two weeks;

“(2) tours of duty are scheduled using a regularly recurring pattern of 48-hour shifts followed by 48 or 72 consecutive non-work hours, as determined by mutual agreement between the Commander, Navy Region Mid-Atlantic, and the exclusive employee representative at each Navy Region Mid-Atlantic installation, in such a manner that each employee is regularly scheduled for 144-hours in any two-week period;

“(3) for any such employee that is a fire fighter working an alternative work schedule, such employee shall earn overtime compensation in a manner consistent with other applicable law and regulation;

“(4) no right shall be established to any form of premium pay, including night, Sunday, holiday, or hazard duty pay; and

“(5) leave accrual and use shall be consistent with other applicable law and regulation.

“(b) REPORT.—Not later than 180 days after the date on which the demonstration project under this section terminates, the Commander, Navy Region Mid-Atlantic, shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing—

“(1) any financial savings or expenses directly and inseparably linked to the demonstration project;

“(2) any intangible quality of life and morale improvements achieved by the demonstration project; and

“(3) any adverse impact of the demonstration project occurring solely as the result of the transition to the demonstration project.”

NOTIFICATIONS ON MANNING OF AFLOAT NAVAL FORCES

Pub. L. 116–92, div. A, title V, § 597(a)–(e), Dec. 20, 2019, 133 Stat. 1418, 1419, as amended by Pub. L. 117–263, div. A, title V, § 592(a)(1), (b), (c), Dec. 23, 2022, 136 Stat. 2612, which related to quarterly notifications on manning of afloat naval forces, was transferred to section 8227 of this title by Pub. L. 117–263, div. A, title V, § 592(d)(1), Dec. 23, 2022, 136 Stat. 2612.

Pub. L. 115–232, div. A, title V, § 525, Aug. 13, 2018, 132 Stat. 1757, which provided that the Secretary of the Navy was to notify the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, in writing, not later than 15 days after the manning fit for a commissioned battle force ship was less than 87 percent or the manning fill for such ship was less than 90 percent, was repealed by Pub. L. 116–92, div. A, title V, § 597(f), Dec. 20, 2019, 133 Stat. 1419, which was repealed by Pub. L. 117–263, div. A, title V, § 592(a)(2), Dec. 23, 2022, 136 Stat. 2612.

FORMAL TRAINING FOR SHIPBOARD SYSTEM PROGRAMS OF RECORD

Pub. L. 116–92, div. A, title X, § 1036, Dec. 20, 2019, 133 Stat. 1583, provided that:

“(a) IN GENERAL.—The Secretary of the Navy shall ensure that there is formal training provided for any shipboard system that is a program of record on any Navy surface vessel.

“(b) TIMELINE FOR IMPLEMENTATION.—

“(1) CURRENT PROGRAMS.—In the case of any shipboard system program of record that is in use as of the date of the enactment of this Act [Dec. 20, 2019] for which no formal training is available, the Secretary shall ensure that such training is available by not later than 12 months after the date of the enactment of this Act.

“(2) FUTURE PROGRAMS.—In the case of any shipboard system program of record that is first accepted by the Government after the date of the enactment of this Act, the Secretary shall ensure that formal training is established for such program by not later

than 12 months after the date on which the shipboard system program of record is first accepted by the Government.”

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].”

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 re-

mediation 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.”

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.

§ 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.

Editorial Notes

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.

¹ See References in Text note below.