

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”.

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.

§ 8037. 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 8036(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, §5037; 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; renumbered §8037 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 5087 of this title prior to enactment of Pub. L. 99-433.

A prior section 8037 was renumbered section 9037 of this title.

AMENDMENTS

2018—Pub. L. 115-232, §807(a)(1), renumbered section 5037 of this title as this section.

Subsec. (a). Pub. L. 115-232, §809(a), substituted “section 8036(a)” for “section 5036(a)”.

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”.

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.

§ 8038. 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, §5038; 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; renumbered §8038, Pub. L. 115-232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 8038 to 8040 were renumbered sections 9038 to 9040 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5038 of this title as this section.

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”.

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.

§ 8039. Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair

(a) IN GENERAL.—The Secretary of the Navy shall establish and appoint an individual to the

position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair (in this section referred to as the "Deputy Commander").

(b) **QUALIFICATIONS.**—The Deputy Commander shall be a flag officer of the Navy or an employee of the Navy in a Senior Executive Service position who possesses the expertise required to carry out the responsibilities specified in this section.

(c) **REPORTING.**—The Deputy Commander shall report directly to the Commander of the Naval Sea Systems Command.

(d) **GENERAL RESPONSIBILITIES.**—The Deputy Commander shall oversee—

(1) the independent administration and management of the execution of Department of Defense contracts awarded to commercial entities for shipbuilding, conversion, and repair at the facilities of such entities;

(2) the designated contract administration office of the Department responsible for performing contract administration services for such contracts;

(3) enforcement of requirements of such contracts to ensure satisfaction of all contractual obligations;

(4) the work performed on such contracts to facilitate greater quality and economy in the products and services being procured; and

(5) on-site quality assurance by the Government for such contracts, including inspections.

(e) **NON-CONTRACT ADMINISTRATION SERVICES FUNCTIONS.**—The Deputy Commander shall manage the complexities and unique demands of shipbuilding, conversion, and repair by overseeing the performance of the following non-contract administration services functions for Navy Program Executives Offices, fleet commanders, and the Naval Sea Systems Command headquarters:

(1) Project oversight, including the following:

(A) Coordinating responses to non-contractual emergent problems, as assigned by the Commander of Naval Sea Systems Command.

(B) Jointly coordinating activities of precommissioning crews and ship's force, and other Government activities.

(C) Communicating with customers and higher authority regarding matters that may affect project execution.

(D) Contract planning and procurement, including participation in acquisition planning and pre-award activities, including assessment of contractor qualifications.

(2) Technical authority, including the following:

(A) Execution of the technical authority responsibilities by the Waterfront Chief Engineer.

(B) Execution of the waterfront technical authority responsibilities of the Naval Sea Systems Command for providing Government direction and coordination in the resolution of technical issues.

(f) **COMPREHENSIVE CONTRACT MANAGEMENT.**—The Deputy Commander shall maintain direct

relationships with the Director of the Defense Contract Management Agency and the Director of the Defense Contract Audit Agency to facilitate comprehensive contract management and oversight of commercial entities awarded a contract described in subsection (d)(1) and subcontractors (at any tier).

(g) **SUBCONTRACTOR AUDITS.**—The Deputy Commander shall request that the Director of the Defense Contract Audit Agency perform periodic audits of subcontractors that perform cost-type subcontracts or incentive subcontracts—

(1) that are valued at \$50,000,000 or more; and

(2) for which the Deputy Commander oversees the designated contract administration office of the Department pursuant to subsection (d)(2).

(h) **ANNUAL WRITTEN ASSESSMENT.**—(1) Not later than March 1 of each year, the Deputy Commander shall submit to the congressional defense committees a written assessment summarizing the activities and results associated with the contracts for which the Deputy Commander oversees the designated contract administration office of the Department.

(2) Each written assessment required by paragraph (1) shall include the following:

(A) A summary of shipbuilding performance that—

(i) includes common critical process metrics documented by the appropriate Navy supervisor of shipbuilding, conversion, and repair for each commercial entity described in subsection (d)(1);

(ii) outlines corrective action requests for critical defects and any actions planned or taken to address them;

(iii) indicates waivers approved to support acceptance trials, combined trials, and Navy acceptance of ship delivery from the commercial entity described in subsection (d)(1), to include the conditions requiring the approval of each waiver; and

(iv) includes information on the extent to which letters of delegation are used for each shipbuilding program to provide for quality assurance oversight of subcontractors (at any tier) by the Defense Contract Management Agency.

(B) A summary of any significant deficiencies in contractor business systems or other significant contract discrepancies documented by the appropriate Navy supervisor of shipbuilding, conversion, and repair, the Defense Contract Management Agency, or the Defense Contract Audit Agency for such contracts, and any actions planned or taken in response.

(C) A summary of the results from audits and inspections completed by Naval Sea Systems Command that evaluate the performance of the appropriate Navy supervisor of shipbuilding, conversion, and repair in executing their quality assurance and contract administration responsibilities.

(D) A summary of any dedicated evaluation, such as a review by a task force or working group, of the organizational structure and resourcing plans and requirements that support the supervision of shipbuilding, conversion, and repair, that—

- (i) includes key findings, recommendations, and implementation plans; and
- (ii) indicates any additional support needed from other organizations of the Department, such as the Defense Contract Audit Agency and the Defense Contract Management Agency, for implementation.

(Added Pub. L. 117–81, div. A, title X, §1012(a), Dec. 27, 2021, 135 Stat. 1890.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 117–81, div. A, title X, §1012(c), Dec. 27, 2021, 135 Stat. 1892, provided that: “On the date that is 30 days after the date of enactment of the [James M. Inhofe] National Defense Authorization Act for Fiscal Year 2023 [Dec. 23, 2022]—

“(1) this section [enacting this section] and the amendments made by this section shall take effect; and

“(2) the Secretary of the Navy shall appoint an individual to the position of Deputy Commander of the Naval Sea Systems Command for the Supervision of Shipbuilding, Conversion, and Repair and notify the congressional defense committees [Committee on Armed Services and Committee on Appropriations of the Senate and House of Representatives] of such appointment.”

CHAPTER 806—HEADQUARTERS, MARINE CORPS

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8041.	Headquarters, Marine Corps: function; composition.
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Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159, div. A, title V, §509B(a)(2), Dec. 23, 2024, 138 Stat. 1872, added item 8048.

2018—Pub. L. 115–232, div. A, title VIII, §807(e)(1), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated chapter 506 of this title as this chapter and items 5041 to 5047 as 8041 to 8047, respectively.

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.

§ 8041. 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, §5041; 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; renumbered §8041, Pub. L. 115–232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5041 of this title as this section.

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.”

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.

§ 8042. 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 8014 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;