

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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 8062. United States Navy: composition; functions

(a) The Navy, within the Department of the Navy, includes, in general, naval combat and service forces and such aviation as may be organic therein. The Navy shall be organized, trained, and equipped for the peacetime promotion of the national security interests and prosperity of the United States and for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the duties described in the preceding sentence except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

(b) The naval combat forces of the Navy shall include not less than 11 operational aircraft carriers and not less than 31 operational amphibious warfare ships, of which not less than 10 shall be amphibious assault ships. For purposes of this subsection, an operational aircraft carrier or amphibious warfare ship includes an aircraft carrier or amphibious warfare ship that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.

(c) All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy. Naval aviation consists of combat and service and training forces, and includes land-based naval aviation, air transport essential for naval operations, all air weapons and air techniques involved in the operations and activities of the Navy, and the entire remainder of the aeronautical organization of the Navy, together with the personnel necessary therefor.

(d) The Navy shall develop aircraft, weapons, tactics, technique, organization, and equipment of naval combat and service elements. Matters of joint concern as to these functions shall be coordinated between the Army, the Air Force, the Coast Guard, the Space Force, and the Navy.

(e) The Secretary of the Navy shall ensure that—

(1) the Navy maintains a minimum of 9 carrier air wings until the earlier of—

(A) the date on which additional operationally deployable aircraft carriers can fully support a 10th carrier air wing; or

(B) October 1, 2025;

(2) after the earlier of the two dates referred to in subparagraphs (A) and (B) of paragraph (1), the Navy maintains a minimum of 10 carrier air wings; and

(3) for each such carrier air wing, the Navy maintains a dedicated and fully staffed headquarters.

(f)(1)(A) During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023 and ending on September 30, 2027, the Secretary of the Navy may not—

(i) retire an EA-18G aircraft;

(ii) reduce funding for unit personnel or weapon system sustainment activities for EA-18G aircraft in a manner that presumes future congressional authority to divest such aircraft;

(iii) place an EA-18G aircraft in active storage status or inactive storage status; or

(iv) keep an EA-18G aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions.

(B) The prohibition under subparagraph (A) shall not apply to individual EA-18G aircraft that the Secretary of the Navy determines, on a case-by-case basis, to be no longer mission capable and uneconomical to repair because of aircraft accidents or mishaps.

(2)(A) The Secretary of the Navy shall maintain a total aircraft inventory of EA-18G aircraft of not less than 158 aircraft, of which not less than 126 aircraft shall be coded as primary mission aircraft inventory.

(B) The Secretary of the Navy may reduce the number of EA-18G aircraft in the inventory of the Navy below the minimum number specified in subparagraph (A) if the Secretary determines, on a case-by-case basis, that an aircraft is no longer mission capable and uneconomical to repair because of aircraft accidents or mishaps.

(C) In this paragraph, the term “primary mission aircraft inventory” means aircraft assigned to meet the primary aircraft authorization—

(i) to a unit for the performance of its wartime mission;

(ii) to a training unit for technical and specialized training for crew personnel or leading to aircrew qualification;

(iii) to a test unit for testing of the aircraft or its components for purposes of research, development, test, and evaluation, operational test and evaluation, or to support testing programs; or

(iv) to meet requirements for missions not otherwise specified in clauses (i) through (iii).

(g)¹ A nuclear powered aircraft carrier may not be retired before its first refueling.

(g)¹ In this section, the term “amphibious warfare ship” means a ship that is classified as an amphibious assault ship (general purpose) (LHA), an amphibious assault ship (multi-purpose) (LHD), an amphibious transport dock (LPD), or a dock landing ship (LSD).

(Aug. 10, 1956, ch. 1041, 70A Stat. 277, § 5012; renumbered § 5062 and amended Pub. L. 99-433, title

¹ So in original. Two subsecs. (g) have been enacted.

V, § 511(b)(3), (4), Oct. 1, 1986, 100 Stat. 1043; Pub. L. 109-163, div. A, title I, § 126(a), Jan. 6, 2006, 119 Stat. 3159; Pub. L. 109-364, div. A, title X, § 1011(a), Oct. 17, 2006, 120 Stat. 2374; Pub. L. 114-328, div. A, title X, § 1042(a), Dec. 23, 2016, 130 Stat. 2393; renumbered § 8062, Pub. L. 115-232, div. A, title VIII, § 807(a)(1), Aug. 13, 2018, 132 Stat. 1834; Pub. L. 116-283, div. A, title X, § 1054, Jan. 1, 2021, 134 Stat. 3850; Pub. L. 117-81, div. A, title X, § 1053, Dec. 27, 2021, 135 Stat. 1908; Pub. L. 117-263, div. A, title I, § 121(a), title IX, § 913, title X, § 1023, Dec. 23, 2022, 136 Stat. 2440, 2751, 2764.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5012	5 U.S.C. 411a(b).	July 26, 1947, ch. 343, § 206(b), 61 Stat. 501.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2023, referred to in subsec. (f)(1)(A), is the date of enactment of Pub. L. 117-263, also known as the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, which was approved Dec. 23, 2022.

PRIOR PROVISIONS

A prior section 8062 was renumbered section 9062 of this title.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-263, § 913, substituted “for the peacetime promotion of the national security interests and prosperity of the United States and” for “primarily” and “for the duties described in the preceding sentence” for “for the effective prosecution of war”.

Subsec. (b). Pub. L. 117-263, § 1023(1), inserted “and not less than 31 operational amphibious warfare ships, of which not less than 10 shall be amphibious assault ships” after “11 operational aircraft carriers” in first sentence and “or amphibious warfare ship” after “aircraft carrier” in two places in second sentence.

Subsec. (f). Pub. L. 117-263, § 121, added subsec. (f). Former subsec. (f) redesignated (g) relating to nuclear powered aircraft carrier.

Subsec. (g). Pub. L. 117-263, § 1023(2), added subsec. (g) defining amphibious warfare ship.

Pub. L. 117-263, § 121, redesignated subsec. (f) as (g) relating to nuclear powered aircraft carrier.

2021—Subsec. (d). Pub. L. 117-81 inserted “the Coast Guard, the Space Force,” after “the Air Force,”.

Subsec. (f). Pub. L. 116-283 added subsec. (f).

2018—Pub. L. 115-232 renumbered section 5062 of this title as this section.

2016—Subsec. (e). Pub. L. 114-328 added subsec. (e).

2006—Subsec. (b). Pub. L. 109-364 substituted “11” for “12”.

Pub. L. 109-163, § 126(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsecs. (c), (d). Pub. L. 109-163, § 126(a)(1), redesignated subsecs. (b) and (c) as (c) and (d), respectively.

1986—Pub. L. 99-433, § 511(b)(3), renumbered section 5012 of this title as this section.

Subsec. (a). Pub. L. 99-433, § 511(b)(4)(A), substituted “assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war” for “assigned and is generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping”.

Subsec. (d). Pub. L. 99-433, § 511(b)(4)(B), struck out subsec. (d) which related to responsibility for expansion

of peacetime naval components to meet the needs of war.

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§ 8063. United States Marine Corps: composition; functions

(a) The Marine Corps, within the Department of the Navy, shall be so organized as to include not less than three combat divisions and three air wings, and such other land combat, aviation, and other services as may be organic therein. The Marine Corps shall be organized, trained, and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. In addition, the Marine Corps shall provide detachments and organizations for service on armed vessels of the Navy, shall provide security detachments for the protection of naval property at naval stations and bases, and shall perform such other duties as the President may direct. However, these additional duties may not detract from or interfere with the operations for which the Marine Corps is primarily organized.

(b) The Marine Corps shall develop, in coordination with the Army and the Air Force, those phases of amphibious operations that pertain to the tactics, technique, and equipment used by landing forces.

(c) The Marine Corps is responsible, in accordance with integrated joint mobilization plans, for the expansion of peacetime components of the Marine Corps to meet the needs of war.

(Aug. 10, 1956, ch. 1041, 70A Stat. 278, § 5013; renumbered § 5063, Pub. L. 99-433, title V, § 511(b)(3), Oct. 1, 1986, 100 Stat. 1043; renumbered § 8063, Pub. L. 115-232, div. A, title VIII, § 807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5013	5 U.S.C. 411a(c) (less last 32 words of 1st sentence).	July 26, 1947, ch. 343, § 206(c) (less last 32 words of 1st sentence), 61 Stat. 502; as amended June 28, 1952, ch. 479, § 1, 66 Stat. 282.

PRIOR PROVISIONS

A prior section 8066, acts Aug. 10, 1956, ch. 1041, 70A Stat. 494; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(36), 72 Stat. 1566, authorized President, by and with consent of the Senate, to make temporary appointments in grades of general and lieutenant general from officers of Air Force on active duty in any grade above brigadier general and specified the number of positions in each such grade, prior to repeal by Pub. L. 96-513, title II, § 201, title VII, § 701, Dec. 12, 1980, 94 Stat. 2878, 2955, effective Sept. 15, 1981. See section 601 of this title.

A prior section 8067 was renumbered section 9067 of this title.