

§ 700.1020

taken pursuant to paragraphs (a)(1)(i) and (a)(1)(ii) of this section, as well as the attendant circumstances. Telephone or voice communications will be used where possible, but must be confirmed as soon as possible with an immediate precedence message, information to the Secretary of State (for actions taken pursuant to paragraphs (a)(2)(i) and (a)(2)(v) of this section, also make the appropriate American Embassy or Consular Office an information addressee). If communication by telephone or voice is not possible, notification will be effected by an immediate precedence message, as described above. The Chief of Naval Operations or Commandant of the Marine Corps will cause the Secretary of the Navy and the Deputy Director for Operations of the National Military Command Center to be notified without delay.

(b) Personnel of the Department of the Navy shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.

Subpart J—Precedence, Authority and Command

AUTHORITY

§ 700.1020 Exercise of authority.

(a) All persons in the naval service on active service, and those on the retired list with pay, and transferred members of the Fleet Reserve and the Fleet Marine Corps Reserve, are at all times subject to naval authority. While on active service they may, if not on leave of absence except as noted below, on the sick list, taken into custody, under arrest, suspended from duty, in confinement or otherwise incapable of discharging their duties, exercise authority over all persons who are subordinated to them.

(b) A person in the naval service, although on leave, may exercise authority:

(1) When in a naval ship or aircraft and placed on duty by the commanding officer or aircraft commander.

(2) When in a ship or aircraft of the armed services of the United States, other than a naval ship or aircraft, as the commanding officer of naval per-

32 CFR Ch. VI (7-1-12 Edition)

sonnel embarked, or when placed on duty by such officer.

(3) When senior officer at the scene of a riot or other emergency, or when placed on duty by such officer.

§ 700.1026 Authority of an officer who succeeds to command.

(a) An officer who succeeds to command due to incapacity, death, departure on leave, detachment without relief or absence due to orders from competent authority of the officer detailed to command, has the same authority and responsibility as the officer whom he or she succeeds.

(b) An officer who succeeds to command during the temporary absence of the commanding officer shall make no changes in the existing organization, and shall endeavor to have the routine and other affairs of the command carried on in the usual manner.

(c) When an officer temporarily succeeding to command signs official correspondence, the word "Acting" shall appear below his or her signature.

§ 700.1038 Authority of a sentry.

A sentry, within the limits stated in his or her orders, has authority over all persons on his or her post.

DETAIL TO DUTY

§ 700.1052 Orders to active service.

(a) No person who is on leave of absence or not on active service shall be ordered into active service or on duty without permission of the Commandant of the Marine Corps, or the Chief of Naval Personnel, as appropriate, except:

(1) In the case of a person on leave of absence, by the officer who granted the leave or a superior, or

(2) By the senior officer present on a foreign station.

(b) In the event that the senior officer present of a foreign station issues any orders as contemplated by this article, he or she shall report the facts, including the reasons for issuing such orders, to the Commandant of the Marine Corps or the Chief of Naval Personnel, without delay.

(c) Retired officers of the Navy and Marine Corps may be ordered to active service, with their consent, in time of

Department of the Navy, DoD

§ 700.1057

peace. In time of war or a national emergency, such retired officers may, at the discretion of the Secretary of the Navy, be ordered to active service.

§ 700.1053 Commander of a task force.

(a) A geographic fleet commander, and any other naval commander, may detail in command of a task force, or other task command, any eligible officer within his or her command whom he or she desires. All other officers ordered to the task force or the task command shall be considered subordinate to the designated commander.

(b) All orders issued under the authority of this article shall continue in effect after the death or disability of the officer issuing them until they are revoked by his or her successor in command or higher authority.

(c) The powers delegated to a commander by this article are not conferred on any other officer by virtue of the fact that he or she is the senior officer present.

[64 FR 56062, Oct. 15, 1999, as amended at 68 FR 2697, Jan. 21, 2003]

§ 700.1054 Command of a naval base.

The officer detailed to command a naval base shall be an officer of the line in the Navy, eligible for command at sea.

§ 700.1055 Command of a naval shipyard.

The officer detailed to command a naval shipyard shall be trained in the technical aspects of building and repair of ships and shall have had substantial previous experience in the technical and management phases of such work. Such officer may have been designated for engineering duty.

§ 700.1056 Command of a ship.

(a) The officer detailed to command a commissioned ship shall be an officer of the line in the Navy eligible for command at sea.

(b) The officer detailed to command an aircraft carrier, an aircraft tender, or a ship with a primary task of operating or supporting aircraft shall be an officer of the line in the navy, eligible for command at sea, designated as a naval aviator or naval flight officer.

§ 700.1057 Command of an air activity.

(a) The officer detailed to command a naval aviation school, a naval air station, or a naval air unit organized for flight tactical purposes shall be an officer of the line in the navy, designated as a naval aviator or naval flight officer, eligible for command at sea.

(b) For the purposes of Title 10 U.S.C. §5942, a naval air training squadron is not considered to be a naval aviation school or a naval air unit organized for flight tactical purposes. The officer detailed to command a naval air training squadron or an air unit organized for administrative purposes shall be a line officer of the naval service, designated as a naval aviator or naval flight officer, eligible for command. If a naval air training squadron has been designated a multi-service training squadron, the officer detailed to command that squadron may be a line officer from any armed service designated as the equivalent of a naval aviator naval flight officer and otherwise eligible to command an aviation squadron or unit under that officer's pertinent service regulations.

(c) The officer detailed to command a naval air activity of a technical nature on shore may be an officer of the line in the navy not eligible for command at sea, but designated as a naval aviator or a naval flight officer or designated for aeronautical engineering duty.

(d) The officer detailed to command a Marine Corps air unit organized for flight tactical purpose shall be an officer of the Marine Corps, designated as a naval aviator or naval flight officer.

(e) Other than an air training squadron, an officer of the Navy shall not normally be detailed to command an aviation unit of the Marine Corps nor shall an officer of the Marine Corps normally be detailed to command an aviation unit of the Navy. Aircraft units of the Marine Corps may, however, be assigned to ships or to naval air activities in the same manner as aircraft units of the navy and, conversely, aircraft units of the navy may be so assigned to Marine Corps air activities. A group composed of aircraft units of the Navy and aircraft units of the Marine Corps may be commanded

§ 700.1058

either by an officer of the Navy or an officer of the Marine Corps.

§ 700.1058 Command of a submarine.

The officer detailed to command a submarine shall be an officer of the line in the Navy, eligible for command at sea and qualified for command of submarines.

§ 700.1059 Command of a staff corps activity.

Officers in a staff corps shall be detailed to command only such activities as are appropriate to their corps.

Subpart K—General Regulations

STANDARDS OF CONDUCT

§ 700.1101 Demand for court-martial.

Except as otherwise provided in the Uniform Code of Military Justice, no person in the naval service may demand a court martial either on him or herself or on any other person in the naval service.

§ 700.1113 Endorsement of commercial product or process.

Except as necessary during contract administration to determine specification or other compliance, no person in the Department of the Navy, in his or her official capacity, shall endorse or express an opinion of approval or disapproval of any commercial product or process.

§ 700.1120 Personal privacy and rights of individuals regarding their personal records.

(a) Except as specifically provided in this section, maintenance of personal records of individuals, and the release of those records, shall be in accordance with the provisions of the Privacy Act and directives issued by the Secretary of the Navy.

(b) Except as specifically provided in this section, the release of departmental records to private parties shall be in accordance with the provisions of the Freedom of Information Act and directives issued by the Secretary of the Navy.

32 CFR Ch. VI (7–1–12 Edition)

OFFICIAL RECORDS

§ 700.1121 Disclosure, publication and security of official information.

(a) No person in the Department of the Navy shall convey or disclose by oral or written communications, publication, graphic (including photographic) or other means, any classified information except as provided in directives governing the release of such information. Additionally, no person in the Department of the Navy shall communicate or otherwise deal with foreign entities, even on an unclassified basis, when this would commit the Department of the Navy to disclose classified military information except as may be required in that person's official duties and only after coordination with and approval by a release authority designated by competent authority.

(b) No person in the Department of the Navy shall convey or disclose by oral or written communication, publication or other means except as may be required by his or her official duties, any information concerning the Department of Defense or forces, or any person, thing, plan or measure pertaining thereto, where such information might be of possible assistance to a foreign power; nor shall any person in the Department of the Navy make any public speech or permit publication of an article written by or for that person which is prejudicial to the interests of the United States. The regulations concerned with the release of information to the public through any media will be as prescribed by the Secretary of the Navy.

(c) No person in the Department of the Navy shall disclose any information whatever, whether classified or unclassified, or whether obtained from official records or within the knowledge of the relator, which might aid or be of assistance in the prosecution or support of any claim against the United States. The prohibitions prescribed by the first sentence of this paragraph are not applicable to an officer or employee of the United States who is acting in the proper course of, and within the scope of, his or her official duties, provided that the disclosure of such information is otherwise authorized by statute, Executive Order