

SUBCHAPTER A—UNITED STATES NAVY REGULATIONS AND OFFICIAL RECORDS

PART 700—UNITED STATES NAVY REGULATIONS AND OFFICIAL RECORDS

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AUTHORITY: 10 U.S.C. 6011.

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Subpart A—Navy Regulations

§ 700.101 Origin and history of United States Navy Regulations.

(a) United States Navy Regulations began with the enactment by the Continental Congress of the “Rules for the Regulation of the Navy of the United Colonies” on November 28, 1775. The first issuance by the United States Government which covered this subject matter was “An Act for the Government of the Navy of the United States,” enacted on March 2, 1799. This was followed the next year by “An Act for the Better Government of the Navy of the United States.”

(b) In the years preceding the Civil War, twelve successor publications were promulgated under a number of titles by the President, the Navy Department and the Secretary of the Navy. A decision by the Attorney General that the last of the pre-Civil War issuances was invalid led to the inclusion in the 1862 naval appropriations bill of a provision that “the orders, regulations, and instructions heretofore issued by the Secretary of the Navy be, and they are hereby, recognized as the regulations of the Navy Department, subject, however, to such alterations as the Secretary of the

Navy may adopt, with the approbation of the President of the United States.”

(c) Thirteen editions of Navy Regulations were published in accordance with this authority (later codified as Section 1547, Revised Statutes) between 1865 and 1948. The 1973 edition of Navy Regulations was published under authority of 10 United States Code (U.S.C.) 6011, which provided that “United States Navy Regulations shall be issued by the Secretary of the Navy with the approval of the President.” In 1981, this provision was amended to eliminate the requirement for presidential approval.

(d) While leaving this provision unaffected, Congress enacted the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Pub. L. 99-443), which granted each of the service secretaries the authority to prescribe regulations to carry out his or her statutory functions, powers and duties.

§ 700.102 Statutory authority for issuance of United States Navy Regulations.

Title 10, United States Code, section 6011, provides that United States Navy Regulations shall be issued by the Secretary of the Navy. Regulations issued under this authority are permanent regulations of general applicability, as opposed to regulations issued by the Secretary under § 700.104.

§ 700.103 Purpose and effect of United States Navy Regulations.

United States Navy Regulation is the principle regulatory document of the Department of the Navy, endowed with the sanction of law, as to duty, responsibility, authority, distinctions and relationships of various commands, officials and individuals. Other directives issued within the Department of the Navy shall not conflict with, alter or amend any provision of Navy Regulations.

§ 700.104 Statutory authority for prescription of other regulations.

The Secretary of the Navy may prescribe regulations to carry out his or her functions, powers and duties under Title 10, United States Code.