DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 700

RIN 0703–AA55

United States Navy Regulations

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending the Navy Regulations incorporating new subparts and modifying some existing subparts. This revision will allow the published Navy Regulations to comport with the 1990 Navy Regulations currently in use.

DATES: This rule is effective November 15, 1999.

FOR FURTHER INFORMATION CONTACT: LCDR James L. Roth, JAGC, USN, Office of the Judge Advocate General, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 3000, Washington, DC 20374–5066, Attention: Code 13, (703) 604–8228.

SUPPLEMENTARY INFORMATION: On 14 September 1990, the Secretary of the Navy (SECNAV) issued revised and amended Navy Regulations (NAVREGS) in accordance with 10 U.S.C 6011. These regulations superseded the NAVREGS amended in 1978. (See 45 FR 80277, 4 December 1980). Since that time, no changes have been published to reflect the current NAVREGS. In accordance with 5 U.S.C. § 552, the Department of the Navy must publish these regulations as amended.

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For the reasons set forth in the preamble, revise part 700 of title 32 of the Code of Federal Regulations as follows:

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Authority: 10 U.S.C. 6011

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.

§ 700.105 Issuance of directives by other officers and officials.

Responsible officers and officials of the Department of the Navy may issue, or cause to be issued, directives concerning matters over which they exercise command, control or supervision, which do not conflict with, alter or amend these regulations.

§ 700.106 Control of administrative requirements.

(a) Directives will be issued with due regard for the imposition of workload resulting therefrom and benefits or advantages to be gained. Issuance of new directives will be in accordance with the following:

(1) Directives which implement or amplify directives from higher authority will not be issued unless absolutely essential.

(2) Administrative reporting requirements will not be imposed unless the expected value of the information to be gained is significantly greater than the cumulative burden imposed.

(b) Each officer or official issuing a directive or imposing a reporting requirement will periodically, in accordance with instructions to be issued by appropriate authority, review

such directive or report with a view toward the following:

(1) Reduction of directives by cancellation or consolidation; or

(2) Reduction of reporting requirements by elimination of the report, reduction in the frequency of the report, or combination with other reports.

(c) When issuance of a directive or a tasking will result in imposition of additional administrative requirements on commands not within the chain of command or the issuing authority, the first common superior of the commands affected by the requirement must concur in the issuance.

§ 700.107 Maintenance of Navy Regulations.

(a) The Chief of Naval Operations is responsible for maintaining Navy Regulations, and for ensuring that Navy Regulations conforms to the current needs of the Department of the Navy. When any person in the Department of the Navy deems it advisable that additions, changes or deletions should be made to Navy Regulations, he or she shall forward a draft of the proposed addition, change or deletion, with a statement of the reasons therefor, to the Chief of Naval Operations via the chain of command. The Chief of Naval Operations shall endeavor to obtain the concurrence of the Commandant of the Marine Corps, the Judge Advocate General and appropriate offices and commands. Unresolved issues concerning such additions, changes or deletions shall be forwarded to the Secretary of the Navy for appropriate action. Any additions, changes or deletions to the U.S. Navy Regulations must be approved by the Secretary of the Navy.

(b) Changes to Navy Regulations will be numbered consecutively and issued as page changes. Advance changes may be used when required; these will be numbered consecutively and incorporated in page changes at frequent intervals.

Subpart B—The Department of the Navy

§ 700.201 Origin and authority of the Department of the Navy.

(a) The naval affairs of the country began with the war for independence, the American Revolution. On 13 October 1775, Congress passed legislation for ships. This, in effect, created the continental Navy. Two battalions of Marines were authorized on 10 November 1775. Under the Constitution, the First Congress on 7 August 1789 assigned responsibility for the conduct of naval affairs to the War Department. On 30 April 1798, the Congress established a separate Department of the Navy with the Secretary of the Navy as its chief officer. On 11 July 1798, the United States Marine Corps was established as a separate service, and in 1834 was made a part of the Department of the Navy.

(b) The National Security Act of 1947, as amended, is the fundamental law governing the position of the Department of the Navy in the organization for national defense. In 1949, the Act was amended to establish the Department of Defense as an Executive Department, and to establish the Departments of the Army, Navy and Air Force (formerly established as Executive Departments by the 1947 Act) as military departments within the Department of Defense.

(c) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 further defined the roles of the military departments within the Department of Defense. In addition to establishing the office of Vice Chairman of the Joint Chiefs of Staff, and further emphasizing the operational chain of command, the Act provided detailed statements of the roles of the Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps, and their respective principal assistants.

(d) The responsibilities and authority of the Department of the Navy are vested in the Secretary of the Navy, and are subject to reassignment and delegation by the Secretary. The Secretary is bound by the provisions of law, the direction of the President and the Secretary of Defense and, along with all persons in charge of Government agencies, the regulations of certain non-defense agencies addressing their respective areas of functional responsibility.

§ 700.202 Mission of the Department of the Navy.

(a) The Navy, within the Department of the Navy, shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the effective prosecution of war 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 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 and the Navy.

(c) The Marine Corps, within the Department of the Navy, 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.

(d) 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.

(e) 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.

§ 700.203 Composition.

(a) The Department of the Navy is separately organized under the Secretary of the Navy. It operates under the authority, direction and control of the Secretary of Defense.

(b) The Department of the Navy is composed of the following:

(1) The Office of the Secretary of the Navy;

(2) The Office of the Chief of Naval Operations;

(3) The Headquarters, Marine Corps;

(4) The entire operating forces, including naval aviation, of the Navy and of the Marine Corps, and the reserve components of those operating forces;

(5) All field activities, headquarters, forces, bases, installations, activities and functions under the control or supervision of the Secretary of the Navy; and

(6) The Coast Guard when it is operating as a service in the Navy.

§ 700.204 The principal elements of the Department of the Navy.

(a) The Department of the Navy consists of three elements; the Navy Department, the Operating Forces of the Navy and the Marine Corps, and the Shore Establishment.

(b) The Navy Department refers to the central executive offices of the

Department of the Navy located at the seat of Government. The Navy Department is organizationally comprised of the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps. In addition, the Headquarters, Coast Guard, is included when the Coast Guard is operating as a service in the Navy.

(c) The operating forces of the Navy and the Marine Corps comprise the several fleets, seagoing forces, Fleet Marine Forces, other assigned Marine Corps Forces, the Military Sealift Command and other forces and activities that may be assigned thereto by the President or the Secretary of the Navy.

(d) The shore establishment is comprised of shore activities with defined missions approved for establishment by the Secretary of the Navy.

Subpart C—The Secretary of the Navy

The Secretary of the Navy

§ 700.301 Responsibilities of the Secretary of the Navy.

The Secretary of the Navy is responsible to the Secretary of Defense for:

(a) The functioning and efficiency of the Department of the Navy;

(b) 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;

(c) 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;

(d) Carrying out the functions of the Department of the Navy so as to fulfill (to the maximum extent practicable) the current and future operational requirement of the unified and specified combatant commands;

(e) 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 eliminate duplication;

(f) The presentation and justification of the position of the Department of the Navy on the plans, programs and policies of the Department of Defense;

(g) The effective supervision and control of the intelligence activities of the Department of the Navy; and

(h) Such other activities as may be prescribed by law or by the president or Secretary of Defense.

§ 700.302 Responsibilities within the Department of the Navy.

The Secretary is the head of the Department of the Navy. The Secretary is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Navy, including the following functions:

(a) Recruiting;

(b) Organizing;

(c) Supplying;

(d) Equipping (including research and development);

(e) Training;

(f) Servicing;

(g) Mobilizing;

(h) Demobilizing;

(i) Administering (including the morale and welfare of personnel);

(j) Maintaining;

(k) The construction, outfitting and repair of military equipment; and

(l) The construction, maintenance and repair of buildings, and interests in real property necessary to carry out the responsibilities specified in this article.

§ 700.303 Succession.

If the Secretary of the Navy dies, resigns, is removed from office, is absent or is disabled, the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President directs another person to perform those duties or until the absence or disability ceases:

(a) The Under Secretary of the Navy;

(b) The Assistant Secretaries of the Navy, in the order prescribed by the Secretary of the Navy and approved by the Secretary of Defense;

(c) The Chief of Naval Operations;

(d) The Commandant of the Marine Corps.

§ 700.304 Recommendations to Congress.

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 or she considers appropriate.

§ 700.305 Assignment of functions.

The Secretary of the Navy may assign such functions, powers, and duties as he or she 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.

§ 700.306 Assignment of duty and titles.

The Secretary of the Navy may:

(a) Assign, detail and prescribe the duties of members of the Navy and Marine Corps and civilian personnel of the Department of the Navy; and

(b) Change the title of any officer or activity of the Department of the Navy not prescribed by law.

§ 700.307 Powers with respect to the Coast Guard.

Whenever the Coast Guard operates as a service in the Navy under Section 3 of Title 14, United States Code, the Secretary of the Navy has the same powers and duties with respect to the Coast Guard as the Secretary of Transportation has when the Coast Guard is not so operating.

The Office of the Secretary of the Navy

§ 700.310 Composition.

The function of the Office of the Secretary of the Navy is to assist the Secretary in carrying out his or her responsibilities. The Office of the Secretary of the Navy is composed of the following:

(a) The Civilian Executive Assistants:

(1) The Under Secretary of the Navy;

(2) The Assistant Secretary of the Navy (Financial Management);

(3) The Assistant Secretary of the Navy (Manpower and Reserve Affairs);

(4) The Assistant Secretary of the Navy (Research, Development and Acquisition);

(5) The Assistant Secretary of the Navy (Installations and Environment); and

(6) The General Counsel of the Department of the Navy.

(b) The Staff Assistants:

(1) The Judge Advocate General of the Navy;

(2) The Naval Inspector General;

(3) The Chief of Naval Research;

(4) The Chief of Information;

(5) The Chief of Legislative Affairs;

(6) The Auditor General of the Navy;

(7) The Director, Office of Program Appraisal; and

(8) Such other officers and officials as may be established by law or as the Secretary of the Navy may establish or designate.

§ 700.311 Sole responsibilities.

(a) The Office of the Secretary of the Navy shall have sole responsibility within the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations and the Headquarters, Marine Corps, for the following functions:

(1) Acquisition;

(2) Auditing;

(3) Comptroller (including financial management);

(4) Information management;
(5) Inspector general;
(6) Legislative affairs;
(7) Public affairs;
(8) Research and development, except for military requirements and operational test and evaluation, which are the responsibilities of the Office of the Chief of Naval Operations and the Headquarters Marine Corps.

(b) The following offices within the Office of the Secretary of the Navy are designated to conduct the functions specified in paragraph (a) of this section. No office or other entity may be established or designated within the Office of the Chief of Naval Operations or the Headquarters, Marine Corps, to conduct any of the functions specified in paragraph (a) of this section, except as noted in paragraph (a)(8) of this section.

(1) The Assistant Secretary of the Navy (Research, Development and Acquisition) is the Acquisition Executive for the Department of the Navy. The Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN(RD&A)) is responsible for research, development and acquisition, except for military requirements and operational test and evaluation, which remain functions of the Office of the Chief of Naval Operations and Headquarters Marine Corps. In addition to Acquisition Executive, ASN(RD&A) is also the Navy Senior Procurement Executive and Senior Department of the Navy Information Resource Management Official. Responsibilities include developing acquisition policy and procedures for all Department of the Navy research, development, production, shipbuilding and production/logistics support programs; and Department of the Navy international technology transfer.

(2) The Auditor General is responsible for the internal auditing function within the Department of the Navy.

(3) The Assistant Secretary of the Navy (Financial Management) is responsible for comptrollership, including financial management, within the Department of the Navy.

(4) The Naval Inspector General is responsible for the inspector general function within the Department of the Navy.

(5) The Chief of Legislative Affairs is responsible for legislative affairs within the Department of the Navy.

(6) The Chief of Information is responsible for public affairs within the Department of the Navy.

(c) The Secretary shall:

(1) Prescribe the relationship of each office or other entity established or designated under paragraph (b) of this section:

(i) To the Chief of Naval Operations and the Office of the Chief of Naval Operations: and

(ii) To the Commandant of the Marine Corps and the Headquarters, Marine Corps; and

(2) Ensure that each such office or entity provides the Chief of Naval Operations and the Commandant of the Marine Corps such staff support as the Chief of Naval Operations and the Commandant of the Marine Corps consider necessary to perform their respective duties and responsibilities.

(d) The vesting in the Office of the Secretary of the Navy of the responsibility for the conduct of a function specified in paragraph (a) of this section does not preclude other elements of the Department of the Navy (including the Office of the Chief of Naval Operations and the Headquarters, Marine Corps) from providing advice or assistance to the Chief of Naval Operations and the Commandant of the Marine Corps, or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Navy.

§ 700.312 Authority over organizational matters.

Subject to the approval or guidance of the Secretary of the Navy, the Civilian Executive Assistants, the Chief of Naval Operations, the Commandant of the Marine Corps and the Staff Assistants are individually authorized to organize, assign and reassign responsibilities within their respective commands or offices, including the establishment and disestablishment of such component organizations as may be necessary, subject to the following:

(a) The authority to disestablish may not be exercised with respect to any organizational component of the Department established by law.

(b) The Secretary retains the authority to approve the establishment and disestablishment of shore activities.

The Office of the Secretary of the Navy/ The Civilian Executive Assistants

§ 700.320 The Civilian Executive Assistants.

(a) The Civilian Executive Assistants, as identified in § 700.310, are assigned department-wide responsibilities essential to the efficient administration of the Department of the Navy.

(b) Each Civilian Executive Assistants, within his or her assigned area of responsibility, is the principal civilian advisor and assistant to the Secretary on the administration of the affairs of the Department of the Navy. The Civilian Executive Assistants carry out their duties with the professional assistance of the Office of the Chief of Naval Operations and Headquarters, Marine Corps, as presided over by the Chief of Naval Operations and Commandant of the Marine Corps, respectively.

(c) The Civilian Executive Assistants are authorized and directed to act for the Secretary within their assigned areas of responsibility.

§ 700.321 The Under Secretary of the Navy.

(a) The Under Secretary of the Navy shall perform such duties and exercise such powers as the Secretary of the Navy shall prescribe.

(b) The Under Secretary of the Navy is designated as the deputy and principal assistant to the Secretary of the Navy. The Under Secretary of the Navy acts with full authority of the Secretary in the general management of the Department of the Navy and supervision of offices, organizations and functions as assigned by the Secretary.

§ 700.322 Assistant Secretaries of the Navy; statutory authorization.

There are four Assistant Secretaries of the Navy. The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe in accordance with law.

§ 700.323 The Assistant Secretary of the Navy (Financial Management).

The Assistant Secretary of the Navy (Financial Management) is the Comptroller of the Navy, and is responsible for all matters related to the financial management of the Department of the Navy, including:

(a) Budgeting;
(b) Accounting;
(c) Disbursing;
(d) Financing;
(e) Internal review;
(f) Progress and statistical reporting; and
(g) Supervision of offices and organizations as assigned by the Secretary of the Navy.

§ 700.324 The Assistant Secretary of the Navy (Manpower and Reserve Affairs).

The Assistant Secretary of the Navy (Manpower and Reserve Affairs) is responsible for:

(a) The overall supervision of manpower and reserve component affairs of the Department of the Navy, including policy and administration of affairs related to military (active and inactive) and civilian personnel; and

(b) Supervision of offices and organizations as assigned by the

Secretary, specifically the Naval Council of Personnel Boards and the Board for Correction of Naval Records.

§ 700.325 The Assistant Secretary of the Navy (Installations and Environment).

The Assistant Secretary of the Navy (Installations and Environment) is responsible for:

(a) Policy relating to Navy installations, facilities, environment, safety, shore resources management and quality improvement;

(b) Development, implementation and evaluation of military construction, facilities management and engineering, strategic homeporting, housing, utilities, and base utilization issues;

(c) Environmental policy, safety, occupational health, and Marine Corps and Navy environmental affairs, including environmental protection, restoration, compliance and legislation, natural resource programs, hazardous material/waste minimization, plastics reduction and control, afloat environmental issues, state and federal agency and environmental organization coordination, and the National Environmental Policy Act; and

(d) Advising on fiscal resources related to shore appropriations.

§ 700.326 The Assistant Secretary of the Navy (Research, Development and Acquisition).

The Assistant Secretary of the Navy (Research, Development and Acquisition) is responsible for:

(a) Research, development and acquisition, except for military requirements and operational test and evaluation;

(b) Direct management of acquisition programs;

(c) All aspects of the acquisition process within the Department of the Navy;

(d) All acquisition policy, including technology base and advanced technology development, procurement, competition, contracts and business management, logistics, product integrity, and education and training of the acquisition workforce.

§ 700.327 The General Counsel of the Navy.

(a) The General Counsel is head of the Office of the General Counsel and is responsible for providing legal advice, counsel, and guidance within the Department of the Navy on the following matters:

(1) Business and commercial law, environmental law, civilian personnel law, real and personal property law and patent law;

(2) Procurement of services, including the fiscal, budgetary and accounting aspects, for the Navy and Marine Corps;

(3) Litigation involving the issues enumerated above; and

(4) Other matters as directed by the Secretary of the Navy.

(b) The General Counsel maintains a close working relationship with the Judge Advocate General on all matters of common interest.

The Office of the Secretary of the Navy/ The Staff Assistants

§ 700.330 The Staff Assistants.

The Staff Assistants, as identified in § 700.310, assist the Secretary of the Navy, or one or more of the Civilian Executive Assistants, in the administration of the Navy. They supervise all functions and activities internal to their offices and assigned field activities, if any, and are responsible to the Secretary or to one of the Civilian Executive Assistants for the utilization of resources by, and the operating efficiency of, all activities under their supervision or command. Their duties are as provided by law or as assigned by the Secretary.

§ 700.331 The Judge Advocate General.

(a) The Judge Advocate General of the Navy commands the Office of the Judge Advocate General and is the Chief of the Judge Advocate General's Corps. The Judge Advocate General:

(1) Provides or supervises the provision of all legal advice and related services throughout the Department of the Navy, except for the advice and services provided by the General Counsel;

(2) Performs the functions required or authorized by law;

(3) Provides legal and policy advice to the Secretary of the Navy on military justice, administrative law, claims, operational and international law, and litigation involving these issues; and

(4) Acts on other matters as directed by the Secretary.

(b) The Judge Advocate General maintains a close working relationship with the General Counsel on all matters of common interest.

§ 700.332 The Naval Inspector General.

(a) Under the direction of the Secretary of the Navy, the Naval Inspector General:

(1) Inspects, investigates or inquires into any and all matters of importance to the Department of the Navy with particular emphasis on readiness, including, but not limited to effectiveness, efficiency, economy and integrity;

(2) Exercises broad supervision, general guidance and coordination for all Department of the Navy inspection, evaluation and appraisal organizations to minimize duplication of efforts and the number of necessary inspections;

(3) Through analysis of available information, identifies areas of weakness in the Department of the Navy as they relate to matters of integrity and efficiency and provides appropriate recommendations for improvement. To accomplish these functions, the Inspector General shall have unrestricted access, by any means, to any information maintained by any naval activity deemed necessary, unless specifically restricted by the Secretary of the Navy;

(4) Receives allegations of inefficiency, misconduct, impropriety, mismanagement or violations of law, and investigates or refers such matters for investigation, as is appropriate; and

(5) Serves as principal advisor to the Secretary of the Navy, the Chief of Naval Operations and the Commandant of the Marine Corps on all inspection and investigation matters.

(b) In addition, the Naval Inspector General has various functions, including (but not limited to):

(1) Providing of an alternative to the normal chain of command channel for receipt of complaints of personnel;

(2) Serving as the official to whom employees may complain without fear of reprisal;

(3) Cooperating with the Inspector General, Department of Defense;

(4) Providing oversight of intelligence and special activities;

(5) Serving as the Department of the Navy coordinator for fraud, waste and efficiency matters;

(6) Serving as Navy Program Manager and focal point for the Department of the Navy and Navy Hotline programs; and

(7) Designation as the centralized organization within the Department of Defense to monitor and ensure the coordination of criminal, civil, administrative and contractual remedies for all significant cases, including investigation of fraud or corruption related to procurement activities affecting the Department of the Navy.

§ 700.333 The Chief of Naval Research.

(a) The Chief of Naval Research shall command the Office of the Chief of Naval Research, the Office of Naval Research, the Office of Naval Technology and assigned shore activities.

(b) The Office of Naval Research shall perform such duties as the Secretary of the Navy prescribes relating to:

(1) The encouragement, promotion, planning, initiation and coordination of naval research;

(2) The conduct of naval research in augmentation of and in conjunction with the research and development conducted by other agencies and offices of the Department of the Navy; and

(3) The supervision, administration and control of activities within or for the Department of the Navy relating to patents, inventions, trademarks, copyrights and royalty payments, and matters connected therewith.

§ 700.334 The Chief of Information.

(a) The Chief of Information is the direct representative of the Secretary of the Navy in all public affairs and internal relations matters. The Chief of Information is authorized to implement Navy public affairs and internal relations policies and to coordinate those Navy and Marine Corps activities of mutual interest.

(b) The Chief of Naval Operations and the Commandant of the Marine Corps are delegated responsibilities for:

(1) Conduct of their respective services' internal information programs;

(2) Conduct of their respective services' community relations programs; and

(3) Implementing the Secretary of the Navy's public affairs policy and directives.

(c) The Chief of Information will report to the Chief of Naval Operations for support of the responsibilities outlined in paragraph (b) of this section, and will provide such staff support as the Chief of Naval Operations considers necessary to perform those duties and responsibilities.

(d) The Deputy Chief of Information for Marine Corps Matters may report directly to the Secretary regarding public information matters related solely to the Marine Corps. The Deputy Chief will promptly inform the Chief of Information regarding the substance of all independent contacts with the Secretary pertaining to Marine Corps matters. The Deputy Chief of Information for Marine Corps Matters will report to the Commandant of the Marine Corps for support of the responsibilities outlined in paragraph (b) of this section, and will provide such staff support as the Commandant considers necessary to perform those duties and responsibilities.

§ 700.335 The Chief of Legislative Affairs.

The mission of the Chief of Legislative Affairs is to:

(a) Plan, develop and coordinate relationships between representatives of the Department of the Navy and members of committees of the United States Congress and their staffs which are necessary in the transaction of official Government business (except appropriations matters) affecting the Department of the Navy; and

(b) Furnish staff support, advice and assistance to the Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps and all other principal civilian and military officials of the Department of the Navy concerning congressional aspects of the Department of the Navy policies, plans and programs (except appropriations matters).

§ 700.336 The Director, Office of Program Appraisal.

(a) The Director, Office of Program Appraisal, directs, under the immediate supervision of the Secretary of the Navy, the Office of Program Appraisal.

(b) The Office of Program Appraisal will assist the Secretary in assuring that existing and proposed Navy and Marine Corps programs provide the optimum means of achieving the objectives of the Department of the Navy.

§ 700.337 The Auditor General.

(a) The Auditor General of the Navy is responsible for:

(1) Serving as Director of the Naval Audit Service; and

(2) Developing and implementing Navy internal audit policies, programs and procedures within the framework of Government auditing standards.

(b) The Auditor General can provide information and may provide assistance and support to the Chief of Naval Operations and the Commandant of the Marine Corps to enable them to discharge their duties and responsibilities.

Subpart D—The Chief of Naval Operations

§ 700.401 Precedence.

The Chief of Naval Operations, while so serving, has the grade of admiral. In the performance of duties within the Department of the Navy, the Chief of Naval Operations takes precedence above all other officers of the naval service, except an officer of the naval service who is serving as Chairman or Vice Chairman of the Joint Chiefs of Staff.

§ 700.402 Succession.

When there is a vacancy in the position of Chief of Naval Operations, or during the absence or disability of the Chief of Naval Operations:

(a) The Vice Chief of Naval Operations shall perform the duties of the Chief of Naval Operations until a successor is appointed or the absence or disability ceases.

(b) If there is a vacancy in the position of Vice Chief of Naval Operations or the Vice Chief of Naval Operations is absent or disabled, unless the President directs otherwise, the most senior officer of the Navy in the Office of the Chief of Naval Operations who is not absent or disabled and who is not restricted in the performance of duty shall perform the duties of the Chief of Naval Operations until a successor to the Chief of Naval Operations or the Vice Chief of Naval Operations is appointed or until the absence or disability of the Chief of Naval Operations or Vice Chief of Naval Operations ceases, whichever occurs first.

§ 700.403 Statutory authority and responsibility of the Chief of Naval Operations.

(a) Except as otherwise prescribed by law, and subject to the statutory authority of the Secretary of the Navy to assign functions, powers and duties, the Chief of Naval Operations performs duties under the authority, direction and control of the Secretary of the Navy and is directly responsible to the Secretary.

(b) Subject to the authority, direction and control of the Secretary of the Navy, the Chief of Naval Operations shall:

(1) Preside over the Office of the Chief of Naval Operations;

(2) Transmit the plans and recommendations of the Office of the Chief of Naval Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) After approval of the plans or recommendations of the Office of the Chief of Naval Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) Exercise supervision, consistent with the statutory authority assigned to commanders of unified or specified combatant commands, over such of the members and organizations of the Navy and the Marine Corps as the Secretary determines;

(5) Perform the duties prescribed for a member of the Armed Forces Policy Council and other statutory duties; and

(6) Perform such other military duties, not otherwise assigned by law, as are assigned to the Chief of Naval Operations by the President, the Secretary of Defense or the Secretary of the Navy.

(c) The Chief of Naval Operations shall also perform the statutory duties prescribed for a member of the Joint Chiefs of Staff.

(1) To the extent that such action does not impair the independence of the

Chief of Naval Operations in the performance of duties as a member of the Joint Chiefs of Staff, the Chief of Naval Operations shall inform the Secretary of the Navy regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

(2) Subject to the authority, direction and control of the Secretary of Defense, the Chief of Naval Operations shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary of the Navy.

§ 700.404 Statutory authority and responsibility of the Office of the Chief of Naval Operations.

(a) The Office of the Chief of Naval Operations shall furnish professional assistance to the Secretary, the Under Secretary and the Assistant Secretaries of the Navy, and to the Chief of Naval Operations. Under the authority, direction and control of the Secretary of the Navy, the Office of the Chief of Naval Operations shall:

(1) Subject to § 700.311(a), prepare for such employment of the Navy, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Navy), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Navy, as will assist in the execution of any power, duty or function of the Secretary or the Chief of Naval Operations;

(2) Investigate and report upon the efficiency of the Navy and its preparation to support military operations by combatant commands;

(3) Prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) As directed by the Secretary or the Chief of Naval Operations, coordinate the action of organizations of the Navy; and

(5) Perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

(b) Except as otherwise specifically prescribed by law, the Office of the Chief of Naval Operations shall be organized in such manner, and its members shall perform such duties and have such titles as the Secretary may prescribe.

§ 700.405 Delegated authority and responsibility.

(a) The Chief of Naval Operations is the principal naval advisor and naval executive to the Secretary of the Navy on the conduct of the naval activities of the Department of the Navy.

(b)(1) Internal to the administration of the Department of the Navy, the Chief of Naval Operations, consistent with the statutory authority assigned to commanders of unified or specified combatant commands, under the direction of the Secretary of the Navy, shall command:

(i) The operating forces of the Navy; and

(ii) Such shore activities as may be assigned by the Secretary.

(2) The Chief of Naval Operations shall be responsible to the Secretary of the Navy for the Utilization of resources by, and the operating efficiency of, the Office of the Chief of Naval Operations, the Operating Forces of the Navy and assigned shore activities.

(c) In addition, the Chief of Naval Operations has the following specific responsibilities:

(1) To organize, train, equip, prepare and maintain the readiness of Navy forces, including those for assignment to unified or specified commands, for the performance of military missions as directed by the President, the Secretary of Defense or the Chairman of the Joint Chiefs of Staff;

(2) To determine current and future requirements of the Navy (less Fleet Marine Forces and other assigned Marine Corps forces) for manpower, material, weapons, facilities and services, including the determination of quantities, military performance requirements and times, places and priorities of need;

(3) To exercise leadership in maintaining a high degree of competence among Navy officer, enlisted and civilian personnel in necessary fields of specialization, through education training and equal opportunities for personal advancement, and maintaining the morale and motivation of Navy personnel and the prestige of a Navy career;

(4) To plan and provide health care for personnel of the naval service, their dependents and eligible beneficiaries;

(5) To direct the organization, administration, training and support of the Naval Reserve;

(6) To inspect and investigate components of the Department of the Navy to determine and maintain efficiency, discipline, readiness, effectiveness and economy, except in those areas where such responsibility rests with the Commandant of the Marine Corps;

(7) To determine the requirements of naval forces and activities, to include requirements for research, development, test, and evaluation to plan and provide for the conduct of test and evaluation which are adequate and responsive to long range objectives, immediate requirements, and fiscal limitations; and to provide assistance to the Assistant Secretary of the Navy (Research, Development and Acquisition) in the review and appraisal of the overall Navy program to ensure fulfillment of stated requirements;

(8) To formulate Navy strategic plans and policies and participate in the formulation of Joint and combined strategic plans and policies and related command relationships; and

(9) Subject to guidance from the Assistant Secretary of the Navy (Financial Management), to formulate budget proposals for the Office of the Chief of Naval Operations, the Operating Forces of the Navy and assigned shore activities, and other activities and programs as assigned.

(d) The Chief of Naval Operations, under the direction of the Secretary of the Navy, shall exercise overall authority throughout the Department of the Navy in matters related to:

(1) The effectiveness of the support of the Operating Forces of the Navy and assigned shore activities;

(2) The coordination and direction of assigned Navy wide programs and functions, including those assigned by higher authority;

(3) Matters essential to naval military administration, such as:

(i) Security;

(ii) Intelligence;

(iii) Discipline;

(iv) Communications; and

(v) Matters related to the customs and traditions of the naval service;

(4) Except for those areas wherein such responsibility rests with the Commandant of the Marine Corps, the coordination of activities of the Department of the Navy in matters concerning effectiveness, efficiency and economy.

§ 700.406 Naval Vessel Register, classification of naval craft, and status of ships and service craft.

(a) The Chief of Naval Operations shall be responsible for the Naval Vessel Register (except the Secretary of the Navy shall strike vessels from the Register) and the assignment of classification for administrative purposes to water borne craft and the designation of status for each ship and service craft.

(b) Commissioned vessels and craft shall be called ''United States Ship'' or ''U.S.S.''

(c) Civilian manned ships, of the Military Sealift Command or other commands, designated ''active status, in service'' shall be called ''United States Naval Ship'' or ''U.S.N.S.''

(d) Ships and service craft designated ''active status, in service,'' except those described by paragraph (c) of this section, shall be referred to by name, when assigned, classification, and hull number (e.g., ''HIGHPOINT PCH–1'' or ''YOGN–8'').

(e) The Chief of Naval Operations shall designate hospital ships and medical aircraft as he or she deems necessary. Such designation shall be in compliance with the Geneva Convention for the Amelioration of the Conditions of Wounded, Sick and Ship wrecked Members of the Armed Forces at Sea of 12 August 1949. The Chief of Naval Operations shall ensure compliance with the notice shall ensure compliance with the notice provisions of that Convention.

Subpart E—The Commandant of the Marine Corps

§ 700.501 Precedence.

The Commandant of the Marine Corps, while so serving, has the grade of general. In the performance of duties within the Department of the Navy, the Commandant of the Marine Corps takes precedence above all other officers of the Marine Corps, except an officer of the Marine Corps who is serving as Chairman or Vice Chairman of the Joint Chiefs of Staff.

§ 700.502 Succession.

When there is a vacancy in the office of Commandant of the Marine Corps, or during the absence or disability of the Commandant:

(a) The Assistant Commandant of the Marine Corps shall perform the duties of the Commandant until a successor is appointed or the absence or disability ceases; or

(b) If there is a vacancy in the office of the Assistant Commandant of the Marine Corps or the Assistant Commandant is absent or disabled, unless the President directs otherwise, the most senior officer of the Marine Corps in the Headquarters, Marine Corps, who is not absent or disabled and who is not restricted in the performance of duty shall perform the duties of the Commandant until a successor to the Commandant or the Assistant Commandant is appointed or until the absence or disability of the Commandant or the Assistant Commandant ceases, whichever occurs first.

§ 700.503 Statutory authority and responsibility of the Commandant of the Marine Corps.

(a) Except as otherwise prescribed by law and subject to the statutory authority of the Secretary of the Navy to assign functions, powers and duties, the Commandant of the Marine Corps performs duties under the authority, direction and control of the Secretary of the Navy and is directly responsible to the Secretary.

(b) Subject to the authority, direction and control of the Secretary of the Navy, the Commandant of the Marine Corps shall:

(1) Preside over the Headquarters, Marine Corps;

(2) Transmit the plans and recommendations of the Headquarters, Marine Corps, to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) After approval of the plans or recommendations of the Headquarters, Marine Corps, by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) Exercise supervision, consistent with the statutory authority assigned to commanders of unified or specified combatant commands, over such of the members and organizations of the Navy and the Marine Corps as the Secretary determines;

(5) Perform the duties prescribed for a member of the Armed Forces Policy Council and other statutory duties; and

(6) Perform such other military duties, not otherwise assigned by law, as are assigned to the Commandant of the Marine Corps by the President, the Secretary of Defense or the Secretary of the Navy.

(c) The Commandant of the Marine Corps shall also perform the statutory duties prescribed for a member of the Joint Chiefs of Staff.

(1) To the extent that such action does not impair the independence of the Commandant of the Marine Corps in the performance of duties as a member of the Joint Chiefs of Staff, the Commandant of the Marine Corps shall inform the Secretary of the Navy regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

(2) Subject to the authority, direction and control of the Secretary of Defense, the Commandant of the Marine Corps shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary of the Navy.

§ 700.504 Statutory authority and responsibility of the Headquarters, Marine Corps.

(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.

(1) Under the authority, direction and control of the Secretary of the Navy, the Headquarters, Marine Corps shall:

(i) Subject to § 700.311(a), prepare for such employment of the Marine Corps, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Navy), 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;

(ii) Investigate and report upon the efficiency of the Marine Corps and its preparation to support military operations by combatant commands;

(iii) Prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(iv) As directed by the Secretary or the Commandant, coordinate the action of organizations of the Marine Corps; and

(v) Perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

(2) [Reserved]

(b) 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.

§ 700.505 Delegated authority and responsibility.

(a)(1) Internal to the administration of the Department of the Navy, the Commandant of the Marine Corps, consistent with the statutory authority assigned to commanders of unified or specified combatant commands, under the direction of the Secretary of the Navy, shall command:

(i) The operating forces of the Marine Corps; and

(ii) Such shore activities as may be assigned by the Secretary.

(2) The Commandant shall be responsible to the Secretary of the Navy for the utilization of resources by, and the operating efficiency of, all commands and activities under such command.

(b) In addition, the Commandant has the following specific responsibilities:

(1) To plan for and determine the needs of the Marine Corps for equipment, weapons or weapons systems, materials, supplies, facilities, maintenance, and supporting services. This responsibility includes the determination of Marine Corps

characteristics of equipment and material to be procured or developed, and the training required to prepare Marine Corps personnel for combat. It also includes the operation of the Marine Corps Material Support System.

(2) Subject to guidance from the Assistant Secretary of the Navy (Financial Management), to formulate budget proposals for the Headquarters, Marine Corps, the Operating Forces of the Marine Corps, and other activities and programs as assigned.

(3) To develop, in coordination with other military services, the doctrines, tactics and equipment employed by landing forces in amphibious operations.

(4) To formulate Marine Corps strategic plans and policies and participate in the formulation of joint and combined strategic plans and policies and related command relationships.

(5) To plan for and determine the present and future needs, both quantitative and qualitative, for manpower, including reserve personnel and civilian personnel, of the United States Marine Corps. This includes responsibility for leadership in maintaining a high degree of competence among Marine Corps officer and enlisted personnel and Marine Corps civilian personnel in necessary fields of specialization through education, training and equal opportunities for personal advancement; and for leadership in maintaining the morale and motivation of Marine Corps personnel and the prestige of a career in the Marine Corps.

Subpart F—The United States Coast Guard (When Operating as a Service in the Navy)

§ 700.601 Relationship and operation as a service in the Navy.

(a) Upon the declaration of war or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall be subject to the orders of the Secretary of the Navy. While so operating as a service in the Navy, and to the extent practicable, Coast Guard operations shall be integrated and uniform with Navy operation.

(b) Whenever the Coast Guard operates as a service in the Navy:

(1) Applicable appropriations of the Coast Guard to cover expenses shall be available for transfer to the Department of the Navy and supplemented, as required, from applicable appropriations of the Department of the Navy;

(2) Personnel of the Coast Guard shall be eligible to receive gratuities, medals and other insignia of honor on the same basis as personnel in the naval service or serving in any capacity with the Navy; and

(3) To the extent practicable, Coast Guard personnel, ships, aircraft and facilities will be utilized as organized Coast Guard units.

§ 700.602 The Commandant of the Coast Guard.

(a) The Commandant of the Coast Guard is the senior officer of the United States Coast Guard.

(b) When reporting to the Secretary of the Navy, the Commandant will report to the Chief of Naval Operations.

(c) The Chief of Naval Operations shall represent the Coast Guard before the Joint Chiefs of Staff.

§ 700.603 Duties and responsibilities.

In exercising command over the Coast Guard while operating as a service of the Navy, the Commandant shall:

(a) Organize, train, prepare and maintain the readiness of the Coast Guard to function as a specialized service in the Navy for the performance of national defense missions, as directed;

(b) Plan for and determine the present and future needs of the Coast Guard, both quantitative and qualitative, for personnel, including reserve personnel;

(c) Budget for the Coast Guard, except as may be otherwise directed by the Secretary of the Navy;

(d) Plan for and determine the support needs of the Coast Guard for equipment, materials, weapons or combat systems, supplies, facilities, maintenance and supporting services;

(e) Exercise essential military administration of the Coast Guard. This includes, but is not limited to, such matters as discipline, communications, personnel records and accounting, conforming, as practicable, to Navy procedures;

(f) In conjunction with the Director of Naval Intelligence, and the National Intelligence Community, where appropriate, establish and maintain an intelligence and security capability to provide support for the maritime defense zones, port security, narcotics interdiction, anti-terrorist activity, fishery activity, pollution monitoring and other Coast Guard missions;

(g) Enforce or assist in enforcing Federal laws on and under the high seas and waters subject to the jurisdiction of the United States;

(h) Administer, promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States. This applies to those matters not specifically delegated by law to some other executive department;

(i) Develop, establish, maintain and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice breaking facilities, for the promotion of safety on, under and over the high seas and waters subject to the jurisdiction of the United States;

(j) Engage in oceanographic surveys in conjunction with the Office of the Oceanographer of the Navy; and

(k) Continue in effect under the Secretary of the Navy those other functions, powers and duties vested in the Commandant by appropriate orders and regulations of the Secretary of Transportation on the day prior to the effective date of transfer of the Coast Guard to the Department of the Navy until specifically modified or terminated by the Secretary of the Navy.

Subpart G—Commanders In Chief and Other Commanders

Titles and Duties of Commanders

§ 700.701 Titles of Commanders.

(a) The commander of a principal organization of the operating forces of the Navy, as determined by the chief of Naval Operations, or the officer who has succeeded to such command as provided elsewhere in these regulations, shall have the title ''Commander in Chief.'' The name of the organization under the command of such an officer shall be added to form his or her official title.

(b) The commander of each other organization of units of the operating forces of the Navy or marine corps, or organization of units of shore activities, shall have the title ''Commander,'' ''Commandant,'' ''Commanding General'' or other appropriate title. The name of the organization under the command of such an officer shall be added to form his or her official title.

§ 700.702 Responsibility and authority of commanders.

(a) Commanders shall be responsible for the satisfactory accomplishment of the mission and duties assigned to their commands. Their authority shall be commensurate with their responsibilities. Normally, commanders shall exercise authority through their immediate subordinate commanders, but they may communicate directly with any of their subordinates.

(b) Commanders shall ensure that subordinate commands are fully aware of the importance of strong, dynamic leadership and its relationship to the overall efficiency and readiness of naval

forces. Commanders shall exercise positive leadership and actively develop the highest qualities of leadership in persons with positions of authority and responsibility throughout their commands.

(c) Subject to orders of higher authority, and subject to the provisions of § 700.106 of these regulations, commanders shall issue such regulations and instructions as may be necessary for the proper administration of their commands.

(d) Commanders shall hold the same relationship to their flagships, or to shore activities of the command in which their headquarters may be located, in regard to internal administration and discipline, as to any other ship or shore activity of their commands.

§ 700.703 To announce assumption of command.

(a) Upon assuming command, commanders shall so advise appropriate superiors, and the units of their commands.

(b) When appropriate, commanders shall also advise the following officers and officials located within the area encompassed by the command concerning their assumption of command.

(1) Senior commanders of other United States armed services;

(2) Officials of other federal agencies; and

(3) Officials of foreign governments.

§ 700.704 Readiness.

Commanders shall take all practicable steps to maintain their commands in a state of readiness to perform their missions. In conformity with the orders and policies of higher authority, they shall:

(a) Organize the forces and resources under their command and assign duties to their principal subordinate commanders;

(b) Prepare plans for the employment of their forces to meet existing and foreseeable situations;

(c) Collaborate with the commanders of other United States armed services and with appropriate officials of other federal agencies and foreign governments located within the area encompassed by their commands;

(d) Maintain effective intelligence and keep themselves informed of the political and military aspects of the national and international situation;

(e) Make, or cause to be made, necessary inspections to ensure the readiness, effectiveness and efficiency of the components of their commands; and

(f) Develop, in accordance with directives issued by higher authority, training strategies and plans for their commands.

§ 700.705 Observance of international law.

At all times, commanders shall observe, and require their commands to observe, the principles of international law. Where necessary to fulfill this responsibility, a departure from other provisions of Navy Regulations is authorized.

§ 700.706 Keeping immediate superiors informed.

Commanders shall keep their immediate superiors appropriately informed of:

(a) The organization of their commands, the prospective and actual movements of the units of their commands, and the location of their headquarters;

(b) Plans for employment of their forces;

(c) The condition of their commands and of any required action pertaining thereto which is beyond their capacity or authority;

(d) Intelligence information which may be of value;

(e) Any battle, engagement or other significant action involving units of their commands;

(f) Any important service or duty performed by persons or units of their commands; and

(g) Unexecuted orders and matters of interest upon being relieved of command.

Staffs of Commanders

§ 700.710 Organization of a staff.

(a) The term ''staff'' means those officers and other designated persons assigned to a commander to assist him or her in the administration and operation of his or her command.

(b) The officer detailed as chief of staff and aide to a fleet admiral or admiral normally shall be a vice admiral or a rear admiral. The officer detailed as chief of staff and aide to a vice admiral or rear admiral shall normally be a rear admiral or a captain. The detailing of a vice commander or a deputy to a commander shall be reserved for selected commanders. An officer detailed as chief staff officer to another officer shall normally not be of the same grade as that officer.

(c) The staff shall be organized into such divisions as may be prescribed by the commander concerned or by higher authority. These divisions shall conform in nature and designation, as practicable and as appropriate, to those of the staffs of superiors.

(d) The staff of a flag or general officer may include one or more personal aides.

§ 700.711 Authority and responsibilities of officers of a staff.

(a) The chief of staff and aide or chief staff officer, under the commander, shall be responsible for supervising and coordinating the work of the staff and shall be kept informed of all matters pertaining to that work. All persons attached to the staff, except a vice commander or deputy responsible directly to the commander shall be subordinate to the chief of staff and aide or chief staff officer while he or she is executing the duties of that office.

(b) The officers of a staff shall be responsible for the performance of those duties assigned to them by the commander and shall advise the commander on all matters pertaining thereto. In the performance of their staff duties they shall have no command authority of their own. In carrying out such duties, they shall act for, and in the name of, the commander.

Administration and Discipline

§ 700.720 Administration and discipline: Staff embarked.

In matters of general discipline, the staff of a commander embarked and all enlisted persons serving with the staff shall be subject to the internal regulations and routine of the ship. They shall be assigned regular stations for battle and emergencies. Enlisted persons serving with the staff shall be assigned to the ship for administration and discipline, except in the case of a staff embarked for passage only, and provided in that case that an organization exists and is authorized to act for such purposes.

§ 700.721 Administration and discipline: Staff based ashore.

When a staff is based ashore, the enlisted persons serving with the staff shall, when practicable, be assigned to an appropriated activity for purposes of administration and discipline. The staff officers may be similarly assigned. Members of a staff assigned for any purpose to a command or activity shall conform in matters of general discipline to the internal regulations and routine of that command or activity.

§ 700.722 Administration and discipline: Staff unassigned to an administrative command.

(a) When it is not practicable to assign enlisted persons serving with the staff of a commander to an established activity for administration and discipline, the commander may designate an officer of the staff to act as the commanding

officer of such persons and shall notify the Judge Advocate General and the Commandant of the Marine Corps, or the Chief of Naval Personnel, as appropriate, of such action.

(b) If the designating commander desires the commanding officer of staff enlisted personnel to possess authority to convene courts-martial, the commander should request the Judge Advocate General to obtain such authorization from the Secretary of the Navy.

§ 700.723 Administration and discipline: Separate and detached command

Any flag or general officer in command, any officer authorized to convene general courts-martial, or the senior officer present may designate organizations which are separate or detached commands. Such officer shall state in writing that it is a separate or detached command and shall inform the Judge Advocate General of the action taken. If authority to convene courts-martial is desired for the commanding officer or officer in charge of such separate or detached command, the officer designating the organization as separate or detached shall request the Judge Advocate general to obtain authorization from the Secretary of the Navy.

Subpart H—The Commanding Officer

Commanding Officers in General

§ 700.801 Applicability.

In addition to commanding officers, the provisions of this chapter shall apply, where pertinent, to aircraft commanders, officers in charge (including warrant officers and petty officers when so detailed) and those persons standing the command duty.

§ 700.802 Responsibility.

(a) The responsibility of the commanding officer for his or her command is absolute, except when, and to the extent, relieved therefrom by competent authority, or as provided otherwise in these regulations. The authority of the commanding officer is commensurate with his or her responsibility. While the commanding officer may, at his or her discretion, and when not contrary to law or regulations, delegate authority to subordinates for the execution of details, such delegation of authority shall in no way relieve the commanding officer of his or her continued responsibility for the safety, well-being, and efficiency of the entire command.

(b) A commanding officer who departs from his or her orders or instructions, or takes official action which is not in accordance with such orders or instructions, does so upon his or her own responsibility and shall report immediately the circumstances to the officer from whom the prior orders or instructions were received. Of particular importance is the commanding officer's duty to take all necessary and appropriate action in self-defense of the command.

(c) The commanding officer shall be responsible for economy within his or her command. To this end the commanding officer shall require from his or her subordinates a rigid compliance with the regulations governing the receipt, accounting, and expenditure of public money and materials, and the implementation of improved management techniques and procedures.

(d) The commanding officer and his or her subordinates shall exercise leadership through personal example, moral responsibility, and judicious attention to the welfare of persons under their control or supervision. Such leadership shall be exercised in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy.

§ 700.804 Organization of commands.

All commands and other activities of the Department of the Navy shall be organized and administered in accordance with law, United States Navy Regulations, and the orders of competent authority. All orders and instructions of the commanding officer shall be in accordance therewith.

§ 700.809 Persons found under incriminating circumstances.

(a) The commanding officer shall keep under restraint or surveillance, as necessary, any person not in the armed services of the United States who is found under incriminating or irregular circumstances within the command, and shall immediately initiate an investigation.

(b) Should an investigation indicate that such person is not a fugitive from justice or has not committed or attempted to commit an offense, he shall be released at the earliest opportunity, except:

(1) If not a citizen of the United States, and the place of release is under the jurisdiction of the United States, the nearest federal immigration authorities shall be notified as to the time and place of release sufficiently in advance to permit them to take such steps as they deem appropriate.

(2) Such persons shall not be released in territory not under the jurisdiction of the United States without first obtaining the consent of the proper foreign authorities, except where the investigation shows that he entered the command from territory of the foreign state, or that he is a citizen or subject of that state.

(c) If the investigation indicates that such person has committed or attempted to commit an offense punishable under the authority of the commanding officer, the latter shall take such action as he deems necessary.

(d) If the investigation indicates that such a person is a fugitive from justice, or has committed or attempted to commit an offense which requires actions beyond the authority of the commanding officer, the latter shall, at the first opportunity, deliver such person, together with a statement of the circumstances, to the proper civil authorities.

(e) In all cases under paragraph (d) of this section, a report shall be made promptly to the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate.

§ 700.810 Rules for visits.

(a) Commanding officers are responsible for the control of visitors to their commands and shall comply with the relevant provisions of Department of the Navy concerning classified information and physical security.

(b) Commanding officers shall take such measures and impose such restrictions on visitors as are necessary to safeguard the classified material under their jurisdiction. Arrangements for general visiting shall always be made with due regard for physical security and based on the assumption that foreign agents will be among the visitors.

(c) Commanding officers and others officially concerned shall exercise reasonable care to safeguard the persons and property of visitors to naval activities as well as taking those necessary precautions to safeguard the persons and property within the command.

§ 700.811 Dealers, tradesmen, and agents.

(a) In general, dealers or tradesmen or their agents shall not be admitted within a command, except as authorized by the commanding officer:

(1) To conduct public business;

(2) To transact specific private business with individuals at the request of the latter; or

(3) To furnish services and supplies which are necessary and are not otherwise, or are insufficiently, available to the personnel of the command.

(b) Personal commercial solicitation and the conduct of commercial

transactions are governed by policies of the Department of Defense.

§ 700.812 Postal matters.

Commanding officers shall ensure that mail and postal funds are administered in accordance with instructions issued by the Postmaster General and approved for the naval service by the Chief of Naval Operations, and instructions issued by the Chief of Naval Operations, the Chief of Naval Personnel, or the Commandant of the Marine Corps, as appropriate; and that postal clerks or other persons authorized to handle mail perform their duties strictly in accordance with those instructions.

§ 700.815 Deaths.

The commanding officer, in the event of the death of any person within his or her command, shall ensure that the cause of death and the circumstances under which death occurred are established, that the provisions of the Manual of the Judge Advocate General are adhered to in documenting the cause and circumstances, and that the appropriate casualty report is submitted.

§ 700.816 The American National Red Cross.

(a) Pursuant to the request of the Secretary of the Navy, and subject to such instructions as the Secretary may issue, the American National Red Cross is authorized to conduct a program of welfare, including social, financial, medical and dental aid, for naval personnel; to assist in matters pertaining to prisoners of war; and to provide such other services as are appropriate functions for the Red Cross. The American National Red Cross is the only volunteer society authorized by the Government to render medical and dental aid to the armed forces of the United States. Other organizations desiring to render medical and dental aid may do so only through the Red Cross.

(b) Requests for Red Cross services shall be made to the Chief of Naval Personnel or the Commandant of the Marine Corps or, in the case of medical services, to the Commander, Naval Medical Command.

(c) Activities and personnel of the American National Red Cross in areas subject to naval jurisdiction shall conform to such administrative regulations as may be prescribed by appropriate naval authority.

(d) Red Cross personnel shall be considered to have the status of commissioned officers, subject to such restrictions as may be imposed by the Chief of Naval Personnel or the Commandant of the Marine Corps.

§ 700.819 Records.

The commanding officer shall require that records relative to personnel, material and operations, as required by current instructions, are maintained properly by those responsible therefor.

§ 700.822 Delivery of personnel to civil authorities and service of subpoena or other process.

(a) Commanding officers or other persons in authority shall not deliver any person in the naval service to civil authorities except as provided by the Manual of the Judge Advocate General.

(b) Commanding officers are authorized to permit the service of subpoenas or other process as provided by the Manual of the Judge Advocate General.

§ 700.826 Physical security.

(a) The commanding officer shall take appropriate action to safeguard personnel, to prevent unauthorized access to installations, equipment, materials and documents, and to safeguard them against acts of sabotage, damage, theft, or terrorism.

(b) The commanding officer shall take action to protect and maintain the security of the command against dangers from fire, windstorms, or other acts of nature.

§ 700.827 Effectiveness for service.

The commanding officer shall:

(a) Exert every effort to maintain the command in a state of maximum effectiveness for war or other service consistent with the degree of readiness as may be prescribed by proper authority. Effectiveness for service is directly related to the state of personnel and material readiness; and

(b) Make him or herself aware of the progress of any repairs, the status of spares, repair parts and other components, personnel readiness and other factors or conditions that could lessen the effectiveness of his or her command. When the effectiveness is lessened appreciably, that fact shall be reported to appropriate superiors.

§ 700.828 Search by foreign authorities.

(a) The commanding officer shall not permit a ship under his or her command to be searched on any pretense whatsoever by any person representing a foreign state, nor permit any of the personnel within the confines of his or her command to be removed from the command by such person, so long as he has the capacity to repel such act. If force should be exerted to compel submission, the commanding officer is to resist that force to the utmost of his or her power.

(b) Except as may be provided by international agreement, the commanding officer of a shore activity shall not permit his or her command to be searched by any person representing a foreign state, nor permit any of the personnel within the confines of his or her command to be removed from the command by such person, so long as he or she has the power to resist.

§ 700.832 Environmental pollution.

The commanding officer shall cooperate with Federal, state and local governmental authorities in the prevention, control and abatement of environmental pollution. If the requirements of any environmental law cannot be achieved because of operational considerations, insufficient resources or other reason, the commanding officer shall report to the immediate superior in the chain of command. The commanding officer shall be aware of existing policies regarding pollution control, and should recommend remedial measures when appropriate.

§ 700.834 Care of ships, aircraft, vehicles and their equipment.

The commanding officer shall cause such inspections and tests to be made and procedures carried out as are prescribed by competent authority, together with such others as he or she deems necessary, to ensure the proper preservation, repair, maintenance and operation of any ship, aircraft, vehicle, and their equipment assigned to his or her command.

§ 700.835 Work, facilities, supplies, or services for other Government departments, State or local governments, foreign governments, private parties and morale, welfare, and recreational activities.

(a) Work may be done for or on facilities, supplies, or services furnished to departments and agencies of the Federal and State governments, local governments, foreign governments, private parties, and morale, welfare, and recreational activities with the approval of a commanding officer provided:

(1) The cost does not exceed limitations the Secretary of the Navy may approve or specify; and

(2) In the case of private parties, it is in the interest of the government to do so and there is no issue of competition with private industry; and

(3) In the case of foreign governments, a disqualification of a government has not been issued for the benefits of this article.

(b) Work shall not be started nor facilities, supplies, or services furnished morale, welfare, and recreational activities not classified as

instrumentalities of the United States, or state or local governments or private parties, until funds to cover the estimated cost have been deposited with the commanding officer or unless otherwise provided by law.

(c) Work shall not be started, nor facilities, supplies, or services furnished other Federal Government departments and agencies, or expenses charged to non-appropriated funds of morale, welfare and recreational activities classified as instrumentalities of the United States, until reimbursable funding arrangements have been made.

(d) Work, facilities, supplies, or services furnished non-appropriated fund activities classified as instrumentalities of the United States in the Navy Comptroller Manual shall be funded in accordance with regulations of the Comptroller of the Navy.

(e) Supplies or services may be furnished to naval vessels and military aircraft of friendly foreign governments (unless otherwise provided by law or international treaty or agreement):

(1) On a reimbursable basis without an advancement of funds, when in the best interest of the United States:

(i) Routine port services (including pilotage, tugs, garbage removal, linehandling and utilities) in territorial waters or waters under United States control.

(ii) Routine airport services (including air traffic control, parking, servicing and use of runways).

(iii) Miscellaneous supplies (including fuel, provisions, spare parts, and general stores) but not ammunition. Supplies are subject to approval of the cognizant fleet or force commanders when provided overseas.

(iv) With approval of Chief of Naval Operations in each instance, overhauls, repairs, and alterations together with necessary equipment and its installation required in connection therewith, to vessels and military aircraft.

(2) Routine port and airport services may be furnished at no cost to the foreign government concerned where such services are provided by persons of the naval service without direct cost to the Department of the Navy.

(f) In cases of emergency involving possible loss of life or valuable property, work may be started or facilities furnished prior to authorization, or provision for payment, but in all such cases a detailed report of the facts and circumstances shall be made promptly to the Secretary of the Navy or the appropriate authority.

(g) Charges and accounting for any work, supplies, or services shall be as prescribed in the Navy Comptroller Manual.

Commanding Officers Afloat

§ 700.840 Unauthorized persons on board.

The commanding officer shall satisfy him or herself that there is no unauthorized person on board before proceeding to sea or commencing a flight.

§ 700.841 Control of passengers.

(a) Control of passage in and protracted visits to aircraft and ships of the Navy by all persons, within or without the Department of the Navy, shall be exercised by the Chief of Naval Operations.

(b) Nothing in this section shall be interpreted as prohibiting the senior officer present from authorizing the passage in ships and aircraft of the Navy by such persons as he or she judges necessary in the public interest or in the interest of humanity. The senior officer present shall report the circumstances to the Chief of Naval Operations when he or she gives such authorization.

§ 700.842 Authority over passengers.

Except as otherwise provided in these regulations or in orders from competent authority, all passengers in a ship or aircraft of the naval service are subject to the authority of the commanding officer and shall conform to the internal regulations and routine of the ship or aircraft. The commanding officer of such ship or aircraft shall take no disciplinary action against a passenger not in the naval service, other than that authorized by law. The commanding officer may, when he or she deems such an action to be necessary for the safety of the ship or aircraft or of any persons embarked, subject a passenger not in the naval service to such restraint as the circumstances require until such time as delivery to the proper authorities is possible. A report of the matter shall be made to an appropriate superior of the passenger.

§ 700.844 Marriages on board.

The commanding officer shall not perform a marriage ceremony on board his or her ship or aircraft. He or she shall not permit a marriage ceremony to be performed on board when the ship or aircraft is outside the territory of the United States, except:

(a) In accordance with local laws and the laws of the state, territory, or district in which the parties are domiciled, and

(b) In the presence of a diplomatic or consular official of the United States, who has consented to issue the certificates and make the returns required by the consular regulations.

§ 700.845 Maintenance of logs.

(a) A deck log and an engineering log shall be maintained by each ship in commission, and by such other ships and craft as may be designated by the Chief of Naval Operations.

(b) A compass record shall be maintained as an adjunct to the deck log. An engineer's bell book shall be maintained as an adjunct to the engineering log.

(c) The Chief of Naval Operations shall prescribe regulations governing the contents and preparation of the deck and engineering logs and adjunct records.

(d) In the case of a ship or craft equipped with automated data logging equipment, the records generated by such equipment satisfy the requirements of this section.

§ 700.846 Status of logs.

The deck log, the engineering log, the compass record, the bearing hooks, the engineer's bell book, and any records generated by automated data logging equipment shall each constitute an official record of the command.

§ 700.847 Responsibility of a master of an in-service ship of the Military Sealift Command.

(a) In an in-service ship of the Military Sealift Command, the master's responsibility is absolute, except when, and to the extent, relieved therefrom by competent authority. The authority of the master is commensurate with the master's responsibility. The master is responsible for the safety of the ship and all persons on board. He or she is responsible for the safe navigation and technical operation of the ship and has paramount authority over all persons on board. He or she is responsible for the preparation of the abandon ship bill and has exclusive authority to order the ship abandoned. The master may, using discretion, and when not contrary to law or regulation, delegate authority for operation of shipboard functions to competent subordinates. However, such delegation of authority shall in no way relieve the master of continued responsibility for the safety, well-being, and efficiency of the ship.

(b) All orders and instructions of the master shall be in accordance with appropriate laws of the United States, and all applicable orders and regulations of the Navy, Military Sealift Command, and the Office of Personnel Management. A master who departs from the orders or instructions of competent authority or takes official action contrary to such orders or instructions, shall report immediately the circumstances to the authority from

whom the prior orders or instructions were received.

§ 700.848 Relations with merchant seamen.

When in foreign waters, the commanding officer, with the approval of the senior officer present, may receive on board as supernumeraries for rations and passage:

(a) Distressed seamen of the United States for passage to the United States, provided they bind themselves to be amenable in all respects to Navy Regulations.

(b) As prisoners, seamen from merchant vessels of the United States, provided that the witnesses necessary to substantiate the charges against them are received, or adequate means adopted to ensure the presence of such witnesses on arrival of the prisoners at the place where they are to be delivered to the civil authorities.

§ 700.855 Status of boats.

(a) Boats shall be regarded in all matters concerning the rights, privileges and comity of nations as part of the ship or aircraft to which they belong.

(b) In ports where war, insurrection or armed conflict exists or threatens, the commanding officer shall:

(1) Require that boats away from the ship or aircraft have some appropriate and competent person in charge; and

(2) See that steps are taken to make their nationality evident at all times.

§ 700.856 Pilotage.

(a) The commanding officer shall:

(1) Pilot the ship under all ordinary circumstances, but he may employ pilots whenever, in his or her judgment such employment is prudent;

(2) Not call a pilot on board until the ship is ready to proceed;

(3) Not retain a pilot on board after the ship has reached her destination or a point where the pilot is no longer required;

(4) Give preference to licensed pilots; and

(5) Pay pilots no more than the local rates.

(b) A pilot is merely an adviser to the commanding officer. The presence on board of a pilot shall not relieve the commanding officer or any subordinate from his or her responsibility for the proper performance of the duties with which he or she may be charged concerning the navigation and handling of the ship. For an exception to the provisions of this paragraph, see ''Rules and Regulations Covering Navigation of the Panama Canal and Adjacent Waters,'' (35 CFR Chapter I, subchapter C) which directs that the pilot assigned to a vessel in those waters shall have control of the navigation and movement of the vessel. Also see the provisions of these regulations concerning the navigation of ships at a naval shipyard or station, or in entering or leaving drydock.

§ 700.857 Safe navigation and regulations governing operation of ships and aircraft.

(a) The commanding officer is responsible for the safe navigation of his or her ship or aircraft, except as prescribed otherwise in these regulations for ships at a naval shipyard or station, in drydock, or in the Panama Canal. During an armed conflict, an exercise simulating armed conflict, or an authorized law enforcement activity, competent authority may modify the use of lights or other safeguards against collision. Except in time of actual armed conflict, such modifications will be authorized only when ships or aircraft clearly will not be hazarded.

(b) Professional standards and regulations governing shiphandling, safe navigation, safe anchoring and related operational matters shall be promulgated by the Chief of Naval Operations.

(c) Professional standards and regulations governing the operation of naval aircraft and related matters shall be promulgated by the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate.

(d) The Commanding Officer is responsible for ensuring that weather and oceanic effects are considered in the effective and safe operation of his or her ship or aircraft.

§ 700.859 Quarantine.

(a) The commanding officer or aircraft commander of a ship or aircraft shall comply with all quarantine regulations and restrictions, United States or foreign, for the port or area within which the ship or aircraft is located.

(b) The commanding officer shall give all information required by authorized foreign officials, insofar as permitted by military security, and will meet the quarantine requirements promulgated by proper authority for United States or foreign ports. However, nothing in this section shall be interpreted as authorizing commanding officers to permit on board inspections by foreign officials, or to modify in any manner the provisions of § 700.828 of these regulations.

(c) The commanding officer shall allow no intercourse with a port or area or with other ships or aircraft until after consultation with local health authorities when:

(1) Doubt exists as to the sanitary regulations or health conditions of the port or area;

(2) A quarantine condition exists aboard the ship or aircraft;

(3) Coming from a suspected port or area, or one actually under quarantine.

(d) No concealment shall be made of any circumstance that may subject a ship or aircraft of the Navy to quarantine.

(e) Should there appear at any time on board a ship or aircraft conditions which present a hazard of introduction of a communicable disease outside the ship or aircraft, the commanding officer or aircraft commander shall at once report the fact to the senior officer present, to other appropriate higher authorities and, if in port, to the health authorities having quarantine jurisdiction. The commanding officer or aircraft commander shall prevent all contracts likely to spread disease until pratique is received. The commanding officer of a ship in port shall hoist the appropriate signal.

§ 700.860 Customs and immigration inspections.

(a) The commanding officer or aircraft commander shall facilitate any proper examination which it may be the duty of a customs officer or immigration officer of the United States to make on board the ship or aircraft. The commanding officer or air craft commander shall not permit a foreign customs officer or an immigration officer to make any examination whatsoever, except as hereinafter provided, on board the ship, aircraft or boats under his or her command.

(b) When a ship or aircraft of the Navy or a public vessel manned by naval personnel and operating under the direction of the Department of the Navy is carrying cargo for private commercial account, such cargo shall be subject to the local customs regulations of the port, domestic or foreign, in which the ship or aircraft may be, and in all matters relating to such cargo, the procedure prescribed for private merchant vessels and aircraft shall be followed. Government-owned stores or cargo in such ship or aircraft not landed nor intended to be landed nor in any manner trafficked in, are, by the established precedent of international courtesy, exempt from customs duties, but a declaration of such stores or cargo, when required by local customs regulations, shall be made. Commanding officers shall prevent, as far as possible, disputes with the local authorities in such cases, but shall protect the ship or aircraft and the

Government-owned stores and cargo from any search or seizure.

(c) Upon arrival from a foreign country, at the first port of entry in United States territory, the commanding officer, or the senior officer of ships or aircraft in company, shall notify the collector of the port. Each individual aboard shall, in accordance with customs regulations, submit a list of articles purchased or otherwise acquired by him abroad. Dutiable articles shall not be landed until the customs officer has completed his inspection.

(d) Commanding officers of naval vessels and aircraft transporting United States civilian and foreign military and civilian passengers shall satisfy themselves that the passenger clearance requirements of the Immigration and Naturalization Service are complied with upon arrival at points within the jurisdiction of the United States. Clearance for such passengers by an immigration officer is necessary upon arrival from foreign ports and at the completion of movements between any of the following: Continental United States (including Alaska and Hawaii), the Canal Zone, Puerto Rico, Virgin Islands, Guam, American Samoa, or other outlying places subject to United States jurisdiction. Commanding officers, prior to arriving, shall advise the cognizant naval or civilian port authority of the aforementioned passengers aboard and shall detain them for clearance as required by the Immigration and Naturalization Service.

(e) The provisions of this section shall not be construed to require delaying the movements of any ship or aircraft of the Navy in the performance of her assigned duty.

Special Circumstances/Ships in Naval Stations and Shipyards

§ 700.871 Responsibility for safety of ships and craft at a naval station or shipyard.

(a) The commanding officer of a naval station or shipyard shall be responsible for the care and safety of all ships and craft at such station or shipyard not under a commanding officer or assigned to another authority, and for any damage that may be done by or to them. In addition, the commanding officer of a naval station or shipyard shall be responsible for the safe execution of work performed by that activity upon any ship located at the activity.

(b) It shall be the responsibility of the commanding officer of a ship in commission which is undergoing overhaul, or which is otherwise immobilized at a naval station or shipyard, to request such services as are necessary to ensure the safety of the ship. The commanding officer of the naval station or shipyard shall be responsible for providing requested services in a timely and adequate manner.

(c) When a ship or craft not under her own power is being moved by direction of the commanding officer of a naval station or shipyard, that officer shall be responsible for any damage that may result therefrom. The pilot or other person designated for the purpose shall be in direct charge of such movement, and all persons on board shall cooperate with and assist the pilot as necessary. Responsibility for such actions in a private shipyard will be assigned by contract to the contractor.

(d) When a ship operating under her own power is being drydocked, the commanding officer shall be fully responsible for the safety of his ship until the extremity of the ship first to enter the drydock reaches the dock sill and the ship is pointed fair for entering the drydock. The docking officer shall then take charge and complete the docking, remaining in charge until the ship has been properly landed, bilge blocks hauled, and the dock pumped down. In undocking, the docking officer shall assume charge when flooding the dock preparatory to undocking is started, and shall remain in charge until the extremity of the ship last to leave the dock clears the sill, and the ship is pointed fair for leaving the drydock, when the ship's commanding officer shall assume responsibility for the safety and control of the ship.

(e) When a naval ship is to be drydocked in a private shipyard under a contract being administered by a supervisor of shipbuilding, the responsibilities of the commanding officer are the same as in the case of drydocking in a naval shipyard. The responsibilities for the safety of the actual drydocking, normally assigned to the commanding officer of a naval shipyard through the docking officer, will be assigned by contract to the contractor. The supervisor of shipbuilding is responsible, however, for ensuring that the contractor facilities, methods, operations, and qualifications meet the standards of efficiency and safety prescribed by Navy directives.

(f) If the ship is elsewhere than at a naval station or shipyard, the relationship between the commanding officer and the supervisor of shipbuilding, or other appropriate official, shall be the same as that between the commanding officer and the commanding officer of a naval station or naval shipyard as specified in this article.

§ 700.872 Ships and craft in drydock.

(a) The commanding officer of a ship in drydock shall be responsible for effecting adequate closure, during such periods as they will be unattended, of all openings in the ship's bottom upon which no work is being undertaken by the docking activity. The commanding officer of the docking activity shall be responsible for the closing, at the end of working hours, of all valves and other openings in the ship's bottom upon which work is being undertaken by the docking activity, when such closing is practicable.

(b) Prior to undocking, the commanding officer of a ship shall report to the docking officer any material changes in the amount and location of weights on board which have been made by the ship's force while in dock, and shall ensure, and so report, that all sea valves and other openings in the ship's bottom are properly closed. The level of water in the dock shall not be permitted to rise above the keel blocks prior to receipt of this report. The above valves and openings shall be tended during flooding of the dock.

(c) When a ship or craft, not in commission, is in a naval drydock, the provisions of this article shall apply, except that the commanding officer of the docking activity or his representative shall act in the capacity of the commanding officer of the ship or craft.

(d) When a naval ship or craft is in drydock in a private shipyard, responsibility for actions normally assigned by the commanding officer of the docking activity will be assigned by contract to the contractor.

§ 700.873 Inspection incident to commissioning of ships.

When a ship is to be commissioned, the authority designated to place such ship in commission shall, just prior to commissioning, cause an inspection to be made to determine the cleanliness and readiness of the ship to receive its crew and outfit. In the case of the delivery of a ship by a contractor, the above inspection shall precede acceptance of the ship. A copy of the report of this inspection shall be furnished the officer detailed to command the ship and to appropriate commands.

Special Circumstances/Prospective Commanding Officers

§ 700.880 Duties of the prospective commanding officer of a ship.

(a) Except as may be prescribed by the Chief of Naval Operations, the prospective commanding officer of a ship not yet commissioned shall have

no independent authority over the preparation of the ship for service by virtue of his assignment to such duty, until the ship is commissioned and placed under his or her command. The prospective commanding officer shall:

(1) Procure from the commander of the naval shipyard or the supervisor of shipbuilding the general arrangement plans of the ship, and all pertinent information relative to the general condition of the ship and the work being undertaken on the hull, machinery and equipment, upon reporting for duty;

(2) Inspect the ship as soon after reporting for duty as practicable, and frequently thereafter, in order to keep him or herself informed of the state of her preparation for service. If, during the course of these inspections he or she notes an unsafe or potentially unsafe condition, he or she shall report such fact to the commander of the naval shipyard or the supervisor of shipbuilding and to his or her superior for resolution;

(3) Keep him or herself informed as to the progress of the work being done, including tests of equipment, and make such recommendations to the commander of the naval shipyard or the supervisor of shipbuilding as he or her she deems appropriate;

(4) Ensure that requisitions are submitted for articles to outfit the ship which are not otherwise being provided;

(5) Prepare the organization of the ship;

(6) Train the nucleus crew to effectively and efficiently take charge of and operate the ship upon commissioning; and

(7) Make such reports as may be required by higher authority, and include therein a statement of any deficiency in material or personnel.

(b) If the prospective commanding officer does not consider the ship in proper condition to be commissioned at the time the commander of the naval shipyard or the supervisor of shipbuilding signifies his intention of transferring the ship to the prospective commanding officer, he or she shall report that conclusion with his reasons therefor, in writing, to the commander of the naval shipyard or the supervisor of shipbuilding and to the appropriate higher authority.

(c) If the ship is elsewhere than at a naval shipyard, the relationship between the prospective commanding officer and the supervisor of shipbuilding, or other appropriate official, shall be the same as that between the prospective commanding officer and the commander of a naval shipyard as specified in this article.

(d) The Chief of Naval Operations shall be responsible for providing the commanding officer or prospective commanding officer of a naval nuclear powered ship with the authority and direction necessary to carry out his or her responsibilities.

Subpart I—The Senior Officer Present

Contents

§ 700.901 The senior officer present.

Unless some other officer has been so designated by competent authority, the ''senior officer present'' is the senior line officer of the Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of the Navy in the locality or within an area prescribed by competent authority, except where personnel of both the Navy and the Marine Corps are present on shore and the officer of the Marine Corps who is in command is senior to the senior line officer of the Navy. In such cases, the officer of the Marine Corps shall be the senior officer present on shore.

§ 700.902 Eligibility for command at sea.

All officers of the line of the Navy, including Naval Reserve, on active duty, except those designated for the performance of engineering, aeronautical engineering or special duties, and except those limited duty officers who are not authorized to perform all deck duties afloat, are eligible for command at sea.

§ 700.903 Authority and responsibility.

At all times and places not excluded in these regulations, or in orders from competent authority, the senior officer present shall assume command and direct the movements and efforts of all persons in the Department of the Navy present, when, in his or her judgment, the exercise of authority for the purpose of cooperation or otherwise is necessary. The senior officer present shall exercise this authority in a manner consistent with the operational command responsibility vested in the commanders of unified or specified commands.

§ 700.904 Authority of senior officer of the Marine Corps present.

The authority and responsibility of the senior officer present are also conferred upon the senior commanding officer of the Marine Corps present with respect to those units of the Marine Corps, including Navy personnel attached, which are in the locality and not under the authority of the senior officer present.

§ 700.922 Shore patrol.

(a) When liberty is granted to any considerable number of persons, except in an area that can absorb them without danger of disturbance or disorder, the senior officer present shall cause to be established, temporarily or permanently, in charge of an officer, a sufficient patrol of officers, petty officers, and noncommissioned officers to maintain order and suppress any unseemly conduct on the part of any person on liberty. The senior patrol officer shall communicate with the chief of police or other local officials and make such arrangements as may be practicable to aid the patrol in carrying out its duties properly. Such duties may include providing assistance to military personnel in relations with civil courts and police, arranging for release of service personnel from civil authorities to the parent command, and providing other services that favorably influence discipline and morale.

(b) A patrol shall not be landed in any foreign port without first obtaining the consent of the proper local officials. Tact must be used in requesting permission; and, unless it is given willingly and cordially, the patrol shall not be landed. If consent cannot be obtained, the size of liberty parties shall be held to such limits as may be necessary to render disturbances unlikely.

(c) Officers and enlisted personnel on patrol duty in a foreign country normally should not be armed. In the United States, officers and men may be armed as prescribed by the senior officer present.

(d) No officer or enlisted person who is a member of the shore patrol or beach guard, or is assigned in support thereof, shall partake of or indulge in any form of intoxicating beverage or other form of intoxicant while on duty, on post, or at other times prescribed by the senior patrol officer. The senior patrol officer shall ensure that the provisions of this paragraph are strictly observed and shall report promptly in writing to the senior officer present all violations of these provisions that may come to his or her notice. All officers and enlisted personnel of the patrol shall report to the senior patrol officer all violations of the provisions of this paragraph on the part of those under them.

§ 700.923 Precautions for health.

The senior officer present shall take precautions to preserve the health of the persons under his or her authority. He or she shall obtain information regarding the healthfulness of the area and medical facilities available therein

and shall adopt such measures as are required by the situation.

§ 700.924 Medical or dental aid to persons not in the naval service.

The senior officer present may require the officers of the Medical Corps and Dental Corps under his or her authority to render emergency professional aid to persons not in the naval service when such aid is necessary and demanded by the laws of humanity or the principles of international courtesy.

§ 700.934 Exercise of power of consul.

When upon the high seas or in any foreign port where there is no resident consul of the United States, the senior officer present afloat has the authority to exercise all powers of a consul in relation to mariners of the United States.

§ 700.939 Granting of asylum and temporary refuge.

(a) If an official of the Department of the Navy is requested to provide asylum or temporary refuge, the following procedures shall apply:

(1) On the high seas or in territories under exclusive United States jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, territories under United States administration, and possessions):

(i) At his or her request, an applicant for asylum will be received on board any naval aircraft or waterborne craft, Navy or Marine Corps activity or station.

(ii) Under no circumstances shall the person seeking asylum be surrendered to foreign jurisdiction or control, unless at the personal direction of the Secretary of the Navy or higher authority. Persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.

(2) In territories under foreign jurisdiction (including foreign territorial seas, territories, and possessions):

(i) Temporary refuge shall be granted for humanitarian reasons on board a naval aircraft or waterborne craft, Navy or Marine Corps activity or station, only in extreme or exceptional circumstances wherein life or safety of a person is put in imminent danger, such as pursuit by a mob. When temporary refuge is granted, such protection shall be terminated only when directed by the Secretary of the Navy or higher authority.

(ii) A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the CNO or Commandant of the Marine Corps. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions.

(iii) Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.

(iv) While temporary refuge can be granted in the circumstances set forth above, permanent asylum will not be granted.

(v) Foreign nationals who request assistance in forwarding requests for political asylum in the United States will not be received on board, but will be advised to apply in person at the nearest American Embassy or Consulate. If a foreign national is already on board, however, such person will not be surrendered to foreign jurisdiction or control unless at the personal direction of the Secretary of the Navy.

(3) The Chief of Naval Operations or Commandant of the Marine Corps, as appropriate, will be informed by the most expeditious means of all action 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 personnel 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 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 commander in chief, 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.

§ 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 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.

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 stature, Executive Order of the President or departmental regulation.

(d) Any person in the Department of the Navy receiving a request from the public for Department of the Navy records shall be governed by the provisions of the Freedom of Information Act and implementing directives issued by the Secretary of the Navy.

(e) Persons in the Department of the Navy desiring to submit manuscripts to commercial publishers on professional, political or international subjects shall comply with regulations promulgated by the Secretary of the Navy.

(f) No persons in the naval service on active duty or civilian employee of the Department of the Navy shall act as correspondent of a news service or periodical, or as a television or radio news commentator or analyst, unless assigned to such duty in connection with the public affairs activities of the Department of the Navy, or authorized by the Secretary of the Navy. Except as authorized by the Secretary of the Navy, no person assigned to duty in connection with public affairs activities of the Department of the Navy shall receive any compensation for acting as such correspondent, commentator or analyst.

§ 700.1126 Correction of naval records.

(a) Any military record in the Department of the Navy may be corrected by the Secretary of the Navy, acting through the Board for Correction of Naval Records, when the Secretary considers that such action should be taken in order to correct an error or to remove an injustice.

(b) Applications for corrections under this article may be made only after exhaustion of all other administrative remedies afforded by law or regulation.

(c) Applications for such corrections should be submitted to the Secretary of the Navy (Board for Correction of Naval Records) in accordance with procedural regulations established by the Secretary of the Navy and approved by the Secretary of Defense.

§ 700.1127 Control of official records.

(a) No person, without proper authority, shall withdraw official records or correspondence from the files, or destroy them, or withhold them from those persons authorized to have access to them.

(b) 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.

(c) 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.

§ 700.1128 Official records in civil courts.

(a) Department of the Navy personnel shall not provide official information, testimony, or documents, submit to interview, or permit a view or visit, for litigation purposes, without special written authorization.

(b) Department of the Navy personnel shall not provide, with or without compensation, opinion or expert testimony concerning official Department of Defense information, subjects, personnel or activities, except on behalf of the United States or a party represented by the Department of Justice, or with special written authorization.

Duties of Individuals

§ 700.1138 Responsibilities concerning marijuana, narcotics, and other controlled substances.

(a) All personnel shall endeavor to prevent and eliminate the unauthorized use of marijuana, narcotics and other controlled substances within the naval service.

(b) The wrongful possession, use, introduction, manufacture, distribution and possession, or introduction with intent to distribute, of a controlled substance by persons in the naval service are offenses under Article 112a, Uniform Code of Military Justice. Except for authorized medicinal or other authorized purposes, the possession, use, introduction, sale, or other transfer of marijuana, narcotics or other controlled substances on board any ship or aircraft of the Department of the Navy or within any naval base, station or other place under the jurisdiction of the Department of the Navy by all persons is prohibited.

(c) The term ''controlled substance'' means: a drug or other substance included in Schedule I, II, III, IV, or V established by section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), as updated and republished under the provisions of that Act (21 U.S.C. 812).

§ 700.1139 Rules for preventing collisions, afloat and in the air.

(a) All persons in the naval service responsible for the operation of naval ships, craft and aircraft shall diligently observe the International Rules for Preventing Collisions at Sea (commonly called the COLREGS) (33 CFR chapter I), Inland Navigation Rules (33 CFR chapter I), domestic and international air traffic regulations (14 CFR chapter I), and such other rules and regulations as may be established by the Secretary of Transportation or other competent authority for regulating traffic and preventing collisions on the high seas, in inland waters or in the air, where such laws, rules and regulations are applicable to naval ships and aircraft. In those situations where such law, rule or regulation is not applicable to naval ships, craft or aircraft, they shall be operated with due regard for the safety of others.

(b) Any significant infraction of the laws, rules and regulations governing traffic or designed to prevent collisions on the high seas, in inland waters, or in the air which may be observed by persons in the naval service shall be promptly reported to their superiors, including the Chief of Naval Operations or Commandant of the Marine Corps when appropriate.

(c) Reports need not be made under this article if the facts are otherwise reported in accordance with other directives, including duly authorized safety programs.

Rights and Restrictions

§ 700.1162 Alcoholic beverages.

(a) Except as may be authorized by the Secretary of the Navy, the introduction, possession or use of alcoholic beverages on board any ship, craft, aircraft, or in any vehicle of the Department of the Navy is prohibited. The transportation of alcoholic beverages for personal use ashore is authorized, subject to the discretion of the officer in command or officer in charge, or higher authority, when the beverages are delivered to the custody of the officer in command or officer in charge of the ship, craft, or

aircraft in sealed packages, securely packed, properly marked and in compliance with customs laws and regulations, and stored in securely locked compartments, and the transportation can be performed without undue interference with the work or duties of the ship, craft, or aircraft. Whenever an alcoholic beverage is brought on board any ship, craft, or aircraft for transportation for personal use ashore, the person who brings it on board shall at that time file with the officer in command or officer in charge of the ship, craft or aircraft, a statement of the quantity and kind of alcoholic beverage brought on board, together with a certification that its importation will be in compliance with customs and internal revenue laws and regulations and applicable State or local laws at the place of debarkation.

(b) The introduction, possession and use of alcoholic beverages for personal consumption or sale is authorized within naval activities and other places ashore under naval jurisdiction to the extent and in such manner as the Secretary of the Navy may prescribe.

§ 700.1165 Fraternization prohibited.

(a) Personal relationships between officer and enlisted members which are unduly familiar and which do not respect differences in rank are inappropriate and violate long-standing traditions of the naval service.

(b) When prejudicial to good order and discipline or of a nature to bring discredit on the naval service, personal relationships are prohibited:

(1) Between an officer and an enlisted member which are unduly familiar and do not respect differences in rank and grade;

(2) Between officer members which are unduly familiar and do not respect differences in rank and grade where a direct senior-subordinate supervisory relationship exists; and

(3) Between enlisted members which are unduly familiar and do not respect differences in rank and grade where a direct senior-subordinate supervisory relationship exists.

(c) Violation of this article may result in administrative or punitive action. This article applies in its entirety to all regular and reserve personnel.

§ 700.1166 Sexual harassment.

(a) Sexual harassment will not be condoned or tolerated in the Department of the Navy. It is a form of arbitrary discrimination which is unprofessional, unmilitary, and which adversely affects morale and discipline and ultimately the mission effectiveness of the command involved.

(b) Personnel who use implicit or explicit sexual behavior to control, influence or affect the career, promotion opportunities, duty assignments or pay of any other person are engaging in sexual harassment. Naval personnel who make deliberate or repeated offensive verbal comments, gestures or physical contact of a sexual nature in the work environment are also engaging in sexual harassment.

§ 700.1167 Supremacist activity.

No person in the naval service shall participate in any organization that espouses supremacist causes; attempts to create illegal discrimination based on race, creed, color, sex, religion, or national origin; advocates the use of force or violence against the Government of the United States or the Government of any state, territory, district, or possession thereof, or the Government of any subdivision therein; or otherwise engages in efforts to deprive individuals of their civil rights. The term ''participate'', as used in this article, includes acts or conduct, performed alone or in concert with another, such as demonstrating, rallying, fundraising, recruiting, training, or organizing or leading such organizations. The term ''participate'' also includes engaging in any other activities in relation to such organizations or in furtherance of the objectives of such organizations when such activities are detrimental to good order, discipline, or mission accomplishment.

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