

(4) exercise supervision, consistent with the full operational command vested in unified or specified combatant commanders under chapter 6 of this title, over such of the members and organizations of the Navy and Marine Corps as the Secretary determines;

(5) perform the duties prescribed for him by section 171 of this title and other provisions of law;

(6) keep the Secretary fully informed on matters considered or acted upon by the Joint Chiefs of Staff; and

(7) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

(e) The Chief of Naval Operations shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

(NOTE: Section 5033 is relocated from chapter 509 with changes.)

#### § [5083] 5034. Chief of Naval Operations: retirement

An officer who is retired while serving as Chief of Naval Operations, or who, after serving at least two and one-half years as Chief of Naval Operations, is retired after completion of that service while serving in a lower [rank or] grade *than admiral*, may, in the discretion of the President, be retired with the grade of admiral. The retired pay of such an officer shall be computed at the highest rates of basic pay applicable to him while he served in that office.

(NOTE: Section 5034 is relocated from chapter 509 with a minor technical change.)

#### § [5085] 5035. Vice Chief of Naval Operations: appointment; [powers;] powers and duties; succession to duties of Chief of Naval Operations

(a) There is a Vice Chief of Naval Operations appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list in the line of the Navy serving in grades above captain and eligible to command at sea.

(b) *The Vice Chief of Naval Operations, while so serving, has the grade of admiral without vacating his regular or reserve grade.*

[b] (c) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same effect as those issued by the Chief of Naval Operations.

(d) *When there is a vacancy in the office of Chief of Naval Operations or during the absence or disability of the Chief of Naval Operations—*

(1) *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; or*

(2) *if there is a vacancy in the office of the 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 in the Office of the Chief of Naval Oper-*