

Chapter 1

**STATUTORY AUTHORITY FOR
UNITED STATES NAVY REGULATIONS**

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0101. Origin and History of United States Navy Regulations.

1. 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."

2. 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."

3. 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.

4. While leaving this provision unaffected, Congress enacted the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 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.

0102. 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 Article 0104.

0103. Purpose and Effect of United States Navy Regulations.

United States Navy Regulations is the principal 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

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Department of the Navy shall not conflict with, alter or amend any provision of Navy Regulations.

0104. 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.

0105. 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.

0106. Control of Administrative Requirements.

1. 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:

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

b. 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.

2. 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:

a. reduction of directives by cancellation or consolidation; or

b. reduction of reporting requirements by elimination of the report, reduction in the frequency of the report, or combination with other reports.

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

0107. Maintenance of Navy Regulations.

1. 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 other 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.

2. 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.