

(1) the ability of the Staff Judge Advocate to the Commandant of the Marine Corps to give independent legal advice to the Commandant of the Marine Corps; or

(2) the ability of judge advocates of the Marine Corps assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.

(Added Pub. L. 99-661, div. A, title V, § 509(a)(1), Nov. 14, 1986, 100 Stat. 3868; amended Pub. L. 103-337, div. A, title V, § 504(b)(4), Oct. 5, 1994, 108 Stat. 2751; Pub. L. 108-375, div. A, title V, § 574(b)(2), Oct. 28, 2004, 118 Stat. 1922; Pub. L. 110-417, [div. A], title V, § 504(a), Oct. 14, 2008, 122 Stat. 4434; Pub. L. 112-239, div. A, title V, § 531(a), (b), Jan. 2, 2013, 126 Stat. 1725, 1726.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, § 531(a), substituted “appointed by the President, by and with the advice and consent of the Senate,” for “detailed” and “If the officer to be appointed as the Staff Judge Advocate to the Commandant of the Marine Corps holds a grade lower than the grade of major general immediately before the appointment, the officer shall be appointed in the grade of major general.” for “The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.”

Subsecs. (c), (d). Pub. L. 112-239, § 531(b), added subsec. (c) and redesignated former subsec. (c) as (d).

2008—Subsec. (a). Pub. L. 110-417 substituted “The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.” for “If an officer appointed as the Staff Judge Advocate to the Commandant of the Marine Corps holds a lower regular grade, the officer shall be appointed in the regular grade of brigadier general.”

2004—Subsec. (c). Pub. L. 108-375 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-337, § 504(b)(4)(A), added second sentence and struck out former second sentence which read as follows: “While so serving, a judge advocate who holds a grade lower than brigadier general shall hold the grade of brigadier general if appointed to that grade by the President, by and with the advice and consent of the Senate.”

Subsec. (b). Pub. L. 103-337, § 504(b)(4)(B), added subsec. (b) and struck out former subsec. (b) which read as follows: “An officer retiring from the position of Staff Judge Advocate to the Commandant of the Marine Corps, after serving at least three years in that position, shall be retired in the highest grade in which that officer served on active duty satisfactorily, as determined by the Secretary of the Navy.”

EFFECTIVE DATE

Pub. L. 99-661, div. A, title V, § 509(b), Nov. 14, 1986, 100 Stat. 3868, provided that: “Section 5046 of title 10, United States Code, as added by subsection (a), shall apply only with respect to appointments as Staff Judge Advocate to the Commandant of the Marine Corps made on or after the date of the enactment of this Act [Nov. 14, 1986].”

TRANSITION PROVISION FOR RETIREMENT OF STAFF JUDGE ADVOCATES

Pub. L. 99-661, div. A, title V, § 509(d), Nov. 14, 1986, 100 Stat. 3868, provided that: “Notwithstanding section 1370(a)(2) of title 10, United States Code, an officer serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps, or an equivalent position, on the day before the date of the enactment of this Act [Nov. 14, 1986], if retired after having served in such position (or equivalent position) at least three years, including any service in such position (or its equivalent) before such date, shall be retired in the highest grade in which the officer served on active duty satisfactorily, as determined by the Secretary of the Navy.”

§ 5047. Legislative Assistant to the Commandant

There is in the Marine Corps a Legislative Assistant to the Commandant. An officer assigned to that position shall be in a grade above colonel.

(Added Pub. L. 107-314, div. A, title V, § 504(d)(3)(A), Dec. 2, 2002, 116 Stat. 2532.)

CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY

Sec.
5061. Department of the Navy: composition.
5062. United States Navy: composition; functions.
5063. United States Marine Corps: composition; functions.

AMENDMENTS

1986—Pub. L. 99-433, title V, § 511(b)(1), Oct. 1, 1986, 100 Stat. 1042, inserted heading for new chapter 507 relating to composition of the Department of the Navy, and items 5061 to 5063. The heading for former chapter 507, relating to Office of the Comptroller of the Navy, and former items 5061 to 5064 were struck out as part of the repeal of former chapter 507 by Pub. L. 99-433, title V, § 511(a), Oct. 1, 1986, 100 Stat. 1042.

§ 5061. Department of the Navy: composition

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

(Added Pub. L. 99-433, title V, § 511(b)(1), Oct. 1, 1986, 100 Stat. 1043.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5011 of this title prior to enactment of Pub. L. 99-433.

A prior section 5061, act Aug. 10, 1956, ch. 1041, 70A Stat. 280, related to appointment and functions of Comptroller of the Navy, prior to repeal by Pub. L. 99-433, § 511(a).

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5062. United States Navy: composition; functions

(a) The Navy, within the Department of the Navy, includes, in general, naval combat and service forces and such aviation as may be organic therein. The Navy shall be organized,