

Judge Advocate to the Commandant of the Marine Corps in chapter 47 (the Uniform Code of Military Justice) and chapter 53 of this title; and

(3) perform such other duties as may be assigned to the Staff Judge Advocate.

(d) No officer or employee of the Department of Defense may interfere with—

(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, §5046; 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; Pub. L. 114-328, div. A, title V, §502(x), Dec. 23, 2016, 130 Stat. 2104; Pub. L. 115-91, div. A, title V, §508(a), Dec. 12, 2017, 131 Stat. 1375; renumbered §8046, Pub. L. 115-232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5046 of this title as this section.

2017—Subsec. (b). Pub. L. 115-91 designated existing provisions as par. (1) and added par. (2).

2016—Subsec. (a). Pub. L. 114-328 struck out last sentence which read as follows: “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.”

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 OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

#### EFFECTIVE DATE

Pub. L. 99-661, div. A, title V, §509(b), Nov. 14, 1986, 100 Stat. 3868, provided that: “Section 5046 [now 8046] 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.”

### § 8047. Legislative Assistant to the Commandant

There is in the Marine Corps a Legislative Assistant to the Commandant.

(Added Pub. L. 107-314, div. A, title V, §504(d)(3)(A), Dec. 2, 2002, 116 Stat. 2532, §5047; amended Pub. L. 114-328, div. A, title V, §502(y), Dec. 23, 2016, 130 Stat. 2104; renumbered §8047, Pub. L. 115-232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5047 of this title as this section.

2016—Pub. L. 114-328 struck out second sentence which read as follows: “An officer assigned to that position shall be in a grade above colonel.”

#### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

### CHAPTER 807—COMPOSITION OF THE DEPARTMENT OF THE NAVY

Sec.	
8061.	Department of the Navy: composition.
8062.	United States Navy: composition; functions.
8063.	United States Marine Corps: composition; functions.

#### PRIOR PROVISIONS

A prior chapter 807, consisting of sections 8061 to 8084, related to the Air Force, prior to renumbering as chapter 907 of this title.

#### AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §807(e)(1), (f)(1), Aug. 13, 2018, 132 Stat. 1837, 1838, redesignated