

“and 2547”, was repealed by Pub. L. 117–81, §1701(r)(1)(B).

Pub. L. 116–283, §1808(d)(3), as added by Pub. L. 117–81, §1701(r)(2), substituted “and 3104” for “and 2547”.

2018—Pub. L. 115–232, §807(a)(1), renumbered section 5043 of this title as this section.

Subsec. (d). Pub. L. 115–232, §809(a), substituted “section 8013(f)” for “section 5013(f)”.

2015—Subsec. (e)(5). Pub. L. 114–92 substituted “sections 171 and 2547” for “section 171”.

2003—Subsec. (a)(1). Pub. L. 108–136 substituted “from the general officers of the Marine Corps” for “from officers on the active-duty list of the Marine Corps not below the grade of colonel”.

1996—Subsec. (c). Pub. L. 104–106 struck out subsec. (c) which read as follows: “An officer who is retired while serving as Commandant of the Marine Corps, or who, after serving at least two and one-half years as Commandant, is retired after completion of that service while serving in a lower grade than general, may, in the discretion of the President and by and with the advice and consent of the Senate, be retired with the grade of general.”

1991—Subsec. (c). Pub. L. 102–190 inserted “and by and with the advice and consent of the Senate” after “President”.

1988—Subsec. (a)(2)(B). Pub. L. 100–456 substituted “full tour of duty in a joint duty assignment (as defined in section 664(f) of this title)” for “joint duty assignment”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

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.

WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF

For provisions giving President temporary authority to waive requirements in subsec. (a)(2) of this section, see section 532(c) of Pub. L. 99–433, title V, Oct. 1, 1986, 100 Stat. 1063, which was formerly set out as a note under section 3033 of this title.

§ 8044. Assistant Commandant of the Marine Corps

(a) There is an Assistant Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list of the Marine Corps not restricted in the performance of duty.

(b) The Assistant Commandant of the Marine Corps, while so serving, has the grade of general without vacating his permanent grade.

(c) The Assistant Commandant has such authority and duties with respect to the Marine Corps as the Commandant, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Assistant

Commandant in performing such duties have the same effect as those issued by the Commandant.

(d) When there is a vacancy in the office of Commandant of the Marine Corps, or during the absence or disability of the Commandant—

(1) 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

(2) 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 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 Assistant Commandant ceases, whichever occurs first.

(Added Pub. L. 99–433, title V, §513(b), Oct. 1, 1986, 100 Stat. 1054, §5044; renumbered §8044, Pub. L. 115–232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5202 of this title prior to enactment of Pub. L. 99–433.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 5044 of this title as this section.

Statutory Notes and Related Subsidiaries

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.

§ 8045. Deputy Commandants

There are in the Headquarters, Marine Corps, not more than eight Deputy Commandants, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.

(Added Pub. L. 99–433, title V, §513(b), Oct. 1, 1986, 100 Stat. 1054, §5045; amended Pub. L. 106–398, §1 [[div. A], title IX, §902(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–224; Pub. L. 107–314, div. A, title IX, §934, Dec. 2, 2002, 116 Stat. 2626; Pub. L. 114–328, div. A, title V, §503(c), Dec. 23, 2016, 130 Stat. 2107; renumbered §8045, Pub. L. 115–232, div. A, title VIII, §807(a)(1), Aug. 13, 2018, 132 Stat. 1834; Pub. L. 118–159, div. A, title V, §509A, Dec. 23, 2024, 138 Stat. 1872.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159 substituted “not more than eight Deputy Commandants” for “not more than seven Deputy Commandants”.

2018—Pub. L. 115–232 renumbered section 5045 of this title as this section.

2016—Pub. L. 114-328 substituted “seven” for “six”.

2002—Pub. L. 107-314 substituted “six” for “five”.

2000—Pub. L. 106-398 amended section catchline and text generally. Prior to amendment, text read as follows: “There are in the Headquarters, Marine Corps, a Chief of Staff, not more than five Deputy Chiefs of Staff, and not more than three Assistant Chiefs of Staff, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.”

Statutory Notes and Related Subsidiaries

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.

§ 8046. Staff Judge Advocate to the Commandant of the Marine Corps

(a) An officer of the Marine Corps who is a judge advocate and a member of the bar of a Federal court or the highest court of a State or territory and who has had at least eight years of experience in legal duties as a commissioned officer may be appointed by the President, by and with the advice and consent of the Senate, as Staff Judge Advocate to the Commandant of the Marine Corps.

(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy, in selecting an officer for recommendation to the President for appointment as the Staff Judge Advocate to the Commandant of the Marine Corps, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

(2) If the Secretary of the Navy elects to convene a selection board under section 611(a) of this title to consider eligible officers for selection to appointment as Staff Judge Advocate, the Secretary may, in connection with such consideration for selection—

(A) treat any section in chapter 36 of this title referring to promotion to the next higher grade as if such section referred to promotion to a higher grade; and

(B) waive section 619(a)(2) of this title if the Secretary determines that the needs of the Marine Corps require the waiver.

(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

(1) perform such duties relating to legal matters arising in the Marine Corps as may be assigned to the Staff Judge Advocate;

(2) perform the functions and duties, and exercise the powers, prescribed for the Staff 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.)

Editorial Notes

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.”

Statutory Notes and Related Subsidiaries

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