

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 [former] 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.”

[In determining retired grade of certain commissioned officers of the Armed Forces who retire after Jan. 1, 2021, any reference to section 1370 of title 10 in such determination with respect to such officers deemed to be a reference to section 1370a of title 10, see section 508(c) of Pub. L. 116-283, set out as a note under section 1370 of this title.]

§ 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.)

Editorial Notes

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.”

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.

§ 8048. Medical Officer of the Marine Corps

(a) There is a Medical Officer of the Marine Corps who shall be appointed from among flag officers of the Navy.

(b) The Medical Officer of the Marine Corps, while so serving, shall hold the grade of rear admiral (lower half).

(Added Pub. L. 118-159, div. A, title V, § 509B(a)(1), Dec. 23, 2024, 138 Stat. 1872.)

CHAPTER 807—COMPOSITION OF THE DEPARTMENT OF THE NAVY

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

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 chapter 507 of this title as this chapter and items 5061 to 5063 as 8061 to 8063, respectively.

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.

§ 8061. 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, § 5061; renumbered § 8061, 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 5011 of this title prior to enactment of Pub. L. 99-433.

A prior section 8061 was renumbered section 9061 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 5061 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.

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.

§ 8062. 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, trained, and equipped for the peacetime promotion of the national security interests and prosperity of the United States and for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the duties described in the preceding sentence except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

(b) The naval combat forces of the Navy shall include not less than 11 operational aircraft carriers and not less than 31 operational amphibious warfare ships, of which not less than 10 shall be amphibious assault ships. For purposes of this subsection, an operational aircraft carrier or amphibious warfare ship includes an aircraft carrier or amphibious warfare ship that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.

(c) All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy. Naval aviation consists of combat and service and training forces, and includes land-based naval aviation, air transport essential for naval operations, all air weapons and air techniques involved in the operations and activities of the Navy, and the entire remainder of the aeronautical organization of the Navy, together with the personnel necessary therefor.

(d) The Navy shall develop aircraft, weapons, tactics, technique, organization, and equipment of naval combat and service elements. Matters of joint concern as to these functions shall be coordinated between the Army, the Air Force, the Coast Guard, the Space Force, and the Navy.

(e) The Secretary of the Navy shall ensure that—

(1) the Navy maintains a minimum of 9 carrier air wings until the earlier of—

(A) the date on which additional operationally deployable aircraft carriers can fully support a 10th carrier air wing; or

(B) October 1, 2025;

(2) after the earlier of the two dates referred to in subparagraphs (A) and (B) of paragraph (1), the Navy maintains a minimum of 10 carrier air wings; and

(3) for each such carrier air wing, the Navy maintains a dedicated and fully staffed headquarters.

(f)(1)(A) During the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023 and end-

ing on September 30, 2027, the Secretary of the Navy may not—

(i) retire an EA-18G aircraft;

(ii) reduce funding for unit personnel or weapon system sustainment activities for EA-18G aircraft in a manner that presumes future congressional authority to divest such aircraft;

(iii) place an EA-18G aircraft in active storage status or inactive storage status; or

(iv) keep an EA-18G aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions.

(B) The prohibition under subparagraph (A) shall not apply to individual EA-18G aircraft that the Secretary of the Navy determines, on a case-by-case basis, to be no longer mission capable and uneconomical to repair because of aircraft accidents or mishaps.

(2)(A) The Secretary of the Navy shall maintain a total aircraft inventory of EA-18G aircraft of not less than 158 aircraft, of which not less than 126 aircraft shall be coded as primary mission aircraft inventory.

(B) The Secretary of the Navy may reduce the number of EA-18G aircraft in the inventory of the Navy below the minimum number specified in subparagraph (A) if the Secretary determines, on a case-by-case basis, that an aircraft is no longer mission capable and uneconomical to repair because of aircraft accidents or mishaps.

(C) In this paragraph, the term “primary mission aircraft inventory” means aircraft assigned to meet the primary aircraft authorization—

(i) to a unit for the performance of its wartime mission;

(ii) to a training unit for technical and specialized training for crew personnel or leading to aircrew qualification;

(iii) to a test unit for testing of the aircraft or its components for purposes of research, development, test, and evaluation, operational test and evaluation, or to support testing programs; or

(iv) to meet requirements for missions not otherwise specified in clauses (i) through (iii).

(g) A nuclear powered aircraft carrier may not be retired before its first refueling.

(h) In this section, the term “amphibious warfare ship” means a ship that is classified as an amphibious assault ship (general purpose) (LHA), an amphibious assault ship (multi-purpose) (LHD), an amphibious transport dock (LPD), or a dock landing ship (LSD).

(Aug. 10, 1956, ch. 1041, 70A Stat. 277, § 5012; renumbered § 5062 and amended Pub. L. 99-433, title V, § 511(b)(3), (4), Oct. 1, 1986, 100 Stat. 1043; Pub. L. 109-163, div. A, title I, § 126(a), Jan. 6, 2006, 119 Stat. 3159; Pub. L. 109-364, div. A, title X, § 1011(a), Oct. 17, 2006, 120 Stat. 2374; Pub. L. 114-328, div. A, title X, § 1042(a), Dec. 23, 2016, 130 Stat. 2393; renumbered § 8062, Pub. L. 115-232, div. A, title VIII, § 807(a)(1), Aug. 13, 2018, 132 Stat. 1834; Pub. L. 116-283, div. A, title X, § 1054, Jan. 1, 2021, 134 Stat. 3850; Pub. L. 117-81, div. A, title X, § 1053, Dec. 27, 2021, 135 Stat. 1908; Pub. L. 117-263, div. A, title I, § 121(a), title IX, § 913, title X, § 1023, Dec. 23, 2022, 136 Stat. 2440, 2751, 2764; Pub. L. 118-31, div. A, title I, § 121(a)(1), title