

2011—Subsec. (e). Pub. L. 112–81 struck out subsec. (e). Prior to amendment, text read as follows:

“(1) The Chief of Navy Reserve shall submit to the Secretary of Defense, through the Secretary of the Navy, an annual report on the state of the Navy Reserve and the ability of the Navy Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Naval Operations and may be submitted in classified and unclassified versions.

“(2) The Secretary of Defense shall transmit the annual report of the Chief of Navy Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.”

2006—Pub. L. 109–163, §515(b)(3)(A), substituted “Navy Reserve” for “Naval Reserve” in section catchline.

Pub. L. 109–163, §515(b)(1)(F), substituted “Navy Reserve” for “Naval Reserve” wherever appearing in text. Subsec. (a). Pub. L. 109–163, §515(b)(2), substituted “NAVY RESERVE” for “NAVAL RESERVE” in heading.

2004—Subsec. (b)(4). Pub. L. 108–375 substituted “December 31, 2006” for “December 31, 2004”.

2002—Subsec. (b)(4). Pub. L. 107–314 substituted “December 31, 2004” for “October 1, 2003” in introductory provisions.

2000—Subsec. (b). Pub. L. 106–398, §1 [[div. A], title V, §507(b)], amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “The President, by and with the advice and consent of the Senate, shall appoint the Chief of Naval Reserve from officers who—

“(1) have had at least 10 years of commissioned service;

“(2) are in a grade above captain; and

“(3) have been recommended by the Secretary of the Navy.”

Subsec. (c). Pub. L. 106–398, §1 [[div. A], title V, §507(b)], amended heading and text of subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(c) GRADE.—(1) The Chief of Naval Reserve holds office for a term determined by the Chief of Naval Operations, normally four years, but may be removed for cause at any time. He is eligible to succeed himself.

“(2) The Chief of Naval Reserve, while so serving, has the grade of rear admiral, without vacating the officer’s permanent grade. However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of vice admiral.”

Subsec. (c)(2). Pub. L. 106–398, §1 [[div. A], title X, §1087(a)(18)], substituted “has the grade of” for “has a grade”.

1999—Subsec. (c)(2). Pub. L. 106–65 substituted “rear admiral” for “above rear admiral (lower half)” and inserted at end “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of vice admiral.”

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.

EFFECTIVE DATE OF 1999 AMENDMENT; APPLICABILITY TO INCUMBENTS

Amendment by Pub. L. 106–65 effective 60 days after Oct. 5, 1999, with special provision for an officer who is a covered position incumbent who is appointed under that amendment to the grade of lieutenant general or vice admiral, see section 554(g), (h) of Pub. L. 106–65, set out as a note under section 7038 of this title.

§ 8084. Office of Marine Forces Reserve: appointment of Commander

(a) ESTABLISHMENT OF OFFICE; COMMANDER, MARINE FORCES RESERVE.—There is in the execu-

tive part of the Department of the Navy an Office of the Marine Forces Reserve, which is headed by the Commander, Marine Forces Reserve. The Commander, Marine Forces Reserve, is the principal adviser to the Commandant on Marine Forces Reserve matters.

(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Commander, Marine Forces Reserve, from general officers of the Marine Corps Reserve who have had at least 10 years of commissioned service.

(2) The Secretary of Defense may not recommend an officer to the President for appointment as Commander, Marine Forces Reserve, unless the officer—

(A) is recommended by the Secretary of the Navy; and

(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

(3) An officer on active duty for service as the Commander, Marine Forces Reserve, shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

(4) Until December 31, 2006, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Commander, Marine Forces Reserve, if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

(A) the officer is qualified for service in the position; and

(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

(c) TERM; REAPPOINTMENT.—The Commander, Marine Forces Reserve, is appointed for a term determined by the Commandant of the Marine Corps, normally four years, but may be removed for cause at any time. An officer serving as Commander, Marine Forces Reserve, may be reappointed for one additional term of up to four years.

(d) ANNUAL REPORT.—The Commander, Marine Forces Reserve, shall submit to the Secretary of Defense, through the Secretary of the Navy, an annual report on the state of the Marine Corps Reserve and the ability of the Marine Corps Reserve to meet its missions. The report shall be prepared in conjunction with the Commandant of the Marine Corps and may be submitted in classified and unclassified versions.

(Added Pub. L. 104–201, div. A, title XII, §1212(c)(1), Sept. 23, 1996, 110 Stat. 2692, §5144; amended Pub. L. 106–65, div. A, title V, §554(d), Oct. 5, 1999, 113 Stat. 617; Pub. L. 106–398, §1 [[div. A], title V, §507(c), title X, §1087(a)(19)], Oct. 30, 2000, 114 Stat. 1654, 1654A–103, 1654A–291; Pub. L. 107–314, div. A, title V, §501(a), Dec. 2, 2002, 116 Stat. 2529; Pub. L. 108–375, div. A, title V, §536(a), Oct. 28, 2004, 118 Stat. 1901; Pub. L. 114–328, div. A, title V, §502(ee), Dec. 23, 2016, 130 Stat. 2105; Pub. L. 115–91, div. A, title X, §1051(a)(29), Dec. 12, 2017, 131 Stat. 1562; renumbered §8084 and amended Pub. L. 115–232, div. A, title VIII,

§§ 807(a)(2), 809(a), Aug. 13, 2018, 132 Stat. 1834, 1840; Pub. L. 116-92, div. A, title V, § 514(a), Dec. 20, 2019, 133 Stat. 1349.)

Editorial Notes

PRIOR PROVISIONS

A prior section 8084 was successively renumbered section 9084, 9068, and 9083 of this title and subsequently repealed.

AMENDMENTS

2019—Subsec. (b)(1). Pub. L. 116-92 substituted “general officers of the Marine Corps Reserve” for “general officers of the Marine Corps (as defined in section 8001(2))”.

2018—Pub. L. 115-232, § 807(a)(2), renumbered section 5144 of this title as this section.

Subsec. (b)(1). Pub. L. 115-232, § 809(a), substituted “section 8001(2)” for “section 5001(2)”.

2017—Subsec. (d). Pub. L. 115-91 struck out par. (1) designation before “The Commander,” and struck out par. (2) which read as follows: “The Secretary of Defense shall transmit the annual report of the Commander, Marine Forces Reserve, under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.”

2016—Subsec. (c). Pub. L. 114-328, in heading, struck out “; Grade” after “Reappointment”, and in text, struck out par. (1) designation before “The Commander, Marine Forces Reserve,” and struck out par. (2) which read as follows: “The Commander, Marine Forces Reserve, while so serving, holds the grade of lieutenant general.”

2004—Subsec. (b)(4). Pub. L. 108-375 substituted “December 31, 2006” for “December 31, 2004”.

2002—Subsec. (b)(4). Pub. L. 107-314 substituted “December 31, 2004” for “October 1, 2003”.

2000—Subsec. (b). Pub. L. 106-398, § 1 [[div. A], title V, § 507(c)], amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “The President, by and with the advice and consent of the Senate, shall appoint the Commander, Marine Forces Reserve, from officers of the Marine Corps who—

“(1) have had at least 10 years of commissioned service;

“(2) are in a grade above colonel; and

“(3) have been recommended by the Secretary of the Navy.”

Subsec. (c). Pub. L. 106-398, § 1 [[div. A], title V, § 507(c)], amended heading and text of subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(c) TERM OF OFFICE; GRADE.—(1) The Commander, Marine Forces Reserve, holds office for a term determined by the Commandant of the Marine Corps, normally four years, but may be removed for cause at any time. He is eligible to succeed himself.

“(2) The Commander, Marine Forces Reserve, while so serving, has the grade of major general, without vacating the officer’s permanent grade. However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”

Subsec. (c)(2). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(19)], substituted “has the grade of” for “has a grade”.

1999—Subsec. (c)(2). Pub. L. 106-65 substituted “major general” for “above brigadier general” and inserted at end “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. A, title V, § 514(b), Dec. 20, 2019, 133 Stat. 1349, provided that: “The amendment made by

subsection (a) [amending this section] shall take effect on the date that is one year after the date of the enactment of this Act [Dec. 20, 2019] and shall apply to appointments made after such date.”

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 OF 1999 AMENDMENT; APPLICABILITY TO INCUMBENTS

Amendment by Pub. L. 106-65 effective 60 days after Oct. 5, 1999, with special provision for an officer who is a covered position incumbent who is appointed under that amendment to the grade of lieutenant general or vice admiral, see section 554(g), (h) of Pub. L. 106-65, set out as a note under section 7038 of this title.

§ 8088. Judge Advocate General’s Corps: Office of the Judge Advocate General; Judge Advocate General; appointment, term, emoluments, duties

(a) The Judge Advocate General’s Corps is a Staff Corps of the Navy, and shall be organized in accordance with regulations prescribed by the Secretary of the Navy.

(b) There is in the executive part of the Department of the Navy the Office of the Judge Advocate General of the Navy. The Judge Advocate General shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. He shall be appointed from judge advocates of the Navy or the Marine Corps who are members of the bar of a Federal court or the highest court of a State and who have had at least eight years of experience in legal duties as commissioned officers.

(c) 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 Judge Advocate General, 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.

(d) The Judge Advocate General of the Navy, under the direction of the Secretary of the Navy, shall—

(1) perform duties relating to legal matters arising in the Department of the Navy as may be assigned to him;

(2) perform the functions and duties and exercise the powers prescribed for the Judge Advocate General in chapter 47 of this title;

(3) receive, revise, and have recorded the proceedings of boards for the examination of officers of the naval service for promotion and retirement; and

(4) perform such other duties as may be assigned to him.

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

(1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Navy or the Chief of Naval Operations; or

(2) the ability of judge advocates of the Navy assigned or attached to, or performing duty