

–CITE–

10 USC CHAPTER 506 – HEADQUARTERS, MARINE CORPS 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle C – Navy and Marine Corps

PART I – ORGANIZATION

CHAPTER 506 – HEADQUARTERS, MARINE CORPS

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CHAPTER 506 – HEADQUARTERS, MARINE CORPS

–MISC1–

Sec.

5041. Headquarters, Marine Corps: function; composition.

5042. Headquarters, Marine Corps: general duties.

5043. Commandant of the Marine Corps.

5044. Assistant Commandant of the Marine Corps.

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AMENDMENTS

2002 – Pub. L. 107–314, div. A, title V, Sec. 504(d)(3)(B), Dec.

2, 2002, 116 Stat. 2532, added item 5047.

2000 – Pub. L. 106–398, Sec. 1 ((div. A), title IX, Sec.

902(b)(2)), Oct. 30, 2000, 114 Stat. 1654, 1654A–224, substituted

"Deputy Commandants" for "Chief of Staff; Deputy and Assistant

Chiefs of Staff" in item 5045.

1986 – Pub. L. 99–661, div. A, title V, Sec. 509(a)(2), Nov. 14,
1986, 100 Stat. 3868, added item 5046.

–CITE–

10 USC Sec. 5041 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle C – Navy and Marine Corps

PART I – ORGANIZATION

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–HEAD–

Sec. 5041. Headquarters, Marine Corps: function; composition

–STATUTE–

(a) There is in the executive part of the Department of the Navy
a Headquarters, Marine Corps. The function of the Headquarters,
Marine Corps, is to assist the Secretary of the Navy in carrying
out his responsibilities.

(b) The Headquarters, Marine Corps, is composed of the following:

(1) The Commandant of the Marine Corps.

(2) The Assistant Commandant of the Marine Corps.

(3) The Deputy Commandants.

(4) Other members of the Navy and Marine Corps assigned or
detailed to the Headquarters, Marine Corps.

(5) Civilian employees in the Department of the Navy assigned
or detailed to the Headquarters, Marine Corps.

(c) Except as otherwise specifically prescribed by law, the

Headquarters, Marine Corps, shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

–SOURCE–

(Added Pub. L. 99–433, title V, Sec. 513(b), Oct. 1, 1986, 100 Stat. 1052; amended Pub. L. 106–398, Sec. 1 ((div. A), title IX, Sec. 902(a)), Oct. 30, 2000, 114 Stat. 1654, 1654A–224.)

–MISC1–

AMENDMENTS

2000 – Subsec. (b)(3) to (7). Pub. L. 106–398 added par. (3), redesignated pars. (6) and (7) as (4) and (5), respectively, and struck out former pars. (3) to (5) which read as follows:

"(3) The Chief of Staff of the Marine Corps.

"(4) The Deputy Chiefs of Staff.

"(5) The Assistant Chiefs of Staff."

–CITE–

10 USC Sec. 5042 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle C – Navy and Marine Corps

PART I – ORGANIZATION

CHAPTER 506 – HEADQUARTERS, MARINE CORPS

–HEAD–

Sec. 5042. Headquarters, Marine Corps: general duties

–STATUTE–

(a) The Headquarters, Marine Corps, shall furnish professional

assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Commandant of the Marine Corps.

(b) Under the authority, direction, and control of the Secretary of the Navy, the Headquarters, Marine Corps, shall –

(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Marine Corps, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Marine Corps, as will assist in the execution of any power, duty, or function of the Secretary or the Commandant;

(2) investigate and report upon the efficiency of the Marine Corps and its preparation to support military operations by combatant commanders;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) as directed by the Secretary or the Commandant, coordinate the action of organizations of the Marine Corps; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

–SOURCE–

(Added Pub. L. 99–433, title V, Sec. 513(b), Oct. 1, 1986, 100 Stat. 1052.)

–CITE–

10 USC Sec. 5043 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle C – Navy and Marine Corps

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–HEAD–

Sec. 5043. Commandant of the Marine Corps

–STATUTE–

(a)(1) There is a Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate.

The Commandant shall be appointed for a term of four years from officers on the active-duty list of the Marine Corps not below the grade of colonel. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

(2) The President may appoint an officer as Commandant of the Marine Corps only if –

(A) the officer has had significant experience in joint duty assignments; and

(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(f) of this title) as a general officer.

(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

(b) The Commandant of the Marine Corps, while so serving, has the

grade of general without vacating his permanent grade.

((c) Repealed. Pub. L. 104–106, div. A, title V, Sec. 502(c),
Feb. 10, 1996, 110 Stat. 293.)

(d) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Commandant performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

(e) Subject to the authority, direction, and control of the Secretary of the Navy, the Commandant shall –

(1) preside over the Headquarters, Marine Corps;

(2) transmit the plans and recommendations of the Headquarters, Marine Corps, to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) after approval of the plans or recommendations of the Headquarters, Marine Corps, by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Marine Corps and the Navy as the Secretary determines;

(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

(f)(1) The Commandant shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

(2) To the extent that such action does not impair the independence of the Commandant in the performance of his duties as a member of the Joint Chiefs of Staff, the Commandant shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

(3) Subject to the authority, direction, and control of the Secretary of Defense, the Commandant shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

–SOURCE–

(Added Pub. L. 99–433, title V, Sec. 513(b), Oct. 1, 1986, 100 Stat. 1052; amended Pub. L. 100–456, div. A, title V, Sec. 519(a)(3), Sept. 29, 1988, 102 Stat. 1972; Pub. L. 102–190, div. A, title V, Sec. 505(b), Dec. 5, 1991, 105 Stat. 1358; Pub. L. 104–106, div. A, title V, Sec. 502(c), Feb. 10, 1996, 110 Stat. 293.)

–MISC1–

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 5201 of this title prior to enactment of Pub. L. 99–433.

AMENDMENTS

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".

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, formerly set out as a note under section 3033 of this title.

–CITE–

10 USC Sec. 5044 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

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–HEAD–

Sec. 5044. Assistant Commandant of the Marine Corps

–STATUTE–

- (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.

–SOURCE–

(Added Pub. L. 99–433, title V, Sec. 513(b), Oct. 1, 1986, 100 Stat. 1054.)

–MISC1–

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.

–CITE–

10 USC Sec. 5045 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

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–HEAD–

Sec. 5045. Deputy Commandants

–STATUTE–

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

–SOURCE–

(Added Pub. L. 99–433, title V, Sec. 513(b), Oct. 1, 1986, 100 Stat. 1054; amended Pub. L. 106–398, Sec. 1 ((div. A), title IX, Sec. 902(b)(1)), Oct. 30, 2000, 114 Stat. 1654, 1654A–224; Pub. L.

107–314, div. A, title IX, Sec. 934, Dec. 2, 2002, 116 Stat.

2626.)

–MISC1–

AMENDMENTS

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."

–CITE–

10 USC Sec. 5046 01/06/03

–EXPCITE–

TITLE 10 – ARMED FORCES

Subtitle C – Navy and Marine Corps

PART I – ORGANIZATION

CHAPTER 506 – HEADQUARTERS, MARINE CORPS

–HEAD–

Sec. 5046. Staff Judge Advocate to the Commandant of the Marine Corps

–STATUTE–

(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

detailed as Staff Judge Advocate to the Commandant of the Marine Corps. 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.

(b) 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.

–SOURCE–

(Added Pub. L. 99–661, div. A, title V, Sec. 509(a)(1), Nov. 14, 1986, 100 Stat. 3868; amended Pub. L. 103–337, div. A, title V, Sec. 504(b)(4), Oct. 5, 1994, 108 Stat. 2751.)

–MISC1–

AMENDMENTS

1994 – Subsec. (a). Pub. L. 103–337, Sec. 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, Sec. 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

Section 509(b) of Pub. L. 99-661 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

Section 509(d) of Pub. L. 99-661 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."

-CITE-

10 USC Sec. 5047 01/06/03

-EXPCITE-

TITLE 10 – ARMED FORCES

Subtitle C – Navy and Marine Corps

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CHAPTER 506 – HEADQUARTERS, MARINE CORPS

–HEAD–

Sec. 5047. Legislative Assistant to the Commandant

–STATUTE–

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.

–SOURCE–

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

–CITE–