§ 3032. The Army Staff: general duties

(a) The Army Staff shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Army and to the Chief of Staff of the Army.

(b) Under the authority, direction, and control of the Secretary of the Army, the Army Staff shall—

(1) subject to subsections (c) and (d) of section 3014 of this title, prepare for such employment of the Army, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Army), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Army, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;

(2) investigate and report upon the efficiency of the Army and its preparation to support military operations by combatant commands;

(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 Chief of Staff, coordinate the action of organizations of the Army; and

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


HISTORICAL AND REVISION NOTES

Revised section Source (U.S. Code) Source (Statutes at Large)

3032(a) ... 10:21e(a). June 26, 1960, ch. 381, § 205, 64 Stat. 266.

3032(b) ... 10:21e(b).

In subsection (a), the word “furnish” is substituted for the word “render”.

In subsection (b)(1), the words “power, duty, or function” of are substituted for the words “power vested in, duty imposed upon, or function assigned to”. In subsection (b)(2), the words “all questions affecting” and “state of” are omitted as surplusage.

AMENDMENTS


1974—Pub. L. 93–343, § 502(b)(1), inserted “and to the Chief of Staff of the Army”.

1975—Subsec. (c). Pub. L. 93–606 struck out requirement of quarterly report to Congress on the number of officers in the executive part of the Department of the Army and the number of commissioned officers on or with the Army General Staff and the justification therefore.

1976—Subsec. (a),(c). Pub. L. 93–947 increased the number of Deputy Chiefs of Staff from three to four.

1984—Pub. L. 99–433, § 502(b)(3), substituted “subject to subsections (c) and (d) of section 3014 of this title,” and “for—training, serving, mobilizing, demobilizing, administering, and maintaining” for “—training, serving, mobilizing, and demobilizing”, in cl. (2), substituted “to support military operations by combatant commands” for “—Military operations” in cl. (2), and amended cl. (4) generally. Prior to amendment, cl. (4) read as follows: “act as agent of the Secretary and the Chief of Staff in coordinating the action of all organizations of the Department of the Army; and”.

1958—Pub. L. 85–389 substituted “prepare for such employment of the Army” for “prepare such plans for the national security, for employment of the Army for that purpose, both separately and in conjunction with the naval and air forces”.

§ 3033. Chief of Staff

(a)(1) There is a Chief of Staff of the Army, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Army. 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 Chief of Staff 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 Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

(c) Except as otherwise prescribed by law and subject to section 3013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary.

(d) Subject to the authority, direction, and control of the Secretary of the Army, the Chief of Staff shall—

(1) preside over the Army Staff;

(2) transmit the plans and recommendations of the Army Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) after approval of the plans or recommendations of the Army Staff 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 Army 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 Army.

(e)(1) The Chief of Staff 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 Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Army.

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


HISTORICAL AND REVISION NOTES

1956 ACT

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<td>10:21b (1st sentence).</td>
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<td>3034(c) .......</td>
<td>10:21d(a), (less 1st 9 words), 10:21d(b), (less 2d sentence).</td>
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<td>10:21d(a), (less 1st 9 words), 10:21d(b), (less 2d sentence).</td>
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In subsection (a), the words not for are substituted for the words no person shall serve as Chief of Staff for a term of; in subsection (b), the words so serving are substituted for the words holding office as such. The words regular or reserve are substituted for the word permanent, since there are no other permanent grades. The words in the Army are omitted as surplusage. The words shall take rank as prescribed by law are omitted as covered by section 743 of this title. The words He shall receive the compensation prescribed by law are omitted as covered by the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.).

In subsection (b), the provisions of 10:21d relating to the direction of the Secretary of the Army over the Chief of Staff are combined. The words and of this subsection (c) of this section and state of are omitted as surplusage.

In subsection (d), 10:38 (last par.) is omitted as covered by 10:21d(a). The words by sections 1a-1g, 19, 21a-21h, 61-1, 81-1, 231a and 316-1 of this title and section 181-3 to 181-5 of Title 5 are omitted as covered by the words other provisions of law.

1962 ACT

The changes correct references to section 302(j) of the National Security Act of 1947, which is now set out as section 124 of title 10.

PRIORITY PROVISIONS

A prior section 3033 was renumbered section 10302 of this title.

AMENDMENTS

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.

1986—Pub. L. 99-436 renumbered section 3034 of this title as this section, substituted Chief of Staff for Chief of Staff; appointment; duties in section catch-line, and amended text generally. Prior to amendment, text read as follows:

(a) The Chief of Staff shall be appointed by the President, by and with the advice and consent of the Senate, for a period of four years, from the general officers of the Army. He serves during the pleasure of the President. In time of war or national emergency, declared by the Congress after December 31, 1966, he may be reappointed for a term of not more than four years.

(b) The Chief of Staff, while so serving, has the grade of general without vacating his regular or reserve grade.

(c) Except as otherwise prescribed by law and subject to section 3012(c) and (d) of this title, the Chief of Staff performs his duties under the direction of the Secretary of the Army, and is directly responsible to the Secretary for the efficiency of the Army, its preparedness for military operations, and plans therefor.

(d) The Chief of Staff shall—

(1) preside over the Army Staff;

(2) send the plans and recommendations of the Army Staff to the Secretary, and advise him with regard thereto;

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

(4) exercise supervision over such of the members and organizations of the Army as the Secretary of the Army determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders under section 124 of this title;

(5) perform the duties described for him by sections 141 and 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.

1981—Subsec. (b). Pub. L. 97-22 struck out a comma after regular or reserve grade.

1980—Subsec. (b). Pub. L. 96-513 struck out provision under which the Chief of Staff is counted as one of the officers authorized to serve in a grade above lieutenant general under section 3066 of this title.

1967—Subsec. (a). Pub. L. 90-22 changed requirement that Chief of Staff be reappointed only with advice and consent of Senate by providing for his reappointment for a term of not more than four years by President without such advice and consent in a time of war or national emergency as declared by Congress.


1958—Subsec. (d)(4). Pub. L. 85-599 required Chief of Staff to exercise supervision only as Secretary of the Army determines and in a manner consistent with full operational command vested in unified or specified combatant commanders.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 10(b) of Pub. L. 97-22 provided that the amendment made by that section is effective Sept. 15, 1981.

EFFECTIVE DATE OF 1980 AMENDMENT

§ 3034. Vice Chief of Staff

(a) There is a Vice Chief of Staff of the Army, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Army.

(b) The Vice Chief of Staff of the Army, while so serving, has the grade of general without vacating his permanent grade.

(c) The Vice Chief of Staff has such authority and duties with respect to the Department of the Army as the Chief of Staff, with the approval of the Secretary of the Army, may delegate to or prescribe for him. Orders issued by the Vice Chief of Staff in performing such duties have the same effect as those issued by the Chief of Staff.

(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Army who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first.


HISTORICAL AND REVISION NOTES

Revised section

Source (U.S. Code) Source (Statutes at Large)

3035(a) .... 10:21c (1st sentence).
3035(b) .... 10:21c (2nd 1st sentence).

June 28, 1950, ch. 383, § 203, 64 Stat. 266.

In subsection (a), the words “of the Army” are omitted as surplusage.

In subsection (b), the words “If the Chief of Staff is absent or disabled or if that office is vacant” are substituted for 10:21c (1st 18 words of last sentence). The words “the officer who is highest on the following list and” are inserted for clarity. The words “until his successor is appointed” are omitted as surplusage.

§ 3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.


PRIOR PROVISIONS

A prior section 3035 was renumbered section 3033 of this title.

AMENDMENTS

1986—Pub. L. 99–433, § 502(d), renumbered section 3035 of this title as this section.

Pub. L. 99–433, § 502(d)(3), substituted “Vice Chief of Staff” for “Vice Chief of Staff, Deputy Chiefs of Staff, and Assistant Chiefs of Staff” in section catchline.

Subsecs. (a), (b), Pub. L. 99–433, § 502(d)(1), amended subsecs. (a) and (b) generally. Prior to amendment, subsec. (b) read as follows:

“(a) The Vice Chief of Staff, the Deputy Chiefs of Staff, and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

“(b) If the Chief of Staff is absent or disabled or if that office is vacant, the officer who is highest on the following list and who is not absent or disabled shall, unless otherwise directed by the President, perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases:

“(1) The Vice Chief of Staff.

“(2) The Deputy Chiefs of Staff in order of seniority.”


§ 3036. Chiefs of branches: appointment; duties

(a) There are in the Army the following officers:

(1) Chief of Engineers.

(2) Surgeon General.

(3) Judge Advocate General.

(4) Chief of Chaplains.

(b) Each officer named in subsection (a), except the Judge Advocate General, shall be appointed by the President, by and with the advice and consent of the Senate, from officers above the grade of major who—

(1) have shown by extensive duty in the branch concerned, or by similar duty, that they are qualified for the appointment; and