

section (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 202(j) of the National Security Act of 1947, which is now set out as section 124 of title 10.

Editorial Notes

REFERENCES IN TEXT

Section 664(f) of this title, referred to in subsec. (a)(2)(B), was redesignated as section 664(d) of this title by Pub. L. 114–328, div. A, title V, §510(g)(1), Dec. 23, 2016, 130 Stat. 2111.

AMENDMENTS

2021—Subsec. (d)(5). Pub. L. 116–283, §1847(e)(6)(B), which directed substitution of “, 3103, and 4274” for “and 2547”, was repealed by Pub.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, §808(a), renumbered section 3033 of this title as this section.

Subsec. (c). Pub. L. 115–232, §809(a), substituted “section 7013(f)” for “section 3013(f)”.

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

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. 99–433 renumbered section 3034 of this title as this section, substituted “Chief of Staff” for “Chief of Staff: appointment; duties” in section catchline, 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, 1968, 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.

1962—Subsec. (d)(4). Pub. L. 87–651 substituted “under section 124 of this title” for “pursuant to section 202(j) of the National Security Act of 1947, as amended”.

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.

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.

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97–22, §10(b), July 10, 1981, 95 Stat. 137, provided that the amendment made by section 10(b)(4) is effective Sept. 15, 1981.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Pub. L. 90–22, title IV, §405, June 5, 1967, 81 Stat. 53, provided that: “The amendments made by this title [amending sections 3034, 5081, 5201, and 8034 of this title] shall take effect as of January 1, 1969.”

§ 7034. 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 in the Army Staff 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.

(Aug. 10, 1956, ch. 1041, 70A Stat. 162, §3035; Pub. L. 85-599, §6(a), Aug. 6, 1958, 72 Stat. 519; renumbered §3034 and amended Pub. L. 99-433, title V, §502(d), Oct. 1, 1986, 100 Stat. 1041; renumbered §7034, Pub. L. 115-232, div. A, title VIII, §808(a), Aug. 13, 2018, 132 Stat. 1838.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|-----------------------------|---|
| 3035(a) | 10:21c (1st sentence). | June 28, 1950, ch. 383, §203, 64 Stat. 266. |
| 3035(b) | 10:21c (less 1st sentence). | |

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.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3034 of this title as this section.

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: succession to duties of Chief of Staff” in section catchline.

Subsecs. (a), (b). Pub. L. 99-433, §502(d)(1), amended subsecs. (a) and (b) generally. Prior to amendment, subsecs. (a) and (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.”

Subsec. (d). Pub. L. 99-433, §502(d)(2), added subsec. (d).

1958—Subsec. (c). Pub. L. 85-599 added subsec. (c).

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.

§ 7035. 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.

(Added Pub. L. 99-433, title V, §502(e), Oct. 1, 1986, 100 Stat. 1042, §3035; amended Pub. L. 110-181, div. A, title IX, §902(a), Jan. 28, 2008, 122 Stat. 272; renumbered §7035, Pub. L. 115-232, div. A, title VIII, §808(a), Aug. 13, 2018, 132 Stat. 1838.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3035 of this title as this section.

2008—Subsec. (b). Pub. L. 110-181, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

“(1) there may not be more than five Deputy Chiefs of Staff; and

“(2) there may not be more than three Assistant Chiefs of Staff.”

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.

§ 7036. 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

(2) have been recommended by a board under subsection (e).

The Surgeon General may be appointed from officers in any corps of the Army Medical Department. The Judge Advocate General shall be appointed as prescribed in section 7037 of this title.

(c) An officer appointed under subsection (b) normally holds office for four years. However, the President may terminate or extend the appointment at any time.

(d) Each officer named in subsection (a) shall perform duties prescribed by the Secretary of the Army and by law.

(e)(1) Under the supervision of the Secretary, the Chief of Engineers may accept orders to provide services to another department, agency, or instrumentality of the United States or to a