

In subsection (a), the words “Notwithstanding any other provision of law” and “for such positions” are omitted as surplusage. The last sentence is substituted for 10:61a (last sentence). 10:21h(c) is omitted as covered by 10:61a.

In subsection (b), the words “Hereafter” and “exclusive of the present incumbents” are omitted as surplusage.

In subsection (c), the words “In addition to duties elsewhere prescribed for him by law”, in 10:62, are omitted as surplusage. The words “and perform such other duties as may be prescribed by the Secretary of the Army”, in 10:62, are omitted as superseded by sections 3012(e) and 3036(d) of this title. Clause (2) is substituted for 10:62a (words after semicolon) and 63. The Act of June 23, 1874, ch. 458, § 2 (words before semicolon of 1st sentence, and last sentence), 18 Stat. 244, are not contained in 10:62. They are also omitted from the revised section as superseded by sections 3037(a) and 3211 of this title.

1958 ACT

The change corrects an inadvertence. The source statute for section 3036(c) of title 10 (the third sentence of sec. 513(a) of the Officer Personnel Act of 1947, 61 Stat. 901), providing for a 4-year term of office, applied also to the Judge Advocate General and the Assistant Judge Advocate General. As restated in section 3036(c), it now applies only to the officers named in section 3036(b), which excludes the two officers named. For this reason, the effect of the source statute with respect to those officers is added to section 3037(a), relating to their appointment.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3037 of this title as this section.

2016—Subsec. (a). Pub. L. 114-328 struck out last two sentences which read as follows: “The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.”

2008—Pub. L. 110-181, § 543(a)(3)(A), amended section catchline generally, substituting “Deputy” for “Assistant”.

Subsec. (a). Pub. L. 110-181, § 543(a)(1), (2)(A), substituted “Deputy Judge Advocate General” for “Assistant Judge Advocate General” wherever appearing and substituted “The Judge Advocate General, while so serving, has the grade of lieutenant general.” for “The Judge Advocate General, while so serving, shall hold a grade not lower than major general.”

Subsec. (d). Pub. L. 110-181, § 543(a)(2)(B), substituted “Deputy Judge Advocate General” for “Assistant Judge Advocate General”.

2006—Subsec. (a). Pub. L. 109-163, § 508(a), substituted “The Judge Advocate General, while so serving, shall hold a grade not lower than major general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.” for “If an officer who is so appointed holds a lower regular grade, he shall be appointed in the regular grade of major general.”

Subsec. (b). Pub. L. 109-163, § 1057(a)(2), struck out “or Territory” after “a State”.

2004—Subsec. (a). Pub. L. 108-375, § 574(a)(1), substituted “The term of office of the Judge Advocate General and the Assistant Judge Advocate General is four years.” for “An officer appointed as the Judge Advocate General or Assistant Judge Advocate General normally holds office for four years. However, the President may terminate or extend the appointment at any time.”

Subsec. (e). Pub. L. 108-375, § 574(a)(2), added subsec. (e).

1994—Subsec. (d). Pub. L. 103-337 added subsec. (d).

1958—Subsec. (a). Pub. L. 85-861 provided that the Judge Advocate General or Assistant Judge Advocate General shall normally hold office for four years, and empowered the President to terminate or extend the appointment at any time.

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 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

§ 7038. Office of Army Reserve: appointment of Chief

(a) There is in the executive part of the Department of the Army an Office of the Army Reserve which is headed by a chief who is the adviser to the Chief of Staff on Army Reserve matters.

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

(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Army Reserve unless the officer—

(A) is recommended by the Secretary of the Army; 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 Chief of Army 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 Chief of Army Reserve if the Secretary of the Army 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 Chief of Army Reserve is appointed for a period of four years, but may be removed for cause at any time. An officer serving as Chief of Army Reserve may be reappointed for one additional four-year period.

(d) BUDGET.—The Chief of Army Reserve is the official within the executive part of the Department of the Army who, subject to the authority, direction, and control of the Secretary of the Army and the Chief of Staff, is responsible for justification and execution of the personnel, op-

eration and maintenance, and construction budgets for the Army Reserve. As such, the Chief of Army Reserve is the director and functional manager of appropriations made for the Army Reserve in those areas.

(e) FULL TIME SUPPORT PROGRAM.—The Chief of Army Reserve manages, with respect to the Army Reserve, the personnel program of the Department of Defense known as the Full Time Support Program.

(f) ANNUAL REPORT.—The Chief of Army Reserve shall submit to the Secretary of Defense, through the Secretary of the Army, an annual report on the state of the Army Reserve and the ability of the Army Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Staff of the Army and may be submitted in classified and unclassified versions.

(Added Pub. L. 90-168, §2(16), Dec. 1, 1967, 81 Stat. 523, §3019; renumbered §3038 and amended Pub. L. 99-433, title V, §§501(a)(4), 502(g)(1), Oct. 1, 1986, 100 Stat. 1034, 1042; Pub. L. 103-337, div. A, title XVI, §1672(c)(1), Oct. 5, 1994, 108 Stat. 3015; Pub. L. 104-201, div. A, title XII, §1212(a), Sept. 23, 1996, 110 Stat. 2691; Pub. L. 106-65, div. A, title V, §554(b), Oct. 5, 1999, 113 Stat. 617; Pub. L. 106-398, §1 [[div. A], title V, §507(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-102; 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(m), Dec. 23, 2016, 130 Stat. 2103; Pub. L. 115-91, div. A, title X, §1051(a)(28), Dec. 12, 2017, 131 Stat. 1562; renumbered §7038, Pub. L. 115-232, div. A, title VIII, §808(a), Aug. 13, 2018, 132 Stat. 1838.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 7041 to 7046 were renumbered sections 8541 to 8546 of this title.

A prior section 7047 was renumbered section 8547 of this title.

Another prior section 7047 was renumbered section 8548 of this title.

Prior sections 7048 to 7050 were renumbered sections 8548 to 8550 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3038 of this title as this section.

2017—Subsec. (f). Pub. L. 115-91 struck out par. (1) designation before “The Chief of Army Reserve” and struck out par. (2) which read as follows: “The Secretary of Defense shall transmit the annual report of the Chief of Army 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 struck out “; Grade” after “Reappointment” in heading, and in text struck out par. (1) designation before “The Chief of Army Reserve” and struck out par. (2) which read as follows: “The Chief of Army 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” in introductory provisions.

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 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from officers of the Army Reserve not on active duty, or on active duty under section 10211 of this title, who—

“(1) have had at least 10 years of commissioned service in the Army Reserve;

“(2) are in grade of brigadier general and above; and

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

Subsec. (c). Pub. L. 106-398 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Chief of Army Reserve holds office for four years but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Army Reserve. However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”

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

1996—Subsecs. (d) to (f). Pub. L. 104-201 added subsecs. (d) to (f).

1994—Subsec. (b). Pub. L. 103-337 substituted “10211” for “265”.

1986—Pub. L. 99-433, §501(a)(4), renumbered section 3019 of this title as this section.

Subsec. (c). Pub. L. 99-433, §502(g)(1), substituted “service” for “services”.

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

Pub. L. 106-65, div. A, title V, §554(g), (h), Oct. 5, 1999, 113 Stat. 617, provided that:

“(g) EFFECTIVE DATE.—The amendments made by this section [enacting section 12505 of this title and amending this section and sections 5143, 5144, 8038, and 10506 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 5, 1999].

“(h) APPLICABILITY TO INCUMBENTS.—(1) If an officer who is a covered position incumbent is appointed under the amendments made by this section to the grade of lieutenant general or vice admiral, the term of service of that officer in that covered position shall not be extended by reason of such appointment.

“(2) For purposes of this subsection:

“(A) The term ‘covered position incumbent’ means a reserve component officer who on the effective date specified in subsection (g) is serving in a covered position.

“(B) The term ‘covered position’ means a position specified in section 12505 of title 10, United States Code, as added by subsection (a).”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

EFFECTIVE DATE

Section effective on first day of first calendar month following date of enactment of Pub. L. 90-168, which was approved Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as an Effective Date of 1967 Amendment note under section 138 of this title.

CHAPTER 707—THE ARMY

Sec.	
7061.	Regulations.
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Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232, div. A, title VIII, §808(e)(1), (f)(1), Aug. 13, 2018, 132 Stat. 1839, redesignated chapter 307 of this title as this chapter and items 3061 to 3084 as 7061 to 7084, respectively.

2016—Pub. L. 114-328, div. A, title V, §502(p)(3), (r)(3), Dec. 23, 2016, 130 Stat. 2104, substituted “Army Medical Specialist Corps: organization; Chief” for “Army Medical Specialist Corps: organization; Chief and assistant chiefs” in item 3070 and “Chief of Veterinary Corps” for “Chief of Veterinary Corps: grade” in item 3084.

2002—Pub. L. 107-314, div. A, title V, §504(b)(2), Dec. 2, 2002, 116 Stat. 2531, added item 3084.

1997—Pub. L. 105-85, div. A, title V, §596(b), Nov. 18, 1997, 111 Stat. 1766, added item 3083.

1996—Pub. L. 104-201, div. A, title V, §502(c)(1), Sept. 23, 1996, 110 Stat. 2511, substituted “Chief and assistant chief; appointment; grade” for “chief and assistant chief; appointment” in item 3069.

1994—Pub. L. 103-337, div. A, title X, §1070(a)(16), title XVI, §1672(b)(1), Oct. 5, 1994, 108 Stat. 2856, 3015, struck out items 3076 “Army Reserve: composition”, 3077 “Army National Guard of United States: composition”, 3078 “Army National Guard: when a component of Army”, 3079 “Army National Guard of United States: status when not in Federal service”, and 3080 “Army National Guard of the United States: authority of officers with respect to Federal status”, struck out “3082.” before “Army” in item 3082, and then struck out item 3082 “Army National Guard combat readiness reform: annual report”.

1993—Pub. L. 103-160, div. A, title V, §521(b), Nov. 30, 1993, 107 Stat. 1655, added item 3082.

1980—Pub. L. 96-513, title V, §502(3), Dec. 12, 1980, 94 Stat. 2909, struck out item 3066 “Generals and lieutenant generals”.

1978—Pub. L. 95-485, title VIII, §§805(b)(2), 820(b), Oct. 20, 1978, 92 Stat. 1622, 1627, struck out item 3071 “Women's Army Corps: Director; Deputy Director; other positions” and added item 3081.

1968—Pub. L. 90-329, June 4, 1968, 82 Stat. 170, substituted “Army Medical Department” for “Army Medical Service” in item 3067.

1967—Pub. L. 90-130, §1(8)(D), Nov. 8, 1967, 81 Stat. 375, substituted “composition; chief and assistant chief” for “Chief” in item 3069.

1960—Pub. L. 86-603, §1(2)(B), July 7, 1960, 74 Stat. 357, added item 3080.

1957—Pub. L. 85-155, title I, §101(3), Aug. 21, 1957, 71 Stat. 376, substituted “Army Medical Specialist Corps” for “Women's Medical Specialist Corps” in item 3070.

§ 7061. Regulations

The President may prescribe regulations for the government of the Army.

(Aug. 10, 1956, ch. 1041, 70A Stat. 165, §3061; renumbered §7061, 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)
3061	10:16.	July 15, 1870, ch. 294, §20, 16 Stat. 319; Mar. 1, 1875, ch. 115, 18 Stat. 337.

The word “prescribe” is substituted for the words “make and publish”. 10:16 (last 35 words) is omitted as surplusage.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3061 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.

§ 7062. Policy; composition; organized peace establishment

(a) It is the intent of Congress to provide an Army that is capable, in conjunction with the other armed forces, of—

(1) preserving the peace and security, and providing for the defense, of the United States, the Commonwealths and possessions, and any areas occupied by the United States;

(2) supporting the national policies;

(3) implementing the national objectives; and

(4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States.

(b) In general, the Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein. It shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations on land. It is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

(c) The Army consists of—

(1) the Regular Army, the Army National Guard of the United States, the Army National Guard while in the service of the United States and the Army Reserve; and

(2) all persons appointed or enlisted in, or conscripted into, the Army without component.

(d) The organized peace establishment of the Army consists of all—