

supervision only as the Secretary of the Air Force determines and in a manner consistent with the full operational command vested in unified or specified combatant commanders. Former par. (4), which related to command over the air defense, strategic, tactical, and other major commands, was struck out.

**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 that section 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**

Amendment by Pub. L. 90-22 effective Jan. 1, 1969, see section 405 of Pub. L. 90-22, set out as a note under section 7033 of this title.

**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, title V, Oct. 1, 1986, 100 Stat. 1063, which was formerly set out as a note under section 3033 of this title.

**§ 9034. Vice Chief of Staff**

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

(b) The Vice Chief of Staff of the Air Force, 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 Air Force as the Chief of Staff, with the approval of the Secretary of the Air Force, 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 Air Force in the Air 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. 492, §8035; Pub. L. 85-599, §6(d), Aug. 6, 1958, 72 Stat. 519; renumbered §8034 and amended Pub. L. 99-433, title V, §522(d), Oct. 1, 1986, 100 Stat. 1062; renumbered §9034, Pub. L. 115-232, div. A, title VIII, §806(c), Aug. 13, 2018, 132 Stat. 1833.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8035(a) .....	10:1813(a) (1st sentence).	Sept. 19, 1951, ch. 407, §203, 65 Stat. 328.
8035(b) .....	10:1813(a) (less 1st sentence).	
8035(c) .....	10:1813(b).	

In subsection (a), the words “of the Air Force” 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 10:1813(a) (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.

In subsection (c), the words “If the Vice Chief of Staff is absent or disabled or if that office is vacant” are substituted for 10:1813(b) (1st 19 words).

**Editorial Notes**

**AMENDMENTS**

2018—Pub. L. 115-232 renumbered section 8034 of this title as this section.

1986—Pub. L. 99-433, §522(d), renumbered section 8035 of this title as this section.

Pub. L. 99-433, §522(d)(5), substituted “Vice Chief of Staff” for “Vice Chief of Staff; Deputy Chiefs of Staff: succession to duties of Chief of Staff and Vice Chief of Staff” in section catchline.

Subsecs. (a), (b). Pub. L. 99-433, §522(d)(1), substituted subsecs. (a) and (b) for former subsecs. (a) and (b) which read as follows:

“(a) The Vice Chief of Staff and the Deputy 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. (c). Pub. L. 99-433, §522(d)(2), (3), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “If the Vice Chief of Staff is absent or disabled or if that office is vacant, the senior Deputy Chief of Staff who is not absent or disabled shall, unless otherwise directed by the Secretary of the Air Force, perform the duties of the Vice Chief of Staff until a successor is designated or the absence or disability ceases.”

Subsec. (d). Pub. L. 99-433, §522(d)(3), (4), added subsec. (d). Former subsec. (d) was redesignated (c).

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

**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.

**§ 9035. 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 Air Force 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, §522(e), Oct. 1, 1986, 100 Stat. 1062, §8035; Pub. L. 110-181, div. A, title IX, §902(c), Jan. 28, 2008, 122 Stat. 273; renumbered §9035, Pub. L. 115-232, div. A, title VIII, §806(c), Aug. 13, 2018, 132 Stat. 1833.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-232 renumbered section 8035 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.

**§ 9036. Surgeon General: appointment; duties**

(a) APPOINTMENT.—The Surgeon General of the Air Force shall be appointed by the President, by and with the advice and consent of the Senate from officers of the Air Force who are in the Air Force medical department.

(b) DUTIES.—(1) The Surgeon General serves as the principal advisor to the Secretary of the Air Force, the Chief of Staff of the Air Force, and the Chief of Space Operations on all health and medical matters of the Air Force and the Space Force, including strategic planning and policy development relating to such matters.

(2) The Surgeon General serves as the chief medical advisor of the Air Force and the Space Force to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Air Force and members of the Space Force.

(3) The Surgeon General, acting under the authority, direction, and control of the Secretary of the Air Force, shall recruit, organize, train, and equip, medical personnel of the Air Force.

(Added Pub. L. 89-288, §5(a), Oct. 22, 1965, 79 Stat. 1050, §8036; amended Pub. L. 99-433, title V, §522(g)(2), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 104-106, div. A, title V, §506(c), Feb. 10, 1996, 110 Stat. 296; Pub. L. 114-328, div. A, title VII, §702(b)(3)(A), Dec. 23, 2016, 130 Stat. 2196; renumbered §9036, Pub. L. 115-232, div. A, title VIII, §806(c), Aug. 13, 2018, 132 Stat. 1833; Pub. L. 116-283, div. A, title IX, §923(b)(6), Jan. 1, 2021, 134 Stat. 3809.)

**Editorial Notes**

## AMENDMENTS

2021—Subsec. (b)(1). Pub. L. 116-283, §923(b)(6)(A), substituted “Secretary of the Air Force, the Chief of Staff of the Air Force, and the Chief of Space Operations on all health and medical matters of the Air Force and the Space Force” for “Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force”.

Subsec. (b)(2). Pub. L. 116-283, §923(b)(6)(B), inserted “and the Space Force” after “advisor of the Air Force” and “and members of the Space Force” after “members of the Air Force”.

2018—Pub. L. 115-232 renumbered section 8036 of this title as this section.

2016—Pub. L. 114-328 amended section generally. Prior to amendment, text read as follows: “There is a Surgeon General of the Air Force who is appointed by the President by and with the advice and consent of the Senate from officers of the Air Force who are in the Air Force medical department. The Surgeon General, while so serving, has the grade of lieutenant general.”

1996—Pub. L. 104-106 substituted “in the Air Force medical department” for “designated as medical officers under section 8067(a) of this title”.

1986—Pub. L. 99-433 substituted a semicolon for the comma in section catchline.

**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.

SERVICE OF INCUMBENTS IN CERTAIN POSITIONS  
WITHOUT REAPPOINTMENT

For continued service of Surgeon General of the Air Force under this section after Jan. 1, 2021, without further appointment, notwithstanding amendment by section 923(b)(6) of Pub. L. 116-283, see section 923(f) of Pub. L. 116-283, set out as a note under section 9020 of this title.

**§ 9037. Judge Advocate General, Deputy Judge Advocate General: appointment; duties**

(a) There is a Judge Advocate General in the Air Force, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force. The term of office is four years.

(b) The Judge Advocate General of the Air Force shall be appointed from those officers who at the time of appointment 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) The Judge Advocate General, in addition to other duties prescribed by law—

(1) is the legal adviser of the Secretary of the Air Force and of all officers and agencies of the Department of the Air Force;