

(2) the ability of officers of the Air Force who are designated as judge advocates who are assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.

(Aug. 10, 1956, ch. 1041, 70A Stat. 495, §8072; Pub. L. 96-343, §12(a), (b)(1), Sept. 8, 1980, 94 Stat. 1130, 1131; renumbered §8037, Pub. L. 99-433, title V, §522(f), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 103-337, div. A, title V, §504(c), Oct. 5, 1994, 108 Stat. 2751; Pub. L. 104-106, div. A, title V, §507(a), Feb. 10, 1996, 110 Stat. 296; Pub. L. 108-375, div. A, title V, §574(c), Oct. 28, 2004, 118 Stat. 1922; Pub. L. 109-163, div. A, title V, §508(c), title X, §1057(a)(2), Jan. 6, 2006, 119 Stat. 3229, 3440; Pub. L. 110-181, div. A, title V, §543(c), Jan. 28, 2008, 122 Stat. 115.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8072(a)	10:1840(a).	Sept. 19, 1951, ch. 407, §310(a), (b) (less 1st sentence), 65 Stat. 332.
8072(b)	50:741.	May 5, 1950, ch. 169, §13 (as applicable to Air Force), 64 Stat. 147.
8072(c)	10:62, 10:1840(b) (last sentence).	R.S. 1199. June 23, 1874, ch. 458, §2, 18 Stat. 244.

In subsection (a), the words “subject to the provisions of section 741 of Title 50” are omitted as surplusage. The words “but may be sooner terminated, or extended, by the President” are substituted for 10:1840(a) (last 11 words of 1st sentence, and 2d sentence). 10:1840(a) (1st 46 words of 3d sentence) is omitted as surplusage. 10:1840(a) (last sentence) is omitted as executed. The words “by the President, by and with the advice and consent of the Senate”, as they relate to the appointment as a major general in the Regular Air Force, are omitted as covered by section 8284 of this title.

In subsection (b), the words “Hereafter” and “exclusive of the present incumbents” are omitted as surplusage. The words “at least” are substituted for the words “not less than a total”.

In subsection (c), 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, since the Air Force does not have organic corps created by statute.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 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.”

2006—Subsec. (a). Pub. L. 109-163, §508(c), substituted “The Judge Advocate General, while so serving, shall hold a grade not lower than major general.” for “An appointee who holds a lower regular grade 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(c)(1), struck out “, but may be sooner terminated or extended by the President” after “four years”.

Subsec. (c). Pub. L. 108-375, §574(c)(2)(A), struck out “shall” after “General” in introductory provisions.

Subsec. (c)(1) to (3). Pub. L. 108-375, §574(c)(2)(B)-(D), added pars. (1) and (2), redesignated former par. (1) as (3), inserted “shall” before “receive”, substituted period for “; and” at end, and struck out former par. (2) which read as follows: “perform such other legal duties as may be directed by the Secretary of the Air Force.”

Subsec. (d)(1). Pub. L. 108-375, §574(c)(3), struck out “, but may be sooner terminated or extended by the President” after “four years”.

Subsec. (f). Pub. L. 108-375, §574(c)(4), added subsec. (f).

1996—Subsec. (d)(1). Pub. L. 104-106 substituted “four years” for “two years” and “An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.” for “An officer appointed as Deputy Judge Advocate General shall be appointed in a regular grade to be determined by the Secretary of Defense.”

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

1980—Pub. L. 96-343, §12(b)(1), substituted “General, Deputy Judge Advocate General:” for “General:” in section catchline.

Subsec. (d). Pub. L. 96-343, §12(a), added subsec. (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 507(b) of Pub. L. 104-106 provided that: “The amendments made by subsection (a) [amending this section] apply to any appointment to the position of Deputy Judge Advocate General of the Air Force that is made after the date of the enactment of this Act [Feb. 10, 1996].”

§ 8038. Office of Air Force Reserve: appointment of Chief

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

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

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

(A) is recommended by the Secretary of the Air Force; 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 Air Force 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 Air Force Reserve if the Secretary of the Air Force 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; GRADE.—(1) The Chief of Air Force Reserve is appointed for a period of four years, but may be removed for cause at any time. An officer serving as Chief of Air Force Reserve may be reappointed for one additional four-year period.

(2) The Chief of Air Force Reserve, while so serving, holds the grade of lieutenant general.

(d) BUDGET.—The Chief of Air Force Reserve is the official within the executive part of the De-

partment of the Air Force who, subject to the authority, direction, and control of the Secretary of the Air Force and the Chief of Staff, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Air Force Reserve. As such, the Chief of Air Force Reserve is the director and functional manager of appropriations made for the Air Force Reserve in those areas.

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

(f) ANNUAL REPORT.—(1) The Chief of Air Force Reserve shall submit to the Secretary of Defense, through the Secretary of the Air Force, an annual report on the state of the Air Force Reserve and the ability of the Air Force Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Staff of the Air Force and may be submitted in classified and unclassified versions.

(2) The Secretary of Defense shall transmit the annual report of the Chief of Air Force 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.

(Added Pub. L. 90-168, §2(19), Dec. 1, 1967, 81 Stat. 524, §8019; renumbered §8038 and amended Pub. L. 99-433, title V, §§521(a)(2), 522(g)(3), Oct. 1, 1986, 100 Stat. 1055, 1063; Pub. L. 103-337, div. A, title XVI, §1674(c)(1), Oct. 5, 1994, 108 Stat. 3016; Pub. L. 104-201, div. A, title XII, §1212(d), Sept. 23, 1996, 110 Stat. 2693; Pub. L. 105-85, div. A, title X, §1073(a)(65), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 106-65, div. A, title V, §554(e), Oct. 5, 1999, 113 Stat. 617; Pub. L. 106-398, §1 [[div. A], title V, §507(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-104; 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.)

AMENDMENTS

2004—Subsec. (b)(4). Pub. L. 108-375 substituted “December 31, 2006” for “December 31, 2004”.

2002—Subsec. (b)(4). Pub. L. 107-314 substituted “December 31, 2004” for “October 1, 2003”.

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 Air Force Reserve from officers of the Air Force 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 Air Force;

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

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

Subsec. (c). Pub. L. 106-398 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Chief of Air Force 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 Air Force 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.”

1997—Subsec. (e). Pub. L. 105-85 struck out “(1)” before “The Chief of Air Force”.

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—Subsec. (a). Pub. L. 99-433, §522(g)(3), struck out the comma after “Chief of Staff”.

EFFECTIVE DATE OF 1999 AMENDMENT; APPLICABILITY TO INCUMBENTS

Amendment by Pub. L. 106-65 effective 60 days after Oct. 5, 1999, with special provision for an officer who is a covered position incumbent who is appointed under that amendment to the grade of lieutenant general or vice admiral, see section 554(g), (h) of Pub. L. 106-65, set out as a note under section 3038 of this title.

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 807—THE AIR FORCE

Sec.	Regulations.
8061.	Policy; composition; aircraft authorization.
8062.	Repealed.]
[8066.	Designation: officers to perform certain professional functions.
8067.	Air Force nurses: Chief and assistant chief; appointment; grade.
8069.	Repealed.]
[8071.	Renumbered.]
8072.	Commands: territorial organization.
8074.	Regular Air Force: composition.
8075.	Repealed.]
[8076 to 8080.	Assistant Surgeon General for Dental Services.
8081.	Officer career field for space.
8084.	

AMENDMENTS

2001—Pub. L. 107-107, div. A, title IX, §912(b), Dec. 28, 2001, 115 Stat. 1196, added item 8084.

1997—Pub. L. 105-85, div. A, title X, §1073(a)(66), Nov. 18, 1997, 111 Stat. 1904, substituted “nurses” for “Nurse Corps” in item 8069.

1996—Pub. L. 104-201, div. A, title V, §502(c)(2), Sept. 23, 1996, 110 Stat. 2511, added item 8069.

1994—Pub. L. 103-337, div. A, title XVI, §1674(b)(1), Oct. 5, 1994, 108 Stat. 3016, struck out items 8076 “Air Force Reserve: composition”, 8077 “Air National Guard of United States: composition”, 8078 “Air National Guard: when a component of Air Force”, 8079 “Air National Guard of United States: status when not in Federal service”, and 8080 “Air National Guard of the United States: authority of officers with respect to Federal status”.

1986—Pub. L. 99-433, title V, §522(g)(4), Oct. 1, 1986, 100 Stat. 1063, struck out item 8072 “Judge Advocate General, Deputy Judge Advocate General: appointment; duties”. See section 8037 of this title.

1980—Pub. L. 96-513, title V, §504(3), Dec. 12, 1980, 94 Stat. 2915, struck out item 8066 “Generals and lieutenant generals”.

Pub. L. 96-343, §12(b)(2), Sept. 8, 1980, 94 Stat. 1131, substituted “General, Deputy Judge Advocate General:” for “General:” in item 8072.