

Army” for “direction and control of the Secretary” in introductory provisions, inserted “subject to subsections (c) and (d) of section 3014 of this title,” and substituted “(including those aspects of research and development assigned by the Secretary of the Army), training, servicing, mobilizing, demobilizing, administering, and maintaining” for “, training, serving, mobilizing, and demobilizing” in cl. (1), substituted “to support military operations by combatant commands” for “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—Subsec. (b)(1). Pub. L. 85-599 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.

(Aug. 10, 1956, ch. 1041, 70A Stat. 162, §3034; Pub. L. 85-599, §4(a), Aug. 6, 1958, 72 Stat. 516; Pub. L. 87-651, title I, §114, Sept. 7, 1962, 76 Stat. 513; Pub. L. 90-22, title IV, §401, June 5, 1967, 81 Stat. 53; Pub. L. 96-513, title V, §502(2), Dec. 12, 1980, 94 Stat. 2909; Pub. L. 97-22, §10(b)(4), July 10, 1981, 95 Stat. 137; renumbered §3033 and amended Pub. L. 99-433, title V, §502(c), Oct. 1, 1986, 100 Stat. 1040; Pub. L. 100-456, div. A, title V, §519(a)(3), Sept. 29, 1988, 102 Stat. 1972.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3034(a) .....	10:21b (1st sentence).	June 28, 1950, ch. 383,
3034(b) .....	10:21b (less 1st sentence).	§§202, 204, 64 Stat. 266.
3034(c) .....	10:21d(a) (1st 9 words).	June 3, 1916, ch. 134, §5
	10:21d(b) (2d sentence).	(last par.), added June
	10:21d(c).	15, 1933, ch. 87, §2 (last
3034(d) .....	10:21d(a) (less 1st 9 words).	par.), 48 Stat. 154.
	10:21d(b) (less 2d sentence).	
	10:38 (last par.).	

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

## PRIOR 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. 99-433 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.

## 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

Pub. L. 90-22, title IV, §405, June 5, 1967, 81 Stat. 53, provided that: “The amendments made by this title [amending sections 3034 [now 3033], 5081, 5201, and 8034 [now 8033] of this title] shall take effect as of January 1, 1969.”

## WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF

Pub. L. 99-433, title V, §532(c), Oct. 1, 1986, 100 Stat. 1063, as amended by Pub. L. 100-26, §11(b), Apr. 21, 1987, 101 Stat. 289; Pub. L. 100-180, div. A, title XIII, §1314(a)(3), Dec. 4, 1987, 101 Stat. 1175, provided that the President may waive, on a case-by-case basis, requirements for appointment as Service Chief provided for in sections 3033(a)(2), 5033(a)(2), 5043(a)(2), and 8033(a)(2) of this title, for a period of four years after Oct. 1, 1986.

## § 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 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.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.