

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 3034 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, formerly set out as a note under section 3033 of this title.

§ 8034. 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.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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).

PRIOR PROVISIONS

A prior section 8034 was renumbered section 8033 of this title.

AMENDMENTS

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).

§ 8035. 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; Pub. L. 110-181, div. A, title IX, §902(c), Jan. 28, 2008, 122 Stat. 273.)

PRIOR PROVISIONS

A prior section 8035 was renumbered section 8034 of this title.

AMENDMENTS

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.”

§ 8036. 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 and the Chief of Staff of the Air Force on all health and medical matters of the Air 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 to the Director of the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Air 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; 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.)

AMENDMENTS

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.

§ 8037. 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;

(2) shall direct the officers of the Air Force designated as judge advocates in the performance of their duties; and

(3) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions.

(d)(1) There is a Deputy 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 who have the qualifications prescribed in subsection (b) for the Judge Advocate General. The term of office of the Deputy Judge Advocate General is four years.

(2) When there is a vacancy in the office of the Judge Advocate General, or during the absence or disability of the Judge Advocate General, the Deputy Judge Advocate General shall perform

the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases.

(3) When paragraph (2) cannot be complied with because of the absence or disability of the Deputy Judge Advocate General, the heads of the major divisions of the Office of the Judge Advocate General, in the order directed by the Secretary of the Air Force, shall perform the duties of the Judge Advocate General, unless otherwise directed by the President.

(e)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or under subsection (d) for appointment as the Deputy Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

(2) If the Secretary of the Air Force elects to convene a selection board under section 611(a) of this title to consider eligible officers for selection to appointment as Deputy Judge Advocate General, the Secretary may, in connection with such consideration for selection—

(A) treat any section in chapter 36 of this title referring to promotion to the next higher grade as if such section referred to promotion to a higher grade; and

(B) waive section 619(a)(2) of this title if the Secretary determines that the needs of the Air Force require the waiver.

(f) No officer or employee of the Department of Defense may interfere with—

(1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Air Force or the Chief of Staff of the Air Force; or

(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; Pub. L. 114-328, div. A, title V, §502(kk), Dec. 23, 2016, 130 Stat. 2106; Pub. L. 115-91, div. A, title V, §508(c), Dec. 12, 2017, 131 Stat. 1375.)

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.