

stituted 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.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3034 of this title as this section.

1986—Pub. L. 99-433, § 502(d), renumbered section 3035 of this title as this section.

Pub. L. 99-433, § 502(d)(3), substituted “Vice Chief of Staff” for “Vice Chief of Staff, Deputy Chiefs of Staff, and Assistant Chiefs of Staff: succession to duties of Chief of Staff” in section catchline.

Subsecs. (a), (b). Pub. L. 99-433, § 502(d)(1), amended subsecs. (a) and (b) generally. Prior to amendment, subsecs. (a) and (b) read as follows:

“(a) The Vice Chief of Staff, the Deputy Chiefs of Staff, and the Assistant 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. (d). Pub. L. 99-433, § 502(d)(2), added subsec. (d).

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

#### 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.

### § 7035. 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 Army 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, § 502(e), Oct. 1, 1986, 100 Stat. 1042, § 3035; amended Pub. L. 110-181, div. A, title IX, § 902(a), Jan. 28, 2008, 122 Stat. 272; renumbered § 7035, Pub. L. 115-232, div. A, title VIII, § 808(a), Aug. 13, 2018, 132 Stat. 1838.)

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3035 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.”

#### 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.

### § 7036. Chiefs of branches: appointment; duties

(a) There are in the Army the following officers:

- (1) Chief of Engineers.
- (2) Surgeon General.
- (3) Judge Advocate General.
- (4) Chief of Chaplains.

(b) Each officer named in subsection (a), except the Judge Advocate General, shall be appointed by the President, by and with the advice and consent of the Senate, from officers above the grade of major who—

(1) have shown by extensive duty in the branch concerned, or by similar duty, that they are qualified for the appointment; and

(2) have been recommended by a board under subsection (e).

The Surgeon General may be appointed from officers in any corps of the Army Medical Department. The Judge Advocate General shall be appointed as prescribed in section 7037 of this title.

(c) An officer appointed under subsection (b) normally holds office for four years. However, the President may terminate or extend the appointment at any time.

(d) Each officer named in subsection (a) shall perform duties prescribed by the Secretary of the Army and by law.

(e)(1) Under the supervision of the Secretary, the Chief of Engineers may accept orders to provide services to another department, agency, or instrumentality of the United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

(B) the services are provided on a reimbursable basis.

(2) In this subsection, the term “State” includes the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, territories and possessions of the United States, and Indian tribes.

(f)(1) The Surgeon General serves as the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on all health and medical matters of the Army, including strategic planning and policy development relating to such matters.

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

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

(g) For each office to be filled under subsection (b), the Secretary shall select a board of five general officers, including the incumbent, if any, of the office, and at least two officers, if available, in a grade above major general who have had extensive service in the branch concerned. The Secretary shall give the board a list of the officers to be considered and shall specify

the number of officers, not less than three, to be recommended. The list shall include—

(1) the name of each officer of the Regular Army who is appointed in, or assigned to, that branch, and whose regular grade is colonel;

(2) the name of each officer whose regular grade is above colonel, who has shown by extensive duty in that branch, or by similar duty, that he is qualified for the appointment;

(3) to the extent that the Secretary determines advisable, the name of each officer of the Regular Army who is appointed in, or assigned to, that branch, and whose regular grade is lieutenant colonel, in the order in which their names appear on the applicable promotion lists; and

(4) to the extent that the Secretary considers advisable, the name of each regular or reserve officer on active duty in a grade above lieutenant colonel who has shown by extensive duty in that branch, or by similar duty, that he is qualified for the appointment.

From these officers, the board shall recommend by name the number prescribed by the Secretary, and the President may appoint any officer so recommended. If the President declines to appoint any of the recommended officers, or if the officer nominated cannot be appointed because of advice by the Senate, the Secretary shall convene a board to recommend additional officers. An officer who is recommended but not appointed shall be considered not to have been recommended. This does not affect his eligibility for selection and recommendation for the grade of brigadier general or major general under section 3306 or 3307<sup>1</sup> of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 163, §3036; Pub. L. 89-288, §1, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 89-718, §24, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 97-295, §1(38), Oct. 12, 1982, 96 Stat. 1296; Pub. L. 99-662, title IX, §922, Nov. 17, 1986, 100 Stat. 4194; Pub. L. 100-26, §7(a)(10), Apr. 21, 1987, 101 Stat. 278; Pub. L. 102-580, title II, §211, Oct. 31, 1992, 106 Stat. 4831; Pub. L. 104-106, div. A, title V, §506(a), Feb. 10, 1996, 110 Stat. 296; Pub. L. 104-201, div. A, title X, §1074(a)(18), Sept. 23, 1996, 110 Stat. 2660; Pub. L. 114-328, div. A, title V, §502(k), title VII, §702(b)(1), Dec. 23, 2016, 130 Stat. 2103, 2195; renumbered §7036 and amended Pub. L. 115-232, div. A, title VIII, §§808(a), 809(a), Aug. 13, 2018, 132 Stat. 1838, 1840.)

HISTORICAL AND REVISION NOTES  
1956 ACT

| Revised section | Source (U.S. Code)        | Source (Statutes at Large)   |
|-----------------|---------------------------|--|
| 3036(a) .....   | 10:21f(a).                | June 28, 1950, ch. 383, §206, 64 Stat. 267.  |
| 3036(b) .....   | 10:21f(b).                | June 3, 1916, ch. 134, §11 (1st 17 words); restated June 4, 1920, ch. 227, subch. I, §11 (1st 17 words), 41 Stat. 768. |
| 3036(c) .....   | 10:559g(a) (3d sentence). | Aug. 7, 1947, ch. 512, §513(a) (less 5th sentence), (b), 61 Stat. 901.   |
| 3036(d) .....   | 10:21f(c).                |  |
| 3036(e) .....   | 10:559g(b).               |  |

In subsection (b), all references to the appointment of assistant chiefs are omitted as covered by sections 3037 and 3040 of this title. All references to the grade of brigadier general are omitted, since 10:21f(b) specifies the

grade of major general for the offices. 10:559g(a) (4th sentence) is omitted as surplusage, since the appointment is to a permanent grade. 10:559g(a) (6th and 7th sentences) is omitted as executed. 10:559g(a) (last sentence) is omitted, since the revised section applies only to the officers named in subsection (a). The words "except the Judge Advocate General" are inserted for clarity. The eight words before clause (1), and clauses (1) and (2), are substituted for the words "as prescribed in section 559g of this title", in 10:21f(b), and 10:559g(a) (1st sentence). The second sentence is substituted for 10:559g(a) (2d sentence) and 10:21f(b) (1st 15 words). The words "selected and", in 10:21f(b), are omitted as surplusage. The words "arms, or services", in 10:559g(a) are omitted as obsolete, since sections 3063 and 3064 of this title designate the former arms and services as "branches".

In subsection (c), the words "normally holds office" are substituted for the words "shall normally continue in that assignment for a tour of duty". The words "appointment" and "office" are substituted for the words "assignment" and "tour of duty" whenever they are used in that sense.

In subsection (e), the introductory clause is substituted for 10:559g(b) (words before colon of 1st sentence). The words "in a grade above major general" are substituted for the words "of a rank above that of the position for which selections are to be made", since all the positions are in the grade of major general. The word "select" is substituted for the word "appoint", since the filling of the offices is not appointment to an office in the constitutional sense. The word "extensive" is substituted for the word "extended", except where it refers to "extended" active duty, in which case the word "extended" is omitted as surplusage. The words "the name of" are inserted for clarity. The words "appointed in, or assigned to" are substituted for the words "of the", and "in the", before the words "that branch", to conform to sections 3063 and 3064 of this title. The word "regular" is substituted for the word "permanent". The words "each regular or reserve officer" are substituted for the words "of officers of any component of the Army of the United States". The words "these officers" are substituted for the words "among those recommended by such board". The words "This does not affect" are substituted for the words "but this shall in no way prejudice". The words "to be filled", "by it", "other", "which number shall", "to be considered", "and may in addition thereto and", and "in the position concerned" are omitted as surplusage.

1982 ACT

| Revised section          | Source (U.S. Code) | Source (Statutes at Large)                          |
|--------------------------|--------------------|---|
| 3036(d) (1st sentence).  | 10:3036(d).        |   |
| 3036(d) (last sentence). | 10:3036 (note).    | Oct. 27, 1965, Pub. L. 89-298, §219, 79 Stat. 1089. |

The first sentence is restated to clarify that the Secretary concerned is the Secretary of the Army. The word "services" is substituted for "work or services" because it is inclusive. The word "instrumentality" is added for clarity.

REFERENCES IN TEXT

Sections 3306 and 3307 of this title, referred to in subsec. (g), were repealed by Pub. L. 96-513, title II, §204, title VII, §701, Dec. 12, 1980, 94 Stat. 2880, 2955, effective Sept. 15, 1981.

AMENDMENTS

2018—Pub. L. 115-232, §808(a), renumbered section 3036 of this title as this section.

Subsec. (b). Pub. L. 115-232, §809(a), substituted "section 7037" for "section 3037" in concluding provisions.

2016—Subsec. (b). Pub. L. 114-328, §502(k)(2), which directed amendment of second sentence of concluding

<sup>1</sup> See References in Text note below.

provisions by striking “, and while so serving, has the grade of lieutenant general”, was executed by striking out “and, while so serving, has the grade of lieutenant general” after “Army Medical Department” to reflect the probable intent of Congress.

Pub. L. 114-328, §502(k)(1), struck out first sentence of concluding provisions which read as follows: “Each officer covered by the preceding sentence, except the Surgeon General, shall be appointed in the regular grade of major general.”

Subsecs. (d) to (g). Pub. L. 114-328, §702(b)(1), struck out par. (1) designation before “Each officer” in subsec. (d), redesignated subsec. (e) as (g), added subsec. (e) designation, redesignated pars. (2) and (3) of subsec. (d) as pars. (1) and (2), respectively, of subsec. (e), and added subsec. (f).

1996—Subsec. (b). Pub. L. 104-106 inserted “may be appointed from officers in any corps of the Army Medical Department and” after “The Surgeon General” in concluding provisions.

Subsec. (d)(3). Pub. L. 104-201 substituted “In this subsection” for “For purposes of this subsection”.

1992—Subsec. (d)(3). Pub. L. 102-580 added par. (3).

1987—Subsec. (d). Pub. L. 100-26 designated existing first sentence requiring each officer named in subsec. (a) to perform prescribed duties as par. (1), designated existing second sentence permitting the Chief of Engineers to accept orders to provide services to another department, agency, or governmental instrumentality as par. (2), and substituted “United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

“(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

“(B) the services are provided on a reimbursable basis.” for “United States and, on a reimbursable basis, to a State or political subdivision thereof. Services provided to a State or political subdivision thereof shall be undertaken only on condition that—

“(1) the work to be undertaken on behalf of non-Federal interests involves Federal assistance; and

“(2) the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers.[,] any part of those services by contract.”

1986—Subsec. (d). Pub. L. 99-662 substituted “and, on a reimbursable basis, to a State or political subdivision thereof. Services provided to a State or political subdivision thereof shall be undertaken only on condition that—

“(1) the work to be undertaken on behalf of non-Federal interests involves Federal assistance; and

“(2) the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers.”

for “and may provide”, which resulted in the creation of an incomplete sentence.

1982—Subsec. (d). Pub. L. 97-295 substituted “Secretary of the Army” for “Secretary” and inserted provision that, under the supervision of the Secretary, the Chief of Engineers may accept orders to provide services to another department, agency, or instrumentality of the United States and may provide any part of those services by contract.

1966—Subsec. (a). Pub. L. 89-718 struck out cls. (2) to (8) naming the Chief Signal Officer, Adjutant General, Quartermaster General, Chief of Finance, Chief of Ordnance, Chief Chemical Officer, and Chief of Transportation respectively, and redesignated cls. (9) to (11) as (2) to (4), respectively.

1965—Subsec. (b). Pub. L. 89-288 provided Surgeon General, while so serving, with grade of lieutenant general.

#### 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.

#### VETERANS’ CURATION PROGRAM

Pub. L. 114-189, July 6, 2016, 130 Stat. 613, provided that:

#### “SECTION 1. FINDINGS.

“Congress finds the following:

“(1) The Corps of Engineers and other Federal agencies are required to preserve and catalogue artifacts and other items of national historical significance that are uncovered during the course of their work (notably under part 79 of title 36, Code of Federal Regulations).

“(2) Uncatalogued artifacts within the care of Federal agencies are stored in hundreds of repositories and museums across the Nation.

“(3) In October 2009, the Corps of Engineers, Center of Expertise for the Curation and Management of Archaeological Collections, initiated the Veterans’ Curation Program to employ and train Iraq and Afghanistan veterans in archaeological processing.

“(4) The Veterans’ Curation Program employs veterans and members of the Armed Forces in the sorting, cleaning, and cataloguing of artifacts managed by the Corps of Engineers.

“(5) Employees of the Veterans’ Curation Program gain valuable work skills, including computer database management, records management, photographic and scanning techniques, computer software proficiency, vocabulary and writing skills, and interpersonal communication skills, as well as knowledge and training in archaeology and history.

“(6) Since 2009, a total of 241 veterans have participated in the Veterans’ Curation Program, including the current class of 38 participants. Of the 203 graduates of the program, 87 percent have received permanent employment in a field related to training received under the program or chosen to continue their education.

“(7) Experience in archaeological curation gained through the Veterans’ Curation Program is valuable training and experience for the museum, forensics, administrative, records management, and other fields.

“(8) Veterans’ Curation Program participants may assist the Corps of Engineers in developing a more efficient and comprehensive collections management program and also may provide the workforce to meet the records management needs at other agencies and departments, including the Department of Veterans Affairs.

#### “SEC. 2. TRAINING AND EMPLOYMENT FOR VETERANS AND MEMBERS OF ARMED FORCES IN CURATION AND HISTORIC PRESERVATION.

“Using available funds, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a Veterans’ Curation Program to hire veterans and members of the Armed Forces to assist the Secretary in carrying out curation and historic preservation activities.”

#### CORPS OF ENGINEERS; ANNUAL BUDGET SUBMISSION

Pub. L. 110-161, div. C, title I, §114, Dec. 26, 2007, 121 Stat. 1944, provided that: “All budget documents and justification materials for the Corps of Engineers annual budget submission to Congress shall be assembled and presented based on the most recent annual appropriations Act: *Provided*, That new budget proposals for fiscal year 2008 and thereafter, shall not be integrated into the budget justifications submitted to Congress but shall be submitted separately from the budget justifications documents.”

#### CHIEF OF ENGINEERS; FISCAL TRANSPARENCY REPORT

Pub. L. 110-114, title II, §2027, Nov. 8, 2007, 121 Stat. 1079, provided that:

“(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

“(1) the expenditures by the Corps for the preceding fiscal year and estimated expenditures by the Corps for the current fiscal year; and

“(2) for projects and activities that are not scheduled for completion in the current fiscal year, the estimated expenditures by the Corps necessary in the following fiscal year for each project or activity to maintain the same level of effort being achieved in the current fiscal year.

“(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

“(1) With respect to activities carried out with funding provided under the Construction appropriations account for the Secretary [of the Army], information on—

“(A) projects currently under construction, including—

“(i) allocations to date;

“(ii) the number of years remaining to complete construction;

“(iii) the estimated annual Federal cost to maintain that construction schedule; and

“(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

“(B) projects for which there is a signed partnership agreement and completed planning, engineering, and design, including—

“(i) the number of years the project is expected to require for completion; and

“(ii) estimated annual Federal cost to maintain that construction schedule.

“(2) With respect to operation and maintenance of the inland and intracoastal waterways identified by section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804)—

“(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth;

“(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption; and

“(C) the actual expenditures to maintain each waterway.

“(3) With respect to activities carried out with funding provided under the Investigations appropriations account for the Secretary—

“(A) the number of active studies;

“(B) the number of completed studies not yet authorized for construction;

“(C) the number of initiated studies; and

“(D) the number of studies expected to be completed during the fiscal year.

“(4) Funding received and estimates of funds to be received for interagency and international support activities under section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a).

“(5) Recreation fees and lease payments.

“(6) Hydropower and water storage receipts.

“(7) Deposits into the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund.

“(8) Other revenues and fees collected by the Corps of Engineers.

“(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

“(A) the date on which each permit application is filed;

“(B) the date on which each permit application is determined to be complete;

“(C) the date on which any permit application is withdrawn; and

“(D) the date on which the Corps of Engineers grants or denies each permit.

“(10) With respect to projects that are authorized but for which construction is not complete, a list of such projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

“(A) the authorization date;

“(B) the last allocation date;

“(C) the percentage of construction completed;

“(D) the estimated cost remaining until completion of the project; and

“(E) a brief explanation of the reasons for the delay.”

[Reference to “partnership agreement” deemed to be reference to “cooperation agreement”, see section 2003(f)(3) of Pub. L. 110–114, set out as a note under section 1962d–5b of Title 42, The Public Health and Welfare.]

DEPARTMENT OF DEFENSE REORGANIZATION ORDER  
January 10, 1962

REORGANIZATION OF THE DEPARTMENT OF THE ARMY

By virtue of the authority vested in me by section 202(c) of the National Security Act of 1947, as amended (72 Stat. 514; 5 U.S.C. 171a(c)), and as Secretary of Defense, it is hereby ordered as follows:

SECTION 1. *Abolition of officers and transfer of functions.* The following officers named in section 3036, Title 10, United States Code [now 10 U.S.C. 7036], are hereby abolished and their functions transferred to the Secretary of the Army:

(a) Chief Signal Officer;

(b) Adjutant General;

(c) Quartermaster General;

(d) Chief of Finance;

(e) Chief of Ordnance;

(f) Chief Chemical Officer, and

(g) Chief of Transportation.

SEC. 2. *Transfer of functions from Chief of Engineers.* The functions vested in the Chief of Engineers by sections 3038 and 3533, Title 10, United States Code [now 10 U.S.C. 7038, 10 U.S.C. 7213], are hereby transferred to the Secretary of the Army.

SEC. 3. *Performance of transferred functions.* The Secretary of the Army may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any office, agency, or employee of the Department of the Army of any function transferred to the Secretary by the provisions of this order.

SEC. 4. *Transitional provisions.* In order to assist in the orderly transfer of functions and to promote continuity of operation, the Secretary of the Army may, if he considers it necessary, delay beyond the effective date of this order the abolition of any office or transfer of any function.

SEC. 5. *Effective date.* The provisions of this order shall take effect on the date determined under section 202(c) of the National Security Act of 1947, as amended (72 Stat. 514; 5 U.S.C. 171a(c)), or the 16th day of February 1962, whichever is later.

J. C. LAMBERT,  
Major General, U.S. Army,  
THE ADJUTANT GENERAL.

**§ 7037. Judge Advocate General, Deputy Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties**

(a) The President, by and with the advice and consent of the Senate, shall appoint the Judge Advocate General, the Deputy Judge Advocate General, and general officers of the Judge Advocate General's Corps, from officers of the Judge Advocate General's Corps, who are recommended by the Secretary of the Army. The term of office of the Judge Advocate General