

Chapter 805.—THE AIR STAFF

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§ 8031. Composition: assignment and detail of members of Air Force and civilians.

(a) There is in the executive part of the Department of the Air Force an Air Staff consisting of—

- (1) The Chief of Staff;
- (2) the Vice Chief of Staff;
- (3) not more than five Deputy Chiefs of Staff;
- (4) other members of the Air Force assigned or detailed to the Air Staff; and
- (5) civilians in the Department of the Air Force assigned or detailed to the Air Staff.

(b) The Air Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

(c) Not more than 2,800 officers of the Air Force may be assigned or detailed to permanent duty in the executive part of the Department of the Air Force. However, this limitation does not apply in time of war, or of national emergency declared by Congress, or whenever the President finds that it is in the national interest to increase the number of officers in the executive part of the Department. The Secretary shall report quarterly to Congress the number of officers in the executive part of the Department of the Air Force and the justification therefor.

(d) No commissioned officer who is assigned or detailed to duty in the executive part of the Department of the Air Force may serve for a tour of duty of more than four years. However, the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest. No officer may be assigned or detailed to duty in the executive part of the Department of the Air Force within two years after relief from that duty, except upon a special finding by the Secretary that the assignment or detail is necessary in the public interest. This subsection does not apply in time of war, or of national emergency declared by Congress. (Aug. 10, 1956, ch. 1041, 70A Stat. 490.)

(e) No commissioned officer who is assigned or detailed to duty in the executive part of the Department of the Air Force may serve for a tour of duty of more than four years. However, the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest. No officer may be assigned or detailed to duty in the executive part of the Department of the Air Force within two years after relief from that duty, except upon a special finding by the Secretary that the assignment or detail is necessary in the public interest. This subsection does not apply in time of war, or of national emergency declared by Congress. (Aug. 10, 1956, ch. 1041, 70A Stat. 490.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
8031 (a)...	10: 1811 (a).	Sept. 19, 1951, ch. 407, § 201, 65 Stat. 327.
8031 (b)...	10: 1811 (b).	
8031 (c)...	10: 1811 (c).	
8031 (d)...	10: 1811 (d).	

In subsection (a), the words "an Air Staff consisting of—" are substituted for the words "a staff, which shall be known as the Air Staff, and which shall consist of—". The words "under regulations prescribed by the Secretary of the Air Force" are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

In subsection (b), 10: 1811 (b) (proviso) is omitted as superseded by section 264 (c) of this title.

In subsection (c), the third sentence is substituted for 10: 1811 (c) (1st 13 words and 1st proviso). The words "officers and employees * * * or under the jurisdiction of" are omitted as surplusage.

In subsections (c) and (d), the word "hereafter" is omitted, since all wars and emergencies declared by Congress before September 19, 1951, have been terminated.

In subsection (d), the words "now or hereafter" are omitted as surplusage and as executed. The second sentence is substituted for 10: 1811 (d) (last 31 words of 1st sentence). The third sentence is substituted for 10: 1811 (d) (2d sentence). 10: 1811 (d) (1st 13 words of last sentence) is omitted as executed. The words "This subsection does not apply" are substituted for the words "and shall be inapplicable".

§ 8032. General duties.

(a) The Air Staff shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Air Force, and the Chief of Staff.

(b) The Air Staff shall—

(1) prepare for such employment of the Air Force, and for such recruiting, organizing, supplying, equipping, training, serving, mobilizing, and demobilizing of the Air Force, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;

(2) investigate and report upon the efficiency of the Air Force and its preparation for military operations;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) act as agent of the Secretary and the Chief of Staff in coordinating the action of all organizations of the Department of the Air Force; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 490; Aug. 6, 1958, Pub. L. 85-599, § 4 (h), 72 Stat. 517.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
8032 (a)...	10: 1815 (a).	Sept. 19, 1951, ch. 407, § 205 65 Stat. 329.
8032 (b)...	10: 1815 (b).	

In subsection (a), the word "furnish" is substituted for the word "render".

In subsection (b) (1), the words "power, duty, or function of" are substituted for the words "power vested in, duty imposed upon, or function assigned to".

In subsection (b) (2), the words "all questions affecting" and "state of" are omitted as surplusage.

AMENDMENTS

1958—Subsec. (b) (1). Pub. L. 85-599 substituted "prepare for such employment of the Air Force" for "prepare such plans for the national security, for employment of the Air Force for that purpose, both separately and in conjunction with the land and naval forces".

§ 8033. Reserve components of Air Force; policies and regulations for government of: functions of National Guard Bureau with respect to Air National Guard.

(a) Each policy or regulation affecting the following subjects shall be prepared by a committee of officers of the appropriate division or divisions of the Air Staff and of an equal number of officers of the Air National Guard of the United States:

(1) The organization or distribution of the Air National Guard of the United States.

(2) The organization, distribution, or training of the Air National Guard.

(b) The members of each committee under subsection (a) who are officers of the Air National Guard of the United States must be selected from lists of officers of that component who are suitable for that duty, submitted by the governors of the States and Territories of whose Air National Guard they are members, respectively, and by the commanding general of the District of Columbia National Guard for the District of Columbia.

(c) Each policy or regulation affecting the organization, distribution, training, appointment, assignment, promotion, or discharge of members of the Air Force Reserve shall be prepared by a committee of officers of the appropriate divisions of the Air Staff and of an equal number of officers of the Air Force Reserve.

(d) Each policy or regulation affecting the organization, distribution, training, appointment, assignment, promotion, or discharge of members of the Air Force Reserve and those of either the Air National Guard of the United States or the Air National Guard shall be prepared by a committee composed of equal numbers of officers of the Regular Air Force, of the Air National Guard of the United States, and of the Air Force Reserve.

(e) There shall be not less than 10 officers of the Air National Guard of the United States and the Air Force Reserve on duty with the Air Staff, one-half of whom shall be from each of those components. These officers shall be considered as additional members of the Air Staff while on that duty.

(f) The Chief of Staff shall—

(1) send the statements of policies and regulations prepared under this section to the Secretary of the Air Force;

(2) advise him with regard thereto; and

(3) after action on those policies and regulations by the Secretary, act as the agent of the Secretary in carrying them into effect.

(g) In addition to the functions and duties performed by it for the Department of the Army, the National Guard Bureau shall perform similar functions and duties for the Department of the Air Force, and shall be the channel of communication between the Department of the Air Force and the States and Territories, Puerto Rico, the Canal Zone, and the District of Columbia on all matters affecting the Air National Guard. (Aug. 10, 1956, ch. 1041, 70A Stat. 491; Sept. 2, 1958, Pub. L. 85-861, § 33 (a) (17), 72 Stat. 1565.)

In subsection (a), the words "the following subjects" are inserted for clarity.

In subsections (a) and (c), the words "of officers", after the word "committee", are inserted for clarity. The words "and of" are substituted for the words "to which shall be added".

In subsection (e), the words "For the purpose specified herein" are omitted as surplusage. The words "on that duty" are substituted for the words "so serving".

In subsection (g), the word "perform" is substituted for the words "be charged with". All of § 626 (f) except the first proviso of the first sentence is omitted as executed. The words "Territories, Puerto Rico, the Canal Zone, and the District of Columbia" are inserted to conform to other sections of this title which, in describing the National Guard, also include these jurisdictions.

AMENDMENTS

1958—Subsec. (d). Pub. L. 85-861 substituted "affecting the organization, distribution, training, appointment, assignment, promotion, or discharge of members of the Air Force Reserve and those of either" for "affecting the Air Force Reserve and either".

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment of section by Pub. L. 85-861 effective Aug. 10, 1956, see section 33 (g) of Pub. L. 85-861, set out as a note under section 101 of this title.

CROSS REFERENCES

Air National Guard, see section 101 et seq. of Title 32, National Guard.

Reserve Forces Policy Board, designation of two officers of Air National Guard of the United States and two Air Force Reserve officers as members, see section 175 (a) (8) of this title.

§ 8034. Chief of Staff: appointment; duties.

(a) The Chief of Staff shall be appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves during the pleasure of the President, but not for more than four years unless reappointed by the President, by and with the advice and consent of the Senate.

(b) The Chief of Staff, while so serving, has the grade of general without vacating his regular or reserve grade, and is counted as one of the officers authorized to serve in a grade above lieutenant general under section 8066 of this title.

(c) Except as otherwise prescribed by law and subject to section 8012 (c) and (d) of this title, the Chief of Staff performs his duties under the direction of the Secretary of the Air Force, and is directly responsible to the Secretary for the efficiency of the Air Force, its preparedness for military operations, and plans therefor.

(d) The Chief of Staff shall—

(1) preside over the Air Staff;

(2) send the plans and recommendations of the Air Staff to the Secretary, and advise him with regard thereto;

(3) after approval of the plans or recommendations of the Air 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 Air Force as the Secretary of the Air Force 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.

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
8033 (a)...	10: 38 (1st par., less last 37 words).	June 3, 1916, ch. 134, § 5 (less last par.); June 4, 1920, ch. 227, subch. I, § 5 (1st 7 pars.); Sept. 22, 1922, ch. 423, § 1, July 2, 1926, ch. 721, § 5; May 21, 1928, ch. 647; added June 15, 1933, ch. 87, § 2 (less last par.), 48 Stat. 153; June 3, 1938, ch. 319; July 14, 1939, ch. 269; June 28, 1950, ch. 383, § 401 (b), 64 Stat. 271.
8033 (b)...	10: 38 (last 37 words of 1st par.).	July 26, 1947, ch. 343, § 207 (f), 61 Stat. 503.
8033 (c)...	10: 38 (1st sentence, less proviso, of 2d par.).	
8033 (d)...	10: 38 (proviso of 1st sentence of 2d par.).	
8033 (e)...	10: 38 (2d sentence, and 3d sentence less proviso, of 2d par.).	
8033 (f)...	10: 38 (proviso of 3d sentence, and last sentence, of 2d par.).	
8033 (g)...	5: 626 (f).	

(5) perform the duties prescribed 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.

(Aug. 10, 1956, ch. 1041, 70A Stat. 492; Aug. 6, 1958, Pub. L. 85-599, § 4 (d), (e), 72 Stat. 517; Sept. 7, 1962, Pub. L. 87-651, title I, § 114, 76 Stat. 513.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
8034 (a)....	10: 1812 (1st sentence).	Sept. 19, 1951, ch. 407, §§ 202,
8034 (b)....	10: 1812 (less 1st sentence).	204, 65 Stat. 328.
8034 (c)....	10: 1814 (a) (1st 10 words); 10: 1814 (b) (2d sentence); 10: 1814 (c).	June 3, 1916, ch. 134, § 5 (last par.); added June 15, 1933, ch. 87, § 2 (last par.), 48 Stat. 154.
8034 (d)....	10: 38 (last par.); 10: 1814 (a) (less 1st 10 words); 10: 1814 (b) (less 2d sentence).	

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 in the Air Force. The words "in the Air Force" are omitted as surplusage. The words "and shall take rank as prescribed by law" are omitted as superseded by section 742 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: 1814 relating to the direction of the Secretary of the Air Force over the Chief of Staff are combined. The words "and 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: 1814 (a). The words "and other provisions of law" are substituted for the words "and by other laws".

AMENDMENTS

1962—Subsec. (d). 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" in cl. (4).

1958—Subsec. (d) (4). Pub. L. 85-599, § 4 (d) redesignated former subsec. (d) (5) as (d) (4), and required the Chief of Staff to exercise 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 subsec. (d) (4), which related to command over the air defense, strategic, tactical, and other major commands, was repealed by Pub. L. 85-599, § 4 (e).

Subsecs. (d) (5) and (d) (6). Pub. L. 85-599, § 4 (e), redesignated former subsecs. (d) (6) and (d) (7) as (d) (5) and (d) (6).

CROSS REFERENCES

Air National Guard in Federal service, detail as chief and assistant chief of staff of wings, see section 8542 of this title.

Armed Forces Policy Council, member of, see section 171 (a) (10) of this title.

Chief of Staff to President, appointment, see section 8531 of this title.

Higher retired grade for service in special position, see section 8962 of this title.

Personal money allowance, see section 414 of Title 37, Pay and Allowances of the Uniformed Services.

Rank, see section 743 of this title.

§ 8035. Vice Chief of Staff; Deputy Chiefs of Staff: succession to duties of Chief of Staff and Vice Chief of Staff.

(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.

(c) 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.

(d) 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. (Aug. 10, 1956, ch. 1041, 70A Stat. 492; Aug. 6, 1958, Pub. L. 85-599, § 6 (d), 72 Stat. 519.)

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).

AMENDMENTS

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

Chapter 807.—THE AIR FORCE

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