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307. The Army .....	3061

AMENDMENTS

1987—Pub. L. 100-26, §7(j)(10)(A), Apr. 21, 1987, 101 Stat. 283, substituted “3011” for “3010” as section number in item for chapter 303.

1980—Pub. L. 96-513, title V, §512(1), Dec. 12, 1980, 94 Stat. 2929, substituted “3010” for “3011” as section number in item for chapter 303.

CHAPTER 301—DEFINITIONS

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§ 3001. Definitions

In this title, the term “Army” means the Army or Armies referred to in the Constitution of the United States, less that part established by law as the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 157; Pub. L. 100-26, §7(k)(8), Apr. 21, 1987, 101 Stat. 284.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3001 .....	5:181-3(a), 10:1a(a).	June 28, 1950, ch. 383, §2(a), 64 Stat. 263.

The words “Army of the United States” and “are synonymous and” are omitted as surplusage, since the term “Army” is used throughout the revised title. 5:181-3(a) (last sentence) and 10:1a(a) (last sentence) are omitted as surplusage.

AMENDMENTS

1987—Pub. L. 100-26 inserted “the term” after “In this title,”.

CHAPTER 303—DEPARTMENT OF THE ARMY

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AMENDMENTS

2006—Pub. L. 109-163, div. A, title IX, §904(c)(2), Jan. 6, 2006, 119 Stat. 3401, added item 3024.

2002—Pub. L. 107-314, div. A, title V, §504(c)(1)(B), Dec. 2, 2002, 116 Stat. 2532, added item 3023.

1988—Pub. L. 100-456, div. A, title VII, §702(a)(3), Sept. 29, 1988, 102 Stat. 1994, added item 3022.

1986—Pub. L. 99-433, title V, §501(b), Oct. 1, 1986, 100 Stat. 1039, amended analysis generally, substituting items 3011 to 3021 for former items 3010 to 3019.

1967—Pub. L. 90-168, §2(17), Dec. 1, 1967, 81 Stat. 524, added item 3019.

1964—Pub. L. 88-426, title III, §§305(40)(B), 306(j)(2), Aug. 14, 1964, 78 Stat. 427, 431, struck out “; compensation” from item 3012, and struck out item 3018 “Compensation of General Counsel”.

1962—Pub. L. 87-651, title II, §210(b), Sept. 7, 1962, 76 Stat. 524, added item 3010.

1958—Pub. L. 85-861, §1(59)(B), Sept. 2, 1958, 72 Stat. 1462, added item 3018.

§ 3010. Renumbered § 3011

§ 3011. Organization

The Department of the Army is separately organized under the Secretary of the Army. It operates under the authority, direction, and control of the Secretary of Defense.

(Added Pub. L. 87-651, title II, §210(a), Sept. 7, 1962, 76 Stat. 524, §3010; renumbered §3011, Pub. L. 99-433, title V, §501(a)(2), Oct. 1, 1986, 100 Stat. 1034.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3010 .....	5:171a(c)(7) (1st sentence, as applicable to Department of Army).	July 26, 1947, ch. 343, §202(c)(7) (1st sentence, as applicable, to Department of Army); added Aug. 6, 1958, Pub. L. 85-599, §3(a) (1st sentence of 8th par., as applicable to Department of Army), 72 Stat. 516.

The word “operates” is substituted for the words “shall function”.

PRIOR PROVISIONS

A prior section 3011 was renumbered section 3012 of this title.

§ 3012. Department of the Army: seal

The Secretary of the Army shall have a seal for the Department of the Army. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.

(Aug. 10, 1956, ch. 1041, 70A Stat. 157, §3011; renumbered §3012, Pub. L. 99-433, title V, §501(a)(2), Oct. 1, 1986, 100 Stat. 1034.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3011 .....	5:181-1(d).	July 26, 1947, ch. 343, §205(d), 61 Stat. 501.

The words “of office” are omitted as surplusage.

PRIOR PROVISIONS

A prior section 3012 was renumbered section 3013 of this title and subsequently repealed.

§ 3013. Secretary of the Army

(a)(1) There is a Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Army.

(2) A person may not be appointed as Secretary of the Army within five years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army, including the following functions:

- (1) Recruiting.
- (2) Organizing.
- (3) Supplying.

(4) Equipping (including research and development).

(5) Training.

(6) Servicing.

(7) Mobilizing.

(8) Demobilizing.

(9) Administering (including the morale and welfare of personnel).

(10) Maintaining.

(11) The construction, outfitting, and repair of military equipment.

(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Army is also responsible to the Secretary of Defense for—

(1) the functioning and efficiency of the Department of the Army;

(2) the formulation of policies and programs by the Department of the Army that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Army;

(4) carrying out the functions of the Department of the Army so as to fulfill the current and future operational requirements of the unified and specified combatant commands;

(5) effective cooperation and coordination between the Department of the Army and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

(6) the presentation and justification of the positions of the Department of the Army on the plans, programs, and policies of the Department of Defense; and

(7) the effective supervision and control of the intelligence activities of the Department of the Army.

(d) The Secretary of the Army is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

(e) After first informing the Secretary of Defense, the Secretary of the Army may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

(f) The Secretary of the Army may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Army and to the Assistant Secretaries of the Army. Officers of the Army shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

(g) The Secretary of the Army may—

(1) assign, detail, and prescribe the duties of members of the Army and civilian personnel of the Department of the Army;

(2) change the title of any officer or activity of the Department of the Army not prescribed by law; and

(3) prescribe regulations to carry out his functions, powers, and duties under this title.

(Added Pub. L. 99-433, title V, § 501(a)(5), Oct. 1, 1986, 100 Stat. 1035; amended Pub. L. 99-661, div. A, title V, § 534, Nov. 14, 1986, 100 Stat. 3873; Pub. L. 108-136, div. A, title IX, § 901, Nov. 24, 2003, 117 Stat. 1558.)

#### PRIOR PROVISIONS

A prior section 3013, acts Aug. 10, 1956, ch. 1041, 70A Stat. 157, § 3012; Sept. 2, 1958, Pub. L. 85-861, § 1(57), 72 Stat. 1462; Sept. 7, 1962, Pub. L. 87-651, title II, § 211, 76 Stat. 524; Aug. 14, 1964, Pub. L. 88-426, title III, §§ 305(2), 306(j)(1), 78 Stat. 422, 431; Nov. 2, 1966, Pub. L. 89-718, § 22, 80 Stat. 1118; renumbered § 3013, Oct. 1, 1986, Pub. L. 99-433, title V, § 501(a)(2), 100 Stat. 1034, related to Secretary of the Army, powers and duties, and delegations, prior to repeal by Pub. L. 99-433, § 501(a)(5).

Another prior section 3013 was renumbered section 3014 of this title and subsequently repealed.

#### AMENDMENTS

2003—Subsec. (c)(4). Pub. L. 108-136 struck out “(to the maximum extent practicable)” after “fulfill”.

1986—Subsec. (a)(2). Pub. L. 99-661 substituted “five years” for “10 years”.

#### EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE

Pub. L. 111-84, div. B, title XXVIII, § 2807, Oct. 28, 2009, 123 Stat. 2663, provided that:

“(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

“(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.”

#### SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS

Pub. L. 111-84, div. B, title XXVIII, § 2825, Oct. 28, 2009, 123 Stat. 2668, provided that: “In selecting the military installations at which brigade combat teams will be stationed, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.”

#### ARMY TRAINING STRATEGY FOR BRIGADE-BASED COMBAT TEAMS AND FUNCTIONAL SUPPORTING BRIGADES

Pub. L. 109-163, div. A, title III, § 353, Jan. 6, 2006, 119 Stat. 3203, provided that:

“(a) TRAINING STRATEGY.—

“(1) STRATEGY REQUIRED.—The Secretary of the Army shall develop and implement a strategy for the training of brigade-based combat teams and functional supporting brigades in order to ensure the readiness of such teams and brigades.

“(2) ELEMENTS.—The training strategy under paragraph (1) shall include the following:

“(A) A statement of the purpose of training for brigade-based combat teams and functional supporting brigades.

“(B) Performance goals for both active-component and reserve-component brigade-based combat teams and functional supporting brigades, including goals for live, virtual, and constructive training.

“(C) Metrics to quantify training performance against the performance goals specified under subparagraph (B).

“(D) A process to report the status of collective training to Army leadership for monitoring the training performance of brigade-based combat teams and functional supporting brigades.

“(E) A model to quantify, and to forecast, operation and maintenance funding required for each fiscal year to attain the performance goals specified under subparagraph (B).

“(3) TIMING OF IMPLEMENTATION.—The Secretary of the Army shall develop and implement the training strategy under paragraph (1) as soon as practicable.

“(b) REPORT.—

“(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act [Jan. 6, 2006], the Secretary of the Army shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the training strategy developed under subsection (a).

“(2) ELEMENTS.—The report under paragraph (1) shall include the following:

“(A) A discussion of the training strategy developed under subsection (a), including a description of the performance goals and metrics developed under that subsection.

“(B) A discussion and description of the training ranges and other essential elements required to support the training strategy.

“(C) A list of the funding requirements, shown by fiscal year and set forth in a format consistent with the future-years defense program to accompany the budget of the President under section 221 of title 10, United States Code, necessary to meet the requirements of the training ranges and other essential elements described under subparagraph (B).

“(D) A schedule for the implementation of the training strategy.

“(c) COMPTROLLER GENERAL REVIEW OF IMPLEMENTATION.—

“(1) IN GENERAL.—The Comptroller General shall monitor the implementation of the training strategy developed under subsection (a).

“(2) REPORT.—Not later than 180 days after the date on which the Secretary of the Army submits the report under subsection (b), the Comptroller General shall submit to the congressional defense committees a report containing the assessment of the Comptroller General of the current progress of the Army in implementing the training strategy.”

#### ARMY TRANSFORMATION TO BRIGADE STRUCTURE

Pub. L. 108–375, div. A, title V, §595(c), Oct. 28, 2004, 118 Stat. 1937, provided that: “The Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the status of the internal transformation of the Army from a division-orientated force to a brigade-orientated force. Such report shall be submitted not later than March 31 of each year, except that the requirement to submit such annual report shall terminate when the Secretary of the Army submits to those committees the Secretary’s certification that the transformation of the Army to a brigade-orientated force has been completed. Upon the submission of such certification, the Secretary shall publish in the Federal Register notice of that certification and that the statutory requirement to submit an annual report under this subsection has terminated.”

#### DEMONSTRATION PROJECT FOR USE OF ARMY INSTALLATIONS TO PROVIDE PRERELEASE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS

Pub. L. 103–337, div. A, title X, §1065, Oct. 5, 1994, 108 Stat. 2849, provided that:

“(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of the Army may conduct a demonstration project to test the feasibility of using Army facilities to provide employment training to nonviolent offenders in a State penal system before their release from incarceration. The demonstration project shall be limited to not more than three military installations under the jurisdiction of the Secretary.

“(b) SOURCES OF TRAINING.—The Secretary may enter into a cooperative agreement with one or more private, nonprofit organizations for purposes of providing at the military installations included in the demonstration project the prerelease employment training authorized under subsection (a) or may provide such training directly at such installations by agreement with the State concerned.

“(c) USE OF FACILITIES.—Under a cooperative agreement entered into under subsection (b), the Secretary may lease or otherwise make available to a nonprofit organization participating in the demonstration project at a military installation included in the demonstration project any real property or facilities at the installation that the Secretary considers to be appropriate for use to provide the prerelease employment training authorized under subsection (a). Notwithstanding section 2667(b)(4) of title 10, United States Code, the use of such real property or facilities may be permitted with or without reimbursement.

“(d) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept voluntary services provided by persons participating in the prerelease employment training authorized under subsection (a).

“(e) LIABILITY AND INDEMNIFICATION.—(1) The Secretary may not enter into a cooperative agreement under subsection (b) with a nonprofit organization for the participation of that organization in the demonstration project unless the agreement includes provisions that the nonprofit organization shall—

“(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of prerelease employment training by the organization under the demonstration project; and

“(B) hold harmless and indemnify the United States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from or in connection with the demonstration project.

“(2) The Secretary may not enter into an agreement under subsection (b) with the State concerned for the provision of prerelease employment training directly by the Secretary unless the agreement with the State concerned includes provisions that the State shall—

“(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of the training except to the extent that the loss or damage results from a wrongful act or omission of Federal Government personnel; and

“(B) hold harmless and indemnify the United States from and against any suit, claim, demand, action, or liability arising out of any claim for personal injury or property damage that may result from, or in connection with, the provision of the training except to the extent that the personal injury or property damage results from a wrongful act or omission of Federal Government personnel.

“(f) REPORT.—Not later than two years after the date of the enactment of this Act [Oct. 5, 1994], the Secretary shall submit to Congress a report evaluating the success of the demonstration project and containing such recommendations with regard to the termination, continuation, or expansion of the demonstration project as the Secretary considers appropriate.”

#### ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Army, see Ex. Ord. No. 12908, Apr. 22, 1994, 59 F.R. 21907, set out as a note under section 3345 of Title 5.

**§ 3014. Office of the Secretary of the Army**

(a) There is in the Department of the Army an Office of the Secretary of the Army. The function of the Office is to assist the Secretary of the Army in carrying out his responsibilities.

(b) The Office of the Secretary of the Army is composed of the following:

- (1) The Under Secretary of the Army.
- (2) The Assistant Secretaries of the Army.
- (3) The Administrative Assistant to the Secretary of the Army.
- (4) The General Counsel of the Department of the Army.
- (5) The Inspector General of the Army.
- (6) The Chief of Legislative Liaison.
- (7) The Army Reserve Forces Policy Committee.

(8) Such other offices and officials as may be established by law or as the Secretary of the Army may establish or designate.

(c)(1) The Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the following functions:

- (A) Acquisition.
- (B) Auditing.
- (C) Comptroller (including financial management).
- (D) Information management.
- (E) Inspector General.
- (F) Legislative affairs.
- (G) Public affairs.

(2) The Secretary of the Army shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Army Staff to conduct any of the functions specified in paragraph (1).

(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

(4) The vesting in the Office of the Secretary of the Army of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Army (including the Army Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Army.

(5) The head of the office or other entity established or designated by the Secretary to conduct the auditing function shall have at least five years of professional experience in accounting or auditing. The position shall be considered to be a career reserved position as defined in section 3132(a)(8) of title 5.

(d)(1) Subject to paragraph (2), the Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the function of research and development.

(2) The Secretary of the Army may assign to the Army Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct the function specified in paragraph (1).

(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Army and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

(e) The Secretary of the Army shall ensure that the Office of the Secretary of the Army and the Army Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Army assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed 3,105.

(2) Not more than 1,865 officers of the Army on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff.

(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed 67.

(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by the President or Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Army or on the Army Staff.

(Added Pub. L. 99-433, title V, §501(a)(5), Oct. 1, 1986, 100 Stat. 1036; amended Pub. L. 100-180, div. A, title XIII, §1314(b)(7), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 100-456, div. A, title III, §325(a), Sept. 29, 1988, 102 Stat. 1955; Pub. L. 101-189, div. A, title VI, §652(a)(4), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 107-107, div. A, title X, §1048(a)(27), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 107-314, div. A, title V, §504(c)(2), Dec. 2, 2002, 116 Stat. 2532.)

## PRIOR PROVISIONS

A prior section 3014, acts Aug. 10, 1956, ch. 1041, 70A Stat. 158, §3013; Aug. 6, 1958, Pub. L. 85-599, §8(a), 72 Stat. 519; Sept. 2, 1958, Pub. L. 85-861, §1(58), 72 Stat. 1462; Aug. 14, 1964, Pub. L. 88-426, title III, §305(3), 78 Stat. 422; Dec. 1, 1967, Pub. L. 90-168, §2(12), 81 Stat. 523; Dec. 31, 1970, Pub. L. 91-611, title II, §211(a), 84 Stat. 1829; Nov. 9, 1979, Pub. L. 96-107, title VIII, §820(b), 93 Stat. 819; Sept. 24, 1983, Pub. L. 98-94, title XII, §1212(c)(1), 97 Stat. 687; renumbered §3014, Oct. 1, 1986, Pub. L. 99-433, title V, §501(a)(2), 100 Stat. 1034, related to Under Secretary and Assistant Secretaries of the Army, appointment, and duties, prior to repeal by Pub. L. 99-433, §501(a)(5). See sections 3015 and 3016 of this title.

Another prior section 3014 was renumbered section 3015 of this title and subsequently repealed.

## AMENDMENTS

2002—Subsec. (b)(6) to (8). Pub. L. 107-314 added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

2001—Subsec. (f)(3). Pub. L. 107-107 substituted “67” for “the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection”.

1989—Subsec. (f)(5). Pub. L. 101-189 struck out par. (5) which read as follows: “The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.”

1988—Subsec. (c)(5). Pub. L. 100-456 added par. (5).

1987—Subsec. (f)(4). Pub. L. 100-180 inserted “the President or” after “declared by”.

## EFFECTIVE DATE OF 1988 AMENDMENT

Requirements of subsec. (c)(5) of this section applicable with respect to any person appointed on or after Sept. 29, 1988, as head of office or other entity designated for conducting auditing function in a military department, see section 325(d)(1) of Pub. L. 100-456, set out as a note under section 5014 of this title.

## EFFECTIVE DATE

Section 532(a) of Pub. L. 99-433 provided that: “The provisions of subsections (c) and (d) of each of sections 3014, 5014, and 8014 of title 10, United States Code, as added by sections 501, 511, and 521, respectively, shall be implemented not later than 180 days after the date of the enactment of this Act [Oct. 1, 1986].”

## EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL

Baseline personnel limitations in this section inapplicable to certain acquisition personnel and personnel hired pursuant to a shortage category designation for fiscal year 2009 and fiscal years thereafter, and Secretary of Defense or a secretary of a military department authorized to adjust such limitations for fiscal year 2009 and fiscal years thereafter, see section 1111 of Pub. L. 110-417, set out as a note under section 143 of this title.

**§ 3015. Under Secretary of the Army**

(a) There is an Under Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

(Added Pub. L. 99-433, title V, § 501(a)(5), Oct. 1, 1986, 100 Stat. 1037.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3013 of this title prior to enactment of Pub. L. 99-433.

A prior section 3015, acts Aug. 10, 1956, ch. 1041, 70A Stat. 158, § 3014; renumbered § 3015, Oct. 1, 1986, Pub. L. 99-433, title V, § 501(a)(2), 100 Stat. 1034, related to Comptroller and Deputy Comptroller of the Army, powers and duties, and appointment, prior to repeal by Pub. L. 99-433, § 501(a)(5).

Another prior section 3015 was renumbered section 3040 of this title and subsequently repealed.

## ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Army, see Ex. Ord. No. 12908, Apr. 22, 1994, 59 F.R. 21907, set out as a note under section 3345 of Title 5.

**§ 3016. Assistant Secretaries of the Army**

(a) There are five Assistant Secretaries of the Army. They shall be appointed from civilian life

by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Army.

(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources, including flood control, navigation, shore protection, and related purposes.

(4) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Financial Management. The Assistant Secretary shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Army, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Army and shall advise the Secretary of the Army on financial management.

(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be a lieutenant general of the Army on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1733 of this title.

(Added Pub. L. 99-433, title V, § 501(a)(5), Oct. 1, 1986, 100 Stat. 1038; amended Pub. L. 100-456, div. A, title VII, § 702(a)(1), Sept. 29, 1988, 102 Stat. 1992; Pub. L. 110-181, div. A, title IX, § 908(a), Jan. 28, 2008, 122 Stat. 278.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3013 of this title prior to enactment of Pub. L. 99-433.

A prior section 3016 was renumbered section 3018 of this title.

## AMENDMENTS

2008—Subsec. (b)(5). Pub. L. 110-181 added par. (5).

1988—Subsec. (b)(4). Pub. L. 100-456 added par. (4).

## EFFECTIVE DATE OF 1988 AMENDMENT

Section 702(e)(1) of Pub. L. 100-456 provided that: “The amendments made by subsections (a) and (b) [enacting sections 3022 and 5025 of this title and amending this section and section 5016 of this title] shall take effect on January 20, 1989.”

**§ 3017. Secretary of the Army: successors to duties**

If the Secretary of the Army dies, resigns, is removed from office, is absent, or is disabled,

the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President, under section 3347<sup>1</sup> of title 5, directs another person to perform those duties or until the absence or disability ceases:

(1) The Under Secretary of the Army.

(2) The Assistant Secretaries of the Army, in the order prescribed by the Secretary of the Army and approved by the Secretary of Defense.

(3) The General Counsel of the Department of the Army.

(4) The Chief of Staff.

(Aug. 10, 1956, ch. 1041, 70A Stat. 159; Pub. L. 89-718, §23, Nov. 2, 1966, 80 Stat. 1118; Pub. L. 90-235, §4(a)(7), Jan. 2, 1968, 81 Stat. 759; Pub. L. 99-433, title V, §501(a)(6), Oct. 1, 1986, 100 Stat. 1038; Pub. L. 103-337, div. A, title IX, §902(a), Oct. 5, 1994, 108 Stat. 2823.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3017(a) .....	5:181-5(b).	June 28, 1950, ch. 383, §102
3017(b) .....	5:181-5(c).	(less (a)), 64 Stat. 265.

In subsection (a), the word "person" is substituted for the words "officer of the United States". The words "until a successor is appointed" are omitted as surplusage.

Subsection (b) is substituted for 5:181-5(c) and states the effect of section 3544(b) of this title.

#### REFERENCES IN TEXT

Section 3347 of title 5, referred to in text, was repealed and a new section 3347 was enacted by Pub. L. 105-277, div. C, title I, §151(b), Oct. 21, 1998, 112 Stat. 2681-611, and, as so enacted, no longer contains provisions authorizing the President to direct temporary successors to duties. See section 3345 of Title 5, Government Organization and Employees.

#### AMENDMENTS

1994—Pars. (3), (4). Pub. L. 103-337 added par. (3) and redesignated former par. (3) as (4).

1986—Pub. L. 99-433 struck out subsec. (a) designation, substituted ", in the order prescribed by the Secretary of the Army and approved by the Secretary of Defense" for "in order of their length of service as such" in par. (2), and struck out subsec. (b) which read as follows: "Performance of the duties of the Secretary by the Chief of Staff or any officer of the Army designated under section 3347 of title 5 shall not be considered as the holding of a civil office within the meaning of section 973(b) of this title."

1968—Subsec. (b). Pub. L. 90-235 substituted "section 973(b) of this title" for "section 3544(b) of this title".

1966—Pub. L. 89-718 substituted "section 3347 of title 5" for "section 6 of title 5" wherever appearing.

#### ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Army, see Ex. Ord. No. 12908, Apr. 22, 1994, 59 F.R. 21907, set out as a note under section 3345 of Title 5.

#### § 3018. Administrative Assistant

(a) There is an Administrative Assistant in the Department of the Army. The Administrative Assistant shall be appointed by the Secretary of the Army and shall perform duties that the Secretary considers appropriate.

(b) During a vacancy in the office of Secretary, the Administrative Assistant has charge and custody of all records, books, and papers of the Department of the Army.

(c) The Secretary may authorize the Administrative Assistant to sign, during the temporary absence of the Secretary, any paper requiring his signature. In such a case, the Administrative Assistant's signature has the same effect as the Secretary's signature.

(Aug. 10, 1956, ch. 1041, 70A Stat. 159, §3016; renumbered §3018, Pub. L. 99-433, title V, §501(a)(3), Oct. 1, 1986, 100 Stat. 1034.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3016(a) .....	5:185.	R.S. 215; Feb. 27, 1877, ch. 69 (2d par.), 19 Stat. 241.
3016(b) .....	5:186.	Mar. 4, 1874, ch. 44, 18 Stat. 19.
3016(c) .....	5:187.	

Although 5:185, 186, and 187 are omitted from the United States Code as covered by 5:181-5, they are not so superseded and are restated in this revised section.

In subsections (a), (b), and (c), the title "Administrative Assistant" is substituted for the title "Assistant and Chief Clerk", to accord with present usage. R.S. 215 (less last sentence) is not contained in 5:185 and 186. It is also omitted from the revised section as obsolete.

In subsection (a), the words "an inferior officer" are omitted, since the Secretary's authority to appoint the Administrative Assistant makes the office an inferior office within the meaning of the Constitution. The words "perform duties that the Secretary considers appropriate" are substituted for the words "to be employed therein as he shall deem proper".

In subsection (b), the words "During a vacancy in the office of Secretary \* \* \* has" are substituted for the words "whenever the Secretary of the Army shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy have the". The word "of" is substituted for the words "appertaining to".

In subsection (c), the words "during the temporary absence of the Secretary" are substituted for the words "When, from illness or other cause, the Secretary of War is temporarily absent from the War Department". The words "requisitions upon the Treasury Department" are omitted as surplusage. The last sentence is substituted for 5:187 (words after semicolon).

#### PRIOR PROVISIONS

A prior section 3018, added Pub. L. 85-861, §1(59)(A), Sept. 2, 1958, 72 Stat. 1462, prescribed compensation of General Counsel of Department of the Army, prior to repeal by Pub. L. 88-426, title III, §305(40)(A), Aug. 14, 1964, 78 Stat. 427, eff. first day of first pay period beginning on or after July 1, 1964.

#### § 3019. General Counsel

(a) There is a General Counsel of the Department of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The General Counsel shall perform such functions as the Secretary of the Army may prescribe.

(Added Pub. L. 99-433, title V, §501(a)(7), Oct. 1, 1986, 100 Stat. 1038; amended Pub. L. 100-456, div. A, title VII, §703(a), Sept. 29, 1988, 102 Stat. 1996.)

#### PRIOR PROVISIONS

A prior section 3019 was renumbered section 3038 of this title.

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

## AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456 inserted “, by and with the advice and consent of the Senate” before period at end.

## EFFECTIVE DATE OF 1988 AMENDMENT

Section 703(c) of Pub. L. 100-456 provided that: “The amendments made by this section [amending this section and sections 5019 and 8019 of this title] shall apply to appointments made under sections 3019, 5019, and 8019, respectively, of title 10, United States Code, on and after the date of the enactment of this Act [Sept. 29, 1988].”

**§ 3020. Inspector General**

(a) There is an Inspector General of the Army who shall be detailed to such position by the Secretary of the Army from the general officers of the Army. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

(1) inquire into and report upon the discipline, efficiency, and economy of the Army; and

(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Army and shall recommend additional inspections and investigations as may appear appropriate.

(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Army.

(e) The Inspector General shall have such deputies and assistants as the Secretary of the Army may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Army for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.

(Added Pub. L. 99-433, title V, § 501(a)(7), Oct. 1, 1986, 100 Stat. 1038.)

## REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (d), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3039 of this title prior to enactment of Pub. L. 99-433.

**§ 3021. Army Reserve Forces Policy Committee**

There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title.

(Added Pub. L. 103-337, div. A, title XVI, § 1661(b)(4)(A), Oct. 5, 1994, 108 Stat. 2982.)

## PRIOR PROVISIONS

Prior section 3021 was renumbered section 10302 of this title.

## EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

**§ 3022. Financial management**

(a) The Secretary of the Army shall provide that the Assistant Secretary of the Army for Financial Management shall direct and manage financial management activities and operations of the Department of the Army, including ensuring that financial management systems of the Department of the Army comply with subsection (b). The authority of the Assistant Secretary for such direction and management shall include the authority to—

(1) supervise and direct the preparation of budget estimates of the Department of the Army and otherwise carry out, with respect to the Department of the Army, the functions specified for the Under Secretary of Defense (Comptroller) in section 135(c) of this title;

(2) approve and supervise any project to design or enhance a financial management system for the Department of the Army; and

(3) approve the establishment and supervise the operation of any asset management system of the Department of the Army, including—

(A) systems for cash management, credit management, and debt collection; and

(B) systems for the accounting for the quantity, location, and cost of property and inventory.

(b)(1) Financial management systems of the Department of the Army (including accounting systems, internal control systems, and financial reporting systems) shall be established and maintained in conformance with—

(A) the accounting and financial reporting principles, standards, and requirements established by the Comptroller General under section 3511 of title 31; and

(B) the internal control standards established by the Comptroller General under section 3512 of title 31.

(2) Such systems shall provide for—

(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of department management;

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

(c) The Assistant Secretary shall maintain a five-year plan describing the activities the Department of the Army proposes to conduct over the next five fiscal years to improve financial management. Such plan shall be revised annually.

(d) The Assistant Secretary of the Army for Financial Management shall transmit to the Secretary of the Army a report each year on the activities of the Assistant Secretary during the preceding year. Each such report shall include a description and analysis of the status of Department of the Army financial management.

(Added Pub. L. 100-456, div. A, title VII, § 702(a)(2), Sept. 29, 1988, 102 Stat. 1993; amended Pub. L. 103-337, div. A, title X, § 1070(a)(15), Oct. 5, 1994, 108 Stat. 2856; Pub. L. 104-106, div. A, title XV, § 1503(b)(1), Feb. 10, 1996, 110 Stat. 512.)

#### AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-106 substituted “Under Secretary of Defense (Comptroller)” for “Comptroller of the Department of Defense”.

1994—Subsec. (a)(1). Pub. L. 103-337 substituted “section 135(c)” for “section 137(c)”.

#### EFFECTIVE DATE

Section effective Jan. 20, 1989, see section 702(e)(1) of Pub. L. 100-456, set out as an Effective Date of 1988 Amendment note under section 3016 of this title.

### § 3023. Chief of Legislative Liaison

(a) There is a Chief of Legislative Liaison in the Department of the Army. An officer assigned to that position shall be an officer in the grade of major general.

(b) The Chief of Legislative Liaison shall perform legislative affairs functions as specified for the Office of the Secretary of the Army by section 3014(c)(1)(F) of this title.

(Added Pub. L. 107-314, div. A, title V, § 504(c)(1)(A), Dec. 2, 2002, 116 Stat. 2531.)

### § 3024. Director of Small Business Programs

(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army.

(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Army is the office that is established within the Department of the Army under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Army, and shall exercise such powers regarding those programs, as the Secretary of the Army may prescribe.

(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.

(Added Pub. L. 109-163, div. A, title IX, § 904(c)(1), Jan. 6, 2006, 119 Stat. 3400.)

#### CHANGE OF NAME

The Director of Small and Disadvantaged Business Utilization of the Department of the Army and the Office of Small and Disadvantaged Business Utilization of the Department of the Army were redesignated the Director of Small Business Programs of the Department of the Army and the Office of Small Business Programs of the Department of the Army, respectively, by Pub.

L. 109-163 which also provided that references to the former were deemed to refer to the latter. See section 904(a) of Pub. L. 109-163, set out as a note under section 144 of this title.

## CHAPTER 305—THE ARMY STAFF

Sec.	
3031.	The Army Staff: function; composition.
3032.	The Army Staff: general duties.
3033.	Chief of Staff.
3034.	Vice Chief of Staff.
3035.	Deputy Chiefs of Staff and Assistant Chiefs of Staff.
3036.	Chiefs of branches: appointment; duties.
3037.	Judge Advocate General, Deputy Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties.
3038.	Office of Army Reserve: appointment of Chief.
3039.	Deputy and assistant chiefs of branches.
[3040.	Repealed.]

#### AMENDMENTS

2008—Pub. L. 110-181, div. A, title V, § 543(a)(3)(B), Jan. 28, 2008, 122 Stat. 115, substituted “Deputy” for “Assistant” in item 3037.

1994—Pub. L. 103-337, div. A, title IX, § 904(b)(2), Oct. 5, 1994, 108 Stat. 2827, struck out item 3040 “Chief of National Guard Bureau: appointment; acting chief”.

1986—Pub. L. 99-433, title V, § 502(g)(2), Oct. 1, 1986, 100 Stat. 1042, amended analysis generally, substituting items 3031 to 3040 for former items 3031 to 3040.

1980—Pub. L. 96-513, title V, § 512(2), Dec. 12, 1980, 94 Stat. 2929, substituted “Deputy Chiefs” for “Deputy Chief” in item 2035, and substituted “appointment” for “appointments” in item 3036.

1966—Pub. L. 89-718, § 25(b), Nov. 2, 1966, 80 Stat. 1119, struck out item 3038 “Chief of Engineers: additional duties”.

### § 3031. The Army Staff: function; composition

(a) There is in the executive part of the Department of the Army an Army Staff. The function of the Army Staff is to assist the Secretary of the Army in carrying out his responsibilities.

(b) The Army Staff is composed of the following:

- (1) The Chief of Staff.
- (2) The Vice Chief of Staff.
- (3) The Deputy Chiefs of Staff.
- (4) The Assistant Chiefs of Staff.
- (5) The Chief of Engineers.
- (6) The Surgeon General of the Army.
- (7) The Judge Advocate General of the Army.
- (8) The Chief of Chaplains of the Army.
- (9) The Chief of Army Reserve.
- (10) Other members of the Army assigned or detailed to the Army Staff.

(11) Civilian employees of the Department of the Army assigned or detailed to the Army Staff.

(c) Except as otherwise specifically prescribed by law, the Army Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

(Aug. 10, 1956, ch. 1041, 70A Stat. 150; Pub. L. 93-547, Dec. 26, 1974, 88 Stat. 1742; Pub. L. 93-608, § 1(6), Jan. 2, 1975, 88 Stat. 1968; Pub. L. 98-525, title V, § 515, Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99-433, title V, § 502(a), Oct. 1, 1986, 100 Stat. 1039.)