

Ex. Ord. No. 12908, Apr. 22, 1994, 59 F.R. 21907, listed in a table under section 3345 of Title 5, Government Organization and Employees.

§ 7016. 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)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Financial Management.

(B) The Assistant Secretary shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(C) The principal responsibility of the Assistant Secretary shall be 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, Logistics, and Technology. 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 an officer 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 1731 of this title. In the event of a vacancy in the position of Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.

(6)(A) One of the Assistant Secretaries shall be the Assistant Secretary for Energy, Installations, and Environment.

(B) The principal duty of the Assistant Secretary for Energy, Installations, and Environment shall be the overall supervision of energy, installation, and environment matters for the Department of the Army.

(Added Pub. L. 99-433, title V, §501(a)(5), Oct. 1, 1986, 100 Stat. 1038, §3016; 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; Pub. L. 114-328, div. A, title VIII, §802(a), Dec. 23, 2016, 130 Stat. 2249; Pub. L. 115-91, div. A, title V, §505, title IX, §921(a), Dec. 12, 2017, 131 Stat. 1374, 1524; renumbered §7016, Pub. L. 115-232, div. A, title VIII, §808(a), Aug. 13, 2018, 132 Stat. 1838; Pub. L. 116-92, div. A, title VIII, §861(j)(14), title IX, §911(a), title XVII, §1731(a)(64), Dec. 20, 2019, 133 Stat. 1520, 1559, 1816.)

Editorial Notes

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.

AMENDMENTS

2019—Subsec. (b)(5)(A). Pub. L. 116-92, §1731(a)(64), substituted “Assistant Secretary of the Army for Acquisition, Logistics, and Technology” for “Assistant Secretary of the Army for Acquisition, Technology, and Logistics”.

Subsec. (b)(5)(B). Pub. L. 116-92, §861(j)(14), substituted “under section 1731 of this title” for “under section 1733 of this title”.

Subsec. (b)(6). Pub. L. 116-92, §911(a), added par. (6).

2018—Pub. L. 115-232 renumbered section 3016 of this title as this section.

2017—Subsec. (b)(4). Pub. L. 115-91, §921(a), designated first sentence as subpar. (A), designated second and third sentences as subpar. (C) and, in subpar. (C), substituted “The principal responsibility of the Assistant Secretary shall be” for “The Assistant Secretary shall have as his principal responsibility”, and added subpar. (B).

Subsec. (b)(5)(B). Pub. L. 115-91, §505, substituted “an officer” for “a lieutenant general”.

2016—Subsec. (b)(5)(B). Pub. L. 114-328 inserted at end “In the event of a vacancy in the position of Assistant Secretary of the Army for Acquisition, Logistics, and Technology, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.”

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

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

Statutory Notes and Related Subsidiaries

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.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title IX, §921(d), Dec. 12, 2017, 131 Stat. 1524, provided that: “The appointment qualifications imposed by the amendments made by this section [amending this section and sections 5016 and 8016 of this title] shall apply with respect to an appointment as an Assistant Secretary of a military department for financial management that is made on or after the date of the enactment of this Act [Dec. 12, 2017].”

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-456, div. A, title VII, §702(e)(1), Sept. 29, 1988, 102 Stat. 1996, provided that: “The amendments made by subsections (a) and (b) [enacting sections 3022 and 5025 of this title and amending this section and sec-

tion 5016 of this title] shall take effect on January 20, 1989.”

§ 7017. 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 3347¹ 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, §3017; 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; renumbered §7017, Pub. L. 115-232, div. A, title VIII, §808(a), Aug. 13, 2018, 132 Stat. 1838.)

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.

Editorial Notes

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

2018—Pub. L. 115-232 renumbered section 3017 of this title as this section.

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.

¹ See References in Text note below.

Statutory Notes and Related Subsidiaries

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.

Executive Documents

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, listed in a table under section 3345 of Title 5, Government Organization and Employees.

§ 7018. 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; renumbered §7018, Pub. L. 115-232, div. A, title VIII, §808(a), Aug. 13, 2018, 132 Stat. 1838.)

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 Depart-