

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

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|---|
| 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

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 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”.

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