

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

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 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 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; 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Section 3347 of title 5, referred to in text, was repealed and a new section 3347 was enacted by Pub.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 Sec-

¹ See References in Text note below.

retary 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, listed in a table 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).