

of the Secretary of the Air Force 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 Air Force and to the Air 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 Air Force shall ensure that the Office of the Secretary of the Air Force and the Air 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 Air Force assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed 2,639.

(2) Not more than 1,585 officers of the Air Force on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff.

(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed 60.

(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war.

(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.

(Added Pub. L. 99-433, title V, §521(a)(3), Oct. 1, 1986, 100 Stat. 1057; 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(c), 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)(29), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 107-314, div. A, title V, §504(e)(2), Dec. 2, 2002, 116 Stat. 2533; Pub. L. 114-328, div. A, title IX, §903(e), Dec. 23, 2016, 130 Stat. 2344.)

#### PRIOR PROVISIONS

A prior section 8014, acts Aug. 10, 1956, ch. 1041, 70A Stat. 489, §8013; Aug. 6, 1958, Pub. L. 85-599, §8(c), 72 Stat. 520; Sept. 2, 1958, Pub. L. 85-861, §1(153), 72 Stat. 1513; Aug. 14, 1964, Pub. L. 88-426, title III, §305(8), 78 Stat. 423; Dec. 1, 1967, Pub. L. 90-168, §2(15), 81 Stat. 523; Nov. 9, 1979, Pub. L. 96-107, title VIII, §820(d), 93 Stat. 819; renumbered §8014, Oct. 1, 1986, Pub. L. 99-433, title V, §521(a)(1), 100 Stat. 1055, related to Under Secretary and Assistant Secretaries of the Air Force, appointment, and duties, prior to repeal by Pub. L. 99-433, §521(a)(3).

Another prior section 8014 was renumbered section 8015 of this title and subsequently repealed.

#### AMENDMENTS

2016—Subsec. (f)(4). Pub. L. 114-328, §903(e)(1), substituted “time of war.” for “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 Air Force or on the Air Staff.”

Subsec. (f)(5). Pub. L. 114-328, §903(e)(2), added par. (5).  
2002—Subsec. (b)(5) to (7). Pub. L. 107-314 added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively.

2001—Subsec. (f)(3). Pub. L. 107-107 substituted “60” 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

Subsecs. (c) and (d) of this section to be implemented not later than 180 days after Oct. 1, 1986, see section 532(a) of Pub. L. 99-433, set out as a note under section 3014 of this title.

#### 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.

#### § 8015. Under Secretary of the Air Force

(a) There is an Under Secretary of the Air Force, 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 Air Force may prescribe.

(Added Pub. L. 99-433, title V, §521(a)(3), Oct. 1, 1986, 100 Stat. 1058.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 8013 of this title prior to enactment of Pub. L. 99-433.

A prior section 8015, acts Aug. 10, 1956, ch. 1041, 70A Stat. 489, §8014; renumbered §8015, Oct. 1, 1986, Pub. L. 99-433, title V, §521(a)(1), 100 Stat. 1055, related to Comptroller and Deputy Comptroller of the Air Force, powers and duties, and appointment, prior to repeal by Pub. L. 99-433, §521(a)(3).

#### ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Air Force, see Ex. Ord. No. 12909, Apr. 22, 1994, 59 F.R. 21909, listed in a table under section 3345 of Title 5.

#### § 8016. Assistant Secretaries of the Air Force

(a) There are four Assistant Secretaries of the Air Force. 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 Air Force may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force 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 Air Force.

(3)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force 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 controller functions of the Department of the Air Force, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Air Force and shall advise the Secretary of the Air Force on financial management.

(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force 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 Air Force.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be an officer of the Air Force 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. In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.

(Added Pub. L. 99-433, title V, §521(a)(3), Oct. 1, 1986, 100 Stat. 1058; amended Pub. L. 100-456, div. A, title VII, §702(c)[(1)], (d), Sept. 29, 1988, 102 Stat. 1995, 1996; Pub. L. 110-181, div. A, title IX, §908(c), Jan. 28, 2008, 122 Stat. 278; Pub. L. 114-328, div. A, title V, §502(ii), title VIII, §802(c), title IX, §934(a), Dec. 23, 2016, 130 Stat. 2105, 2249, 2365; Pub. L. 115-91, div. A, title IX, §921(c), Dec. 12, 2017, 131 Stat. 1524.)

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

2017—Subsec. (b)(3). Pub. L. 115-91 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).

2016—Subsec. (b)(4)(A). Pub. L. 114-328, §934(a), substituted “Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics” for “Assistant Secretary of the Air Force for Acquisition” and inserted “, technology, and logistics” after “acquisition”.

Subsec. (b)(4)(B). Pub. L. 114-328, §802(c), inserted at end “In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the

Principal Military Deputy may serve as Acting Assistant Secretary for a period of not more than one year.”

Pub. L. 114-328, §502(ii), substituted “an officer” for “a lieutenant general”.

2008—Subsec. (b)(4). Pub. L. 110-181 added par. (4).

1988—Subsec. (a). Pub. L. 100-456, §702(d), substituted “four” for “three”.

Subsec. (b)(3). Pub. L. 100-456, §702(c)[(1)], added par. (3).

CHANGE OF NAME

Pub. L. 114-328, div. A, title IX, §934(b), Dec. 23, 2016, 130 Stat. 2365, provided that: “Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.”

EFFECTIVE DATE OF 2017 AMENDMENT

For applicability of appointment qualifications imposed by section 921 of Pub. L. 115-91 to certain appointments made on or after Dec. 12, 2017, see section 921(d) of Pub. L. 115-91, set out as a note under section 3016 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-456, div. A, title VII, §702(e)(2), Sept. 29, 1988, 102 Stat. 1996, provided that: “The amendments made by subsections (c) and (d) [enacting section 8022 of this title and amending this section] shall take effect on July 1, 1989, except that such amendments shall take effect on such earlier date, but not before January 21, 1989, as may be prescribed by the President in advance by Executive order.”

**§ 8017. Secretary of the Air Force: successors to duties**

If the Secretary of the Air Force 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 Air Force.
- (2) The Assistant Secretaries of the Air Force, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense.
- (3) The General Counsel of the Department of the Air Force.
- (4) The Chief of Staff.

(Aug. 10, 1956, ch. 1041, 70A Stat. 489; Pub. L. 89-718, §23, Nov. 2, 1966, 80 Stat. 1118; Pub. L. 90-235, §4(a)(9), Jan. 2, 1968, 81 Stat. 760; Pub. L. 99-433, title V, §521(a)(4), Oct. 1, 1986, 100 Stat. 1058; Pub. L. 103-337, div. A, title IX, §902(c), Oct. 5, 1994, 108 Stat. 2823.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8017(a) .....	5:626-1(b).	Sept. 19, 1951, ch. 407, §102 (less (a)), 65 Stat. 327.
8017(b) .....	5:626-1(c).	

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.

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