

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.

§ 7013. 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 shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience. 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, § 3013; 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; Pub. L. 114-328, div. A, title IX, § 931(a), Dec. 23, 2016, 130 Stat. 2362; renumbered § 7013, Pub. L. 115-232, div. A, title VIII, § 808(a), Aug. 13, 2018, 132 Stat. 1838.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 3013 of this title as this section.

2016—Subsec. (a)(1). Pub. L. 114-328 inserted “The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management or leadership experience.” after first sentence.

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”.

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PILOT PROGRAM ON USE OF RETIRED SENIOR ENLISTED MEMBERS OF THE ARMY NATIONAL GUARD AS ARMY NATIONAL GUARD RECRUITERS

Pub. L. 115-91, div. A, title V, § 514, Dec. 12, 2017, 131 Stat. 1378, as amended by Pub. L. 115-232, div. A, title V, § 520, Aug. 13, 2018, 132 Stat. 1754, provided that:

“(a) PILOT PROGRAM AUTHORIZED.—The Secretary of the Army may carry out a pilot program for the Army National Guard under which retired senior enlisted members of the Army National Guard would serve as contract recruiters for the Army National Guard.

“(b) OBJECTIVES OF PILOT PROGRAM.—The Secretary of the Army shall design any pilot program conducted under this section to determine the following:

“(1) The feasibility and effectiveness of hiring retired senior enlisted members of the Army National Guard who have retired within the previous two years to serve as recruiters.

“(2) The merits of hiring such retired senior enlisted members as contractors or as employees of the Department of Defense.

“(3) The best method of providing a competitive compensation package for such retired senior enlisted members.

“(4) The merits of requiring such retired senior enlisted members to wear a military uniform while performing recruiting duties under the pilot program.

“(c) CONSULTATION.—In developing a pilot program under this section, the Secretary of the Army shall consult with the operators of a previous pilot program carried out by the Army involving the use of contract recruiters.

“(d) COMMENCEMENT AND DURATION.—The Secretary of the Army may commence a pilot program under this section on or after January 1, 2018, and all activities under such a pilot program shall terminate no later than December 31, 2021.

“(e) FUNDING SOURCE.—If a pilot program is conducted under this section, the Secretary of the Army shall use funds otherwise available for the National Guard Bureau to carry out the program.

“(f) REPORTING REQUIREMENT.—If a pilot program is conducted under this section, the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing an evaluation of the success of the pilot program, including the determinations described in subsection (b). The report shall be submitted not later than January 1, 2020.”

RESTRUCTURING OF THE DISTRIBUTED COMMON GROUND SYSTEM OF THE ARMY

Pub. L. 114-328, div. A, title II, §220(a), (b), Dec. 23, 2016, 130 Stat. 2055, provided that:

“(a) IN GENERAL.—Not later than [sic] April 1, 2017, the Secretary of the Army shall restructure versions of the distributed common ground system of the Army after Increment 1—

“(1) by discontinuing development of new software code, excluding the configuration and testing of system interfaces to commercial, open source, and existing Government off the shelf (GOTS) software, of any component of the system for which there is commercial, open source, or Government off the shelf software that is capable of fulfilling at least 80 percent of the system requirements applicable to such component; and

“(2) by conducting a review of the acquisition strategy of the program to ensure that procurement of commercial software is the preferred method of meeting program requirements for major system components.

“(b) LIMITATION.—The Secretary of the Army shall not award any contract for the development of new component software capability for the distributed common ground system of the Army if such a capability is already a commercial item or open source, except for configuration of capabilities that are incidental to and necessary for the proper functioning of the system.”

CONSOLIDATION OF ARMY MARKETING AND PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING

Pub. L. 114-328, div. A, title V, §527, Dec. 23, 2016, 130 Stat. 2117, provided that:

“(a) CONSOLIDATION OF ARMY MARKETING.—Not later than October 1, 2017, the Secretary of the Army shall

consolidate into a single organization within the Department of the Army all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

“(b) PILOT PROGRAM ON CONSOLIDATED ARMY RECRUITING.—

“(1) PILOT PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of the Army shall carry out a pilot program to consolidate the recruiting efforts of the Regular Army, Army Reserve, and Army National Guard under which a recruiter in one of the components participating in the pilot program may recruit individuals to enlist in any of the components regardless of the funding source of the recruiting activity.

“(2) CREDIT TOWARD ENLISTMENT GOALS.—Under the pilot program, a recruiter shall receive credit toward periodic enlistment goals for each enlistment regardless of the component in which the individual enlists.

“(3) DURATION.—The Secretary shall carry out the pilot program for a period of not less than three years.

“(c) BRIEFING AND REPORTS.—

“(1) BRIEFING ON CONSOLIDATION PLAN.—Not later than March 1, 2017, the Secretary of the Army shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the Secretary’s plan to carry out the Army marketing consolidation required by subsection (a).

“(2) INTERIM REPORT ON PILOT PROGRAM.—

“(A) IN GENERAL.—Not later than one year after the date on which the pilot program under subsection (b) commences, the Secretary shall submit to the congressional committees specified in paragraph (1) a report on the pilot program.

“(B) ELEMENTS.—The report under subparagraph (A) shall include each of the following:

“(i) An analysis of the effects that consolidated recruiting efforts has [sic] on the overall ability of recruiters to attract and place qualified candidates.

“(ii) A determination of the extent to which consolidating recruiting efforts affects efficiency and recruiting costs.

“(iii) An analysis of any challenges associated with a recruiter working to recruit individuals to enlist in a component in which the recruiter has not served.

“(iv) An analysis of the satisfaction of recruiters and the component recruiting commands with the pilot program.

“(3) FINAL REPORT ON PILOT PROGRAM.—Not later than 180 days after the date on which the pilot program is completed, the Secretary shall submit to the congressional committees specified in paragraph (1) a final report on the pilot program. The final report shall include any recommendations of the Secretary with respect to extending or making permanent the pilot program and a description of any related legislative actions that the Secretary considers appropriate.”

GLOBAL CULTURAL KNOWLEDGE NETWORK

Pub. L. 114-328, div. A, title X, §1087, Dec. 23, 2016, 130 Stat. 2425, provided that:

“(a) PROGRAM AUTHORIZED.—The Secretary of the Army shall carry out a program to support the socio-cultural understanding needs of the Department of the Army, to be known as the Global Cultural Knowledge Network.

“(b) GOALS.—The Global Cultural Knowledge Network shall support the following goals:

“(1) Provide socio-cultural analysis support to any unit deployed, or preparing to deploy, to an exercise or operation in the assigned region of responsibility of the unit being supported.

“(2) Make recommendations or support policy or doctrine development to increase the social science

expertise of military and civilian personnel of the Department of the Army.

“(3) Provide reimbursable support to other military departments or Federal agencies if requested through an operational needs request process.

“(c) ELEMENTS OF THE PROGRAM.—The Global Cultural Knowledge Network shall include the following elements:

“(1) A center in the continental United States (referred to in this section as a ‘reach-back center’) to support requests for information, research, and analysis.

“(2) Outreach to academic institutions and other Federal agencies involved in social science research to increase the network of resources for the reach-back center.

“(3) Training with operational units during annual training exercises or during pre-deployment training.

“(4) The training, contracting, and human resources capacity to rapidly respond to contingencies in which social science expertise is requested by operational commanders through an operational needs request process.

“(d) DIRECTIVE REQUIRED.—The Secretary of the Army shall issue a directive within one year after the date of the enactment of this Act [Dec. 23, 2016] for the governance of the Global Cultural Knowledge Network, including oversight and process controls for auditing the activities of personnel of the Network, the employment of the Global Cultural Knowledge Network by operational forces, and processes for requesting support by operational Army units and other Department of Defense and Federal entities.

“(e) PROHIBITION ON DEPLOYMENTS UNDER GLOBAL CULTURAL KNOWLEDGE NETWORK.—

“(1) PROHIBITION.—The Secretary of the Army may not deploy social scientists of the Global Cultural Knowledge Network in a conflict zone.

“(2) WAIVER.—The Secretary of the Army may waive the prohibition in paragraph (1) if the Secretary submits, at least 10 days before the deployment, to the Committees on Armed Services of the House of Representatives and the Senate—

“(A) notice of the waiver; and

“(B) a certification that there is a compelling national security interest for the deployment or there will be a benefit to the safety and welfare of members of the Armed Forces from the deployment.

“(3) ELEMENTS OF WAIVER NOTICE.—A waiver notice under this subsection also shall include the following:

“(A) The operational unit, or units, requesting support, including the location or locations where the social scientists are to be deployed.

“(B) The number of Global Cultural Knowledge Network personnel to be deployed and the anticipated duration of such deployments.

“(C) The anticipated resource needs for such deployment.”

PILOT PROGRAM FOR THE HUMAN TERRAIN SYSTEM

Pub. L. 113–291, div. A, title X, § 1075, Dec. 19, 2014, 128 Stat. 3519, provided that:

“(a) PILOT PROGRAM REQUIRED.—The Secretary of the Army may carry out a pilot program under which the Secretary utilizes Human Terrain System assets in the United States Pacific Command [now United States Indo-Pacific Command] area of responsibility to support phase 0 shaping operations and the theater security cooperation plans of the Commander of the United States Pacific Command.

“(b) REPORTS.—

“(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act [Dec. 19, 2014], 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 status of the pilot program under this section. Such report shall include the independent analysis and recommendations of the Commander of the United States

Pacific Command regarding the effectiveness of the program and how it could be improved.

“(2) FINAL REPORT.—Not later than December 1, 2016, the Secretary of the Army shall submit to the congressional defense committees a final report on the pilot program. Such report shall include an analysis of the comparative value of human terrain information relative to other analytic tools and techniques, recommendations regarding expanding the program to include other combatant commands, and any improvements to the program and necessary resources that would enable expanding the program.

“(c) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on September 30, 2016.”

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

§ 7014. 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.