

The striking out of current sections 3014 and 3016 would mean that the positions of Comptroller of the Army and Administrative Assistant would no longer be established by law. The Committee believes that these officials, if they are required, do not need to be specified in law. Striking these sections does not prohibit the Secretary of the Army from continuing to designate these two positions.

Beyond these changes, three newly created sections would be added to chapter 303. Section 3014 would establish the Office of the Secretary of the Army in law. Section 3016 would provide a separate section for the Assistant Secretaries of the Army. The Assistant Secretaries and the Under Secretary of the Army are currently included in a single section (existing section 3013). The third section added is section 3018 dealing with the Inspector General of the Army. The Committee recommends that the Inspector General be designated as part of the Office of the Secretary of the Army. To implement this policy recommendation, the portion of section 3039 in chapter 305 dealing with the Inspector General would be reenacted in new section 3018 in chapter 303.

Beyond these reorganizational changes, section 201 of this bill would make substantial amendments to current prescriptions for the Secretary of the Army and offices and officers of the Office of the Secretary of the Army. These changes are described in the remainder of the analysis of section 201.

*Sec. 3013. Secretary of the Army: appointment; powers and duties; delegation authority*

New section 3013 dealing with the Secretary of the Army is based upon the current section 3012. The changes to existing law are highlighted in this discussion. Subsection (a) of new section 3013 deals with the appointment of the Secretary of the Army and would make two changes. First, the Secretary of the Army would be required to be appointed from civilian life by the President, by and with the advice and consent of the Senate. Although it has been the practice, the law does not now require the Secretary of the Army to be a civilian appointed by the President and confirmed by the Senate. Of the three Secretaries of the Military Departments, these statutory requirements apply only to the Secretary of the Air Force.

The second change that would be made by subsection (a) is a limitation that the Secretary of the Army not have served on active duty as a regular officer within 5 years of his appointment. Given the important role of the Secretary of the Army in assuring civilian control of the military, the Committee believes that an appropriate separation from military service is warranted. While recognizing that this limitation for the Secretary and Deputy Secretary of Defense is for a period of 10 years, the Committee believes that a 5-year period of separation for the Secretary of each Military Department is adequate.

Subsection (b) of section 3013 would provide a comprehensive presentation of the responsibilities of the Secretary of the Army with respect to the functions of the Department of the Army. Subsection (b) would also clarify that the Secretary carries out these responsibilities subject to the authority, direction, and control of the Secretary of Defense. The current statute dealing with these re-