

sustainment, restoration and modernization, environmental restoration and the Defense Health Program, “congressional defense committees” also means the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies [subcommittee jurisdiction now in Subcommittee on Military Construction, Veterans Affairs, and Related Agencies and Subcommittee on Defense] of the Committee on Appropriations of the House of Representatives.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives:

Pub. L. 111–118, div. A, title VIII, §8028, Dec. 19, 2009, 123 Stat. 3434.

Pub. L. 110–329, div. C, title VIII, §8028, Sept. 30, 2008, 122 Stat. 3627 (definition applies to div. C only).

Pub. L. 110–116, div. A, title VIII, §8027, Nov. 13, 2007, 121 Stat. 1320.

Pub. L. 109–289, div. A, title VIII, §8025, Sept. 29, 2006, 120 Stat. 1279.

Pub. L. 108–287, title VIII, §8030, Aug. 5, 2004, 118 Stat. 977.

Pub. L. 108–87, title VIII, §8031, Sept. 30, 2003, 117 Stat. 1079.

Pub. L. 107–248, title VIII, §8031, Oct. 23, 2002, 116 Stat. 1543.

Pub. L. 107–117, div. A, title VIII, §8034, Jan. 10, 2002, 115 Stat. 2255.

Pub. L. 106–259, title VIII, §8034, Aug. 9, 2000, 114 Stat. 682.

Pub. L. 106–79, title VIII, §8036, Oct. 25, 1999, 113 Stat. 1239.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives:

Pub. L. 108–136, §3, Nov. 24, 2003, 117 Stat. 1406.

Pub. L. 107–314, §3, Dec. 2, 2002, 116 Stat. 2471.

Pub. L. 107–107, §3, Dec. 28, 2001, 115 Stat. 1027.

Pub. L. 106–398, §1 [§3], Oct. 30, 2000, 114 Stat. 1654, 1654A–19.

Pub. L. 106–65, §3, Oct. 5, 1999, 113 Stat. 529.

Pub. L. 103–337, §3, Oct. 5, 1994, 108 Stat. 2678.

Pub. L. 103–160, §3, Nov. 30, 1993, 107 Stat. 1562.

Pub. L. 102–484, §3, Oct. 23, 1992, 106 Stat. 2331.

Pub. L. 102–190, §3, Dec. 5, 1991, 105 Stat. 1301.

Pub. L. 102–25, §3(4), Apr. 6, 1991, 105 Stat. 77.

Pub. L. 101–510, §3, Nov. 5, 1990, 104 Stat. 1498.

Pub. L. 101–189, §4, Nov. 29, 1989, 103 Stat. 1364.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives:

Pub. L. 105–262, title VIII, §8036, Oct. 17, 1998, 112 Stat. 2305.

Pub. L. 105–56, title VIII, §8038, Oct. 8, 1997, 111 Stat. 1229.

Pub. L. 104–208, div. A, title I, §101(b) [title VIII, §8040], Sept. 30, 1996, 110 Stat. 3009–71, 3009–97.

Pub. L. 104–61, title VIII, §8049, Dec. 1, 1995, 109 Stat. 661.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security

and the Committee on Appropriations of the House of Representatives:

Pub. L. 105–261, §3, Oct. 17, 1998, 112 Stat. 1935.

Pub. L. 105–85, §3, Nov. 18, 1997, 111 Stat. 1645.

Pub. L. 104–201, §3, Sept. 23, 1996, 110 Stat. 2439.

Pub. L. 104–106, §3, Feb. 10, 1996, 110 Stat. 204.

The following provisions defined the term “congressional defense committees” for purposes of the Acts in which they were contained to mean the Committees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives:

Pub. L. 103–335, title VIII, §8056, Sept. 30, 1994, 108 Stat. 2631.

Pub. L. 103–139, title VIII, §8067, Nov. 11, 1993, 107 Stat. 1455.

Pub. L. 102–172, title VIII, §8116, Nov. 26, 1991, 105 Stat. 1203.

#### DEFINITIONS FOR PURPOSES OF PUB. L. 102–25

Pub. L. 102–25, §3, Apr. 6, 1991, 105 Stat. 77, as amended by Pub. L. 102–190, div. A, title XII, §1203(a), Dec. 5, 1991, 105 Stat. 1508, provided that: “For the purposes of this Act [see Short Title of 1991 Amendment note above]:

“(1) The term ‘Operation Desert Storm’ means operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq (including operations known as Operation Desert Shield, Operation Desert Storm, and Operation Provide Comfort).

“(2) The term ‘incremental costs associated with Operation Desert Storm’ means costs referred to in [former] section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 ([former] 2 U.S.C. 901(b)(2)(D)(ii)).

“(3) The term ‘Persian Gulf conflict’ means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

“(4) The term ‘congressional defense committees’ has the meaning given that term in section 3 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1498).”

#### CHAPTER 2—DEPARTMENT OF DEFENSE

|         |   |
|---------|---|
| Sec.    |   |
| 111.    | Executive department.   |
| 112.    | Department of Defense: seal.  |
| 113.    | Secretary of Defense.   |
| 113a.   | Transmission of annual defense authorization request.                             |
| 114.    | Annual authorization of appropriations.   |
| [114a.] | Renumbered.]  |
| 115.    | Personnel strengths: requirement for annual authorization.                        |
| 115a.   | Annual defense manpower requirements report.                                      |
| 115b.   | Biennial strategic workforce plan.  |
| 116.    | Annual operations and maintenance report.   |
| 117.    | Readiness reporting system: establishment; reporting to congressional committees. |
| 118.    | Quadrennial defense review.   |
| 118a.   | Quadrennial quality of life review.   |
| 118b.   | Quadrennial roles and missions review.  |
| 119.    | Special access programs: congressional oversight.                                 |

#### AMENDMENTS

2011—Pub. L. 112–81, div. A, title IX, §935(a)(2), Dec. 31, 2011, 125 Stat. 1545, substituted “Biennial strategic workforce plan” for “Annual strategic workforce plan” in item 115b.

2009—Pub. L. 111–84, div. A, title XI, §§1108(a)(2), 1109(b)(2)(B)(ii), Oct. 28, 2009, 123 Stat. 2491, 2493, amended item 115a generally, substituting “Annual defense manpower requirements report” for “Annual manpower requirements report”, and added item 115b.

2008—Pub. L. 110-417, [div. A], title X, § 1061(a)(1), Oct. 14, 2008, 122 Stat. 4612, added item 118b.

2002—Pub. L. 107-314, div. A, title V, § 581(a)(2), title X, § 1061(b), Dec. 2, 2002, 116 Stat. 2561, 2649, added items 113a and 118a.

1999—Pub. L. 106-65, div. A, title IX, § 901(a)(2), Oct. 5, 1999, 113 Stat. 717, added item 118.

1998—Pub. L. 105-261, div. A, title III, § 373(a)(2), Oct. 17, 1998, 112 Stat. 1992, added item 117.

1994—Pub. L. 103-337, div. A, title XVI, § 1671(b)(1), Oct. 5, 1994, 108 Stat. 3013, struck out item 115b “Annual report on National Guard and reserve component equipment”.

1992—Pub. L. 102-484, div. A, title X, § 1002(d)(1), Oct. 23, 1992, 106 Stat. 2480, struck out item 114a “Multiyear Defense Program: submission to Congress; consistency in budgeting”.

1990—Pub. L. 101-510, div. A, title XIV, § 1402(a)(3)(B), Nov. 5, 1990, 104 Stat. 1674, which directed amendment of item 114a by substituting “Multiyear” for “Five-year”, was executed by substituting “Multiyear” for “Five-Year” as the probable intent of Congress.

Pub. L. 101-510, div. A, title XIII, § 1331(1), title XIV, § 1483(c)(1), Nov. 5, 1990, 104 Stat. 1673, 1715, substituted “Personnel strengths: requirement for annual authorization” for “Annual authorization of personnel strengths; annual manpower requirements report” in item 115, added items 115a and 115b, and struck out items 117 “Annual report on North Atlantic Treaty Organization readiness” and 118 “Sale or transfer of defense articles: reports to Congress”.

1989—Pub. L. 101-189, div. A, title XVI, § 1602(a)(2), Nov. 29, 1989, 103 Stat. 1597, added item 114a.

1987—Pub. L. 100-180, div. A, title XI, § 1132(a)(2), Dec. 4, 1987, 101 Stat. 1152, added item 119.

1986—Pub. L. 99-433, title I, § 101(a)(1), Oct. 1, 1986, 100 Stat. 994, added chapter heading and analysis of sections for chapter 2, consisting of items 111 to 118.

### § 111. Executive department

(a) The Department of Defense is an executive department of the United States.

(b) The Department is composed of the following:

- (1) The Office of the Secretary of Defense.
- (2) The Joint Chiefs of Staff.
- (3) The Joint Staff.
- (4) The Defense Agencies.
- (5) Department of Defense Field Activities.
- (6) The Department of the Army.
- (7) The Department of the Navy.
- (8) The Department of the Air Force.
- (9) The unified and specified combatant commands.

(10) Such other offices, agencies, activities, and commands as may be established or designated by law or by the President.

(11) All offices, agencies, activities, and commands under the control or supervision of any element named in paragraphs (1) through (10).

(c) If the President establishes or designates an office, agency, activity, or command in the Department of Defense of a kind other than those described in paragraphs (1) through (9) of subsection (b), the President shall notify Congress not later than 60 days thereafter.

(Added Pub. L. 87-651, title II, § 202, Sept. 7, 1962, 76 Stat. 517, § 131; renumbered § 111 and amended Pub. L. 99-433, title I, § 101(a)(2), (b), Oct. 1, 1986, 100 Stat. 994, 995.)

### HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code)                  | Source (Statutes at Large)  |
|-----------------|-------------------------------------|---|
| 131 .....       | 5:171(a) (less last 10 words), (b). | July 26, 1947, ch. 343, § 201(a) (less last 10 words), (b); restated Aug. 10, 1949, ch. 412, § 4 (1st (less last 10 words) and 2d pars.), 63 Stat. 579. |

The words “There is established”, in 5 U.S.C. 171(a), are omitted as executed. 5 U.S.C. 171(b) (1st 26 words) is omitted as covered by the definitions of “department” and “military departments” in section 101(5) and (7), respectively, of this title. 5 U.S.C. 171(b) (27th through 49th words) is omitted as executed. 5 U.S.C. 171(b) (last 18 words) is omitted as surplusage.

### AMENDMENTS

1986—Pub. L. 99-433 renumbered section 131 of this title as this section, designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

### CHANGE OF NAME

Pub. L. 104-106, div. A, title IX, § 908, Feb. 10, 1996, 110 Stat. 406, provided that:

“(a) REDESIGNATION.—The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act [Feb. 10, 1996] be designated as the Defense Advanced Research Projects Agency.

“(b) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States or in any provision of this Act to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency.”

### SHORT TITLE OF 1986 AMENDMENT

Section 1(a) of Pub. L. 99-433 provided that: “This Act [see Tables for classification] may be cited as the ‘Goldwater-Nichols Department of Defense Reorganization Act of 1986.’”

### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Department of Defense, including the functions of the Secretary of Defense relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 121(g)(2), 183(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Missions and functions of elements of Department of Defense as specified in classified annex to Pub. L. 104-201, and related personnel, assets, and balances of appropriations and authorizations of appropriations, transferred to National Imagery and Mapping Agency, see sections 1111 and 1113 of Pub. L. 104-201, set out as notes under section 441 of this title.

### MILITARY ACTIVITIES IN CYBERSPACE

Pub. L. 112-81, div. A, title IX, § 954, Dec. 31, 2011, 125 Stat. 1551, provided that: “Congress affirms that the Department of Defense has the capability, and upon direction by the President may conduct offensive operations in cyberspace to defend our Nation, Allies and interests, subject to—

- “(1) the policy principles and legal regimes that the Department follows for kinetic capabilities, including the law of armed conflict; and
- “(2) the War Powers Resolution (50 U.S.C. 1541 et seq.).”

### INTERAGENCY POLICY COORDINATION

Pub. L. 110-181, div. A, title IX, § 952, Jan. 28, 2008, 122 Stat. 291, provided that: