

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-94, title XII, § 1212(e), Sept. 24, 1983, 97 Stat. 687, provided that: “The amendments made by this section [amending this section, sections 175, 3013, and 5034 of this title, and section 5315 of Title 5, Government Organization and Employees] shall take effect on October 1, 1983.”

EFFECTIVE DATE OF 1967 AMENDMENT

Pub. L. 90-168, § 7, Dec. 1, 1967, 81 Stat. 526, provided that: “The provisions of this Act [see Short Title of 1967 Amendment note below] shall become effective on the first day of the first calendar month following the date of enactment [Dec. 1, 1967].”

SHORT TITLE OF 1967 AMENDMENT

Pub. L. 90-168, § 1, Dec. 1, 1967, 81 Stat. 521, provided: “That this Act [amending this section, sections 175, 262, 264, 268, 269, 270, 511 [now 12103], 3014, 5034, 8014, and 8850 of this title, section 502 of Title 32, National Guard, and section 404 of Title 37, Pay and Allowances of the Uniformed Services, enacting sections 3021 [now 10302], 3038, 8021 [now 10305], and 8038 of this title, enacting provisions set out as notes under this section and section 8212 of this title, and amending provisions set out as a note under section 113 of this title] may be cited as the ‘Reserve Forces Bill of Rights and Vitalization Act’.”

DECREASE IN NUMBER OF ASSISTANT SECRETARIES OF DEFENSE

Pub. L. 112-166, § 2(c)(1)(B)–(D), Aug. 10, 2012, 126 Stat. 1283, provided that:

“(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense positions eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) [amending this section] shall be—

“(i) the Assistant Secretary of Defense for Networks and Information Integration; and

“(ii) the Assistant Secretary of Defense for Public Affairs.

“(C) CONTINUED SERVICE OF INCUMBENTS.—Notwithstanding the requirements of this paragraph, any individual serving in a position described under subparagraph (B) on the date of the enactment of this Act [Aug. 10, 2012] may continue to serve in such position without regard to the limitation imposed by the amendment in subparagraph (A).

“(D) PLAN FOR SUCCESSOR POSITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on his plan for successor positions, not subject to Senate confirmation, for the positions eliminated in accordance with the requirements of this paragraph.”

CHARTER OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT

Pub. L. 100-180, div. A, title XII, § 1211(a)(2)–(5), Dec. 4, 1987, 101 Stat. 1154, 1155, provided that:

“(2) The Secretary of Defense shall publish a directive setting forth the charter of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict not later than 30 days after the date of the enactment of this Act [Dec. 4, 1987]. The directive shall set forth—

“(A) the duties and responsibilities of the Assistant Secretary;

“(B) the relationships between the Assistant Secretary and other Department of Defense officials;

“(C) any delegation of authority from the Secretary of Defense to the Assistant Secretary; and

“(D) such other matters as the Secretary considers appropriate.

“(3) On the date that such directive is published, the Secretary of Defense shall submit to the Committees

on Armed Services of the Senate and House of Representatives—

“(A) a copy of the directive; and

“(B) a report explaining how the charter of the Assistant Secretary fulfills the provisions of section 136(b)(4) [now 138(b)(4)] of title 10, United States Code (as amended by paragraph (1)), that provide that the Assistant Secretary—

“(i) exercises overall supervision of special operations activities and low intensity conflict activities of the Department of Defense;

“(ii) is the principal civilian adviser to the Secretary of Defense on special operations and low intensity conflict matters; and

“(iii) is the principal special operations and low intensity conflict official (after the Secretary and Deputy Secretary) within the senior management of the Department of Defense.

“(4)(A) Until the office of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is filled for the first time by a person appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of the Army shall carry out the duties and responsibilities of that office.

“(B) Throughout the period of time during which the Secretary of the Army is carrying out the duties and responsibilities of that office, he shall submit to the Committees on Armed Services of the Senate and House of Representatives a monthly report on the administrative actions that he has taken and the policy guidance that he has issued to carry out such duties and responsibilities. Each such report shall also describe the actions that he intends to take and the guidance that he intends to issue to fulfill the provisions of section 136(b)(4) [now 138(b)(4)] of title 10, United States Code (as amended by paragraph (1)), along with a timetable for completion of such actions and issuance of such guidance. The first such report shall be submitted not later than 30 days after the date of the enactment of this Act [Dec. 4, 1987].

“(5) Until the first individual appointed to the position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict by the President, by and with the advice and consent of the Senate, leaves that office, that Assistant Secretary (and the Secretary of the Army when carrying out the duties and responsibilities of the Assistant Secretary) shall, with respect to the duties and responsibilities of that office, report directly, without intervening review or approval, to the Secretary of Defense personally or, as designated by the Secretary, to the Deputy Secretary of Defense personally.”

TEMPORARY INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF DEFENSE

Pub. L. 100-180, div. A, title XIII, § 1311, Dec. 4, 1987, 101 Stat. 1174, provided that until Jan. 20, 1989, the number of Assistant Secretaries of Defense authorized under subsec. (a) of this section and the number of positions at level IV of the Executive Schedule are each increased by one (to a total of 12).

§ 138a. Assistant Secretary of Defense for Logistics and Materiel Readiness

(a) The Assistant Secretary of Defense for Logistics and Materiel Readiness shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.

(b) The Assistant Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.

(c) The Assistant Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology, and Logistics may assign, including—

(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition, Technology, and Logistics providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.

(Added Pub. L. 106-65, div. A, title IX, §911(b)(1), Oct. 5, 1999, 113 Stat. 718, §133b; renumbered §138a and amended Pub. L. 111-84, div. A, title IX, §906(b)(1), (c)(2)(D), Oct. 28, 2009, 123 Stat. 2426, 2427; Pub. L. 111-383, div. A, title IX, §901(b)(5), Jan. 7, 2011, 124 Stat. 4319.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-383 substituted “The” for “There is a” and struck out “, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Assistant Secretary” after “Readiness”.

2009—Pub. L. 111-84 renumbered section 133b of this title as this section and substituted “Assistant Secretary” for “Deputy Under Secretary” wherever appearing in section catchline and text.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

§ 138b. Assistant Secretary of Defense for Research and Engineering

(a) Except as otherwise prescribed by the Secretary of Defense, the Assistant Secretary of Defense for Research and Engineering shall perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

(b)(1) The Assistant Secretary of Defense for Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) The Assistant Secretary, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, shall submit to the Secretary of Defense and to the congressional defense committees by March 1 of each year a report on the technological maturity and integration risk of critical technologies

of the major defense acquisition programs of the Department of Defense.

(Added Pub. L. 87-651, title II, §202, Sept. 7, 1962, 76 Stat. 518, §135; amended Pub. L. 92-596, §4(2), Oct. 27, 1972, 86 Stat. 1318; Pub. L. 95-140, §2(a), Oct. 21, 1977, 91 Stat. 1172; Pub. L. 99-348, title V, §501(b)(1), (2), (e)(1), July 1, 1986, 100 Stat. 707, 708; Pub. L. 99-433, title I, §105, Oct. 1, 1986, 100 Stat. 997; Pub. L. 99-500, §101(c) [title X, §903(b)(1)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-132, and Pub. L. 99-591, §101(c) [title X, §903(b)(1)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-132; Pub. L. 99-661, div. A, title IX, formerly title IV, §903(b)(1), Nov. 14, 1986, 100 Stat. 3911, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; renumbered §137 and amended Pub. L. 103-160, div. A, title IX, §§901(a)(1), 904(d)(1), Nov. 30, 1993, 107 Stat. 1726, 1728; Pub. L. 104-106, div. A, title IX, §903(c)(3), Feb. 10, 1996, 110 Stat. 402; Pub. L. 104-201, div. A, title IX, §901, Sept. 23, 1996, 110 Stat. 2617; Pub. L. 106-65, div. A, title IX, §911(d)(1), Oct. 5, 1999, 113 Stat. 719; renumbered §139a, Pub. L. 107-314, div. A, title IX, §901(a)(1), Dec. 2, 2002, 116 Stat. 2619; Pub. L. 111-23, title I, §104(a)(1), May 22, 2009, 123 Stat. 1717; renumbered §138b and amended Pub. L. 111-383, div. A, title IX, §901(b)(6), (k)(1)(B), Jan. 7, 2011, 124 Stat. 4319, 4325; Pub. L. 112-239, div. A, title IX, §904(e)(1), Jan. 2, 2013, 126 Stat. 1867.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
135(a)	5:171c(b)(1) (1st 30 words of 1st sentence).	July 26, 1947, ch. 343, §203(b)(1) (less last sentence); added Aug. 6, 1958, Pub. L. 85-599, §9(a) (2d par., less last sentence), 72 Stat. 520.
135(b)	5:171c(b)(1) (2d sentence).	
135(c)	5:171c(b)(1) (1st sentence, less 1st 30 words).	

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

2013—Subsec. (b)(2). Pub. L. 112-239 substituted “The Assistant Secretary, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, shall submit” for “The Assistant Secretary shall submit”.

2011—Pub. L. 111-383, §901(k)(1)(B), substituted “Assistant Secretary of Defense for Research and Engineering” for “Director of Defense Research and Engineering” in section catchline.

Pub. L. 111-383, §901(b)(6), renumbered section 139a of this title as this section.

Subsec. (a). Pub. L. 111-383, §901(b)(6)(A) to (C), redesignated subsec. (b) as (a), substituted “Assistant Secretary of Defense for Research and Engineering” for “Director of Defense Research and Engineering”, and struck out former subsec. (a) which read as follows: “There is a Director of Defense Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate.”

Subsec. (b). Pub. L. 111-383, §901(b)(6)(B), (D), redesignated subsec. (c) as (b) and substituted “Assistant Secretary of Defense for Research and Engineering,” for “Director of Defense Research and Engineering,” in par. (1) and “Assistant Secretary” for “Director” in par. (2). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 111-383, §901(b)(6)(B), redesignated subsec. (c) as (b).

2009—Subsec. (c). Pub. L. 111-23 added subsec. (c).

2002—Pub. L. 107-314 renumbered section 137 of this title as this section.