

this section, the individual serving as specified in paragraph (2) on December 31, 2010, may continue to serve in the applicable position specified in that paragraph after that date without the requirement for appointment by the President, by and with the advice and consent of the Senate.

“(2) COVERED INDIVIDUALS AND POSITIONS.—The individuals and positions specified in this paragraph are the following:

“(A) In the case of the individual serving as Director of Defense Research and Engineering, the position of Assistant Secretary of Defense for Research and Engineering.

“(B) In the case of the individual serving as Director of Operational Energy Plans and Programs, the position of Assistant Secretary of Defense for Operational Energy Plans and Programs.

“(C) In the case of the individual serving as Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, the position of Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.”

DEFENSE ACQUISITION WORKFORCE

Pub. L. 105-85, div. A, title IX, §912(a)–(e), Nov. 18, 1997, 111 Stat. 1860, 1861, required Secretary of Defense to accomplish reductions in defense acquisition personnel positions, to report on specific acquisition positions previously eliminated, to submit an implementation plan to streamline and improve acquisition organizations, to review acquisition organizations and functions, and to require certain duties of Task Force on Defense Reform.

REDUCTION OF PERSONNEL ASSIGNED TO OFFICE OF THE SECRETARY OF DEFENSE

Pub. L. 104-201, div. A, title IX, §903, Sept. 23, 1996, 110 Stat. 2617, which provided for phased reduction of number of personnel assigned to or employed in functions in Office of the Secretary of Defense, was repealed and restated in section 143 of this title by Pub. L. 105-85, div. A, title IX, §911(d)(1), (3), Nov. 18, 1997, 111 Stat. 1859, 1860.

ORGANIZATION OF OFFICE OF THE SECRETARY OF DEFENSE

Pub. L. 104-106, div. A, title IX, §901, Feb. 10, 1996, 110 Stat. 399, as amended by Pub. L. 104-201, div. A, title IX, §903(g), Sept. 23, 1996, 110 Stat. 2618, directed the Secretary of Defense to conduct a review of the organizations and functions of the Office of the Secretary of Defense and the personnel needed to carry out those functions, and to submit to the congressional defense committees a report containing findings, conclusions, and a plan for implementing recommendations not later than Mar. 1, 1996.

Pub. L. 99-433, title I, §109, Oct. 1, 1986, 100 Stat. 999, directed the Secretary of Defense, the Secretaries of the military departments, and the Chairman of the Joint Chiefs of Staff to conduct studies of the functions and organization of the Office of the Secretary of Defense, required the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff to submit reports on their studies to the Secretary of Defense, and directed the Secretary of Defense to submit a report on the Secretary's study to Congress not later than one year after Oct. 1, 1986.

§ 132. Deputy Secretary of Defense

(a) There is a Deputy Secretary of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience. A person may not be appointed as

Deputy Secretary of Defense within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) The Deputy Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Deputy Secretary shall act for, and exercise the powers of, the Secretary when the Secretary dies, resigns, or is otherwise unable to perform the functions and duties of the office.

(c) The Deputy Secretary serves as the Chief Management Officer of the Department of Defense.

(d) The Deputy Secretary takes precedence in the Department of Defense immediately after the Secretary.

(e) Until September 30, 2020, the Deputy Secretary of Defense shall lead the Guam Oversight Council and shall be the Department of Defense's principal representative for coordinating the interagency efforts in matters relating to Guam, including the following executive orders:

(1) Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451; relating to the Interagency Group on Insular Affairs).

(2) Executive Order No. 12788 of January 15, 1992, as amended (57 Fed. Reg. 2213; relating to the Defense Economic Adjustment Program).

(Added Pub. L. 87-651, title II, §202, Sept. 7, 1962, 76 Stat. 518, §134; amended Pub. L. 92-596, §4(1), Oct. 27, 1972, 86 Stat. 1318; Pub. L. 95-140, §1(a), Oct. 21, 1977, 91 Stat. 1172; renumbered §132 and amended Pub. L. 99-433, title I, §§101(a)(7), 110(d)(7), Oct. 1, 1986, 100 Stat. 995, 1003; Pub. L. 110-181, div. A, title IX, §§903(b), 904(a)(1), Jan. 28, 2008, 122 Stat. 273; Pub. L. 111-84, div. B, title XXVIII, §2831(a), Oct. 28, 2009, 123 Stat. 2669; Pub. L. 111-383, div. A, title IX, §901(c)(2), (m)(2), title X, §1075(b)(4), div. B, title XXVIII, §2821, Jan. 7, 2011, 124 Stat. 4321, 4326, 4369, 4465; Pub. L. 112-81, div. A, title IX, §902, Dec. 31, 2011, 125 Stat. 1532; Pub. L. 113-291, div. A, title IX, §901(k)(2), Dec. 19, 2014, 128 Stat. 3468; Pub. L. 114-328, div. A, title IX, §901(c)(4), Dec. 23, 2016, 130 Stat. 2341.)

AMENDMENT OF SUBSECTIONS (c) TO (e)

Pub. L. 114-328, div. A, title IX, §901(c)(4), Dec. 23, 2016, 130 Stat. 2341, provided that, effective on Feb. 1, 2018, this section is amended as follows:

- (1) by striking subsection (c); and
- (2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

See 2016 Amendment note below.

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
134(a)	5:171c(a) (1st sentence).	July 26, 1947, ch. 343, § 203(a); added Aug. 10, 1949, ch. 412, § 6(a) (1st par.), 63 Stat. 581.
134(b)	5:171c(a) (less 1st sentence and last 15 words of 2d sentence).	
134(c)	5:171c(a) (last 15 words of 2d sentence).	

In subsection (a), the last sentence is substituted for 5 U.S.C. 171c(a) (proviso).

REFERENCES IN TEXT

Executive Order No. 13299, referred to in subsec. (e)(1), was superseded by Ex. Ord. No. 13537, Apr. 14, 2010, 75

F.R. 20237, set out as a note preceding section 1451 of Title 48, Territories and Insular Possessions.

Executive Order No. 12788, referred to in subsec. (e)(2), is set out as a note under section 2391 of this title.

PRIOR PROVISIONS

A prior section 132 was renumbered section 112 of this title.

AMENDMENTS

2016—Subsecs. (c) to (e). Pub. L. 114-328 redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out former subsec. (c) which read as follows: “The Deputy Secretary serves as the Chief Management Officer of the Department of Defense.”

2014—Subsec. (b). Pub. L. 113-291 substituted “dies, resigns, or is otherwise unable to perform the functions and duties of the office” for “is disabled or there is no Secretary of Defense”.

2011—Subsec. (a). Pub. L. 112-81 inserted “The Deputy Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience.” after first sentence.

Subsec. (c). Pub. L. 111-383, §901(c)(2), struck out at end “The Deputy Secretary shall be assisted in this capacity by a Deputy Chief Management Officer, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.”

Subsec. (d). Pub. L. 111-383, §1075(b)(4)(A), which directed redesignation of subsec. (d), as added by section 2831(a) of Pub. L. 111-84, as (e), could not be executed because of the prior amendment by Pub. L. 111-383, §901(m)(2). See below.

Pub. L. 111-383, §901(m)(2), redesignated subsec. (d) relating to duties of the Deputy Secretary of Defense relating to Guam, as (e).

Subsec. (e). Pub. L. 111-383, §2821, which directed substitution of “September 30, 2020” for “September 30, 2015” in subsec. (d), as added by section 2831(a) of Pub. L. 111-84, was executed in subsec. (e) to reflect the probable intent of Congress and the redesignation of subsec. (d) as (e) by Pub. L. 111-383, §901(m)(2). See below.

Pub. L. 111-383, §1075(b)(4), which directed redesignation of subsec. (d), as added by section 2831(a) of Pub. L. 111-84, as (e), and substitution of “Guam Oversight Council” for “Guam Executive Council”, was executed by making the substitution in subsec. (e) because of the prior redesignation of subsec. (d) as (e) by Pub. L. 111-383, §901(m)(2). See below.

Pub. L. 111-383, §901(m)(2), redesignated subsec. (d) relating to duties of the Deputy Secretary of Defense relating to Guam, as (e).

2009—Subsec. (d). Pub. L. 111-84 added subsec. (d) relating to the Deputy Secretary of Defense leading the Guam Executive Council.

2008—Subsec. (a). Pub. L. 110-181, §903(b), substituted “seven” for “ten”.

Subsecs. (c), (d). Pub. L. 110-181, §904(a)(1), added subsec. (c) and redesignated former subsec. (c) as (d).

1986—Pub. L. 99-433 renumbered section 134 of this title as this section and struck out “; appointment; powers and duties; precedence” at end of section catchline.

1977—Pub. L. 95-140, §1(a)(4), substituted “Deputy Secretary” for “Deputy Secretaries” in section catchline.

Subsec. (a). Pub. L. 95-140, §1(a)(1), substituted “There is a Deputy Secretary” for “There are two Deputy Secretaries” and struck out “a” before “Deputy Secretary”.

Subsec. (b). Pub. L. 95-140, §1(a)(2), substituted “Deputy Secretary” for “Deputy Secretaries” and “Deputy Secretary” for “Deputy Secretaries, in the order of precedence, designated by the President”.

Subsec. (c). Pub. L. 95-140, §1(a)(3), substituted “The Deputy Secretary takes” for “The Deputy Secretaries take”.

1972—Pub. L. 92-596 substituted “Deputy Secretaries” for “Deputy Secretary” in section catchline.

Subsec. (a). Pub. L. 92-596 substituted “There are two Deputy Secretaries of Defense” for “There is a Deputy Secretary of Defense”.

Subsec. (b). Pub. L. 92-596 provided for the exercise of powers and duties consequent to the creation of a second Deputy Secretary.

Subsec. (c). Pub. L. 92-596 substituted “The Deputy Secretaries take” for “The Deputy Secretary takes”.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title IX, §901(c)(4), Dec. 23, 2016, 130 Stat. 2341, provided that the amendment made by section 901(c)(4) is effective on Feb. 1, 2018.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by section 901(c)(2), (m)(2) of 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.

ORDER OF SUCCESSION

For order of succession during any period when the Secretary has died, resigned, or is otherwise unable to perform the functions and duties of the office of Secretary, see Ex. Ord. No. 13533, Mar. 1, 2010, 75 F.R. 10163, listed in a table under section 3345 of Title 5, Government Organization and Employees.

ASSIGNMENT OF DUTIES

Pub. L. 110-181, div. A, title IX, §904(a)(2), Jan. 28, 2008, 122 Stat. 273, as amended by Pub. L. 113-291, div. A, title IX, §901(n)(1), Dec. 19, 2014, 128 Stat. 3469, provided that:

“(A) The Secretary of Defense shall assign duties and authorities relating to the management of the business operations of the Department of Defense.

“(B) The Secretary shall assign such duties and authorities to the Chief Management Officer as are necessary for that official to effectively and efficiently organize the business operations of the Department of Defense.

“(C) The Secretary shall assign such duties and authorities to the Deputy Chief Management Officer as are necessary for that official to assist the Chief Management Officer to effectively and efficiently organize the business operations of the Department of Defense.

“(D) The Deputy Chief Management Officer shall perform the duties and have the authorities assigned by the Secretary under subparagraph (C) and perform such duties and have such authorities as are delegated by the Chief Management Officer.”

[Pub. L. 113-291, div. A, title IX, §901(n)(1), Dec. 19, 2014, 128 Stat. 3469, set out as a References note under section 131 of this title, provided that, effective after Feb. 1, 2017, any reference to the Deputy Chief Management Officer of the Department of Defense shall be deemed to refer to the Under Secretary of Defense for Business Management and Information. Section 901(a)(1) of Pub. L. 113-291, which amended section 132a of this title, effective Feb. 1, 2017, to establish the Under Secretary of Defense for Business Management and Information, was repealed by Pub. L. 114-328, div. A, title IX, §901(d), Dec. 23, 2016, 130 Stat. 2342, effective Dec. 23, 2016.]

ASSIGNMENT OF MANAGEMENT DUTIES AND DESIGNATION OF THE CHIEF MANAGEMENT OFFICERS OF THE MILITARY DEPARTMENTS

Pub. L. 110-181, div. A, title IX, §904(b), Jan. 28, 2008, 122 Stat. 274, as amended by Pub. L. 113-291, div. A, title IX, §901(n)(1), Dec. 19, 2014, 128 Stat. 3469, provided that:

“(1) The Secretary of a military department shall assign duties and authorities relating to the management of the business operations of such military department.

“(2) The Secretary of a military department, in assigning duties and authorities under paragraph (1) shall designate the Under Secretary of such military department to have the primary management responsibility for business operations, to be known in the performance of such duties as the Chief Management Officer.

“(3) The Secretary shall assign such duties and authorities to the Chief Management Officer as are necessary for that official to effectively and efficiently organize the business operations of the military department concerned.

“(4) The Chief Management Officer of each military department shall promptly provide such information relating to the business operations of such department to the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense as is necessary to assist those officials in the performance of their duties.”

[Pub. L. 113-291, div. A, title IX, §901(n)(1), Dec. 19, 2014, 128 Stat. 3469, set out as a References note under section 131 of this title, provided that, effective after Feb. 1, 2017, any reference to the Deputy Chief Management Officer of the Department of Defense shall be deemed to refer to the Under Secretary of Defense for Business Management and Information. Section 901(a)(1) of Pub. L. 113-291, which amended section 132a of this title, effective Feb. 1, 2017, to establish the Under Secretary of Defense for Business Management and Information, was repealed by Pub. L. 114-328, div. A, title IX, §901(d), Dec. 23, 2016, 130 Stat. 2342, effective Dec. 23, 2016.]

§ 132a. Deputy Chief Management Officer

(a) APPOINTMENT.—There is a Deputy Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Deputy Chief Management Officer assists the Deputy Secretary of Defense in the Deputy Secretary’s capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title.

(c) PRECEDENCE.—The Deputy Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.

(Added Pub. L. 111-383, div. A, title IX, §901(c)(1), Jan. 7, 2011, 124 Stat. 4320; amended Pub. L. 113-291, div. A, title IX, §901(a)(1), Dec. 19, 2014, 128 Stat. 3462; Pub. L. 114-328, div. A, title IX, §901(d), Dec. 23, 2016, 130 Stat. 2342.)

AMENDMENTS

2016—Pub. L. 114-328, §901(d), repealed Pub. L. 113-291, §901(a)(1). See 2014 Amendment note below.

2014—Pub. L. 113-291, §901(a)(1), which directed the general amendment of this section, substituting provisions relating to Under Secretary of Defense for Business Management and Information for provisions which related to Deputy Chief Management Officer, was repealed by Pub. L. 114-328, §901(d).

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-291, div. A, title IX, §901(a)(1), Dec. 19, 2014, 128 Stat. 3462, provided that the amendment made by section 901(a)(1) was effective Feb. 1, 2017, prior to repeal by Pub. L. 114-328, div. A, title IX, §901(d), Dec. 23, 2016, 130 Stat. 2342.

EFFECTIVE DATE

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

§ 133. Under Secretary of Defense for Acquisition, Technology, and Logistics

(a) There is an Under Secretary of Defense for Acquisition, Technology, and Logistics, ap-

pointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive management background.

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall perform such duties and exercise such powers relating to acquisition as the Secretary of Defense may prescribe, including—

(1) supervising Department of Defense acquisition;

(2) establishing policies for acquisition (including procurement of goods and services, research and development, developmental testing, and contract administration) for all elements of the Department of Defense;

(3) establishing policies for logistics, maintenance, and sustainment support for all elements of the Department of Defense;

(4) establishing policies of the Department of Defense for maintenance of the defense industrial base of the United States; and

(5) the authority to direct the Secretaries of the military departments and the heads of all other elements of the Department of Defense with regard to matters for which the Under Secretary has responsibility, except that the Under Secretary shall exercise advisory authority, subject to the authority, direction, and control of the Secretary of Defense, over service acquisition programs for which the service acquisition executive is the milestone decision authority.

(c) The Under Secretary—

(1) is the senior procurement executive for the Department of Defense for the purposes of section 1702(c) of title 41;

(2) is the Defense Acquisition Executive for purposes of regulations and procedures of the Department providing for a Defense Acquisition Executive; and

(3) to the extent directed by the Secretary, exercises overall supervision of all personnel (civilian and military) in the Office of the Secretary of Defense with regard to matters for which the Under Secretary has responsibility, unless otherwise provided by law.

(d)(1) The Under Secretary shall prescribe policies to ensure that audit and oversight of contractor activities are coordinated and carried out in a manner to prevent duplication by different elements of the Department. Such policies shall provide for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.

(2) In carrying out this subsection, the Under Secretary shall consult with the Inspector General of the Department of Defense.

(3) Nothing in this subsection shall affect the authority of the Inspector General of the Department of Defense to establish audit policy for the Department of Defense under the Inspector General Act of 1978 and otherwise to carry out the functions of the Inspector General under that Act.

(e)(1) With regard to all matters for which he has responsibility by law or by direction of the