

## PRIOR PROVISIONS

A prior section 137 was renumbered section 138b of this title.

Another prior section 137 was renumbered section 135 of this title.

Another prior section 137 was renumbered section 140 of this title.

PLAN FOR INCORPORATION OF ENTERPRISE QUERY AND CORRELATION CAPABILITY INTO THE DEFENSE INTELLIGENCE INFORMATION ENTERPRISE

Pub. L. 112-81, div. A, title IX, §925, Dec. 31, 2011, 125 Stat. 1540, provided that:

“(a) PLAN REQUIRED.—

“(1) IN GENERAL.—The Under Secretary of Defense for Intelligence shall develop a plan for the incorporation of an enterprise query and correlation capability into the Defense Intelligence Information Enterprise (DI2E).

“(2) ELEMENTS.—The plan required by paragraph (1) shall—

“(A) include an assessment of all the current and planned advanced query and correlation systems which operate on large centralized databases that are deployed or to be deployed in elements of the Defense Intelligence Information Enterprise; and

“(B) determine where duplication can be eliminated, how use of these systems can be expanded, whether these systems can be operated collaboratively, and whether they can and should be integrated with the enterprise-wide query and correlation capability required pursuant to paragraph (1).

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—The Under Secretary shall conduct a pilot program to demonstrate an enterprisewide query and correlation capability through the Defense Intelligence Information Enterprise program.

“(2) PURPOSE.—The purpose of the pilot program shall be to demonstrate the capability of an enterprisewide query and correlation system to achieve the following:

“(A) To conduct complex, simultaneous queries by a large number of users and analysts across numerous, large distributed data stores with response times measured in seconds.

“(B) To be scaled up to operate effectively on all the data holdings of the Defense Intelligence Information Enterprise.

“(C) To operate across multiple levels of security with data guards.

“(D) To operate effectively on both unstructured data and structured data.

“(E) To extract entities, resolve them, and (as appropriate) mask them to protect sources and methods, privacy, or both.

“(F) To control access to data by means of on-line electronic user credentials, profiles, and authentication.

“(3) TERMINATION.—The pilot program conducted under this subsection shall terminate on September 30, 2014.

“(c) REPORT.—Not later than November 1, 2012, the Under Secretary shall submit to the appropriate committees of Congress a report on the actions undertaken by the Under Secretary to carry out this section. The report shall set forth the plan developed under subsection (a) and a description and assessment of the pilot program conducted under subsection (b).

“(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.”

RELATIONSHIP TO AUTHORITIES UNDER NATIONAL SECURITY ACT OF 1947

Pub. L. 107-314, div. A, title IX, §901(d), Dec. 2, 2002, 116 Stat. 2620, as amended by Pub. L. 113-291, div. A, title X, §1071(d)(2), Dec. 19, 2014, 128 Stat. 3509, provided that: “Nothing in section 137 of title 10, United States Code, as added by subsection (a), shall supersede or modify the authorities of the Secretary of Defense and the Director of Central Intelligence as established by the National Security Act of 1947 (50 U.S.C. 3001 et seq.).”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.]

§ 137a. Principal Deputy Under Secretaries of Defense

(a)(1) There are five Principal Deputy Under Secretaries of Defense.

(2) The Principal Deputy Under Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(3) The officials authorized under this section shall be the only Deputy Under Secretaries of Defense.

(b) Each Principal Deputy Under Secretary of Defense shall be the first assistant to an Under Secretary of Defense and shall assist such Under Secretary in the performance of the duties of the position of such Under Secretary and shall act for, and exercise the powers of, such Under Secretary when such Under Secretary dies, resigns, or is otherwise unable to perform the functions and duties of the office.

(c)(1) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Policy.

(3) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Personnel and Readiness.

(4) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense (Comptroller).

(5) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Intelligence, who shall be appointed from among persons who have extensive expertise in intelligence matters.

(d) The Principal Deputy Under Secretaries of Defense take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Deputy Chief Management Officer of the Department of Defense. The Principal Deputy Under Secretaries shall take precedence among themselves in the order prescribed by the Secretary of Defense.

(Added Pub. L. 111-84, div. A, title IX, §906(a)(1), Oct. 28, 2009, 123 Stat. 2425; amended Pub. L.

111-383, div. A, title IX, §901(b)(3), (k)(1)(A), Jan. 7, 2011, 124 Stat. 4318, 4325; Pub. L. 113-291, div. A, title IX, §901(i)(1), (j)(2)(C), (k)(3), Dec. 19, 2014, 128 Stat. 3467, 3468.)

#### AMENDMENT OF SUBSECTION (d)

*Pub. L. 113-291, div. A, title IX, §901(j)(2), Dec. 19, 2014, 128 Stat. 3467, provided that, effective Feb. 1, 2017, subsection (d) of this section is amended in the first sentence by striking all that follows after “the military departments,” and inserting “and the Under Secretaries of Defense.” See 2014 Amendment note below.*

#### AMENDMENTS

2014—Subsec. (a)(3). Pub. L. 113-291, §901(i)(1), added par. (3).

Subsec. (b). Pub. L. 113-291, §901(k)(3), substituted “dies, resigns, or is otherwise unable to perform the functions and duties of the office” for “is absent or disabled”.

Subsec. (d). Pub. L. 113-291, §901(j)(2)(C), which directed substitution of “and the Under Secretaries of Defense.” for “the military departments, the Under Secretaries of Defense, and the Deputy Chief Management Officer of the Department of Defense.”, effective Feb. 1, 2017, was not executed to reflect the probable intent of Congress. Section 901(a)(1) of Pub. L. 113-291, which revised section 132a of this title relating to the Deputy Chief Management Officer, effective Feb. 1, 2017, was repealed by Pub. L. 114-328, effective Dec. 23, 2016.

2011—Pub. L. 111-383, §901(k)(1)(A), substituted “Principal Deputy Under Secretaries of Defense” for “Deputy Under Secretaries of Defense” in section catchline.

Subsec. (a)(1). Pub. L. 111-383, §901(b)(3)(A), substituted “Principal Deputy Under” for “Deputy Under”.

Subsec. (a)(2). Pub. L. 111-383, §901(b)(3)(B), struck out subpar. (A) and subpar. (B) designation and substituted “The Principal Deputy Under Secretaries of Defense” for “The Deputy Under Secretaries of Defense referred to in paragraphs (4) and (5) of subsection (c)”. Prior to amendment, subpar. (A) read as follows: “The Deputy Under Secretaries of Defense referred to in paragraphs (1) through (3) of subsection (c) shall be appointed as provided in the applicable paragraph.”

Subsec. (b). Pub. L. 111-383, §901(b)(3)(A), substituted “Principal Deputy Under” for “Deputy Under”.

Subsec. (c)(1). Pub. L. 111-383, §901(b)(3)(C)(i), (ii), substituted “One of the Principal Deputy” for “One of the Deputy” and struck out “appointed pursuant to section 133a of this title” after “Logistics”.

Subsec. (c)(2). Pub. L. 111-383, §901(b)(3)(C)(i), (ii), substituted “One of the Principal Deputy” for “One of the Deputy” and struck out “appointed pursuant to section 134a of this title” after “Policy”.

Subsec. (c)(3). Pub. L. 111-383, §901(b)(3)(C)(i), (ii), substituted “One of the Principal Deputy” for “One of the Deputy” and struck out “appointed pursuant to section 136a of this title” after “Readiness”.

Subsec. (c)(4). Pub. L. 111-383, §901(b)(3)(C)(i), (iii), substituted “One of the Principal Deputy Under Secretaries is” for “One of the Deputy Under Secretaries shall be”.

Subsec. (c)(5). Pub. L. 111-383, §901(b)(3)(C)(i), (iii), (iv), substituted “One of the Principal Deputy Under Secretaries is” for “One of the Deputy Under Secretaries shall be” and inserted before period at end “, who shall be appointed from among persons who have extensive expertise in intelligence matters”.

Subsec. (d). Pub. L. 111-383, §901(b)(3)(A), (D), substituted “Principal Deputy Under” for “Deputy Under” and inserted at end “The Principal Deputy Under Secretaries shall take precedence among themselves in the order prescribed by the Secretary of Defense.”

#### EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-291, div. A, title IX, §901(i)(1), Dec. 19, 2014, 128 Stat. 3467, provided that the amendment made by section 901(i)(1) is effective Jan. 1, 2015.

Pub. L. 113-291, div. A, title IX, §901(j)(2), Dec. 19, 2014, 128 Stat. 3467, provided that the amendment made by section 901(j)(2)(C) is effective on the effective date specified in section 901(a)(1) of Pub. L. 113-291, which was 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 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.

#### SAVINGS PROVISIONS

Pub. L. 111-84, div. A, title IX, §906(e), Oct. 28, 2009, 123 Stat. 2428, provided that:

“(1) IN GENERAL.—Notwithstanding the amendments made by this section [enacting this section and amending sections 133a, 134a, 136a, 138, and former 138a of this title and sections 5314 and 5315 of Title 5, Government Organization and Employees], the individual serving in a position specified in paragraph (2) on the day before the date of the enactment of this Act [Oct. 28, 2009] may continue to serve in such position without the requirement for appointment by the President, by and with the advice and consent of the Senate, for a period of up to four years after the date of the enactment of this Act.

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

“(A) The Principal Deputy Under Secretary of Defense (Comptroller).

“(B) The Principal Deputy Under Secretary of Defense for Intelligence.”

#### TEMPORARY AUTHORITY FOR ADDITIONAL DUSDS

Pub. L. 111-383, div. A, title IX, §901(j)(2), Jan. 7, 2011, 124 Stat. 4323, provided that: “During the period beginning on the date of the enactment of this Act [Jan. 7, 2011] and ending on January 1, 2015, the Secretary of Defense may, in the Secretary’s discretion, appoint not more than five Deputy Under Secretaries of Defense in addition to the five Principal Deputy Under Secretaries of Defense authorized by section 137a of title 10, United States Code (as amended by subsection (b)(3)).”

#### DELAYED LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE

Pub. L. 111-84, div. A, title IX, §906(a)(2), Oct. 28, 2009, 123 Stat. 2426, as amended by Pub. L. 111-383, div. A, title IX, §901(i)(1), Jan. 7, 2011, 124 Stat. 4323, which provided that, effective Jan. 1, 2015, the five Deputy Under Secretaries of Defense authorized by section 137a of title 10 would be the only Deputy Under Secretaries of Defense, was repealed by Pub. L. 113-291, div. A, title IX, §901(i)(2), Dec. 19, 2014, 128 Stat. 3467.

[Pub. L. 113-291, div. A, title IX, §901(j)(2), Dec. 19, 2014, 128 Stat. 3467, provided that section 901(i)(2), which repealed section 906(a)(2) of Pub. L. 111-84, formerly set out above, is effective on the effective date specified in section 901(i)(1) of Pub. L. 113-291, which is Jan. 1, 2015.]

### § 138. Assistant Secretaries of Defense

(a)(1) There are 14 Assistant Secretaries of Defense.

(2) The Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

(2) One of the Assistant Secretaries is the Assistant Secretary of Defense for Manpower and