

§ 903(a), Nov. 14, 1986, 100 Stat. 3911, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; Pub. L. 103-160, div. A, title IX, §904(d)(1), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 105-261, div. A, title XV, §1521(a), Oct. 17, 1998, 112 Stat. 2178; Pub. L. 106-65, div. A, title IX, §911(d)(1), Oct. 5, 1999, 113 Stat. 719; Pub. L. 107-314, div. A, title IX, §902(b), Dec. 2, 2002, 116 Stat. 2620; Pub. L. 110-181, div. A, title IX, §903(c), Jan. 28, 2008, 122 Stat. 273; Pub. L. 113-291, div. A, title IX, §901(j)(2)(B), Dec. 19, 2014, 128 Stat. 3467; Pub. L. 115-91, div. A, title X, §1081(b)(1)(A), Dec. 12, 2017, 131 Stat. 1597.)

CODIFICATION

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

PRIOR PROVISIONS

Provisions of this section were contained in section 135 of this title prior to amendment by Pub. L. 99-433.

A prior section 134 was renumbered section 132 of this title.

AMENDMENTS

2017—Pub. L. 115-91, §1081(b)(1)(A), repealed Pub. L. 113-291, §901(j)(2)(B). See 2014 Amendment note below.

2014—Subsec. (c). Pub. L. 113-291, §901(j)(2)(B), which directed insertion of “the Under Secretary of Defense for Business Management and Information,” after “the Deputy Secretary of Defense,” was repealed by Pub. L. 115-91, §1081(b)(1)(A).

2008—Subsec. (a). Pub. L. 110-181 substituted “seven” for “10”.

2002—Subsec. (b)(4). Pub. L. 107-314 added par. (4).

1999—Subsec. (c). Pub. L. 106-65 substituted “Under Secretary of Defense for Acquisition, Technology, and Logistics” for “Under Secretary of Defense for Acquisition and Technology”.

1998—Subsec. (b)(3). Pub. L. 105-261 added par. (3).

1993—Subsec. (c). Pub. L. 103-160 substituted “Under Secretary of Defense for Acquisition and Technology” for “Under Secretary of Defense for Acquisition”.

1986—Subsec. (c). Pub. L. 99-500, Pub. L. 99-591, and Pub. L. 99-661 amended subsec. (c) identically, inserting “the Under Secretary of Defense for Acquisition.”

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title IX, §1081(b)(1), Dec. 12, 2017, 131 Stat. 1597, provided that the amendment made by section 1081(b)(1)(A) is effective as of Dec. 23, 2016.

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-291, div. A, title IX, §901(j)(2), Dec. 19, 2014, 128 Stat. 3467, which provided that the amendment made by section 901(j)(2)(B) is effective on the effective date specified in former section 901(a)(1) of Pub. L. 113-291, which was Feb. 1, 2017, was repealed by Pub. L. 115-91, div. A, title X, §1081(b)(1)(A), Dec. 12, 2017, 131 Stat. 1597.

IMPLEMENTATION OF AMENDMENTS BY PUB. L. 105-261

Pub. L. 105-261, div. A, title XV, §1521(c), (d), Oct. 17, 1998, 112 Stat. 2179, provided that:

“(c) TIME FOR IMPLEMENTATION.—The Secretary of Defense shall complete the actions necessary to implement the amendment made by subsection (a) [amending this section] and to establish the office of Deputy Under Secretary of Defense for Technology Security Policy in accordance with [former] section 134b of title 10, United States Code, as added by subsection (b), not later than 60 days after the date of the enactment of this Act [Oct. 17, 1998].

“(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives [now Committee on

Armed Services of the House of Representatives] a report on the plans of the Secretary for implementing the amendments made by subsections (a) and (b) [enacting former section 134b of this title and amending this section]. The report shall include the following:

“(1) A description of any organizational changes that are to be made within the Department of Defense to implement those amendments.

“(2) A description of the role of the Chairman of the Joint Chiefs of Staff in the export control activities of the Department of Defense after those subsections are implemented, together with a discussion of how that role compares to the Chairman’s role in those activities before the implementation of those subsections.”

[§ 134a. Repealed. Pub. L. 111-383, div. A, title IX, § 901(b)(1), Jan. 7, 2011, 124 Stat. 4317]

Section, added Pub. L. 102-190, div. A, title IX, §901(a)(1), Dec. 5, 1991, 105 Stat. 1450; amended Pub. L. 104-106, div. A, title IX, §903(c)(2), Feb. 10, 1996, 110 Stat. 402; Pub. L. 104-201, div. A, title IX, §901, Sept. 23, 1996, 110 Stat. 2617; Pub. L. 111-84, div. A, title IX, §906(c)(1)(B), (2)(B), Oct. 28, 2009, 123 Stat. 2427, established the position of Principal Deputy Under Secretary of Defense for Policy.

PRIOR PROVISIONS

A prior section 134a was renumbered section 133 of this title.

EFFECTIVE DATE OF REPEAL

Repeal 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.

[§ 134b. Repealed. Pub. L. 111-84, div. A, title IX, § 905(a)(1), Oct. 28, 2009, 123 Stat. 2425]

Section, added Pub. L. 105-261, div. A, title XV, §1521(b)(1), Oct. 17, 1998, 112 Stat. 2178, related to the Deputy Under Secretary of Defense for Technology Security Policy.

§ 135. Under Secretary of Defense (Comptroller)

(a)(1) There is an Under Secretary of Defense (Comptroller), appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.

(2) The Under Secretary of Defense (Comptroller) shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(b) The Under Secretary of Defense (Comptroller) is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31. The Under Secretary of Defense (Comptroller) shall perform the duties assigned to the Under Secretary in section 2222 of this title and such additional duties and exercise such powers as the Secretary of Defense may prescribe.

(c) The Under Secretary of Defense (Comptroller) shall advise and assist the Secretary of Defense—

(1) in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

(2) in supervising and directing the preparation of budget estimates of the Department of Defense;

(3) in establishing and supervising the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

(A) the preparation and execution of budgets;

(B) fiscal, cost, operating, and capital property accounting; and

(C) progress and statistical reporting;

(4) in establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

(5) in establishing uniform terminologies, classifications, and procedures concerning matters covered by paragraphs (1) through (4).

(d) In addition to any duties under subsection (c), the Under Secretary of Defense (Comptroller) shall, subject to the authority, direction, and control of the Secretary of Defense, do the following:

(1) Provide guidance and instruction on annual performance plans and evaluations to the following:

(A) The Assistant Secretaries of the military departments for financial management.

(B) Any other official of an agency, organization, or element of the Department of Defense with responsibility for financial management.

(2) Give directions to the military departments, Defense Agencies, and other organizations and elements of the Department of Defense regarding their financial statements and the audit and audit readiness of such financial statements.

(e) The Under Secretary of Defense (Comptroller) takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.

(f) The Under Secretary of Defense (Comptroller) shall ensure that each of the congressional defense committees is informed, in a timely manner, regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Under Secretary of Defense (Comptroller).

(Added Pub. L. 99-433, title I, §107, Oct. 1, 1986, 100 Stat. 998, §137; renumbered §135 and amended Pub. L. 103-160, div. A, title IX, §§901(a)(2), 902(a)(1), (b), Nov. 30, 1993, 107 Stat. 1726, 1727; Pub. L. 103-337, div. A, title IX, §903(a)(1), (2), Oct. 5, 1994, 108 Stat. 2823; Pub. L. 104-106, div. A, title XV, §1502(a)(6), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-136, div. A, title X, §1043(b)(1), Nov. 24, 2003, 117 Stat. 1610; Pub. L. 111-383, div. A, title IX, §901(m)(3), Jan. 7, 2011, 124 Stat. 4326; Pub. L. 115-91, div. A, title IX, §§904(1), 905(a), 912(b), Dec. 12, 2017, 131 Stat. 1512, 1520.)

PRIOR PROVISIONS

A prior section 135 was renumbered section 138b of this title.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-91, §905(a)(1), designated existing provisions as par. (1) and added par. (2).

Pub. L. 115-91, §904(1), inserted at end “A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.”

Subsec. (b). Pub. L. 115-91, §912(b), inserted “the duties assigned to the Under Secretary in section 2222 of this title and” after “shall perform”.

Subsecs. (d) to (f). Pub. L. 115-91, §905(a)(2), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

2011—Subsec. (c)(5). Pub. L. 111-383 substituted “paragraphs” for “clauses”.

2003—Subsec. (e). Pub. L. 108-136 struck out “(1)” before “The Under Secretary”, substituted “each of the congressional defense committees” for “each congressional committee specified in paragraph (2)”, and struck out par. (2) which read as follows: “The committees referred to in paragraph (1) are—

“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”

1999—Subsec. (e)(2)(B). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (e). Pub. L. 104-106 designated existing provisions as par. (1), substituted “each congressional committee specified in paragraph (2) is” for “the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each”, and added par. (2).

1994—Pub. L. 103-337, §903(a)(2), substituted “Under Secretary of Defense (Comptroller)” for “Comptroller” as section catchline.

Subsec. (a). Pub. L. 103-337, §903(a)(1)(A), substituted “an Under Secretary of Defense (Comptroller)” for “a Comptroller of the Department of Defense”.

Subsecs. (b) to (e). Pub. L. 103-337, §903(a)(1)(B), substituted “Under Secretary of Defense (Comptroller)” for “Comptroller” wherever appearing.

1993—Pub. L. 103-160, §901(a)(2), renumbered section 137 of this title as this section.

Subsec. (b). Pub. L. 103-160, §902(a)(1), inserted “The Comptroller is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31.” after “(b)” and “additional” after “shall perform such”.

Subsec. (d). Pub. L. 103-160, §901(a)(2), added subsec. (d).

Subsec. (e). Pub. L. 103-160, §902(b), added subsec. (e).

CHANGE OF NAME

Pub. L. 103-337, div. A, title IX, §903(d), Oct. 5, 1994, 108 Stat. 2823, provided that: “Any reference to the Comptroller of the Department of Defense in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense (Comptroller).”

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title IX, §905(c), Dec. 12, 2017, 131 Stat. 1513, provided that: “The appointment qualifications imposed by the amendments made by subsection (a)(1) [amending this section] and the appointment qualifications imposed by subsection (b) [set out as a note below] shall apply with respect to appointments as Under Secretary of Defense (Comptroller) and Deputy Chief Financial Officer of the Department of Defense that are made on or after the date of the enactment of this Act [Dec. 12, 2017].”

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.

QUALIFICATION FOR APPOINTMENT AS DEPUTY CHIEF FINANCIAL OFFICER

Pub. L. 115-91, div. A, title IX, §905(b), Dec. 12, 2017, 131 Stat. 1513, provided that: “The Deputy Chief Finan-

cial Officer of the Department of Defense shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.”

§ 136. Under Secretary of Defense for Personnel and Readiness

(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary, and nonappropriated fund activities, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense (Comptroller).

(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.

(Added Pub. L. 103-160, div. A, title IX, §903(a), Nov. 30, 1993, 107 Stat. 1727; amended Pub. L. 104-106, div. A, title XV, §1503(a)(2), Feb. 10, 1996, 110 Stat. 510; Pub. L. 106-65, div. A, title IX, §923(a), title X, §1066(a)(1), Oct. 5, 1999, 113 Stat. 724, 770; Pub. L. 115-91, div. A, title IX, §904(2), Dec. 12, 2017, 131 Stat. 1512.)

PRIOR PROVISIONS

A prior section 136 was renumbered section 138 of this title.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-91 inserted at end “A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.”

1999—Subsec. (a). Pub. L. 106-65, §1066(a)(1), inserted “advice and” after “by and with the”.

Subsec. (d). Pub. L. 106-65, §923(a), added subsec. (d). 1996—Subsec. (c). Pub. L. 104-106 substituted “Under Secretary of Defense (Comptroller)” for “Comptroller”.

[§ 136a. Repealed. Pub. L. 111-383, div. A, title IX, § 901(b)(1), Jan. 7, 2011, 124 Stat. 4317]

Section, added Pub. L. 107-107, div. A, title IX, §901(a)(1), Dec. 28, 2001, 115 Stat. 1193; amended Pub. L.

111-84, div. A, title IX, §906(c)(1)(C), (2)(C), Oct. 28, 2009, 123 Stat. 2427, established the position of Principal Deputy Under Secretary of Defense for Personnel and Readiness.

PRIOR PROVISIONS

A prior section 136a was renumbered section 139 of this title.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 137. Under Secretary of Defense for Intelligence

(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

(c) The Under Secretary of Defense for Intelligence takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.

(Added Pub. L. 107-314, div. A, title IX, §901(a)(2), Dec. 2, 2002, 116 Stat. 2619; amended Pub. L. 115-91, div. A, title IX, §904(3), Dec. 12, 2017, 131 Stat. 1512.)

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.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-91 inserted at end “A person may not be appointed as Under Secretary within seven years after relief from active duty as a commissioned officer of a regular component of the armed forces.”

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).