

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 2017 AMENDMENT

Pub. L. 115-91, div. A, title IX, §910(b)(1), Dec. 12, 2017, 131 Stat. 1517, provided that the amendment made by section 910(b)(1) is effective on Jan. 31, 2018.

Pub. L. 115-91, div. A, title IX, §910(b)(2), Dec. 12, 2017, 131 Stat. 1518, provided that the amendment made by section 910(b)(2) is effective on Feb. 1, 2018.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title IX, §901(c)(4), Dec. 23, 2016, 130 Stat. 2341, which provided that the amendment made by section 901(c)(4) was effective on Feb. 1, 2018, was repealed by Pub. L. 115-91, div. A, title IX, §910(b)(1), Dec. 12, 2017, 131 Stat. 1517.

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; Pub. L. 115-91, div. A, title X, §1081(b)(1)(D), Dec. 12, 2017, 131 Stat. 1597, 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 Man-

agement 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.”

[Deputy Chief Management Officer of the Department of Defense deemed to refer to Chief Management Officer of the Department of Defense, see section 1081(f)(2) of Pub. L. 115-232, set out as a Change of Name note under section 132a of this title.]

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; Pub. L. 115-91, div. A, title X, §1081(b)(1)(D), Dec. 12, 2017, 131 Stat. 1597; Pub. L. 115-232, div. A, title X, §1081(f)(1)(E), Aug. 13, 2018, 132 Stat. 1987, 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 of the Department of Defense as is necessary to assist the Chief Management Officer in the performance of the duties assigned to such official.”

§ 132a. Chief Management Officer

(a) APPOINTMENT AND QUALIFICATIONS.—(1) There is a 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.

(2) The Chief Management Officer shall be appointed from among persons who have an extensive management or business background and experience with managing large or complex organizations. A person may not be appointed as Chief Management Officer within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) RESPONSIBILITIES.—Subject to the authority, direction, and control of the Secretary of Defense and the Deputy Secretary of Defense, the Chief Management Officer shall perform such duties and exercise such powers as the Secretary or the Deputy Secretary may prescribe, including the following:

(1) Serving as the chief management officer of the Department of Defense with the mission of managing enterprise business operations and shared services of the Department of Defense.

(2) Serving as the principal advisor to the Secretary and the Deputy Secretary on establishing policies for, and directing, all enterprise business operations of the Department,

including planning and processes, business transformation, performance measurement and management, and business information technology management and improvement activities and programs, including the allocation of resources for enterprise business operations and unifying business management efforts across the Department.

(3) Exercising authority, direction, and control over the Defense Agencies and Department of Defense Field Activities providing shared business services for the Department that are designated by the Secretary or the Deputy Secretary for purposes of this paragraph.

(4) As of January 1, 2019—

(A) serving as the Chief Information Officer of the Department for purposes of section 2222 of this title;

(B) administering the responsibilities and duties specified in sections 11315 and 11319 of title 40, section 3506(a)(2) of title 44, and section 2223(a) of this title for business systems and management; and

(C) Exercising any responsibilities, duties, and powers relating to business systems or management that are exercisable by a chief information officer for the Department, other than those responsibilities, duties, and powers of a chief information officer that are vested in the Chief Information Officer of the Department of Defense by section 142 of this title.

(5) Serving as the official with principal responsibility in the Department for providing for the availability of common, usable, Defense-wide data sets with applications such as improving acquisition outcomes and personnel management.

(6) Authority to direct the Secretaries of the military departments and the heads of all other elements of the Department with regard to matters for which the Chief Management Officer has responsibility under this section.

(7) Serving as the official with principal responsibility in the Department for minimizing the duplication of efforts, maximizing efficiency and effectiveness, and establishing metrics for performance among and for all organizations and elements of the Department.

(c) BUDGET AUTHORITY.—(1)(A) Beginning in fiscal year 2020, the Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall require the head of each Defense Agency and Department of Defense Field Activity specified by the Secretary for purposes of this subsection to transmit the proposed budget of such Agency or Activity for enterprise business operations for a fiscal year, and for the period covered by the future-years defense program submitted to Congress under section 221 of this title for that fiscal year, to the Chief Management Officer for review under subparagraph (B) at the same time the proposed budget is submitted to the Under Secretary of Defense (Comptroller).

(B) The Chief Management Officer shall review each proposed budget transmitted under subparagraph (A) and, not later than January 31 of the year preceding the fiscal year for which the

budget is proposed, shall submit to the Secretary a report containing the comments of the Chief Management Officer with respect to all such proposed budgets, together with the certification of the Chief Management Officer regarding whether each such proposed budget achieves the required level of efficiency and effectiveness for enterprise business operations, consistent with guidance for budget review established by the Chief Management Officer.

(C) Not later than March 31 each year, the Secretary shall submit to Congress a report that includes the following:

(i) Each proposed budget for the enterprise business operations of a Defense Agency or Department of Defense Field Activity that was transmitted to the Chief Management Officer under subparagraph (A).

(ii) Identification of each proposed budget contained in the most recent report submitted under subparagraph (B) that the Chief Management Officer did not certify as achieving the required level of efficiency and effectiveness for enterprise business operations.

(iii) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets identified in the report.

(iv) Any additional comments that the Secretary considers appropriate regarding inadequate levels of efficiency and effectiveness for enterprise business operations achieved by the proposed budgets.

(2) Nothing in this subsection shall be construed to modify or interfere with the budget-related responsibilities of the Director of National Intelligence.

(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.

(e) ENTERPRISE BUSINESS OPERATION DEFINED.—In this section, the term “enterprise business operations” means those activities that constitute the cross-cutting business operations used by multiple components of the Department of Defense, but not those activities that are directly tied to a single military department or Department of Defense component. The term includes business-support functions designated by the Secretary of Defense or the Deputy Secretary of Defense for purposes of this section, such as aspects of financial management, healthcare, acquisition and procurement, supply chain and logistics, certain information technology, real property, and human resources operations.

(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; Pub. L. 115-91, div. A, title IX, § 910(a)(1), Dec. 12, 2017, 131 Stat. 1516; Pub. L. 115-232, div. A, title IX, § 921(a)(1), (2)(A), Aug. 13, 2018, 132 Stat. 1926.)

AMENDMENTS

2018—Subsec. (b)(7). Pub. L. 115-232, § 921(a)(1), added par. (7).

Subsecs. (c) to (e). Pub. L. 115–232, §921(a)(2)(A), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

2017—Pub. L. 115–91 amended section generally. Prior to amendment, section related to the appointment, responsibilities and precedence of the Deputy Chief Management Officer.

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).

CHANGE OF NAME

Pub. L. 115–232, div. A, title X, §1081(f)(2), Aug. 13, 2018, 132 Stat. 1987, provided that:

“(A) IN LAW OR REGULATION.—Any reference in a law (other than this Act) [See Tables for classification] or regulation in effect on the day before the date of the enactment of this Act [Aug. 13, 2018] to the Deputy Chief Management Officer of the Department of Defense is deemed to be a reference to the Chief Management Officer of the Department of Defense.

“(B) IN OTHER DOCUMENTS, PAPERS, OR RECORDS.—Any reference in a document, paper, or other record of the United States prepared before the date of the enactment of this Act to the Deputy Chief Management Officer of the Department of Defense is deemed to be a reference to the Chief Management Officer of the Department of Defense.”

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–91, div. A, title IX, §910(a)(1), Dec. 12, 2017, 131 Stat. 1516, provided that the amendment made by section 910(a)(1) is effective Feb. 1, 2018.

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.

SERVICE OF INCUMBENT DEPUTY CHIEF MANAGEMENT OFFICER AS CHIEF MANAGEMENT OFFICER UPON COMMENCEMENT OF LATTER POSITION WITHOUT FURTHER APPOINTMENT

Pub. L. 115–91, div. A, title IX, §910(e), Dec. 12, 2017, 131 Stat. 1518, provided that: “The individual serving in the position of Deputy Chief Management Officer of the Department of Defense as of February 1, 2018, may continue to serve as Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by subsection (a)), commencing as of that date without further appointment pursuant to such section 132a.”

QUALIFICATIONS FOR APPOINTMENT AS DEPUTY CHIEF MANAGEMENT OFFICER OF A MILITARY DEPARTMENT

Pub. L. 115–232, div. A, title IX, §916, Aug. 13, 2018, 132 Stat. 1924, provided that:

“(a) DEPARTMENT OF THE ARMY.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Army unless the individual—

“(1) has significant experience in business operations or management in the public sector; or

“(2) has significant experience managing an enterprise in the private sector.

“(b) DEPARTMENT OF THE NAVY.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Navy unless the individual—

“(1) has significant experience in business operations or management in the public sector; or

“(2) has significant experience managing an enterprise in the private sector.

“(c) DEPARTMENT OF THE AIR FORCE.—An individual may not be appointed as Deputy Chief Management Officer of the Department of the Air Force unless the individual—

“(1) has significant experience in business operations or management in the public sector; or

“(2) has significant experience managing an enterprise in the private sector.”

EXECUTION OF AUTHORITY IN SUBSECTION (c)

Pub. L. 115–232, div. A, title IX, §921(a)(2)(B), Aug. 13, 2018, 132 Stat. 1927, provided that: “In order to execute the authority in subsection (c) of section 132a of title 10, United States Code (as amended by subparagraph (A)), the Chief Management Officer of the Department of Defense shall do the following:

“(i) By April 1, 2019, develop an assessment of cost and expertise requirements to execute such authority.

“(ii) By September 1, 2019, develop guidance for Defense Agencies and Department of Defense Field Activities to delineate spending on enterprise business operations and develop a process to determine the adequacy of their budgets for such operations.”

DEFENSE AGENCIES AND FIELD ACTIVITIES PROVIDING SHARED BUSINESS SERVICES

Pub. L. 115–91, div. A, title IX, §910(f), Dec. 12, 2017, 131 Stat. 1518, provided that:

“(1) INITIAL REPORTING REQUIREMENT.—Not later than January 15, 2018, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report specifying each Defense Agency and Department of Defense Field Activity providing shared business services for the Department of Defense that is to be designated by the Secretary of Defense or the Deputy Secretary of Defense for purposes of subsection (b)(3) of section 132a of title 10, United States Code (as amended by subsection (a)), as of the coming into effect of such section 132a.

“(2) NOTICE TO CONGRESS ON TRANSFER OF OVERSIGHT.—Upon the transfer to the Chief Management Officer of the Department of Defense of responsibility for oversight of shared business services of a Defense Agency or Department of Defense Field Activity specified in the report required by paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a notice of the transfer, including the Defense Agency or Field Activity subject to the transfer and a description of the nature and scope of the responsibility for oversight transferred.”

[§ 133. Repealed. Pub. L. 114–328, div. A, title IX, § 901(a)(1), Dec. 23, 2016, 130 Stat. 2339]

Section, added Pub. L. 99–348, title V, §501(a), July 1, 1986, 100 Stat. 707, §134a; renumbered §133 and amended Pub. L. 99–433, title I, §§101(a)(7), 110(c)(1), (d)(8), Oct. 1, 1986, 100 Stat. 995, 1002, 1003; Pub. L. 99–500, §101(c) [title X, §901], Oct. 18, 1986, 100 Stat. 1783–82, 1783–130, and Pub. L. 99–591, §101(c) [title X, §901], Oct. 30, 1986, 100 Stat. 3341–82, 3341–130; Pub. L. 99–661, div. A, title IX, formerly title IV, §901, Nov. 14, 1986, 100 Stat. 3910, renumbered title IX, Pub. L. 100–26, §3(5), Apr. 21, 1987, 101 Stat. 273; Pub. L. 100–456, div. A, title VIII, §809(d), Sept. 29, 1988, 102 Stat. 2013; Pub. L. 103–160, div. A, title IX, §904(b), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 106–65, div. A, title IX, §911(a)(2), (d)(2), Oct. 5, 1999, 113 Stat. 717, 719; Pub. L. 107–107, div. A, title VIII, §801(a), Dec. 28, 2001, 115 Stat. 1174; Pub. L. 109–364, div. A, title X, §1071(a)(2), Oct. 17, 2006, 120 Stat. 2398; Pub. L. 110–181, div. A, title IX, §907, Jan. 28, 2008, 122 Stat. 277; Pub. L. 111–350, §5(b)(1), Jan. 4, 2011, 124 Stat. 3842; Pub. L. 113–291, div. A, title IX, §901(j)(2)(A), Dec. 19, 2014, 128