

(b) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including—

(1) serving as the chief acquisition and sustainment officer of the Department of Defense with the mission of delivering and sustaining timely, cost-effective capabilities for the armed forces (and the Department);

(2) establishing policies on, and supervising, all elements of the Department relating to acquisition (including system design, development, and production, and procurement of goods and services) and sustainment (including logistics, maintenance, and materiel readiness);

(3) establishing policies for access to, and maintenance of, the defense industrial base and materials critical to national security, and policies on contract administration;

(4) serving as—

(A) the principal advisor to the Secretary on acquisition and sustainment in the Department;

(B) the senior procurement executive for the Department for the purposes of section 1702(c) of title 41; and

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

(5) overseeing the modernization of nuclear forces and the development of capabilities to counter weapons of mass destruction, and serving as the chairman of the Nuclear Weapons Council and the co-chairman of the Council on Oversight of the National Leadership Command, Control, and Communications System;

(6) the 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 Under Secretary has responsibility, except that the Under Secretary shall exercise advisory authority over service acquisition programs for which the service acquisition executive is the milestone decision authority; and

(7) to the extent directed by the Secretary, exercising 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.

(c) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

(1) PRECEDENCE IN MATTERS OF RESPONSIBILITY.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary of Defense, the Chief Management Officer of the Department of Defense, and the Under Secretary of Defense for Research and Engineering.

(2) PRECEDENCE IN OTHER MATTERS.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law,

the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, the Chief Management Officer, the Under Secretary of Defense for Research and Engineering, and the Secretaries of the military departments.

(Added Pub. L. 114-328, div. A, title IX, §901(b), Dec. 23, 2016, 130 Stat. 2340; amended Pub. L. 115-91, div. A, title IX, §§902, 910(c)(3), Dec. 12, 2017, 131 Stat. 1511, 1518.)

#### PRIOR PROVISIONS

A prior section 133b was renumbered section 138a of this title.

Another prior section 133b was renumbered section 118 of this title.

#### AMENDMENTS

2017—Subsec. (b)(6). Pub. L. 115-91, §902, substituted “advisory authority” for “supervisory authority”.

Subsec. (c)(1). Pub. L. 115-91, §910(c)(3)(A), inserted “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense.”

Subsec. (c)(2). Pub. L. 115-91, §910(c)(3)(B), inserted “the Chief Management Officer,” after “the Deputy Secretary.”

#### EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title IX, §902, Dec. 12, 2017, 131 Stat. 1511, provided that the amendment made by section 902 is effective Feb. 1, 2018, and immediately after the coming into effect of the amendment made by section 901(b) of Pub. L. 114-328 (enacting this section).

Pub. L. 115-91, div. A, title IX, §910(c), Dec. 12, 2017, 131 Stat. 1518, provided that the amendment made by section 910(c)(3) is effective on Feb. 1, 2018, and immediately after the coming into effect of the amendments made by section 901 of Pub. L. 114-328 (see Tables for classification).

#### EFFECTIVE DATE

Pub. L. 114-328, div. A, title IX, §901(b), Dec. 23, 2016, 130 Stat. 2339, provided that this section is effective on Feb. 1, 2018.

### § 134. Under Secretary of Defense for Policy

(a) There is an Under Secretary of Defense for Policy, 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 an armed force.

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

(2) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall be responsible and have overall direction and supervision for—

(A) the development, implementation, and integration across the Department of Defense of the National Defense Strategy (as described by section 113 of this title) and strategic policy guidance for the activities of the Department of Defense across all geographic regions and military functions and domains;

(B) the integration of the activities of the Department into the National Security Strategy of the United States;

(C) the development of policy guidance for the preparation of campaign and contingency plans by the combatant commands, and for the review of such plans;

(D) the preparation of policy guidance for the development of the global force posture; and

(E) the development of the Defense Planning Guidance that guides the formulation of program and budget requests by the military departments and other elements of the Department.

(3) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall have responsibility for supervising and directing activities of the Department of Defense relating to export controls.

(4) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Policy shall have overall direction and supervision for policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for combating terrorism.

(5) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall coordinate with the Chairman of the Joint Chiefs of Staff and the Director of Cost Assessment and Program Evaluation to—

(A) develop planning scenarios that describe the present and future strategic and operational environments by which to assess joint force capabilities and readiness; and

(B) develop specific objectives that the joint force should be ready to achieve, and conduct assessments of the capability (in terms of both capacity and readiness) of the joint force to achieve such objectives.

(c) The Under Secretary takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Secretaries of the military departments.

(Added Pub. L. 99-433, title I, § 105(1), Oct. 1, 1986, 100 Stat. 997; amended Pub. L. 99-500, § 101(c) [title X, § 903(a)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-132, and Pub. L. 99-591, § 101(c) [title X, § 903(a)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-132; Pub. L. 99-661, div. A, title IX, formerly title IV, § 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; Pub. L. 115-232, div. A, title IX, § 902, Aug. 13, 2018, 132 Stat. 1921.)

#### 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

2018—Subsec. (b)(2). Pub. L. 115-232, § 902(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Under Secretary shall assist the Secretary of Defense—

“(A) in preparing written policy guidance for the preparation and review of contingency plans; and

“(B) in reviewing such plans.”

Subsec. (b)(5). Pub. L. 115-232, § 902(b), added par. (5). 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.”

RESPONSIBILITY FOR POLICY ON CIVILIAN CASUALTY  
MATTERS

Pub. L. 115-232, div. A, title IX, §936, Aug. 13, 2018, 132 Stat. 1939, provided that:

“(a) DESIGNATION OF SENIOR CIVILIAN OFFICIAL.—Not later than 90 days after the date of the enactment of this Act [Aug. 13, 2018], the Under Secretary of Defense for Policy shall designate a senior civilian official of the Department of Defense within the Office of the Secretary of Defense at or above the level of Assistant Secretary of Defense to develop, coordinate, and oversee compliance with the policy of the Department relating to civilian casualties resulting from United States military operations.

“(b) RESPONSIBILITIES.—The senior civilian official designated under subsection (a) shall ensure that the policy referred to in that subsection provides for—

“(1) uniform processes and standards across the combatant commands for accurately recording kinetic strikes by the United States military;

“(2) the development and dissemination of best practices for reducing the likelihood of civilian casualties from United States military operations;

“(3) the development of publicly available means, including an Internet-based mechanism, for the submittal to the United States Government of allegations of civilian casualties resulting from United States military operations;

“(4) uniform processes and standards across the combatant commands for reviewing and investigating allegations of civilian casualties resulting from United States military operations, including the consideration of relevant information from all available sources;

“(5) uniform processes and standards across the combatant commands for—

“(A) acknowledging the responsibility of the United States military for civilian casualties resulting from United States military operations; and

“(B) offering ex gratia payments to civilians who have been injured, or to the families of civilians killed, as a result of United States military operations, as determined to be necessary by the designated senior civilian official;

“(6) regular engagement with relevant intergovernmental and nongovernmental organizations;

“(7) public affairs guidance with respect to matters relating to civilian casualties alleged or confirmed to have resulted from United States military operations; and

“(8) such other matters with respect to civilian casualties resulting from United States military operations as the designated senior civilian official considers appropriate.

“(c) REPORT.—Not later than 180 days after the date of the enactment of this Act [Aug. 18, 2018], the senior civilian official designated under subsection (a) shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that describes—

“(1) the policy developed by the senior civilian official under that subsection; and

“(2) the efforts of the Department to implement such policy.”

**[§ 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.