

“(C) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is redesignated as the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

“(2) REFERENCES.—Any reference in any law, rule, regulation, paper, or other record of the United States to an office of the Department of Defense redesignated by paragraph (1) shall be deemed to be a reference to such office as so redesignated.”

INAPPLICABILITY OF APPOINTMENT REQUIREMENT TO CERTAIN INDIVIDUALS SERVING ON EFFECTIVE DATE

Pub. L. 111-383, div. A, title IX, §901(o), Jan. 7, 2011, 124 Stat. 4327, provided that:

“(1) IN GENERAL.—Notwithstanding this section [see Tables for classification] and the amendments made by 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 depart-

ments 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 takes precedence in the Department of Defense immediately after the Secretary.

(d) 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; Pub. L. 115-91, div. A, title IX, §910(b), Dec. 12, 2017, 131 Stat. 1517; Pub. L. 116-92, div. A, title XVII, §1731(a)(8), Dec. 20, 2019, 133 Stat. 1812.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Rows include 134(a), 134(b), and 134(c) with their respective source citations.

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. (d)(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. (d)(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

2019—Subsecs. (d), (e). Pub. L. 116-92 redesignated subsec. (e) as (d).

2017—Subsecs. (c), (d). Pub. L. 115-91, § 910(b)(2), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “The Deputy Secretary serves as the Chief Management Officer of the Department of Defense.”

Pub. L. 115-91, § 910(b)(1), repealed Pub. L. 114-328, § 901(c)(4). See 2016 Amendment note below.

Subsec. (e). Pub. L. 115-91, § 910(b)(1), repealed Pub. L. 114-328, § 901(c)(4). See 2016 Amendment note below.

2016—Subsecs. (c) to (e). Pub. L. 114-328, § 901(c)(4), which directed striking out subsec. (c) and redesignating subsecs. (d) and (e) as (c) and (d), respectively, was repealed by Pub. L. 115-91, § 910(b)(1).

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 2017 AMENDMENT

Pub. L. 115-91, div. A, title IX, § 910(b)(1), Dec. 12, 2017, 131 Stat. 1517, which provided that the amendment made by section 910(b)(1) was effective on Jan. 31, 2018, was repealed by Pub. L. 116-283, div. A, title IX, § 901(a)(2)(B), Jan. 1, 2021, 134 Stat. 3794.

Pub. L. 115-91, div. A, title IX, § 910(b)(2), Dec. 12, 2017, 131 Stat. 1518, which provided that the amendment made by section 910(b)(2) was effective on Feb. 1, 2018, was repealed by Pub. L. 116-283, div. A, title IX, § 901(a)(2)(B), Jan. 1, 2021, 134 Stat. 3794.

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.

IMPROVEMENT OF THE STRATEGIC CAPABILITIES OFFICE OF THE DEPARTMENT OF DEFENSE

Pub. L. 116-92, div. A, title II, § 233, Dec. 20, 2019, 133 Stat. 1277, provided that:

“(a) ORGANIZATION.—

“(1) AUTHORITY OF DEPUTY SECRETARY OF DEFENSE.—The Deputy Secretary of Defense shall exercise authority and direction over the Strategic Capabilities Office of the Department of Defense (referred to in this section as the ‘Office’).

“(2) AUTHORITY OF DIRECTOR.—The Director of the Office shall report directly to the Deputy Secretary of Defense.

“(3) DELEGATION.—In exercising authority and direction over the Office under subsection (a), the Deputy Secretary of Defense may delegate administrative, management, and other duties to the Director of the Defense Advanced Research Projects Agency, as needed, to effectively and efficiently execute the mission of the Office.

“(b) CROSS-FUNCTIONAL TEAMS.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Dec. 20, 2019], the Deputy Secretary of Defense shall establish the following cross-functional teams to improve the effectiveness of the Office:

“(A) A transition cross-functional team to improve the efficiency and effectiveness with which the programs of the Office may be transitioned into—

“(i) research and development programs of the military services and other agencies of the Department of Defense; and

“(ii) programs of such services and agencies in operational use.

“(B) A technical cross functional team to improve the continuous technical assessment and review of the programs of the Office during program selection and execution.

“(2) MEMBERSHIP.—The Deputy Secretary of Defense shall select individuals to serve on the cross-functional teams described in paragraph (1) from among individuals in the defense research and engineering enterprise, acquisition community, Joint Staff, combatant commands, and other organizations, as determined to be appropriate by the Deputy Secretary.”

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 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.”

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. Repealed. Pub. L. 116–283, div. A, title IX, § 901(a)(1), Jan. 1, 2021, 134 Stat. 3794]

Section, 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; Pub. L. 116–92, div. A, title IX, §903(a)(2), Dec. 20, 2019, 133 Stat. 1555, related to establishment and responsibilities of 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, which provided that the amendment made by section 910(a)(1) was effective Feb. 1, 2018, was repealed by Pub. L. 116–283, div. A, title IX, §901(a)(2)(B), Jan. 1, 2021, 134 Stat. 3794.

TRANSFER OF DUTIES AND RESPONSIBILITIES OF THE CHIEF MANAGEMENT OFFICER

Pub. L. 116–283, div. A, title IX, §901(b)–(d), Jan. 1, 2021, 134 Stat. 3794, 3795, provided that:

“(b) IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act [Jan. 1, 2021]—

“(1) each duty or responsibility that remains assigned to the Chief Management Officer of the Department of Defense shall be transferred to an officer or employee of the Department of Defense designated by the Secretary of Defense, except that any officer or employee so designated may not be an individual who served as the Chief Management Officer before the date of the enactment of this Act; and

“(2) the personnel, functions, and assets of the Office of the Chief Management Officer shall be transferred to such other organizations and elements of the Department as the Secretary considers appropriate.

“(c) REFERENCES.—Any reference in any law, regulation, guidance, instruction, or other document of the Federal Government to the Chief Management Officer of the Department of Defense shall be deemed to refer to the applicable officer or employee of the Department of Defense designated by the Secretary of Defense under subsection (b)(1).

“(d) REPORT.—Not later than one year after the date of the enactment of this Act [Jan. 1, 2021], 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 that sets forth such recommendations for legislative action as the Secretary considers appropriate for modifications to law to carry out this section and the repeals and amendments made by this section.”

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