

IX, §904(f), Nov. 30, 1993, 107 Stat. 1729; Pub. L. 106-65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717, which provided for the designation of a primary liaison between the procurement and research and development activities of the armed forces of the United States and Israel, was repealed by Pub. L. 115-232, div. A, title VIII, §811(e), Aug. 13, 2018, 132 Stat. 1845.

§ 133b. Under Secretary of Defense for Acquisition and Sustainment

(a) UNDER SECRETARY OF DEFENSE.—There is an Under Secretary of Defense for Acquisition and Sustainment, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive system development, engineering, production, or management background and experience with managing complex programs. 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) 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, appropriate prototyping activities, 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) establishing policies for, and providing oversight, guidance, and coordination with respect to, the nuclear command, control, and communications system;

(5) 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;

(6) overseeing the modernization of nuclear forces, including the nuclear command, control, and communications system, 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;

(7) 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;

(8) 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; and

(9) advising the Secretary on all aspects of acquisition and sustainment relating to—

(A) defense acquisition programs;

(B) core logistics capabilities (as described under section 2464 of this title); and

(C) the national technology and industrial base (as defined in section 4801 of this title).

(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; Pub. L. 116-92, div. A, title IX, §902(92), title XVI, §1662(a), Dec. 20, 2019, 133 Stat. 1554, 1772; Pub. L. 116-283, div. A, title VIII, §811(a)(2), title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 3749, 4294.)

Editorial Notes

PRIOR PROVISIONS

A prior section 133b was renumbered section 138a of this title and was subsequently repealed.

Another prior section 133b was renumbered section 118 of this title and was subsequently repealed.

AMENDMENTS

2021—Subsec. (b)(9). Pub. L. 116-283, §811(a)(2), added par. (9).

Subsec. (b)(9)(C). Pub. L. 116-283, §1883(b)(2), substituted “section 4801” for “section 2500”.

2019—Subsec. (b)(2). Pub. L. 116-92, §902(92), inserted “appropriate prototyping activities,” after “development.”

Subsec. (b)(4) to (8). Pub. L. 116-92, §1662(a), added par. (4), redesignated former pars. (4) to (7) as (5) to (8), respectively, and in par. (6) inserted “, including the nuclear command, control, and communications system,” after “modernization of nuclear forces”.

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.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1883(b)(2) of Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

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 and Sustainment, the Under Secretary of Defense for Research and Engineering, 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; Pub. L. 116-92, div. A, title IX, §902(3), Dec. 20, 2019, 133 Stat. 1542.)

Editorial Notes

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

2019—Subsec. (c). Pub. L. 116-92 substituted “Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering,” for “Under Secretary of Defense for Acquisition, Technology, and Logistics.”