

“(B) Performance of work pursuant to section 2463 of title 10, United States Code.

“(C) Ability to maintain sufficient organic expertise and technical capability.

“(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.”

§ 144. Director of Small Business Programs

(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of Defense. The Director is appointed by the Secretary of Defense.

(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense is the office that is established within the Office of the Secretary of Defense under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of Defense, and shall exercise such powers regarding those programs, as the Secretary of Defense may prescribe.

(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.

(Added Pub. L. 109–163, div. A, title IX, §904(b)(1), Jan. 6, 2006, 119 Stat. 3400.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 109–163, div. A, title IX, §904(a), Jan. 6, 2006, 119 Stat. 3399, provided that:

“(1) POSITIONS REDESIGNATED.—The following positions within the Department of Defense are redesignated as follows:

“(A) The Director of Small and Disadvantaged Business Utilization of the Department of Defense is redesignated as the Director of Small Business Programs of the Department of Defense.

“(B) The Director of Small and Disadvantaged Business Utilization of the Department of the Army is redesignated as the Director of Small Business Programs of the Department of the Army.

“(C) The Director of Small and Disadvantaged Business Utilization of the Department of the Navy is redesignated as the Director of Small Business Programs of the Department of the Navy.

“(D) The Director of Small and Disadvantaged Business Utilization of the Department of the Air Force is redesignated as the Director of Small Business Programs of the Department of the Air Force.

“(2) OFFICES REDESIGNATED.—The following offices within the Department of Defense are redesignated as follows:

“(A) The Office of Small and Disadvantaged Business Utilization of the Department of Defense is redesignated as the Office of Small Business Programs of the Department of Defense.

“(B) The Office of Small and Disadvantaged Business Utilization of the Department of the Army is redesignated as the Office of Small Business Programs of the Department of the Army.

“(C) The Office of Small and Disadvantaged Business Utilization of the Department of the Navy is redesignated as the Office of Small Business Programs of the Department of the Navy.

“(D) The Office of Small and Disadvantaged Business Utilization of the Department of the Air Force is redesignated as the Office of Small Business Programs of the Department of the Air Force.

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

ROLE OF THE DIRECTORS OF SMALL BUSINESS PROGRAMS IN ACQUISITION PROCESSES OF THE DEPARTMENT OF DEFENSE

Pub. L. 112–239, div. A, title XVI, §1611, Jan. 2, 2013, 126 Stat. 2063, provided that:

“(a) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance to ensure that the head of each Office of Small Business Programs of the Department of Defense is a participant as early as practicable in the acquisition processes—

“(1) of the Department, in the case of the Director of Small Business Programs in the Department of Defense; and

“(2) of the military department concerned, in the case of the Director of Small Business Programs in the Department of the Army, in the Department of the Navy, and in the Department of the Air Force.

“(b) MATTERS TO BE INCLUDED.—Such guidance shall, at a minimum—

“(1) require the Director of Small Business Programs in the Department of Defense—

“(A) to provide advice to the Defense Acquisition Board; and

“(B) to provide advice to the Information Technology Acquisition Board; and

“(2) require coordination between the chiefs of staff of the Armed Forces and the service acquisition executives, as appropriate (or their designees), and the Director of Small Business Programs in each military department as early as practical in the relevant acquisition processes.”

§ 145. Principal Advisor on Countering Weapons of Mass Destruction

The Secretary of Defense may designate, from among the personnel of the Office of the Secretary of Defense, a Principal Advisor on Countering Weapons of Mass Destruction. Such Principal Advisor shall coordinate the activities of the Department of Defense relating to countering weapons of mass destruction. The individual designated to serve as such Principal Advisor shall be an individual who was appointed to the position held by the individual by and with the advice and consent of the Senate.

(Added Pub. L. 115–232, div. A, title X, §1082(a)(1), Aug. 13, 2018, 132 Stat. 1987.)

[§ 146. Renumbered § 198]

Statutory Notes and Related Subsidiaries

LIMITATION ON INVOLUNTARY SEPARATION OF PERSONNEL

Pub. L. 116–283, div. A, title IX, §905(b), Jan. 1, 2021, 134 Stat. 3799, which provided that personnel of the Office of Local Defense Community Cooperation could not be involuntarily separated from service during the one-year period beginning on Jan. 1, 2021, except for cause, was repealed by Pub. L. 117–81, div. A, title IX, §902(d), Dec. 27, 2021, 135 Stat. 1869.

ADMINISTRATION OF PROGRAMS

Pub. L. 116–283, div. A, title IX, §905(c), Jan. 1, 2021, 134 Stat. 3799, which authorized the Office of Local Defense Community Cooperation to administer any pro-

gram, project, or other activity administered by the Office of Economic Adjustment of the Department of Defense, was repealed by Pub. L. 117-81, div. A, title IX, §902(d), Dec. 27, 2021, 135 Stat. 1869.

§ 147. Chief Diversity Officer

(a) CHIEF DIVERSITY OFFICER.—(1) There is a Chief Diversity Officer of the Department of Defense, who shall be appointed by the Secretary of Defense.

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

(3) The Chief Diversity Officer shall report directly to the Secretary of Defense in the performance of the duties of the Chief Diversity Officer under this section.

(b) DUTIES.—The Chief Diversity Officer—

(1) is responsible for providing advice on policy, oversight, guidance, and coordination for all matters of the Department of Defense related to diversity and inclusion;

(2) advises the Secretary of Defense, the Secretaries of the military departments, and the heads of all other elements of the Department with regard to matters of diversity and inclusion;

(3) shall establish and maintain a Department of Defense strategic plan that publicly states a diversity definition, vision, and goals for the Department;

(4) shall define a set of strategic metrics that are directly linked to key organizational priorities and goals, actionable, and actively used to implement the strategic plan under paragraph (3);

(5) shall advise in the establishment of training in diversity dynamics and training in practices for leading diverse groups effectively;

(6) shall advise in the establishment of a strategic plan for diverse participation by institutions of higher education (including historically black colleges and universities and minority-serving institutions), federally funded research and development centers, and individuals in defense-related research, development, test, and evaluation activities;

(7) shall advise in the establishment of a strategic plan for outreach to, and recruiting from, untapped locations and underrepresented demographic groups;

(8) shall coordinate with, and be supported by, the Office of People Analytics on studies, assessments, and related work relevant to diversity and inclusion; and

(9) shall perform such additional duties and exercise such powers as the Secretary of Defense may prescribe.

(Added Pub. L. 116-283, div. A, title IX, §913(a)(1), Jan. 1, 2021, 134 Stat. 3802.)

EFFECTIVE DATE

Pub. L. 116-283, div. A, title IX, §913(c), Jan. 1, 2021, 134 Stat. 3804, provided that: “This section [enacting this section and provisions set out as a note below] and the amendments made by this section shall take effect on February 1, 2021.”

SENIOR ADVISORS FOR DIVERSITY AND INCLUSION FOR THE MILITARY DEPARTMENTS AND COAST GUARD

Pub. L. 116-283, div. A, title IX, §913(b), Jan. 1, 2021, 134 Stat. 3803, provided that:

“(1) APPOINTMENT REQUIRED.—Each Secretary of a military department shall appoint within such military department a Senior Advisor for Diversity and Inclusion for such military department (and for the Armed Force or Armed Forces under the jurisdiction of such Secretary). The Commandant of the Coast Guard shall appoint a Senior Advisor for Diversity and Inclusion for the Coast Guard.

“(2) QUALIFICATIONS AND LIMITATION.—Each Senior Advisor for Diversity and Inclusion shall be appointed from among persons who have an extensive management or business background and experience with diversity and inclusion. A person may not be appointed as Senior Advisor for Diversity and Inclusion within three years after relief from active duty as a commissioned officer of a regular component of an Armed Force.

“(3) REPORTING.—A Senior Advisor for Diversity and Inclusion shall report directly to the Secretary of the military department within which appointed. The Senior Advisor for Diversity and Inclusion for the Coast Guard shall report directly to the Commandant of the Coast Guard.

“(4) DUTIES.—A Senior Advisor for Diversity and Inclusion, with respect to the military department and Armed Force or Armed Forces concerned—

“(A) is responsible for providing advice, guidance, and coordination for all matters related to diversity and inclusion;

“(B) shall advise in the establishment of training in diversity dynamics and training in practices for leading diverse groups effectively;

“(C) shall advise and assist in evaluations and assessments of diversity;

“(D) shall develop a strategic diversity and inclusion plan, which plan shall be consistent with the strategic plan developed and maintained pursuant to subsection (b)(3) of section 147 of title 10, United States Code (as added by subsection (a) of this section);

“(E) shall develop strategic goals and measures of performance related to efforts to reflect the diverse population of the United States eligible to serve in the Armed Forces, which goals and measures of performance shall be consistent with the strategic metrics defined pursuant to subsection (b)(4) of such section 147; and

“(F) shall perform such additional duties and exercise such powers as the Secretary of the military department concerned or the Commandant of the Coast Guard, as applicable, may prescribe.”

CHAPTER 5—JOINT CHIEFS OF STAFF

Sec.	
151.	Joint Chiefs of Staff: composition; functions.
152.	Chairman: appointment; grade and rank.
153.	Chairman: functions.
154.	Vice Chairman.
155.	Joint Staff.
[155a.]	Repealed.]
156.	Legal Counsel to the Chairman of the Joint Chiefs of Staff.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 5 related to Joint Chiefs of Staff, prior to the general revision of this chapter by Pub. L. 99-433, title II, §201, Oct. 1, 1986, 100 Stat. 1004, consisted of sections 141 to 143 as follows:

Section 141, acts Aug. 10, 1956, ch. 1041, 70A Stat. 6; Aug. 6, 1958, Pub. L. 85-599, §7, 72 Stat. 519; Sept. 7, 1962, Pub. L. 87-651, title II, §204, 76 Stat. 519; Oct. 20, 1978, Pub. L. 95-485, title VIII, §807, 92 Stat. 1622, provided for