

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phased reduction of number of personnel assigned to or employed in functions in Office of the Secretary of Defense, was repealed and restated in section 143 of this title by Pub.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 departments 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)(1) The Deputy Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

(2)(A) 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.

(B) If the Secretary is unable to perform the functions and duties of the office as described in subparagraph (A), the Deputy Secretary, or any

other individual performing such functions and duties in accordance with applicable law, shall, not later than 24 hours before any planned transfer of such functions and duties or 24 hours after any unplanned transfer of such functions and duties, notify the following of the transfer:

(i) The Committee on Armed Services, the Committee on Appropriations, and the majority and minority leaders of the Senate.

(ii) The Committee on Armed Services, the Committee on Appropriations, the Speaker, and the minority leader of the House of Representatives.

(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; Pub. L. 118–159, div. A, title IX, §901, Dec. 23, 2024, 138 Stat. 2024.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
134(a)	5:171c(a) (1st sentence).	July 26, 1947, ch. 343, §203(a); added Aug. 10, 1949, ch. 412, §6(a) (1st par.), 63 Stat. 581.
134(b)	5:171c(a) (less 1st sentence and last 15 words of 2d sentence).	
134(c)	5:171c(a) (last 15 words of 2d sentence).	

In subsection (a), the last sentence is substituted for 5 U.S.C. 171c(a) (proviso).

Editorial Notes

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

2024—Subsec. (b). Pub. L. 118–159 designated first sentence as par. (1) and second sentence as subpar. (A) of par. (2) and added subpar. (B) of par. (2).

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”.

Statutory Notes and Related Subsidiaries

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.

SENIOR CONTRACTING OFFICIAL FOR STRATEGIC CAPABILITIES OFFICE

Pub. L. 118–31, div. A, title VIII, §807, Dec. 22, 2023, 137 Stat. 318, provided that:

“(a) SENIOR CONTRACTING OFFICIAL.—The staff of the Director of the Strategic Capabilities Office shall include a senior contracting official (as defined in section 1737 of title 10, United States Code) who shall have the authority to enter into and administer contracts, grants, cooperative agreements, and other transactions in execution of the program activities of the Strategic Capabilities Office.

“(b) EFFECTIVE DATE; IMPLEMENTATION PLAN.—

“(1) EFFECTIVE DATE.—The authorities described in subsection (a) shall take effect 30 days after the date on which the Secretary of Defense submits the plan described in paragraph (2).

“(2) PLAN.—Not later than 90 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for the implementation of the authorities described in subsection (a). The plan shall include the following:

“(A) A plan for oversight of the senior contracting official described under subsection (a).

“(B) An assessment of the acquisition workforce needs of the Strategic Capabilities Office to support the authority provided under subsection (a).

“(C) Other matters as appropriate.”

JOINT ALL DOMAIN COMMAND AND CONTROL

Pub. L. 117-263, div. A, title IX, §915, Dec. 23, 2022, 136 Stat. 2752, provided that:

“(a) DIRECTION AND CONTROL OF JOINT ALL DOMAIN COMMAND AND CONTROL.—The Deputy Secretary of Defense, in coordination with the Vice Chairman of the Joint Chiefs of Staff, shall oversee joint all domain command and control (commonly known as ‘JADC2’) to ensure—

“(1) close collaboration with the Joint Requirements Oversight Council, the combatant commands, and the military services regarding operational requirements and requirements satisfaction relating to joint all domain command and control; and

“(2) objective assessments to the Deputy Secretary and Vice Chairman about the progress of the Department of Defense in achieving the objectives of joint all domain command and control.

“(b) DEMONSTRATIONS AND FIELDING OF MISSION THREADS.—

“(1) IN GENERAL.—The Deputy Secretary and Vice Chairman shall take the following actions in support of the objectives described in paragraph (2):

“(A) In consultation with the Commander of the United States Indo-Pacific Command and the commanders of such other combatant commands as may be designated by the Deputy Secretary—

“(i) identify a prioritized list of difficult mission-critical operational challenges specific to the area of operations of the designated commands;

“(ii) design and recommend resourcing options, through the Office of Cost Analysis and Program Evaluation and the Management Action Group of the Deputy Secretary, a series of multi-domain, multi-service and multi-agency, multi-platform, and multisystem end-to-end integrated kinetic and non-kinetic mission threads, including necessary battle management functions, to solve the operational challenges identified in clause (i);

“(iii) demonstrate the ability to execute the integrated mission threads identified in clause (ii) in realistic conditions on a repeatable basis, including the ability to achieve, through mission integration software, interoperability among effects chain components that do not conform to common interface standards, including the use of the System of Systems Technology Integration Tool Chain for Heterogeneous Electronic Systems (commonly known as ‘STITCHES’) managed by the 350th Spectrum Warfare Wing of the Department of the Air Force; and

“(iv) create a plan to deploy the mission threads to the area of operations of the United States Indo-Pacific Command and such other combatant commands as may be designated by Deputy Secretary, and execute the mission threads at the scale and pace required to solve the identified operational challenges, including necessary logistics and sustainment capabilities.

“(B) Designate organizations to serve as transition partners for integrated mission threads and ensure such integrated mission threads are maintained and exercised as operational capabilities in the United States Indo-Pacific Command and such other combatant commands as may be designated by Deputy Secretary.

“(C) Designate organizations and elements of the Department of Defense as the Deputy Secretary determines appropriate to be responsible for—

“(i) serving as mission managers for composing and demonstrating the integrated mission threads under the mission management pilot pro-

gram established by section 871 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 191 note);

“(ii) providing continuing support and sustainment for, and training and exercising of, the integrated mission threads under the operational command of the Commander of United States Indo-Pacific Command and such other combatant commands as may be designated by Deputy Secretary;

“(iii) planning and executing experimentation and demonstrations with—

“(I) Joint data integration approaches;

“(II) mission integration capabilities, especially software; and

“(III) Joint tactics, techniques, and procedures;

“(iv) assisting in fielding mission integration software to encourage the development and employment of such software on a larger scale, especially at the designated combatant commands;

“(v) assessing and integrating, as appropriate, the capabilities of Assault Breaker II, developed by the Defense Advanced Research Projects Agency, and related developmental efforts as those efforts transition to operational deployment; and

“(vi) integrating joint all domain command and control mission threads and mission command and control, including in conflicts that arise with minimal warning, and exercising other joint all domain command and control capabilities and functions.

“(D) Integrate the planning and demonstrations of the mission threads with—

“(i) the Production, Exploitation, and Dissemination Center in the United States Indo-Pacific Command;

“(ii) the Family of Integrated Targeting Cells; and

“(iii) the tactical dissemination and information sharing systems for the Armed Forces and allies of the United States, including the Mission Partner Environment and the Maven Smart System.

“(2) OBJECTIVES DESCRIBED.—The objectives described in this paragraph are the following—

“(A) to support the emphasis of the National Defense Strategy on adversary-specific deterrence postures;

“(B) to support actions that can be taken within the period covered by the future-years defense program focused on—

“(i) critical mission threads, such as kinetic kill chains and non-kinetic effects chains; and

“(ii) integrated concepts of operation;

“(C) to support demonstrations and experimentation; and

“(D) to achieve the objectives of the Joint All Domain Command and Control Strategy and Implementation Plan approved by the Deputy Secretary of Defense.

“(c) PERFORMANCE GOALS.—The Deputy Secretary, the Vice Chairman, and the commanders of such other combatant commands as may be designated by the Deputy Secretary shall seek to—

“(1) beginning in the third quarter of fiscal year 2023, demonstrate new integrated mission threads on a regularly recurring basis multiple times each year; and

“(2) include such demonstrations, as feasible, in the Rapid Defense Experimentation Reserve campaign of experimentation, Valiant Shield, Northern Edge, the Large Scale Global Exercise, the quarterly Scarlet Dragon exercises, the Global Information Dominance Experiments, and annual force exercises in the area of responsibility of the United States Indo-Pacific Command.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Deputy Secretary’ means the Deputy Secretary of Defense.

“(2) The term ‘Family of Integrated Targeting Cells’ means the Maritime Targeting Cell-Afloat, the Maritime Targeting Cell-Expeditionary, the Tactical Intelligence Targeting Access Node, Tactical Operations Center Medium/Light, and other interoperable command and control nodes that are able to task the collection of, receive, process, and disseminate track and targeting information from many sensing systems in disconnected, denied, intermittent or limited bandwidth conditions.

“(3) The term ‘joint all domain command and control’ refers to the warfighting capabilities that support commander decision making at all echelons from campaigning to conflict, across all domains, and with partners, to deliver information advantage.

“(4) The term ‘mission command’ is the employment of military operations through decentralized execution based upon mission-type orders and the intent of commanders.

“(5) The terms ‘mission thread’, ‘kill chain’, and ‘effects chain’ have the meanings given those terms in the publication of the Office of the Under Secretary of Defense for Research and Engineering titled ‘Mission Engineering Guide’ and dated November 2020.

“(6) The term ‘Vice Chairman’ means the Vice Chairman of the Joint Chiefs of Staff.”

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.”

[Position of Chief Management Officer of the Department of Defense effectively abolished upon the repeal of section 132a of this title by Pub. L. 116–283, div. A, title IX, §901(a)(1), Jan. 1, 2021, 134 Stat. 3794. Duties, personnel, and functions of the Chief Management Officer transferred to other Department of Defense officers, employees, and organizations, and any reference to the Chief Management Officer of the Department of Defense to be deemed to refer to the applicable Department of Defense officer or employee as so designated, see section 901(b), (c) of Pub. L. 116–283, set out in a note under former 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.”

[Position of Chief Management Officer of the Department of Defense effectively abolished upon the repeal of section 132a of this title by Pub. L. 116–283, div. A, title IX, §901(a)(1), Jan. 1, 2021, 134 Stat. 3794. Duties, personnel, and functions of the Chief Management Officer transferred to other Department of Defense officers, employees, and organizations, and any reference to the Chief Management Officer of the Department of Defense to be deemed to refer to the applicable Department of Defense officer or employee as so designated, see section 901(b), (c) of Pub. L. 116–283, set out in a note under former section 132a of this title.]

§ 132a. Performance improvement officer¹

(a) ESTABLISHMENT.—

(1) There is a Performance Improvement Officer of the Department of Defense, to be appointed by the Secretary of Defense from among the ranks of qualified individuals from the senior career civil service.

(2) The Performance Improvement Officer shall be appointed from among persons described in paragraph (1) who have an extensive management or business background and experience with managing large or complex organizations, organizational change management, or business transformation activities.

(b) DEPUTY.—The Performance Improvement Officer shall be supported by a Deputy who shall be appointed by the Secretary of Defense from among the ranks of qualified individuals from the senior career civil service. The Deputy shall be the first assistant to the Performance Improvement Officer and shall assist that Officer in the performance of the duties of that position and shall act for, and exercise the powers of, the Officer when that Officer dies, resigns, or is otherwise unable to perform the functions and duties of the office.

(c) DUTIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the Secretary of Defense and the Deputy Secretary of Defense, the Performance Improvement Officer shall perform such duties, exercise such powers, and have such responsibilities as the Secretary or the Deputy Secretary may prescribe, including the following:

(1) Responsibility for updating and implementing the Strategic Management Plan of the Department of Defense required by section 904(d) of the National Defense Authorization Act of² Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. note prec. 2201).

(2) Responsibility for chairing the Defense Performance Improvement Council (or any successor organization).

(3) Responsibility for the Defense Performance Improvement Framework, as established under section 125a of this title.

(4) Responsibility for the execution of not fewer than two annual meetings of the Defense Management Action Group (or any successor organization) with agendas relating to the Strategic Management Plan described in paragraph (1).

(5) Oversight of transformational business modernization and business process re-engineering of the Department of Defense.

(6) Oversight and tracking the implementation of—

(A) solutions to solve issues identified by the High Risk List maintained by the Government Accountability Office; and

(B) other recommendations of such Office.

(7) Serving as the lead official devoted to modernizing the business processes of the Department that serve as the baseline for all external acquisition and internal operations.

(8) Oversight and management of the Defense Management Institute (as established

pursuant to the memorandum of the Director of Administration and Management of the Department dated January 13, 2023), or any successor organization.

(9) Serving as co-chair of the Defense Business Council in accordance with section 2222(f)(1) of this title.

(10) Maintaining authority for convening meetings of personnel and organizations of the Department on matters relating to the duties and responsibilities described in this subsection.

(Added Pub. L. 118-159, div. A, title IX, §902(a), Dec. 23, 2024, 138 Stat. 2025.)

Editorial Notes

PRIOR PROVISIONS

A prior section 132a, 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, prior to repeal by Pub. L. 116-283, div. A, title IX, §901(a)(1), Jan. 1, 2021, 134 Stat. 3794.

Statutory Notes and Related Subsidiaries

GUIDANCE REQUIRED

Pub. L. 118-159, div. A, title IX, §902(c), Dec. 23, 2024, 138 Stat. 2026, provided that: “Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall issue rules, regulations, policies, or other guidance (as appropriate)—

“(1) to clearly delineate the authorities and responsibilities of the Performance Improvement Officer of the Department of Defense established under section 132a of title 10, United States Code, as added by subsection (a); and

“(2) setting forth a charter for the office (including personnel, facilities, and other infrastructure) supporting the position of the Performance Improvement Officer.”

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, as amended by Pub. L. 117-81, div. A, title IX, §904, Dec. 27, 2021, 135 Stat. 1871, provided for the transfer of duties and responsibilities, personnel, functions, and assets of the Chief Management Officer of the Department of Defense not later than one year after Jan. 1, 2021.

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, which provided that the individual serving in the position of Deputy Chief Management Officer of the Department of Defense as of February 1, 2018, could continue to serve as Chief Management Officer of the Department of Defense under former section 132a of this title, was repealed by Pub. L. 116-283, div. A, title IX, §901(a)(2)(B), Jan. 1, 2021, 134 Stat. 3794.

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, which related to initial reporting re-

¹So in original. Probably should be capitalized as “Performance Improvement Officer”.

²So in original. Probably should be “for”.