

**§ 132a. Performance improvement officer<sup>1</sup>**

(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 of<sup>2</sup> 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-

<sup>1</sup>So in original. Probably should be capitalized as “Performance Improvement Officer”.

<sup>2</sup>So in original. Probably should be “for”.

quirements and notice to Congress on transfer to the Chief Management Officer of the Department of Defense of oversight of shared business services, was repealed by Pub. L. 116-283, div. A, title IX, §901(a)(2)(B), Jan. 1, 2021, 134 Stat. 3794.

**[§ 133. Repealed. Pub. L. 114-328, div. A, title IX, §901(a)(1), Dec. 23, 2016, 130 Stat. 2339]**

Section, added Pub. L. 99-348, title V, §501(a), July 1, 1986, 100 Stat. 707, §134a; renumbered §133 and amended Pub. L. 99-433, title I, §§101(a)(7), 110(c)(1), (d)(8), Oct. 1, 1986, 100 Stat. 995, 1002, 1003; Pub. L. 99-500, §101(c) [title X, §901], Oct. 18, 1986, 100 Stat. 1783-82, 1783-130, and Pub. L. 99-591, §101(c) [title X, §901], Oct. 30, 1986, 100 Stat. 3341-82, 3341-130; Pub. L. 99-661, div. A, title IX, formerly title IV, §901, Nov. 14, 1986, 100 Stat. 3910, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; Pub. L. 100-456, div. A, title VIII, §809(d), Sept. 29, 1988, 102 Stat. 2013; Pub. L. 103-160, div. A, title IX, §904(b), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 106-65, div. A, title IX, §911(a)(2), (d)(2), Oct. 5, 1999, 113 Stat. 717, 719; Pub. L. 107-107, div. A, title VIII, §801(a), Dec. 28, 2001, 115 Stat. 1174; Pub. L. 109-364, div. A, title X, §1071(a)(2), Oct. 17, 2006, 120 Stat. 2398; Pub. L. 110-181, div. A, title IX, §907, Jan. 28, 2008, 122 Stat. 277; Pub. L. 111-350, §5(b)(1), Jan. 4, 2011, 124 Stat. 3842; Pub. L. 113-291, div. A, title IX, §901(j)(2)(A), Dec. 19, 2014, 128 Stat. 3467; Pub. L. 114-92, div. A, title VIII, §825(b), Nov. 25, 2015, 129 Stat. 908; Pub. L. 115-91, div. A, title X, §1081(b)(1)(A), Dec. 12, 2017, 131 Stat. 1597, related to Under Secretary of Defense for Acquisition, Technology, and Logistics.

A prior section 133 was renumbered section 113 of this title.

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

Pub. L. 106-65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717, provided that the position of Under Secretary of Defense for Acquisition and Technology in the Department of Defense was redesignated as the Under Secretary of Defense for Acquisition, Technology, and Logistics, and any reference in any law, regulation, document, or other record of the United States to the Under Secretary of Defense for Acquisition and Technology was to be treated as referring to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

Pub. L. 103-160, div. A, title IX, §904(a), (f), Nov. 30, 1993, 107 Stat. 1728, 1729, provided that the office of Under Secretary of Defense for Acquisition in the Department of Defense was redesignated as Under Secretary of Defense for Acquisition and Technology, the office of Deputy Under Secretary of Defense for Acquisition in the Department of Defense was redesignated as Deputy Under Secretary of Defense for Acquisition and Technology, and any reference to the Under Secretary of Defense for Acquisition or the Deputy Under Secretary of Defense for Acquisition in any provision of law other than this title, or in any rule, regulation, or other paper of the United States was to be treated as referring to the Under Secretary of Defense for Acquisition and Technology or the Deputy Under Secretary of Defense for Acquisition and Technology, respectively.

**EFFECTIVE DATE OF REPEAL**

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

**§ 133a. Under Secretary of Defense for Research and Engineering**

(a) **UNDER SECRETARY OF DEFENSE.**—There is an Under Secretary of Defense for Research and Engineering, 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 technology, science, or engineering background and experience with managing complex or advanced technological 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 technology officer of the Department of Defense with the mission of advancing technology and innovation for the armed forces (and the Department);

(2) establishing policies on, and supervising, all defense research and engineering, technology development, technology transition, appropriate prototyping activities, experimentation, and developmental testing activities and programs and unifying defense research and engineering efforts across the Department; and

(3) serving as the principal advisor to the Secretary on all research, engineering, and technology development activities and programs in the Department.

(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 and the Deputy Secretary of Defense.

(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, and the Secretaries of the military departments.

(Added Pub. L. 114-328, div. A, title IX, §901(a)(1), Dec. 23, 2016, 130 Stat. 2339; amended Pub. L. 115-91, div. A, title IX, §910(c)(2), Dec. 12, 2017, 131 Stat. 1518; Pub. L. 116-92, div. A, title IX, §902(2), Dec. 20, 2019, 133 Stat. 1542; Pub. L. 118-31, div. A, title IX, §901(a)(1), Dec. 22, 2023, 137 Stat. 354.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 133a, added Pub. L. 99-500, §101(c) [title X, §902(a)(1)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-131, and Pub. L. 99-591, §101(c) [title X, §902(a)(1)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-131; Pub. L. 99-661, div. A, title IX, formerly title IV, §902(a)(1), Nov. 14, 1986, 100 Stat. 3911, renumbered title IX, Pub. L. 100-26, §3(5), Apr. 21, 1987, 101 Stat. 273; amended Pub. L. 103-160, div. A, title IX, §904(c), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 103-337, div. A, title X, §1070(a)(2), Oct. 5, 1994, 108 Stat. 2855; Pub. L. 104-106, div. A, title IX, §903(c)(1), Feb. 10, 1996, 110 Stat. 401; Pub. L. 104-201, div. A, title IX, §901, Sept. 23, 1996, 110 Stat. 2617; Pub. L. 106-65, div. A, title IX, §911(c), Oct. 5, 1999, 113 Stat. 718; Pub. L. 107-107, div. A, title X, §1048(b)(1), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 111-84, div. A, title IX,