

“(1) the updates made to the policy developed by the senior civilian official pursuant to this section; and
“(2) the efforts of the Department to implement such updates.”

[§ 134a. Repealed. Pub. L. 111-383, div. A, title IX, § 901(b)(1), Jan. 7, 2011, 124 Stat. 4317]

Section, added Pub. L. 102-190, div. A, title IX, § 901(a)(1), Dec. 5, 1991, 105 Stat. 1450; amended Pub. L. 104-106, div. A, title IX, § 903(c)(2), Feb. 10, 1996, 110 Stat. 402; Pub. L. 104-201, div. A, title IX, § 901, Sept. 23, 1996, 110 Stat. 2617; Pub. L. 111-84, div. A, title IX, § 906(c)(1)(B), (2)(B), Oct. 28, 2009, 123 Stat. 2427, established the position of Principal Deputy Under Secretary of Defense for Policy.

Editorial Notes

PRIOR PROVISIONS

A prior section 134a was renumbered section 133 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as an Effective Date of 2011 Amendment note under section 131 of this title.

[§ 134b. Repealed. Pub. L. 111-84, div. A, title IX, § 905(a)(1), Oct. 28, 2009, 123 Stat. 2425]

Section, added Pub. L. 105-261, div. A, title XV, § 1521(b)(1), Oct. 17, 1998, 112 Stat. 2178, related to the Deputy Under Secretary of Defense for Technology Security Policy.

§ 135. Under Secretary of Defense (Comptroller)

(a)(1) There is an Under Secretary of Defense (Comptroller), 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.

(2) The Under Secretary of Defense (Comptroller) shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.

(b) The Under Secretary of Defense (Comptroller) is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31. The Under Secretary of Defense (Comptroller) shall perform the duties assigned to the Under Secretary in section 2222 of this title and such additional duties and exercise such powers as the Secretary of Defense may prescribe.

(c) The Under Secretary of Defense (Comptroller) shall advise and assist the Secretary of Defense—

(1) in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

(2) in supervising and directing the preparation of budget estimates of the Department of Defense;

(3) in establishing and supervising the execution of principles, policies, and procedures to

be followed in connection with organizational and administrative matters relating to—

(A) the preparation and execution of budgets;

(B) fiscal, cost, operating, and capital property accounting; and

(C) progress and statistical reporting;

(4) in establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

(5) in establishing uniform terminologies, classifications, and procedures concerning matters covered by paragraphs (1) through (4).

(d) In addition to any duties under subsection (c), the Under Secretary of Defense (Comptroller) shall, subject to the authority, direction, and control of the Secretary of Defense, do the following:

(1) Provide guidance and instruction on annual performance plans and evaluations to the following:

(A) The Assistant Secretaries of the military departments for financial management.

(B) Any other official of an agency, organization, or element of the Department of Defense with responsibility for financial management.

(2) Give directions to the military departments, Defense Agencies, and other organizations and elements of the Department of Defense regarding their financial statements and the audit and audit readiness of such financial statements.

(e) The Under Secretary of Defense (Comptroller) takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.

(f) The Under Secretary of Defense (Comptroller) shall ensure that each of the congressional defense committees is informed, in a timely manner, regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Under Secretary of Defense (Comptroller).

(Added Pub. L. 99-433, title I, § 107, Oct. 1, 1986, 100 Stat. 998, § 137; renumbered § 135 and amended Pub. L. 103-160, div. A, title IX, §§ 901(a)(2), 902(a)(1), (b), Nov. 30, 1993, 107 Stat. 1726, 1727; Pub. L. 103-337, div. A, title IX, § 903(a)(1), (2), Oct. 5, 1994, 108 Stat. 2823; Pub. L. 104-106, div. A, title XV, § 1502(a)(6), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-136, div. A, title X, § 1043(b)(1), Nov. 24, 2003, 117 Stat. 1610; Pub. L. 111-383, div. A, title IX, § 901(m)(3), Jan. 7, 2011, 124 Stat. 4326; Pub. L. 115-91, div. A, title IX, §§ 904(1), 905(a), 912(b), Dec. 12, 2017, 131 Stat. 1512, 1520; Pub. L. 117-81, div. A, title IX, § 901(f)(1), Dec. 27, 2021, 135 Stat. 1868.)

Editorial Notes

PRIOR PROVISIONS

A prior section 135 was renumbered section 138b of this title.

AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 117-81 substituted “an armed force” for “the armed forces”.

2017—Subsec. (a). Pub. L. 115–91, §905(a)(1), designated existing provisions as par. (1) and added par. (2).

Pub. L. 115–91, §904(1), inserted at end “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 the armed forces.”

Subsec. (b). Pub. L. 115–91, §912(b), inserted “the duties assigned to the Under Secretary in section 2222 of this title and” after “shall perform”.

Subsecs. (d) to (f). Pub. L. 115–91, §905(a)(2), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

2011—Subsec. (c)(5). Pub. L. 111–383 substituted “paragraphs” for “clauses”.

2003—Subsec. (e). Pub. L. 108–136 struck out “(1)” before “The Under Secretary”, substituted “each of the congressional defense committees” for “each congressional committee specified in paragraph (2)”, and struck out par. (2) which read as follows: “The committees referred to in paragraph (1) are—

“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”

1999—Subsec. (e)(2)(B). Pub. L. 106–65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (e). Pub. L. 104–106 designated existing provisions as par. (1), substituted “each congressional committee specified in paragraph (2) is” for “the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each”, and added par. (2).

1994—Pub. L. 103–337, §903(a)(2), substituted “Under Secretary of Defense (Comptroller)” for “Comptroller” as section catchline.

Subsec. (a). Pub. L. 103–337, §903(a)(1)(A), substituted “an Under Secretary of Defense (Comptroller)” for “a Comptroller of the Department of Defense”.

Subsecs. (b) to (e). Pub. L. 103–337, §903(a)(1)(B), substituted “Under Secretary of Defense (Comptroller)” for “Comptroller” wherever appearing.

1993—Pub. L. 103–160, §901(a)(2), renumbered section 137 of this title as this section.

Subsec. (b). Pub. L. 103–160, §902(a)(1), inserted “The Comptroller is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31.” after “(b)” and “additional” after “shall perform such”.

Subsec. (d). Pub. L. 103–160, §901(a)(2), added subsec. (d).

Subsec. (e). Pub. L. 103–160, §902(b), added subsec. (e).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 103–337, div. A, title IX, §903(d), Oct. 5, 1994, 108 Stat. 2823, provided that: “Any reference to the Comptroller of the Department of Defense in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense (Comptroller).”

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–91, div. A, title IX, §905(c), Dec. 12, 2017, 131 Stat. 1513, provided that: “The appointment qualifications imposed by the amendments made by subsection (a)(1) [amending this section] and the appointment qualifications imposed by subsection (b) [set out as a note below] shall apply with respect to appointments as Under Secretary of Defense (Comptroller) and Deputy Chief Financial Officer of the Department of Defense that are made on or after the date of the enactment of this Act [Dec. 12, 2017].”

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by 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.

QUALIFICATION FOR APPOINTMENT AS DEPUTY CHIEF FINANCIAL OFFICER

Pub. L. 115–91, div. A, title IX, §905(b), Dec. 12, 2017, 131 Stat. 1513, provided that: “The Deputy Chief Financial Officer of the Department of Defense shall be appointed from among persons who have significant budget, financial management, or audit experience in complex organizations.”

§ 136. Under Secretary of Defense for Personnel and Readiness

(a) There is an Under Secretary of Defense for Personnel and Readiness, 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) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary, and non-appropriated fund activities, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense (Comptroller).

(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.

(Added Pub. L. 103–160, div. A, title IX, §903(a), Nov. 30, 1993, 107 Stat. 1727; amended Pub. L. 104–106, div. A, title XV, §1503(a)(2), Feb. 10, 1996, 110 Stat. 510; Pub. L. 106–65, div. A, title IX, §923(a), title X, §1066(a)(1), Oct. 5, 1999, 113 Stat. 724, 770; Pub. L. 115–91, div. A, title IX, §904(2), Dec. 12, 2017, 131 Stat. 1512; Pub. L. 117–81, div. A, title IX, §901(f)(2), Dec. 27, 2021, 135 Stat. 1868.)

Editorial Notes

PRIOR PROVISIONS

A prior section 136 was renumbered section 138 of this title.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117–81 substituted “an armed force” for “the armed forces”.

2017—Subsec. (a). Pub. L. 115–91 inserted at end “A person may not be appointed as Under Secretary within seven years after relief from active duty as a commis-