

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-

sioned officer of a regular component of the armed forces.”

1999—Subsec. (a). Pub. L. 106-65, §1066(a)(1), inserted “advice and” after “by and with the”.

Subsec. (d). Pub. L. 106-65, §923(a), added subsec. (d).

1996—Subsec. (c). Pub. L. 104-106 substituted “Under Secretary of Defense (Comptroller)” for “Comptroller”.

[§ 136a. Repealed. Pub. L. 111-383, div. A, title IX, § 901(b)(1), Jan. 7, 2011, 124 Stat. 4317]

Section, added Pub. L. 107-107, div. A, title IX, §901(a)(1), Dec. 28, 2001, 115 Stat. 1193; amended Pub. L. 111-84, div. A, title IX, §906(c)(1)(C), (2)(C), Oct. 28, 2009, 123 Stat. 2427, established the position of Principal Deputy Under Secretary of Defense for Personnel and Readiness.

Editorial Notes

PRIOR PROVISIONS

A prior section 136a was renumbered section 139 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.

§ 137. Under Secretary of Defense for Intelligence and Security

(a) There is an Under Secretary of Defense for Intelligence and Security, 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 Intelligence and Security shall—

(1) have responsibility for the overall direction and supervision for policy, program planning and execution, and use of resources, for the activities of the Department of Defense that are part of the Military Intelligence Program;

(2) execute the functions for the National Intelligence Program of the Department of Defense under section 105 of the National Security Act of 1947 (50 U.S.C. 3038), as delegated by the Secretary of Defense;

(3) have responsibility for the overall direction and supervision for policy, program planning and execution, and use of resources, for personnel security, physical security, industrial security, and the protection of classified information and controlled unclassified information, related activities of the Department of Defense; and

(4) perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

(c) The protection of privacy and civil liberties in accordance with Federal law and the regulations and directives of the Department of Defense shall be a top priority for the Under Secretary of Defense for Intelligence and Security.

(d) The Under Secretary of Defense for Intelligence and Security takes precedence in the De-

partment of Defense after the Under Secretary of Defense for Personnel and Readiness.

(Added Pub. L. 107-314, div. A, title IX, §901(a)(2), Dec. 2, 2002, 116 Stat. 2619; amended Pub. L. 115-91, div. A, title IX, §904(3), Dec. 12, 2017, 131 Stat. 1512; Pub. L. 115-232, div. A, title XVI, §1621, Aug. 13, 2018, 132 Stat. 2117; Pub. L. 116-92, div. A, title XVI, §1621(d), (e)(1)(A)(ii), (C), Dec. 20, 2019, 133 Stat. 1732, 1733; Pub. L. 117-81, div. A, title IX, §901(f)(3), Dec. 27, 2021, 135 Stat. 1868.)

Editorial Notes

PRIOR PROVISIONS

A prior section 137 was renumbered section 138b of this title.

Another prior section 137 was renumbered section 135 of this title.

Another prior section 137 was renumbered section 140 of this title.

AMENDMENTS

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

2019—Pub. L. 116-92, §1621(e)(1)(C), substituted “Under Secretary of Defense for Intelligence and Security” for “Under Secretary of Defense for Intelligence” in section catchline.

Subsecs. (a), (b). Pub. L. 116-92, §1621(e)(1)(A)(ii), substituted “Under Secretary of Defense for Intelligence and Security” for “Under Secretary of Defense for Intelligence”.

Subsec. (c). Pub. L. 116-92, §1621(d)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 116-92, §1621(e)(1)(A)(ii), substituted “Under Secretary of Defense for Intelligence and Security” for “Under Secretary of Defense for Intelligence”.

Pub. L. 116-92, §1621(d)(1), redesignated subsec. (c) as (d).

2018—Subsec. (b). Pub. L. 115-232 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.”

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 commissioned officer of a regular component of the armed forces.”

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 116-92, div. A, title XVI, §1621(a)-(c), Dec. 20, 2019, 133 Stat. 1732, provided that:

“(a) REDESIGNATION OF UNDER SECRETARY.—

“(1) IN GENERAL.—The Under Secretary of Defense for Intelligence is hereby redesignated as the Under Secretary of Defense for Intelligence and Security.

“(2) SERVICE OF INCUMBENT IN POSITION.—The individual serving as Under Secretary of Defense for Intelligence as of the date of the enactment of this Act [Dec. 20, 2019] may serve as Under Secretary of Defense for Intelligence and Security commencing as of that date without further appointment under section 137 of title 10, United States Code (as amended by subsection (c)(1)(A)(ii) [probably should be (e)(1)(A)(ii)]).

“(3) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Under Secretary of Defense for Intelligence shall be deemed to be a reference to the Under Secretary of Defense for Intelligence and Security.