

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 Repealed.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.