SEC. 901. IMPLEMENTATION OF THE DECEMBER 2013 SECRETARY OF DEFENSE PLAN FOR REORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE AND IMPLEMENTATION OF THE ELIMINATION OF DEPUTY UNDER SECRETARY OF DEFENSE POSITIONS.

(a) REDESIGNATION OF ASSISTANT SECRETARY OF DEFENSE FOR OPERATIONAL ENERGY PLANS AND PROGRAMS TO REFLECT MERGER WITH DEPUTY UNDER SECRETARY OF DEFENSE FOR INSTALLATIONS AND ENVIRONMENT; CLARIFICATION OF POLICY AND RESPONSIBILITIES.—

(1) REDESIGNATION OF POSITION.—Paragraph (9) of subsection 138(b) of title 10, United States Code, is amended to read as follows:

"(9) One of the Assistant Secretaries is the Assistant Secretary of Defense for Installations, Energy, and Environment. The Assistant Secretary is the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to installations, energy, and environment.".

(2) TRANSFER OF POLICY PROVISIONS.—Chapter 173 of such title is amended—

(A) by adding at the end the following new section:

"§ 2926. Operational energy activities";

(B) by transferring paragraph (3) of section 138c(c) of such title to section 2926, as added by subparagraph (A), inserting such paragraph after the section heading, and redesignated such paragraph as subsection (a);

(C) in subsection (a) (as so inserted and redesignated)—

(i) by inserting "ALTERNATIVE FUEL ACTIVITIES.—" before "The Assistant Secretary";

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(iii) in paragraph (5) (as so redesignated), by striking "subsection (e)(4)" and inserting "subsection (c)(4)";

(D) by transferring subsections (d), (e), and (f) of section 138c of such title to section 2926, as added by subparagraph (A), inserting those subsections after subsection (a) (as transferred and redesignated by subparagraph (B)), and redesignating those subsections as subsections (b), (c), and (d), respectively;

(E) in subsections (a), (b), (c), and (d) of section 2926 (as transferred and redesignated by subparagraphs (B) and (D)), by inserting "of Defense for Installations, Energy, and Environment" after "Assistant Secretary" the first place it appears in each such subsection; and

(F) in subsection (b) of section 2926 (as transferred and redesignated by subparagraph (D)), by striking "provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments," and inserting "make recommendations to the Secretary of Defense and Deputy Secretary of Defense and provide guidance to the Secretaries of the military departments".

(3) REPEAL OF FORMER PROVISION.—Sections 138c of such title is repealed.

(b) DEPUTY CHIEF MANAGEMENT OFFICER.—Subsection (b) of section 132a of such title is amended to read as follows:

"(b) RESPONSIBILITIES.—Subject to the authority, direction, and control of the Secretary of Defense, the Deputy Chief Management Officer shall perform such duties and exercise such powers as the Secretary may prescribe. The Deputy Chief Management Officer shall—

"(1) assist the Deputy Secretary of Defense in the Deputy Secretary's capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title and perform those duties assigned by the Secretary of Defense or delegated by the Deputy Secretary pursuant to section 904(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 132 note);

"(2) assist the Deputy Secretary of Defense in the Deputy Secretary's capacity as the Chief Operating Officer of the Department of Defense under section 1123 of title 31;

"(3) establish policies for the strategic management and integration of the Department of Defense business operations and activities;

"(4) have the responsibilities specified for the Deputy Chief Management Officer for the purposes of section 2222 of this title; and

"(5) be the Performance Improvement Officer of the Department of Defense for the purposes of section 1124(a)(1) of title 31.".

(c) CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE.—

(1) STATUTORY ESTABLISHMENT OF POSITION.—Chapter 4 of such title is further amended by inserting after section 141 the following new section:

"§142. Chief Information Officer

"(a) There is a Chief Information Officer of the Department of Defense.

"(b)(1) The Chief Information Officer of the Department of Defense—

"(A) is the Chief Information Officer of the Department of Defense for the purposes of sections 3506(a)(2) and 3544(a)(3) of title 44;

"(B) has the responsibilities and duties specified in section 11315 of title 40; and

"(C) has the responsibilities specified for the Chief Information Officer in sections 2222, 2223(a), and 2224 of this title.

"(2) The Chief Information Officer shall perform such additional duties and exercise such powers as the Secretary of Defense may prescribe.

"(c) The Chief Information Officer takes precedence in the Department of Defense with the officials serving in positions specified in section 131(b)(4) of this title. The officials serving in positions specified in section 131(b)(4) and the Chief Information Officer of the Department of Defense take precedence among themselves in the order prescribed by the Secretary of Defense.".

(2) PLACEMENT IN THE OFFICE OF THE SECRETARY OF DEFENSE.—Section 131(b) of such title is amended—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and

(B) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Chief Information Officer of the Department of Defense.".

(d) REPEAL OF REQUIREMENT FOR DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Section 186 of title 10, United States Code, is repealed.

(e) ASSIGNMENT OF RESPONSIBILITY FOR DEFENSE BUSINESS SYSTEMS.—Section 2222 of such title is amended—

(1) in subsection (a)—

(A) by inserting “and” at the end of paragraph (1);

(B) by striking “; and” at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3);

(2) in subsection (c)(1), by striking “Defense Business Systems Management Committee” and inserting “investment review board established under subsection (g)”; and

(3) in subsection (g)—

(A) in paragraph (1), by striking “, not later than March 15, 2012,”;

(B) in paragraph (2)(C), by striking “each” the first place it appears and inserting “the”; and

(C) in paragraph (2)(F), by striking “and the Defense Business Systems Management Committee, as required by section 186(c) of this title,”.

(f) DEADLINE FOR ESTABLISHMENT OF INVESTMENT REVIEW BOARD AND INVESTMENT MANAGEMENT PROCESS.—The investment review board and investment management process required by section 2222(g) of title 10, United States Code, as amended by subsection (e)(5), shall be established not later than March 15, 2015.

(g) ELIMINATION AND INTEGRATION OF SEPARATE STATUTORY SECTIONS FOR CERTAIN PRESCRIBED ASSISTANT SECRETARY OF DEFENSE POSITIONS.—Chapter 4 of title 10, United States Code, is further amended as follows:

(1) ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.—Paragraph (7) of section 138(b) is amended—

(A) by inserting after "Readiness" in the first sentence the following: "who shall be appointed from among persons with an extensive background in the sustainment of major weapons systems and combat support equipment";

(B) by striking the second sentence;

(C) by transferring to the end of that paragraph (as amended by subparagraph (B)) the text of subsection (b) of section 138a of such title;

(D) by transferring to the end of that paragraph (as amended by subparagraph (C)) the text of subsection (c) of section 138a of such title; and

(E) by redesignating paragraphs (1) through (3) in the text transferred by subparagraph (C) of this paragraph as subparagraphs (A) through (C), respectively.

(2) ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—Paragraph (8) of such section is amended—

(A) by striking the second sentence and inserting the text of subsection (a) of section138b;

(B) by inserting after the text added by subparagraph (A) of this paragraph the following: "The Assistant Secretary, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, shall—";(C) by transferring paragraphs (1) and (2) of subsection (b) of section 138b to the end of that paragraph (as amended by subparagraphs (A) and (B)), indenting those paragraphs 2 ems from the left margin, and redesignating those paragraphs as subparagraphs (A) and (B), respectively;

(C) in subparagraph (A) (as so transferred and redesignated)—

(i) by striking "The Assistant Secretary" and all that follows through "Test and Evaluation, shall"; and

(ii) by striking the period at the end and inserting "; and"; and

(D) in subparagraph (B) (as so transferred and redesignated), by striking "The Assistant Secretary" and all that follows through "Test and Evaluation, shall".

(3) ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—Paragraph (10) of such section is amended—

(A) by striking the second sentence and inserting the text of subsection (b) of section 138d; and

(B) by inserting after the text added by subparagraph (A) of this paragraph the text of subsection (a) of such section and in that text as so inserted—

(i) by striking "of Defense for Nuclear, Chemical, and Biological Defense Programs" and

(ii) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively.

(4) REPEAL OF SEPARATE SECTIONS.—Sections 138a, 138b, and 138d are repealed.

(h) CODIFICATION OF RESTRICTIONS ON USE OF THE DEPUTY UNDER SECRETARY OF DEFENSE TITLE.—

(1) CODIFICATION.—Section 137a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The officials authorized under this section shall be the only Deputy Under Secretaries of Defense.".

(2) CONFORMING REPEAL.—Section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2426; 10 U.S.C. 137a note) is repealed.

(3) CONFORMING AMENDMENT FOR THE VACANCY REFORM ACT OF 1998.—Section 137a(b) of title 10, United States Code, is amended by striking "is absent or disabled" and inserting "dies, resigns, or is otherwise unable to perform the functions and duties of the office".

(i) CLARIFICATION OF ORDER OF PRECEDENCE FOR THE PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE AND THE ASSISTANT SECRETARIES OF DEFENSE.—

(1) Subsection (d) of section 137a of title 10, United States Code, is amended by striking "and the Deputy Chief Management Officer of the Department of Defense" and inserting "the Deputy Chief Management Officer of the Department of Defense, and the officials serving in the positions specified in section 131(b)(4) of this title and the Chief Information Officer of the Department of Defense".

(2) Subsection (d) of section 138 of such title is amended by inserting "and the Chief Information Officer of the Department of Defense" after "section 131(b)(4) of this title".

(j) CONFORMING AMENDMENT TO PRIOR REDUCTION IN THE NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Defense (16)" and inserting "Assistant Secretaries of Defense (14)".

(k) CLERICAL AND CONFORMING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 4 is amended—

(A) by striking the items relating to sections 138a, 138b, 138c, and 138d; and

(B) by inserting after the item relating to section 141 the following new item:

"142. Chief Information Officer.".

(2) Section 131(b)(8), as redesignated by subsection (c)(2)(A), is amended—

(A) by redesignating subparagraphs (A) through (H) as subparagraphs (B) through (I), respectively; and

(B) by inserting before subparagraph (B), as redesignated by subparagraph (A) of this paragraph, the following new subparagraph (A):

"(A) The two Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation under section 139a(c) of this title.".

(3) Section 132(b) is amended by striking "is disabled or there is no Secretary of Defense" and inserting "dies, resigns, or is otherwise unable to perform the functions and duties of the office".

(4) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 186.

(5) The table of sections at the beginning of subchapter III of chapter 173 is amended by adding at the end the following new item:

"2926. Operational energy activities.".

(6) Section 2925(b) is amended by striking "Operational Energy Plans and Programs" and inserting "Installations, Energy, and Environment".

(l) REFERENCES IN OTHER LAWS, ETC.—Any reference in any provision or law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States, to the

1 Assistant Secretary of Defense for Operational Energy Plans and Programs or to the Deputy

2 Under Secretary of Defense for Installations and Environment shall be treated as referring to the

3 Assistant Secretary of Defense for Installations, Energy, and Environment.

[The Changes to Existing Law section below sets out in red-line format how the legislative text above would amend existing law]

Section-by-Section Analysis

This proposal seeks to amend certain statutory provisions in the United States Code (U.S.C.) related to senior officials within the Office of the Secretary of Defense (OSD) to address: (1) the elimination of the Deputy Under Secretary of Defense (DUSD) title (except for the Principal DUSDs established by law), and (2) changes advanced in the Office of the Secretary of Defense (OSD) Organizational Review. As part of the requirement to consider at a minimum, the feasibility of a merger of the position of DUSD for Installations and Environment (I&E) and the position of Assistant Secretary of Defense (ASD) for Operational Energy Plans and Programs (OEP&P), pursuant to Section 901(i)(3)(B)(i) of the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2011, the Department has decided that consolidation of energy oversight into a single official would be a beneficial action. In support of this outcome, this proposal requests the redesignation of the ASD(OEP&P) as the ASD for Installations, Energy, and Environment (IEE) and the establishment of the responsibilities assigned to this new official. As part of the OSD Organizational Review's recommendations to strengthen the Offices of the Deputy Chief Management Officer (DCMO) and Department of Defense (DoD) Chief Information Officer (CIO), this proposal requests additions to the responsibilities of the DCMO and the creation of a separate title 10 establishment provision for the DoD CIO. Additionally, this proposal seeks to make changes to Chapter 4 of Title 10, U.S.C., in order to streamline the establishment provisions for certain officials and ensure that policymaking requirements are provided for separately from establishment provisions and to make other clerical and conforming changes.

Specifically, this proposal seeks the following actions:

<u>Designation of the ASD(IEE)</u>. The current functions and activities related to the oversight of the use of energy within the Department of Defense are primarily bifurcated between two officials within the Office of the Under Secretary of Defense (USD) for Acquisition, Technology, and Logistics (AT&L): DUSD(I&E) for installations energy and ASD(OEP&P) for operational energy. As directed by the FY11 NDAA, the Department considered a merger of these energy oversight offices. The merged organizational structure would be one that maintains the roles and missions of the two offices building synergies between facilities and operational energy. As a result, with programs, personnel, and funding aligned under a single official, the Department would benefit from greater coherence in policy and more opportunities to focus on cross cutting investments.

This proposal requests the use of the ASD(OEP&P) position to establish the ASD(IEE). The redesignation would be done in tandem with establishing an Operational Energy section (Section 2926) within Chapter 173, "Energy Security," of Title 10, U.S.C. The new section 2926 would be derived from the policy provision current within the ASD(OEP&P) establishment provision (directly transferred from Section 138c; see additional information below). Moving the policy provision mandating an Operational Energy Strategy out of Chapter 4 (the chapter on establishment of officials) would ensure that Chapter 4 is focused primarily on the establishment of the officials themselves and that the requirement to have a Departmental Operational Energy Strategy is provided for but not dependent on the official leading the strategy (i.e., Section 2926 and the Operational Energy Strategy would continue to be a requirement for the Department even if the ASD(IEE) is eliminated).

Strengthening of the DCMO and DoD CIO. This proposal adds to the responsibilities of the DCMO and creates an establishment provision for the DoD CIO in title 10. Specific details on these actions are as follows:

- The DCMO will fulfill the statutory responsibilities for both the DCMO and the Performance Improvement Officer of the DoD. The DCMO will be under the authority, direction, and control of both the Secretary and the Deputy Secretary (the latter in the role of the Chief Management Officer of the DoD).

- To emphasize the importance and responsibilities of the DoD CIO, the DoD CIO will be included in the list of OSD officials in section 131 and a new establishment section 142 will be created. Currently, the DoD CIO is established under the requirement for agency CIOs in titles 40 and 44 (there is no specific establishment and assignment of primary responsibilities in title 10). The DoD CIO will be treated for precedence as being part of those officials identified in section 131(b)(4), the "Specified Officials" which include the General Counsel, Inspector General, Director of Operational Test and Evaluation, and Director for Cost Assessment and Program Evaluation.

Section 2222 will be amended to reflect the disestablishment of the Defense Business System Management Committee; the authority in section 186 (which is requested to be repealed) is no longer needed.

Elimination and Integration of Separate Statutory Provisions for Certain Prescribed ASDs. The separate statutory sections for the ASDs for Logistics and Materiel Readiness (L&MR); Research and Engineering (R&E); Nuclear, Chemical, and Biological Defense Programs (NCB); and IEE (as redesignated earlier in this proposal) are artifacts of their establishment actions and not aligned with the convention used for ASDs. This proposal would transfer the text of the establishment provisions (with no substantial changes; due to the transfer of the sections rather than a redrafting of the provisions) for all ASDs into Section 138 (becoming a single ASD section). Section 138 is currently the single establishment provision for specified ASDs such as Special Operations and Low Intensity Conflict; Homeland Defense; and Reserve Affairs which each have significant statutory responsibilities that are not affected by their establishment within section 138 (i.e., there is no impact with not having a separate establishment section). This is a technical change with no significant statutory impact. Specific details on each transferred section are as follows:

- The separate provision for ASD(L&MR)(Section 138a) was created from the provision for the DUSD(L&MR), created as an Executive Schedule Level (EX) III official under the USD(AT&L)(the position was changed to EX IV with the redesignation as an ASD) .

- The separate provision for ASD(R&E)(Section 138b) was created from the provision for the Director of Defense Research and Engineering (DDR&E)(both positions were EX IV). The DDR&E was a position reestablished under the USD(AT&L). Note: the USD(AT&L) was previously designated as the DDR&E before becoming one of the first USDs (the USD for Research and Engineering).

- The separate provision for the ASD(IEE)(Section 138c) was created from the provision for the Director of Operational Energy Plans and Programs (DOEP&P) redesignated as the ASD(OEP&P)(both positions were EX IV).

- The separate provision for the ASD(NCB)(Section 138d) was created from the provision for the Assistant to the Secretary of Defense (ATSD) for Nuclear and Chemical and Biological Defense Programs (NCB), created as an Executive Schedule V official. This official previously had specific provisions making it equivalent to an ASD before being redesignated as an ASD with concurrent elevation to Executive Schedule IV.

Codification of DUSD Prohibition. With the elimination of the DUSD title throughout OSD, this proposal would transfer the prohibition on the use of the DUSD title (except for the Principal DUSDs established by law) from the FY10 NDAA to Section 137a of Title 10, U.S.C. (the section that establishes the Principal DUSDs (PDUSDs)). This action ensures the continued prohibition on non-statured DUSDs while consolidating statutory provisions related to DUSDs into a single provision. Additionally, the provision related to succession is updated to reflect the technical language of section 3345(a) of title 5, U.S.C. (from the Vacancy Reform Act of 1998, as amended). These are technical changes with no significant statutory impact.

Other Clerical and Conforming Changes. In addition to technical changes requested in tandem with the changes outlined above, this proposal requests the insertion of the Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation into the list of OSD officials that are required by statute (Section 131(b)(7))(inserted by the order in which the officials appear in U.S.C.). The Department recommends excluding (i.e., not transferring into the ASD(IEE) establishment provision) the subsections in the ASD(OEP&P) provision related to the appointment requirement ("shall be appointed without regard to political affiliation") and staff support ("shall have a dedicated professional staff of military and civilian personnel"). The existing appointment qualification for the ASD(OEP&P) is more common in officials like the Inspector General or the Director of Operational Test and Evaluation who don't formulate or implement policy (due in part to their special relationship with the Congress). It is our expectation that the new ASD(IEE) would be heavily involved in both formulating and implementing policy, similar to all ASDs. Moreover, the requirement that the ASD(OEP&P) has a dedicated staff "in a number sufficient to enable the Assistant Secretary to carry out the duties

and responsibilities" of the ASD implies that this is not true of other ASDs and could potentially constrain the Secretary of Defense from implementing resources changes (e.g., headquarters efficiency reductions) across the entire OSD staff. The provision related to the Deputy Secretary of Defense's succession to the Secretary of Defense (section 132(b)) is updated to reflect the technical language of section 3345(a) of title 5, U.S.C. (from the Vacancy Reform Act of 1998, as amended). The order of precedence provision related to the PDUSDs is clarified, and the number of ASDs in title 5 for the purposes of pay is corrected to reflect the correct number of authorized ASDs. These are technical changes with no significant statutory impact.

Overall, these changes support the Department's report on the realignment of the organizational structure of OSD to comply with the requirement to eliminate the use of the DUSD title for non-statured officials, and specifically, the consideration of a merger of the functions of the DUSD(I&E) and the ASD(OEP&P).

Budget Implications: The costs associated with this proposal come from the renaming of the position of ASD(OEP&P) as the ASD(IEE). The cost to change titles can be mitigated during execution by administrative means, e.g., that letterhead will be used until exhausted (vice buying all new letterhead for redesignated officials). Additionally, the combination of the ASD(OEP&P) staff with the DUSD(I&E) staff could result in cost savings, but no cost savings are being identified at this time due to the potential for negative impacts on functional activities.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2015	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
OSD, CivPers	0.0	0.0	0.0	0.0	0.0	O&M Defense-wide	04	4GTN	--
Total	0.0	0.0	0.0	0.0	0.0	--	--	--	--

Changes to Existing Law: The proposal would make the following changes to existing law:

TITLE 10, UNITED STATES CODE

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CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE

Sec.
131. Office of the Secretary of Defense.
132. Deputy Secretary of Defense.
132a. Deputy Chief Management Officer.
133. Under Secretary of Defense for Acquisition, Technology, and Logistics.
134. Under Secretary of Defense for Policy.
135. Under Secretary of Defense (Comptroller).
136. Under Secretary of Defense for Personnel and Readiness.
137. Under Secretary of Defense for Intelligence.
137a. Principal Deputy Under Secretaries of Defense.
138. Assistant Secretaries of Defense.

~~138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.~~
~~138b. Assistant Secretary of Defense for Research and Engineering.~~
~~138c. Assistant Secretary of Defense for Operational Energy Plans and Programs.~~
~~138d. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.~~
139. Director of Operational Test and Evaluation.
139a. Director of Cost Assessment and Program Evaluation.
139b. Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance.
139c. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.
140. General Counsel
141. Inspector General.
142. Chief Information Officer.
143. Office of the Secretary of Defense personnel: limitation.
144. Director of Small Business Programs.

§ 131. Office of the Secretary of Defense

(a) There is in the Department of Defense an Office of the Secretary of Defense. The function of the Office is to assist the Secretary of Defense in carrying out the Secretary's duties and responsibilities and to carry out such other duties as may be prescribed by law.

(b) The Office of the Secretary of Defense is composed of the following:

(1) The Deputy Secretary of Defense.

(2) The Under Secretaries of Defense, as follows:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Under Secretary of Defense for Policy.

(C) The Under Secretary of Defense (Comptroller).

(D) The Under Secretary of Defense for Personnel and Readiness.

(E) The Under Secretary of Defense for Intelligence.

(3) The Deputy Chief Management Officer of the Department of Defense.

(4) Other officers who are appointed by the President, by and with the advice and consent of the Senate, and who report directly to the Secretary and Deputy Secretary without intervening authority, as follows:

(A) The Director of Cost Assessment and Program Evaluation.

(B) The Director of Operational Test and Evaluation.

(C) The General Counsel of the Department of Defense.

(D) The Inspector General of the Department of Defense.

(5) The Chief Information Officer of the Department of Defense.

(~~5~~6) The Principal Deputy Under Secretaries of Defense.

(~~6~~7) The Assistant Secretaries of Defense.

(~~7~~8) Other officials provided for by law, as follows:

(A) The two Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation under section 139a(c) of this title.

(~~A~~B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation appointed pursuant to section 139b(a) of this title.

(~~B~~C) The Deputy Assistant Secretary of Defense for Systems Engineering appointed pursuant to section 139b(b) of this title.

(~~C~~D) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy appointed pursuant to section 139c of this title.

(~~D~~E) The Director of Small Business Programs appointed pursuant to section 144 of this title.

(~~E~~F) The official designated under section 1501(a) of this title to have responsibility for Department of Defense matters relating to missing persons as set forth in section 1501 of this title.

(~~F~~G) The Director of Family Policy under section 1781 of this title.

(~~G~~H) The Director of the Office of Corrosion Policy and Oversight assigned pursuant to section 2228(a) of this title.

(~~H~~I) The official designated under section 2438(a) of this title to have responsibility for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

(~~8~~9) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.

(c) Officers of the armed forces may be assigned or detailed to permanent duty in the Office of the Secretary of Defense. However, the Secretary may not establish a military staff in the Office of the Secretary of Defense.

(d) The Secretary of each military department, and the civilian employees and members of the armed forces under the jurisdiction of the Secretary, shall cooperate fully with personnel of the Office of the Secretary of Defense to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.

§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) The Deputy Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Deputy Secretary shall act for, and exercise the powers of, the Secretary when the Secretary ~~is disabled or there is no Secretary of Defense~~dies, resigns, or is otherwise unable to perform the functions and duties of the office.

(c) The Deputy Secretary serves as the Chief Management Officer of the Department of Defense.

(d) The Deputy Secretary takes precedence in the Department of Defense immediately after the Secretary.

(e) 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).

§132a. Deputy Chief Management Officer

(a) APPOINTMENT.—There is a Deputy Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.~~—The Deputy Chief Management Officer assists the Deputy Secretary of Defense in the Deputy Secretary's capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title.~~Subject to the authority, direction, and control of the Secretary of Defense, the Deputy Chief Management Officer shall perform such duties and exercise such powers as the Secretary may prescribe. The Deputy Chief Management Officer shall—

(1) assist the Deputy Secretary of Defense in the Deputy Secretary's capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title and perform those duties assigned by the Secretary of Defense or delegated by the Deputy Secretary pursuant to section 904(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181;10 U.S.C. 132 note);

(2) assist the Deputy Secretary of Defense in the Deputy Secretary's capacity as the Chief Operating Officer of the Department of Defense under section 1123 of title 31;

(3) establish policies for the strategic management and integration of the Department of Defense business operations and activities;

(4) have the responsibilities specified for the Deputy Chief Management Officer for the purposes of section 2222 of this title; and

(5) be the Performance Improvement Officer of the Department of Defense for the purposes of section 1124(a)(1) of title 31.

(c) PRECEDENCE.—The Deputy Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.

* * * * * * *

§137a. Principal Deputy Under Secretaries of Defense

(a)(1) There are five Principal Deputy Under Secretaries of Defense.

(2) The Principal Deputy Under Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(3) The officials authorized under this section shall be the only Deputy Under Secretaries of Defense.

(b) Each Principal Deputy Under Secretary of Defense shall be the first assistant to an Under Secretary of Defense and shall assist such Under Secretary in the performance of the duties of the position of such Under Secretary and shall act for, and exercise the powers of, such Under Secretary when such Under Secretary ~~is absent or disabled~~dies, resigns, or is otherwise unable to perform the functions and duties of the office.

(c)(1) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Policy.

(3) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Personnel and Readiness.

(4) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense (Comptroller).

(5) One of the Principal Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Intelligence, who shall be appointed from among persons who have extensive expertise in intelligence matters.

(d) The Principal Deputy Under Secretaries of Defense take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military Departments, the Under Secretaries of Defense, ~~and~~ the Deputy Chief Management Officer of the Department of Defense, and the officials serving in positions specified in section 131(b)(4) of this title and the Chief Information Officer of the Department of Defense. The Principal Deputy Under Secretaries shall take precedence among themselves in the order prescribed by the Secretary of Defense.

§ 138. Assistant Secretaries of Defense

(a)(1) There are 14 Assistant Secretaries of Defense.

(2) The Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

(2) One of the Assistant Secretaries is the Assistant Secretary of Defense for Reserve Affairs. He shall have as his principal duty the overall supervision of reserve component affairs of the Department of Defense.

(3) One of the Assistant Secretaries is the Assistant Secretary of Defense for Homeland Defense. He shall have as his principal duty the overall supervision of the homeland defense activities of the Department of Defense.

(4) One of the Assistant Secretaries is the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. He shall have as his principal duty the overall supervision (including oversight of policy and resources) of special operations activities (as defined in section 167(j) of this title) and low intensity conflict activities of the Department of Defense. The Assistant Secretary is the principal civilian adviser to the Secretary of Defense on special operations and low intensity conflict matters and (after the Secretary and Deputy Secretary) is the principal special operations and low intensity conflict official within the senior management of the Department of Defense.

(5) One of the Assistant Secretaries is the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.

(6) One of the Assistant Secretaries is the Assistant Secretary of Defense for Acquisition. The Assistant Secretary of Defense for Acquisition is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to acquisition.

(7) One of the Assistant Secretaries is the Assistant Secretary of Defense for Logistics and Materiel Readiness who shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment. ~~In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Logistics and Materiel Readiness shall have the duties specified in section 138a of this title.~~ The Assistant Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense. The Assistant Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology, and Logistics may assign, including—

(A) prescribing, by [the] authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

(B) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition, Technology, and Logistics [in] providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

(C) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.

(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Research and Engineering. ~~In addition to any duties and powers prescribed under paragraph (1), the~~

~~Assistant Secretary of Defense for Research and Engineering shall have the duties specified in section 138b of this title.~~ Except as otherwise prescribed by the Secretary of Defense, the Assistant Secretary of Defense for Research and Engineering shall perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe. The Assistant Secretary, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, shall—

(A) periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

(B) submit to the Secretary of Defense and to the congressional defense committees by March 1 of each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.

(9) ~~One of the Assistant Secretaries is the Assistant Secretary of Defense for Operational Energy Plans and Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Operational Energy Plans and Programs shall have the duties specified in section 138c of this title.~~One of the Assistant Secretaries is the Assistant Secretary of Defense for Installations, Energy, and Environment. The Assistant Secretary is the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to installations, energy, and environment.

(10) One of the Assistant Secretaries is the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. ~~In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall have the duties specified in section 138d of this title.~~The Assistant Secretary may communicate views on issues within the responsibility of the Assistant Secretary directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense. The Assistant Secretary shall—

(A) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;

(B) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and

(C) perform such additional duties as the Secretary may prescribe.

(c) Except as otherwise specifically provided by law, an Assistant Secretary may not issue an order to a military department unless—

(1) the Secretary of Defense has specifically delegated that authority to the Assistant Secretary in writing; and

(2) the order is issued through the Secretary of the military department concerned.

(d) The Assistant Secretaries take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, the Deputy Chief Management Officer of the Department of Defense, the officials serving in positions specified in section 131(b)(4) of this title and the Chief Information Officer of the Department of Defense, and the Principal Deputy Under Secretaries of Defense. The Assistant Secretaries take precedence among themselves in the order prescribed by the Secretary of Defense.

~~§ 138a. Assistant Secretary of Defense for Logistics and Materiel Readiness~~

[Included in subsection 138(b)(7)]~~(a) The Assistant Secretary of Defense for Logistics and Materiel Readiness shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.~~

[Transferred to subsection 138(b)(7)]~~(b) The Assistant Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.~~

[Transferred to subsection 138(b)(7)]~~(c) The Assistant Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology, and Logistics may assign, including—~~

~~(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;~~

~~(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition, Technology, and Logistics providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and~~

~~(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.~~

~~§138b. Assistant Secretary of Defense for Research and Engineering~~

[Transferred to subsection 138(b)(8)]~~(a) Except as otherwise prescribed by the Secretary of Defense, the Assistant Secretary of Defense for Research and Engineering shall perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.~~

[Transferred to subsection 138(b)(8)]~~(b)(1) *The Assistant Secretary of Defense for Research and Engineering, in consultation with the Director of Developmental Test and Evaluation*, shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.~~

~~(2) *The Assistant Secretary, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation*, shall submit to the Secretary of Defense and to the congressional defense committees by March 1 of each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.~~

~~§138c. Assistant Secretary of Defense for Operational Energy Plans and Programs~~

[Omitted; provision generally reserved for certain non-ASDs, e.g., IG DoD, DOT&E] ~~(a) Appointment.—The Assistant Secretary of Defense for Operational Energy Plans and Programs shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Assistant Secretary.~~

~~(b) Duties.—The Assistant Secretary shall—~~

~~(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy plans and programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;~~

~~(2) establish the operational energy strategy;~~

~~(3) coordinate and oversee planning and program activities of the Department of Defense and the Army, Navy, Air Force, and the Marine Corps related to—~~

~~(A) implementation of the operational energy strategy;~~

~~(B) the consideration of operational energy demands in defense planning, requirements, and acquisition processes; and~~

~~(C) research and development investments related to operational energy demand and supply technologies; and~~

~~(4) monitor and review all operational energy initiatives in the Department of Defense.~~

~~(c) Principal Advisor for Operational Energy Plans and Programs.—(1) The Assistant Secretary is the principal adviser to the Secretary of Defense and the Deputy Secretary of Defense regarding operational energy plans and programs and the principal policy official within the senior management of the Department of Defense regarding operational energy plans and programs.~~

~~(2) The Assistant Secretary may communicate views on matters related to operational energy plans and programs and the operational energy strategy required by subsection (d) directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.~~

[Transferred to 2926(a)]~~(3) The Assistant Secretary, in consultation with the heads of the military departments and the Assistant Secretary of Defense for Research and Engineering, shall—~~

~~(A) lead the alternative fuel activities of the Department of Defense and oversee the investments of the Department in such activities;~~

~~(B) make recommendations to the Secretary regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense;~~

~~(C) establish guidelines and prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense;~~

~~(D) encourage collaboration with and leveraging of investments made by the Department of Energy, the Department of Agriculture, and other relevant Federal agencies to advance alternative fuel development to the benefit of the Department of Defense; and~~

~~(E) certify the budget associated with the investment of the Department of Defense in alternative fuel activities in accordance with subsection (e)(4).~~

[Transferred to 2926(b)]~~(d) Operational Energy Strategy.—(1) The Assistant Secretary shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.~~

~~(2) The Secretary of each military department shall designate a senior official within each armed force under the jurisdiction of the Secretary who shall be responsible for operational energy plans and programs for that armed force. The officials so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to that official's armed force.~~

~~(3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff.~~

~~(4) By authority of the Secretary of Defense, the Assistant Secretary shall prescribe policies and procedures for the implementation of the strategy. *The Assistant Secretary shall provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the officials* designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.~~

~~(5) Updates to the strategy required by paragraph (1) shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.~~

[Transferred to 2926(c)]~~(e) Budgetary and Financial Matters.—(1) The Assistant Secretary shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.~~

~~(2) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with the strategy transmit their proposed budget for those activities for a fiscal year to the Assistant Secretary for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).~~

~~(3) The Assistant Secretary shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Assistant Secretary with respect to the proposed budget, together with the certification of the Assistant Secretary regarding whether the proposed budget is adequate for implementation of the strategy.~~

~~(4) Not later than 30 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that the Assistant Secretary has not certified under paragraph (3). The report shall include the following:~~

~~(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.~~

~~(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.~~

~~(5) The report required by paragraph (4) shall also include a separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Assistant Secretary in carrying out the duties of the Assistant Secretary.~~

[Transferred to 2926(d)]~~(f) Access to Initiative Results and Records.—(1) The Secretary of a military department shall submit to the Assistant Secretary the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.~~

~~(2) The Assistant Secretary shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Assistant Secretary to carry out the duties of the Assistant Secretary.~~

[Omitted; implies not true for other ASDs]~~(g) Staff.—The Assistant Secretary shall have a dedicated professional staff of military and civilian personnel in a number sufficient to enable the Assistant Secretary to carry out the duties and responsibilities of the Assistant Secretary.~~

[Omitted; relevant term included in section 2924]~~(h) Definitions.—In this section:~~

~~(1) Operational energy.—The term "operational energy" means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.~~

~~(2) Operational energy strategy.—The terms "operational energy strategy" and "strategy" mean the operational energy strategy developed under subsection (d).~~

~~**§138d. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs**~~

[Transferred to subsection 138(b)(10)]~~(a) The Assistant Secretary *of Defense for Nuclear, Chemical, and Biological Defense Programs* shall—~~

~~(1) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;~~

~~(2) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and~~

~~(3) perform such additional duties as the Secretary may prescribe.~~

[Transferred to subsection 138(b)(10)]~~(b) The Assistant Secretary may communicate views on issues within the responsibility of the Assistant Secretary directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.~~

* * * * * * *

§139a. Director of Cost Assessment and Program Evaluation

(a) ***

(c) Deputy Directors.—There are two Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation, as follows:

(1) The Deputy Director for Cost Assessment.

(2) The Deputy Director for Program Evaluation.

(d) ***

* * * * * * *

<u>§142. Chief Information Officer</u>

<u>(a) There is a Chief Information Officer of the Department of Defense.</u>

<u>(b)(1) The Chief Information Officer of the Department of Defense—</u>

<u>(A) is the Chief Information Officer of the Department of Defense for the purposes of sections 3506(a)(2) and 3544(a)(3) of title 44;</u>

<u>(B) has the responsibilities and duties specified in section 11315 of title 40; and</u>

<u>(C) has the responsibilities specified for the Chief Information Officer in sections 2222, 2223(a), and 2224 of this title.</u>

<u>(2) The Chief Information Officer shall perform such additional duties and exercise such powers as the Secretary of Defense may prescribe.</u>

(c) The Chief Information Officer of the Department of Defense takes precedence in the Department of Defense with the officials serving in positions specified in section 131(b)(4) of this title. The officials serving in positions specified in section 131(b)(4) and the Chief Information Officer of the Department of Defense take precedence among themselves in the order prescribed by the Secretary of Defense.

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CHAPTER 7—BOARDS, COUNCILS, AND COMMITTEES

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~~§ 186. Defense Business Systems Management Committee~~

~~(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Defense Business Systems Management Committee, to be composed of the following persons:~~

~~(1) The Deputy Secretary of Defense.~~

~~(2) The Deputy Chief Management Officer of the Department of Defense.~~

~~(3) The Under Secretary of Defense for Acquisition, Logistics, and Technology.~~

~~(4) The Under Secretary of Defense for Personnel and Readiness.~~

~~(5) The Under Secretary of Defense (Comptroller).~~

~~(6) The Assistant Secretary of Defense for Networks and Information Integration.~~

~~(7) The Chief Management Officers of the military departments and the heads of such Defense Agencies as may be designated by the Secretary of Defense.~~

~~(8) Such additional personnel of the Department of Defense (including personnel assigned to the Joint Chiefs of Staff and combatant commands) as are designated by the Secretary of Defense.~~

~~(b) CHAIRMAN AND VICE CHAIRMAN.—The Deputy Secretary of Defense shall serve as the chairman of the Committee. The Deputy Chief Management Officer of the Department of Defense shall serve as the vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.~~

~~(c) DUTIES.—(1) In addition to any other matters assigned to the Committee by the Secretary of Defense, the Committee shall—~~

~~(A) recommend to the Secretary of Defense policies and procedures necessary to effectively integrate the requirements of section 2222 of this title into all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the Department of Defense;~~

~~(B) review and approve any major update of the defense business enterprise architecture developed under subsection (b) of section 2222 of this title, including evolving the architecture, and of defense business systems modernization plans; and~~

~~(C) manage cross-domain integration consistent with such enterprise architecture.~~

~~(2) The Committee shall be responsible for coordinating defense business system modernization initiatives to maximize benefits and minimize costs for the Department of~~

~~Defense and periodically report to the Secretary on the status of defense business system modernization efforts.~~

~~(3) The Committee shall ensure that funds are obligated for defense business system modernization in a manner consistent with section 2222 of this title.~~

~~(d) DEFINITIONS.—In this section, the terms "defense business system" and "defense business system modernization" have the meanings given such terms in section 2222 of this title.~~

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CHAPTER 131—PLANNING AND COORDINATION

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§2222. Defense business systems: architecture, accountability, and modernization

(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR COVERED DEFENSE BUSINESS SYSTEM PROGRAMS.—Funds available to the Department of Defense, whether appropriated or non-appropriated, may not be obligated for a defense business system program that will have a total cost in excess of $1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title unless—

(1) the appropriate pre-certification authority for the covered defense business system program has determined that—

(A) the defense business system program is in compliance with the enterprise architecture developed under subsection (c) and appropriate business process re-engineering efforts have been undertaken to ensure that—

(i) the business process supported by the defense business system program is or will be as streamlined and efficient as practicable; and

(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;

(B) the defense business system program is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

(C) the defense business system program is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect; <u>and</u>

(2) the covered defense business system program has been reviewed and certified by the investment review board established under subsection (g)~~; and~~<u>.</u>

~~(3) the certification of the investment review board under paragraph (2) has been approved by the Defense Business Systems Management Committee established by section 186 of this title.~~

(b) OBLIGATION OF FUNDS IN VIOLATION OF REQUIREMENTS.—The obligation of Department of Defense funds for a covered defense business system program that has not been certified and approved in accordance with subsection (a) is a violation of section 1341(a)(1)(A) of title 31.

(c) ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.—(1) The Secretary of Defense, acting through the investment review board established under subsection (g)~~Defense Business Systems Management Committee~~, shall develop—

(A) an enterprise architecture, known as the defense business enterprise architecture, to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget; and

(B) a transition plan for implementing the defense business enterprise architecture.

(2) The Secretary of Defense shall delegate responsibility and accountability for the defense business enterprise architecture content, including unambiguous definitions of functional processes, business rules, and standards, as follows:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support acquisition, logistics, installations, environment, or safety and occupational health activities of the Department of Defense.

(B) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support financial management activities or strategic planning and budgeting activities of the Department of Defense.

(C) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support human resource management activities of the Department of Defense.

(D) The Chief Information Officer of the Department of Defense shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support information technology infrastructure or information assurance activities of the Department of Defense.

(E) The Deputy Chief Management Officer of the Department of Defense shall be responsible and accountable for developing and maintaining the defense business enterprise architecture as well as integrating business operations- covered by subparagraphs (A) through (D).

(d) COMPOSITION OF ENTERPRISE ARCHITECTURE.—The defense business enterprise architecture developed under subsection (c)(1)(A) shall include the following:

(1) An information infrastructure that, at a minimum, would enable the Department of Defense to—

(A) comply with all applicable law, including Federal accounting, financial management, and reporting requirements;

(B) routinely produce timely, accurate, and reliable business and financial information for management purposes;

(C) integrate budget, accounting, and program information and systems; and

(D) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

(2) Policies, procedures, data standards, performance measures, and system interface requirements that are to apply uniformly throughout the Department of Defense.

(3) A target defense business systems computing environment, compliant with the defense business enterprise architecture, for each of the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer of the Department of Defense.

(e) COMPOSITION OF TRANSITION PLAN.—The transition plan developed under subsection (c)(1)(B) shall include the following:

(1) A listing of the new systems that are expected to be needed to complete the defense business enterprise architecture, along with each system's time-phased milestones, performance measures, financial resource needs, and risks or challenges to integration into the business enterprise architecture.

(2) A listing of the defense business systems existing as of September 30, 2011 (known as "legacy systems") that will not be part of the defense business enterprise architecture, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

(3) A listing of the legacy systems (referred to in subparagraph (B)) that will be a part of the target defense business systems computing environment described in subsection (d)(3), together with a strategy for making the modifications to those systems that will be needed to ensure that such systems comply with the defense business enterprise architecture, including time-phased milestones, performance measures, and financial resource needs.

(f) DESIGNATION OF APPROPRIATE PRE-CERTIFICATION AUTHORITIES AND SENIOR OFFICIALS.—(1) For purposes of subsections (a) and (g), the appropriate pre-certification authority for a defense business system program is as follows:

(A) In the case of an Army program, the Chief Management Officer of the Army.

(B) In the case of a Navy program, the Chief Management Officer of the Navy.

(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

(D) In the case of a program of a Defense Agency, the Director, or equivalent, of such Defense Agency, unless otherwise approved by the Deputy Chief Management Officer of the Department of Defense.

(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, an appropriate pre-certification authority designated by the Deputy Chief Management Officer of the Department of Defense.

(2) For purposes of subsection (g), the appropriate senior official of the Department of Defense for the functions and activities supported by a covered defense business system is as follows:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of any defense business system the primary purpose of which is to support acquisition, logistics, installations, environment, or safety and occupational health activities of the Department of Defense.

(B) The Under Secretary of Defense (Comptroller), in the case of any defense business system the primary purpose of which is to support financial management activities or strategic planning and budgeting activities of the Department of Defense.

(C) The Under Secretary of Defense for Personnel and Readiness, in the case of any defense business system the primary purpose of which is to support human resource management activities of the Department of Defense.

(D) The Chief Information Officer of the Department of Defense, in the case of any defense business system the primary purpose of which is to support information technology infrastructure or information assurance activities of the Department of Defense.

(E) Deputy Chief Management Officer of the Department of Defense, in the case of any defense business system the primary purpose of which is to support any activity of the Department of Defense not covered by subparagraphs (A) through (D).

(g) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require the Deputy Chief Management Officer of the Department of Defense~~, not later than March 15, 2012,~~ to establish an investment review board and investment management process, consistent with section 11312 of title 40, to review and certify the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of covered defense business systems programs. The investment review board and investment management process so established shall specifically address the requirements of subsection (a).

(2) The review of defense business systems programs under the investment management process shall include the following:

(A) Review and approval by an investment review board of each covered defense business system program before the obligation of funds on the system in accordance with the requirements of subsection (a).

(B) Periodic review, but not less than annually, of all covered defense business system programs, grouped in portfolios of defense business systems.

(C) Representation on ~~each~~ the investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, including representation from each of the following:

(i) The appropriate pre-certification authority for the defense business system under review.

(ii) The appropriate senior official of the Department of Defense for the functions and activities supported by the defense business system under review.

(iii) The Chief Information Officer of the Department of Defense.

(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business system programs depending on scope, complexity, and cost.

(E) Use of procedures for making certifications in accordance with the requirements of subsection (a).

(F) Use of procedures for ensuring consistency with the guidance issued by the Secretary of Defense ~~and the Defense Business Systems Management Committee, as required by section 186(c) of this title,~~ and incorporation of common decision criteria, including standards, requirements, and priorities that result in the integration of defense business systems.

(3)~~(A)~~ The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to make available to the Deputy Chief Management Officer such information on covered defense business system programs and other business functions as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be made available to the Deputy Chief Management Officer through existing data sources or in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.

(h) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall include the following information:

(1) Identification of each defense business system program for which funding is proposed in that budget.

(2) Identification of all funds, by appropriation, proposed in that budget for each such program, including—

(A) funds for current services (to operate and maintain the system covered by such program); and

(B) funds for business systems modernization, identified for each specific appropriation.

(3) For each such program, identification of the appropriate pre-certification authority and senior official of the Department of Defense designated under subsection (f).

(4) For each such program, a description of each approval made under subsection (a)(3) with regard to such program.

(i) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2012 through 2016, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. Each report shall—

(1) describe actions taken and planned for meeting the requirements of subsection (a), including—

(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

(B) specific actions on the defense business system programs submitted for certification under such subsection;

(2) identify the number of defense business system programs so certified;

(3) identify any covered defense business system program during the preceding fiscal year that was not approved under subsection (a), and the reasons for the lack of approval;

(4) discuss specific improvements in business operations and cost savings resulting from successful defense business systems programs; and

(5) include a copy of the most recent report of the Chief Management Officer of each military department on implementation of business transformation initiatives by such department in accordance with section 908 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4569; 10 U.S.C. 2222 note).

(j) DEFINITIONS.—In this section:

(1) The term "defense business system" means an information system, other than a national security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

(2) The term "covered defense business system program" means any defense business system program that is expected to have a total cost in excess of $1,000,000 over the period of the current future-years defense program submitted to Congress under section 221 of this title.

(3) The term "enterprise architecture" has the meaning given that term in section 3601(4) of title 44.

(4) The terms "information system" and "information technology" have the meanings given those terms in section 11101 of title 40.

(5) The term "national security system" has the meaning given that term in section 3542(b)(2) of title 44.

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CHAPTER 173—ENERGY SECURITY

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SUBCHAPTER I—ENERGY SECURITY ACTIVITIES

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SUBCHAPTER III—GENERAL PROVISIONS

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§2925. Annual Department of Defense energy management reports

(a) ***

(b) Annual Report Related to Operational Energy.—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Assistant Secretary of Defense for ~~Operational Energy Plans and Programs~~ Installations, Energy, and Environment, shall submit to the congressional defense committees a report on operational energy management and the implementation of the operational energy strategy established pursuant to section 138c of this title.

(2) ***

§2926. Operational energy activities

[Transferred from 138c(c)(3)](a) *ALTERNATIVE FUEL ACTIVITIES.*—The Assistant Secretary *of Defense for Installations, Energy, and Environment*, in consultation with the heads of the military departments and the Assistant Secretary of Defense for Research and Engineering, shall—

(*1*) lead the alternative fuel activities of the Department of Defense and oversee the investments of the Department in such activities;

(*2*) make recommendations to the Secretary regarding the development of alternative fuels by the military departments and the Office of the Secretary of Defense;

(*3*) establish guidelines and prescribe policy to streamline the investments in alternative fuel activities across the Department of Defense;

(*4*) encourage collaboration with and leveraging of investments made by the Department of Energy, the Department of Agriculture, and other relevant Federal

agencies to advance alternative fuel development to the benefit of the Department of Defense; and

(*5*) certify the budget associated with the investment of the Department of Defense in alternative fuel activities in accordance with subsection (c)(4).

[Transferred from 138c(d)](b) OPERATIONAL ENERGY STRATEGY.—(1) The Assistant Secretary *of Defense for Installations, Energy, and Environment* shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.

(2) The Secretary of each military department shall designate a senior official within each armed force under the jurisdiction of the Secretary who shall be responsible for operational energy plans and programs for that armed force. The officials so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to that official's armed force.

(3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff.

(4) By authority of the Secretary of Defense, the Assistant Secretary shall prescribe policies and procedures for the implementation of the strategy. The Assistant Secretary shall ~~provide guidance to, and consult with,~~ *make recommendations to* the Secretary of Defense *and* the Deputy Secretary of Defense *and provide guidance to* the Secretaries of the military departments and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

(5) Updates to the strategy required by paragraph (1) shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.

[Transferred from 138c(e)](c) BUDGETARY AND FINANCIAL MATTERS.—(1) The Assistant Secretary *of Defense for Installations, Energy, and Environment* shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.

(2) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with the strategy transmit their proposed budget for those activities for a fiscal year to the Assistant Secretary for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).

(3) The Assistant Secretary shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Assistant Secretary with respect to the proposed budget, together with the certification of the Assistant Secretary regarding whether the proposed budget is adequate for implementation of the strategy.

(4) Not later than 30 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that the Assistant Secretary has not certified under paragraph (3). The report shall include the following:

(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

(5) The report required by paragraph (4) shall also include a separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Assistant Secretary in carrying out the duties of the Assistant Secretary.

[Transferred from 138c(f)](d) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Assistant Secretary *of Defense for Installations, Energy, and Environment* the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.

(2) The Assistant Secretary shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Assistant Secretary to carry out the duties of the Assistant Secretary.

TITLE 5, UNITED STATES CODE

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CHAPTER 53—PAY RATES AND SYSTEMS

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§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which [***]:

* * * * * * *

Assistant Secretaries of Commerce (11).
Assistant Secretaries of Defense ~~(16)~~ (14).
Assistant Secretaries of the Air Force (4).

* * * * * * *

National Defense Authorization Act for Fiscal Year 2008
(Public Law 110-181, Jan. 28, 2008)

[NOTE: The proposal would not change this statute, but the proposal includes references to it, and it is shown here for the convenience of the reader.]

SEC. 904. MANAGEMENT OF THE DEPARTMENT OF DEFENSE.

(a) ASSIGNMENT OF MANAGEMENT DUTIES AND DESIGNATION OF A CHIEF MANAGEMENT OFFICE AND DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.—

(1) ***

(2) ASSIGNMENT OF DUTIES.—

(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.

(3) ***

National Defense Authorization Act for Fiscal Year 2010
(Public Law 111-84, Oct. 28, 2009), as amended

SEC. 906. DEPUTY UNDER SECRETARIES OF DEFENSE AND ASSISTANT SECRETARIES OF DEFENSE.

(a) DEPUTY UNDER SECRETARIES OF DEFENSE.—

(1) ***

~~(2) DELAYED LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Effective as of January 1, 2015, the five Deputy Under Secretaries of Defense authorized by section 137a of title 10, United States Code (as added by paragraph (1)), shall be the only Deputy Under Secretaries of Defense.~~

(3) ***