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Notes

**§ 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 Department 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.)



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