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Notes

**§ 133b.** Under Secretary of Defense for Acquisition and Sustainment

- (a)** Under Secretary of Defense.—There is an Under Secretary of Defense for Acquisition and Sustainment, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive system development, engineering, production, or management background and experience with managing complex programs. 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)** Duties and Powers.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including—
- (1)** serving as the chief acquisition and sustainment officer of the Department of Defense with the mission of delivering and sustaining timely, cost-effective capabilities for the armed forces (and the Department);
  - (2)** establishing policies on, and supervising, all elements of the Department relating to acquisition (including system design, development, appropriate prototyping activities, and production, and procurement of goods and services) and sustainment (including logistics, maintenance, and materiel readiness);
  - (3)** establishing policies for access to, and maintenance of, the defense industrial base and materials critical to national security, and policies on contract administration;
  - (4)** establishing policies for, and providing oversight, guidance, and coordination with respect to, the nuclear command, control, and communications system;
  - (5)** serving as—
    - (A)** the principal advisor to the Secretary on acquisition and sustainment in the Department;
    - (B)** the senior procurement executive for the Department for the purposes of SECTION 1702(C) OF TITLE 41; and
    - (C)** the Defense Acquisition Executive for purposes of regulations and procedures of the Department providing for a Defense Acquisition Executive;
  - (6)** overseeing the modernization of nuclear forces, including the nuclear command, control, and communications system, and the development of capabilities to counter weapons of mass destruction, and serving as the chairman of the Nuclear Weapons Council and the co-chairman of the Council on Oversight of the National Leadership Command, Control, and Communications System;
  - (7)** the authority to direct the Secretaries of the military departments and the heads of all other elements of

Secretary shall exercise advisory authority over service acquisition programs for which the service acquisition executive is the milestone decision authority;

**(8)** to the extent directed by the Secretary, exercising overall supervision of all personnel (civilian and military) in the Office of the Secretary of Defense with regard to matters for which the Under Secretary has responsibility, unless otherwise provided by law; and

**(9)** advising the Secretary on all aspects of acquisition and sustainment relating to—

**(A)** defense acquisition programs;

**(B)** core logistics capabilities (as described under SECTION 2464 OF THIS TITLE); and

**(C)** the national technology and industrial base (as defined in SECTION 4801 OF THIS TITLE).

**(c)** Precedence in Department of Defense.—

**(1)** Precedence in matters of responsibility.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary of Defense, and the Under Secretary of Defense for Research and Engineering.

**(2)** Precedence in other matters.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, the Under Secretary of Defense for Research and Engineering, and the Secretaries of the military departments.

(Added PUB. L. 114–328, DIV. A, TITLE IX, § 901(B), Dec. 23, 2016, 130 STAT. 2340; amended PUB. L. 115–91, DIV. A, TITLE IX, §§ 902, 910(c)(3), Dec. 12, 2017, 131 STAT. 1511, 1518; PUB. L. 116–92, DIV. A, TITLE IX, § 902(92), title XVI, § 1662(a), Dec. 20, 2019, 133 STAT. 1554, 1772; PUB. L. 116–283, DIV. A, TITLE VIII, § 811(A)(2), title XVIII, § 1883(b)(2), Jan. 1, 2021, 134 STAT. 3749, 4294; PUB. L. 118–31, DIV. A, TITLE IX, § 901(A)(2), Dec. 22, 2023, 137 STAT. 354.)

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