

cated to systems engineering associated with energetic materials. Such Field Activity shall be funded under budget activity 3 (advanced technology development) or budget activity 4 (advanced component development and prototypes) (as such budget activity classifications are set forth in volume 2B, chapter 5 of the Department of Defense Financial Management Regulation (DOD 7000.14-R)) to reduce technical risk, integrate research, development, test, and evaluation, and perform system demonstration programs of the Department of Defense on novel energetic materials for use in weapon systems.

(7) Carry out such other responsibilities relating to energetic materials as the Secretary shall specify.

(d) **ADDITIONAL REQUIREMENTS.**—The Secretary of Defense shall ensure that the Office is budgeted for and funded in a manner sufficient to ensure the Office has the staff and other resources necessary to effectively carry out the responsibilities specified in subsection (c).

(e) **DEFINITIONS.**—In this section, the term “energetic materials” means critical chemicals and formulations that—

- (1) release large amounts of stored chemical energy; and
- (2) are capable of being used as explosives, propellants, pyrotechnics, and reactive materials that—
 - (A) create lethal effects in warheads in kinetic weapons components and systems; or
 - (B) increase propellant performance in a weapon propulsion system as related to lethal effects, range, or speed.

(Added Pub. L. 118–31, div. A, title II, §241(a), Dec. 22, 2023, 137 Stat. 205.)

§ 149. Office of Strategic Capital

(a) **ESTABLISHMENT.**—There is in the Office of the Secretary of Defense an office to be known as the Office of Strategic Capital (in this section referred to as the “Office”).

(b) **DIRECTOR.**—The Office shall be headed by a Director (in this section referred to as the “Director”), who shall be appointed by the Secretary from among employees in Senior Executive Service positions (as defined in section 3132 of title 5), or from outside the civil service who have successfully held equivalent positions.

(c) **DUTIES.**—The Office shall—

- (1) develop, integrate, and implement capital investment strategies proven in the commercial sector to shape and scale investment in critical technologies and assets;
- (2) identify and prioritize promising critical technologies and assets that require capital assistance and have the potential to benefit the Department of Defense; and
- (3) make eligible investments in such technologies and assets, such as supply chain technologies not always supported through direct investment.

(d) **NON-FEDERAL FUNDING REQUIREMENTS FOR CERTAIN INVESTMENTS.**—In the case of an eligible investment made through a direct loan, not less than 80 percent of the total capital provided for the specific technology to be funded by the

investment shall be derived from non-Federal sources as of the time of the investment.

(e) **DEFINITIONS.**—In this section:

(1) The term “capital assistance” means a loan, loan guarantee, or technical assistance.

(2) The term “covered technology category” means the following:

- (A) Advanced bulk materials.
- (B) Advanced manufacturing.
- (C) Autonomous mobile robots.
- (D) Battery storage.
- (E) Biochemicals.
- (F) Bioenergetics.
- (G) Biomass.
- (H) Cybersecurity.
- (I) Data fabric.
- (J) Decision science.
- (K) Edge computing.
- (L) External communication.
- (M) Hydrogen generation and storage.
- (N) Mesh networks.
- (O) Microelectronics assembly, testing, or packaging.
- (P) Microelectronics design and development.
- (Q) Microelectronics fabrication.
- (R) Microelectronics manufacturing equipment.
- (S) Microelectronics materials.
- (T) Nanomaterials and metamaterials.
- (U) Open RAN.
- (V) Optical communications.
- (W) Sensor hardware.
- (X) Solar.
- (Y) Space launch.
- (Z) Spacecraft.
- (AA) Space-enabled services and equipment.
- (BB) Synthetic biology.
- (CC) Quantum computing.
- (DD) Quantum security.
- (EE) Quantum sensing.

(3) The term “eligible entity” means—

- (A) an individual;
- (B) a corporation;
- (C) a partnership, which may include a public-private partnership, limited partnership, or general partnership;
- (D) a joint venture;
- (E) a trust;
- (F) a State, including a political subdivision or any other instrumentality of a State;
- (G) a Tribal government or consortium of Tribal governments;
- (H) any other governmental entity or public agency in the United States, including a special purpose district or public authority, including a port authority;
- (I) a multi-State or multi-jurisdictional group of public entities; or
- (J) a strategic alliance among two or more entities described in subparagraphs (A) through (I).

(4) The term “eligible investment” means an investment, in the form of capital assistance provided to an eligible entity, for a technology that—

- (A) is in a covered technology category; and
- (B) is not a technology that solely has defense applications.

(Added Pub. L. 118–31, div. A, title IX, §903(a), Dec. 22, 2023, 137 Stat. 358.)

CHAPTER 5—JOINT CHIEFS OF STAFF

Sec.	
151.	Joint Chiefs of Staff: composition; functions.
152.	Chairman: appointment; grade and rank.
153.	Chairman: functions.
154.	Vice Chairman.
155.	Joint Staff.
[155a.]	Repealed.]
156.	Legal Counsel to the Chairman of the Joint Chiefs of Staff.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 5 related to Joint Chiefs of Staff, prior to the general revision of this chapter by Pub. L. 99–433, title II, §201, Oct. 1, 1986, 100 Stat. 1004, consisted of sections 141 to 143 as follows:

Section 141, acts Aug. 10, 1956, ch. 1041, 70A Stat. 6; Aug. 6, 1958, Pub. L. 85–599, §7, 72 Stat. 519; Sept. 7, 1962, Pub. L. 87–651, title II, §204, 76 Stat. 519; Oct. 20, 1978, Pub. L. 95–485, title VIII, §807, 92 Stat. 1622, provided for composition and functions of Joint Chiefs. See section 151 of this title.

Section 142, acts Aug. 10, 1956, ch. 1041, 70A Stat. 7; Sept. 7, 1962, Pub. L. 87–649, §14c(1), 76 Stat. 501; Oct. 19, 1984, Pub. L. 98–525, title XIII, §1301(b), 98 Stat. 2611, provided for appointment and duties of Chairman of Joint Chiefs. See sections 152 and 153 of this title.

Section 143, acts Aug. 10, 1956, ch. 1041, 70A Stat. 7; Aug. 6, 1958, Pub. L. 85–599, §5(a), 72 Stat. 517; Oct. 19, 1984, Pub. L. 98–525, title XIII, §1301(c), 98 Stat. 2611, provided for a Joint Staff. See section 155 of this title.

AMENDMENTS

2016—Pub. L. 114–328, div. A, title V, §502(a)(2), Dec. 23, 2016, 130 Stat. 2102, struck out item 155a “Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and Reserve matters”.

2013—Pub. L. 112–239, div. A, title V, §511(b), Jan. 2, 2013, 126 Stat. 1718, added item 155a.

2008—Pub. L. 110–417, [div. A], title X, §1061(a)(2), Oct. 14, 2008, 122 Stat. 4612, inserted period at end of item 156.

Pub. L. 110–181, div. A, title V, §543(e)(2), Jan. 28, 2008, 122 Stat. 115, added item 156.

1987—Pub. L. 100–180, div. A, title XIII, §1314(b)(1)(B), Dec. 4, 1987, 101 Stat. 1175, substituted “grade and rank” for “rank” in item 152.

1986—Pub. L. 99–433, title II, §201, Oct. 1, 1986, 100 Stat. 1005, amended chapter 5 heading and analysis generally, substituting items 151–155 for items 141–143.

§ 151. Joint Chiefs of Staff: composition; functions

(a) COMPOSITION.—There are in the Department of Defense the Joint Chiefs of Staff, headed by the Chairman of the Joint Chiefs of Staff. The Joint Chiefs of Staff consist of the following:

- (1) The Chairman.
- (2) The Vice Chairman.
- (3) The Chief of Staff of the Army.
- (4) The Chief of Naval Operations.
- (5) The Chief of Staff of the Air Force.
- (6) The Commandant of the Marine Corps.
- (7) The Chief of the National Guard Bureau.
- (8) The Chief of Space Operations.

(b) FUNCTION AS MILITARY ADVISERS.—(1) The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(2) The other members of the Joint Chiefs of Staff are military advisers to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense as specified in subsection (d).

(c) CONSULTATION BY CHAIRMAN.—(1) In carrying out his functions, duties, and responsibilities, the Chairman shall, as necessary, consult with and seek the advice of—

(A) the other members of the Joint Chiefs of Staff; and

(B) the commanders of the unified and specified combatant commands.

(2) Subject to subsection (d), in presenting advice with respect to any matter to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense, the Chairman shall, as he considers appropriate, inform the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense, as the case may be, of the range of military advice and opinion with respect to that matter.

(d) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—(1) After first informing the Secretary of Defense and the Chairman, the members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors, may provide advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense on a particular matter on the judgment of the military member.

(2) A member of the Joint Chiefs of Staff (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense, as the case may be.

(3) The Chairman shall establish procedures to ensure that the presentation of his own advice to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Joint Chiefs of Staff.

[(e) Repealed. Pub. L. 114–328, div. A, title IX, §921(a)(2)(C), Dec. 23, 2016, 130 Stat. 2351.]

(f) RECOMMENDATIONS TO CONGRESS.—After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

(g) MEETINGS OF JCS.—(1) The Chairman shall convene regular meetings of the Joint Chiefs of Staff.

(2) Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman shall—

(A) preside over the Joint Chiefs of Staff;

(B) provide agenda for the meetings of the Joint Chiefs of Staff (including, as the Chair-