

“(1) IN GENERAL.—Not later than May 1, 2024, the Secretary of Defense shall establish within the Department of Defense a working group to be known as the ‘Analysis Working Group’.

“(2) PERSONNEL.—The Secretary of Defense shall ensure that the Analysis Working Group possesses sufficient full-time equivalent support personnel to carry out the duties of the Group, including expansive coordination activities across the Department of Defense.

“(3) MEMBERSHIP.—

“(A) REGULAR MEMBERS.—The Analysis Working Group shall be composed of at least one representative from each of the following components of the Department of Defense:

“(i) The Office of the Director of Cost Assessment and Program Evaluation.

“(ii) The Directorate for Joint Force Development (J7) of the Joint Staff.

“(iii) The Directorate for Force Structure, Resources, and Assessment (J8) of the Joint Staff.

“(iv) The Office of the Secretary of Defense for Policy.

“(v) The Chief Digital and Artificial Intelligence Office.

“(B) OBSERVERS.—At least one representative from each of the following commands shall serve as observers of the Analysis Working Group:

“(i) The United States Indo-Pacific Command.

“(ii) The United States European Command.

“(iii) The United States Central Command.

“(4) DUTIES.—The Analysis Working Group shall—

“(A) establish clear priorities and standards to focus analysts on decision support;

“(B) improve transparency of methodologies, tools, and tradecraft across the analytic community, including testing and validation for new or emerging methodologies, tools, and tradecraft;

“(C) improve quality of and expand access to data, including evaluation of new data sets, or application of existing data sets in new or novel ways;

“(D) evolve the methodologies, tools, and tradecraft methods and tools used in strategic analysis;

“(E) resolve classified access and infrastructure challenges;

“(F) foster a workforce and organizations that are innovative, creative, and provide high-quality strategic decision support; and

“(G) carry out such other activities as the Secretary of Defense determines appropriate.

“(d) RULE OF CONSTRUCTION.—Nothing in subsection (b) or (c) shall be construed to interfere with the authority of the Chiefs of Staff of the Armed Forces to establish military requirements, performance requirements, and joint performance requirements, or the authority of the Joint Requirements Oversight Council to validate such requirements under section 181 of title 10, United States Code.”

§ 139b. Secretariat for Special Operations; Special Operations Policy and Oversight Council

(a) SECRETARIAT FOR SPECIAL OPERATIONS.—

(1) IN GENERAL.—In order to fulfill the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict specified in section 138(b)(2)(A)(i) of this title, there shall be within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict an office to be known as the “Secretariat for Special Operations”.

(2) PURPOSE.—The purpose of the Secretariat is to assist the Assistant Secretary in exercising authority, direction, and control with respect to the special operations-peculiar administration and support of the special oper-

ations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel as specified in such section.

(3) DIRECTOR.—The Director of the Secretariat for Special Operations shall be appointed by the Secretary of Defense from among individuals qualified to serve as the Director. An individual serving as Director shall, while so serving, be a member of the Senior Executive Service.

(4) ADMINISTRATIVE CHAIN OF COMMAND.—For purposes of the support of the Secretariat for the Assistant Secretary in the fulfillment of the responsibilities referred to in paragraph (1), the administrative chain of command is as specified in section 167(f) of this title. Unless otherwise directed by the President, no officer below the Secretary of Defense (other than the Assistant Secretary) may intervene to exercise authority, direction, or control over the Secretariat in its support of the Assistant Secretary in the discharge of such responsibilities.

(b) SPECIAL OPERATIONS POLICY AND OVERSIGHT COUNCIL.—

(1) IN GENERAL.—In order to fulfill the responsibilities specified in section 138(b)(2)(A)(i) of this title, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall establish and lead a team known as the “Special Operation Policy and Oversight Council” (in this subsection referred to as the “Council”).

(2) PURPOSE.—The purpose of the Council is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide for special operations forces and capabilities. In fulfilling this purpose, the Council shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations forces and capabilities.

(3) MEMBERSHIP.—The Council shall include the following:

(A) The Assistant Secretary.

(B) Appropriate senior representatives of each of the following:

(i) The Under Secretary of Defense for Research and Engineering.

(ii) The Under Secretary of Defense for Acquisition and Sustainment.

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

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

(v) The Under Secretary of Defense for Intelligence.

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

(vii) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

(viii) The military departments.

(ix) The Joint Staff.

(x) The United States Special Operations Command.

(xi) Such other officers or Agencies, elements, or components of the Department

of Defense as the Secretary of Defense considers appropriate.

(4) OPERATION.—The Council shall operate continuously.

(Added Pub. L. 114-328, div. A, title IX, §922(b)(1), Dec. 23, 2016, 130 Stat. 2355; amended Pub. L. 115-91, div. A, title X, §1081(a)(7), Dec. 12, 2017, 131 Stat. 1594; Pub. L. 116-92, div. A, title XVI, §1621(e)(1)(A)(iv), Dec. 20, 2019, 133 Stat. 1733; Pub. L. 116-283, div. A, title IX, §902(b)(1), Jan. 1, 2021, 134 Stat. 3795.)

Editorial Notes

PRIOR PROVISIONS

A prior section 139b, added Pub. L. 111-23, title I, §102(a)(1), May 22, 2009, 123 Stat. 1710, §139d; renumbered §139b and amended Pub. L. 111-383, div. A, title IX, §901(e), (f), (k)(1)(E), title X, §1075(b)(6), Jan. 7, 2011, 124 Stat. 4321, 4322, 4325, 4369; Pub. L. 112-81, div. A, title VIII, §835(b), Dec. 31, 2011, 125 Stat. 1507; Pub. L. 112-239, div. A, title IX, §904(a)-(d), (f), (g), title X, §1076(f)(5), Jan. 2, 2013, 126 Stat. 1866, 1867, 1952; Pub. L. 113-291, div. A, title II, §221(a), Dec. 19, 2014, 128 Stat. 3330; Pub. L. 114-92, div. A, title VIII, §832, title X, §1078(b), Nov. 25, 2015, 129 Stat. 913, 998, related to Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering; support of major defense acquisition programs; annual and biennial report requirements; and joint guidance in certain areas, prior to repeal by Pub. L. 114-328, div. A, title IX, §901(e)(2), Dec. 23, 2016, 130 Stat. 2342.

Another prior section 139b was renumbered section 138c of this title and was subsequently repealed.

Another prior section 139b was renumbered sections 4371 to 4375 of this title.

AMENDMENTS

2021—Pub. L. 116-283 amended section generally. Prior to amendment, section related to Special Operations Policy and Oversight Council.

2019—Subsec. (c)(2)(E). Pub. L. 116-92 substituted “Under Secretary of Defense for Intelligence and Security” for “Under Secretary of Defense for Intelligence”.

2017—Subsec. (c)(2)(K). Pub. L. 115-91 inserted period at end.

Statutory Notes and Related Subsidiaries

OPTIMIZATION OF IRREGULAR WARFARE TECHNICAL SUPPORT DIRECTORATE

Pub. L. 117-81, div. A, title X, §1071, Dec. 27, 2021, 135 Stat. 1913, provided that:

“(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act [Dec. 27, 2021], the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for improving the support provided by the Irregular Warfare Technical Support Directorate to meet military requirements. Such plan shall include the following:

“(1) Specific actions to—

“(A) ensure adequate focus on rapid fielding of required capabilities;

“(B) improve metrics and methods for tracking projects that have transitioned into programs of record; and

“(C) minimize overlap with other research, development, and acquisition efforts.

“(2) Such other matters as the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict considers relevant.

“(b) DEPARTMENT OF DEFENSE INSTRUCTION REQUIRED.—Not later than 270 days after the date of the

enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, in coordination with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment, and the Secretaries of the military departments, shall publish an updated Department of Defense Instruction in order to—

“(1) define the objectives, organization, mission, customer base, and role of the Irregular Warfare Technical Support Directorate;

“(2) ensure coordination with external program managers assigned to the military departments and the United States Special Operations Command;

“(3) facilitate adequate oversight by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment; and

“(4) address such other matters as the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict considers relevant.”

§ 139c. Repealed. Pub. L. 114-328, div. A, title IX, § 901(e)(2), Dec. 23, 2016, 130 Stat. 2342]

Section, added §139e and renumbered §139c, Pub. L. 111-383, div. A, title VII, §896(a), title IX, §901(f), Jan. 7, 2011, 124 Stat. 4314, 4322; amended Pub. L. 112-81, div. A, title VIII, §855, Dec. 31, 2011, 125 Stat. 1521; Pub. L. 112-239, div. A, title IX, §901(a), (b), title X, §1076(a)(13), (b)(3), Jan. 2, 2013, 126 Stat. 1863, 1864, 1948, 1949; Pub. L. 114-328, div. A, title X, §1081(b)(4)(A), Dec. 23, 2016, 130 Stat. 2419, related to Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.

A prior section 139c was renumbered section 139a of this title.

Another prior section 139c was renumbered section 2434 of this title.

[[§ 139d, 139e. Renumbered §§ 139b, 139c]

§ 140. General Counsel

(a) There is a General Counsel of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The General Counsel is the chief legal officer of the Department of Defense. He shall perform such functions as the Secretary of Defense may prescribe.

(Added Pub. L. 87-651, title II, §202, Sept. 7, 1962, 76 Stat. 519, §137; amended Pub. L. 88-426, title III, §305(9), Aug. 14, 1964, 78 Stat. 423; renumbered §139 and amended Pub. L. 99-433, title I, §§101(a)(7), 110(d)(11), Oct. 1, 1986, 100 Stat. 995, 1003; renumbered §140, Pub. L. 103-160, div. A, title IX, §901(a)(1), Nov. 30, 1993, 107 Stat. 1726.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
137(a)	[Uncodified: 1953 Reorg. Plan No. 6, eff. June 30, 1953, §4 (1st 25 words of 1st sentence), 67 Stat. 639].	1953 Reorg. Plan No. 6, eff. June 30, 1953, §4, 67 Stat. 639.
137(b)	[Uncodified: 1953 Reorg. Plan No. 6, eff. June 30, 1953, §4 (1st sentence, less 1st 25 words), 67 Stat. 639].	
137(c)	[Uncodified: 1953 Reorg. Plan No. 6, eff. June 30, 1953, §4 (2d sentence), 67 Stat. 639].	

In subsection (b), the words “from time to time” are omitted as surplusage.