

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Another prior section 139b was renumbered section 138c of this title and was subsequently repealed.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