

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Another prior section 139b was renumbered section 138c of this title and was subsequently repealed.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

Editorial Notes**PRIOR PROVISIONS**

A prior section 140 was renumbered section 141 of this title.

Another prior section 140 was renumbered section 127 of this title.

AMENDMENTS

1993—Pub. L. 103–160 renumbered section 139 of this title as this section.

1986—Pub. L. 99–433, §§ 101(a)(7), 110(d)(11), renumbered section 137 of this title as this section, and struck out “: powers and duties” at end of section catchline.

1964—Subsec. (c). Pub. L. 88–426 repealed subsec. (c) which related to compensation of General Counsel. See section 5315 of Title 5, Government Organization and Employees.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1964 AMENDMENT**

For effective date of amendment by Pub. L. 88–426, see section 501 of Pub. L. 88–426.

[§ 140a. Renumbered § 422]**Editorial Notes****PRIOR PROVISIONS**

A prior section 140a was renumbered section 421 of this title.

[§ 140b. Renumbered § 423]**Editorial Notes****PRIOR PROVISIONS**

A prior section 140b was renumbered section 129 of this title.

[§ 140c. Renumbered § 130]**§ 141. Inspector General**

(a) There is an Inspector General of the Department of Defense, who is appointed as provided in section 403 of title 5.

(b) The Inspector General performs the duties, has the responsibilities, and exercises the powers specified in chapter 4 of title 5.

(Added Pub. L. 99–433, title I, § 108, Oct. 1, 1986, 100 Stat. 998, § 140; renumbered § 141, Pub. L. 103–160, div. A, title IX, § 901(a)(1), Nov. 30, 1993, 107 Stat. 1726; amended Pub. L. 117–286, § 4(b)(26), Dec. 27, 2022, 136 Stat. 4346.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 141 was renumbered section 138d of this title.

Another prior section 141 of this title was contained in chapter 5 of this title, prior to amendment by Pub. L. 99–433. See note preceding section 151 of this title.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117–286, § 4(b)(26)(A), substituted “section 403 of title 5.” for “section 3 of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App. 3).”

Subsec. (b). Pub. L. 117–286, § 4(b)(26)(B), substituted “chapter 4 of title 5.” for “the Inspector General Act of 1978.”

1993—Pub. L. 103–160 renumbered section 140 of this title as this section.

Statutory Notes and Related Subsidiaries

INSPECTOR GENERAL OVERSIGHT OF DIVERSITY AND INCLUSION IN DEPARTMENT OF DEFENSE; SUPREMACIST, EXTREMIST, OR CRIMINAL GANG ACTIVITY IN THE ARMED FORCES

Pub. L. 116–283, div. A, title V, § 554, Jan. 1, 2021, 134 Stat. 3633, as amended by Pub. L. 117–81, div. A, title V, § 549K, Dec. 27, 2021, 135 Stat. 1731, provided that:

“(a) ESTABLISHMENT OF ADDITIONAL ASSISTANT INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Inspector General of the Department of Defense shall appoint, in the Office of the Inspector General of the Department of Defense, an additional Assistant Inspector General who—

“(A) shall be a member of the Senior Executive Service; and

“(B) shall be under the authority, direction, and control of the Inspector General.

“(2) DUTIES.—Subject to the Inspector General Act of 1978 (Public Law 95–452; [former] 5 U.S.C. App.) [see 5 U.S.C. 401 et seq.], the Deputy Inspector General shall have the following duties:

“(A) Developing and carrying out a plan for the conduct of comprehensive oversight, including through the conduct and supervision of audits, investigations, and inspections, of policies, programs, systems, and processes of the Department—

“(i) to determine the effect of such policies, programs, systems, and processes regarding personnel on diversity and inclusion in the Department; and

“(ii) to prevent and respond to supremacist, extremist, and criminal gang activity of a member of the Armed Forces.

“(B) Additional duties prescribed by the Inspector General.

“(3) COORDINATION OF EFFORTS.—In carrying out the duties under paragraph (2), the Assistant Inspector General shall coordinate with, and receive the cooperation of the following:

“(A) The Inspector General of the Army.

“(B) The Inspector General of the Navy.

“(C) The Inspector General of the Air Force.

“(D) The other Deputy Inspectors General of the Department.

“(4) REPORTS.—

“(A) ONE-TIME REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing, with respect to the Assistant Inspector General appointed under this subsection:

“(i) the duties and responsibilities to be assigned to such Assistant Inspector General;

“(ii) the organization, structure, staffing, and funding of the office established to support such Assistant Inspector General in the execution of such duties and responsibilities;

“(iii) challenges to the establishment of such Assistant Inspector General and such office, including any shortfalls in personnel and funding; and

“(iv) the date by which the Inspector General expects such Assistant Inspector General and the office will reach full operational capability.

“(B) SEMIANNUAL REPORTS.—Not later than 30 days after the end of the second and fourth quarters of each fiscal year beginning in fiscal year 2022, the Inspector General shall submit to the Secretary a report including a summary of the activities of the Assistant Inspector General during the two fiscal quarters preceding the date of the report, for inclusion in the next semiannual report of the Inspector General under section 5 of the Inspector General Act of 1978 ([former] 5 U.S.C. App.) [see 5 U.S.C. 405]..[sic]