

able intent of Congress and the renumbering of section 139d of this title as this section by Pub. L. 111-383, §901(f). See above.

Pub. L. 111-383, §901(e)(3)(B), (E), substituted “Deputy Assistant Secretary” for “Director” in two places and substituted “Deputy Assistant Secretary’s” for “Director’s”.

Subsec. (b). Pub. L. 111-383, §901(e)(4)(A), substituted “Deputy Assistant Secretary of Defense for Systems Engineering” for “Director of Systems Engineering” in heading.

Subsec. (b)(2), (3). Pub. L. 111-383, §901(e)(4)(B), substituted “Deputy Assistant Secretary” for “Director”.

Subsec. (b)(4). Pub. L. 111-383, §901(e)(4)(C), substituted “COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION” for “COORDINATION WITH DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION” in heading.

Subsec. (b)(5). Pub. L. 111-383, §901(e)(4)(B), substituted “Deputy Assistant Secretary” for “Director” in introductory provisions.

Subsec. (b)(6). Pub. L. 111-383, §901(e)(4)(B), (D), substituted “Deputy Assistant Secretary” for “Director” in two places and substituted “Deputy Assistant Secretary’s” for “Director’s”.

Subsecs. (c) to (f). Pub. L. 112-81 added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

#### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

### § 139c. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy

(a) APPOINTMENT.—There is a Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be appointed by the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

(b) RESPONSIBILITIES.—The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy shall be the principal advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics in the performance of the Under Secretary’s duties relating to the following:

(1) Providing input to strategy reviews, including quadrennial defense reviews conducted pursuant to section 118 of this title, on matters related to—

- (A) the defense industrial base; and
- (B) materials critical to national security.

(2) Establishing policies of the Department of Defense for developing and maintaining the defense industrial base of the United States and ensuring a secure supply of materials critical to national security.

(3) Providing recommendations on budget matters pertaining to the industrial base, the supply chain, and the development and retention of skills necessary to support the industrial base.

(4) Providing recommendations and acquisition policy guidance on supply chain management and supply chain vulnerability throughout the entire supply chain, from suppliers of raw materials to producers of major end items.

(5) Establishing the national security objectives concerning the national technology and industrial base required under section 2501 of this title.

(6) Executing the national defense program for analysis of the national technology and industrial base required under section 2503 of this title.

(7) Performing the national technology and industrial base periodic defense capability assessments required under section 2505 of this title.

(8) Establishing the technology and industrial base policy guidance required under section 2506 of this title.

(9) Executing the authorities of the Manufacturing Technology Program under section 2521 of this title.

(10) Providing policy and oversight of matters related to materials critical to national security to ensure a secure supply of such materials to the Department of Defense.

(11) Carrying out the activities of the Department of Defense relating to the Defense Production Act Committee established under section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171).

(12) Consistent with section 2(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2062(b)), executing other applicable authorities provided under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), including authorities under titles I and III of such Act.

(13) Establishing policies related to international technology security and export control issues.

(14) Establishing policies related to industrial independent research and development programs under section 2372 of this title.

(15) Coordinating with the Director of Small Business Programs on all matters related to industrial base policy of the Department of Defense.

(16) Ensuring reliable sources of materials critical to national security, such as specialty metals, armor plate, and rare earth elements.

(17) Establishing policies of the Department of Defense for continued reliable resource availability from secure sources for the industrial base of the United States.

(18) Such other duties as are assigned by the Under Secretary.

(c) RULE OF CONSTRUCTION.—Nothing in subsection (b)(9) may be construed to limit the authority or modify the policies of the Committee on Foreign Investment in the United States established under section 721(k) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(k)).

(d) MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.—In this section, the term “materials critical to national security” has the meaning given that term in section 187(e)(1) of this title.

(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.)

#### REFERENCES IN TEXT

The Defense Production Act of 1950, referred to in subsec. (b)(12), is act Sept. 8, 1950, ch. 932, 64 Stat. 798, which is classified generally to section 2061 et seq. of

Title 50, Appendix, War and National Defense. Title I of the Act is classified generally to section 2071 et seq. of Title 50, Appendix. Title III of the Act is classified generally to section 2091 et seq. of Title 50, Appendix. For complete classification of this Act to the Code, see section 2061 of Title 50, Appendix, and Tables.

Subsection (b)(9), referred to in subsec. (c), was redesignated subsection (b)(8) of this section, by Pub. L. 112-239, div. A, title IX, §901(a)(2), Jan. 2, 2013, 126 Stat. 1864.

#### PRIOR PROVISIONS

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

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

#### AMENDMENTS

2013—Pub. L. 112-239, §1076(b)(3), made technical amendment to directory language of Pub. L. 111-383, §896(a), which enacted this section.

Subsec. (b)(1) to (4), Pub. L. 112-239, §901(a)(1), added pars. (1) to (4) and struck out former pars. (1) to (4) which read as follows:

“(1) Providing input on industrial base matters to strategy reviews, including quadrennial defense reviews conducted pursuant to section 118 of this title.

“(2) Establishing policies of the Department of Defense for maintenance of the defense industrial base of the United States.

“(3) Providing recommendations to the Under Secretary on budget matters pertaining to the industrial base.

“(4) Providing recommendations to the Under Secretary on supply chain management and supply chain vulnerability.”

Subsec. (b)(5) to (9), Pub. L. 112-239, §901(a)(2), redesignated pars. (6) to (10) as (5) to (9), respectively, and struck out former par. (5) which read as follows: “Providing input on industrial base matters to defense acquisition policy guidance.”

Subsec. (b)(10), Pub. L. 112-239, §901(a)(3), added par. (10). Former par. (10) redesignated (9).

Subsec. (b)(12), Pub. L. 112-239, §1076(a)(13), made technical amendment to directory language of Pub. L. 112-81. See 2011 Amendment note below.

Subsec. (b)(15) to (18), Pub. L. 112-239, §901(a)(4), (5), added pars. (15) to (17) and redesignated former par. (15) as (18).

Subsec. (d), Pub. L. 112-239, §901(b), added subsec. (d). 2011—Pub. L. 111-383, §901(f), renumbered section 139e of this title as this section.

Subsec. (b)(12), Pub. L. 112-81, as amended by Pub. L. 112-239, §1076(a)(13), substituted “titles I and III” for “titles I and II”.

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(13) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

Pub. L. 112-239, div. A, title X, §1076(b), Jan. 2, 2013, 126 Stat. 1949, provided that the amendment made by section 1076(b)(3) of Pub. L. 112-239 is effective Jan. 7, 2011, and as if included in Pub. L. 111-383 as enacted.

#### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by section 901(f) of Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 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.

#### 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.

#### 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]

#### PRIOR PROVISIONS

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

#### [§ 140b. Renumbered § 423]

#### 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 3 of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3).

(b) The Inspector General performs the duties, has the responsibilities, and exercises the powers specified in the Inspector General Act of 1978.

(Added Pub. L. 99-433, title I, §108, Oct. 1, 1986, 100 Stat. 998, §140; renumbered §141, Pub. L.