

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.

103–160, div. A, title IX, §901(a)(1), Nov. 30, 1993, 107 Stat. 1726.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in text, is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

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

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

[§ 142. Renumbered § 138d]

PRIOR PROVISIONS

A prior section 142 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.

§ 143. Office of the Secretary of Defense personnel: limitation

(a) PERMANENT LIMITATION ON OSD PERSONNEL.—The number of OSD personnel may not exceed 3,767.

(b) OSD PERSONNEL DEFINED.—For purposes of this section, the term “OSD personnel” means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(c) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Secretary of Defense in order to comply with this section, the Secretary of Defense may not reassign functions solely in order to evade the requirements contained in this section.

(Added Pub. L. 105–85, div. A, title IX, §911(d)(1), Nov. 18, 1997, 111 Stat. 1859; amended Pub. L. 106–65, div. A, title IX, §921(c), Oct. 5, 1999, 113 Stat. 723.)

CODIFICATION

Section, as added by Pub. L. 105–85, consists of text of Pub. L. 104–201, div. A, title IX, §903(a)–(f), Sept. 23, 1996, 110 Stat. 2617. Section 903 of Pub. L. 104–201, which was formerly set out as a note under section 131 of this title, was repealed by Pub. L. 105–85, div. A, title IX, §911(d)(3), Nov. 18, 1997, 111 Stat. 1860.

AMENDMENTS

1999—Subsec. (a). Pub. L. 106–65, §921(c)(1), substituted “The number” for “Effective October 1, 1999, the number” and “3,767” for “75 percent of the baseline number”.

Subsec. (b). Pub. L. 106–65, §921(c)(2), (3), redesignated subsec. (d) as (b) and struck out heading and text of former subsec. (b). Text read as follows: “The number of OSD personnel—

“(1) as of October 1, 1997, may not exceed 85 percent of the baseline number; and

“(2) as of October 1, 1998, may not exceed 80 percent of the baseline number.”

Subsec. (c). Pub. L. 106–65, §921(c)(2), (3), redesignated subsec. (e) as (c) and struck out heading and text of former subsec. (c). Text read as follows: “For purposes of this section, the term ‘baseline number’ means the number of OSD personnel as of October 1, 1994.”

Subsecs. (d), (e). Pub. L. 106–65, §921(c)(3), redesignated subsecs. (d) and (e) as (b) and (c), respectively.

Subsec. (f). Pub. L. 106–65, §921(c)(2), struck out heading and text of subsec. (f). Text read as follows: “If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (b) with respect to any fiscal year would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (a) during fiscal year 1999 would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. The authority under this subsection may be used only once, with respect to a single fiscal year.”

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–65, div. A, title IX, §921(c), Oct. 5, 1999, 113 Stat. 723, provided that the amendment made by section 921(c) is effective Oct. 1, 1999.

EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL

Pub. L. 110–417, [div. A], title XI, §1111, Oct. 14, 2008, 122 Stat. 4619, as amended by Pub. L. 111–84, div. A, title XI, §1109(a), Oct. 28, 2009, 123 Stat. 2492; Pub. L. 111–383, div. A, title X, §1075(e)(17), Jan. 7, 2011, 124 Stat. 4375, provided that:

“(a) EXCEPTION TO LIMITATIONS ON PERSONNEL.—For fiscal year 2009 and fiscal years thereafter, the baseline personnel limitations in sections 143, 194, 3014, 5014, and 8014 of title 10, United States Code (as adjusted pursuant to subsection (b)), shall not apply to—

“(1) acquisition personnel hired pursuant to the expedited hiring authority provided in section 1705(h) of title 10, United States Code, as amended by section 833 of this Act, or otherwise hired with funds in the Department of Defense Acquisition Workforce Development Fund established in accordance with section 1705(a) of such title; or

“(2) personnel hired pursuant to a shortage category designation by the Secretary of Defense or the Director of the Office of Personnel Management.

“(b) AUTHORITY TO ADJUST LIMITATIONS ON PERSONNEL.—For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense or a Secretary of a military department may adjust the baseline personnel limitations in sections 143, 194, 3014, 5014 and 8014 of title 10, United States Code, to—

“(1) fill a gap in the civilian workforce of the Department of Defense identified by the Secretary of Defense in a strategic human capital plan submitted to Congress in accordance with the requirements of section 115b of such title; or

“(2) accommodate increases in workload or modify the type of personnel required to accomplish work, for any of the following purposes:

“(A) Performance of inherently governmental functions.

“(B) Performance of work pursuant to section 2463 of title 10, United States Code.

“(C) Ability to maintain sufficient organic expertise and technical capability.

“(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.”

§ 144. Director of Small Business Programs

(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of De-