

designated them as subpars. (D) and (E), respectively. Former subpar. (D) redesignated (F). Amendment was executed by transferring subpars. so as to appear before subpar. (F) as redesignated, to reflect the probable intent of Congress, notwithstanding directory language transferring them “to the end” of par. (2).

Subsec. (d)(2)(F). Pub. L. 114-92, §1078(b)(3)(E), redesignated subpar. (D) as (F).

Subsec. (d)(3). Pub. L. 114-92, §1078(b)(2), redesignated par. (3) as (2).

Subsec. (d)(4). Pub. L. 114-92, §1078(b)(4), (5), transferred subpars. (A) and (B) of par. (4) to par. (2) and redesignated them as subpars. (D) and (E), respectively, and struck out par. (4). After the transfer, text of par. (4) read as follows: “With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, the report shall include—”.

2014—Subsec. (d). Pub. L. 113-291 substituted “ANNUAL AND BIENNIAL REPORTS” for “ANNUAL REPORT” in heading, added pars. (1) and (2), redesignated former pars. (1) and (2) as (3) and (4), respectively, and, in par. (3), substituted “CONTENTS.—Each report submitted under paragraph (1) or (2)” for “IN GENERAL.—Not later than March 31 each year, beginning in 2010, the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering shall each submit to the congressional defense committees a report on the activities undertaken pursuant to subsections (a) and (b) during the preceding year. Each report”.

2013—Subsec. (a)(3). Pub. L. 112-239, §904(a), substituted “to the Under Secretary. The Deputy Assistant Secretary may communicate views on matters within the responsibility of the Deputy Assistant Secretary directly to the Under Secretary without obtaining the approval or concurrence of any other official within the Department of Defense” for “to the Under Secretary”.

Subsec. (a)(5)(A)(i). Pub. L. 112-239, §904(b)(1), substituted “in the military departments and other elements of the Department of Defense” for “in the Department of Defense”.

Subsec. (a)(5)(B). Pub. L. 112-239, §904(b)(2), substituted “review and approve or disapprove” for “review and approve”.

Subsec. (a)(5)(C). Pub. L. 112-239, §904(b)(3), substituted “programs (including the activities of chief developmental testers and lead developmental test evaluation organizations designated in accordance with subsection (c))” for “programs”.

Subsec. (a)(5)(F), (G). Pub. L. 112-239, §904(b)(4), (5), added subpar. (F) and redesignated former subpar. (F) as (G).

Subsec. (a)(6). Pub. L. 112-239, §1076(f)(5), which directed amendment of par. (6) by substituting “proprietary” for “propriety”, could not be executed because the word “propriety” did not appear subsequent to amendment by Pub. L. 111-383, §1075(b)(6). See 2011 Amendment note below.

Subsec. (a)(7). Pub. L. 112-239, §904(c), substituted “shall” for “may”.

Subsec. (a)(8). Pub. L. 112-239, §904(d), added par. (8).  
Subsec. (c)(2), (3). Pub. L. 112-239, §904(f)(1), (2), substituted “, consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for” for “shall be responsible for” in introductory provisions.

Subsec. (c)(4). Pub. L. 112-239, §904(f)(3), added par. (4).  
Subsec. (d). Pub. L. 112-239, §904(g), struck out “Joint” before “Annual” in subsec. heading, designated existing introductory provisions as par. (1) and inserted heading, redesignated pars. (1) to (4) as subpars. (A) to (D), respectively, realigned margins of subpars. (A) to (D), substituted “each” for “jointly” in introductory provisions of par. (1), and added par. (2).

2011—Pub. L. 111-383, §901(k)(1)(E), substituted “Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance” for

“Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance” in section catchline.

Pub. L. 111-383, §901(f), renumbered section 139d of this title as this section.

Pub. L. 111-383, §901(e)(1), (2), substituted “Deputy Assistant Secretary of Defense for Developmental Test and Evaluation” for “Director of Developmental Test and Evaluation” and “Deputy Assistant Secretary of Defense for Systems Engineering” for “Director of Systems Engineering” wherever appearing in text.

Subsec. (a). Pub. L. 111-383, §901(e)(3)(A), substituted “Deputy Assistant Secretary of Defense for Developmental Test and Evaluation” for “Director of Developmental Test and Evaluation” in heading.

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

Subsec. (a)(4). Pub. L. 111-383, §901(e)(3)(C), substituted “COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING” for “COORDINATION WITH DIRECTOR OF SYSTEMS ENGINEERING” in heading.

Subsec. (a)(5). Pub. L. 111-383, §901(e)(3)(D), substituted “Deputy Assistant Secretary” for “Director” in introductory provisions.

Subsec. (a)(6). Pub. L. 111-383, §1075(b)(6), which directed amendment of section 139d of this title by substituting “proprietary” for “propriety” in subsec. (a)(6), was executed to this section, to reflect the probable 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 2014 AMENDMENT

Pub. L. 113-291, div. A, title II, §221(b), Dec. 19, 2014, 128 Stat. 3330, provided that: “The amendments made by this section [amending this section] shall take effect on the date of the enactment of this Act [Dec. 19, 2014] and the first report submitted under paragraph (2) of section 139b(d) of such title, as added by subsection (a)(3), shall be submitted not later than March 31, 2015.”

#### 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)),<sup>1</sup> executing other applicable authorities provided under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.),<sup>1</sup> 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 was classified generally to section 2061 et seq. of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 55 (§4501 et seq.) of Title 50. Titles I and III of the Act are classified generally to subchapters I (§4511 et seq.) and II (§4531 et seq.), respectively, of chapter 55 of Title 50. Section 2 of the Act is classified to section 4502 of Title 50. For complete classification of this Act to the Code, see 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.”

<sup>1</sup> See References in Text note below.

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. Chief Information Officer

(a) There is a Chief Information Officer of the Department of Defense.

(b)(1) The Chief Information Officer of the Department of Defense—

(A) is the Chief Information Officer of the Department of Defense for the purposes of sections 3506(a)(2) and 3544(a)(3) of title 44;

(B) has the responsibilities and duties specified in section 11315 of title 40;

(C) has the responsibilities specified for the Chief Information Officer in sections 2222, 2223(a), and 2224 of this title; and