Editorial Notes

AMENDMENTS

2016—Subsecs. (c), (d). Pub. L. 114–328 redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: ''An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be appointed in the regular grade of brigadier general or rear admiral (lower half).''

2009—Subsec. (c). Pub. L. 111–84 substituted ''be appointed in the regular'' for '', while so serving, hold the''.

2008—Subsec. (d). Pub. L. 110–417 designated existing provisions as par. (1) and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title V, § 501(b), Oct. 28, 2009, 123 Stat. 2272, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 28, 2009], and shall apply with respect to individuals appointed as Legal Counsel to the Chairman of the Joint Chiefs of Staff on or after that date.''

CHAPTER 6—COMBATANT COMMANDS

Sec.
161. Combatant commands: establishment.
162. Combatant commands: assigned forces; chain of command.
163. Role of Chairman of Joint Chiefs of Staff.
164. Commanders of combatant commands: assignment; powers and duties.
165. Combatant commands: administration and support.
166. Combatant commands: budget proposals.
166a. Combatant commands: funding through the Chairman of Joint Chiefs of Staff.
166b. Combatant commands: funding for combating terrorism readiness initiatives.
167. Unified combatant command for special operations forces.
[167a. Repealed.]
167b. Unified combatant command for cyber operations.
[168, 169. Repealed.]

Editorial Notes

PRIOR PROVISIONS

Prior to enactment of this chapter by Pub. L. 99–433, provisions relating to combat commands were contained in section 124 of this title.

AMENDMENTS

2019—Pub. L. 116–92, div. A, title XVI, § 1601(b)(1), title XVII, § 1731(a)(9), Dec. 20, 2019, 133 Stat. 1722, 1812, inserted period at end of item 169 ''Subordinate unified command of the United States Strategic Command'' and then struck it out.

2018—Pub. L. 115–232, div. A, title VIII, § 812(a)(1)(B), title XVI, § 1601(a)(2), Aug. 13, 2018, 132 Stat. 1846, 2103, struck out item 167a ''Unified combatant command for joint warfighting experimentation: acquisition authority'' and added item 169.

2016—Pub. L. 114–328, div. A, title IX, § 923(b), title XII, § 1253(a)(2)(A), Dec. 23, 2016, 130 Stat. 2358, 2532, added item 167b and struck out item 168 ''Military-to-military contacts and comparable activities''.

2003—Pub. L. 108–136, div. A, title VIII, § 848(a)(2), Nov. 24, 2003, 117 Stat. 1555, added item 167a.

2001—Pub. L. 107–107, div. A, title XV, § 1512(b), Dec. 28, 2001, 115 Stat. 1273, added item 166b.

1994—Pub. L. 103–337, div. A, title XIII, § 1316(a)(2), Oct. 5, 1994, 108 Stat. 2899, added item 168.

1991—Pub. L. 102–190, div. A, title IX, § 902(b), Dec. 5, 1991, 105 Stat. 1451, added item 166a.

1986—Pub. L. 99–500, § 101(c) [title IX, § 9115(b)(2)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–124, and Pub. L. 99–591, § 101(c) [title IX, § 9115(b)(2)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–124; Pub. L. 99–661, div. A, title XIII, § 1311(b)(2), Nov. 14, 1986, 100 Stat. 3985, amended analysis identically adding item 167.

Pub. L. 99–433, title II, § 211(a), Oct. 1, 1986, 100 Stat. 1012, added chapter 6 heading and analysis.

§ 161. Combatant commands: establishment

(a) UNIFIED AND SPECIFIED COMBATANT COMMANDS.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

(1) establish unified combatant commands and specified combatant commands to perform military missions; and

(2) prescribe the force structure of those commands.

(b) PERIODIC REVIEW.—(1) The Chairman periodically (and not less often than every two years) shall—

(A) review the missions, responsibilities (including geographic boundaries), and force structure of each combatant command; and

(B) recommend to the President, through the Secretary of Defense, any changes to such missions, responsibilities, and force structures as may be necessary.

(2) Except during time of hostilities or imminent threat of hostilities, the President shall—

(A) not more than 60 days after establishing a new combatant command—

(i) notify Congress of the establishment of such command; and

(ii) provide to Congress a briefing on the establishment of such command; and

(B) not more than 60 days after significantly revising the missions, responsibilities, or force structure of an existing combatant command—

(i) notify Congress of such revisions; and

(ii) provide to Congress a briefing on such revisions.

(c) DEFINITIONS.—In this chapter:

(1) The term ''unified combatant command'' means a military command which has broad, continuing missions and which is composed of forces from two or more military departments.

(2) The term ''specified combatant command'' means a military command which has broad, continuing missions and which is normally composed of forces from a single military department.

(3) The term ''combatant command'' means a unified combatant command or a specified combatant command.

(Added Pub. L. 99–433, title II, § 211(a), Oct. 1, 1986, 100 Stat. 1012; amended Pub. L. 117–263, div. A, title IX, § 912, Dec. 23, 2022, 136 Stat. 2751.)

Editorial Notes

AMENDMENTS

2022—Subsec. (b)(2). Pub. L. 117–263 amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''Except during time of hostilities or imminent threat of hostilities, the President shall notify Congress not more than 60 days after—

''(A) establishing a new combatant command; or

''(B) significantly revising the missions, responsibilities, or force structure of an existing combatant command.''

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 115–232, div. A, title XII, § 1251(a), Aug. 13, 2018, 132 Stat. 2053, provided that: ''The combatant command known as the United States Pacific Command shall be known as the 'United States Indo-Pacific Command'. Any reference to the United States Pacific Command in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the United States Indo-Pacific Command.''

ESTABLISHMENT OF JOINT FORCE HEADQUARTERS IN AREA OF OPERATIONS OF UNITED STATES INDO-PACIFIC COMMAND

Pub. L. 117–263, div. A, title X, § 1087, Dec. 23, 2022, 136 Stat. 2802, provided that:

''(a) ESTABLISHMENT.—Not later than October 1, 2024, the Secretary of Defense shall establish a joint force headquarters in the area of operations of United States Indo-Pacific Command, in accordance with the implementation plan required under subsection (b).

''(b) IMPLEMENTATION PLAN AND ESTABLISHMENT OF JOINT FORCE HEADQUARTERS.—

''(1) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] an implementation plan for the establishment of a joint force headquarters in the area of operations of United States Indo-Pacific Command to serve as an operational command. Such plan shall include—

''(A) the integration of joint all domain command and control effects chains and mission command and control, including in conflicts that arise with minimal warning;

''(B) the integration of the capabilities of Assault Breaker II, developed by the Defense Advanced Research Projects Agency, and related developmental efforts as they transition to operational deployment;

''(C) the exercise of other joint all domain command and control capabilities and functions; and

''(D) such other missions and operational tasks as the Secretary determines appropriate.

''(2) ELEMENTS.—The plan required by paragraph (1) shall include each of the following with respect to the joint force headquarters to be established:

''(A) A description of the operational chain of command.

''(B) An identification of the manning and resourcing required, relative to assigned missions, particularly the sources of personnel required.

''(C) A description of the mission and lines of effort.

''(D) A description of the relationship with existing entities in United States Indo-Pacific Command, including an assessment of complementary and duplicative activities with such entities and the joint force headquarters.

''(E) An identification of supporting infrastructure required.

''(F) Such other matters as the Secretary considers appropriate.

''(c) SUPPORT FOR JOINT FORCE HEADQUARTERS.—The commander of the joint force headquarters established under this section shall be supported by the United States Indo-Pacific Command subordinate unified commands, subordinate component commands, standing joint task force, and the Armed Forces.

''(d) ANNUAL REPORT REQUIRED.—

''(1) IN GENERAL.—Not later than one year after the date of the establishment of the joint force headquarters required under subsection (a), and not less frequently than once each year thereafter until December 31, 2028, the Secretary of Defense shall submit to the congressional defense committees an annual report on the joint force headquarters established under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

''(A) A description of the mission and lines of effort of the joint force headquarters.

''(B) An accounting of the personnel and other resources supporting the joint force headquarters, including support external to the headquarters.

''(C) A description of the operational chain of command of the joint force headquarters.

''(D) An assessment of the manning and resourcing of the joint force headquarters, relative to assigned missions.

''(E) A description of the relationship with existing entities in Indo-Pacific Command, including an assessment of complementary and duplicative activities with such entities and the joint force headquarters.

''(3) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.''

MATTERS TO BE CONSIDERED IN NEXT ASSESSMENT OF CURRENT MISSIONS, RESPONSIBILITIES, AND FORCE STRUCTURE OF UNIFIED COMBATANT COMMANDS

Pub. L. 104–201, div. A, title IX, § 905, Sept. 23, 1996, 110 Stat. 2619, required the Chairman of the Joint Chiefs of Staff to consider, as part of the next periodic review after Sept. 23, 1996, pursuant to subsec. (b) of this section: (1) whether there was an adequate distribution of responsibilities among the regional unified combatant commands; (2) whether fewer or differently configured commands would permit the United States to better execute warfighting plans; (3) whether any assets or activities were redundant; (4) whether warfighting requirements were adequate to justify current commands; (5) whether exclusion of certain nations from the Areas of Responsibility presented difficulties with respect to national security objectives in those areas; and (6) whether the boundary between the United States Central and European Commands could create command conflicts in the context of a major regional conflict in the Middle East.

INITIAL REVIEW OF COMBATANT COMMANDS

Pub. L. 99–433, title II, § 212, Oct. 1, 1986, 100 Stat. 1017, set out 10 areas to be covered in first review of missions, responsibilities, and force structure of unified combatant commands under subsec. (b) of this section, and directed that first report to President be made not later than Oct. 1, 1987.

Executive Documents

DISESTABLISHMENT OF UNITED STATES JOINT FORCES COMMAND

Memorandum of President of the United States, Jan. 6, 2011, 76 F.R. 1977, provided:

Memorandum for the Secretary of Defense

Pursuant to my authority as Commander in Chief and under 10 U.S.C. 161, I hereby accept the recommendations of the Secretary of Defense and Chairman of the Joint Chiefs of Staff and approve the disestablishment of United States Joint Forces Command, effective on a date to be determined by the Secretary of Defense. I direct this action be reflected in the 2010 Unified Command Plan.

Pursuant to 10 U.S.C. 161(b)(2) and 3 U.S.C. 301, you are directed to notify the Congress on my behalf.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

REVISIONS TO UNIFIED COMMAND PLAN

The following presidential memoranda approved and directed the implementation of a revised Unified Com-

mand Plan and directed notification to Congress consistent with subsec. (b)(2) of this section:

Memorandum of President of the United States, Apr. 25, 2023, 88 F.R. 26219.

Memorandum of President of the United States, May 24, 2019, 84 F.R. 24977.

Memorandum of President of the United States, Apr. 6, 2011, 76 F.R. 19893.

ESTABLISHMENT OF UNITED STATES SPACE COMMAND AS A UNIFIED COMBATANT COMMAND

Memorandum of President of the United States, Dec. 18, 2018, 83 F.R. 65483, provided:

Memorandum for the Secretary of Defense

Pursuant to my authority as the Commander in Chief and under section 161 of title 10, United States Code, and in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, I direct the establishment, consistent with United States law, of United States Space Command as a functional Unified Combatant Command. I also direct the Secretary of Defense to recommend officers for my nomination and Senate confirmation as Commander and Deputy Commander of the new United States Space Command.

I assign to United States Space Command: (1) all the general responsibilities of a Unified Combatant Command; (2) the space-related responsibilities previously assigned to the Commander, United States Strategic Command; and (3) the responsibilities of Joint Force Provider and Joint Force Trainer for Space Operations Forces. The comprehensive list of authorities and responsibilities for United States Space Command will be included in the next update to the Unified Command Plan.

Consistent with section 161(b)(2) of title 10, United States Code, and section 301 of title 3, United States Code, you are directed to notify the Congress on my behalf.

You are authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 162. Combatant commands: assigned forces; chain of command

(a) ASSIGNMENT OF FORCES.—(1) As directed by the Secretary of Defense, the Secretaries of the military departments shall assign specified forces under their jurisdiction to unified and specified combatant commands or to the United States element of the North American Aerospace Defense Command to perform missions assigned to those commands. The Secretary of Defense shall ensure that such assignments are consistent with the force structure prescribed by the President for each combatant command.

(2) A force not assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under paragraph (1) shall remain assigned to the military department concerned for carrying out the responsibilities of the Secretary of the military department concerned as specified in section 7013, 8013, or 9013 of this title, as applicable.

(3) A force assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under this section may be transferred from the command to which it is assigned only—

(A) by authority of the Secretary of Defense; and

(B) under procedures prescribed by the Secretary and approved by the President.

(4) Except as otherwise directed by the Secretary of Defense, all forces assigned to a unified combatant command shall be under the command of the commander of that command. The preceding sentence applies to forces assigned to a specified combatant command only as prescribed by the Secretary of Defense.

(b) CHAIN OF COMMAND.—Unless otherwise directed by the President, the chain of command to a unified or specified combatant command runs—

(1) from the President to the Secretary of Defense; and

(2) from the Secretary of Defense to the commander of the combatant command.

(Added Pub. L. 99–433, title II, § 211(a), Oct. 1, 1986, 100 Stat. 1012; amended Pub. L. 100–180, div. A, title XIII, § 1313, Dec. 4, 1987, 101 Stat. 1175; Pub. L. 100–456, div. A, title VII, § 711, Sept. 29, 1988, 102 Stat. 1997; Pub. L. 104–201, div. A, title X, § 1073(a), Sept. 23, 1996, 110 Stat. 2657; Pub. L. 114–328, div. A, title IX, § 924, Dec. 23, 2016, 130 Stat. 2358; Pub. L. 115–91, div. A, title X, § 1081(a)(9), Dec. 12, 2017, 131 Stat. 1594; Pub. L. 115–232, div. A, title VIII, § 809(a), Aug. 13, 2018, 132 Stat. 1840.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(2). Pub. L. 115–232 substituted ''section 7013, 8013, or 9013'' for ''section 3013, 5013, or 8013''.

2017—Subsec. (a)(4). Pub. L. 115–91 struck out comma after ''command of''.

2016—Subsec. (a)(1). Pub. L. 114–328, § 924(1), substituted ''As directed by the Secretary of Defense'' for ''Except as provided in paragraph (2)'' and ''specified forces'' for ''all forces'' and struck out ''Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned.'' before ''The Secretary of Defense''.

Subsec. (a)(2). Pub. L. 114–328, § 924(2), added par. (2) and struck out former par. (2) which read as follows: ''Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands or to the United States element of the North American Aerospace Defense Command under paragraph (1) do not include forces assigned to carry out functions of the Secretary of a military department listed in sections 3013(b), 5013(b), and 8013(b) of this title or forces assigned to multinational peacekeeping organizations.''

Subsec. (a)(4). Pub. L. 114–328, § 924(3)(B), struck out ''assigned to, and'' before ''under the command''.

Pub. L. 114–328, § 924(3)(A), which directed striking out ''operating with the geographic area'', was executed by striking out ''operating within the geographic area'' after ''all forces'' to reflect the probable intent of Congress.

1996—Subsec. (a)(1) to (3). Pub. L. 104–201 substituted ''North American Aerospace Defense Command'' for ''North American Air Defense Command''.

1988—Subsec. (a)(1) to (3). Pub. L. 100–456 inserted ''or to the United States element of the North American Air Defense Command''.

1987—Subsec. (a)(2). Pub. L. 100–180 inserted before period at end ''or forces assigned to multinational peacekeeping organizations''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800

of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

IMPLEMENTATION OF ASSIGNMENT OF FORCES TO COMBATANT COMMANDS

Pub. L. 99–433, title II, § 214(a), Oct. 1, 1986, 100 Stat. 1018, provided that section 162(a) of this title shall be implemented not later than 90 days after Oct. 1, 1986.

§ 163. Role of Chairman of Joint Chiefs of Staff

(a) COMMUNICATIONS THROUGH CHAIRMAN OF JCS; ASSIGNMENT OF DUTIES.—Subject to the limitations in section 152(c) of this title, the President may—

(1) direct that communications between the President or the Secretary of Defense and the commanders of the unified and specified combatant commands be transmitted through the Chairman of the Joint Chiefs of Staff; and

(2) assign duties to the Chairman to assist the President and the Secretary of Defense in performing their command function.

(b) OVERSIGHT BY CHAIRMAN OF JOINT CHIEFS OF STAFF.—(1) The Secretary of Defense may assign to the Chairman of the Joint Chiefs of Staff responsibility for overseeing the activities of the combatant commands. Such assignment by the Secretary to the Chairman does not confer any command authority on the Chairman and does not alter the responsibility of the commanders of the combatant commands prescribed in section 164(b)(2) of this title.

(2) Subject to the authority, direction, and control of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff serves as the spokesman for the commanders of the combatant commands, especially on the operational requirements of their commands. In performing such function, the Chairman shall—

(A) confer with and obtain information from the commanders of the combatant commands with respect to the requirements of their commands;

(B) evaluate and integrate such information;

(C) advise and make recommendations to the Secretary of Defense with respect to the requirements of the combatant commands, individually and collectively; and

(D) communicate, as appropriate, the requirements of the combatant commands to other elements of the Department of Defense.

(Added Pub. L. 99–433, title II, § 211(a), Oct. 1, 1986, 100 Stat. 1013.)

§ 164. Commanders of combatant commands: assignment; powers and duties

(a) ASSIGNMENT AS COMBATANT COMMANDER.—(1) The President may assign an officer to serve as the commander of a unified or specified combatant command only if the officer—

(A) has the joint specialty under section 661 of this title; and

(B) has completed a full tour of duty in a joint duty assignment (as defined in section 664(d) of this title) as a general or flag officer.

(2) The President may waive paragraph (1) in the case of an officer if the President determines that such action is necessary in the national interest.

(b) RESPONSIBILITIES OF COMBATANT COMMANDERS.—(1) The commander of a combatant command is responsible to the President and to the Secretary of Defense for the performance of missions assigned to that command by the President or by the Secretary with the approval of the President.

(2) Subject to the direction of the President, the commander of a combatant command—

(A) performs his duties under the authority, direction, and control of the Secretary of Defense; and

(B) is directly responsible to the Secretary for the preparedness of the command to carry out missions assigned to the command.

(3) Among the full range of command responsibilities specified in subsection (c) and as provided for in section 161 of this title, the primary duties of the commander of a combatant command shall be as follows:

(A) To produce plans for the employment of the armed forces to execute national defense strategies and respond to significant military contingencies.

(B) To take actions, as necessary, to deter conflict.

(C) To command United States armed forces as directed by the Secretary and approved by the President.

(c) COMMAND AUTHORITY OF COMBATANT COMMANDERS.—(1) Unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the commander of a combatant command with respect to the commands and forces assigned to that command include the command functions of—

(A) giving authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics;

(B) prescribing the chain of command to the commands and forces within the command;

(C) organizing commands and forces within that command as he considers necessary to carry out missions assigned to the command;

(D) employing forces within that command as he considers necessary to carry out missions assigned to the command;

(E) assigning command functions to subordinate commanders;

(F) coordinating and approving those aspects of administration and support (including control of resources and equipment, internal organization, and training) and discipline necessary to carry out missions assigned to the command; and

(G) exercising the authority with respect to selecting subordinate commanders, selecting combatant command staff, suspending subordinates, and convening courts-martial, as provided in subsections (e), (f), and (g) of this section and section 822(a) of this title, respectively.

(2)(A) The Secretary of Defense shall ensure that a commander of a combatant command has sufficient authority, direction, and control over the commands and forces assigned to the command to exercise effective command over those commands and forces. In carrying out this subparagraph, the Secretary shall consult with the Chairman of the Joint Chiefs of Staff.

(B) The Secretary shall periodically review and, after consultation with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commander of the combatant command, assign authority to the commander of the combatant command for those aspects of administration and support that the Secretary considers necessary to carry out missions assigned to the command.

(3) If a commander of a combatant command at any time considers his authority, direction, or control with respect to any of the commands or forces assigned to the command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.

(d) AUTHORITY OVER SUBORDINATE COMMANDERS.—Unless otherwise directed by the President or the Secretary of Defense—

(1) commanders of commands and forces assigned to a combatant command are under the authority, direction, and control of, and are responsible to, the commander of the combatant command on all matters for which the commander of the combatant command has been assigned authority under subsection (c);

(2) the commander of a command or force referred to in clause (1) shall communicate with other elements of the Department of Defense on any matter for which the commander of the combatant command has been assigned authority under subsection (c) in accordance with procedures, if any, established by the commander of the combatant command;

(3) other elements of the Department of Defense shall communicate with the commander of a command or force referred to in clause (1) on any matter for which the commander of the combatant command has been assigned authority under subsection (c) in accordance with procedures, if any, established by the commander of the combatant command; and

(4) if directed by the commander of the combatant command, the commander of a command or force referred to in clause (1) shall advise the commander of the combatant command of all communications to and from other elements of the Department of Defense on any matter for which the commander of the combatant command has not been assigned authority under subsection (c).

(e) SELECTION OF SUBORDINATE COMMANDERS.—(1) An officer may be assigned to a position as the commander of a command directly subordinate to the commander of a combatant command or, in the case of such a position that is designated under section 601 of this title as a position of importance and responsibility, may be recommended to the President for assignment to that position, only—

(A) with the concurrence of the commander of the combatant command; and

(B) in accordance with procedures established by the Secretary of Defense.

(2) The Secretary of Defense may waive the requirement under paragraph (1) for the concurrence of the commander of a combatant command with regard to the assignment (or recommendation for assignment) of a particular officer if the Secretary of Defense determines that such action is in the national interest.

(3) The commander of a combatant command shall—

(A) evaluate the duty performance of each commander of a command directly subordinate to the commander of such combatant command; and

(B) submit the evaluation to the Secretary of the military department concerned and the Chairman of the Joint Chiefs of Staff.

(4)(A) At least one deputy commander of the combatant command the geographic area of responsibility of which includes the United States shall be—

(i) a qualified officer of a reserve component who is eligible for promotion to the grade of lieutenant general or, in the case of the Navy, vice admiral; or

(ii) a qualified officer of the Space Force whose prior service includes service in a space force active status other than sustained duty and who is eligible for promotion to the grade of lieutenant general.

(B) The requirement in subparagraph (A) does not apply when the officer serving as commander of the combatant command described in that subparagraph is (i) a reserve component officer, or (ii) an officer of the Space Force whose prior service includes service in a space force active status other than sustained duty.

(f) COMBATANT COMMAND STAFF.—(1) Each unified and specified combatant command shall have a staff to assist the commander of the command in carrying out his responsibilities. Positions of responsibility on the combatant command staff shall be filled by officers from each of the armed forces having significant forces assigned to the command.

(2) An officer may be assigned to a position on the staff of a combatant command or, in the case of such a position that is designated under section 601 of this title as a position of importance and responsibility, may be recommended to the President for assignment to that position, only—

(A) with the concurrence of the commander of such command; and

(B) in accordance with procedures established by the Secretary of Defense.

(3) The Secretary of Defense may waive the requirement under paragraph (2) for the concurrence of the commander of a combatant command with regard to the assignment (or recommendation for assignment) of a particular officer to serve on the staff of the combatant command if the Secretary of Defense determines that such action is in the national interest.

(g) AUTHORITY TO SUSPEND SUBORDINATES.—In accordance with procedures established by the Secretary of Defense, the commander of a combatant command may suspend from duty and recommend the reassignment of any officer assigned to such combatant command.

(h) SUPPORT TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—The commander of a combatant command shall provide such information to the Chairman of the Joint Chiefs of Staff as may be necessary for the Chairman to perform the duties of the Chairman under section 153 of this title.

(Added Pub. L. 99–433, title II, §211(a), Oct. 1, 1986, 100 Stat. 1013; amended Pub. L. 100–456, div.

A, title V, § 519(a)(2), Sept. 29, 1988, 102 Stat. 1972; Pub. L. 110–181, div. A, title XVIII, § 1824(b), Jan. 28, 2008, 122 Stat. 501; Pub. L. 114–328, div. A, title V, § 516, title IX, § 921(e), Dec. 23, 2016, 130 Stat. 2113, 2354; Pub. L. 115–91, div. A, title X, § 1081(a)(10), Dec. 12, 2017, 131 Stat. 1594; Pub. L. 118–31, div. A, title XVII, § 1722(a)(3), Dec. 22, 2023, 137 Stat. 667.)

Editorial Notes

AMENDMENTS

2023—Subsec. (e)(4). Pub. L. 118–31 designated existing provisions as subpar. (A), substituted ''shall be—'' and cls. (i) and (ii) for ''shall be a qualified officer of a reserve component of the armed forces who is eligible for promotion to the grade of O–9, unless a reserve component officer is serving as commander of that combatant command.'', and added subpar. (B).

2017—Subsec. (a)(1)(B). Pub. L. 115–91 substituted ''section 664(d)'' for ''section 664(f)''.

2016—Subsec. (b)(3). Pub. L. 114–328, § 921(e)(1), added par. (3).

Subsec. (e)(4). Pub. L. 114–328, § 516, substituted ''a reserve component of the armed forces'' for ''the National Guard'' and ''a reserve component officer'' for ''a National Guard officer''.

Subsec. (h). Pub. L. 114–328, § 921(e)(2), added subsec. (h).

2008—Subsec. (e)(4). Pub. L. 110–181 added par. (4).

1988—Subsec. (a)(1)(B). Pub. L. 100–456 substituted ''completed a full tour of duty in a joint duty assignment (as defined in section 664(f) of this title)'' for ''served in at least one joint duty assignment (as defined under section 668(b) of this title)''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 99–433, title II, § 214(c), Oct. 1, 1986, 100 Stat. 1019, provided that: ''Subsections (e), (f), and (g) of section 164 of title 10, United States Code (as added by section 211 of this Act), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act [Oct. 1, 1986], or on such earlier date as may be prescribed by the Secretary of Defense.''

CONSIDERATION OF RESERVE COMPONENT OFFICERS FOR APPOINTMENT TO CERTAIN COMMAND POSITIONS

Pub. L. 112–81, div. A, title V, § 518, Dec. 31, 2011, 125 Stat. 1397, provided that: ''Whenever officers of the Armed Forces are considered for appointment to the position of Commander, Army North Command or Commander, Air Force North Command, fully qualified officers of the National Guard and the Reserves shall be considered for appointment to such position.''

SENSE OF CONGRESS

Pub. L. 110–181, div. A, title XVIII, § 1824(a), Jan. 28, 2008, 122 Stat. 501, provided that: ''It is the sense of Congress that, whenever officers of the Armed Forces are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers in the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.''

WAIVER OF QUALIFICATIONS FOR ASSIGNMENT AS COMBATANT COMMANDER

Pub. L. 99–433, title II, § 214(b), Oct. 1, 1986, 100 Stat. 1018, authorized President, until Oct. 1, 1990, to waive, on a case-by-case basis, certain requirements provided for in subsec. (a) of this section relating to assignment of commanders of combatant commands.

§ 165. Combatant commands: administration and support

(a) IN GENERAL.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide for the administration and support of forces assigned to each combatant command.

(b) RESPONSIBILITY OF SECRETARIES OF MILITARY DEPARTMENTS.—Subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of commanders of the combatant commands under section 164(c) of this title, the Secretary of a military department is responsible for the administration and support of forces assigned by him to a combatant command.

(c) ASSIGNMENT OF RESPONSIBILITY TO OTHER COMPONENTS OF DOD.—After consultation with the Secretaries of the military departments, the Secretary of Defense may assign the responsibility (or any part of the responsibility) for the administration and support of forces assigned to the combatant commands to other components of the Department of Defense (including Defense Agencies and combatant commands). A component assigned such a responsibility shall discharge that responsibility subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of commanders of the combatant commands under section 164(c) of this title.

(Added Pub. L. 99–433, title II, § 211(a), Oct. 1, 1986, 100 Stat. 1016.)

§ 166. Combatant commands: budget proposals

(a) COMBATANT COMMAND BUDGETS.—The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for such activities of each of the unified and specified combatant commands as may be determined under subsection (b).

(b) CONTENT OF PROPOSALS.—A budget proposal under subsection (a) for funding of activities of a combatant command shall include funding proposals for such activities of the combatant command as the Secretary (after consultation with the Chairman of the Joint Chiefs of Staff) determines to be appropriate for inclusion. Activities of a combatant command for which funding may be requested in such a proposal include the following:

(1) Joint exercises.

(2) Force training.

(3) Contingencies.

(4) Selected operations.

(c) SOF TRAINING WITH FOREIGN FORCES.—A funding proposal for force training under subsection (b)(2) may include amounts for training expense payments authorized in section 322 of this title.

(Added Pub. L. 99–433, title II, § 211(a), Oct. 1, 1986, 100 Stat. 1016; amended Pub. L. 102–190, div. A, title X, § 1052(b), Dec. 5, 1991, 105 Stat. 1471; Pub. L. 115–91, div. A, title X, § 1081(a)(11), Dec. 12, 2017, 131 Stat. 1594.)

Editorial Notes

AMENDMENTS

2017—Subsec. (c). Pub. L. 115–91 substituted ''section 322'' for ''section 2011''.

1991—Subsec. (c). Pub. L. 102–190 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 99–433, title II, § 214(d), Oct. 1, 1986, 100 Stat. 1019, provided that: ''Section 166 of title 10, United States Code (as added by section 211 of this Act), shall take effect with budget proposals for fiscal year 1989.''

§ 166a. Combatant commands: funding through the Chairman of Joint Chiefs of Staff

(a) COMBATANT COMMANDER INITIATIVE FUND.—From funds made available in any fiscal year for the budget account in the Department of Defense known as the ''Combatant Commander Initiative Fund'', the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose. The Chairman may provide such funds for any of the activities named in subsection (b).

(b) AUTHORIZED ACTIVITIES.—Activities for which funds may be provided under subsection (a) are the following:

(1) Force training.

(2) Contingencies.

(3) Selected operations.

(4) Command and control.

(5) Joint exercises (including activities of participating foreign countries).

(6) Humanitarian and civic assistance, in coordination with the relevant chief of mission to the extent practicable, to include urgent and unanticipated humanitarian relief and reconstruction assistance.

(7) Military education and training to military and related civilian personnel of foreign countries (including transportation, translation, and administrative expenses).

(8) Personnel expenses of defense personnel for bilateral or regional cooperation programs.

(9) Force protection.

(10) Joint warfighting capabilities.

(11) Incremental expenses (as such term is defined in section 301(5) of this title) related to security cooperation programs and activities of the Department of Defense (as such term is defined in section 301(7) of this title).

(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the Combatant Commander Initiative Fund, should give priority consideration to—

(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds;

(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States;

(3) the provision of funds to be used for urgent and unanticipated humanitarian relief and reconstruction assistance, particularly in a foreign country where the armed forces are engaged in a contingency operation; and

(4) incremental expenses related to security cooperation programs and activities of the Department of Defense, as authorized by subsection (b)(11), for United States Africa Command and United States Southern Command.

(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Chairman of the Joint Chiefs of Staff during any fiscal year out of the Combatant Commander Initiative Fund for an activity referred to in subsection (b) shall be in addition to amounts otherwise available for that activity for that fiscal year.

(e) LIMITATIONS.—(1) Of funds made available under this section for any fiscal year—

(A) not more than $25,000,000 may be used to purchase items with a unit cost in excess of $300,000;

(B) not more than $15,000,000 may be used to pay for any expenses of foreign countries participating in joint exercises as authorized by subsection (b)(5); and

(C) not more than $10,000,000 may be used to provide military education and training (including transportation, translation, and administrative expenses) to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).

(2) Funds may not be provided under this section for any activity that has been denied authorization by Congress.

(f) INCLUSION OF NORAD.—For purposes of this section, the Commander, United States Element, North American Aerospace Defense Command shall be considered to be a commander of a combatant command.

(Added Pub. L. 102–190, div. A, title IX, § 902(a), Dec. 5, 1991, 105 Stat. 1450; amended Pub. L. 102–396, title IX, § 9128, Oct. 6, 1992, 106 Stat. 1935; Pub. L. 102–484, div. A, title IX, § 934, Oct. 23, 1992, 106 Stat. 2477; Pub. L. 103–35, title II, § 201(a), May 31, 1993, 107 Stat. 97; Pub. L. 105–85, div. A, title IX, § 902, Nov. 18, 1997, 111 Stat. 1854; Pub. L. 108–136, div. A, title IX, § 902(a)(2), (b), (c), Nov. 24, 2003, 117 Stat. 1558; Pub. L. 109–364, div. A, title IX, § 902, Oct. 17, 2006, 120 Stat. 2351; Pub. L. 111–84, div. A, title IX, § 904, Oct. 28, 2009, 123 Stat. 2424; Pub. L. 114–328, div. A, title VIII, § 833(b)(1)(C), Dec. 23, 2016, 130 Stat. 2284; Pub. L. 117–81, div. A, title X, § 1002, Dec. 27, 2021, 135 Stat. 1883; Pub. L. 118–31, div. A, title XII, § 1202(a), Dec. 22, 2023, 137 Stat. 441.)

Editorial Notes

AMENDMENTS

2023—Subsec. (b)(11). Pub. L. 118–31, § 1202(a)(1), added par. (11).

Subsec. (c)(4). Pub. L. 118–31, § 1202(a)(2), added par. (4).

2021—Subsec. (e)(1)(A). Pub. L. 117–81, § 1002(1), substituted ''$25,000,000'' for ''$20,000,000'' and ''$300,000'' for ''$250,000''.

Subsec. (e)(1)(B). Pub. L. 117–81, § 1002(2), substituted ''$15,000,000'' for ''$10,000,000''.

Subsec. (e)(1)(C). Pub. L. 117–81, §1002(3), substituted ''$10,000,000'' for ''$5,000,000''.

2016—Subsec. (e)(1)(A). Pub. L. 114–328 substituted ''$250,000'' for ''the investment unit cost threshold in effect under section 2245a of this title''.

2009—Subsec. (b)(6). Pub. L. 111–84, §904(b), inserted ''in coordination with the relevant chief of mission to the extent practicable,'' after ''assistance,''.

Subsec. (e)(1)(A). Pub. L. 111–84, §904(a), substituted ''$20,000,000'' for ''$10,000,000'' and ''the investment unit cost threshold in effect under section 2245a of this title'' for ''$15,000''.

2006—Subsec. (b)(6). Pub. L. 109–364, §902(a), substituted ''civic assistance, to include urgent and unanticipated humanitarian relief and reconstruction assistance'' for ''civil assistance''.

Subsec. (c)(3). Pub. L. 109–364, §902(b), added par. (3).

2003—Subsec. (a). Pub. L. 108–136, §902(a)(2), substituted ''COMBATANT COMMANDER INITIATIVE FUND'' for ''CINC INITIATIVE FUND'' in heading and ''Combatant Commander Initiative Fund'' for ''CINC Initiative Fund'' in first sentence.

Subsec. (b)(10). Pub. L. 108–136, §902(b), added par. (10).

Subsecs. (c), (d). Pub. L. 108–136, §902(a)(2)(B), substituted ''Combatant Commander Initiative Fund'' for ''CINC Initiative Fund''.

Subsec. (e)(1)(A). Pub. L. 108–136, §902(c)(1), substituted ''$10,000,000'' for ''$7,000,000''.

Subsec. (e)(1)(B). Pub. L. 108–136, §902(c)(2), substituted ''$10,000,000'' for ''$1,000,000''.

Subsec. (e)(1)(C). Pub. L. 108–136, §902(c)(3), substituted ''$5,000,000'' for ''$2,000,000''.

1997—Subsec. (b)(9). Pub. L. 105–85 added par. (9).

1993—Subsec. (a). Pub. L. 103–35, §201(a)(1), substituted ''the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose'' for ''the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or to the Director of the Joint Staff with respect to an area or areas not within the area of responsibility of a commander of a combatant command.''

Subsec. (b)(7). Pub. L. 103–35, §201(a)(2), struck out second of two identical parenthetical phrases at end of par. (7) which read as follows: ''(including transportation, translation, and administrative expenses)''.

1992—Subsec. (a). Pub. L. 102–484, §934(a), which directed substitution of ''funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose.'' for ''funds, upon request,'' and all that follows through the period, could not be executed because the words did not appear subsequent to the amendment by Pub. L. 102–396, §9128(a). See below.

Pub. L. 102–396, §9128(a), substituted ''funds to the commander of a combatant command, upon the request of the commander, or to the Director of the Joint Staff with respect to an area or areas not within the area of responsibility of a commander of a combatant command.'' for ''funds, upon request, to the commanders of the combatant commands.''

Subsec. (b)(7). Pub. L. 102–396, §9128(b), and Pub. L. 102–484, §934(b), both inserted before period at end ''(including transportation, translation, and administrative expenses)''.

Subsec. (c). Pub. L. 102–484, §934(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund, should give priority consideration to requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds (c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund or the provision of funds to the Director of the Joint Staff under subsection (a), should give priority consideration to—

''(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and

''(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States..[sic]''

Pub. L. 102–396, §9128(c), inserted before period at end ''(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund or the provision of funds to the Director of the Joint Staff under subsection (a), should give priority consideration to—

''(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and

''(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States.''

Subsec. (e)(1)(C). Pub. L. 102–484, §934(d), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''not more than $5,000,000 may be used to provide military education and training (including transportation, translation, and administrative expenses) to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).''

Pub. L. 102–396, §9128(d), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''not more than $500,000 may be used to provide military education and training to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).''

Statutory Notes and Related Subsidiaries

REDESIGNATION OF CINC INITIATIVE FUND

Pub. L. 108–136, div. A, title IX, §902(a)(1), (3), Nov. 24, 2003, 117 Stat. 1558, provided that:

''(1) The CINC Initiative Fund administered under section 166a of title 10, United States Code, is redesignated as the 'Combatant Commander Initiative Fund'.

''(3) Any reference to the CINC Initiative Fund in any other provision of law or in any regulation, document, record, or other paper of the United States shall be considered to be a reference to the Combatant Commander Initiative Fund.''

§ 166b. Combatant commands: funding for combating terrorism readiness initiatives

(a) COMBATING TERRORISM READINESS INITIATIVES FUND.—From funds made available in any fiscal year for the budget account in the Department of Defense known as the ''Combating Terrorism Readiness Initiatives Fund'', the Chairman of the Joint Chiefs of Staff may provide funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose. The Chairman may provide such funds for initiating any activity named in subsection (b) and for maintaining and

sustaining the activity for the fiscal year in which initiated and one additional fiscal year.

(b) AUTHORIZED ACTIVITIES.—Activities for which funds may be provided under subsection (a) are the following:

(1) Procurement and maintenance of physical security equipment.

(2) Improvement of physical security sites.

(3) Under extraordinary circumstances—

(A) physical security management planning;

(B) procurement and support of security forces and security technicians;

(C) security reviews and investigations and vulnerability assessments; and

(D) any other activity relating to physical security.

(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the Combating Terrorism Readiness Initiatives Fund, should give priority consideration to emergency or emergent unforeseen high-priority requirements for combating terrorism.

(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided by the Chairman of the Joint Chiefs of Staff for a fiscal year out of the Combating Terrorism Readiness Initiatives Fund for an activity referred to in subsection (b) shall be in addition to amounts otherwise available for that activity for that fiscal year.

(e) LIMITATION.—Funds may not be provided under this section for any activity that has been denied authorization by Congress.

(Added Pub. L. 107–107, div. A, title XV, § 1512(a), Dec. 28, 2001, 115 Stat. 1272.)

§ 167. Unified combatant command for special operations forces

(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for special operations forces (hereinafter in this section referred to as the ''special operations command''). The principal function of the command is to prepare special operations forces to carry out assigned missions.

(b) ASSIGNMENT OF FORCES.—Unless otherwise directed by the Secretary of Defense, all active and reserve special operations forces of the armed forces stationed in the United States shall be assigned to the special operations command.

(c) GRADE OF COMMANDER.—The commander of the special operations command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position.

(d) COMMAND OF ACTIVITY OR MISSION.—(1) Unless otherwise directed by the President or the Secretary of Defense, a special operations activity or mission shall be conducted under the command of the commander of the unified combatant command in whose geographic area the activity or mission is to be conducted.

(2) The commander of the special operations command shall exercise command of a selected special operations mission if directed to do so by the President or the Secretary of Defense.

(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the special operations command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to special operations activities.

(2) Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to special operations activities (whether or not relating to the special operations command):

(A) Developing strategy, doctrine, and tactics.

(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for special operations forces and for other forces assigned to the special operations command.

(C) Exercising authority, direction, and control over the expenditure of funds—

(i) for forces assigned to the special operations command; and

(ii) for special operations forces assigned to unified combatant commands other than the special operations command, with respect to all matters covered by paragraph (4) and, with respect to a matter not covered by paragraph (4), to the extent directed by the Secretary of Defense.

(D) Training assigned forces.

(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

(F) Validating requirements.

(G) Establishing priorities for requirements.

(H) Ensuring the interoperability of equipment and forces.

(I) Formulating and submitting requirements for intelligence support.

(J) Monitoring the promotions of special operations forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.

(3) The commander of the special operations command shall be responsible for—

(A) ensuring the combat readiness of forces assigned to the special operations command; and

(B) monitoring the preparedness to carry out assigned missions of special operations forces assigned to unified combatant commands other than the special operations command.

(4)(A) The commander of the special operations command shall be responsible for, and shall have the authority to conduct, the following:

(i) Development and acquisition of special operations-peculiar equipment.

(ii) Acquisition of special operations-peculiar material, supplies, and services.

(B) Subject to the authority, direction, and control of the Secretary of Defense, the commander of the command, in carrying out his functions under subparagraph (A), shall have authority to exercise the functions of the head of an agency under chapter 137[1] of this title.

(C)(i) The staff of the commander shall include a command acquisition executive, who shall be responsible for the overall supervision of acquisition matters for the special operations command. The command acquisition executive shall have the authority to—

(I) negotiate memoranda of agreement with the military departments to carry out the acquisition of equipment, material, supplies, and services described in subparagraph (A) on behalf of the command;

(II) supervise the acquisition of equipment, material, supplies, and services described in subparagraph (A), regardless of whether such acquisition is carried out by the command, or by a military department pursuant to a delegation of authority by the command;

(III) represent the command in discussions with the military departments regarding acquisition programs for which the command is a customer; and

(IV) work with the military departments to ensure that the command is appropriately represented in any joint working group or integrated product team regarding acquisition programs for which the command is a customer.

(ii) The command acquisition executive of the special operations command shall be responsible to the commander for rapidly delivering acquisition solutions to meet validated special operations-peculiar requirements, subordinate to the Defense Acquisition Executive in matters of acquisition, subject to the same oversight as the service acquisition executives, and included on the distribution list for acquisition directives and instructions of the Department of Defense.

(D) The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the special operations command and such other inspector general functions as may be assigned.

(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1) Unless otherwise directed by the President, the administrative chain of command to the special operations command runs—

(A) from the President to the Secretary of Defense;

(B) from the Secretary of Defense to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

(C) from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the commander of the special operations command.

(2) For purposes of this subsection, administrative chain of command refers to the exercise of authority, direction and control with respect to the special operations-peculiar administration and support of the special operations command, including the readiness and organization of special operations forces, resources and equipment, and civilian personnel. It does not refer to the exercise of authority, direction, and control of operational matters that are subject to the operational chain of command of the commanders of combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not special operations-peculiar that are the purview of the armed forces.

(g) BUDGET.—In addition to the activities of a combatant command for which funding may be requested under section 166(b) of this title, the budget proposal of the special operations command shall include requests for funding for—

(1) development and acquisition of special operations-peculiar equipment; and

(2) acquisition of other material, supplies, or services that are peculiar to special operations activities.

(h) INTELLIGENCE AND SPECIAL ACTIVITIES.—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(i) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the activities of the special operations command. Such regulations shall include authorization for the commander of such command to provide for operational security of special operations forces and activities.

(j) IDENTIFICATION OF SPECIAL OPERATIONS FORCES.—(1) Subject to paragraph (2), for the purposes of this section special operations forces are those forces of the armed forces that—

(A) are identified as core forces or as augmenting forces in the Joint Chiefs of Staff Joint Strategic Capabilities Plan, Annex E, dated December 17, 1985;

(B) are described in the Terms of Reference and Conceptual Operations Plan for the Joint Special Operations Command, as in effect on April 1, 1986; or

(C) are designated as special operations forces by the Secretary of Defense.

(2) The Secretary of Defense, after consulting with the Chairman of the Joint Chiefs of Staff and the commander of the special operations command, may direct that any force included within the description in paragraph (1)(A) or (1)(B) shall not be considered as a special operations force for the purposes of this section.

(k) SPECIAL OPERATIONS ACTIVITIES.—For purposes of this section, special operations activities include each of the following insofar as it relates to special operations:

(1) Direct action.
(2) Strategic reconnaissance.
(3) Unconventional warfare.
(4) Foreign internal defense.
(5) Civil affairs.
(6) Military information support operations.
(7) Counterterrorism.
(8) Humanitarian assistance.

[1] See References in Text note below.

(9) Theater search and rescue.

(10) Such other activities as may be specified by the President or the Secretary of Defense.

(*l*) BUDGET SUPPORT FOR RESERVE ELEMENTS.—(1) Before the budget proposal for the special operations command for any fiscal year is submitted to the Secretary of Defense, the commander of the command shall consult with the Secretaries of the military departments concerning funding for reserve component special operations units. If the Secretary of a military department does not concur in the recommended level of funding with respect to any such unit that is under the jurisdiction of the Secretary, the commander shall include with the budget proposal submitted to the Secretary of Defense the views of the Secretary of the military department concerning such funding.

(2) Before the budget proposal for a military department for any fiscal year is submitted to the Secretary of Defense, the Secretary of that military department shall consult with the commander of the special operations command concerning funding for special operations forces in the military personnel budget for a reserve component in that military department. If the commander of that command does not concur in the recommended level of funding with respect to reserve component special operations units, the Secretary shall include with the budget proposal submitted to the Secretary of Defense the views of the commander of that command.

(Added Pub. L. 99–500, § 101(c) [title IX, § 9115(b)(1)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–122, and Pub. L. 99–591, § 101(c) [title IX, § 9115(b)(1)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–122; Pub. L. 99–661, div. A, title XIII, § 1311(b)(1), Nov. 14, 1986, 100 Stat. 3983; amended Pub. L. 100–180, div. A, title XII, § 1211(d), Dec. 4, 1987, 101 Stat. 1156; Pub. L. 100–456, div. A, title VII, § 712, Sept. 29, 1988, 102 Stat. 1997; Pub. L. 102–88, title VI, § 602(c)(3), Aug. 14, 1991, 105 Stat. 444; Pub. L. 103–337, div. A, title IX, § 925, Oct. 5, 1994, 108 Stat. 2832; Pub. L. 110–181, div. A, title VIII, § 810, Jan. 28, 2008, 122 Stat. 217; Pub. L. 112–81, div. A, title X, § 1086(1), Dec. 31, 2011, 125 Stat. 1603; Pub. L. 113–66, div. A, title IX, § 903, Dec. 26, 2013, 127 Stat. 816; Pub. L. 113–291, div. A, title X, § 1071(c)(3), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 114–328, div. A, title IX, § 922(c), Dec. 23, 2016, 130 Stat. 2356.)

Editorial Notes

REFERENCES IN TEXT

Chapter 137 of this title, referred to in subsec. (e)(4)(B), was repealed by Pub. L. 116–283, div. A, title XVIII, § 1881(a), Jan. 1, 2021, 134 Stat. 4293, effective Jan. 1, 2022, in conjunction with the transfer and reorganization of acquisition provisions in this title by Pub. L. 116–283, div. A, title XVIII, Jan. 1, 2022, 134 Stat. 4149. For definition of ''chapter 137 legacy provisions'', see section 3016 of this title.

The National Security Act of 1947, referred to in subsec. (h), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§ 3091 et seq.) of chapter 44 of Title 50. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

Pub. L. 99–661 and Pub. L. 99–500 added identical sections.

AMENDMENTS

2016—Subsec. (e)(2). Pub. L. 114–328, § 922(c)(1)(A), substituted ''Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander'' for ''The commander'' in introductory provisions.

Subsec. (e)(2)(J). Pub. L. 114–328, § 922(c)(1)(B), added subpar. (J) and struck out former subpar. (J) which read as follows: ''Monitoring the promotions, assignments, retention, training, and professional military education of special operations forces officers.''

Subsecs. (f) to (*l*). Pub. L. 114–328, § 922(c)(2), added subsec. (f) and redesignated former subsecs. (f) to (k) as (g) to (*l*), respectively.

2014—Subsec. (g). Pub. L. 113–291 substituted ''(50 U.S.C. 3091 et seq.)'' for ''(50 U.S.C. 413 et seq.)''.

2013—Subsec. (e)(4)(C)(ii). Pub. L. 113–66 inserted ''responsible to the commander for rapidly delivering acquisition solutions to meet validated special operations-peculiar requirements, subordinate to the Defense Acquisition Executive in matters of acquisition, subject to the same oversight as the service acquisition executives, and'' after ''shall be''.

2011—Subsec. (j)(6). Pub. L. 112–81 added par. (6) and struck out former par. (6) which read as follows: ''Psychological operations.''

2008—Subsec. (e)(4)(C), (D). Pub. L. 110–181 added subpar. (C) and redesignated former subpar. (C) as (D).

1994—Subsec. (k). Pub. L. 103–337 added subsec. (k).

1991—Subsec. (g). Pub. L. 102–88 substituted ''would require a notice'' for ''would require—

''(1) a finding under section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422); or

''(2) a notice'' and ''title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)'' for ''section 501(a)(1) of the National Security Act of 1947 (50 U.S.C. 413)''.

1988—Subsec. (e). Pub. L. 100–456 revised and restated subsec. (e). Prior to amendment, subsec. (e) read as follows:

''(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the special operations command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to special operations activities, including the following functions:

''(A) Developing strategy, doctrine, and tactics.

''(B) Training assigned forces.

''(C) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

''(D) Validating requirements.

''(E) Establishing priorities for requirements.

''(F) Ensuring combat readiness.

''(G) Developing and acquiring special operations-peculiar equipment and acquiring special operations-peculiar material, supplies, and services.

''(H) Ensuring the interoperability of equipment and forces.

''(I) Formulating and submitting requirements for intelligence support.

''(J) Monitoring the promotions, assignments, retention, training, and professional military education of special operations forces officers.

''(2) The commander of such command shall be responsible for monitoring the preparedness of special operations forces assigned to other unified combatant commands to carry out assigned missions.

''(3) Subject to the authority, direction, and control of the Secretary of Defense, the commander of the command, in carrying out his functions under paragraph (1)(G), shall have authority to exercise the functions of the head of an agency under chapter 137 of this title. The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the special operations command and such other inspector general functions as may be assigned.''

1987—Subsec. (e)(3). Pub. L. 100–180 added par. (3).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 99–500, §101(c) [title IX, §9115(i)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–125, Pub. L. 99–591, §101(c) [title IX, §9115(i)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–125, and Pub. L. 99–661, div. A, title XIII, §1311(i), Nov. 14, 1986, 100 Stat. 3986, provided that: ''Section 167 of title 10, United States Code (as added by subsection (b)), shall be implemented not later than 180 days after the date of the enactment of this Act [Oct. 18, 1986].''

REVIEW OF CERTAIN PERSONNEL POLICIES OF SPECIAL OPERATIONS FORCES

Pub. L. 117–263, div. A, title V, §538, Dec. 23, 2022, 136 Stat. 2577, provided that:

''(a) REVIEW REQUIRED.—The Secretary of Defense shall direct the covered officials to review (and, if a covered official determines it necessary, update guidance and processes) matters described in section 167(e)(2)(J) of title 10, United States Code. The covered officials shall complete such review (and update) not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022].

''(b) ELEMENTS OF REVIEW.—The review and updates under subsection (a) shall address the respective roles of the military departments and the United States Special Operations Command with respect to the following:

''(1) Coordination between special operations command and the military departments regarding recruiting and retention to ensure that personnel requirements of special operations forces and the military departments are met appropriately.

''(2) Opportunities for members of special operations forces to enroll in professional military education.

''(3) Promotion opportunities for members of special operations forces and an assessment of whether such opportunities are adequate to fulfill staffing requirements of special operations forces.

''(4) Data sharing between the military departments and special operations command with respect to special operations forces personnel.

''(5) Any other matter the Secretary of Defense determines appropriate.

''(c) REPORT REQUIRED.—Not later than 90 days after completing the review (and any updates) under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such review and any resulting updates to guidance and processes. The report shall also include any recommendations of the Secretary regarding matters described in subsection (a) or (b).

''(d) DEFINITIONS.—In this section:

''(1) The term 'covered officials' means—

''(A) the Secretaries of the military departments;

''(B) the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

''(C) the Commander of special operations command.

''(2) The term 'special operations command' has the meaning given that term in section 167(a) of title 10, United States Code.

''(3) The term 'special operations forces' means the forces described in section 167(j) of title 10, United States Code.''

PROCESSES AND PROCEDURES FOR NOTIFICATIONS REGARDING SPECIAL OPERATIONS FORCES

Pub. L. 116–92, div. A, title XVII, §1745, Dec. 20, 2019, 133 Stat. 1842, provided that:

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall establish and submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] processes and procedures for providing notifications to the committees regarding members of special operations forces, as identified in section 167(j) of title 10, United States Code.

''(b) PROCESSES AND PROCEDURES.—The processes and procedures established under subsection (a) shall—

''(1) clarify the roles and responsibilities of the Secretaries of the military departments, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the Commander of United States Special Operations Command;

''(2) provide guidance relating to the types of matters that would warrant congressional notification, including awards, reprimands, incidents, and any other matters the Secretary determines necessary;

''(3) be consistent with the national security of the United States;

''(4) be designed to protect sensitive information during an ongoing investigation;

''(5) account for the privacy of members of the Armed Forces; and

''(6) take in to account existing processes and procedures for notifications to the congressional defense committees regarding members of the conventional Armed Forces.''

MEMORANDA OF AGREEMENT ON IDENTIFICATION AND DEDICATION OF ENABLING CAPABILITIES OF GENERAL PURPOSE FORCES TO FULFILL CERTAIN REQUIREMENTS OF SPECIAL OPERATIONS FORCES

Pub. L. 112–81, div. A, title IX, §904, Dec. 31, 2011, 125 Stat. 1533, provided that:

''(a) REQUIREMENT.—By not later than 180 days after the date of the enactment of this Act [Dec. 31, 2011] and annually thereafter, each Secretary of a military department shall enter into a memorandum of agreement with the Commander of the United States Special Operations Command that identifies or establishes processes and associated milestones by which numbers and types of enabling capabilities of the general purpose forces of the Armed Forces under the jurisdiction of such Secretary can be identified and dedicated to fulfill the training and operational requirements of special operations forces under the United States Special Operations Command.

''(b) FORMAT.—Such agreements may be accomplished in an annex to existing memoranda of agreement or through separate memoranda of agreement.''

COUNTERTERRORISM OPERATIONAL BRIEFING REQUIREMENT

Pub. L. 112–81, div. A, title X, §1031, Dec. 31, 2011, 125 Stat. 1570, required the Secretary of Defense, beginning not later than March 1, 2012, to provide to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives quarterly briefings outlining Department of Defense counterterrorism operations and related activities involving special operations forces, prior to repeal by Pub. L. 113–66, div. A, title X, §1042(b), Dec. 26, 2013, 127 Stat. 857.

ANNUAL REPORTS ON USE OF COMBAT MISSION REQUIREMENTS FUNDS

Pub. L. 111–383, div. A, title I, §123, Jan. 7, 2011, 124 Stat. 4158, as amended by Pub. L. 112–81, div. A, title I, §145, Dec. 31, 2011, 125 Stat. 1326; Pub. L. 114–328, div. A, title I, §145, Dec. 23, 2016, 130 Stat. 2042, provided that:

''(a) ANNUAL REPORTS REQUIRED.—

''(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the commander of the United States Special Operations Command shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the use of Combat Mission Requirements funds during the preceding fiscal year.

''(2) COMBAT MISSION REQUIREMENTS FUNDS.—For purposes of this section, Combat Mission Requirements funds are amounts available to the Department of Defense for Defense-wide procurement in the

Combat Mission Requirements subaccount of the Defense-wide Procurement account.

''(b) ELEMENTS.—Each report under subsection (a) shall include, for the fiscal year covered by such report, the following:

''(1) The balance of the Combat Mission Requirements subaccount at the beginning of such year.

''(2) The balance of the Combat Mission Requirements subaccount at the end of such year.

''(3) Any transfer of funds into or out of the Combat Mission Requirements subaccount during such year, including the source of any funds transferred into the subaccount, and the objective of any transfer of funds out of the subaccount.

''(4) A description of any requirement—

''(A) approved for procurement using Combat Mission Requirements funds during such year; or

''(B) procured using such funds during such year.

''(5) With respect to each description of a requirement under paragraph (4), the amount of Combat Mission Requirements funds committed to the procurement or approved procurement of such requirement.

''(6) A table setting forth the Combat Mission Requirements approved during the fiscal year in which such report is submitted and the two preceding fiscal years, including for each such Requirement—

''(A) the title of such Requirement;

''(B) the date of approval of such Requirement; and

''(C) the amount of funding approved for such Requirement, and the source of such approved funds.

''(7) A statement of the amount of any unspent Combat Mission Requirements funds from the fiscal year in which such report is submitted and the two preceding fiscal years.

''(c) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.''

[For termination, effective Dec. 31, 2021, of annual reporting provisions in section 123 of Pub. L. 111–383, set out above, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of this title.]

RESOURCES FOR CINCSOF

Pub. L. 100–180, div. A, title XII, §1211(b), Dec. 4, 1987, 101 Stat. 1155, as amended by Pub. L. 104–106, div. A, title IX, §903(f)(5), Feb. 10, 1996, 110 Stat. 402; Pub. L. 104–201, div. A, title IX, §901, Sept. 23, 1996, 110 Stat. 2617, provided that: ''The Secretary of Defense shall provide sufficient resources for the commander of the unified combatant command for special operations forces established pursuant to section 167 of title 10, United States Code, to carry out his duties and responsibilities, including particularly his duties and responsibilities relating to the following functions:

''(1) Developing and acquiring special operations-peculiar equipment and acquiring special operations-peculiar material, supplies, and services.

''(2) Providing advice and assistance to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in the Assistant Secretary's overall supervision of the preparation and justification of the program recommendations and budget proposals for special operations forces.

''(3) Managing assigned resources from the major force program category for special operations forces of the Five-Year Defense Plan of the Department of Defense (as required to be created pursuant to subsection (e)).''

MAJOR FORCE PROGRAM CATEGORY; PROGRAM AND BUDGET EXECUTION; GRADE FOR COMMANDERS OF CERTAIN AREA SPECIAL OPERATIONS COMMANDS

Pub. L. 102–484, div. A, title IX, §936(a), (b), Oct. 23, 1992, 106 Stat. 2479, provided that, during the period beginning on Feb. 1, 1993, and ending on Feb. 1, 1995, the provisions of Pub. L. 99–661, §1311(e), set out below, would apply as if the Secretary of Defense had designated the United States Southern Command and the United States Central Command for the purposes of that section, and required the Secretary of Defense to submit to Congress a report setting forth the Secretary's recommendations for the grade structure for the special operations forces component commander for each unified command not later than Mar. 1, 1994.

Pub. L. 100–180, div. A, title XII, §1211(e), Dec. 4, 1987, 101 Stat. 1156, directed that the major force program category for special operations forces of the Five-Year Defense Plan of the Department of Defense created pursuant to Pub. L. 99–661, §1311(c), set out below, was to be created not later than 30 days after Dec. 4, 1987, and required the Secretary of Defense to submit to committees of Congress on such date a report explaining the program recommendations and budget proposals included in such category and a certification that all program recommendations and budget proposals for special operations forces had been included.

Pub. L. 99–661, div. A, title XIII, §1311(c)–(e), Nov. 14, 1986, 100 Stat. 3985, 3986, provided that:

''(c) MAJOR FORCE PROGRAM CATEGORY.—The Secretary of Defense shall create for the special operations forces a major force program category for the Five-Year Defense Plan of the Department of Defense. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, with the advice and assistance of the commander of the special operations command, shall provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

''(d) PROGRAM AND BUDGET EXECUTION.—To the extent that there is authority to revise programs and budgets approved by Congress for special operations forces, such authority may be exercised only by the Secretary of Defense, after consulting with the commander of the special operations command.

''(e) GRADE FOR COMMANDERS OF CERTAIN AREA SPECIAL OPERATIONS COMMANDS.—The commander of the special operations command of the United States European Command, the United States Pacific Command [now United States Indo-Pacific Command], and any other unified combatant command that the Secretary of Defense may designate for the purposes of this section shall be of general or flag officer grade.''

[Identical provisions were contained in section 101(c) [§9115(c)–(e)] of Pub. L. 99–500 and Pub. L. 99–591, which was repealed by Pub. L. 102–484, div. A, title IX, §936(c), Oct. 23, 1992, 106 Stat. 2479.]

REPORT ON CAPABILITIES OF UNITED STATES TO CONDUCT SPECIAL OPERATIONS AND ENGAGE IN LOW INTENSITY CONFLICTS

Pub. L. 99–500, §101(c) [title IX, §9115(h)(2)], Oct. 18, 1986, 100 Stat. 1783–82, 1783–125, Pub. L. 99–591, §101(c) [title IX, §9115(h)(2)], Oct. 30, 1986, 100 Stat. 3341–82, 3341–125, and Pub. L. 99–661, div. A, title XIII, §1311(h)(2), Nov. 14, 1986, 100 Stat. 3986, required President, not later than one year after the date of enactment, to transmit to Congress a report on capabilities of United States to conduct special operations and engage in low intensity conflicts, the report to include a description of deficiencies in such capabilities, actions being taken throughout executive branch to correct such deficiencies, the principal low intensity conflict threats to interests of United States, and the actions taken and to be taken to implement this section.

[§ 167a. Repealed. Pub. L. 115–232, div. A, title VIII, § 812(a)(1)(A), Aug. 13, 2018, 132 Stat. 1846]

Section, added Pub. L. 108–136, div. A, title VIII, §848(a)(1), Nov. 24, 2003, 117 Stat. 1554; amended Pub. L. 109–163, div. A, title VIII, §846(a), Jan. 6, 2006, 119 Stat. 3391; Pub. L. 110–181, div. A, title VIII, §825, Jan. 28, 2008, 122 Stat. 227, provided for delegation of limited acquisition authority to the commander of the unified combatant command for joint warfighting experimentation.

§ 167b. Unified combatant command for cyber operations

(a) ESTABLISHMENT.—(1) With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for cyber operations forces (hereinafter in this section referred to as the ''United States Cyber Command'').

(2) The principal mission of the United States Cyber Command is to direct, synchronize, and coordinate military cyberspace planning and operations to defend and advance national interests in collaboration with domestic and international partners.

(b) ASSIGNMENT OF FORCES.—(1) Active and reserve cyber forces of the armed forces shall be assigned to the United States Cyber Command through the Global Force Management Process, as approved by the Secretary of Defense.

(2) Cyber forces not assigned to United States Cyber Command remain assigned to combatant commands or service-retained.

(c) GRADE OF COMMANDER.—The Commander of the United States Cyber Command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating that officer's permanent grade. The Commander of such Command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position.

(d) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the Commander of the United States Cyber Command shall be responsible for, and shall have the authority to conduct, all affairs of such Command relating to cyber operations activities.

(2)(A) Subject to the authority, direction, and control of the Principal Cyber Advisor to the Secretary of Defense under section 392a(a) of this title, the Commander of such Command shall be responsible for, and shall have the authority to conduct, the following functions relating to cyber operations activities (whether or not relating to the United States Cyber Command):

(i) Developing strategy, doctrine, and tactics.

(ii) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for cyber operations forces and for other forces assigned to the United States Cyber Command.

(iii) Exercising authority, direction, and control over the expenditure of funds—

(I) for forces assigned directly to the United States Cyber Command; and

(II) for cyber operations forces assigned to unified combatant commands other than the United States Cyber Command, with respect to all matters covered by section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 886; 10 U.S.C. 2224 note) and, with respect to a matter not covered by such section, to the extent directed by the Secretary of Defense.

(iv) Training and certification of assigned joint forces.

(v) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

(vi) Validating requirements.

(vii) Establishing priorities for requirements.

(viii) Ensuring the interoperability of equipment and forces.

(ix) Formulating and submitting requirements for intelligence support.

(x) Monitoring the promotion of cyber operation forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of cyber operation forces.

(B) The authority, direction, and control exercised by the Principal Cyber Advisor for purposes of this section is authority, direction, and control with respect to the administration and support of the United States Cyber Command, including readiness and organization of cyber operations forces, cyber operations-peculiar equipment and resources, and civilian personnel.

(C) Nothing in this section shall be construed as providing the Principal Cyber Advisor authority, direction, and control of operational matters that are subject to the operational chain of command of the combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not cyber-operations peculiar and that are in the purview of the armed forces.

(3) The Commander of the United States Cyber Command shall be responsible for—

(A) ensuring the combat readiness of forces assigned to the United States Cyber Command; and

(B) monitoring the preparedness to carry out assigned missions of cyber forces assigned to unified combatant commands other than the United States Cyber Command.

(C) The staff of the Commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the cyber operations command and such other inspector general functions as may be assigned.

(e) INTELLIGENCE AND SPECIAL ACTIVITIES.—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(Added Pub. L. 114–328, div. A, title IX, §923(a), Dec. 23, 2016, 130 Stat. 2357; amended Pub. L. 115–91, div. A, title X, §1081(a)(12), title XVI, §1635, Dec. 12, 2017, 131 Stat. 1595, 1741; Pub. L. 116–283, div. A, title XVII, §1701(1), Jan. 1, 2021, 134 Stat. 4079; Pub. L. 117–263, div. A, title XV, §1501(c)(1), Dec. 23, 2022, 136 Stat. 2878; Pub. L. 118–159, div. A, title XVII, §1701(a)(4), Dec. 23, 2024, 138 Stat. 2203.)

Editorial Notes

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (e), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of Title 50. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2024—Subsec. (a)(1). Pub. L. 118–159, §1701(a)(4)(A)(i), substituted ''referred to as the 'United States Cyber Command' '' for ''referred to as the 'cyber command' ''.

Subsec. (a)(2). Pub. L. 118–159, §1701(a)(4)(A)(ii), substituted ''United States Cyber Command'' for ''Cyber Command''.

Subsec. (b). Pub. L. 118–159, §1701(a)(4)(B), substituted ''United States Cyber Command'' for ''Cyber Command'' in pars. (1) and (2).

Subsec. (c). Pub. L. 118–159, §1701(a)(4)(C), substituted ''Commander'' for ''commander'' in two places, ''United States Cyber Command'' for ''cyber command'', and ''such Command'' for ''such command''.

Subsec. (d). Pub. L. 118–159, §1701(a)(4)(C), substituted ''Commander'' for ''commander'' and ''United States Cyber Command'' for ''cyber command'' wherever appearing and ''such Command'' for ''such command'' in two places.

2022—Subsec. (d)(2)(A). Pub. L. 117–263 inserted ''to the Secretary of Defense under section 392a(a) of this title'' after ''Principal Cyber Advisor'' in introductory provisions.

2021—Subsec. (a). Pub. L. 116–283, §1701(1)(A), designated existing provisions as par. (1), struck out at end ''The principal function of the command is to prepare cyber operations forces to carry out assigned missions.'', and added par. (2).

Subsec. (b). Pub. L. 116–283, §1701(1)(B), amended subsec. (b) generally. Prior to amendment, text read as follows: ''Unless otherwise directed by the Secretary of Defense, all active and reserve cyber operations forces of the armed forces stationed in the United States shall be assigned to the cyber command.''

2017—Subsec. (d). Pub. L. 115–91, §1635, redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to command of activity or mission.

Subsec. (e). Pub. L. 115–91, §1635(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(2)(A)(iii)(II). Pub. L. 115–91, §1081(a)(12), substituted ''Fiscal Year 2016'' for ''Fiscal Year 2014''.

Subsec. (f). Pub. L. 115–91, §1635(2), redesignated subsec. (f) as (e).

Statutory Notes and Related Subsidiaries

DEPARTMENT OF DEFENSE INFORMATION NETWORK SUBORDINATE UNIFIED COMMAND

Pub. L. 118–159, div. A, title XV, §1502, Dec. 23, 2024, 138 Stat. 2131, provided that:

''(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall designate the Joint Force Headquarters-Department of Defense Information Network as a subordinate unified command under the United States Cyber Command.

''(b) DESIGNATION NOTICE.—On the date on which the Secretary of Defense makes the designation required by subsection (a), the Secretary shall issue to the Secretary of each military department (as defined in section 101(a) of title 10, United States Code), the Chairman of the Joint Chiefs of Staff, the Under Secretaries of the Department of Defense, the Chief of the National Guard Bureau, the General Counsel of the Department of Defense, the Director of Cost Assessment and Program Evaluation, the Inspector General of the Department of Defense, the Director of Operational Test and Evaluation, the Chief Information Officer of the Department of Defense, the Assistant Secretary of Defense for Legislative Affairs, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the Chief Digital and Artificial Intelligence Officer of the Department of Defense, the commander of each combatant command, and the head of each Defense Agency and Department of Defense Field Activity (as such terms are defined, respectively, in section 101(a) of title 10, United States Code) a notice regarding—

''(1) the designation of the Joint Force Headquarters-Department of Defense Information Network as a subordinate unified command under the United States Cyber Command; and

''(2) the mission of the Joint Force Headquarters-Department of Defense Information Network as the lead organization for the network operations, security, and defense of the Department of Defense Information Network.''

DEVELOPMENT OF CYBER SUPPORT MECHANISMS FOR GEOGRAPHIC COMBATANT COMMANDS

Pub. L. 118–31, div. A, title XV, §1506, Dec. 22, 2023, 137 Stat. 540, provided that:

''(a) DEVELOPMENT OF MECHANISMS REQUIRED.—Not later than 270 days after the date of the enactment of this Act [Dec. 22, 2023], each commander of a geographic combatant command, in coordination with the Commander of the United States Cyber Command, shall develop a cyber support mechanism to support the operations of that geographic combatant command.

''(b) ELEMENTS.—Each cyber support mechanism developed with respect to a geographic combatant command under subsection (a) shall include the following:

''(1) Processes to enhance the cyber capabilities of such combatant command.

''(2) Plans to develop and maintain a sufficient cyber planning capacity in such combatant command.

''(3) Processes to integrate cyber capabilities into operational support for such combatant command.

''(4) A prioritization of cyber risks and vulnerabilities within the geographic area of responsibility of such combatant command.

''(5) Specific plans to assist in the defense of friendly foreign countries.''

PILOT PROGRAM AND OTHER MEASURES TO ENHANCE READINESS AND EFFECTIVENESS OF CYBER MISSION FORCE

Pub. L. 118–31, div. A, title XV, §1535, Dec. 22, 2023, 137 Stat. 566, provided that:

''(a) PERSONNEL REQUIREMENTS AND TRAINING FOR CRITICAL WORK ROLES.—Not later than 270 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary of Defense shall—

''(1) direct and oversee the implementation of guidance, to be issued by each Secretary of a military department, that correlates critical work roles to military occupational specialties and periods of obligated service with respect to that military department;

''(2) require that, prior to the attachment or assignment of a member of the Armed Forces to a unit of the United States Cyber Command, the Secretary concerned ensure such member is fully trained and in compliance with the required standards for the work role to be assumed by the member within such unit, including with respect to critical work roles within the Cyber Mission Force;

''(3) ensure that the period of obligated service for members of the Armed Forces is—

''(A) uniform across the military departments with respect to positions of the Cyber Mission Force involving critical work roles;

''(B) commensurate with the financial and time investments made by Secretary concerned for the purpose of furnishing training pursuant to paragraph (2); and

''(C) sufficient to meet the readiness requirements established by the Commander of the United States Cyber Command;

''(4) facilitate consecutive assignments of members of the Armed Forces to the same unit of the United States Cyber Command without inhibiting the advancement or promotion potential of any such member;

''(5) provide to the Secretaries of the military departments direction for the integration of critical work roles into the personnel system of record of the respective military department, to provide for tracking cyber personnel data by work role; and

''(6) establish within at least one military department the curriculum and capacity necessary to train sufficient numbers of members of the Armed Forces from across the military departments in the performance of critical work roles within the Cyber Mission Force to achieve the readiness requirements established by the Commander of United States Cyber Command.

''(b) PILOT PROGRAM ON CONTRACTING FOR SERVICES RELEVANT TO CRITICAL WORK ROLES.—

''(1) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Cyber Command shall carry out a pilot program under which the Commander shall seek to enter into one or more contracts under which skilled contractor personnel provide services relevant to critical work roles within the Cyber Mission Force, for the purpose of enhancing the readiness and effectiveness of the Cyber Mission Force.

''(2) DURATION.—The Commander shall carry out the pilot program under paragraph (1) during the three-year period beginning on the date of the commencement of the pilot program and following such period, may—

''(A) continue carrying out such pilot program for such duration as the Commander considers appropriate;

''(B) transition such pilot program to a permanent program; or

''(C) terminate such pilot program.

''(c) PLAN ON HIRING, TRAINING, AND RETAINING CIVILIANS TO SERVE IN CRITICAL WORK ROLES.—Not later than 120 days after the date of the enactment of this Act, the Commander of the United States Cyber Command shall—

''(1) develop a plan to hire, train, and retain civilians to serve in critical work roles and other work roles within the Cyber Mission Force, for the purpose of enhancing the readiness and effectiveness of the Cyber Mission Force; and

''(2) provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on such plan.

''(d) DEFINITIONS.—In this section:

''(1) The term 'critical work role' means a work role designated as critical by the Commander of the United States Cyber Command for purposes of this section.

''(2) The term 'Secretary concerned' has the meaning given that term in section 101 of title 10, United States Code.''

MANAGEMENT AND OVERSIGHT OF JOINT CYBER WARFIGHTING ARCHITECTURE

Pub. L. 117–263, div. A, title XV, §1509, Dec. 23, 2022, 136 Stat. 2886, provided that:

''(a) ESTABLISHMENT OF OFFICES.—

''(1) REQUIREMENT.—The Secretary of Defense, in consultation with the Commander of the United States Cyber Command, shall establish within the United States Cyber Command—

''(A) a program executive office; and

''(B) one or more subordinate program management offices under the program executive office.

''(2) RESPONSIBILITIES.—The offices established pursuant to paragraph (1) shall—

''(A) oversee, manage, and execute the Joint Cyber Warfighting Architecture;

''(B) oversee, manage, and execute the programs designated, or to be designated, as part of the Joint Cyber Warfighting Architecture;

''(C) conduct mission engineering, architecting, and design of the Joint Cyber Warfighting Architecture system of systems, and any successor effort;

''(D) maintain a validated Joint Cyber Warfighting Architecture system of systems mission architecture, updated regularly to inform the current and future constituent programs of the Joint Cyber Warfighting Architecture, and the continuous delivery pipelines of such programs;

''(E) ensure that the Joint Cyber Warfighting Architecture component solution architectures align with and support the Joint Cyber Warfighting Architecture system of systems mission architecture;

''(F) support integration of mission-specific capabilities, including mission-specific data, analytics, defensive tools, offensive tools, and intelligence systems, acquired through non-Joint Cyber Warfighting Architecture programs; and

''(G) carry out any other responsibilities determined appropriate by the Secretary of Defense, including the acquisition of cyber operations capabilities beyond the Joint Cyber Warfighting Architecture.

''(3) APPORTIONMENT OF RESPONSIBILITIES.—The Commander shall apportion the responsibilities under paragraph (2) across the offices established pursuant to paragraph (1).

''(4) AUTHORITY.—The Secretary shall ensure that the offices established pursuant to paragraph (1) are empowered with the authority necessary to compel and enforce compliance with decisions and directives issued pursuant to the responsibilities under paragraph (2).

''(b) ARCHITECTURE COMPONENTS.—The Commander shall serve as the sole sponsor and requirements manager for the Joint Cyber Warfighting Architecture and the constituent programs of such architecture, as determined by the Commander.

''(c) ORGANIZATION OF PROGRAM EXECUTIVE OFFICE.—

''(1) HEAD.—

''(A) REPORTING.—The head of the program executive office established under subsection (a)(1)(A) shall report to the Command Acquisition Executive of the United States Cyber Command.

''(B) ADDITIONAL OVERSIGHT.—In addition to the oversight of the head of the program executive office provided by the Command Acquisition Executive under subparagraph (A), the Under Secretary of Defense for Acquisition and Sustainment, the Under Secretary of Defense for Research and Engineering, and the Principal Cyber Advisor of the Department of Defense shall provide oversight of the head.

''(2) RESPONSIBILITIES.—The head of the program executive office shall—

''(A) exercise central technical authority for the Joint Cyber Warfighting Architecture;

''(B) manage and provide oversight of the implementation and integration of the Architecture; and

''(C) provide direction to subordinate program offices, as determined appropriate by the Commander.

''(d) PERSONNEL.—

''(1) NECESSARY POSITIONS.—The Commander of the United States Cyber Command shall ensure that the program executive office or any subordinate program management office established pursuant to subsection (a)(1) includes in the staff of the respective office a chief architect, a systems engineer, and a chief talent officer to—

''(A) develop a mission-driven Joint Cyber Warfighting Architecture optimized for execution of missions of the United States Cyber Command;

''(B) ensure the office is properly and effectively staffed; and

''(C) advise the head of the office with respect to the execution of—

''(i) the central technical authority for the Joint Cyber Warfighting Architecture;

''(ii) the management of the implementation and integration of the Joint Cyber Warfighting Architecture; and

''(iii) technical direction provided to subordinates responsible for individual Joint Cyber Warfighting Architecture programs.

''(2) STAFFING.—

''(A) IN GENERAL.—The Secretary of Defense, in coordination with the Commander of the United States Cyber Command, shall ensure that the offices established pursuant to subsection (a)(1) are appropriately staffed with expert talent, including from the following organizations, as appropriate:

''(i) The headquarters staff of the United States Cyber Command, the Cyber National Mission Force, the Joint Force Headquarters-Cyber, and the Cyber Mission Force.

''(ii) The Capabilities Directorate of the National Security Agency.

''(iii) The military departments.

''(iv) The Cyber Capabilities Support Office of the Air Force.

''(v) The Defense Advanced Research Projects Agency.

''(vi) The Strategic Capabilities Office.

''(vii) Research laboratories of the military departments.

''(viii) The Defense Information Systems Agency.

''(B) TECHNICAL TALENT.—In addition to the requirement under subparagraph (A), to support the permanent staffing of the offices established pursuant to subsection (a)(1), the Commander of the United States Cyber Command shall ensure that the offices deliberately hire and use technical talent resident in the defense industrial base, commercial technology industry, federally funded research and development centers, university affiliated research centers, and the rest of the Federal Government.

''(e) BUDGET EXECUTION CONTROL.—The Secretary shall provide to the United States Cyber Command the resources necessary to support the program executive office established under subsection (a)(1)(A) and the Commander of the United States Cyber Command shall exercise budget execution control over component programs of the Joint Cyber Warfighting Architecture that are subject to the responsibilities assigned to the Commander by section 1507 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 167b note).

''(f) CONSTELLATION PROGRAM.—The Director of the Defense Advanced Research Projects Agency and the head of the program executive office established under subsection (a)(1)(A) shall plan and carry out the Constellation program by entering into transactions under section 4021 of title 10, United States Code. In carrying out the preceding sentence, the Secretary shall establish an effective framework and pipeline system for maturing cyber operations-relevant technologies developed by the Agency, integrating the technologies into Joint Cyber Warfighting Architecture capabilities, and transitioning the technologies into operational use by the United States Cyber Command.

''(g) TRANSITION.—The Secretary of Defense, in coordination with the Commander of the United States Cyber Command, shall transition responsibilities for the management and execution of Joint Cyber Warfighting Architecture programs from the military departments to the offices established pursuant to subsection (a)(1) by the earlier of the following:

''(1) The date on which—

''(A) the offices are appropriately staffed and resourced; and

''(B) the Commander determines that the transition is appropriate.

''(2) The date that is five years after the date of the enactment of this Act [Dec. 23, 2022].

''(h) REVIEW.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment and the Commander of the United States Cyber Command, in coordination with the Under Secretary of Defense for Research and Engineering, the Principal Cyber Advisor of the Department of Defense, the Secretaries of the military departments, the Director of the Defense Advanced Research Projects Agency, and the Director of the National Security Agency, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] an integrated review of the Joint Cyber Warfighting Architecture and all other capabilities required for the execution of the missions of the United States Cyber Command to determine the following:

''(1) The extent to which capabilities of the United States Cyber Command and the National Security Agency should be joint, mutually available, integrated, or interoperable.

''(2) Whether each of the Joint Cyber Warfighting Architecture capabilities has been effectively designed and architected to enable each of the missions of the United States Cyber Command.

''(3) How the Joint Cyber Warfighting Architecture will support defense of the Department of Defense Information Network and its relation to existing datasets, sensors, tools, firewalls, and capabilities deployed at each echelon of the Department of Defense Information Network.

''(4) What data, capabilities, and technologies external to the current Joint Cyber Warfighting Architecture programs, as of the date of the review, should be acquired as part of the Joint Cyber Warfighting Architecture and under the control of the offices established pursuant to subsection (a)(1).

''(5) What mission-specific data, capabilities, and technologies external to the current Joint Cyber Warfighting Architecture programs should integrate with or be interoperable with the Joint Cyber Warfighting Architecture system of systems.

''(6) The organization and staffing of such offices, including—

''(A) whether the program executive office should be responsible for overseeing the acquisition of the cyber operations capabilities of the United States Cyber Command generally or the Joint Cyber Warfighting Architecture specifically;

''(B) what subordinate program management offices should be established under the program executive office;

''(C) whether the Joint Cyber Warfighting Architecture programs should be consolidated within a single program management office; and

''(D) which personnel should be appointed to such offices pursuant to subsection (d)(1).

''(7) The timeline for the execution of the transition under subsection (g).

''(8) The acquisition strategy of the Department for procuring the Joint Cyber Warfighting Architecture and related capabilities, including relevant enterprise strategic initiatives and contracting strategies.

''(9) The responsibilities of the United States Cyber Command J2, J3, J5, J6, J8, and J9 in acquiring, authorizing, and managing cyber capabilities.

''(10) The physical locations of the offices established pursuant to subsection (a)(1).

''(i) BRIEFING REQUIRED.—Not later than 540 days after the date of the enactment of this Act [Dec. 23, 2022], the Under Secretary of Defense for Acquisition and Sustainment and the Commander of the United States Cyber Command shall jointly provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the status of the implementation of this section.

''(j) REPEAL.—[Repealed section 1645 of Pub. L. 114–92, formerly set out as a note preceding section 4571 of this title.]

''(k) JOINT CYBER WARFIGHTING ARCHITECTURE DEFINED.—In this section, the term 'Joint Cyber Warfighting Architecture' means the range of joint cyber warfighting systems and capabilities that support the full spectrum of military cyber operations, as designated by the Commander of the United States Cyber Command, and includes any such successor effort.''

TOTAL FORCE GENERATION FOR THE CYBERSPACE OPERATIONS FORCES

Pub. L. 117–263, div. A, title XV, §1533, Dec. 23, 2022, 136 Stat. 2903, provided that:

''(a) STUDY.—

''(1) REQUIREMENT.—Not later than June 1, 2024, the Secretary of Defense shall complete a study on the responsibilities of the military services for organizing, training, and presenting the total force to United States Cyber Command.

''(2) ELEMENTS.—The study under paragraph (1) shall assess the following:

''(A) Which military services should man, train, equip, and organize the forces necessary to execute the functions and missions of the Cyber Mission Force and the Cyberspace Operations Forces for assignment, allocation, and apportionment to, or under the directive authority of, the United States Cyber Command.

''(B) The sufficiency of the military service accession and training model to provide forces to the Cyberspace Operations Forces and the sufficiency of the accessions and personnel resourcing of the supporting command and control staffs necessary as a component to the United States Cyber Command.

''(C) The organization of the Cyber Mission Forces and whether the total forces or elements of the forces function best as a collection of independent teams or through a different model.

''(D) How to correct chronic shortages of proficient personnel in key work roles.

''(E) The need for additional work roles or skills to enable effective infrastructure management and generate access to targets.

''(F) What unique or training-intensive expertise is required for each of the work roles identified in subparagraph (E) and whether native talents to master unique and training-intensive work roles can be identified and how personnel with those talents can be developed, retained, and employed across the active and reserve components.

''(G) The appropriate pay scales, rotation or force management policies, career paths and progression, expertise-based grading, talent management practices, and training for each of those work roles, given expected operational requirements.

''(H) Whether a single military service should be responsible for basic, intermediate, and advanced training for the Cyber Mission Force.

''(I) The level of training required before an individual should be assigned, allocated, or apportioned to the United States Cyber Command.

''(J) Whether or how the duties of the Director of the National Security Agency and the duties of the Commander of United States Cyber Command, resting with a single individual, enable each respective organization, and whether technical directors and intelligence experts of the National Security Agency should serve rotations in the Cyber Mission Force.

''(K) How nonmilitary personnel, such as civilian government employees, contracted experts, commercial partners, and domain or technology-specific experts in industry or the intelligence community can serve in, augment, or support Cyber Mission Force teams.

''(L) What work roles in the Cyberspace Operations Forces can only be filled by military personnel, which work roles can be filled by civilian employees or contractors, and which work roles should be filled partially or fully by civilians due to the need for longevity of service to achieve required skill levels or retention rates.

''(M) How specialized cyber experience, developed and maintained in the reserve component, can be more effectively leveraged to support the Cyberspace Operations Forces through innovative force generation models.

''(N) Whether the Department of Defense should create a separate service to perform the functions and missions currently performed by Cyber Mission Force units generated by multiple military services.

''(O) Whether the Department of Defense is maximizing partnerships with industry and other nontraditional sources of expertise and capacity in the areas of critical infrastructure protection and information sharing.

''(P) Whether the Defense Readiness Reporting System of the Department of Defense is sufficient to capture Cyber Mission Force readiness metrics.

''(3) CONSIDERATIONS.—The study required by paragraph (1) shall consider existing models for total force generation practices and programs, as well as nontraditional and creative alternatives.

''(b) RECOMMENDATIONS.—

''(1) IN GENERAL.—Not later than June 1, 2024, the Principal Cyber Advisor of the Department of Defense and the Commander of the United States Cyber Command shall submit to the Secretary of Defense one or more recommendations, respectively, as to the future total force generation model for both the Cyber Mission Force and the Cyberspace Operations Forces.

''(2) MATTERS ADDRESSED.—The recommendations under paragraph (1) shall address, at a minimum, each of the elements identified in subsection (a)(2).

''(c) ESTABLISHMENT OF A REVISED MODEL REQUIRED.—

''(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Defense shall establish a revised total force generation model for the Cyberspace Operations Forces.

''(2) ELEMENTS.—In establishing a revised total force generation model under paragraph (1), the Secretary shall explicitly determine the following:

''(A) Whether the Navy should no longer be responsible for developing and presenting forces to the United States Cyber Command as part of the Cyber Mission Force or Cyberspace Operations Forces, including recommendations for corresponding transfer of responsibilities and associated resources and personnel for the existing and future year programmed Cyberspace Operations Forces or Cyber Mission Force resources.

''(B) Whether a single military service should be responsible for organizing, training, and equipping the Cyberspace Operations Forces, or if different services should be responsible for different components of the Cyberspace Operations Forces.

''(C) Whether modification of United States Cyber Command enhanced budget control authorities are necessary to further improve total force generation for Cyberspace Operations Forces.

''(D) Implications of low service retention rates for critical roles within the Cyber Mission Force, and the mix of actions necessary to correct them, including multiple rotations in critical work roles, length of service commitments, repeat tours within the Cyber Mission Force, retention incentives across the entire Cyberspace Operations Forces, and best practices for generating the future force.

''(d) IMPLEMENTATION PLAN.—Not later than June 1, 2025, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] an implementation plan for effecting the revised total force generation model required under subsection (c).

''(e) PROGRESS BRIEFING.—Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2022], and not less frequently than once every 180 days there-

after until receipt of the plan required by subsection (d), the Secretary shall provide the congressional defense committees with a briefing on the progress made in carrying out this section.

''(f) ADDITIONAL CONSIDERATIONS.—The Secretary shall ensure that subsections (a) through (c) are carried out with consideration to matters relating to the following:

''(1) The cybersecurity service providers, local defenders, and information technology personnel who own, operate, and defend the information networks of the Department of Defense.

''(2) Equipping the Cyberspace Operations Forces to include infrastructure management.

''(3) Providing intelligence support to the Cyberspace Operations Forces.

''(4) The resources, including billets, needed to account for any recommended changes.''

CORRECTING CYBER MISSION FORCE READINESS SHORTFALLS

Pub. L. 117–263, div. A, title XV, § 1534, Dec. 23, 2022, 136 Stat. 2906, provided that:

''(a) PLAN AND BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Secretaries of the military departments shall jointly—

''(1) develop a near-term plan to correct readiness shortfalls in the Cyber Mission Forces over the period covered by the most recent future-years defense program submitted to Congress under section 221 of title 10, United States Code;

''(2) develop recommendations for such legislative action as the Secretary of Defense, the Chairman, and the Secretaries of the military departments jointly consider appropriate to correct the readiness shortfalls described in paragraph (1); and

''(3) provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the plan under paragraph (1) and the recommendations under paragraph (2).

''(b) IMPLEMENTATION.—Not later than 30 days after the date of the briefing provided under paragraph (3) of subsection (a), the Secretary of Defense and the Chairman shall commence implementation of the aspects of the plan developed under paragraph (1) of such subsection that are not dependent upon legislative action.

''(c) MATTERS TO BE ADDRESSED.—In developing the plan under paragraph (1) of subsection (a), the Secretary of Defense, the Chairman, and the Secretaries of the military departments shall consider and explicitly address through analysis the following potential courses of action, singly and in combination, to increase the availability of personnel in key work roles:

''(1) Determining the correct number of personnel necessary to fill key work roles, including the proper force mix of civilian, military, and contractor personnel, and the means necessary to meet those requirements.

''(2) Employing civilians rather than military personnel in key work roles.

''(3) Expanding training capacity.

''(4) Modifying or creating new training models.

''(5) Maximizing use of compensation and incentive authorities, including increasing bonuses and special pays, and alternative compensation mechanisms.

''(6) Modifying career paths and service policies to permit consecutive assignments in key work roles without jeopardizing promotion opportunities.

''(7) Increasing service commitments following training commensurate with the value of the key work role training.

''(8) Standardizing compensation models across the services.

''(9) Requiring multiple rotations within the Cyber Mission Forces for key work roles.

''(10) Adopting and implementing what are known as 'rank in person' policies that enable civilian personnel to be promoted on the basis of skills and abilities demonstrated in a given position.

''(11) A review of departmental guidance and processes consistent with section 167b(d)(2)(A)(x) of title 10, United States Code, with respect to the authority of the Commander of United States Cyber Command to monitor the promotions of certain cyber operations forces and coordinate with the Secretaries regarding the assignment, retention, training, professional military education, and special and incentive pays of certain cyber operations forces, including—

''(A) the recruiting, retention, professional military education, and promotion of certain cyber operations personnel;

''(B) the sharing of personnel data between the military departments and the United States Cyber Command; and

''(C) structures, departmental guidance, and processes developed between the military departments and the United States Special Operations Command with respect to the authority of the Commander of the United States Special Operations Command described in section 167(e)(2)(J) of title 10, United States Code, that could be used as a model for the United States Cyber Command.

''(d) KEY WORK ROLES DEFINED.—In this section, the term 'key work roles' means work roles that consist of access development, tool development, and exploitation analysis.''

REVIEW OF DEFINITIONS ASSOCIATED WITH CYBERSPACE OPERATIONS FORCES

Pub. L. 117–263, div. A, title XV, § 1557, Dec. 23, 2022, 136 Stat. 2924, provided that:

''(a) REVIEW.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Defense, acting through the Principal Cyber Advisor of the Department of Defense and the Principal Cyber Advisors of the military departments, shall—

''(1) review—

''(A) the memorandum of the Secretary of Defense dated December 12, 2019, concerning the definition of the term 'Department of Defense Cyberspace Operations Forces (DoD COF)'; and

''(B) the responsibilities of the Commander of the United States Cyber Command as the Cyberspace Joint Force Provider and Cyberspace Joint Force Trainer, with respect to forces included and excluded from the Cyberspace Operations Forces; and

''(2) update such memorandum and, as appropriate, update such responsibilities.

''(b) ELEMENTS.—The review under subsection (a) shall include the following:

''(1) A comprehensive assessment of units and components of the Department of Defense conducting defensive cyberspace operations which are not currently included in the definition specified in paragraph (1)(A) of such subsection.

''(2) Consideration of options for participation in the Cyberspace Operations Forces by forces without regard to whether the forces are included in such definition, including options under which—

''(A) forces currently excluded from the Cyberspace Operations Forces because of such definition may access training, resources, and expertise of the Cyberspace Operations Forces;

''(B) the Commander of the United States Cyber Command may issue advisory tasking to forces that are not Cyberspace Operations Forces pursuant to such definition; and

''(C) forces that are not Cyberspace Operations Forces pursuant to such definition are subject to training standards established by the Commander as the Cyberspace Joint Force Trainer.''

ASSIGNMENT OF CERTAIN BUDGET CONTROL RESPONSIBILITIES TO COMMANDER OF UNITED STATES CYBER COMMAND

Pub. L. 117–81, div. A, title XV, § 1507, Dec. 27, 2021, 135 Stat. 2030, provided that:

''(a) ASSIGNMENT OF RESPONSIBILITIES.—

''(1) IN GENERAL.—The Commander of United States Cyber Command shall, subject to the authority, direction, and control of the Principal Cyber Advisor of the Department of Defense, be responsible for directly controlling and managing the planning, programming, budgeting, and execution of resources to train, equip, operate, and sustain the Cyber Mission Forces.

''(2) EFFECTIVE DATE AND APPLICABILITY.—Paragraph (1) shall take effect on the date of the enactment of this Act [Dec. 27, 2021] and apply—

''(A) on January 1, 2022, for controlling and managing budget execution; and

''(B) beginning with fiscal year 2024 and each fiscal year thereafter for directly controlling and managing the planning, programming, budgeting, and execution of resources.

''(b) ELEMENTS.—

''(1) IN GENERAL.—The responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1) shall include the following:

''(A) Preparation of a program objective memorandum and budget estimate submission for the resources required to train, equip, operate, and sustain the Cyber Mission Forces.

''(B) Preparation of budget materials pertaining to United States Cyber Command for inclusion in the budget justification materials that are submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President for a fiscal year under section 1105(a) of title 31, United States Code) that is separate from any other military service or component of the Department.

''(2) RESPONSIBILITIES NOT DELEGATED.—The responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1) shall not include the following:

''(A) Military pay and allowances.

''(B) Funding for facility support that is provided by the military services.

''(c) IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Not later than the date that is 30 days after the date of the enactment of this Act, the Comptroller General of the Department of Defense and the Commander of United States Cyber Command, in coordination with Chief Information Officer of the Department, the Principal Cyber Advisor, the Under Secretary of Defense for Acquisition and Sustainment, Cost Assessment and Program Evaluation, and the Secretaries of the military departments, shall jointly develop an implementation plan for the transition of responsibilities assigned to the Commander of United States Cyber Command pursuant to subsection (a)(1).

''(2) ELEMENTS.—The implementation plan developed under paragraph (1) shall include the following:

''(A) A budgetary review to identify appropriate resources for transfer to the Commander of United States Cyber Command for carrying out responsibilities assigned pursuant to subsection (a)(1).

''(B) Definitions of appropriate roles and responsibilities.

''(C) Specification of all program elements and sub-elements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operations, and sustainment investments in each such program element and sub-element for which the Commander of United States Cyber Command is responsible.

''(D) Specification of all program elements and sub-elements, and the training, equipment, Joint Cyber Warfighting Architecture capabilities, other enabling capabilities and infrastructure, intelligence support, operations, and sustainment investments in each such program element and sub-element relevant to or that support the Cyber Mission Force for which the Secretaries of the military departments are responsible.

''(E) Required levels of civilian and military staffing within United States Cyber Command to carry out subsection (a)(1), and an estimate of when such levels of staffing will be achieved.

''(d) BRIEFING.—

''(1) IN GENERAL.—Not later than the earlier of the date on which the implementation plan under subsection (c) is developed or the date that is 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the implementation plan.

''(2) ELEMENTS.—The briefing required by paragraph (1) shall address any recommendations for when and how the Secretary of Defense should delegate to the Commander of United States Cyber Command budget authority for the Cyber Operations Forces (as such term is defined in the memorandum issued by the Secretary of Defense on December 12, 2019, relating to the definition of 'Department of Defense Cyberspace Operations Forces (DoD COF)'), after successful implementation of the responsibilities described in subsection (a) relating to the Cyber Mission Forces.''

Executive Documents

ELEVATION OF U.S. CYBER COMMAND TO A UNIFIED COMBATANT COMMAND

Memorandum of President of the United States, Aug. 15, 2017, 82 F.R. 39953, provided:

Memorandum for the Secretary of Defense

Pursuant to my authority as the Commander in Chief and under sections 161 and 167b of title 10, United States Code, and in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, I direct that U.S. Cyber Command be established as a Unified Combatant Command. I also direct the Secretary of Defense to recommend an officer for my nomination and Senate confirmation as commander in order to establish U.S. Cyber Command as a Unified Combatant Command.

I assign to U.S. Cyber Command: (1) all the general responsibilities of a Unified Combatant Command; (2) the cyberspace-related responsibilities previously assigned to the Commander, U.S. Strategic Command; (3) the responsibilities of Joint Force Provider and Joint Force Trainer; and (4) all other responsibilities identified in section 167b of title 10, United States Code. The comprehensive list of authorities and responsibilities for U.S. Cyber Command will be included in the next update to the Unified Command Plan.

I further direct that the Secretary of Defense, in coordination with the Director of National Intelligence, provide a recommendation and, as appropriate, a plan to me regarding the future command relationship between the U.S. Cyber Command and the National Security Agency.

Consistent with section 161(b)(2) of title 10, United States Code, and section 301 of title 3, United States Code, you are directed to notify the Congress on my behalf.

You are authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

[§ 168. Repealed. Pub. L. 114–328, div. A, title XII, § 1253(a)(1)(A), Dec. 23, 2016, 130 Stat. 2532]

Section, added Pub. L. 103–337, div. A, title XIII, § 1316(a)(1), Oct. 5, 1994, 108 Stat. 2898; amended Pub. L. 104–106, div. A, title IV, § 416, Feb. 10, 1996, 110 Stat. 289; Pub. L. 108–375, div. A, title IV, § 416(e), Oct. 28, 2004, 118 Stat. 1868; Pub. L. 110–181, div. A, title XII, § 1201, Jan. 28, 2008, 122 Stat. 363; Pub. L. 110–417, [div. A], title XII, § 1202(a), Oct. 14, 2008, 122 Stat. 4622, related to military-to-military contacts and comparable activities.

Statutory Notes and Related Subsidiaries

UPDATE OF POLICY GUIDANCE ON AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE AND REGIONAL ORGANIZATIONS

Pub. L. 113–291, div. A, title X, §1047(b), Dec. 19, 2014, 128 Stat. 3495, required the Under Secretary of Defense for Policy to issue an update of the policy of the Department of Defense for assignment of civilian employees of the Department as advisors to foreign ministries of defense and regional organizations under the authority in section 1081 of Pub. L. 112–81, formerly set out as a note under this section.

Pub. L. 113–66, div. A, title X, §1094(a)(2), Dec. 26, 2013, 127 Stat. 878, required the Under Secretary of Defense for Policy to issue an update of the policy of the Department of Defense for assignment of civilian employees of the Department as advisors to foreign ministries of defense under the authority in section 1081 of Pub. L. 112–81, formerly set out as a note under this section.

DEFENSE INSTITUTION CAPACITY BUILDING PROGRAM

Pub. L. 112–81, div. A, title X, §1081, Dec. 31, 2011, 125 Stat. 1599, as amended by Pub. L. 113–66, div. A, title X, §1094(a)(1), (3)–(5), Dec. 26, 2013, 127 Stat. 878; Pub. L. 113–291, div. A, title X, §1047(a), (c), Dec. 19, 2014, 128 Stat. 3494, 3495; Pub. L. 114–92, div. A, title X, §1055(a)–(d)(1), Nov. 25, 2015, 129 Stat. 982, 983, which related to the Defense Institution Capacity Building Program, was repealed by Pub. L. 114–328, div. A, title XII, §1241(c)(3), Dec. 23, 2016, 130 Stat. 2500.

AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES

Pub. L. 111–84, div. A, title XII, §1207, Oct. 28, 2009, 123 Stat. 2514, as amended by Pub. L. 112–239, div. A, title XII, §1202, Jan. 2, 2013, 126 Stat. 1980; Pub. L. 114–92, div. A, title XII, §1204, Nov. 25, 2015, 129 Stat. 1039, which related to authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries, was repealed by Pub. L. 114–328, div. A, title XII, §1242(c)(2), Dec. 23, 2016, 130 Stat. 2513.

AGREEMENTS FOR EXCHANGE OF DEFENSE PERSONNEL BETWEEN UNITED STATES AND FOREIGN COUNTRIES

Pub. L. 104–201, div. A, title X, §1082, Sept. 23, 1996, 110 Stat. 2672, which related to agreements for exchange of defense personnel between the United States and foreign countries, was repealed by Pub. L. 114–328, div. A, title XII, §1242(c)(1), Dec. 23, 2016, 130 Stat. 2513. See section 311 of this title.

[§ 169. Repealed. Pub. L. 116–92, div. A, title XVI, § 1601(a), Dec. 20, 2019, 133 Stat. 1722]

Section, added Pub. L. 115–232, div. A, title XVI, §1601(a)(1), Aug. 13, 2018, 132 Stat. 2101, related to United States Space Command for carrying out joint space warfighting operations. See chapter 908 of this title.

CHAPTER 7—BOARDS, COUNCILS, AND COMMITTEES

Sec.
171. Armed Forces Policy Council.
171a. Council on Oversight of the National Leadership Command, Control, and Communications System.
172. Explosive safety board.
173. Advisory personnel.
174. Advisory personnel: research and development.
175. Reserve Forces Policy Board.
176. Armed Forces Institute of Pathology.
177. American Registry of Pathology.
178. The Henry M. Jackson Foundation for the Advancement of Military Medicine.
179. Nuclear Weapons Council.
180. Service academy athletic programs: review board.
181. Joint Requirements Oversight Council.
182. Center for Excellence in Disaster Management and Humanitarian Assistance.
182a. Center for Excellence in Environmental Security.
183. Department of Defense Board of Actuaries.
183a. Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions.
184. Civilian Protection Center of Excellence.
185. Joint Safety Council.
[186, 187. Repealed.]
188. Interagency Council on the Strategic Capability of the National Laboratories.
189. Communications Security Review and Advisory Board.
[190. Repealed.]

Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31, div. A, title III, §363(1), Dec. 22, 2023, 137 Stat. 233, redesignated item 184 ''Joint Safety Council'' as 185. Amendment was made pursuant to operation of section 102 of this title.

2022—Pub. L. 117–263, div. A, title III, §311, title X, §1082(a)(2), title XIV, §1411(a), Dec. 23, 2022, 136 Stat. 2500, 2799, 2869, added item 182a and item 184 ''Civilian Protection Center of Excellence'' and struck out item 187 ''Strategic Materials Protection Board''. Striking of item 187 was made pursuant to operation of section 102 of this title.

2021—Pub. L. 117–81, div. A, title III, §372(b), Dec. 27, 2021, 135 Stat. 1666, added item 184 ''Joint Safety Council''.

2019—Pub. L. 116–92, div. A, title VIII, §810(b), title XVII, §1731(a)(10), Dec. 20, 2019, 133 Stat. 1487, 1813, substituted ''Military Aviation and Installation Assurance Clearinghouse for review of mission obstructions'' for ''Military Aviation and Installation Assurance Siting Clearinghouse for review of mission obstructions'' in item 183a and struck out item 190 ''Defense Cost Accounting Standards Board''.

2017—Pub. L. 115–91, div. A, title III, §§311(b)(4), 341(b)(2), Dec. 12, 2017, 131 Stat. 1348, 1361, substituted ''Explosive safety board'' for ''Ammunition storage board'' in item 172 and added item 183a.

2016—Pub. L. 114–328, div. A, title VIII, §820(b)(2), title IX, §904(b), title XII, §1241(*o*)(3), Dec. 23, 2016, 130 Stat. 2276, 2345, 2512, struck out items 184 ''Regional Centers for Security Studies'' and 185 ''Financial Management Modernization Executive Committee'' and, effective Oct. 1, 2018, added item 190.

2014—Pub. L. 113–291, div. A, title IX, §901(*l*)(2), title X, §1071(f)(3), Dec. 19, 2014, 128 Stat. 3468, 3510, struck out item 186 ''Defense Business System Management Committee'' and inserted period at end of item 189.

2013—Pub. L. 113–66, div. A, title II, §261(b), title X, §1052(a)(2), Dec. 26, 2013, 127 Stat. 725, 861, added items 171a and 189.

Pub. L. 112–239, div. A, title X, §1040(b), Jan. 2, 2013, 126 Stat. 1930, added item 188.

2008—Pub. L. 110–417, [div. A], title X, §1061(a)(3), Oct. 14, 2008, 122 Stat. 4612, inserted period at end of item 183.

Pub. L. 110–181, div. A, title IX, §906(a)(2), Jan. 28, 2008, 122 Stat. 277, added item 183.

2006—Pub. L. 109–364, div. A, title VIII, §843(b), title IX, §904(a)(2), Oct. 17, 2006, 120 Stat. 2339, 2353, substituted ''Regional Centers for Security Studies'' for ''Department of Defense regional centers for security studies'' in item 184 and added item 187.

2004—Pub. L. 108–375, div. A, title III, §332(b)(2), Oct. 28, 2004, 118 Stat. 1855, added item 186.

2002—Pub. L. 107–314, div. A, title X, §1041(a)(1)(B), Dec. 2, 2002, 116 Stat. 2645, struck out item 183 ''Advisory committees: annual justification required''.