

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	Repealed.]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	Repealed.]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 head-

quarters 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