

“(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 Mis-

sion 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.

Sec.
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”.