

(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.)

AMENDMENTS

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

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.

(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; and
- (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.

(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 \$20,000,000 may be used to purchase items with a unit cost in excess of the investment unit cost threshold in effect under section 2245a of this title;

(B) not more than \$10,000,000 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 \$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).

(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.)

AMENDMENTS

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, subsec. (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).”

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.