

section 431 (now 491) of Title 37, Pay and Allowances of the Uniformed Services, by section 1302(b)(1) of Pub. L. 99-145.

#### AMENDMENTS

2008—Subsec. (c)(2). Pub. L. 110-181, §931(a)(1), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (e)(2). Pub. L. 110-181, §904(c), substituted “that the Director of the Agency shall report directly to the Deputy Chief Management Officer of the Department of Defense.” for “that the Agency be managed cooperatively by the Deputy Under Secretary of Defense for Business Transformation and the Deputy Under Secretary of Defense for Financial Management.”

2006—Subsec. (e). Pub. L. 109-163 added subsec. (e).

1999—Subsec. (d). Pub. L. 106-65 substituted “October 17, 1998” for “the date of the enactment of this subsection”.

1998—Subsec. (d). Pub. L. 105-261 added subsec. (d).

#### CHANGE OF NAME

“Under Secretary of Defense for Business Management and Information” substituted for “Deputy Chief Management Officer of the Department of Defense” in subsec. (e)(2) after Feb. 1, 2017, on authority of section 901(n)(1) of Pub. L. 113-291, set out as a References note under section 131 of this title.

#### FIRST REVIEW OF DEFENSE AGENCIES BY SECRETARY OF DEFENSE

Pub. L. 99-433, title III, §304(a), Oct. 1, 1986, 100 Stat. 1024, required the first review under subsec. (c) of this section to be completed not later than two years after the date that the report under Pub. L. 99-433, §303(e), formerly set out as a note under section 191 of this title, was required to be submitted to Congress (Oct. 1, 1987).

### § 193. Combat support agencies: oversight

(a) COMBAT READINESS.—(1) Periodically (and not less often than every two years), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense and the congressional defense committees a report on the combat support agencies. Each such report shall include—

(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

(B) any recommendations that the Chairman considers appropriate.

(2) In preparing each such report, the Chairman shall review the plans of each such agency with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, with the approval of the Secretary of Defense, take steps to provide for any revision of those plans that the Chairman considers appropriate.

(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall—

(1) provide for the participation of the combat support agencies in joint training exercises to the extent necessary to ensure that those agencies are capable of performing their support missions with respect to a war or threat to national security; and

(2) assess the performance in joint training exercises of each such agency and, in accordance with guidelines established by the Sec-

retary of Defense, take steps to provide for any change that the Chairman considers appropriate to improve that performance.

(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each such agency to perform with respect to a war or threat to national security.

(d) REVIEW OF NATIONAL SECURITY AGENCY AND NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—(1) Subsections (a), (b), and (c) shall apply to the National Security Agency and the National Geospatial-Intelligence Agency, but only with respect to combat support functions that the agencies perform for the Department of Defense.

(2) The Secretary, after consulting with the Director of National Intelligence, shall establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency and the National Geospatial-Intelligence Agency.

(e) COMBAT SUPPORT CAPABILITIES OF DIA, NSA, AND NGA.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall develop and implement, as they may determine to be necessary, policies and programs to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency, the National Security Agency, and the National Geospatial-Intelligence Agency to accomplish assigned missions in support of military combat operations.

(f) DEFINITION OF COMBAT SUPPORT AGENCY.—In this section, the term “combat support agency” means any of the following Defense Agencies:

(1) The Defense Information Systems Agency.

(2) The Defense Intelligence Agency.

(3) The Defense Logistics Agency.

(4) The National Geospatial-Intelligence Agency.

(5) Any other Defense Agency designated as a combat support agency by the Secretary of Defense.

(Added Pub. L. 99-433, title III, §301(a)(2), Oct. 1, 1986, 100 Stat. 1020; amended Pub. L. 104-201, div. A, title XI, §1112(c), Sept. 23, 1996, 110 Stat. 2683; Pub. L. 105-85, div. A, title X, §1073(a)(5), Nov. 18, 1997, 111 Stat. 1900; Pub. L. 108-136, div. A, title IX, §921(d)(3), Nov. 24, 2003, 117 Stat. 1568; Pub. L. 109-364, div. A, title IX, §907, Oct. 17, 2006, 120 Stat. 2354; Pub. L. 110-181, div. A, title IX, §931(a)(2), (3), Jan. 28, 2008, 122 Stat. 285; Pub. L. 110-417, [div. A], title IX, §932(a)(1), (2), Oct. 14, 2008, 122 Stat. 4576; Pub. L. 111-84, div. A, title X, §1073(c)(10), Oct. 28, 2009, 123 Stat. 2475; Pub. L. 113-66, div. A, title X, §1082, Dec. 26, 2013, 127 Stat. 871.)

#### AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-66 inserted “and the congressional defense committees” after “the Secretary of Defense” in introductory provisions.

2009—Subsecs. (d)(2), (e). Pub. L. 111–84 repealed Pub. L. 110–417, §932(a)(1), (2). See 2008 Amendment note below.

2008—Subsecs. (d)(2), (e). Pub. L. 110–181 and Pub. L. 110–417, §932(a)(1), (2), made identical amendments, substituting “Director of National Intelligence” for “Director of Central Intelligence”. Pub. L. 110–417, §932(a)(1), (2), was repealed by Pub. L. 111–84.

2006—Subsec. (f)(1). Pub. L. 109–364 substituted “Defense Information Systems Agency” for “Defense Communications Agency”.

2003—Subsec. (d). Pub. L. 108–136, §921(d)(3)(B), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” in heading.

Subsec. (d)(1), (2). Pub. L. 108–136, §921(d)(3)(A), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

Subsec. (e). Pub. L. 108–136, §921(d)(3)(A), (C), substituted “NGA” for “NIMA” in heading and “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” in text.

Subsec. (f)(4). Pub. L. 108–136, §921(d)(3)(A), substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

1997—Subsec. (d)(1). Pub. L. 105–85 substituted “agencies perform” for “agencies performs”.

1996—Subsec. (d). Pub. L. 104–201, §1112(c)(1)(A), substituted “Review of National Security Agency and National Imagery and Mapping Agency” for “Review of National Security Agency” in heading.

Subsec. (d)(1). Pub. L. 104–201, §1112(c)(1)(B), inserted “and the National Geospatial-Intelligence Agency” after “the National Security Agency” and substituted “that the agencies” for “the Agency”.

Subsec. (d)(2). Pub. L. 104–201, §1112(c)(1)(C), inserted “and the National Imagery and Mapping Agency” after “the National Security Agency”.

Subsec. (e). Pub. L. 104–201, §1112(c)(2), substituted “DIA, NSA, and NIMA” for “DIA and NSA” in heading and “, the National Security Agency, and the National Imagery and Mapping Agency” for “and the National Security Agency” in text.

Subsec. (f)(4). Pub. L. 104–201, §1112(c)(3), substituted “The National Imagery and Mapping Agency” for “Defense Mapping Agency”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title X, §1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(10) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110–417 as enacted.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–201, div. A, title XI, §1124, Sept. 23, 1996, 110 Stat. 2688, provided that: “This title [enacting section 424 and chapter 22 of this title and sections 3045 and 3046 of Title 50, War and National Defense, amending this section, sections 201 and 451 to 456 of this title, sections 2302, 3132, 4301, 4701, 5102, 5342, 6339, and 7323 of Title 5, Government Organization and Employees, section 105 of the Ethics in Government Act of 1978, set out in the Appendix to Title 5, section 82 of Title 14, Coast Guard, section 2006 of Title 29, Labor, section 1336 of Title 44, Public Printing and Documents, and sections 3003 and 3038 of Title 50, renumbering chapter 22 and sections 451, 452, 2792 to 2796, and 2798 of this title as chapter 23 and sections 481, 482, 451 to 455, and 456 of this title, respectively, repealing sections 424, 425, 2791, and 2797 of this title, enacting provisions set out as notes under section 441 of this title, and amending provisions set out as a note under section 501 of Title 44] and the amendments made by this title shall take effect on October 1, 1996, or the date of the enactment of this Act [Sept. 23, 1996], whichever is later.”

#### FIRST REPORT AND OTHER ACTIONS BY CHAIRMAN OF JOINT CHIEFS OF STAFF

Section 304(b) of Pub. L. 99–433 required the first report under subsec. (a) of section 193 of this title to be

submitted and subsecs. (b) and (c) of section 193 to be implemented not later than one year after Oct. 1, 1986, and a report on implementation to be submitted to Congress for 1988 under section 113(c) of this title.

#### § 194. Limitations on personnel

(a) CAP ON HEADQUARTERS MANAGEMENT PERSONNEL.—The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities or management headquarters support activities in the Defense Agencies and Department of Defense Field Activities may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

(b) CAP ON OTHER PERSONNEL.—The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned to management headquarters activities or management headquarters support activities, may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

(c) PROHIBITION AGAINST CERTAIN ACTIONS TO EXCEED LIMITATIONS.—The limitations in subsections (a) and (b) may not be exceeded by re-categorizing or redefining duties, functions, offices, or organizations.

(d) EXCLUSION OF NSA.—The National Security Agency shall be excluded in computing and maintaining the limitations required by this section.

(e) WAIVER.—The limitations in this section do not apply—

(1) in time of war; or

(2) during a national emergency declared by the President or Congress.

(f) DEFINITIONS.—In this section, the terms “management headquarters activities” and “management headquarters support activities” have the meanings given those terms in Department of Defense Instruction 5100.73, titled “Major DoD Headquarters Activities”.

(Added Pub. L. 99–433, title III, §301(a)(2), Oct. 1, 1986, 100 Stat. 1021; amended Pub. L. 100–180, div. A, title XIII, §1314(b)(3), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 101–189, div. A, title XVI, §1622(h)(1), Nov. 29, 1989, 103 Stat. 1605; Pub. L. 113–66, div. A, title IX, §906, Dec. 26, 2013, 127 Stat. 818.)

#### AMENDMENTS

2013—Subsec. (f). Pub. L. 113–66 substituted “Instruction 5100.73, titled ‘Major DoD Headquarters Activities’” for “Directive 5100.73, entitled ‘Department of Defense Management Headquarters and Headquarters Support Activities’ and dated January 7, 1985.”

1989—Subsecs. (a), (b). Pub. L. 101–189 substituted “The” for “After September 30, 1989, the”.

1987—Subsec. (e)(2). Pub. L. 100–180 inserted “the President or” after “declared by”.

#### EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL

Baseline personnel limitations in this section inapplicable to certain acquisition personnel and personnel hired pursuant to a shortage category designation for fiscal year 2009 and fiscal years thereafter, and Sec-