

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.)

#### AMENDMENTS

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)”.

#### 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.)

#### AMENDMENTS

2017—Subsec. (c). Pub. L. 115-91 substituted “section 322” for “section 2011”.

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 De-

fense 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 \$250,000;

(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 (in-

cluding 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.)

#### AMENDMENTS

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).”

#### 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.