

## 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 Repealed.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.

**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 Pro-

gram, 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. Subordinate unified command of the United States Strategic Command**

(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 the United States Strategic Command a subordinate unified command to be known as the United States Space Command (in this section referred to as “space command”) for carrying out joint space warfighting operations.

(b) ASSIGNMENT OF FORCES.—Unless otherwise directed by the Secretary of Defense, all active and reserve space warfighting operational forces of the armed forces shall be assigned to the space command.

(c) COMMANDER.—(1) The commander of the space command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating the permanent grade of the officer. The commander shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The position shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

(2) During the three-year period following the date on which the space command is established, the commander of the Air Force Space Command may also serve as the commander of the space command so established. After such period, one individual may not concurrently serve as both such commanders.

(d) AUTHORITY OF COMMANDER.—(1) Subject to the authority, direction, and control of the commander of the United States Strategic Command, the commander of the space command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to joint space warfighting operations.

(2)(A) Subject to the authority, direction, and control of the Deputy Secretary of Defense, the commander of the space command shall be responsible for, and shall have the authority to conduct, the following functions relating to joint space warfighting operations (whether or not relating to the space command):