

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 Repealed.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):

(i) Developing strategy, doctrine, and tactics.

(ii) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for space operations forces and for other forces assigned to the space command.

(iii) Exercising authority, direction, and control over the expenditure of funds for forces assigned directly to the space command.

(iv) Training and certification of assigned joint forces.

(v) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

(vi) Validating requirements.

(vii) Establishing priorities for requirements.

(viii) Ensuring the interoperability of equipment and forces.

(ix) Formulating and submitting requirements for intelligence support.

(x) Monitoring the promotion of space operation forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of space operation forces.

(B) The authority, direction, and control exercised by the Deputy Secretary of Defense for purposes of this paragraph is authority, direction, and control with respect to the administration and support of the space command, including readiness and organization of space operations forces, space operations-peculiar equipment and resources, and civilian personnel.

(C) Nothing in this paragraph shall be construed as providing the Deputy Secretary of Defense authority, direction, and control of operational matters that are subject to the operational chain of command of the combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not space-operations peculiar and that are in the purview of the armed forces.

(3) The commander of the space command shall be responsible for—

(A) ensuring the combat readiness of forces assigned to the space command; and

(B) monitoring the preparedness to carry out assigned missions of space forces assigned to unified combatant commands other than the United States Strategic Command.

(4) The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the space command and such other inspector general functions as may be assigned.

(e) INTELLIGENCE AND SPECIAL ACTIVITIES.— This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.).

(Added Pub. L. 115-232, div. A, title XVI, §1601(a)(1), Aug. 13, 2018, 132 Stat. 2101.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (e), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

CHAPTER 7—BOARDS, COUNCILS, AND COMMITTEES

Sec.	Armed Forces Policy Council.
171.	Council on Oversight of the National Leadership Command, Control, and Communications System.
171a.	Explosive safety board.
172.	Advisory personnel.
173.	Advisory personnel: research and development.
174.	Reserve Forces Policy Board.
175.	Armed Forces Institute of Pathology.
176.	American Registry of Pathology.
177.	The Henry M. Jackson Foundation for the Advancement of Military Medicine.
178.	Nuclear Weapons Council.
179.	Service academy athletic programs: review board.
180.	Joint Requirements Oversight Council.
181.	Center for Excellence in Disaster Management and Humanitarian Assistance.
182.	Department of Defense Board of Actuaries.
183.	Military Aviation and Installation Assurance Siting Clearinghouse for review of mission obstructions. ¹
183a.	
[184 to 186.]	Renumbered or Repealed.]
187.	Strategic Materials Protection Board.
188.	Interagency Council on the Strategic Capability of the National Laboratories.
189.	Communications Security Review and Advisory Board.
190.	Defense Cost Accounting Standards Board.

AMENDMENTS

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.

¹ So in original. Does not conform to section catchline.