

1987—Subsec. (f)(4)(B). Pub. L. 100-180, §1314(b)(2)(A), inserted “or Congress” after “by the President”.

Subsec. (g)(2)(B). Pub. L. 100-180, §1314(b)(2)(B), inserted “the President or” after “declared by”.

#### EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. A, title IX, §901(a)(2)(B), Dec. 20, 2019, 133 Stat. 1541, provided that: “The amendment made by subparagraph (A) [amending this section] shall take effect on December 31, 2019, immediately after the coming into effect of the amendment made by section 903(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2344) [amending this section], to which such amendments relate[.]”

#### EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title IX, §903(b)(2), Dec. 23, 2016, 130 Stat. 2344, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect on December 31, 2019.”

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-35, title II, §202(b), May 31, 1993, 107 Stat. 102, provided that: “The amendments made by this section [amending this section, sections 1079, 1086a, 1174a, 1463, 2323, 2347, 2391, and 2410d of this title, and sections 5013 and 5113 of former Title 36, Patriotic Societies and Observances, and amending provisions set out as notes under sections 664, 2350a, 2431, 2501, 2505, 10105, and 12681 of this title and section 5611 of Title 15, Commerce and Trade] shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).”

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### ESTABLISHMENT OF CHAIRMAN’S CONTROLLED ACTIVITY WITHIN JOINT STAFF FOR INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE

Pub. L. 115-91, div. A, title XVI, §1627, Dec. 12, 2017, 131 Stat. 1734, provided that:

“(a) CHAIRMAN’S CONTROLLED ACTIVITY.—The Chairman of the Joint Chiefs of Staff shall—

“(1) undertake the roles, missions, and responsibilities of, and preserve an equal or greater number of personnel billets than the amount of such billets previously prescribed for, the Joint Functional Component Command for Intelligence, Surveillance, and Reconnaissance of the United States Strategic Command; and

“(2) not later than 30 days after the date of the enactment of this Act [Dec. 12, 2017], establish an organization within the Joint Staff—

“(A) that is designated as the Joint Staff Intelligence, Surveillance, and Reconnaissance Directorate and Supporting Chairman’s Controlled Activity;

“(B) for which the Chairman of the Joint Chiefs of Staff shall serve as the joint functional manager; and

“(C) that shall synchronize cross-combatant command intelligence, surveillance, and reconnaissance plans and develop strategies integrating all intelligence, surveillance, and reconnaissance capabilities provided by joint services, the National Reconnaissance Office, combat support intelligence agencies of the Department of Defense, and allies, to satisfy the intelligence needs of the combatant commands for the Department of Defense.

“(b) LEAD AGENT.—The Secretary of Defense shall designate the Secretary of the Air Force as the lead agent and sponsor for funding for the organization established under subsection (a)(2).

“(c) DATA COLLECTION AND ANALYSIS TO SUPPORT ISR ALLOCATION AND SYNCHRONIZATION PROCESSES.—In coordination with the Director of Cost Analysis and Program Evaluation, the Chairman of the Joint Chiefs of Staff shall issue guidance to the commanders of the geographical combatant commands that requires the commanders to collect sufficient and relevant data regarding the effectiveness of intelligence, surveillance, and reconnaissance measures in a manner that will—

“(1) enable the standardized, objective evaluation and analysis of that data with respect to the use and effectiveness of the intelligence, surveillance, and reconnaissance capabilities provided to the commanders; and

“(2) support recommendations made by the organization established under subsection (a)(2) to the Secretary of Defense regarding the allocation of intelligence, surveillance, and reconnaissance resources of the Department of Defense.”

#### INCREASED FLEXIBILITY IN USE OF FUNDS FOR JOINT STAFF EXERCISES

Pub. L. 109-364, div. A, title X, §1052, Oct. 17, 2006, 120 Stat. 2396, provided that:

“(a) IN GENERAL.—Amounts available to the Chairman of the Joint Chiefs of Staff for joint staff exercises may be available for any expenses as follows:

“(1) Expenses of the Armed Forces in connection with such exercises, including expense relating to self-deploying watercraft under the jurisdiction of a military department.

“(2) Expenses relating to the costs of port support activities in connection with such exercises, including transportation and port handling.

“(3) Expenses relating to the breakout and operation of prepositioned watercraft and lighterage for joint logistics and over the shore exercises in connection with such exercises.

“(b) SUPPLEMENT NOT SUPPLANT.—Any amounts made available by the Chairman of the Joint Chiefs of Staff under subsection (a) for expenses covered by that subsection are in addition to any other amounts available under law for such expenses.”

#### ASSISTANTS TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR NATIONAL GUARD MATTERS AND FOR RESERVE MATTERS

Pub. L. 105-85, div. A, title IX, §901, Nov. 18, 1997, 111 Stat. 1853, as amended by Pub. L. 109-163, div. A, title V, §515(h), Jan. 6, 2006, 119 Stat. 3237, which established the positions of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters and Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters within the Joint Staff, was repealed and restated as former section 155a of this title by Pub. L. 112-239, §511(a), (c), Jan. 2, 2013, 126 Stat. 1717, 1718.

#### **[§ 155a. Repealed. Pub. L. 114-328, div. A, title V, § 502(a)(1), Dec. 23, 2016, 130 Stat. 2102]**

Section, added Pub. L. 112-239, div. A, title V, §511(a), Jan. 2, 2013, 126 Stat. 1717, related to Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and Reserve matters.

#### PRIOR PROVISIONS

Provisions similar to those formerly contained in this section were contained in Pub. L. 105-85, div. A, title IX, §901, Nov. 18, 1997, 111 Stat. 1853, which was set out as a note under section 155 of this title, prior to repeal by Pub. L. 112-239, §511(c).

#### RETENTION OF GRADE OF INCUMBENTS IN POSITIONS ON EFFECTIVE DATE

Pub. L. 114-328, div. A, title V, §502(tt), as added by Pub. L. 115-91, div. A, title V, §506(a)(1), Dec. 12, 2017,

131 Stat. 1374, provided that: “The grade of service of an officer serving as of the date of the enactment of this Act [Dec. 23, 2016, see below] in a position whose statutory grade is affected by an amendment made by this section [see Tables for classification] may not be reduced after that date by reason of such amendment as long as the officer remains in continuous service in such position after that date.”

[Pub. L. 115-91, div. A, title V, § 506(a)(2), Dec. 12, 2017, 131 Stat. 1374, provided that: “The amendment made by paragraph (1) [enacting section 502(tt) of Pub. L. 114-328, set out above] shall take effect as of December 23, 2016, and be treated as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).”]

### § 156. Legal Counsel to the Chairman of the Joint Chiefs of Staff

(a) IN GENERAL.—There is a Legal Counsel to the Chairman of the Joint Chiefs of Staff.

(b) SELECTION FOR APPOINTMENT.—Under regulations prescribed by the Secretary of Defense, the officer selected for appointment to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be recommended by a board of officers convened by the Secretary of Defense that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

(c) DUTIES.—(1) The Legal Counsel of the Chairman of the Joint Chiefs of Staff shall perform such legal duties in support of the responsibilities of the Chairman of the Joint Chiefs of Staff as the Chairman may prescribe.

(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.

(Added Pub. L. 110-181, div. A, title V, § 543(e)(1), Jan. 28, 2008, 122 Stat. 115; amended Pub. L. 110-417, [div. A], title V, § 591, Oct. 14, 2008, 122 Stat. 4474; Pub. L. 111-84, div. A, title V, § 501(a), Oct. 28, 2009, 123 Stat. 2272; Pub. L. 114-328, div. A, title V, § 502(b), Dec. 23, 2016, 130 Stat. 2102.)

#### AMENDMENTS

2016—Subsecs. (c), (d). Pub. L. 114-328 redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be appointed in the regular grade of brigadier general or rear admiral (lower half).”

2009—Subsec. (c). Pub. L. 111-84 substituted “be appointed in the regular” for “, while so serving, hold the”.

2008—Subsec. (d). Pub. L. 110-417 designated existing provisions as par. (1) and added par. (2).

#### EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title V, § 501(b), Oct. 28, 2009, 123 Stat. 2272, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 28, 2009], and shall apply with respect to individuals appointed as Legal Counsel to the Chairman of the Joint Chiefs of Staff on or after that date.”

### CHAPTER 6—COMBATANT COMMANDS

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161. Combatant commands: establishment.  
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[167a. Repealed.]  
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[168, 169. Repealed.]

#### PRIOR PROVISIONS

Prior to enactment of this chapter by Pub. L. 99-433, provisions relating to combat commands were contained in section 124 of this title.

#### AMENDMENTS

2019—Pub. L. 116-92, div. A, title XVI, § 1601(b)(1), title XVII, § 1731(a)(9), Dec. 20, 2019, 133 Stat. 1722, 1812, inserted period at end of item 169 “Subordinate unified command of the United States Strategic Command” and then struck it out.

2018—Pub. L. 115-232, div. A, title VIII, § 812(a)(1)(B), title XVI, § 1601(a)(2), Aug. 13, 2018, 132 Stat. 1846, 2103, struck out item 167a “Unified combatant command for joint warfighting experimentation: acquisition authority” and added item 169.

2016—Pub. L. 114-328, div. A, title IX, § 923(b), title XII, § 1253(a)(2)(A), Dec. 23, 2016, 130 Stat. 2358, 2532, added item 167b and struck out item 168 “Military-to-military contacts and comparable activities”.

2003—Pub. L. 108-136, div. A, title VIII, § 848(a)(2), Nov. 24, 2003, 117 Stat. 1555, added item 167a.

2001—Pub. L. 107-107, div. A, title XV, § 1512(b), Dec. 28, 2001, 115 Stat. 1273, added item 166b.

1994—Pub. L. 103-337, div. A, title XIII, § 1316(a)(2), Oct. 5, 1994, 108 Stat. 2899, added item 168.

1991—Pub. L. 102-190, div. A, title IX, § 902(b), Dec. 5, 1991, 105 Stat. 1451, added item 166a.

1986—Pub. L. 99-500, § 101(c) [title IX, § 9115(b)(2)], Oct. 18, 1986, 100 Stat. 1783-82, 1783-124, and Pub. L. 99-591, § 101(c) [title IX, § 9115(b)(2)], Oct. 30, 1986, 100 Stat. 3341-82, 3341-124; Pub. L. 99-661, div. A, title XIII, § 1311(b)(2), Nov. 14, 1986, 100 Stat. 3985, amended analysis identically adding item 167.

Pub. L. 99-433, title II, § 211(a), Oct. 1, 1986, 100 Stat. 1012, added chapter 6 heading and analysis.

### § 161. Combatant commands: establishment

(a) UNIFIED AND SPECIFIED COMBATANT COMMANDS.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

(1) establish unified combatant commands and specified combatant commands to perform military missions; and

(2) prescribe the force structure of those commands.

(b) PERIODIC REVIEW.—(1) The Chairman periodically (and not less often than every two years) shall—

(A) review the missions, responsibilities (including geographic boundaries), and force structure of each combatant command; and

(B) recommend to the President, through the Secretary of Defense, any changes to such missions, responsibilities, and force structures as may be necessary.

(2) Except during time of hostilities or imminent threat of hostilities, the President shall notify Congress not more than 60 days after—