

**S. 1197F NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014
DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS
TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT
SUBTITLE A—DEPARTMENT OF DEFENSE MANAGEMENT**

**SEC. 906. MODIFICATION OF REFERENCE TO MAJOR DEPARTMENT OF
DEFENSE HEADQUARTERS ACTIVITIES INSTRUCTION.**

Modification of reference to major Department of Defense headquarters activities instruction (sec. 906)

The Senate committee-reported bill contained a provision (sec. 907) that would amend section 194(f) of title 10, United States Code, to update the reference to Department of Defense Instruction 5100.73, titled “Major DOD Headquarters Activities.”

The House bill contained no similar provision.

The agreement contains the provision.

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Section 194(f) of title 10, United States Code, is amended by striking “Directive 5100.73” and all that follows and inserting “Instruction 5100.73, titled ‘Major DoD Headquarters Activities’.”.

**TITLE 10 > SUBTITLE A > PART I > CHAPTER 8 > SUBCHAPTER I
10 USC § 194: LIMITATIONS ON PERSONNEL
AS MODIFIED BY SEC 906 OF THE FY14 NDAA**

- (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 recategorizing 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 ~~Directive 5100.73, entitled “Department of Defense Management Headquarters and Headquarters Support Activities” and dated January 7, 1985~~ Instruction 5100.73, titled ‘Major DoD Headquarters Activities.
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