

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 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.

“SUBCHAPTER II—MISCELLANEOUS DEFENSE AGENCY MATTERS

“Sec.

“201. Unauthorized use of Defense Intelligence Agency name, initials, or seal.”

Ante, p. 996.

(b) **CONFORMING AMENDMENTS.**—(1) Section 125 is amended by striking out subsection (d).

Ante, p. 996; *post*, p. 1075.

(2) Subsection (c)(2) of section 113 (as redesignated by section 101(a)) is amended by striking out “section 125” and inserting in lieu thereof “sections 125 and 191”.

SEC. 302. DEFINITIONS OF DEFENSE AGENCY AND DEPARTMENT OF DEFENSE FIELD ACTIVITY

Ante, p. 703.

Section 101 is amended by adding at the end the following new paragraphs:

“(44) ‘Defense Agency’ means an organizational entity of the Department of Defense—

“(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

“(B) that is designated by the Secretary of Defense as a Defense Agency.

“(45) ‘Department of Defense Field Activity’ means an organizational entity of the Department of Defense—

“(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense