

CHAPTER 3

CRITERIA

3-1. GENERAL:

a. The purpose of the study is to determine which elements of CONUS based Army organizations operating within the geographic area of a unified combatant commander should be assigned to and under the command of the unified commander or excepted from assignment by the Secretary of Defense. To do this in an objective and logical manner, criteria were developed with which to evaluate each OCONUS organization to determine whether it should or should not be assigned to the unified combatant commander of a geographic area. The criteria were developed primarily in consideration of the DOD Reorganization Act of 1986, federal statutes, Congressional direction, Army doctrine, unified command missions, missions of the OCONUS organization and the parent organization, management principles, and resource implications.

b. The basic consideration is the provision of the DOD Reorganization Act of 1986 which specifically provides a basis for exempting forces which carry out functions of the Secretary of the Army. However, the Act does not limit the Army solely to this basis for excepting forces from assignment to and command by the unified combatant commander of a geographic area but allows the Secretary of Defense discretion in excepting forces for other reasons. The worldwide command and control structure of the Army functional MACOM's was created to improve the quality as well as responsiveness of specialized support to Army component commands and unified commands around the world. The Army must balance peacetime efficiency and wartime capability among the competing demands of the global strategic commitments of the Army and the local operational theater commitments. For this reason, other criteria were also developed upon which to base a decision on the assignment of an organization. An organization which met one or more of the criteria used in the study would present a compelling basis for the Secretary of Defense to grant an exception for the organization. On the other hand, an organization which does not meet the criteria used in the study should be considered for assignment to and under the command of the unified combatant commander of the geographic area.

c. The criteria were not applied mechanically to evaluate an organization. The end result of applying the criteria should be a command and control decision which provides for mission accomplishment in the most effective and efficient manner consistent with the resources available and the requirements of the applicable statutes. The following paragraphs contain a discussion of the study criteria and how they may be applied in evaluating an organization.

3-2. SECRETARY OF THE ARMY FUNCTIONS.

a. The DOD Reorganization Act of 1986 requires the Secretary of the Army to assign all forces under his jurisdiction to a unified and specified combatant command to perform missions assigned to those commands. Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretary of the Army to the combatant commands do not include forces assigned to carry out functions of the Secretary of the Army as listed in Section 3013(b), Title 10 US Code, as amended by the DOD Reorganization Act of 1986.

b. Section 3013(b), Title 10 US Code states:

"Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of Chapter 6 of this title, the Secretary of the Army is responsible for, and has the authority necessary to conduct all affairs of the Department of the Army, including the following functions:

"(1) Recruiting.

"(2) Organizing.

"(3) Supplying.

"(4) Equipping (including research and development).

"(5) Training.

"(6) Servicing.

"(7) Mobilizing.

"(8) Demobilizing.

"(9) Administering (including the morale and welfare of personnel).

"(10) Maintaining.

"(11) The construction, outfitting, and repair of military equipment.

"(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section."

c. The subordinate organizations of CONUS based organizations operating OCONUS in the geographic area of a unified combatant commander may be exempted from assignment to

and command by the unified combatant commander based on this criteria in the DOD Reorganization Act of 1986. The OCONUS elements of CONUS based organizations provide support at Echelons Above Corps or are tenant organizations in the geographic area of a unified combatant commander that provide support to organizations outside the geographic area or mission of the unified combatant commander. The criteria in this section of Title 10 US Code is the primary criteria in determining whether an Army organization should or should not be assigned to and commanded by a unified combatant commander.

d. Army forces which are organic to echelons corps and below, although they may perform functions listed in Section 3013(b), Title 10, US Code, are not within the scope of this study. These forces are an integral component of a combat force and are assigned as part of a combat force.

3-3. OTHER STATUTORY AND CONGRESSIONAL REQUIREMENTS.

a. In addition to the Secretary of the Army functions listed in Section 3013(b), there are other portions of Title 10, US Code and other statutes and Congressional requirements which would provide a basis for not assigning a subordinate element of a CONUS based organization operating OCONUS to a unified combatant commander and placing the organization under the command of the unified combatant commander.

b. Section 3013(c)(7) of Title 10, US Code states that, subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Army is also responsible to the Secretary of Defense for the effective supervision and control of the intelligence activities of the Department of the Army. This section of the US Code may provide the basis to exempt some or all of the INSCOM intelligence organizations from assignment to and command by the unified combatant commander.

c. Section 817, Title 10 US Code, states that each armed forces has court-martial jurisdiction over its own personnel subject to regulations prescribed by the President. Section 826, Title 10 US Code, states that neither the convening authority nor any member of the staff of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge which relates to his performance of duty as a military judge. These two sections of Title 10, US Code may provide the basis to exempt all or most the OCONUS elements of the US Army Legal Services Agency from assignment to and command by the unified combatant commander.

d. In addition to the US Code, there are Congressionally directed oversight requirements, Government Audit Agency reports, Presidential Commission recommendations, Executive Orders, other federal laws and directives, and the results of hearings and investigations which may provide the basis for a particular command and control structure for some organizations.

3-4. WARTIME MISSION AND LOCATION.

a. The wartime mission and location of the OCONUS elements of a CONUS based organization are major considerations in determining which Army organizations operating in the geographic area assigned to a unified combatant commander should be assigned to and commanded by the unified combatant commander. Some organizations have no wartime mission in the theater, departing the theater at some point in the escalation of hostilities, while others remain in the theater and support the unified combatant commander under a variety of command and control arrangements which do not fully place the unit under the command of the unified combatant commander.

b. Some OCONUS elements of CONUS based organizations are located in the geographic area of a unified combatant commander primarily as tenant units in the area. They perform peacetime functions in support of the Army but do not perform a function to support the wartime mission of the unified combatant commander and are not located in the theater during hostilities. Many are extensions of a function which is primarily performed in CONUS but, for reasons of economy and efficiency, a branch organization was created to be near the supported command. Most organizations of this type perform Secretary of the Army functions and could be exempted on that basis also; however, this criteria may be used as an additional factor in determining whether an Army organization should or should not be assigned to and commanded by a unified combatant commander.

c. The wartime mission and location of a unit becomes a critical factor when considering the assignment and command of those organizations with doctrinal deviations in command and control. These units support the wartime mission of the unified combatant commander; however, they are usually commanded by a CONUS based organization in peacetime with operational control by the Army component commander. The command and control relationships sometimes change as the theater transitions into war. To continue these command and control relationships under the DOD Reorganization Act of 1986 will require specific exemption by the Secretary of Defense based on other overriding considerations and criteria.

3-5. SUPPORT TO OTHER AGENCIES.

a. In some cases, OCONUS elements of Army CONUS based organizations, operating in the geographic area assigned to a unified combatant commander, support other unified combatant commanders, Armed Services, Department of Defense organizations, other Federal Agencies, or joint service activities. Some OCONUS organizations of this type are located in the geographic area of a unified combatant commander as a tenant organization and do not perform a function to support the wartime mission of the unified combatant commander and/or are part of a interconnected worldwide support system.

b. Organizations which support multiple commands and agencies generally should not be assigned to and under the command of a local commander in the geographic area who may not be the principal supported command. Organizations of this type must have a command and control system that is responsive to the worldwide mission priorities of the Army and the other supported commands and agencies. In these cases, resource and mission priorities cannot not be subjected to the priorities of the local commander for the Army to effectively fulfill its multiple support requirements.

c. Unless an organization which supports multiple commands and agencies performs a Secretary of the Army function which may be exempted under the DOD Reorganization Act of 1986, there is no specific provision of the Act to exempt these organizations from assignment to and command by the unified combatant commander. The Act appears to assume that all forces operating in the geographic area of a unified combatant commander support only the mission of that unified combatant commander. This is not a correct assumption. However, the Act does permit the Secretary of Defense to make exceptions. Organizations of this type would have to be exempted from assignment to and command by the unified combatant commander based on the discretionary authority of the Secretary of Defense granted in the Act.

3-6. ECONOMY.

a. Economy-of-scale factors of the command and control of the OCONUS elements of a CONUS based organization are critical considerations in determining which Army organizations operating in the geographic area assigned to a unified combatant commander should be assigned to and commanded by the unified combatant commander. Some functions, such as communications, require a centrally managed system to assure a uniform, interoperative, and economical worldwide system. A centralized management system permits worldwide reallocation of resources, standardization, worldwide connectivity, and cost savings through Armywide engineering, installation, and acquisition. The end result of decentralization would be diminished support to both the unified combatant commander and the worldwide system. In some cases the duplication of the required overhead for oversight, mission management and resource management at commands in the geographic area would be prohibitive in terms of total manpower, financial resources, and technical expertise required. Some of the OCONUS elements of CONUS based organizations are an integral part of a worldwide system directly responsive to Federal agencies and the National Command Authority.

b. Economy-of-scale considerations may warrant exception from assignment to and command by the unified combatant commander to provide efficient and effective support to the unified combatant commander or world-wide support to the Army or National Command Authorities. Unless an organization performs a Secretary of the Army function which may be exempted under the DOD

Reorganization Act of 1986, there is no specific provision of the Act to exempt organizations based on this criteria from assignment to and command by the unified combatant commander. Exemption from assignment to and command by the unified combatant commander based on this criteria would be by the discretionary authority of the Secretary of Defense granted in the Act.