

## CHAPTER 4

### HQ DA FIELD OPERATING AGENCIES

4-1. GENERAL: Field Operating Agencies (FOA) are agencies under the supervision of Headquarters, Department of the Army (HQ DA). The primary mission of FOA's is executing policy. Some HQ DA FOA's have subordinate organizations located and operating in the geographic area assigned to a unified combatant commander. This chapter provides the results of the analysis of the missions, functions, and command and control of the HQ DA FOA's with regard to the DOD Reorganization Act of 1986 and the study criteria.

#### 4-2. US ARMY STRATEGIC DEFENSE COMMAND.

a. The US Army Strategic Defense Command (USASDC) is a Field Operating Agency of the Chief of Staff Army. Subordinate to USASDC is the US Army Kwajalein Atoll (USAKA) which is located in the geographic area of the Commander-in-Chief, Pacific (CINCPAC). The USAKA is a National Range which is part of the DOD Major Range and Test Facility Base. The primary function of USAKA is to support the research and development programs for strategic offensive weapons system development and the Strategic Defense Initiative. USAKA also collects data on objects in space. The Commander USAKA maintains relations with the Republic of Marshall Islands Government and discharges CINCPAC and US Army responsibilities under the provisions of the Compact of Free Association. USAKA has no specific wartime mission in support of CINCPAC.

b. The primary function of USAKA is to support research and development, which is a function of the Secretary of the Army listed in Section 3013(b)(4), Title 10, US Code. USAKA is in support of other DOD and national agencies and only provides representational support for CINCPAC. Based on this criteria, USAKA should remain under the command and control of the USASDC and not be assigned to or commanded by the unified combatant commander of the geographic area.

c. Assigning USAKA to a unified combatant commander would remove a critical element from a major Army research and development (R&D) activity and insert a non-R&D element in the chain of command. This would divert technical direction and guidance and expand the coordination requirements of the Strategic Defense Initiative Organization.

#### 4-3. US ARMY AUDIT AGENCY.

a. The US Army Audit Agency (USAAA) is a Field Operating Agency of the Secretary of the Army. The USAAA has subordinate regions and field offices operating in the geographic areas assigned to unified combatant commanders. The subordinate organizations of USAAA do not directly support the wartime

mission of the unified commanders and are located as tenant units in the geographic areas of unified combatant commanders to be in proximity to US Army organizations. During wartime, audits will normally continue to be performed within combat theaters as long as the audits do not interfere with combat operations. Audits within combat theaters would be suspended when directed by theater commanders or departmental or higher authority upon the outbreak of hostilities in any area or in an emergency situation.

b. The USAAA performs internal audits of US Army organizations worldwide. Audits are part of administering the affairs of the Department of the Army which is a Secretary of the Army function listed in Section 3013(b)(9), Title 10, US Code. The Comptroller General of the United States' Standards for Audit of Governmental Organizations, Programs, Activities and Functions mandate the independence of the audit organizations and DOD Directive 7600.2 specifically states that the internal audit responsibilities within each Military Department are to be carried out by a single audit organization headed by a civilian Auditor General. Based on these criteria, the US Army Audit Agency elements located in the geographic area of unified combatant commanders should remain under the command and control of the USAAA and not be assigned to or commanded by the unified combatant commanders of geographic areas.

c. Assigning the subordinate elements of the US Army Audit Agency to the unified combatant commanders of geographic areas would be contrary to the standards of the Comptroller General of the United States. If assigned to the Army component commanders, the auditors would no longer be independent of the commands which they are to audit.

#### 4-4. US ARMY LEGAL SERVICES AGENCY.

a. The US Army Legal Services Agency (USALSA) is a Field Operating Agency of the The Judge Advocate General of the Army. Subordinate to USALSA are the US Army Trial Judiciary and the US Army Trial Defense Service which have subordinate elements operating in the geographic areas assigned to unified combatant commanders. The subordinate organizations of USALSA do not directly support the wartime mission of the unified commanders and are located as tenant units in the geographic area of unified combatant commanders to be in proximity to US Army troop locations.

b. The US Army Trial Judiciary provides military trial judges for Army general and special courts-martial worldwide in peacetime and in wartime. Title 10, US Code, Section 826(c), provides that a commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military is a member and may perform duties of a judicial nature other than those relating to his

primary duty as a military judge of a general court-martial when such duties are assigned to him by or with the approval of that Judge Advocate General or his designee. The purpose of this statute is to protect military judges from command influence and to remove the perception that military judges would be susceptible to such influence. Although combat commanders have the authority to convene courts-martial pursuant to Title 10, US Code, Section 164(c)(1)(G), the responsibility for training and supervising legal personnel who participate in courts-martial is properly within the purview of the Secretary of the Army under the authority and responsibility to administer the affairs of the department (Title 10 US Code, Section 3013(b)(9)). The continuation of the current relationship between commanders and military judges will allow the combatant commanders to direct the detail of military judges without creating the perception of command influence over them. Based on these criteria, the US Army Trial Judiciary elements located in the geographic areas of unified combatant commanders should remain under the command and control of the USALSA and not be assigned to or commanded by the unified combatant commanders of geographic areas.

c. The US Army Trial Defense Service provides legal representation for Army soldiers before courts-martial and for other adverse actions. As discussed above, the responsibility for training and supervising legal personnel who participate in courts-martial is properly within the purview of the Secretary of the Army under the authority and responsibility to administer the affairs of the department (Title 10, US Code, Section 3013(b)(9)). Moreover, it is essential to avoid even the appearance of undue command influence over military counsel representing soldiers before courts-martial and in other adverse actions. The Trial Defense Service was created for that purpose. By maintaining the Trial Defense Service under command of USALSA, combatant commanders will be able to direct the detail of military counsel without creating the perception of command influence. Based on these criteria, the US Army Trial Defense Service elements located in the geographic areas of unified combatant commanders should remain under the command and control of the USALSA and not be assigned to or commanded by the unified combatant commanders of geographic areas.

d. Assigning the subordinate elements of the US Army Trial Judiciary located in the geographic areas of unified combatant commanders to the unified combatant commanders would be contrary to statute. Such assignment of the US Army Trial Defense Service would create the perception of command influence.

#### 4-5. US ARMY MEDICAL RESEARCH AND DEVELOPMENT COMMAND.

a. The US Army Medical Research and Development Command (USAMRDC) is a Field Operating Agency of The Surgeon General of the Army. Subordinate to USAMRDC is the Walter Reed Army Institute of Research (WRAIR) which has subordinate elements operating in the geographic areas assigned to unified combatant

commanders. Except for in Europe, the subordinate organizations of WRAIR do not directly support the wartime mission of a specific unified combatant commander but provide research support in support of the Army and other DOD agencies. They are located as tenant units in the geographic areas of unified combatant commanders to be in proximity to the diseases of the research mission.

b. WRAIR is an essential part of The Surgeon General's mission as the Medical Materiel Developer of the Army. The subordinate elements of WRAIR conduct research directed toward the study of diseases of military medical importance in various parts of the world. Establishment of these units is supported by the DOD Overseas Medical Research Laboratories Study, June 1980. The primary function of WRAIR is to support research and development, which is a function of the Secretary of the Army listed in Section 3013(b)(4), Title 10, US Code. Based on this criterion, WRAIR subordinate elements should remain under the command and control of the WRAIR and not be assigned to or commanded by the unified combatant commanders of geographic areas.

c. The US Army Medical Research Unit - Europe has separate missions for wartime and peacetime. In peacetime, the unit has a research and development mission to develop medically sound measures for the prevention and management of combat psychiatric illness in support of individual and unit readiness. In wartime, the unit is attached to the 7th Medical Command, under the operational control of CINCUSAREUR, to support theater neuropsychiatric requirements. This change in command and control when the unit changes mission is consistent with the criteria of retaining WRAIR command and control while the unit is performing a research and development function of the Secretary of the Army and placing the unit in operational control of the Army component commander when the unit is performing a wartime mission directly in support of the theater.

d. Assigning the subordinate elements of WRAIR located in the geographic areas of unified combatant commanders to the unified combatant commanders would separate the unit from the WRAIR research base which provides essential scientific coordination and direction and from the medical materiel developer, USAMRDC, which is the principal user of the product generated by this unit. It would remove a critical element from a major Army research and development (R&D) activity and insert a non-R&D element in the chain of command with the resultant loss in technical expertise to effectively direct the mission of the units.

#### 4-6. US ARMY RECRUITING COMMAND.

a. The US Army Recruiting Command (USAREC) is a Field Operating Agency of the Deputy Chief of Staff for Personnel. Subordinate units of USAREC are located and operate in the

geographic areas assigned to unified combatant commanders. The subordinate units of USAREC do not directly support the wartime mission of a specific unified combatant commander but recruit for all the Army. They are located as tenant units in the geographic areas of unified combatant commanders to be in proximity to the population of US Citizens from which to recruit. The units will be dissolved in time of general war.

b. The function of USAREC is recruiting which is a function of the Secretary of the Army listed in Section 3013(b)(1), Title 10, US Code. Based on this criterion, USAREC subordinate units should remain under the command and control of the USAREC and not be assigned to or commanded by the unified combatant commanders of geographic areas.

c. Assigning the subordinate units of USAREC to unified combatant commanders of geographic areas would seriously degrade the centralized effort required to manage Army recruiting.

#### 4-7. US ARMY COMMUNITY AND FAMILY SUPPORT CENTER.

a. The US Army Community and Family Support Center (USACFSC) is a Field Operating Agency of the Deputy Chief of Staff for Personnel. Subordinate elements of USACFSC are located and operate in the geographic areas assigned to unified combatant commanders. The subordinate units of USACFSC do not support the wartime mission of unified combatant commanders. They are located as tenant units in the geographic areas of unified combatant commanders to be in proximity to Army troop locations. The units have no specific wartime mission.

b. The functions of the OCONUS organizations of USACFSC is to oversee the operations of community and family support activities, provide technical guidance on community and family programs, operate and monitor the Army Recreation Machine Program, and operate the Hale Koa Hotel recreational facility in Hawaii. These functions support the morale and welfare of Army personnel which is a part of administering the affairs of the Department of the Army which is a Secretary of the Army function listed in Section 3013(b)(9), Title 10, US Code. Additionally, in the report of the hearings on military clubs and package beverage stores (HASC No. 96-27), Congress has mandated Departmental oversight of the operations of the Army Club System. The report states, "Responsibility for club operations should be transferred from installation commanders to a central authority which has experience and expertise to operate military clubs in an efficient, effective and economical manner." This mandate stems from the concern about the potential for fraud, waste, and abuse in these commercial operations and is expressed to the Army at Departmental level on a continuing basis. Control of the Army Recreation Machine Program is exercised worldwide by USACFSC regional offices in the geographic areas where Army troops and clubs are located. Secretary of the Army approval of this program was predicated upon extremely tight control from

Departmental level, to include ownership of the machines. Based on this criteria, USACFSC subordinate elements should remain under the command and control of the USACFSC and not be assigned to or commanded by the unified combatant commanders of geographic areas.

c. Assigning the subordinate OCONUS organizations of USACFSC to the unified combatant commanders of geographic areas would destroy the tight departmental oversight mandated by the Congress and create the potential for the return of the abuses of the previous decentralized system.

#### 4-8. US ARMY MILITARY PERSONNEL CENTER.

a. The US Army Military Personnel Center (MILPERCEN) is a Field Operating Agency of the Deputy Chief of Staff for Personnel. Subordinate to MILPERCEN is the Central Identification Laboratory, Hawaii (CILHI), located and operating in the geographic area assigned to a unified combatant commander. The CILHI does not directly support the wartime mission of the unified combatant commander. It is located as a tenant unit in the geographic area of the unified combatant commander to be in proximity to the area in which remains of service personnel are recovered.

b. The CILHI is a one of a kind organization which accumulates and catalogues information on US and Allied personnel listed as missing and those declared dead but body not recovered and processes remains to establish identification. The CILHI conducts search and recovery operations in South East Asia in support of the Joint Casualty Resolution Center (JCRC). The Army is the Executive Agent for search and recovery of all remains for all Services. The processing and identification of the remains of service personnel is part of administering the affairs of the Department of the Army which is a Secretary of the Army function listed in Section 3013(b)(9), Title 10, US Code. Additionally, the CILHI is located in a US State performing a function of the CONUS sustaining base and as such should be considered part of the CONUS sustaining base. Based on these criteria, the Central Identification Lab should remain under the command and control of the MILPERCEN and not be assigned to or commanded by the unified combatant commander of the geographic area.

c. Assigning the Central Identification Lab to the unified combatant commander would have no adverse affect on the Army nor the mission of CILHI. The CILHI could be assigned to any service or appropriate joint or DOD activity. However, assigning the CILHI to a unified combatant commander would burden the commander with a responsibility which does not contribute to the wartime mission of the command and is a proper responsibility of the CONUS sustaining base rather than an operational field commander.

#### 4-9. US ARMY CIVILIAN APPELLATE REVIEW AGENCY.

a. The US Army Civilian Appellate Review Agency (USACARA) is Field Operating Agency of the Deputy Chief of Staff for Personnel. The USACARA has subordinate offices located and operating in the geographic areas assigned to unified combatant commanders. The USACARA subordinate offices do not support the wartime mission of unified combatant commanders. **They are** located as a tenant units in the geographic areas of unified combatant commanders to be in proximity to US Army civilian personnel. The USACARA offices located in a wartime theater of operations would be disestablished.

b. The USACARA investigates civilian employee grievances, EEO complaints and NAF appeals. Reviewing employee grievances is part of administering the affairs of the Department of the Army which is a Secretary of the Army function listed in Section 3013(b)(9), Title 10, US Code. Equal Employment Opportunity Commission regulations (Title 29, Code of Federal Regulations, Section 1613.216) provide that a person assigned to investigate a complaint of discrimination "shall occupy a position in the agency which is not, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose." USACARA investigators should be free from any undue influence from commanders of the commands they are investigating. The offices located OCONUS were established as a convenience to the employees and a cost saving measure. Otherwise, civilian personnel stationed OCONUS would have to be serviced from CONUS with the great inconvenience to civilian employees and travel costs for USACARA personnel. These offices are an extension of a function of the CONUS sustaining base and as such should be considered part of the CONUS sustaining base. Based on these criteria, the USACARA OCONUS offices should remain under the command and control of the USACARA and not be assigned to or commanded by the unified combatant commanders of geographic areas.

c. By assigning the OCONUS offices of USACARA to the unified combatant commanders of geographic areas, a case could be made that they would no longer be a part of USACARA and no longer serve as an extension of USACARA, the purpose for which they were created. They would become subordinate command review agencies whose decisions would still be subject to appeal to USACARA.

#### 4-10. US ARMY RESEARCH INSTITUTE.

a. The US Army Research Institute (ARI) is Field Operating Agency of the Deputy Chief of Staff for Personnel. ARI has subordinate offices located and operating in the geographic area assigned to a unified combatant commander. **ARI subordinate** offices do not support the wartime mission of the unified combatant commander. They are located as tenant units in the geographic area of the unified combatant commander to be in proximity to relevant foreign universities and industrial base

scientific activities. ARI offices located in a wartime theater of operations during high intensity conflict would be disestablished.

b. ARI surveys, assesses and reports significant findings, trends, potentials, and achievements in foreign behavioral science research and maintains liaison with foreign universities and scientific activities. The primary function of ARI is to support research and development, which is a function of the Secretary of the Army listed in Section 3013(b)(4), Title 10, US Code. Based on these criteria ARI, subordinate elements should remain under the command and control of ARI and not be assigned to or commanded by the unified combatant commander of the geographic area.

c. Assigning the subordinate elements of ARI located in the geographic area of the unified combatant commander to the unified combatant commander would separate the unit from the ARI research base which provides essential oversight and direction in the very specialized area of psychological and sociological research and development. It would cut the technical communications channel which is the basis for the OCONUS organization's existence.

#### 4-11. US ARMY TROOP SUPPORT AGENCY.

a. The US Army Troop Support Agency (TSA) is a Field Operating Agency of the Deputy Chief of Staff for Logistics (DCSLOG). Subordinate to TSA are commissary regions and districts operating in the geographic areas assigned to unified combatant commanders. The subordinate organizations of TSA do not directly support the wartime mission of the unified combatant commanders. During wartime, commissaries in combat areas cease to exist. Any residual assets as well as military personnel are integrated under the unified combatant commander.

b. TSA is an essential element of the Army Food Program which is a responsibility of the DCSLOG. The primary function of TSA is to manage and provide technical supervision of Army commissaries. Providing food is part of supplying the Army which is a function of the Secretary of the Army listed in Section 3013(b)(3), Title 10, US Code. TSA operates under the concept of centralized management and control of the Army Commissary System for economy-of-scale. Centralized management of commissaries streamlines communications, assures standardization of operations, permits worldwide reallocation of resources, and worldwide connectivity for supply and information systems. It provides cost savings attributable to productivity initiatives, improvements in commissary design and construction costs, and improved acquisition management of commissary equipment and goods. TSA also provides support to other government agencies such as Military Assistance Advisory Groups, missions and embassies. Based on these criteria, TSA subordinate elements should remain under the command and control of TSA and not be assigned to or commanded by the unified combatant commanders of the geographic areas.

c. Assigning the OCONUS commissary districts and regions to unified combatant commanders would burden the unified combatant commanders with peacetime management responsibilities for a retail subsistence operation which does not contribute to the wartime mission of the command. It would separate the OCONUS commissaries from the Army Commissary System which would defeat the effectiveness and efficiency of the single worldwide management of the Army Commissary System.