

REPORT  
CONUS BASED ORGANIZATIONS OPERATING OCONUS

SUMMARY

1. PURPOSE: The purpose of the study is to determine which elements of Army organizations based in the continental United States (CONUS) and operating within the geographic area of a unified combatant commander outside the continental United States (OCONUS) should be assigned to and under the command of the unified commander and those which should be excepted from such assignment by the Secretary of Defense.

2. BACKGROUND: The DOD Reorganization Act of 1986 requires that all forces operating within the geographic area of a unified combatant command be assigned to and under the command of the unified commander except as otherwise directed by the Secretary of Defense (Title 10 United States Code, Section 162 as amended by Section 211 of the DOD Reorganization Act of 1986). There are several CONUS based Army activities with functional responsibilities worldwide that have subordinate elements operating in the geographic area of a unified combatant command. To comply with the law, the Army must identify all such organizations/units and determine to which of the following categories they belong:

a. Organizations/units which should be assigned to a unified combatant commander.

b. Organizations/units which perform a Secretary of the Army function which may except them from assignment to a unified combatant commander (Title 10 United States Code, Section 3013 as amended by Section 501 of the DOD Reorganization Act of 1986).

c. Organizations/units which should not be assigned to or commanded by a unified combatant commander and require an exception from the Secretary of Defense based on other laws or reasons not contained in the DOD Reorganization Act of 1986.

3. SCOPE.

a. The study addresses the OCONUS subordinate elements of CONUS based functional Major Army Commands (MACOM) and Field Operating Agencies (FOA) of the Department of the Army.

b. The study does not address:

- Army forces/personnel assigned to DOD, Joint, and combined activities/commands.

- Liaison and exchange officers.
- Special Access Programs (SAP's).
- Echelons Corps and Below.

#### 4. ASSUMPTIONS.

a. FORCES: The term "forces" as used in Title 10, United States Code, Section 162 (a)(4), is defined as Army Table of Distribution and Allowances (TDA) and Modified Table of Organization and Equipment (MTOE) organizations.

b. GEOGRAPHIC AREA: The term "geographic area assigned to a unified combatant command" as used in Title 10, United States Code, Section 162 (a)(4), does not include the CONUS sustaining base and mainland Alaska (including some islands) since these areas are not within the geographic area of a unified commander. It does include Hawaii, Puerto Rico and US territories and possessions which are within the geographic area of a unified commander as well as foreign areas.

c. ASSIGNMENT OF FORCES: Army forces assigned to and under the command of the Army component commander of a unified command are also assigned to and under the command of the unified combatant commander of the geographic area.

d. DOCTRINE: Army Echelons Above Corps (EAC) support operations doctrine remains valid except that forces located in the geographic area of a unified combatant commander which are not assigned to and under the command of the Army component commander will require approval by the Secretary of Defense for exception.

#### 5. CRITERIA.

a. The following criteria were used to determine whether units/organizations should or should not be assigned to and under the command of the unified combatant commander:

(1) The unit/organization performs a Secretary of the Army function as contained in Title 10 United States Code, Section 3013(b) as amended by Section 501 of the DOD Reorganization Act of 1986.

(2) The unit/organization is governed by other federal statutory or Congressional oversight requirements which may except them from assignment to a unified combatant commander.

(3) The unit/organization performs no wartime mission in the theater or in support of the unified combatant commander.

(4) The unit/organization supports other unified commanders, Services, Department of Defense organizations, other Federal agencies, or joint service activities.

(5) Economy-of-scale considerations which warrant exception to provide efficient and effective support to the unified combatant commander or world-wide support to the Army or National Command Authorities.

b. Organizations which do not meet the above criteria should be considered for assignment to and under the command of the unified combatant commander of the geographic area.

6. ORGANIZATIONS: The following CONUS based organizations with subordinate elements operating OCONUS were studied:

- US Army Strategic Defense Command.
- US Army Audit Agency.
- US Army Legal Services Agency.
- US Army Medical Research and Development Command.
- US Army Recruiting Command.
- US Army Family Support Center.
- US Army Military Personnel Center.
- US Army Civilian Appellate Review Agency.
- US Army Research Institute.
- US Army Troop Support Agency.
- US Army Training and Doctrine Command.
- US Army Materiel Command.
- US Army Corps of Engineers.
- US Army Information Systems Command.
- US Army Criminal Investigation Command.
- US Army Health Services Command.
- US Army Intelligence and Security Command.

7. CONCLUSIONS.

a. Based on a study of the missions, functions, and command and control of the OCONUS subordinate elements of CONUS based organizations, two organizations, the Central Ammunition Management Office - Pacific and the OCONUS detachments of the US Army Special Security Group which support the Army components within the geographic area of a unified combatant commander, were identified which should be considered for assignment to or command by the unified combatant commander of a geographic area. Except for these two organizations, the present command and control of the OCONUS subordinate elements of CONUS based organizations is in accordance with statutory requirements, Army doctrine, and economy-of-scale management considerations. Figure S-1 is a matrix illustration of the applicability of the study criteria to each CONUS based organization considered in the study.

EXEMPTION CRITERIA ORGANIZATION	S A F U N C T I O N	O T H E R S T A T U T E S	N O W A R T I M E M S N	O T H E R S U P P O R T	E C C O N O M Y
Strategic Def Cmd	X		X	X	
AAA	X	X	X		
Legal Services Agency	X	X			
Medical R&D Cmd	X		X <sup>1</sup>	X	
Recruiting Cmd	X		X		
Community Family Spt Center	X	X	X		
MILPERCEN	X			X	
Civ Appellate Review Agency	X		X		
Army Research Institute	X		X		
Troop Spt Agency	X		X		X
TRADOC	X		X	X	X
AMC	X		X <sup>1</sup>	X	X
USACE	X	X		X	X
ISC				X	X
CIDC	X	X			
HSC	X	X <sup>1</sup>		X	X
INSCOM	X <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>
1. Does not apply to all organization elements.					

ORGANIZATION/EXEMPTION CRITERIA MATRIX  
Figure S-1

functions can remain under their current command without exception by the Secretary of Defense. The problem concerning the interpretation of these sections presents itself in those overseas areas where there are unified combatant commanders, particularly in Hawaii, Puerto Rico, and US Territories where many assigned forces carry out Secretary of the Army functions similar to those performed by CONUS forces.

f. The study concludes that there is a need to clarify the provisions of the DOD Reorganization Act of 1986 concerning the assignment of forces in CONUS and mainland Alaska that do not perform Secretary of the Army functions. Title 10, Section 162(a)(1) and (2) requires that all forces must be assigned to a unified or specified combatant command, except those forces performing Secretary of the Army functions. Currently, for CONUS and mainland Alaska there is no unified combatant command. There are, however, forces in CONUS and mainland Alaska (including some islands) that are neither assigned to a specified combatant command nor appear to perform Secretary of the Army functions, such as intelligence and communication organizations. Whether these forces must be assigned to a specified combatant command or whether the Secretary of Defense may except these forces from the requirement is unclear. This is further complicated, with regard to intelligence organizations, by Title 10, US Code, Section 3013(c)(7), which states that the Secretary of the Army is responsible to the Secretary of Defense for the effective supervision and control of the intelligence activities of the Department of the Army, yet the Act makes no specific provision to except the forces which perform intelligence from assignment to a unified or specified combatant commander. Legislation may be required to resolve this matter. Clarification is particularly important to the assignment of the CONUS headquarters, as well as the CONUS and OCONUS subordinate elements, of the US Army Information Systems Command and the US Army Intelligence and Security Command.

g. The study concludes that Army doctrinal literature will require revision based on the DOD Reorganization Act of 1986. The command and control relationships of Army components within a theater is at variance with the requirements of the DOD Reorganization Act of 1986. Depending on the outcome of the clarification of the Act with regard to intelligence and communication organizations and assignment of forces decisions by the Secretary of Defense, significant revisions may be required.

## 8. RECOMMENDATIONS.

### a. Assignment Recommendations.

(1) RECOMMENDATION 1: Recommend that the Secretary of Defense except the OCONUS subordinate elements of the following organizations from assignment to and command by the unified combatant commander of a geographic area on the basis, among other reasons, that the organizations perform functions of the

Secretary of the Army listed in Section 3013(b), Title 10, US Code (Title 10 function subparagraph reference in parenthesis):

- US Army Strategic Defense Command (4).
- US Army Audit Agency (9).
- US Army Legal Services Agency (9).
- US Army Medical Research and Development Command (4).
- US Army Recruiting Command (1).
- US Army Family Support Center (9).
- US Army Military Personnel Center (9).
- US Army Civilian Appellate Review Agency (9).
- US Army Research Institute (4).
- US Army Troop Support Agency (3).
- US Army Training and Doctrine Command (5).
- US Army Materiel Command (3,4,10,11)\*.
- US Army Corps of Engineers (12).
- US Army Criminal Investigation Command (9).
- US Army Health Services Command (6).

\*Except Central Ammunition Management Office - Pacific (CAMO-PAC)

(2) RECOMMENDATION 2: Recommend that the Secretary of Defense except the OCONUS subordinate elements of the US Army Information Systems Command from assignment to and command by the unified combatant commander of a geographic area on the basis of economy-of-scale and world-wide efficient management and interoperability of the Defense Communications System.

(3) RECOMMENDATION 3: Recommend that the Secretary of Defense except the following OCONUS subordinate elements of the US Army Intelligence and Security Command (USAINSCOM) from assignment to and command by the unified combatant commander of a geographic area on the basis, among other reasons, that the organizations perform functions of the Secretary of the Army listed in Section 3013(b), Title 10, US Code (Title 10 function subparagraph reference in parenthesis):

- US Army Russian Institute (5).
- USAINSCOM Foreign Language Training Center - Europe (5).

(4) RECOMMENDATION 4: Recommend that the Secretary of Defense except the OCONUS elements of the following US Army Intelligence and Security Command (USAINSCOM) organizations from assignment to and command by the unified combatant commander of a geographic area on the basis of other statutory and oversight requirements, economy-of-scale considerations, and Section 3013(c)(7), Title 10, US Code, which states that the Secretary of the Army is responsible to the Secretary of Defense for the effective supervision and control of the intelligence activities of the Department of the Army:

- Fixed site SIGINT facilities and related organizations.
- Echelon Above Corps (EAC) Military Intelligence brigades/groups.

- US Army Operational Group.
- US Army Foreign Counterintelligence Activity.
- US Army Field Support Center.
- Military Intelligence Battalion (Low Intensity).

(5) RECOMMENDATION 5: Recommend that the Secretary of Defense except the OCONUS detachments of the US Army Special Security Group (USASSG) which primarily support the US Army Intelligence and Security Command (USAINSCOM) subordinate organizations and other US Government and international agencies from assignment to and command by the unified combatant commander of a geographic area on the basis that the detachments perform no wartime mission in support of the unified combatant commander, support organizations which are outside the command structure of the unified combatant command and other unique classified mission considerations.

(6) RECOMMENDATION 6: Recommend that the Central Ammunition Management Office - Pacific of the US Army Materiel Command be considered for reassignment to and under the command of the US Army Western Command (or the US Army Pacific when it is activated).

(7) RECOMMENDATION 7: Recommend that the detachments of the US Army Special Security Group (USASSG) which support Army component commands of unified commands and located within the geographic area of a unified combatant commander be considered for assignment to and under the command of the supported command.

b. Other Recommendations.

(1) RECOMMENDATION 8: Recommend that the Army take the following actions to control OCONUS elements of CONUS based organizations operating in the geographic area of a unified combatant commander:

(a) RECOMMENDATION 8a: In coordination with the Office of the Secretary of Defense, establish, by regulation, a procedure to evaluate and request exception from the Secretary of Defense for Army organizations which may, in the future, be stationed in the geographic area of a unified combatant commander and not assigned to or commanded by the Army component commander or the unified combatant commander.

(b) RECOMMENDATION 8b: Establish, by regulation, the requirement for CONUS based organizations to coordinate with the US Army component command within the geographic area of a unified combatant commander the establishment of and changes to OCONUS elements operating within the geographic area of the US Army component command.

(c) RECOMMENDATION 8c: Establish, by regulation a reporting procedure which would require a periodic report to the US Army component command within the geographic area of a unified

combatant commander by a CONUS based organization providing a status update of the OCONUS elements operating within the geographic area of the US Army component command.

(2) RECOMMENDATION 9: Recommend that the Army, in coordination with the Office of the Secretary of Defense, request clarification of the DOD Reorganization Act of 1986 concerning the assignment and exception of Army forces which perform Secretary of the Army functions listed in the Act and are located within the geographic area of a unified combatant commander, particularly in Hawaii, Puerto Rico, and other US territories and possessions.

(3) RECOMMENDATION 10: Recommend that the Army, in coordination with the Office of the Secretary of Defense, request a clarification of the DOD Reorganization Act of 1986 which would authorize the Secretary of Defense to exempt organizations located in CONUS and mainland Alaska (including the islands which are not part of a unified command) which do not perform Secretary of the Army functions, such as the US Army Information Systems Command and the US Army Intelligence and Security Command, from assignment to a unified or specified combatant commander.

(4) RECOMMENDATION 11: Recommend that the Army revise doctrinal literature regarding command and control relationships based on the DOD Reorganization Act of 1986 after the Act is clarified as to the status of intelligence and communication organizations and the Secretary of Defense has made the assignment of forces decisions based on the Act.