

The second change that would be provided by subsection (a) of section 162 is a requirement added by clause (3) that the President review periodically, but not less often than every 2 years, the missions, tasks, responsibilities (including geographic boundaries), and force structure of each combatant command and make whatever revisions are necessary to respond to changing conditions. This requirement is designed to ensure frequent, high-level attention to the Unified Command Plan (UCP). Necessary revisions to the UCP have often experienced prolonged delays, primarily due to their controversial nature and the institutional deficiencies of the JCS system.

Subsection (a) of section 162 would in clause (4) make a third change to require the President to notify Congress, except during time of hostilities, at least 60 days before establishing a new combatant command or before significantly revising the missions, tasks, responsibilities, or force structure of an existing combatant command. Given the importance of the combatant commands, this provision would require the President to keep the Congress informed on their status.

Assignment and Transfer of Combatant Forces

Subsection (b) of section 162 would specify authority for the assignment of combatant forces to, and their transfer from, combatant commands. Subsection (b) would retain, but clarify, the basic authorities now provided in subsection (b) of the repealed section 124. Reflecting the division of operational and administrative responsibilities in the Department of Defense prescribed by the 1958 Amendments to the National Security Act of 1947, paragraph (1) of subsection (b) of section 162 would require all combatant forces of the Military Departments to be assigned to combatant commands, unless otherwise directed by the Secretary of Defense. The Committee believes that all combatant forces should be assigned to the commands responsible for military operations. Such a requirement would enhance preparation for combat and the formation of effective, integrated fighting forces. The waiver authority granted to the Secretary of Defense is based upon the potential need to form a special task force or to separate certain combatant forces from a combatant command for special training, equipment maintenance or overhaul, or other purposes.

Paragraph (2) of subsection (b) would continue to specify that the Secretaries of the Military Departments are responsible for assigning combatant forces to combatant commands. However, it would add that such assignments are (1) to be consistent with the force structure prescribed by the President for each combatant command and (2) subject to approval by the Secretary of Defense. Assigning combatant forces to combatant commands was continued as a responsibility for the Secretaries of the Military Departments because of their greater familiarity with the status and capabilities of particular Service units.

Paragraph (3) of subsection (b) would continue the current authority for only the Secretary of Defense to transfer combatant forces from the combatant commands to which they are assigned and only under procedures prescribed by the Secretary of Defense and approved by the President.