

“§ 161. Establishment

“(a) UNIFIED AND SPECIFIED COMMANDS.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

“(1) establish unified combatant commands and specified combatant commands to perform military missions; and

“(2) prescribe the force structure of those commands.

“(b) SPECIAL COMBATANT COMMANDS.—(1) If the President determines that a situation warrants the creation for a specific military mission of a force outside the existing unified and specified commands, the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, may—

“(A) establish a special combatant command to respond to that situation; and

“(B) prescribe the mission, force structure, and support and administrative arrangements of that command.

“(2) In the case of any such special combatant command, the President, with the advice and assistance of the Chairman of the Joint Chiefs of Staff and acting through the Secretary of Defense, shall prescribe the chain of command from the President and Secretary of Defense to the commander of that command. Such chain of command shall be the shortest practicable for each force deployed consistent with proper supervision and support.

“(c) PERIODIC REVIEW.—(1) The Chairman shall periodically (and not less often than every other year)—

“(A) review the overall structure of the unified and specified combatant commands (including the relationship among their respective functions, missions, areas of responsibility, and chains of command); and

“(B) recommend to the President, through the Secretary of Defense, any changes that the Chairman considers necessary or appropriate.

“(2) The President shall promptly inform Congress of any action taken in response to recommendations made by the Chairman under paragraph (1)(B).

“§ 162. Forces assigned to combatant commands

“(a) ASSIGNMENT OF FORCES.—(1)(A) Except as provided in paragraph (2), the Secretaries of the military departments shall assign all forces under their jurisdiction to unified and specified combatant commands to perform the missions assigned to those commands. Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned.

“(B) As directed by the Secretary of Defense, the commanders of the unified and specified combatant commands and the Secretaries of the military departments shall assign forces under their jurisdiction to any special combatant command established under this chapter to perform the missions assigned to that command.

“(2) Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands under paragraph (1) do not include forces assigned to the recruiting, organizing, training, or supplying of the armed forces.

“(3) A force assigned to a combatant command under this section may be transferred from the command to which it is assigned only by authority of the Secretary of Defense and under procedures prescribed by the Secretary with the approval of the President.

“(4) A force not assigned to a combatant command remains, for all purposes, in the military department concerned.

“(5) Unless otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to the commander of a unified command shall be assigned to and under the command of the commander of that command. The preceding sentence applies to forces assigned to a specified command or a special combatant command only as prescribed by the Secretary of Defense.

“(b) COMMAND OF ASSIGNED FORCES.—(1) Notwithstanding any other provision of law, a force assigned to a combatant command under this section is under the command of the commander of that command. In this section, the term ‘command’ means the authority to give authoritative direction to subordinate forces necessary to accomplish assigned missions.

“(2) The Secretary of Defense shall ensure that commanders of combatant commands have sufficient authority over the forces assigned to their commands to exercise effective command over those forces.

“(3) If a commander of a combatant command at any time considers his authority over any of the forces assigned to that command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.