SEC. ___. AUTHORITY TO ASSIGN MILITARY FORCES WITHIN THE CONTINENTAL UNITED STATES TO THE MILITARY DEPARTMENTS.

Section 162(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting “, other forces within the continental United States that are directed by the Secretary of Defense to be assigned to a military department,” after “of this title”; and

(2) in paragraph (4), by inserting “, other than forces within the continental United States that are directed by the Secretary to be assigned to a military department,” after “unified combatant command”.

[Note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would amend section 162 of title 10, United States Code, to allow military forces within the continental United States to be assigned to a military department. With readiness significantly undercut by sequestration, sustained operations in Afghanistan and Iraq, as well as multiple global crises, the Department has prioritized readiness recovery to enable the force to reset and reconstitute its ability to fight a major contingency.

This change will allow the military department to manage the training and readiness of its forces more effectively to meet various combatant command requirements. By improving military department visibility of requirements and providing increased flexibility to meet those requirements with trained and ready forces, the military departments will be better able to improve the overall readiness of the force.

Budget Implications: There are no budget implications to this proposal. This proposal would merely authorize the military forces within the continental United States to be assigned to a military department for the sake of better managing training and readiness of its forces to more effectively meet various combatant command requirements.

Changes to Existing Law: The proposal would make the following changes to existing law:

TITLE 10, UNITED STATES CODE

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CHAPTER 6—COMBATANT COMMANDS

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§162. Combatant commands: assigned forces; chain of command

(a) ASSIGNMENT OF FORCES.—(1) 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 or to the United States element of the North American Aerospace Defense Command to perform 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. The Secretary of Defense shall ensure that such assignments are consistent with the force structure prescribed by the President for each combatant 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 or to the United States element of the North American Aerospace Defense Command under paragraph (1) do not include forces assigned to carry out functions of the Secretary of a military department listed in sections 3013(b), 5013(b), and 8013(b) of this title**, other forces within the continental United States that are directed by the Secretary of Defense to be assigned to a military department,** or forces assigned to multinational peacekeeping organizations.

(3) A force assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under this section may be transferred from the command to which it is assigned only—

(A) by authority of the Secretary of Defense; and

(B) under procedures prescribed by the Secretary and approved by the President.

(4) Except as otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to a unified combatant command**, other than forces within the continental United States that are directed by the Secretary to be assigned to a military department,** shall be assigned to, and under the command of, the commander of that command. The preceding sentence applies to forces assigned to a specified combatant command only as prescribed by the Secretary of Defense.

(b) CHAIN OF COMMAND.—Unless otherwise directed by the President, the chain of command to a unified or specified combatant command runs—

(1) from the President to the Secretary of Defense; and

(2) from the Secretary of Defense to the commander of the combatant command.