SEC. ___. CHANGING TITLE OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

(a) IN GENERAL.—Section 138(b)(2) of title 10, United States Code, is amended—

(1) in the first sentence, by striking "Assistant Secretary of Defense for Special Operations and Low Intensity Conflict" and inserting "Assistant Secretary of Defense for Special Operations and Irregular Warfare"; and

(2) in the second and third sentences, by striking "low intensity conflict" each place it appears and inserting "irregular warfare."

(b) CONFORMING AMENDMENTS.—(1) Section 127e(g) of title 10, United States Code, is amended—

(A) in the subsection heading, by striking "SOLIC" and inserting "SOIW"; and

(B) by striking "Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict" and inserting "Assistant Secretary of Defense for Special Operations and Irregular Warfare".

(2) The following provisions of title 10, United States Code, are amended by striking "Assistant Secretary of Defense for Special Operations and Low Intensity Conflict" and inserting "Assistant Secretary of Defense for Special Operations and Irregular Warfare":

(A) Section 139b(a).

(B) Subsections (e)(2), (f)(1)(B), and (f)(1)(C) of section 167.

[Please 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 seeks to amend the title of ASD Special Operations and Low Intensity Conflict (SO/LIC) to Special Operations and Irregular Warfare (SO/IW) to more accurately

reflect SO/LIC's current mission and responsibilities in implementing the National Defense Strategy (NDS) and its recently approved Irregular Warfare Annex. The position of the ASD SO/LIC was established by the Nunn-Cohen amendment to the NDAA for FY1987, which also established U.S. Special Operations Command. The term "low-intensity conflict" is a Cold War-era term that reflects proxy conflicts prevalent during that period and does not adequately reflect the full range of the ASD's responsibilities for IW and related activities. The term is not clearly defined in 10 U.S.C. 138(b)(4), does not appear in current DoD joint doctrine, and is not used within the Defense enterprise except when referring to this office.

In April 2019, the ASD SO/LIC approved a reorganization of SO/LIC in order to institutionalize his Title 10 administrative chain-of-command responsibilities overseeing the SOF Enterprise, and to support the objectives of the NDS. Based on a comprehensive review of SO/LIC's legislative history, current structure, roles, and missions, changing the name of the position and organization is an important part of this effort. Maintaining "Special Operations" in the ASD's title remains important to reflect the ASD's core responsibility in the administrative chain-of-command for SOCOM:

The current term "Low-Intensity Conflict" fails to capture the full breadth of activities and unconventional threats falling under the ASD's responsibilities. It also lacks meaning to other departments and agencies, allies, and partners. The descriptor "low-intensity" is seen as inaccurate, bordering on a slight, by those who have waged close combat against unconventional enemies, or taken risk in amorphous situations.

The term "irregular warfare" is specifically referenced as a responsibility of the ASD in 10 U.S.C. 138(b)(4), and in March the Acting Secretary of Defense approved an IW Annex to the NDS in order to institutionalize IW as a critical core competency for the Department. ASD (SO/LIC) is leading this department-wide effort. Irregular warfare missions span from stability operations and counterterrorism to information operations and unconventional warfare, reflecting the core portfolio of ASD (SO/LIC).

Budget Implications: This proposal has no significant budgetary impact. Resources impacted are incidental in nature and amount and are included within the Fiscal Year (FY) 2021 President's Budget request. Since this proposal only seeks a change in title, any additional costs for letterhead and other materials would be minimal and easily absorbed within resources programmed for SO/LIC headquarters support.

Changes to Existing Law: This proposal would amend title 10, United States Code, as follows:

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§138. Assistant Secretaries of Defense

(a)(1) There are 13 Assistant Secretaries of Defense.

(2) The Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

(2) One of the Assistant Secretaries is the ~~Assistant Secretary of Defense for Special Operations and Low Intensity Conflict~~ Assistant Secretary of Defense for Special Operations and Irregular Warfare. He shall have as his principal duty the overall supervision (including oversight of policy and resources) of special operations activities (as defined in section 167(j) of this title) and ~~low intensity conflict~~ irregular warfare activities of the Department of Defense. The Assistant Secretary is the principal civilian adviser to the Secretary of Defense on special operations and ~~low intensity conflict~~ irregular warfare matters and (after the Secretary and Deputy Secretary) is the principal special operations and ~~low intensity conflict~~ irregular warfare official within the senior management of the Department of Defense. Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary shall do the following:

(A) Exercise authority, direction, and control of all special-operations peculiar administrative matters relating to the organization, training, and equipping of special operations forces.

(B) Assist the Secretary and the Under Secretary of Defense for Policy in the development and supervision of policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for the following:

(i) Irregular warfare, combating terrorism, and the special operations activities specified by section 167(k)[1] of this title.

(ii) Integrating the functional activities of the headquarters of the Department to most efficiently and effectively provide for required special operations forces and capabilities.

(iii) Such other matters as may be specified by the Secretary and the Under Secretary.

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§139b. Special Operations Policy and Oversight Council

(a) In General.-In order to fulfill the responsibilities specified in section 138(b)(4) of this title, the ~~Assistant Secretary of Defense for Special Operations and Low Intensity Conflict~~ Assistant Secretary of Defense for Special Operations and Irregular Warfare, or the designee of the Assistant Secretary, shall establish and lead a team to be known as the "Special Operations Policy and Oversight Council" (in this section referred to as the “Council”).

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§167. Unified combatant command for special operations

(a) Establishment.-With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for special operations forces (hereinafter in this section referred to as the "special operations command"). The principal function of the command is to prepare special operations forces to carry out assigned missions.

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(e) Authority of Combatant Commander.-

(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the special operations command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to special operations activities.

(2) Subject to the authority, direction, and control of the ~~Assistant Secretary of Defense for Special Operations and Low Intensity Conflict~~ Assistant Secretary of Defense for Special Operations and Irregular Warfare, the commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to special operations activities (whether or not relating to the special operations command):

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(f) Administrative Chain of Command.-(1) Unless otherwise directed by the President, the administrative chain of command to the special operations command runs-

(A) from the President to the Secretary of Defense;

(B) from the Secretary of Defense to the ~~Assistant Secretary of Defense for Special Operations and Low Intensity Conflict~~ Assistant Secretary of Defense for Special Operations and Irregular Warfare; and

(C) from the ~~Assistant Secretary of Defense for Special Operations and Low Intensity Conflict~~ Assistant Secretary of Defense for Special Operations and Irregular Warfare to the commander of the special operations command.

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§127e. Support of special operations to combat terrorism

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(g) Oversight by ASD for ~~SOLIC~~ SOIW.-The ~~Assistant Secretary of Defense for Special Operations and Low Intensity Conflict~~ Assistant Secretary of Defense for Special Operations and Irregular Warfare shall have primary responsibility within the Office of the Secretary of Defense for oversight of policies and programs for support authorized by this section.