

Management of Special Operations Forces and Special Operations

Section 1074 Report on Implementation of Requirements in Connection
with the Organization of the Department of Defense for Management of
Special Operations Forces and Special Operations

Submitted in compliance with the reporting requirement contained in Section 1074
of the National Defense Authorization Act for Fiscal Year 2018 (Public law
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Section 1074 Report: Organization of the Department of Defense for Management of Special Operations Forces and Special Operations

This report responds to the requirements of section 1074 of the National Defense Authorization Act for Fiscal Year 2018, which provides that:

“(a) Report Required. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the implementation of section 922 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2354) and the amendments made by that section (in this section collectively referred to as the “covered authority”).”

(b) Elements. The report required by subsection (a) shall include the following:

(1) A statement of the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict that is consistent with the covered authority, including an identification of any responsibilities to be divested by the Assistant Secretary pursuant to the covered authority.

(2) A resource- unconstrained analysis of manpower requirements necessary to satisfy the responsibilities akin to those of the Secretary of a military department that are specified by the covered authority.

(3) An accounting of civilian, military, and contractor personnel currently assigned to the fulfillment of the responsibilities akin to those of the Secretary of a military department that are specified by the covered authority, including responsibilities relating to budget, personnel, programs and requirements, acquisition, and special access programs.

(4) A description of actions taken to implement the covered authority as of the date of the report, including the assignment of any additional civilian, military, or contractor personnel to fulfill additional responsibilities akin to those of the Secretary of a military department that are specified by the covered authority.

(5) An explanation how the responsibilities akin to those of the Secretary of a military department that are assigned to the Assistant Secretary by the covered authority will be fulfilled in the absence of additional personnel being assigned to the office of the Assistant Secretary.

(6) An assessment of whether the responsibilities specified in section 138(b)(4) of title 10, United States Code, could be accomplished more effectively if the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict were elevated to an Under Secretary, including the potential benefits and negative consequences of such a change.

(7) Any other matters the Secretary considers appropriate.”

This report addresses each element in order.

Element 1: A statement of the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict that is consistent with the covered authority, including an identification of any responsibilities to be divested by the Assistant Secretary pursuant to the covered authority.

The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (SO/LIC) is the principal staff advisor to the Secretary of Defense on special operations matters. The ASD(SO/LIC)'s principle duty is overall supervision (to include oversight of policy and resources) of

special operations activities of the Department of Defense. The ASD(SO/LIC) also is the principal advisor to the Secretary of Defense on special operations capabilities and authorities; counternarcotics efforts and resources; humanitarian assistance and disaster relief; strategies for building partner capacity; and stability operations in accordance with the Under Secretary of Defense for Policy's priorities and guidance.

Additionally, as the statutory duties of ASD(SO/LIC) were amended by Section 922 of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (Section 922), the ASD(SO/LIC), under the authority, direction, and control of the Secretary, is in the administrative chain of command between the Secretary of Defense and the Commander, United States Special Operations Command (USSOCOM). In this role, the Assistant Secretary exercises authority, direction, and control of all special operations-peculiar administrative matters relating to the organization, training, and equipping of special operations forces.

As a result of Section 922, it may be necessary for the ASD(SO/LIC) office to realign staff internally. ASD(SO/LIC) is analyzing options including increased staff and divestment.

Element 2: A resource- unconstrained analysis of manpower requirements necessary to satisfy the responsibilities akin to those of the Secretary of a military department that are specified by the covered authority.

On May 31, 2017, the Deputy Secretary of Defense directed ASD(SO/LIC) and Commander USSOCOM to co-lead a review and develop recommendations for the implementation of Section 922. The Acting ASD and Commander established a tiger team to conduct an analysis and directed that the team take a resource unconstrained approach to developing recommendations. The tiger team organized around five working groups which included stakeholders from SO/LIC, USSOCOM, the Joint Staff, the Military Departments, and relevant OSD components. The tiger team developed a set of recommendations intended to be implemented in a phased approach. The five working groups and topic addressed were:

Program and Requirements Working Group. This group assessed the ASD's role in the full range of USSOCOM's Strategic Planning Process; the Global Force Management process; the Joint Capabilities Integration and Development System; the military construction decision process; and the process for development of campaign and posture plans. Key issues considered were the ASD's role: in receipt and promulgation of fiscal guidance; the development and submission of USSOCOM's Program Objective Memorandum; the development and approval of the SOF Strategic Plan, SOF Operating Concept, and the Capabilities and Programming Guidance; and the ASD's participation in USSOCOM-unique and OSD-wide governance mechanisms (e.g., the Global Force Management Board, the Contingency Basing Executive Committee, and the Joint Requirements Oversight Council).

Acquisition Working Group. This group assessed the ASD's role in all major elements of the Special Operations Forces Acquisition, Technology, and Logistics enterprise, including acquisition program management; science and technology program management; innovation; procurement; services program management; logistics; materiel readiness; depot management; agile/specialized acquisition management; and supporting activities. Key issues considered were the ASD's role in: advocacy and oversight of all acquisition, technology, and logistics issues;

actions external to USSOCOM; and designation of special interest programs and activities for increased assistance, oversight, and, as necessary, approval.

Budget Working Group. This group assessed the ASD's role in the Department's budgeting processes for special operations. Key issues considered were the ASD's role in: the development and submittal of budget issue papers; the appeals process; unfunded priority list submissions; and review and submittal of Major Force Program (MFP)-11 budget materials, and adjudication of MFP-11 policy issues. This group also considered appropriate access by the ASD(SO/LIC)'s office to budgeting systems, databases, and tools.

Personnel and Readiness Working Group. This group assessed the ASD's role in the SOF enterprise management of military and civilian personnel; readiness reporting; SOF-peculiar initiatives (e.g., training education, warrior care); awards and decorations; and casualty notifications. Key issues considered were the ASD's relationship with the Military Departments on military personnel issues and the ASD's role in setting personnel policies for civilian personnel funded by MFP-11.

Special Access Program Working Group. This group assessed the ASD's role in the range of activities associated with special access programs, including (but not limited to) programming and budgeting, acquisition, security, and oversight. Key issues considered were the ASD's responsibilities related to cognizant authority; the ASD's participation in program reviews and established program governance and oversight mechanisms; and the ASD's role in providing special access program guidance in the annual report.

Separately from the working groups, SO/LIC and USSOCOM leaders reviewed and assessed additional functions akin to those of the Secretary of a military department that would support the ASD's responsibilities under Section 922. These include legislative affairs, public affairs, general counsel, and inspector general-type functions. All recommendations were reviewed by a "red team" of former senior-level DoD officials.

While the working groups conducted a resource-unconstrained assessment, the recommendations provided by those groups for phased implementation focused on a core subset of functions necessary for the ASD to effectively fulfill the responsibilities akin to those of the Secretary of a military department. These functions will enable ASD(SO/LIC) to support the special operations enterprise in implementing the National Defense Strategy; work with the Services to fully resource irregular warfare responsibilities; and prioritize areas to achieve the greatest returns with the Joint Force. The U.S. Army Manpower Analysis Agency conducted a manpower study associated with the range of functions and determined 64 full-time equivalents could be required. These manpower requirements continue to be reviewed to determine if some functions can be delegated or combined to enhance efficiency and reduce cost.

Element 3: An accounting of civilian, military, and contractor personnel currently assigned to the fulfillment of the responsibilities akin to those of the Secretary of a military department that are specified by the covered authority, including responsibilities relating to budget, personnel, programs and requirements, acquisition, and special access programs.

In addition to the Assistant Secretary and Principal Deputy Assistant Secretary, a total of 14 people (out of 72 Schedule C appointees, civil servants, and military personnel authorized to SO/LIC) are currently assigned to implement the responsibilities specified:

Principal Director, Secretariat for Special Operations (SES)
Director (O-6 Army)
SOF Acquisition Advisor (SES)
SOF O&M Budget and Special Access Programs (GS-15)
SOF Strategy and Requirements (GS-15)
SOF Programming (GS-15)
SOF ISR Programs (O-5 USAF)
SOF Training and Education (Contractor)
Special Access Programs (GS-14)
SOF Strategy and Plans (Contractor)
SOF Aviation Programs (Contractor)
SOF Ground Programs (O-5 Army detailee)
Investment Budget (GS-15)
SOF Strategy (IPA)

Element 4: A description of actions taken to implement the covered authority as of the date of the report, including the assignment of any additional civilian, military, or contractor personnel to fulfill additional responsibilities akin to those of the Secretary of a military department that are specified by the covered authority.

The following actions have been taken to implement Section 922:

The Office of the Under Secretary of Defense for Policy assigned a member of the Senior Executive Service to lead the office responsible for implementing the covered authority (now named the Secretariat for Special Operations office) – (September 2016)

The Secretariat for Special Operations office staff increased by two civil servants, one Intergovernmental Personnel Act (IPA) employee, and one detailee from the U.S. Army to augment existing personnel- (July 2017 – January 2018).

The Deputy Secretary of Defense designated ASD(SO/LIC) as a member of the Deputy's Management Action Group (in addition to membership by the Under Secretary of Defense for Policy) – (May 2017).

The Deputy Secretary of Defense designated ASD(SO/LIC) as a participant in selected Special Access Programs Oversight Council meetings – (May 2017).

The Deputy Secretary of Defense approved formal establishment of the Special Operations Policy and Oversight Council – (April 2017).

The Deputy Secretary of Defense delegated ASD(SO/LIC) authority to approve hiring freeze waivers on the same level as other Secretaries of the Military Departments - (March 2017).

The Deputy Secretary of Defense directed a review to develop recommendations on implementation of Section 922 – (May 2017).

The U.S. Army Manpower Analysis Agency conducted a manpower study associated with implementing the performance of responsibilities akin to those of the Secretary of a Military Department -- (October 2017).

Element 5: An explanation how the responsibilities akin to those of the Secretary of a military department that are assigned to the Assistant Secretary by the covered authority will be fulfilled in the absence of additional personnel being assigned to the office of the Assistant Secretary.

OSD is currently evaluating options to enable us to meet the intent of Congress for ASD(SO/LIC) to perform Service Secretary-like functions. This may involve use of OSD personnel from other organizations, such as CAPE, to assist with program evaluation and oversight similar to that performed by the Military Services. Without the requisite number of personnel, the ASD will have to prioritize further the minimum set of activities that need to be done to accomplish oversight and advocacy.

Additionally, ASD(SO/LIC) will determine options to realign staff internally that could enable additional personnel to support the responsibilities. ASD(SO/LIC) will also determine whether other components' support can be obtained for certain functions (e.g., legislative affairs), although the number of personnel available to be matrixed are very limited. In addition, it may be possible to gain a limited number of detailees with relevant expertise from various staffs, but these detailees will be term-limited. The detailing organizations may also require funding from Policy's significantly diminished Operations and Maintenance budget.

ASD(SO/LIC)'s ability to appropriately staff these functions is severely constrained by the legislatively-mandated cuts in funding to DoD Major Headquarters Activities, as well as Departmental guidance to reduce headquarters manning. These cuts significantly restrict the number of civilian personnel that can be hired, as well as the number of military personnel that can be detailed to the organization; the number of civilian detailees that can be funded; and the number of contractor personnel that can support the ASD.

Element 6. An assessment of whether the responsibilities specified in section 138(b)(4) of title 10, United States Code, could be accomplished more effectively if the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict were elevated to an Under Secretary, including the potential benefits and negative consequences of such a change.

Designation as an administrative "service-like" Under Secretary would serve to raise the profile of special operations issues and address the long-standing issue of the hybrid nature of ASD(SO/LIC)'s role under USD(P). However, an additional Under Secretary within the Office of the Secretary of Defense would add to the bureaucracy in the Department and require increased administrative structure and resources.

Element 7. Any other matters the Secretary considers appropriate. None.