

RAF and Authorities

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The method and manner in which the Army executes Regional Alignment of Forces (RAF) is evolving. The Army is changing and adapting the concept as it promulgates the idea across the force. Regional Alignment of Forces does not come with a Congressional mandate or specific statutory authority, and the utilization of forces in any circumstance requires clear authorities. Therefore, how RAF is implemented and under what legal authorizations are exceptionally important considerations.

History

The Army originally began the process by designating Regionally Aligned Brigades, primarily to assist combatant commanders (CCDR) with building partner capacity (BPC) and theater security cooperation (TSC) requirements.¹ With the end of hostilities in Iraq and the anticipated removal of combat troops from Afghanistan, the President of the United States (POTUS) emphasized his desire to share theater security responsibility with other nations.² By May 2012, General Raymond T. Odierno, Chief of Staff of the Army (CSA) had expanded the concept of Regionally Aligned Brigades to include functional and multi-functional brigades, divisions, and corps. With this expansion, he introduced the term Regionally Aligned Forces into the Army lexicon.³

Since September 2012, RAF has been understood by Army planners to be a concept rather than a change in doctrine. Its main purpose is to align Total Army (TA) forces to a combatant command (CCMD), whether assigned, allocated, or service retained CCMD aligned (SRCA). All Army units will be regionally aligned with the exception of special operations forces (SOF) and the global response forces (GRF). The goal is to meet CCMD requirements that exceed the capability of assigned or allocated forces.⁴ The definition of RAF used to analyze issues of authorities, as approved by the CSA on October 25, 2012, states:

Regionally Aligned Forces provide the Combatant Commander with up to joint task force capable headquarters with scalable, tailorable capabilities to enable him to shape the environment. They are those Army *units assigned* to combatant commands, *allocated* to a combatant command, and those *capabilities distributed and prepared by the Army* for combatant command regional missions. Includes Army total force organizations and capabilities, which are forward stationed; operating in a combatant command area of responsibility; supporting from outside the area of responsibility, including providing reach-back; prepared to support from outside the area of responsibility. Regional Missions are driven by combatant command requirements. This requires an understanding of the cultures, geography, languages, and militaries of the countries where they are most likely to be employed, as well as expertise in how to impart military knowledge and skills to others.⁵

While the first use of a RAF unit, the Second Armored brigade combat team, First Infantry Division (2/1 ABCT) was deemed a success, its deployment to the U.S. Africa Command (AFRICOM) AOR was not without challenges.⁶ Working with the authorities and limitations set by Congress, the Department of State (DoS) and the Office of the Secretary of Defense (OSD) highlighted the difficulties in providing security cooperation activities in the AFRICOM area of responsibility (AOR). The operations began on March 15, 2013

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and continued until June 15, 2014. The 2/1 ABCT commander's intent was to build long lasting relationships, which promote specific U.S. interests, while the partnered African land forces military capabilities of self-defense and regional stability were developing and progressing.⁷ Nevertheless, sixty percent of all 2/1 ABCT planned RAF missions at the time of its first interim after action report (AAR) were canceled due to lack of funding.⁸

The RAF concept introduces new terms such as "aligned" without new funds. The introduction of new terms and their application to the TA, combined with a myriad of possible existing authorities that could apply to RAF, warrant further discussion. The Total Army starts with the Active Component including the GRF, the operating force (OF), and SOF. It also includes the Reserve Components (RC), which consists of the Army Reserve (AR) and the National Guard (NG). Army civilians may also be included.⁹ Each force component may deal in different ways with various general and specific authorizations.

Title 10 of *United States Code* provides the legal basis for the roles, missions, and organization of each armed service. Title 32 of *United States Code* relates to the National Guard. Title 22 of *United States Code* outlines the role for foreign relations and engagement. Title 22 also references the manner in which the DoS may work with DoD, including the Army, to advance national interests. Title 50 of *United States Code*, War and National Defense, is of particular use to SOF. Title 50 authorities are beyond the RAF TSC and BPC goals; however, its applicability is addressed later in this report. Other potential authorities impacting RAF can be found in miscellaneous statutes and various yearly National Defense Authorization Acts (NDAA). "The NDAA is the key mechanism to provide necessary authorities and funding for America's military."¹⁰ Some authorities may apply only to certain components or specific places. This report provides a point of initiation in identifying and understanding the legalities involved with the RAF concept.

RAF Terms

Each component of the TA will fall into one of the categories utilized for planning. The Army divides its force structure into the OF and the Generating Force (GF).¹¹ The OF includes units that are organized, trained and equipped to deploy and conduct joint operations in support of a combatant commander's objectives, whereas GF under RAF may simply be aligned.¹² The GF in the aligned stage is not fully equipped, ready to deploy, nor assigned to a combatant commander. If aligned, a RAF unit in the GF can initiate a relationship with the combatant commander, but is not tasked by this command. Separately, the GRF has a worldwide focus on specific missions and must be prepared to deploy within 18 hours. It is a service-retained unit that maintains high readiness and increased global responsiveness.¹³ In contrast, "RAF focuses on a specific theater for habitual planning, training, exercises, and response."¹⁴ The key is that RAF units are drawn from the total force and will be either assigned, allocated, apportioned, or SRCA.¹⁵

The first category of RAF is those units assigned to or allocated to a CCMD.¹⁶ Assigned forces are those forces, and resources, which have been placed under combatant command (COCOM) of a unified commander at the direction of the Secretary of Defense (SECDEF). Assignments of forces are found in the Secretary's "Forces for" Unified Commands Memorandum and in Section II of the Global Force Management Implementation Guidance (GFMIG) pursuant to the Unified Command Plan (UCP).¹⁷ This relationship is established by law. It is favored by CCDRs due to their ability to influence specific organizations and, importantly, it incorporates a clear chain of command. Closely related are allocated forces. The POTUS or the SECDEF provides allocated forces to a combatant commander for the execution of a specific assigned mission.¹⁸ Missions may include current operations and theater campaign plans within the parameters established by the SECDEF. Generally, only those Army forces allocated or assigned pursuant to the GFMIG

may be deployed in support of the CCDRs requirements.¹⁹ Apportionment guidance of forces for planning are described in the Joint Strategic Capabilities Plan (JSCP).

The second category of RAF is those forces that are aligned, but service-retained.²⁰ Service retained forces may be aligned to a combatant command, but trained by the Army in culture, language, and customs for a specific mission or to a region or sub-region of a CCDR's AOR.²¹ Alignment is a developing term that the DoD has not defined. As envisioned, aligned RAF will understand the population of the region with which they are aligned, thereby enhancing ability to influence the human domain in the operational environment.²² Aligned forces are by law in the GF as "unassigned forces." While in the GF, they can still be OF. They are, however, neither assigned nor allocated to a unified combatant commander under the provisions of Title 10, *United States Code*, Section 162 and the UCP. As such, they remain under Army administrative control (ADCON) in order to execute functions assigned by the Secretary of the Army (SECARMY).²³ By being aligned, the forces establish a planning association with a specific CCMD. The planning association begins with a mission alignment order (MAO) during the unit's available period. Units are the primary sourcing option for SECDEF directed force allocations. During this time, direct liaison is authorized (DIRLAUTH) from the CCMD to the unit, but no command relationship exists. During the SRCA period, the unit may only execute those tasks specially outlined in law.²⁴ While there are clear limits on specific missions an aligned unit can perform during this period, creative and well-researched planning can mitigate the restrictions. The SECARMY has the authority to conduct the Title 10 recruit, train, and equip responsibilities that provide the limits of use to the CCMD during this period. Responsibilities are not restricted to the Continental United States (CONUS) and they could, if properly authorized, be done in the CCDR's AOR. When Army forces are regionally aligned within the geographic responsibility of the CCDR, they will normally be under operational control (OPCON) of the CCDR and ADCON to the Army Service Component Command (ASCC).²⁵

Statutory Authorities in General

RAF units will be assigned, allocated, or aligned to the geographic commandant commands (GCC) under established authorities and roles.²⁶ RAF units deployed to a GCC's AOR, especially overseas, will have contact with and very often work alongside other government agencies (OGA) in a whole of government approach. Ideally, RAF is not about solely using the military to accomplish policy objectives, but rather through relationship building to also contribute to diplomatic and informational initiatives. OGAs may include the Departments of State, Agriculture, Commerce, Energy, as well as those involving law and drug enforcement. The authorities impacting deployed RAF units are critical since they both determine the tactical limits and resource the funding. There is no easier way for any commander to violate the law (often inadvertently) than to fail to understand funding related authorities. Using the wrong color of money is a serious matter as only Congress can specify how funds are to be used. Funding provides opportunities, but carries significant restrictions.

As a concept, RAF continues to grow and broaden. Regionally Aligned Forces will predominantly help in steady state shaping operations. The recent Training and Doctrine Command (TRADOC) Commander, General Robert Cone, broadly described Phase Zero or shaping operations in the operational environment (OE) as, "...those operations, occurring at any echelon, that create or preserve conditions for success of the decisive operation. Thus engagement by Regionally Aligned Forces positively shapes the environment in which the Army operates thought the range of military operations."²⁷ GEN Cone described the RAF broadly and TSC expansively as "other actions that the units or even small groups of individual Soldiers can take"²⁸ He described the TSC mission of RAF as "running the gamut from division-sized assets to an individual soldier."²⁹ To that end, a look at general statutory authorities must be equally broad since there are no specific or new

RAF authorities.³⁰ The key for planners is to be creative in looking for authorities, which if implemented properly, enable mission execution. At the same time, planners must be careful to comply with requirements of Congressional mandates.³¹ Funding for RAF activities may be provided from the DoD budget as both operations and maintenance (O&M) funding for the Army in a CCMD-specific appropriation or in a special appropriation for a specific use.³² Any funding stream, of course, is always subject to or influenced by budget limitations.

The DoS budget, despite being considerably smaller than the DoD budget, may be a source of funding beyond what it typically provides to fund military-type missions. If the Regionally Aligned Forces are able to support a mission not usually handled by a military component, the DoS may consider funding it. Specifically, the DoS may consider the use of RAF assets if using the Army is more cost beneficial than other means for completing DoS missions. DoS partnership programs, many of which are used by the National Guard in the State Partnership Program (SPP), are also important. DoS funds have clear statutory requirements, however, and commanders and planners at all echelons must ensure funds are used appropriately directed.

Title 10 Authorities Overview

The starting place for authorities in support of geographic combatant commanders, is Chapter Six of Title 10, *United States Code*. Under that Chapter in Section 166, Congress provides funding for broad categories of assignments. Moreover, under Section 166a (a), Congress created the Combatant Commander Initiative Fund (CCIF). Section 166a (b), authorizes the “CJCS to provide funds to the CCDRs for combined exercises and for foreign country participation.”³³ The authorization, although statutorily prioritized, is broad. Army Regionally Aligned Forces participating in CCMD activities may come under this authorization, but only if assigned or allocated as opposed to aligned. The use of this authority is dependent, however, upon the amount funded in apportions each year. Annual funding can make planning difficult, but this is a reality of Congressional budgets.³⁴

Title 10, *United States Code*, Section 168, Military-to-Military Contacts and Comparable Activities, covers “activities that are designed to encourage a democratic orientation of defense establishments and military forces of other countries.”³⁵ This section includes “exchanges of military personnel between units of the armed forces and units of foreign Armed Forces.”³⁶ This law may be of particular use if the Army can show why its RAF personnel, as opposed to those of other services, are best suited due to their understanding of a region’s culture, languages, and customs to be exchanged with personnel of the region under consideration.

For RAF units oriented toward the Western Hemisphere, Congress established the Center for Excellence for Disaster Management and Humanitarian Assistance under United States Pacific Command (PACOM). This organization is the principal agency for promoting disaster preparedness and societal resiliency in the Asia-Pacific region for United States Government (USG) agencies.³⁷ This 1994 Act, codified in Title 10, *United States Code*, Section 182, “authorizes education, training, and research in civil-military operations, particularly operations that require international disaster management and humanitarian assistance and operations.”³⁸ The Center for Excellence works with Active and Reserve Components to develop domestic, foreign, and international capability and capacity.³⁹ The Center also offers customized education and training packages designed to meet the specific training objectives of the requesting organization. The requesting organization, such as an Army Regionally Aligned Force, helps select the curriculum and develop a draft agenda based on the training objectives and target audience.⁴⁰

The Center’s staff provides the training, facilitation, and case study management in support of the requested training. The curriculum is based on existing products or may be specifically developed to meet emerging mission-focused requirements from the requesting organization.⁴¹ The Center has many partners

among NGOs, IGOs and private enterprise. The 1994 statute states that training may be paid for through donations from these partners.⁴² Donations could be an avenue for resourceful RAF units to seek funding in support of training, especially in resource-constrained years.⁴³ A unit aligned with a particular Asian country with specific needs could, for example, request an estimate of what training would cost from the Center for Excellence. The unit could, with the Center's assistance, identify a partner interested in funding training through the Center at which both the RAF unit and the foreign country could attend.

Other possible funding sources may be specific to humanitarian aid situations and would be of special relevance to RAF units, such as medical or engineer detachments. Title 10, *United States Code*, Sections 401, 402, 404, 2557, and 2561 address humanitarian aid. Section 401 specifically authorizes "civic assistance expenditures in conjunction with military operations."⁴⁴ Section 401(e)(1) allows "medical, surgical, dental, and veterinary care to be provided in areas of a foreign country that are rural or are underserved by medical, surgical, dental, and veterinary professionals."⁴⁵ Section 401 further authorizes "education, training, and technical assistance"⁴⁶ to meet human and animal health needs. This statutory section also allows for the "construction of rudimentary surface transportation systems, well drilling, the construction of basic sanitation systems, and basic construction and repair of public facilities."⁴⁷

Additionally, the expenditure of Overseas Humanitarian Disaster and Civic Assistance (OHDACA) funds for unit O&M expenditures incurred pursuant to humanitarian assistance operations may be authorized and provided under several other specific statutes. Relevant statutes include Title 10, *United States Code*, Section 401(7), Humanitarian Demining Assistance, and Title 10, *United States Code*, Section 402, Transportation of Humanitarian Relief Supplies to Foreign Countries (Denton Program). Other humanitarian statutes include Title 10, *United States Code*, Section 404, Foreign Disaster Assistance, and Title 10, *United States Code*, Section 2561, which covers Humanitarian Assistance in general.⁴⁸ The DoD, under Title 10, *United States Code*, Section 2557, can donate "excess nonlethal supplies for humanitarian purposes."⁴⁹ All provide potential opportunities for RAF units to shape the environment in Phase Zero.⁵⁰

The authorities noted apply to assigned and allocated RAF units, but some aligned units may have elements that could be deployed to humanitarian missions including education related tasks. A unique statutory authority exists for assigned and allocated units as well as service retained CCMD aligned forces for cost effective shaping opportunities in Phase Zero. This unique authority, Title 10, *United States Code*, Section 184, Regional Centers for Security Studies, allows small elements or individuals to participate in various programs. This section authorizes activities for "multilateral or bilateral research, communication, and the exchange of ideas for civilian and military personnel."⁵¹

Three research centers, the William J. Perry Center for Hemispheric Defense Studies, the Africa Center for Strategic Studies, and the Near East South Asia Center for Strategic Studies are in Washington, DC.⁵² The location of these centers makes it cost efficient for a CONUS-based RAF unit to send personnel for training and interaction with regional partners. Research centers located outside of CONUS, although beneficial for their geographic proximity, can be more expensive due to travel costs.

The George Marshall European Center for Security Studies in Germany is ideal for the U.S. forces remaining in Europe and European partners. The Asia-Pacific Center for Security Studies in Hawaii enables a central regional location for forces located in the PACOM AOR. Importantly, for relationship building, if a RAF unit is able to access funding to send its personnel to a center for a related program, participation from foreign Soldiers in the AOR aligned with the RAF unit "may be paid by foreign governments, other USG agencies, domestic or foreign foundations, or charitable organizations."⁵³ If the RAF unit has an aligned relationship with a CCMD, the funding from partners could be sought at that level. If there is no aligned relationship, funding would likely have to be sought from either their respective divisions or at the ASCC level.⁵⁴

This opens opportunities for the RAF unit to be creative, flexible, and adaptive. To a lesser degree, because of the nature of their programs, RAF personnel oriented to the United States Southern Command (SOUTHCOM) could look to the Western Hemisphere Institute for Security Cooperation (WHINSEC), formerly known as the U.S. Army School of the Americas. WHINSEC was created under Title 10, *United States Code*, Section 2166 and it authorizes “education and training to eligible military, law enforcement, and civilian personnel of Western Hemisphere nations.”⁵⁵

Title 10, *United States Code*, Section 374 addresses counter-narcotics activities. Under the current NDAA, it “authorizes DoD to provide counter-narcotics assistance and training for foreign security forces”⁵⁶ through FY 2014. Funding under Section 374 has been consistently extended in various NDAA's. Section 374 provides for major anti-narcotic programs focused primarily in SOUTHCOM's AOR that includes Total Army assets. RAF organizations with counter narcotic capabilities aligned to SOUTHCOM may be funded under this authority.

Title 10, *United States Code*, Sections 1050, and 1050a, authorize cooperation between the United States and Latin American countries and the United States and African countries.⁵⁷ These will be of particular interest to RAF units in the SOUTHCOM and AFRICOM areas of responsibility. These statutes provide a potential authority for military officers from those Latin American and African regions to travel to the CONUS and collaborate with RAF units. The SECDEF must approve the participating countries. For an approved country, the statutes authorize “travel, subsistence and special compensations and other expenses.”⁵⁸ In addition, Title 10, *United States Code*, Section 1051 allows the SECDEF to approve funding for bilateral or regional cooperation programs, including “defense personnel of developing countries” in conjunction with attending meetings “in the national security interests of the United States.”⁵⁹ These bilateral or regional cooperation programs have potential for a RAF unit to send Soldiers to a training program in which foreign Soldiers from their aligned region are attending.

Recently enacted Title 10, *United States Code*, Section 1051c allows for the “temporary assignment of a member of a foreign military to any DoD organization to train and improve that foreign Soldier's ability to understand and respond to information security threats.”⁶⁰ Unit information officers could explore the possibility of inviting a member of a foreign military from their aligned area to the training of the RAF units' own personnel, keeping security concerns in mind.⁶¹ If a RAF unit in CONUS were to be able to invite a foreign Soldier to participate in training, that Soldier could also be asked to assist with instructing other Soldiers in the RAF unit on the culture from the foreign Soldier's region. Title 10, *United States Code*, Section 1051c contemplates only a small number of foreign Soldiers training in the United States through temporary assignment. The effect, however, would enable greater cultural awareness for the RAF unit conducting the information security training.

Partner nations from the “developing world, participating in combined exercises, if approved by the SECDEF, in coordination with DoS,” may under Title 10, *United States Code*, Section 2010 have their military's “incremental expenses” paid.⁶² Those expenses “include rations, fuel, training ammunition, and transportation, but not pay and allowances.”⁶³ Under this statute, a RAF unit training in its overseas-aligned region may be able to have foreign units participate in its training with minimal cost to the foreign nation.

SOF, civil affairs and military information support operations (MISO) units may, if authorized by a CCMD to which they are assigned or allocated, find a source of funding under Title 10, *United States Code*, Section 2011. Section 2011 allows friendly foreign nations to train with U.S. SOF if the “primary purpose of an exercise is to train U.S. personnel.”⁶⁴ Another potential avenue for conducting partner training falls under the “Combating Terrorism Fellowship Program (CTFP).”⁶⁵ This program is pursuant to Title 10, *United States Code*, Section 2249c, Regional Defense Combating Terrorism Fellowship Program and authorizes appropriated

funds for costs associated with education and training of foreign officials. This section allows for “the education and training of foreign military officers and civilians from defense and security ministries of foreign countries to combat terrorism.”⁶⁶

RAF units participating in North Atlantic Treaty Organization (NATO) operations must comply with the rules and authorities of the North Atlantic Treaty. While the authorities associated with NATO are beyond the scope of this report, some sections of Title 10, *United States Code*, relating to NATO are worth mentioning.⁶⁷ For example, under Title 10, *United States Code*, Section 2350a, NATO, allied, and friendly foreign countries may provide opportunities for building the kind of relationships for which the RAF concept is intended. More specifically, Section 2350a “authorizes the SECDEF to establish formal agreements with partner countries or organizations to conduct cooperative research and development projects on defense equipment and munitions. Such projects must contribute to the common conventional defense capabilities of the U.S. and the partner country or organization.”⁶⁸ The State Partnership Program of the National Guard will be explored under the “Title 32” section of this report. However, NATO related funding for authorized support to nations participating in NATO’s Partnership for Peace (PFP) program falls under Title 10, *United States Code*, Sections 168, 1051, 2010.⁶⁹ PFP programs build trust and capacity the cornerstones of RAF. PFP programs involve the TA not just the NG.

Other Title 10 authorities, which could be used to enable RAF units to participate with regional partners on a small scale, include Title 10, *United States Code*, Section 2557, Excess Non-Lethal Supplies. This Section enables “the SECDEF to provide excess non-lethal DoD supplies to the State Department for humanitarian relief distribution.”⁷⁰ RAF units may be employed in the distribution of these supplies. Another statute, Title 10, *United States Code*, Section 2561, Humanitarian Assistance, authorizes “funds to be appropriated to DoD to provide transportation of humanitarian relief supplies and resources and for other humanitarian purposes.”⁷¹ Under this Section, a RAF unit may be employed to transport supplies for responding to events that pose serious environmental harm.

Title 22 Authorities Overview

The United States Government (USG) agency responsible for interacting with foreign governments is the DoS. All RAF activities are coordinated through the GCC and the U.S. Ambassadors’ country teams. Title 22, *United States Code*, Section 2311 is the general authority that “authorizes the President to furnish foreign military assistance. This includes the assigning or detailing of members of the DoD to include civilian personnel, to perform noncombatant duties and assist friendly foreign countries or international organizations to purchase defense articles or services.”⁷² Title 22, *United States Code*, Section 2347 covers International Military Education and Training (IMET). It authorizes the President to furnish “military education and training, on a reimbursable basis, to foreign military personnel.”⁷³ Education and training may be supported with either partner nation funds or American grant assistance. The statute not only covers schools but, critically for RAF (in either the assigned, allocated or the aligned stages), also allows for “observation and orientation visits to military facilities and related activities in the United States and abroad.”⁷⁴

Peacekeeping operations (PKO) are authorized in Title 22, *United States Code*, Section 2348. As addressed regarding NATO Peacekeeping, these operations are beyond BPC and TSC. Similar to combat operations, peacekeeping missions are separately funded. The statute “authorizes assistance to friendly countries and international organizations by terms and conditions as the President may determine for peacekeeping operations carried out in furtherance of the interests of the United States.”⁷⁵ It is also the law under which the Global Peace Operations Initiative (GPOI) is authorized. GPOI is a major BPC and TSC mission for AFRICOM. The statute permits training and equipment for up to 75,000 military troops for

peacekeeping operations, focused on the African Contingency Operations Training and Assistance (ACOTA) program.⁷⁶ GPOI was launched in fiscal years (FY) 2005-2009 and is funded through FY 2014. GPOI, in the current budgeted phase emphasizes assisting partner country efforts to build sustainable, national peacekeeping training capacity.⁷⁷ RAF Participation in GPOI has already been successful:

Recent events in Mali significantly increased Africa Command's requirements for Army support to the Department of State Global Peace Operations Initiative (GPOI)-funded training for partner nation security forces. Army Regionally Aligned Forces from 1-18 IN deployed a 22-person multifunctional training team to Oullam, Niger, on 27 May 2013 to help mentor and train a Nigerian Defense Force for deployment to Mali as part of the African-led International Support Mission to Mali missions. Through interagency collaboration with the Chief of Mission and the Department of State, U.S. Army personnel were accompanied by seven PAE contractors to execute the training mission.⁷⁸

In a much more limited way, Army personnel might be involved in training foreign forces under Title 22, *United States Code*, Sections 2761-2762, Foreign Military Sales (FMS). FMS authorizes government-to-government sales of military materials, supplies, or equipment from DoD stocks or through new procurement. RAF personnel could also be involved, in small numbers, pursuant to Title 22, *United States Code*, Section 2769, Foreign Military Construction Sales, which authorizes "design and construction services to any eligible foreign country or international organization if such country or international organization agrees to pay for the services."⁷⁹

Title 32: National Guard, Army Reserve Issues and Individual State Laws

Members of the Army National Guard (ARNG) perform duty under three separate legal provisions.⁸⁰ When called up as the National Guard (NG) of the United States under Title 10, the provisions apply as they would for an Active Component or Army Reserve Soldier.⁸¹ Normally, when not on active duty, they function as the NG of individual states and territories, i.e., they act with federal funding, but under state control.⁸² Finally, the National Guard may be called to State Active Duty (SAD), where the state is in control and pays for the activity.⁸³ Consequently, training missions under Title 32 and some missions under various state laws and authorities may be potential funding sources for RAF CONUS-based National Guard missions.

The Regional Alignment of Forces incorporates what the National Guard has been doing for the last two decades in the SPP and expands it significantly.⁸⁴ SPP played a major part in the first successful RAF missions to AFRICOM.⁸⁵ "We in Africa Command rely on members of the Army and Air National Guard every day to accomplish our mission," said AFRICOM Commander General Carter Ham.⁸⁶ The benefits and use of the Guard as a Regionally Aligned Force have been detailed by others.⁸⁷ Under Titles 10 and 32, nine programs fund SPP activities and these programs were described in a 2011 report to Congress.⁸⁸ The authorities that can be used for SPP have been well documented.⁸⁹ SPP will remain a critical aspect of RAF and may be expanded. Several considerations are in order, however. Specifically, it is important to understand the various duty statuses between traditional and full time RC members. These cautions may apply equally in the case of Title 10 to the Reserve Component in various statuses. Both traditional NG and full-time NG technicians may perform missions under Title 32, *United States Code*, Section 502(f), even if on a federal mission.⁹⁰ Annual NG appropriations have received fiscal authority for specific operational activities, but the authority must be reviewed by planners and judge advocates each time they deviate from convention.⁹¹ Additionally, Full Time National Guard (FTNG) personnel may be under additional restrictions.

FTNG technicians operating under Title 32, *United States Code*, 709(a)(1) have a responsibility for the "organizing, administering or training of the NG, and the maintenance and repair of NG supplies."⁹²

Technicians may be given additional RAF-focused duties such as supporting federal training missions and instruction if a particular assignment does not interfere with their primary duties.⁹³ However, if the NG technician's unit, pursuant to request of the POTUS or SECDEF, is performing an authorized mission, the Title 32 NG technician may perform primary duties in support of that mission. Similar restrictions are placed on the use of FTNG Active Guard and Reserve (AGR) Soldiers.⁹⁴ AGR Soldiers, similar to technicians, have a primary duty of organizing, administering, recruiting, instructing, and training the reserve component.⁹⁵ As long as it does not interfere with these duties, AGRs can perform additional duties to support unit operations if it is at the request of the POTUS or the SECDEF. Moreover, AGRs may support training operations and missions assigned to the AGR member's unit. The AR also has AGR Soldiers and technicians. Issues of how to use AGR and technicians in the AR parallels their use in the NG, with the exception that the AR is under Title 10.

National Guard units, like all RC units, may be given a RAF mission under Title 10. If they are, the authorities charged with review as to status and purpose of the mission will be similar to the authorities described in the "Title 10" section of this report. The review is especially important if the RAF mission is an annual training exercise. NG members under Title 32 with missions in the states and territories may have opportunities to participate with foreign regional partners in CONUS or locally. However, Title 32 authority does not apply overseas.⁹⁶

Both the AR and the NG are based on a platform of monthly training exercises known as drill weekends and 15 days of annual training (AT).⁹⁷ The SECARMY may order any unit and individual members not assigned to a unit, but in an active status in the reserve component, to AT.⁹⁸ The primary purpose of AT is to provide unit-based mission essential task list (METL) training. Operational support may also occur as a consequence of performing AT. This means that AT requirements may support RAF purposes overseas, so long as the primary, and larger component of training, is for U.S. forces. All AT must be within budgeted fiscal training constraints. In other words, foreign forces can participate with U.S. forces during AT if the main purpose is training U.S. forces. Thus, a well-planned training program with full judge advocate review may accomplish both the RAF and the METL requirements. Moreover, the SECARMY may order individual Soldiers to active duty or to remain on active duty beyond the 15 days for training or for operational support.⁹⁹ Thus, both RCs can use AT to support RAF. Additionally, SECARMY can mobilize the NG or AR for periods of no more than a year to augment the active forces for preplanned missions in support of a GCC.¹⁰⁰ In order for Reserve Component capabilities and assets to be utilized under this authority, the CCMD would have to describe the requirements and costs in detail for the SECDEF to submit the same to Congress. Currently, the 48th brigade combat team (BCT) from the Georgia ARNG is aligned with SOUTHCOM. The BCT's 3,900 Soldiers are scheduled to conduct 260 activities in 18 countries in 2014-2015.¹⁰¹ Mobilized RAF RC units will be assigned to a GCC. Non-mobilized Reserve Components, which are Army SRCA, could conduct their Annual Training in a GCC's AOR, thus supporting the RAF concept while in an aligned mode. Conversely, outside of AT as described above, alignment alone may prompt some authority issues since aligned forces may not be tasked, deployed or employed in support of CCMD requirements except for service functional support coordinated with the Army Service Component Commander (ASCC).¹⁰² In short, aligned forces within a CCMDs AOR remain under the control of the assigned ASCC and all service functional support executed within a CCMDs AOR is to be coordinated through the ASCC.¹⁰³

While the bulk of shaping opportunities for Army Guardsmen to perform under regional alignment will be in a Title 10 or Title 32 status, there is the potential that under SAD, opportunities could arise on small or individual levels. As General Cone pointed out, regional alignment of forces, as a method of shaping the operational environment, may not only be at the unit level. "A single act of kindness to a foreign student in an Army school who later rises to high levels in his or her nations' armed forces" counts as RAF shaping."¹⁰⁴

However, once ARNG units are aligned to an area, opportunities will arise. For example, the Adjutant Generals (TAGs) in many states have a mixed civil-military role. Their roles are similar to a service secretary or the Secretary of Veterans' Affairs within their respective states. TAGs can serve as an emergency management director and may deal with training individuals from foreign countries in various aspects of emergency management. TAGs may be invited in their secretarial status, (i.e., not in uniform), in a state role, for sponsored trade missions to an aligned country. Often a TAG seeks an expansive military-civilian approach with their assigned foreign states.¹⁰⁵ Individual National Guardsmen may have opportunities to interact with foreign military officials where their civilian jobs provide the basis for the interactions.¹⁰⁶ Such conduct has the potential to enhance the RAF mission, although such interaction could entail issues related to conflicts of interest.

Special Operations Forces

Since Regional Alignment of Forces generally applies to the Total Army, a brief mention of SOF is in order because the RAF goals of BPC and TSC are not new. The basic concept behind RAF has already "been used with great success by U.S. Army Special Forces and to a lesser extent by the U.S. Marines for many years," noted Professor Dan G. Cox.¹⁰⁷ In 1991, Congress clarified Title 10 to allow U.S. Special Operations Command (SOCOM) to use operations and maintenance funds to train foreign forces.¹⁰⁸ These Joint Combined Exchange Training (JCET) programs are designed to provide training opportunities for American Special Forces by conducting training operations in countries within which these forces may have to operate. They also provide training opportunities for the armed forces of the host countries. Typically, each JCET program involves 10–40 American SOF personnel. In 2011, Army SOF supported the Ugandan forces in their war against the Lord's Resistance Army, a terrorist group. The SOF operated in an advise and assist mission consistent with the RAF concept.¹⁰⁹ A more recent example of SOF in an advise and assist role occurred in Hungary. The embassy stated that the JCET activities were well aligned with that country's DoS Missions.¹¹⁰ JCET missions can support the BPC and TSC purposes of RAF. Regardless of the intent of military-to-military operations, emphasis must be placed on improving SOF and U.S. Army coordination with the DoS.¹¹¹ Review of JCET AARs and training materials may be of use to GPF units conducting missions in the regions with which they are aligned. What must be very clear, however, is that SOF, acting clandestinely under the special authorities of Title 50, do not fall within the parameters of the RAF concept.

Other Authorities and the FY 2014 NDAA

Other laws that may help enable the RAF concept include Public Law 110-293, Defense HIV/AIDS Prevention Program (DHAPP) in support of the President's Emergency Plan for AIDS Relief (PEPFAR). This law authorizes activities to protect and prevent foreign nation armed forces from HIV/AIDS, Tuberculosis, and Malaria.¹¹² In another example, under Public Law 104-201 Section 1082, Agreements for Exchange of Defense Personnel between the United States and Foreign Countries, "the SECDEF may enter into agreements to exchange military and civilian personnel of DoD with similar personnel of a foreign defense ministry. Exchanged personnel could fill positions as instructors."¹¹³ Additionally, DoD personnel may be assigned to positions in private industry that support a foreign defense ministry.¹¹⁴ Moreover, under Public Law 109-163, Section 1206, Authority to Build Capacity of Foreign Military Forces, "POTUS may direct the SECDEF to conduct or support BPC of a foreign country's national military forces in order for that country to conduct counter-terrorist operations or participate in or support military and stability operations in which U.S. Forces are a participant."¹¹⁵ The program may include providing equipment, supplies, and training. This is an example of a joint DoD and DoS program.¹¹⁶ Finally, Public Law 111-84, Section 1207, Authority for Non-Reciprocal Exchanges of Defense Personnel between the United States and Foreign Countries, allows "the SECDEF to

enter into agreements with the governments of allied or friendly foreign countries for the exchange of military and civilian personnel of the foreign defense ministry.”¹¹⁷

Since RAF is a policy and therefore lacks direct funding or specific authority for implementation, the FY 14 NDAA must be reviewed to ascertain if it contains sections which might support the RAF concept.¹¹⁸ First, Section 1071 of the FY 14 NDAA, which amends Title 10, *United States Code*, Section 426, creates a “Conflict Records Research Center (CRRC).”¹¹⁹ This center (located at National Defense University, Fort Lesley J. McNair, Washington, DC) is an example of a pan-government collaboration.¹²⁰ It allows “collaboration within the broad national security communities both domestic and international.”¹²¹ This law enables DoD to receive services, personnel, and funds from other agencies as well as to “receive gifts and donations to defray costs or enhancing the operation of the CRRC.”¹²² Section 426 is broadly written and could provide opportunities to pair individual Soldiers from a RAF unit with Soldiers or academics from the RAF’s aligned country to collaborate on “research, conferences, seminars, and other information exchanges.”¹²³ Second, Section 1086 of the FY 14 NDAA requires the “SECDEF to review SOF including the requirements of GCCs.”¹²⁴ This review assesses “force structure, capabilities, authorities” and how they can be better “aligned with conventional force structures as well as any other matters the Comptroller General determines to be relevant.”¹²⁵ Although RAF directly targets GPF rather than SOF, this study provides an opportunity for the SECARMY and CSA to recommend a broadening of authorizations and funding to assist in the RAF mission. Third, and important for the foreign language portion of RAF, Section 1088 of the FY 14 NDAA requires “the SECDEF to complete a report on DoD’s management of foreign language programs.”¹²⁶ The SECARMY and CSA should provide input to this study as it relates to the RAF concept because culture and language are key aspects of this concept.

As noted, Title 10, *United States Code*, Section 1051c allows “the temporary assignment of a member of a foreign military to any DoD organization to train and improve that foreign Soldier’s ability to understand and respond to information security threats.”¹²⁷ The fourth relevant section of the FY 14 NDAA relates to the information security issue. Section 1096 calls for the “development of a DoD strategy for information operations through 2020.”¹²⁸ The Army could use this study to propose a more expansive use of regionally aligned foreign Soldiers in information security operations with their U.S. RAF counterparts. Fifth, Section 1203 authorizes, with SECDEF approval, “GPF to train with foreign forces if the SECDEF determines that the training is in the national interest of the United States.”¹²⁹ This broadly written section specifies funding to \$10,000,000 per fiscal year for this purpose.¹³⁰ In a time of diminishing resources, well planned and SECDEF approved overseas training with RAF units can leverage this authority. Sixth, Section 1205(d) recognizes the success of the SPP by clarifying its authority and outlining the specific funds that may be spent on foreign militaries.¹³¹ It calls for a full review of the SPP, which is an opportunity for the Army to make recommendations to further the SPP, thus enhancing the RAF concept.¹³²

Several other FY2014 NDAA Sections, which modify or extend current authorities, are noteworthy. Section 1201 is the “modification and extension of authorities relating to BPC programs with foreign military forces.”¹³³ Section 1202 creates a “Global Security Contingency Fund.”¹³⁴ Section 1204 grants “authority to conduct activities to enhance the capability of foreign countries to respond to incidents involving weapons of mass destruction (WMD).”¹³⁵ Congress, cognizant of increasing U.S. presence in Africa, addressed the “United States security and assistance strategies in Africa” within the FY 14 NDAA at Section 1206.”¹³⁶ The FY 14 NDAA Section 1207, authorizes “assistance to the Government of Jordan for border security operations.”¹³⁷ The involvement of U.S. forces in support of actions against the African terrorist organization the Lord’s Resistance Army, is discussed in FY 14 NDAA, Section 1208.¹³⁸ This law delineates the Department of Defense’s ability to support forces against the Lord’s Resistance Army operating in and around Uganda.

Recommendations

RAF is a dynamic response to the need to be able to act in an agile, cost effective fashion, while building partner capacity and shaping the theater environment. The RAF concept has potential because the Army is responsible for landpower and works in the human domain where culture matters. Through RAF, the Army has the greatest opportunity and need to understand culture, language, and particularities of a region and the people who reside there. RAF as a concept continues to be refined as details are explored and solidified. RAF missions come with no separate funding and under no special statutory authority. Other authorities and statutes must be applied and, therefore, constantly reviewed by planners and judge advocates to ensure that RAF policy aligns with extant authorizations.

In order to deliver high value at low cost, the Army must continue to ensure units are able to perform their assigned tasks. This does not mean those units in the aligned stage cannot take advantage of relatively low cost methods such as cultural orientation, basic language study, and regional skills training.¹³⁹ Doing so requires no new authorities. RAF include more than corps, division, BCT, or company level deployments. Planners and judge advocates must look for novel and well-analyzed ways under existing statutes to deploy Soldiers, including individual augmentations, to the region where the unit is aligned. Educational opportunities for and with aligned foreign militaries should continue and be augmented when possible. Finally, military leaders must consult with judge advocates regarding the potential opportunities to accomplish or enhance training in support of a combatant commander's theater strategy. As the RAF concept continues to develop and evolve, commanders and judge advocates must assess and understand the authorities that rule unit and individual participation. The U.S. Army must reinforce the importance of understanding authorities in its RAF discussions at the Judge Advocate General's school and the Army's Pre-Command Course for selected officers. Gaining a firm understanding of the authorities which control training opportunities will benefit the U.S. Army and the interests of the United States, while adhering to fiscal responsibilities as established by law.

Notes

¹ James E. Rexford, "Regionally Aligned Forces" briefing slides with scripted commentary, Carlisle Barracks, PA, U.S. Army War College, November 19, 2013.

² U.S. Department of Defense, "Sustaining U.S. Global Leadership: Priorities for 21st Century Defense," Washington, DC, January 2012, available from www.defense.gov/news/Defense_Strategic_Guidance.pdf, accessed on November 5, 2013.

³ Kristian Matthew Marks, *Enabling Theater Security Cooperation Through Regionally Aligned Forces*, Strategy Research Project, Carlisle Barracks, PA: U.S. Army War College, March 2013, pp. 8-12.

⁴ Ibid.

⁵ U.S. Department of the Army G3/5/7, "Regional Alignment of Forces 27 JUN 13," briefing slides with scripted commentary, Carlisle Barracks, PA, U.S. Army War College, October 19, 2013.

⁶ Ibid., p. 2.

⁷ Ibid.

⁸ Ibid., p. 8

⁹ This paper addresses authorities related to the use of uniformed Army personnel for RAF. Army Civilian personnel are a critical part of the Total Army. Many authorities discussed here apply to them, however because of the complexity of civilian employment issues, union matters, civil service issues, merit protections and other Human Resources matters Army Civilian employee usage for RAF Missions will not be separately discussed in this article. See U.S. Army Civilian Personnel, <http://cpol.army.mil/>, accessed on December 29, 2013.

¹⁰ House Armed Services Committee, "Fact Sheet: FY14 NDAA Summary," Washington, DC, December 2013, available from http://armedservices.house.gov/index.cfm/files/serve?File_id=127E1D4B-DD70-4B69-80DC-A036DA7B3519, accessed on January 9, 2014.

¹¹ U.S. Department of the Army, *Generating Force Support for Operations*, Army Field Manual 1-01, Washington, DC: U.S. Department of the Army, April 2, 2008, p. 1-1. This document can now be found at: http://usacac.army.mil/CAC2/doctrine/CDG/cdg_resources/manuals/fm/fm1_01.pdf

¹² Ibid., pp.1-1 to 1-2.

¹³ Kimberly Field, James Learmont, and Jason Charland, "US Landpower in Regional Focus, Regionally Aligned Forces: Business Not as Usual," *Parameters* 43, no. 3 (Autumn 2013), p. 56.

¹⁴ U.S. Department of the Army G3/5/7, "Regional Alignment of Forces 27 JUN 13," briefing slides with scripted commentary, Carlisle Barracks, PA, U.S. Army War College, October 19, 2013, p. 3.

¹⁵ Total Force within this context encompasses the Total Army as previously defined.

¹⁶ Field, "U.S. Landpower in Regional Focus," p. 56.

¹⁷ Title 10, *United States Code*, Section 162(a)(1).

¹⁸ Ibid., Section 162(a)(3).

¹⁹ Ibid., Section 162.

²⁰ U.S. Department of Defense, *Joint Operation Planning*, Joint Publication 5-0, Washington, DC, Department of Defense, August 11, 2001. Appendix H.

²¹ Field, "U.S. Landpower in Regional Focus," p. 56.

²² Charles L. Cleveland and Stewart T. Farris, "Toward Strategic Landpower," *Army Magazine*, July 2013, pp. 21-22.

²³ Title 10, *United States Code*, Sections 162 and 3013.

²⁴ Ibid., Sections 162 and 3013(b) & (c).

²⁵ Ibid.

²⁶ U.S. Department of Defense, Functions of the Department of Defense and Its Major Components, DoDD 5100.01, Washington, DC, Department of Defense, December 21, 2010, available from www.dtic.mil/whs/directives/corres/pdf/510001p.pdf accessed on December 24, 2013.

²⁷ Robert W. Cone and Jon D. Mohundro, "Capstone, Strategic Landpower for the Company Commander: Leading the U.S. Army into the 21st Century," *ARMY*, January 2014, p. 39.

²⁸ Ibid.

²⁹ Ibid.

³⁰ This report addresses broad authorities that may be used by RAF units during in shaping. It does not discuss wartime or contingency operations funding or specific peacekeeping or stability missions.

³¹ For an excellent overview of issues and authorities for a member of a GCC's team see Harry A. Tomlin, "United States European Command, Theater Strategic Level Interagency Planning Handbook 2012," Carlisle Barracks, PA: U.S. Army War College, March 2012. See also, *The Management of Security Assistance*, 27th ed., Defense Institute of Security Assistance Management, October 2007.

³² Ibid., pp. B-4, B-5.

³³ Title 10, *United States Code*, Section 166a(b).

³⁴ Regrettably, there seems to be little that currently will solve the issue of a lack of a long-term budget.

³⁵ Title 10, *United States Code*, Section 166a(b).

³⁶ Ibid., Section 168(c)(4).

³⁷ "The CFE-DMHA Strategy," *Center for Excellence for Disaster Management and Humanitarian Assistance*, available from <http://www.cfe-dmha.org/about-cfe-dmha/cfe-dmha-strategy.html>, accessed on December 26, 2013.

³⁸ Title 10, *United States Code*, Section 182 (b) (1).

³⁹ The Center for Excellence for Disaster Management and Humanitarian Assistance, available from www.cdmha.org, accessed on December 27, 2013.

⁴⁰ Ibid.

⁴¹ The Center for Excellence for Disaster Management and Humanitarian Assistance Activities Page, available from <http://www.cdmha.org/activities.htm>, accessed on December 26, 2013.

⁴² Title 10, *United States Code*, Section 182 (d)(1).

⁴³ The Center for Excellence for Disaster Management and Humanitarian Assistance Resources Page, available from www.cdmha.org/Resources.htm, accessed on December 26, 2013. See also 10 USC Sec 182 (d).

⁴⁴ Title 10, *United States Code*, Section 401(a)(1).

⁴⁵ Ibid., Section 401(e)(1).

⁴⁶ Ibid. For an example see, “Realigning Regional Forces Aimed at Preventing Future Wars”, *ARMY, The Magazine of the Associating of the United States Army*, January 2013, available from www.ansa.org/publications/ausanews/archives/2013/01/Pages/Realigningregionalforcesaimedatpreventingfuturewars.aspx, accessed on November 19, 2013.

⁴⁷ Title 10, *United States Code*, Section 401(e)(2)(3)(4).

⁴⁸ Tomlin, “United States European Command,” p. B3.

⁴⁹ Title 10, *United States Code*, Section 2557(a)(1).

⁵⁰ Phase Zero activities per U.S. Joint Doctrine address normal and routine military activities potentially conducted by military forces and interagency departments to dissuade potential adversaries while reassuring and building relationships with partners and allies. See Joint Pub 5-0, *Joint Operation Planning*, August 2011.

⁵¹ Title 10, *United States Code*, Section 184(a).

⁵² Ibid., Section 184(b)(2).

⁵³ U.S. Department of the Army, *Army Security Cooperation Handbook*, Department of the Army Pamphlet 11-31 (Washington, DC: Department of the Army, March 5, 2013), p. 68.

⁵⁴ The challenge is to identify how far out this training should occur especially regarding funding timelines. This is part of the synchronization efforts that staffs are going to have to work out in order to ensure the appropriate individuals or staffs are attending training especially in regards to future training opportunities.

⁵⁵ Title 10, *United States Code*, Section 2166(c). See also, *The Western Hemisphere Institute for Security Cooperation Homepage*, available from www.benning.army.mil/tenant/WHINSEC/index.html, accessed on December 24, 2013.

⁵⁶ U.S. Department of the Army, *Army Security Cooperation Handbook*, p. 69.

⁵⁷ See Title 10, *United States Code*, Sections 1050 and 1050(a).

⁵⁸ Ibid., Section 1050.

⁵⁹ Ibid., Section 1051(a).

⁶⁰ Ibid., Section 1051c(a).

⁶¹ Ibid., Section 1051c(c).

⁶² Ibid., Section 2010(a).

⁶³ Ibid., Section 2010(d).

⁶⁴ United States Department of Defense, *Department of Defense Financial Management Regulation (DoD FMR)*, DoD 7000.14R (Washington, DC: U.S. Department of Defense, November 2012), 15-3.

⁶⁵ Title 10, *United States Code*, Section 2249(c).

⁶⁶ Ibid.

⁶⁷ Brian H. Brady, “The North Atlantic Treaty Organization Legal Advisor: A Primer,” *The Army Lawyer* (October 2013) 4. See also Tomlin, “United States European Command.”

⁶⁸ Title 10, *United States Code*, Section 2350(a).

⁶⁹ NATO, The Partnership for Peace Programme, available from www.nato.int/cps/en/natolive/topics_50349.htm, accessed on December 27, 2013.

⁷⁰ Title 10, *United States Code*, Section 2557(a)(1).

⁷¹ Ibid., Section 2561(a)(1).

⁷² Ibid., Section 2311(a).

⁷³ Ibid., Section 2347c(a).

⁷⁴ Ibid., Section 2347(3).

⁷⁵ Ibid., Section 2348.

⁷⁶ United States Department of State, Global Peace Operations Initiative (GPOI), available from www.state.gov/t/pm/ppa/gpoi/, accessed on December 24, 2013.

⁷⁷ United States Department of State, Global Peace Operations Initiative (GPOI) "Phase II" (Fiscal Years 2010-2014), available from <http://www.state.gov/t/pm/ppa/gpoi/c47009.htm>, accessed on December 24, 2013.

⁷⁸ Field, “U.S. Landpower in Regional Focus,” pp. 61-62.

⁷⁹ Title 22, *United States Code*, Section 2769.

⁸⁰ Ibid., Sections 326-27.

⁸¹ Ibid., Section 101(5), and Section 802.

⁸² Ibid., See also Title 32, *United States Code*, Section 502.

⁸³ See generally, National Guard Fact Sheet Army National Guard (FY2005), available from www.army.mil/ SiteCollectionDocuments/ Publications/ News%20Media%20Factsheets/ ARNG_Factsheet_May_06%20ARNG%20fact%20Sheet.pdf, accessed on December 28, 2013.

⁸⁴ Joshua Parrish, "The Value of Regional Alignment," *Military Intelligence Professional Bulletin* 39, no.1., January - March 2013, p. 44.

⁸⁵ Field, "U.S. Landpower in Regional Focus," p. 61-62. See also MG Charles Hooper, "Going Farther by Going Together: Building Partner Capacity in Africa," *Joint Force Quarterly* 67, (4th Quarter 2012).

⁸⁶ Jim Greenhill, "Ham: National Guard essential to Africa Command," *National Guard News*, September 12, 2012, available from www.nationalguard.mil/ news/ archives/ 2012/ 09/ 091112-Ham.aspx, accessed on December 28, 2013.

⁸⁷ Edward S. Smith, Army National Guard: Regionally Aligned Brigade Force of First Choice, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, March 15, 2012).

⁸⁸ Lawrence Kapp and Nina Serafina, *The National Guard State Partnership Program: Background Issues, and Options for Congress* (Washington, DC: U.S. Library of Congress, Congressional Research Service, August 15, 2011). pp. 6-11

⁸⁹ Ibid., Appendix B.

⁹⁰ National Guard technicians were created under "The Technician Act of 1968", Public Law 90-486 codified at Title 32, *United States Code*, Section 709. They are civilian federal employees, who as a condition of their federal technical job must be a member of the Reserve Component. When at work they wear their uniform. They drill with a National Guard unit, which may or may not be the same unit they work in as a technician.

⁹¹ See Public Law 112-74.

⁹² Title 32, *United States Code*, Section 709(a)(1)(2).

⁹³ Ibid., Section 709(a)(3).

⁹⁴ Active Guard Reserve (AGR), is a program that places Army National Guard and Army Reserve Soldiers on federal active duty status under Title 10 U.S.C. or full-time National Guard duty under Title 32 U.S.C. 502(f).

⁹⁵ Title 32, *United States Code*, Section 328.

⁹⁶ Ibid., Section 502(f)(1) and (2).

⁹⁷ The Dick Act, also known as The Militia Act of 1903, (32 Stat. 775), first provided federal funds to the National Guard to pay for equipment and training, including annual summer encampments. It created the one weekend a month two weeks a year program, which was also incorporated into the Army Reserves when it was formed in 1908.

⁹⁸ Title 10, *United States Code*, Section 12301(b).

⁹⁹ Ibid., Section 12301(d)(2). The authority of the SECARMY to direct Army forces to conduct operational-domain training within the AOR of a GCC is subject to the authority, direction, and control of the SECDEF as well as to Title 10 USC § 162.

¹⁰⁰ Title 10, *United States Code*, Section 12304(b).

¹⁰¹ Lance M. Bacon, "Regional Alignment may Boost Soldiers' Career Stability," *Military Times*, December 10, 2013.

¹⁰² Title 10, *United States Code*, Section 162. See also OPOD 13-067, Army Reserve Regional Aligned Forces, Annex B, Draft V7.

¹⁰³ Ibid.

¹⁰⁴ Cone, "Capstone, Strategic Landpower for the Company Commander," p. 39.

¹⁰⁵ See for example, Pennsylvania-Lithuania Partnership: Background, Accomplishments and Relevance, White Paper, Fort Indiantown Gap, PA, November 2013, p. 2. "The unique civil-military nature of the PANG enables it to interact with Lithuanian active and reserve forces as well as civilian and governmental agencies."

¹⁰⁶ The author as a civilian employee of the United States Senate has traveled overseas and met with foreign military personal pursuant to Mutual Educational and Cultural Exchange Act, Title 22, *United States Code*, Section 2451.

¹⁰⁷ Dan Cox, "An Enhanced plan for Regionally Aligning Brigades Using Human Terrain Systems," *Small Wars Journal*, June 2012, available from smallwarsjournal.com/ jrn/ art/ an-enhanced-plan-for-regionally-aligning-brigades-using-human-terrain-systems, accessed on December 28, 2013.

¹⁰⁸ Title 10, *United States Code*, Section 2011.

¹⁰⁹ Carlo Munoz, "Army Builds First of New Brigades to Train Foreign Militaries" *Breaking Defense*, (October 17, 2011) available from breakingdefense.com/ 2011/ 10/ army-builds-first-of-new-brigades-to-train-foreign-militaries/, accessed on December 28, 2013.

¹¹⁰ Embassy of the United States, Budapest Hungary, "Joint Combined Exchange Training (JCET) for Special Operations Forces (SOF)," August 7 2013, available from hungary.usembassy.gov/ event_08072013.html, accessed on December 23, 2013.

¹¹¹ Jim Thomas and Chris Dougherty, "Beyond the Ramparts: The Future of U.S. Special Operations Forces," *Center for Strategic Budget Assessments*, 2013, p. 96.

¹¹² Department of Defense HIV/AIDS Prevention Program, available from www.med.navy.mil/ sites/ nhrc/ dhapp/ Pages/ default.aspx, accessed on December 28, 2013.

¹¹³ *National Defense Authorization Act for Fiscal Year 1997*, Public Law 104-201, 104th Cong. (September 23, 1996), 2673.

¹¹⁴ Kapp and Serafina, *The National Guard State Partnership Program*, Appendix B.

¹¹⁵ *National Defense Authorization Act for Fiscal Year 2006*, Public Law 109-163, 109th Cong. (January 6, 2006), 3456-3457.

¹¹⁶ Kapp and Serafina, *The National Guard State Partnership Program*, Appendix B.

¹¹⁷ *National Defense Authorization Act for Fiscal Year 2010*, Public Law 111-84, 111th Cong. (October 28, 2009), 2514-2515.

¹¹⁸ *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113th Cong. (December 26, 2013), p. 867.

¹¹⁹ *Ibid.*

¹²⁰ *Conflict Records Research Center*, “About CRRC,” available from crrc.dodlive.mil/, accessed on December 30, 2013.

¹²¹ Title 10, *United States Code*, Section 427(b)(4). See also, *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113th Cong. (December 26, 2013), p. 867.

¹²² Title 10, *United States Code*, Section 427(e). See also, *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113th Cong. (December 26, 2013), p. 868.

¹²³ *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113th Cong. (December 26, 2013), p. 867.

¹²⁴ *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113th Cong. (December 26, 2013), p. 873.

¹²⁵ *Ibid.*, Section 1086.

¹²⁶ *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113th Cong. (December 26, 2013), 874.

¹²⁷ Title 10, *United States Code*, Section 1051c(a).

¹²⁸ *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113th Cong. (December 26, 2013), p. 880.

¹²⁹ *Ibid.*, p. 894.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*, p. 898.

¹³² *Ibid.*

¹³³ *National Defense Authorization Act for Fiscal Year 2014*, Public Law 113-66, 113th Cong. (December 26, 2013), p. 891.

¹³⁴ *Ibid.*, p. 893.

¹³⁵ *Ibid.*, p. 896.

¹³⁶ *Ibid.*, p. 899.

¹³⁷ *Ibid.*, p. 902.

¹³⁸ *Ibid.*, p. 903.

¹³⁹ Daniel Stoutamire, “Dagger University prepares Soldiers for missions to Africa,” available from www.army.mil/article/103815/Dagger_University_prepares_Soldiers_for_missions_to_Africa/, accessed on December 29, 2013. See also Benton, “2/1 ABCT Regionally Aligned Force Interim Lessons Report.”