18 FEB 1994

Ref: 93-F-0992

Ms. Kate Doyle
The National Security Archive
1755 Massachusetts Avenue, NW
Suite 500
Washington, DC 20036

Dear Ms. Doyle:

This responds to your March 3, 1992, Freedom of Information Act(FOIA) request filed with the Special Operations Command (USSOCOM), a portion of which was referred to the Office of the Secretary of Defense and received in this Directorate on April 23, 1993.

We have completed our review of the 14 documents referred by USSOCOM, and 13 documents are releasable in full. One document is released in part, as it is a memorandum involving material which is deliberative and internal in nature and is part of the decision making process containing subjective evaluations, opinions and recommendations. Consequently, Mr. Dennis H. Trosch, Deputy General Counsel, Department of Defense, the Initial Denial Authority, has denied this information pursuant to Title 5 USC 552 (b)(5). A copy of your request and the released material is provided at the enclosure.

You have the right to administratively appeal this decision. Any such appeal should offer justification to support reversal of the denial and should be forwarded to the Office of the Assistant to the Secretary of Defense (Public Affairs), Directorate for Freedom of Information and Security Review, Room 2C757, 1400 Defense Pentagon, Washington D.C. 20301-1400, within 60 days of the date of this letter.

Sincerely,

SIGNED

W. M. McDonald
Director
Freedom of Information
and Security Review

Enclosure:
As stated

NAVY DIVISION:VEHSLAGE:ALIS:lmv:2/17/94:gn__pk__yl__wh__

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OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON, DC 20301

Administration
& Management

02 MAR 1990

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE
(FORCE MANAGEMENT AND
PERSONNEL)

SUBJECT: Request for General/Flag Officer (G/FO)
Authorization

Chris

You asked for my views on the information provided with your February 12, 1990 memorandum concerning the USCINCSOC request for a G/FO at the 08 level. While no apparent effect on OSD exists, good justification exists, on the surface, for what appears to be a "lobbying" job and a significant acquisition task. However, some pieces of information are missing. The data may not affect the justification, but noticably absent is information about peer positions, i.e., others reporting to CINC. We think making your decision would be premature unless you can be sure that the position isn't duplicative of other Command positions. The questions you need to raise are about the interrelationship of the Center Director and other organizational elements reporting directly to the CINC as well as the true representational role of the Director.

The operation of the Center itself may not justify more than an 07 but the representational role, if not duplicative, could be most significant and could justify an 08. Information needed to understand the internal command relationships is not available in the package, i.e., the CINC needs to have someone fill out boxes on the left side of page 3 and to discuss apparent overlaps, if any. Then, you can make a more reasoned decision on the grade level.

Da

D. O. Cooke
Director

Attachment:
As Stated

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MR

COMPTROLLER OF THE DEPARTMENT OF DEFENSE

WASHINGTON, DC 20301-1100

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MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (FORCE MANAGEMENT AND PERSONNEL)

SUBJECT: USCINCSOC Request for General/Flag Officer Authorization

Your February 12, 1990, memorandum of the same subject requested comments on the USCINCSOC request for the establishment of a General/Flag officer billet for the Director, Special Operations Washington Center responsible for 115 personnel.

This office can validate only 101 approved personnel authorizations in FY 1991 and 112 in FY 1992. Prior to the FY 1991 budget review, there were 12 positions approved for the Washington Office, and 23 positions approved for the base acquisition office located at MacDill AFB, Florida. An additional 66 positions for FY 1991 and 77 for FY 1992 were approved during the recently completed budget review resulting in a total of 101 and 112 approved positions, respectively, for FY 1991 and FY 1992.

I can go along with whatever rank or grade you feel is necessary for this position. I do question the necessity for locating the Special Operations Research, Development and Acquisition Center (SORDAC) in Washington. I suggest that an alternative be considered to locate the SORDAC in Tampa in close proximity with other staff elements under USCINCSOC. I also recommend that the Director of the Center be a senior civilian official and report directly to the ASD(SO/LIC) in the capacity as Acquisition Executive. This would be consistent with the command alignment of the Acquisition Executives of the Services as addressed in the Defense Management Report (NSR-11).

Don Shycoff

Donald B. Shycoff
Principal Deputy Comptroller

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release

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90 MAY -4 PM 12:44

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515

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CLERK AND STAFF DIRECTOR
FREDERICK G. MOHRMAN

TELEPHONE:
(202) 225-2771

April 30, 1990

Honorable Richard B. Cheney
Secretary of Defense
Washington, DC 20310

Dear Mr. ~~Secretary~~ Dick:

It has come to my attention that the acquisition function of the United States Special Operations Command (USSOCOM) is moving from USSOCOM headquarters at MacDill AFB, Florida, to the Washington, DC metropolitan area. The plans call for establishing a Research, Development and Acquisition Center and locating the Center in leased office space in Rosslyn, Crystal City or Skyline.

The Committee is studying the present plans of the Navy to relocate several of its commands located in older leased buildings in Crystal City into newer buildings in the Washington, DC metropolitan area. On several occasions, I strongly expressed my opposition to this relocation to the Secretary of the Navy. I believe that there are tremendous hardships placed on the military personnel and civilian employees when they are forced to live in high-cost areas such as the Washington, DC area. Furthermore, the cost to the Government is much greater for facilities located in this area. Variable Housing Allowance for military personnel, construction costs, facility leasing costs and civilian pay levels are higher than in most other areas of the country. With a decreasing Defense budget, the Department should not waste its resources unnecessarily.

Since I favor the relocation of the Navy commands outside of the Washington, DC metropolitan area, I certainly oppose any move into this area. Therefore, just as I do not intend to support funding requirements for the relocation of the Navy commands in the Washington, DC area, I will not support the funds to establish the acquisition function of the Special Operations

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Command in this area. I request that the Department select less-costly locations for the Navy commands and the USSOCOM acquisition function.

Sincerely,

John P. Murtha
Chairman
Defense Subcommittee

SOLIC

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-2400

SPECIAL OPERATIONS/
LOW-INTENSITY CONFLICT

01 MAY 1990

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (FM&P)

SUBJECT: Request for General/Flag Officer (GFO) Authorization

This memorandum is in response to your request of February 12, 1990, regarding USCINCSOC's request for a GFO authorization. I have completed the assessment of the GFO billet and the associated organizational structure that supports its justification. I concur in USCINCSOC's request for a GFO position. This GFO authorization is essential for USCINCSOC and ASD(SO/LIC) to undertake their legislated acquisition responsibilities.

The GFO position and the associated organizational structure encompass the key elements of a reasonable and functional acquisition organization. The organization proposed by USCINCSOC should be an effective, streamlined acquisition and management structure that will serve USSOCOM's needs for Special Operations (SO) acquisition as well as represent USCINCSOC in the Washington, DC, area on operational and planning matters. Although there are many important responsibilities for the GFO, the organization's primary focus should clearly be SO acquisition.

I believe this organizational structure meets the intent of the Defense Management Review (DMR) by providing a clear line of accountability from the Program Manager (PM) to the Program Executive Officer (PEO), to the SO Acquisition Executive (AE), to the Defense Acquisition Executive (DAE). Specific comments regarding USSOCOM's organizational structure that support the GFO request are attached for your consideration.

James R. Locher, III

JAMES R. LOCHER, III
Assistant Secretary of Defense
(Special Operations and Low-Intensity Conflict)

Attachment
As stated

Coordination:

USD(A) See attached memo to ASD(SO/LIC)

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THE SECRETARY OF DEFENSE

WASHINGTON, THE DISTRICT OF COLUMBIA

1 JUN 1990

Honorable John P. Murtha
Chairman, Subcommittee on Defense
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is in response to concerns addressed in your letter of April 30, 1990, regarding the location of the United States Special Operations Command (USSOCOM) Research, Development and Acquisition Center in the Washington, D.C. area.

Let me assure you that it is our policy to locate commands or organizations outside the Washington D.C. area unless successful mission accomplishment dictates their location here. The responsibilities of the organization and its relationship to other Defense activities are key elements of the decision concerning where it should be located. The decision to detach the Center from USSOCOM headquarters at MacDill Air Force Base, Florida has not been made.

I am in total agreement that the Department must conduct its business in the most economical and effective manner. I will keep you informed of our plans on this matter.

Sincerely,

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AP/PI

THE UNDER SECRETARY OF DEFENSE

WASHINGTON, DC 20301

ACQUISITION

7 JUN 1990

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW-INTENSITY CONFLICT

SUBJECT: Acquisition Organization for U.S. Special Operations Command (USSOCOM)

I concur with the revised acquisition organization that you presented in your memorandum of May 29, 1990.

As the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict you will serve as the Special Operations Acquisition Executive. A general/flag officer, who is fully qualified under the Program Executive Officer criteria of the providing Service, is needed to serve as the Special Operations Program Executive Officer (SO PEO).

The Special Operations Acquisition Executive will be the authority responsible for the sound business management of the SO acquisition programs executed by USSOCOM through the proposed acquisition organization. The PEO will report to the Acquisition Executive on acquisition matters, and will be the Senior Procurement Executive and the Director of the approved SO acquisition organization.

Please develop the specific policies and procedures you propose for making SO acquisition decisions and provide them to me by August 31, 1990, for my review before the organization begins to execute its acquisition functions on October 1, 1990.

In accordance with his June 1, 1990 direction, the Secretary of Defense will approve USCINCSOC's plan for carrying out his special operations acquisition function. As the Special Operations Acquisition Executive, you should work closely with USCINCSOC as he develops this plan.

My staff is available to assist you in these efforts.

Donald J. Yockey
Deputy Under Secretary
for Acquisition

SOLIC

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-2400

SPECIAL OPERATIONS/
LOW-INTENSITY CONFLICT

15 JUN 1990

In reply refer to:
I-90/31565

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN, JOINT CHIEFS OF STAFF
COMMANDER IN CHIEF, U.S. SPECIAL OPERATIONS COMMAND
DIRECTOR, PROGRAM INTEGRATION (OUSD(A))

SUBJECT: Special Operations Joint Acquisition Working Group (SOJAWG)--ACTION MEMORANDUM

On June 7, 1990, the Principal Deputy Under Secretary of Defense for Acquisition (PDUSD(A)) directed that the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (ASD(SO/LIC)) serve as the Special Operations Acquisition Executive (SOAE) (see attached). The ASD(SO/LIC) will be responsible for the sound business management of the SO acquisition programs executed by the U.S. Special Operations Command's (USSOCOM) acquisition organization.

As requested in the PDUSD(A)'s memorandum, OASD(SO/LIC) will develop the specific policies and procedures for making SO acquisition decisions. To ensure that a successful process is established and that views from all participants are addressed, I am establishing a Special Operations Joint Acquisition Working Group (SOJAWG) and strongly recommend the participation of your component.

The Working Group will be guided by the acquisition principles established by the Defense Management Report and the special acquisition needs of Special Operations Forces. As a minimum, the Working Group should focus on the following:

- The roles, responsibilities, and interrelationships of the SOAE and the Program Executive Officer (PEO).

- The policy guidance under which the SOAE and PEO will function to accomplish special operations acquisition.

- The specific SOAE/PEO decision making procedures that will be followed on those programs executed by the special operations acquisition organization.

- The roles and relationships of the Service Acquisition Executives and the SOAE on programs executed by the Services for USSOCOM.

The Working Group will be chaired by Colonel John Arnold, USAF, who is the Director of Acquisition for Special Operations/Low-Intensity Conflict. Please provide him the name and telephone number of your representative to the Working Group by June 25, 1990. Colonel Arnold can be reached at X35224 or AUTOVON 223-5224 and will provide your representative the date, time, and agenda for the first meeting.

James R. Locher, III

JAMES R. LOCHER, III
Assistant Secretary of Defense
(Special Operations and Low-Intensity Conflict)

Attachment
As stated

JS

THE JOINT STAFF
WASHINGTON, D.C.

Reply ZIP Code:
20318-0300

DJSM-838-90
3 August 1990

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS/LOW-INTENSITY CONFLICT

Subject: Special Operations Acquisition Policy and Procedures

1. Your proposed acquisition policy and procedures for Special Operations Command properly links Special Operations (SO) acquisition policy and procedures to the new DOD Directives 5000.1, 5000.2 and 5000.2-M. We believe this to be consistent with the recent Defense Management Report (DMR) acquisition improvement initiatives.

2. We are concerned, however, with the proposed appointment of the ASD(SO/LIC) as the SO Acquisition Executive (AE). The unprecedented step of appointing an Assistant Secretary of Defense to a subordinate position within a DOD Component creates ambiguity as to the authority and responsibility for SO acquisition. Moreover, the proposed system may be inconsistent with both the DMR and the statutory authority and responsibility of both USCINCSOC and ASD(SO/LIC) as defined by statute.

3. The DMR calls for the AE to be "experienced" and "full-time." The new DODD 5000.1 adds that the AE is also to be the senior procurement executive. The proposed organization does not collocate the acquisition and procurement executive functions. Additionally, it does not seem likely that the ASD(SO/LIC), as AE, would be experienced in acquisition management or able to devote full time to the function.

4. Under Title 10, US Code 167, USCINCSOC has responsibility and authority to develop and acquire SO-peculiar equipment, material, supplies and services. USC 167 also makes USCINCSOC head of agency for the purposes of chapter 137 of Title 10, and the head of a DOD component with cognizance over and responsibility for the SO acquisition program. Both Title 10 and DOD Directive 5000.1 define the relationship between the head of an agency and its AE as one of superior to subordinate, consistent with the authority, programs, and policies of the USD(A).

ENCLOSURE A

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5. Therefore, we have three concerns regarding the designation of ASD(SO/LIC) as AE.

a. Under 10 USC 2311, the authority of the SO AE would normally be based on a delegation by USCINCSOC of his authority under chapter 137 of Title 10 to an "officer or official of his agency." It is unclear whether ASD(SO/LIC) is an "officer or official" of USCINCSOC's agency for the purposes of section 2311, i.e., whether USCINCSOC may properly delegate authority to him.

b. A head of agency retains the responsibility for acquisition matters within his agency. The relationship established by a delegation under section 2311 is one of superior to subordinate. The relationship between USCINCSOC and the ASD(SO/LIC), when ASD(SO/LIC) is wearing his SO AE hat, appears inconsistent with the statutory duty of the ASD(SO/LIC) under 10 USC 136 to provide overall supervision of special operations activities.

c. The ASD(SO/LIC) has the function, pursuant to DOD Directive 5138.3, of advising the USD(A) on SO acquisition matters and participating in OSD-level supervisory and oversight processes relating to SO acquisition, such as the Defense Acquisition Board. This provision maintains the civilian control over SO acquisition Congress intended by the establishment of the ASD(SO/LIC) position. In that regard, we question whether a single official should play key roles both in the oversight and execution of SO acquisition.

6. In view of these concerns and the statutory requirements, we do not concur with the proposed SO acquisition policy and procedures. We recommend a thorough review by DOD General Counsel.

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MICHAEL P. C. CARNS
Lieutenant General, USAF
Director, Joint Staff

SOLIC

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-2500

SPECIAL OPERATIONS/
LOW-INTENSITY CONFLICT

AUG 7 1990

MEMORANDUM FOR ASSISTANT GENERAL COUNSEL (LOGISTICS)

SUBJECT: Special Operations Acquisition Executive (SOAE)

On June 7, 1990, PDUSD(A) directed that ASD(SO/LIC) serve as the SOAE for MFP-11. Concurrently, the PDUSD(A) designated the Director of the proposed Special Operations Research, Development, and Acquisition Center (SORDAC) as the Special Operations Program Executive Officer (SOPEO).

In response to PDUSD(A) direction, my office has proceeded to develop the specific polices and procedures that will be used by the SOAE and has distributed these for formal coordination. This coordination process has led the Joint Staff to question the assignment of ASD(SO/LIC) as the SOAE and to recommend that a thorough review by your office be conducted before they concur.

Although we consider the assignment of the ASD(SO/LIC) as SOAE to be a DoD policy decision, the Joint Staff has made an argument that the assignment is contrary to statute.

Attached for your review are the following: PDUSD(A) memorandum of June 7, 1990, the Joint Staff memorandum of August 3, 1990, and the coordination copy of the SOAE Policy and Procedures. It should be noted that the acquisition organization includes USCINCSOC as Head of Agency, ASD(SO/LIC) as SOAE, and the Director of SORDAC, who works directly for USCINCSOC, as the SOPEO and the Senior Procurement Executive.

I would appreciate your opinion on this matter by August 13, 1990, since it will directly impact the SOAE Policies and Procedures which are due to PDUSD(A) by August 31, 1990. If you determine that ASD(SO/LIC) cannot be the SOAE, several other related packages on organization and senior staffing, which are now in coordination for DepSecDef, will have to be reworked.

Raymond Dominguez
Acting Deputy Assistant Secretary of Defense
(Forces and Resources)

Attachments
1. PDUSD(A) memo, June 7, 1990
2. Joint Staff memo, August 3, 1990,
3. Coordination copy, SOAE Policy and Procedures

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DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20301-1600

August 30, 1990

MEMORANDUM FOR ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE
(FORCES AND RESOURCES)

SUBJECT: Special Operations Acquisition Executive (SOAE)

This is in response to your request for my opinion on legal questions raised by the Director of the Joint Staff in his memorandum dated 3 August 1990. These questions concern the permissibility of appointing the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict) (ASD(SO/LIC)) as the Special Operations Acquisition Executive.

[redacted]

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SAN.T Zool

[redacted]

Gurden E. Drake

JS

THE CHAIRMAN, JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318

CM-559-90
24 September 1990

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: Special Operations Acquisition Organizational Issues

1. I agree that the four issues identified* by the Special Assistant capture the critical decisions required for USCINCSOC to proceed with his acquisition functions. The following are my recommendations:

a. USCINCSOC should appoint the Special Operations Acquisition Executive (SOAE). In keeping with the DMR, the SOAE should be full time and experienced in acquisition.

b. The Special Operations RD&A Center (SORDAC) should be located inside the Washington, D.C., area to facilitate access to the Services' acquisition organizations and the ASD/SOLIC staff.

c. The liaison function and the acquisition function should be in a single organization located in Washington, D.C.

d. The Director, SORDAC, should be a general/flag officer with requisite acquisition experience. Civilian oversight comes from the statutory responsibilities of ASD/SOLIC for oversight of special operations activities and, in coordination with USD(A), special operations unique acquisition.

2. The underlying rationale for these recommendations is based on the concerns identified by the Director, Joint Staff, regarding the appointment of ASD/SOLIC as SOAE (Enclosure A) as substantiated by the DOD Office of the Assistant General Counsel (Logistics) (Enclosure B).

COLIN L. POWELL
Chairman
Joint Chiefs of Staff

Enclosures

Reference:
* Special Assistant to the Secretary and Deputy Secretary of Defense memorandum, 18 September 1990, "Special Operations Acquisition Organizational Issues"

SOLIC
Exec

THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

29 October 1990

MEMORANDUM FOR: CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR ACQUISITION
ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT

SUBJECT: Special Operations Acquisition Organization

This is in reply to the memorandum from the Commander in Chief of the Special Operations Command (CINCSOCOM) of June 7, 1990 forwarding his plan entitled "USSOCOM Special Operations Acquisition Function and Location of the Acquisition Center," and the associated comments of various senior officials of the Department of Defense.

The CINCSOCOM plan of June 7, 1990 is approved for execution, except as follows:

(1) CINCSOCOM shall serve as the senior acquisition executive of the Special Operations Command, and shall perform the duties of the senior acquisition executive of a DOD component under DOD Directive 5000.1 and other applicable directives, with respect to the research, development and acquisition functions assigned to CINCSOCOM.

(2) The Special Operations Research, Development, and Acquisition Center (SORDAC) shall not be located in the National Capital Region.

(3) The SORDAC shall be kept separate from the Washington Office of SOCOM and shall not perform functions similar to those of the Washington Office of SOCOM.

(4) The position of Director, SORDAC shall not be a general or flag officer position.

The CINCSOCOM, in coordination with the Assistant Secretary of Defense for Special Operations, shall submit to me for approval through the Chairman of the Joint Chiefs of Staff within 15 days of the date of this memorandum a recommendation on where outside the National Capital Region to locate the SORDAC.

The CINCSOCOM may arrange for the position of Director, SORDAC to be a civilian position or a military officer position other than a general or flag officer position, as he deems appropriate.

The Chairman of the Joint Chiefs of Staff shall communicate the decisions in this memorandum to the Commander in Chief of the Special Operations Command.

Don Atwood

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SOLIC
Exec

THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

10 DEC 1990

Honorable John P. Murtha
Chairman, Subcommittee on Defense
Committee on Appropriations
House of Representatives
Washington, D.C. 20515-6018

Dear Mr. Chairman:

As you will recall, the Secretary of Defense's letter of June 1, 1990 acknowledged your concerns about a proposal to locate in the National Capital Region the Special Operations Research, Development, and Acquisition Center of the U.S. Special Operations Command.

I am pleased to report that the Department, after thorough review, has decided to locate the Center in Tampa, Florida.

Your continued support of the U.S. Special Operations Command, as it establishes this Center and carries out its responsibilities for active management of acquisition programs, would be greatly appreciated.

Sincerely,

Donald J. Atwood

cc:
Honorable Joseph M. McDade
Ranking Republican

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SOLIC
For Rev

THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

10 DEC 1990

MEMORANDUM FOR CHAIRMAN, JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR ACQUISITION
ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW-INTENSITY CONFLICT

SUBJECT: Special Operations Acquisition Organization

This is in reply to the memorandum from the Commander in Chief, U.S. Special Operations Command (USCINCSOC) of November 8, 1990, "Special Operations Acquisition Organization" concerning the Special Operations Research, Development, and Acquisition Center (SORDAC).

The USCINCSOC recommendations of November 8, 1990 to locate the SORDAC at Tampa, Florida and to designate a member of the Senior Executive Service as its Director are approved.

The Chairman of the Joint Chiefs of Staff shall communicate the decisions in this memorandum to USCINCSOC.

Donald J. Atwood

Donald J. Atwood

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