

U.S. Code: Title 50 – WAR AND NATIONAL DEFENSE

Added:

“50 U.S. Code Chapter 57 - Explosive Ordnance Disposal Program (§4701 to §4702)

§4701 – Conduct of the Explosive Ordnance Disposal Defense Program

(a) General

The Secretary of Defense shall carry out the military explosive ordnance disposal defense program of the United States in accordance with this section.

(b) Management and Oversight In carrying out his responsibilities under this section, the Secretary of Defense shall do the following:

(1) Assign responsibility for overall coordination and integration of the explosive ordnance disposal defense program to a single office within the Office of the Secretary of Defense.

(2) Take those actions necessary to ensure close and continuous coordination between the military departments on the explosive ordnance disposal defense program.

(3) Exercise oversight over the explosive ordnance disposal defense program through the Defense Acquisition Board process.

(c) Coordination of Program

(1) The Secretary of Defense shall designate the Navy as executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation, and acquisition, requirements of the military departments for explosive ordnance disposal defense programs of the Department of Defense. The military departments may conduct research, development and acquisition for Service unique EOD requirements.

(2) The Director of the Defense Advanced Research Projects Agency may conduct a program of basic and applied research and advanced technology development on explosive ordnance disposal defense technologies and systems. In conducting such program, the Director shall seek to avoid unnecessary duplication of the activities under the program with explosive ordnance disposal defense activities of the military departments and defense agencies and shall coordinate the activities under the program with those of the military departments and defense agencies.

(d) Funding

(1) The budget for the Department of Defense for each fiscal year, beginning in fiscal year 2018, shall reflect a coordinated and integrated explosive ordnance disposal defense program for the Department of Defense.

(2) Funding requests for the program (other than for activities under the program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section) shall be set forth in the budget of the Department of Defense for each fiscal year as a separate account, with a single program element for each of the categories of research, development, test, and evaluation, acquisition, and military construction. Amounts for military construction projects may be set forth in the annual military construction budget. Funds for military construction for the program in the military construction budget shall be set forth separately from other funds for military construction projects. Funding requests for the program may not be included in the budget accounts of the military departments.

(3) The program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section shall be set forth as a separate program element in the budget of that agency.

(4) All funding requirements for the explosive ordnance disposal defense program shall be reviewed by the Secretary of the Navy as executive agent pursuant to subsection (c) of this section.

(e) Management Review and Report

(1) The Secretary of Defense shall conduct a review of the management structure of the Department of Defense explosive ordnance disposal defense program, including –

(A) research, development, test, and evaluation;

(B) procurement;

(C) doctrine development;

(D) policy;

(E) training;

(F) development of requirements;

(G) readiness; and

(H) risk assessment.

(2) Not later than May 1, 2018, the Secretary shall submit to Congress a report that describes the details of measures being taken to improve joint coordination and oversight of the program and ensure a coherent and effective approach to its management.

§4702 – Definitions

(a) Explosive Ordnance:

(1) This includes bombs and warheads;

(2) guided and ballistic missiles;

(3) artillery, mortar, rocket and small arms munitions;

(4) all mines, torpedoes, and depth charges;

(5) demolition charges;

(6) pyrotechnics;

(7) clusters and dispensers;

(8) cartridge and propellant actuated devices;

(9) electro-explosive devices;

(10) clandestine and improvised explosive devices; and

(11) all munitions containing explosives, nuclear fission or fusion materials, and biological and chemical agents.

(b) Explosive Ordnance Disposal:

(1) The detection;

(2) identification;

- (3) field evaluation;
- (4) defeat, disablement or rendering-safe;
- (5) recovery and exploitation; and
- (6) final disposal of unexploded ordnance.

(b) Unexploded Ordnance:

- (1) Explosive ordnance which has been primed, fuzed, armed or otherwise prepared for action; and
- (2) which has been fired, dropped, launched, projected or placed in such a manner as to constitute a hazard to operations, installations, personnel or material; and
- (3) remains unexploded either through malfunction or design or for any other cause.”

10 United State Code, Chapter 307 – The Army, Section 3063

(a) The Secretary of the Army may assign members of the Army to its branches. The basic branches are—

(10) Strike “Chemical Corps” and insert “*Explosive Ordnance Disposal Corps*”;

SECTIONAL ANALYSIS:

“Section 3063 (a) (13) such other basic branches as the Secretary considers necessary.” This authorization permits the Secretary to establish additional basic branches.

The Secretary of the Army has used this authorization to establish the additional basic branches such as the Special Forces Branch, Psychological Operations Branch, and Civil Affairs Branch; and the Acquisition Corps.

The Army has studied establishing the Explosive Ordnance Disposal (EOD) basic branch. However, the Logistics Corp’s Ordnance Branch has demonstrated its continued reluctance to break away from tradition and commensurately resource this EOD Branch for responsibilities on ensuring explosives safety during development, testing, fielding, handling, storage, defeat, disablement (rendering-safe) and disposal of munitions.

The recent National Commission on the Future of the Army Report (January 28, 2016) highlighted that the Army, as part of the theater structure for sustained unified land operations, provides Explosive Ordnance Disposal capabilities to the other Services; has Executive Agent responsibilities for Explosives Safety Management and the Unexploded Ordnance Center of Excellence; and noted that some 30,000 Army civilians were deployed to Iraq and Afghanistan to serve with Army Explosive Ordnance Disposal Teams.

Whereas the Army Chemical Corps has committed systemic safety violations by Chemical, Biological, Radiological and Nuclear (CBRN) Corps led units involving anthrax (Dugway Proving Grounds), chemical ordnance (Toole Depot) and explosives (Aberdeen Proving Grounds) over the past two decades.

The Army Chemical Corps has failed to pursue the use of contracting private sector chemical engineers and hazardous material specialists to rapidly augment performance of their primary mission – decontamination, for the Army’s theater structure. Instead they have pursued assimilating EOD mission sets into the Chemical Corps to justify Chemical force structure and garner EOD funding for

Chemical Corps use. The root cause of this shortfall is designation of the Chemical Corps as a basic branch outside of the Army's Logistics Corps.

The Army Chemical Corps' Soldiers do not demilitarize chemical weapons stockpiles, of either the United States or foreign governments; they do not conduct weapons of mass destruction elimination operations (defeat, disable (rendering-safe) and disposal activities; however, the Army Chemical Corps is manned, trained and equipped to conduct passive chemical defense operations.

It is notable that none of the Army Chemical units have deployed to Afghanistan or Iraq to perform their primary missions of reconnaissance, decontamination or smoke operations. (SEE attached "Relevance of the U.S. Army Chemical Corps" study). Although the Army is drawing down its Active Component force structure, none of the Active Component chemical units are scheduled for draw-down. Additionally, none of the Army Chemical Corps Institutional organizations have been decremented, nor has the Army provided the Congress the scheduled draw-down and closure of chemical demilitarization operations with anticipated personnel and cost savings.

The decontamination capability is a key component of Defense CBRN Response Force (DCRF) and the Army should already have these emergency "surge" contracts in place for its Installation support (although the Chemical Corps units haven't physically deployed in two decades to perform chemical decontamination, they shouldn't be relied upon to be available for Installation support). Civil authorities may use their own certified fire department or public safety hazardous material response teams; local contracted private sector capability; or use the Army's contracted decontamination capability (for Installation support) on a reimbursable basis.

Actually, it is the Army Explosive Ordnance Disposal Corps that truly possess the documented (11,00 and growing classified technical manuals) knowledge, certified technical skills, innate attributes and several decades of operational experience with an impeccable safety record during dangerous operations to defeat, disable and dispose explosive ordnance with chemical, biological, radiological, nuclear and high-yield explosives.

10 U.S.C. Chapter 307, Section 3063 (a) (13) does authorize the Secretary of the Army, if deemed necessary, to designate a Chemical Corps.

NDA for FY 2017

TITLE X – GENERAL PROVISIONS ITEMS OF SPECIAL INTEREST OTHER MATTERS

Report on Army Explosive Ordnance Disposal (EOD)

The committee has been closely monitoring proposed changes to the Army's Explosive Ordnance Disposal (EOD) force structure, force modernization and branch proponent for impacts upon capability and capacity to provide scalable and tailorable EOD mission command and EOD forces to conduct counter improvised explosive devices operations, counter unexploded ordnance operations and combating weapons of mass destruction elimination operations in support of the Army and Joint Force Commanders.

The Secretary of the Army has recently informed the committee that the Training and Doctrine Command has established a capability manager for explosive ordnance disposal to integrate EOD force modernization activities across all of the Army's Centers of Excellence. However, the committee remains concerned that the Army has not clearly identified its future branch proponent requirements for an EOD Corps consisting of a fully integrated explosives ordnance disposal, ammunition and explosives safety basic branch. Therefore, the committee directs the Secretary of the Army to provide a briefing and a report to the House Committee on Armed Services by December 1, 2016, on the Army's EOD branch. At a minimum, the report shall include:

- (1) EOD officer development and career management program depicting key development assignments and key leadership positions from Lieutenant to that of Logistics Corps General Officer;
- (2) EOD officer and EOD senior non-commissioned officer standard of grade authorization requirements to fill the necessary positions throughout the institutional Army to ensure enduring health and viability of the EOD Branch;
- (3) Description of the Army EOD School Licensing process of EOD Soldiers;
- (4) Identification of joint, interagency, intergovernmental and multinational (JIIM) EOD Commissioned Officer and NCO positions; and
- (5) A cost-benefit analysis on any proposed realignment or relocation of EOD organization, force structure, training and branch proponent.