

JOINT CHIEFS OF STAFF REORGANIZATION ACT
OF 1982

AUGUST 12, 1982.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. WHITE, from the Committee on Armed Services,
submitted the following

R E P O R T

[To accompany H.R. 6954]

[Including cost estimate and comparison of the Congressional Budget Office]

The Committee on Armed Services, to whom was referred the bill (H.R. 6954) to amend title 10, United States Code, to provide for more efficient and effective operation of the Joint Chiefs of Staff and to establish a Senior Strategy Advisory Board in the Department of Defense, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

H.R. 6954—A CLEAN BILL

H.R. 6954, a clean bill, was reported by the Investigations Subcommittee to supersede H.R. 6828, the original Joint Chiefs of Staff legislation referred to the committee.

PURPOSE

The purpose of H.R. 6954 is to improve the efficiency and effectiveness of the Joint Chiefs of Staff by establishing a Deputy Chairman, and by implementing several changes in the functioning of the organization. Also, the bill would establish a non-salaried Senior Strategy Advisory Board in the Department of Defense to advise the President, the Secretary of Defense, and the Joint Chiefs of Staff on matters of military strategy and tactics.

SUMMARY OF PROPOSED LEGISLATION

The proposed legislation would amend chapter 5, title 10, United States Code, by providing several changes in the organization and functioning of the Joint Chiefs of Staff. It would establish a procedure for a member of the Joint Chiefs of Staff to bring an individual

opinion, which is in disagreement with the military advice of the Chairman, or the Joint Chiefs of Staff, to the attention of the Secretary of Defense, or to the President, after having first informed the Secretary of Defense. It would also provide authority for the Chairman of the Joint Chiefs of Staff to furnish military advice in his own right.

This legislation would establish a Deputy Chairman of the Joint Chiefs of Staff who would act as Chairman in the absence or disability of the Chairman, but who would vote only in the Chairman's absence. The Deputy Chairman would be appointed for a two-year term and could be reappointed for one additional term. The Deputy would have to come from a different armed force than the Chairman.

The bill would authorize the Chairman to select the officers of the Joint Staff from those officers nominated by their respective armed force. It would also eliminate the current three-year limitation on service on the Joint Staff by providing for appointment for a three-year term, and possible reappointment for an additional three years. It would also increase to 100 the number of officers who could, with the approval of the Secretary of Defense, be recalled to Joint Staff duty within three years of the date of their last service on the Joint Staff. The bill further provides that the Chairman may utilize some of the staff, a power he did not previously expressly have.

The bill would establish a procedure whereby, under guidelines established by the Secretary of Defense, each chief of service, or commander of a unified or specified command, could provide comments on any report or recommendation of the Joint Staff before submission to the Joint Chiefs of Staff. It also would require that the Secretary of Defense ensure that the Joint Staff is independently organized and operated so that it supports the Chairman and the members of the Joint Chiefs of Staff in providing unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an effective team of land, naval and air forces. The bill would also require the Secretary of Defense to ensure that armed forces personnel policies give appropriate consideration to the performance of an officer as a member of the Joint Staff in his promotion, retention and assignments. Also; the Chairman would be required to evaluate all nominations for three- and four-star officers who have served on the Joint Staff, before they are submitted to the President.

H.R. 6954 would also establish a Senior Strategy Advisory Board consisting of ten retired generals or admirals who, while on active duty, served on the Joint Chiefs of Staff or as commander of a unified or specified command. They would receive only a per diem and travel expenses during meeting periods. A Chairman of the Board would be designated by the President. The Board would provide to the President, the Secretary of Defense and the Joint Chiefs of Staff such advice and recommendations on military strategy and tactics as it considered appropriate.

BACKGROUND AND DISCUSSION

On February 3, 1982, Gen. David C. Jones, the Chairman of the Joint Chiefs of Staff, in a hearing before the Armed Services Committee, announced his concern about basic shortcomings in the organization of the Joint Chiefs of Staff. He further stated that he intended to sub-

mit proposals to correct those shortcomings and would work to achieve their acceptance throughout the remaining months of his tenure and thereafter. Subsequently, Gen. Edward C. Meyer, the Army Chief of Staff, joined General Jones in criticizing the present structure and suggested that the Chairman had not gone far enough in his recommendations for change.

As a result of the proposals of General Jones and General Meyer, the Investigations Subcommittee of the Committee on Armed Services began hearings on JCS reorganization on April 21, 1982. The subcommittee heard testimony from more than 40 witnesses, including the Chairman and all current members of the Joint Chiefs of Staff, former Secretaries of Defense, former Deputy Secretaries of Defense, former Chairmen and members of the Joint Chiefs of Staff, former Directors of the Joint Staff, commanders of unified commands, as well as other civilian and military witnesses. The subcommittee found near unanimous agreement that organizational problems hamper the performance of the present organization. But it received a wide range of views on what, if anything, should be done to correct the existing deficiencies. The recommendations varied from leaving the current organization unchanged to replacing it with a single military advisor to the President, the National Security Council, and the Secretary of Defense, while establishing a body of senior military advisors for long-range planning.

DISCUSSION OF THE MAJOR PROVISIONS OF THE BILL

The bill would provide a procedure which would allow a member of the Joint Chiefs of Staff to bring his dissenting views to the attention of the Secretary of Defense. It would also provide for submitting those dissenting views to the President, after first informing the Secretary of Defense.

The responsibilities of the Chairman of the Joint Chiefs of Staff would be enlarged specifically to authorize him to provide military advice, in his own right, to the President, the National Security Council, and the Secretary of Defense. He would also be required to inform the Secretary of Defense and, when appropriate, the President, on matters on which the Joint Chiefs of Staff have agreed and disagreed. Heretofore, such notification was required only on those matters on which the Joint Chiefs were in disagreement.

A Deputy Chairman of the Joint Chiefs of Staff would be established. The Deputy, who would come from a different armed force than the Chairman, would attend all meetings of the Joint Chiefs of Staff, would act as Chairman in the absence or disability of the Chairman, and would exercise such duties as delegated by the Chairman, and approved by the Secretary of Defense. The Deputy would be appointed by the President, with the advice and consent of the Senate, for a two-year term and could be reappointed for one additional term, except that in time of war declared by Congress there would be no limit on the number of reappointments.

The bill would authorize the Chairman of the Joint Chiefs of Staff to select officers for the Joint Staff from among those nominated by the various armed forces. The bill provides that such officers should be among those considered to be the most outstanding officers of their

armed force. It would also permit the Chairman to specify the number of officers who should be included on any nomination list.

The proposed legislation would repeal the current three-year limitation on service on the Joint Staff. Officers would be assigned originally for a three-year period and could be extended for a period up to three additional years. The bill also would increase to 100 the number of officers who could, with the approval of the Secretary of Defense, be recalled to Joint Staff duty within three years of the date of their last service on the Joint Staff. The current limitations on Joint Staff service are believed to affect adversely the quality and the continuity of the Joint Staff organization.

This legislation would make the Joint Staff responsible for supporting the Chairman, as well as the Joint Chiefs of Staff. It would also clarify the Chairman's responsibility for managing the Joint Staff. It would remove the qualification that the Chairman manage the Joint Staff "on behalf of the Joint Chiefs of Staff."

A new procedure for reviewing the reports and recommendations of the Joint Staff would be established by this legislation, under guidelines established by the Secretary of Defense. Each officer serving as a Chief of service, i.e., Chief of Staff of the Army or Air Force, Chief of Naval Operations, or Commandant of the Marine Corps, or as the commander of a unified or specified command, would have an opportunity to comment, formally, on any Joint Staff report or recommendation prior to submission to the Joint Chiefs of Staff.

The bill would also require the Secretary of Defense to ensure that the Joint Staff is independently organized and operated so that it supports the Chairman and the Joint Chiefs of Staff in meeting the congressional purpose set forth in the National Security Act of 1947 (50 USC 401) to provide for the unified strategic direction of the combatant forces, for their operation under unified command and for their integration into an official team of land, naval and air forces. The current provision that the Joint Staff shall not operate or be organized as an overall armed force in general staff is retained in the law.

The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, would also be responsible for ensuring that officer personnel policies of the armed forces, concerning promotion, retention and assignments give appropriate consideration to an officer's performance as a member of the Joint Staff. This provision was included in order to make Joint Staff service more attractive, thereby prompting outstanding officers to seek, rather than to avoid, such an assignment.

The Chairman of the Joint Chiefs of Staff would be responsible for evaluating all recommendations for appointment of officers above the grade of major general or rear admiral who have served on the Joint Staff. Those evaluations of the Chairman would consider the officer's performance as a member of the Joint Staff, to encourage a true joint perspective by Joint Staff officers, rather than the narrow parochial service views which have occurred in the past.

The bill would also establish a Senior Strategy Advisory Board composed of ten retired former members of the Joint Chiefs of Staff or former commanders of a unified or specified command. This Board would provide advice and recommendations to the President, the Secretary of Defense and the Joint Chiefs of Staff on matters of military strategy and tactics. Members of the Board would be appointed by the

President and would serve for a term of five years. One of the members of the Board would be designated as Chairman by the President. The Board would meet at least once a month, or at the call of the Chairman, and would receive only a per diem and reimbursement for transportation expenses. This Board, which would have no responsibility for problems such as procurement, training or personnel, which take so much of the time of the service Chiefs, could focus exclusively on matters of strategy, tactics and long-range planning, thereby supplementing the Joint Chiefs of Staff.

DEPARTMENTAL VIEWS

The Department of Defense has provided no formal views on H.R. 6954.

The Secretary of Defense, in response to a request for his views on H.R. 6828, the earlier bill, provided the following comments:

THE SECRETARY OF DEFENSE,
WASHINGTON, THE DISTRICT OF COLUMBIA,
July 29, 1982.

HON. RICHARD C. WHITE,
Chairman, Armed Services Investigations Subcommittee, Committee on Armed Services, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate your interest in the organization of the national military command structure and assure you that, with the full cooperation of the Joint Chiefs of Staff, I will pursue any initiatives which clearly will result in more effective planning, operations and resource management to strengthen our defenses. I have asked the Joint Chiefs of Staff to examine a number of possible changes in the law against a specific set of criteria. A quick reading of your draft changes to the law leads me to believe that your proposals are included in those I have asked the JCS to examine. General Vessey, Admiral Watkins, and General Gabriel testified to your Subcommittee yesterday. I am sure that they addressed the review I have asked the JCS to make.

We agree with you that changes to Title 10 U.S. Code deserve most careful consideration by the Administration and the Congress. Accordingly, I would like to withhold comment on your specific proposals until the Joint Chiefs of Staff and I complete our study of their implications.

Sincerely,

CASPAR WEINBERGER.

COMMITTEE ACTION

The Committee on Armed Services on August 11, 1982, without objection agreed to report H.R. 6954.

FISCAL DATA

FIVE-YEAR COST PROJECTION

In compliance with clause 7 of rule XIII of the Rules of the House of Representatives, the Committee requested the Department of De-

fense to estimate the impact that passage of this legislation would have on the Department's budget for the next five years. The Department's response is set forth hereinafter:

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 12, 1982.

Congressman RICHARD C. WHITE,
*Chairman, Subcommittee on Investigations,
House Armed Services Committee,
Washington, D.C.*

DEAR CONGRESSMAN WHITE: Mr. John Lally of your staff requested a five-year estimate of costs that would be incurred should H.R. 6954 become law. The five-year costs figures are attached.

CLYDE O. GLAISTER,
*Deputy Assistant Secretary of Defense
(Program/Budget).*

Enclosure.

ESTIMATED COST OF H.R. 6954—JCS LEGISLATION

	Fiscal year—				
	1983	1984	1985	1986	1987
Office of the Deputy Chairman:					
Deputy Chairman (Military Personnel) ¹	\$2,200	\$2,200	\$2,200	\$2,200	\$2,200
Support staff (O. & M.) ²	40,000	42,000	44,000	46,000	49,000
Senior Strategy Advisory Board:					
Travel and Transportation (O. & M.) ³	81,000	86,000	92,000	97,000	102,000
Support Staff (O. & M.) ⁴	60,000	63,000	66,000	69,000	73,000
Total.....	183,200	193,200	204,200	214,200	226,200

¹ General/admiral will be entitled to \$2,200 personal allowance.

² Assumes Deputy Chairman staff consisting of 2 officers and 2 secretaries.

³ Assumes 10 members meet once each month for 1-week periods (5 days) per diem (\$75) plus air fare (average \$300 round trip).

⁴ Assumes support staff consisting of 3 secretaries.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office and submitted pursuant to section 403 of the Congressional Budget Act of 1974 is included hereinafter:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 12, 1982.

HON. MELVIN PRICE,
*Chairman, Committee on Armed Services,
U.S. House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6954, the Joint Chiefs of Staff Reorganization Act of 1982, as ordered reported by the House Committee on Armed Services on August 11, 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 6954.
2. Bill title: Joint Chiefs of Staff Reorganization Act of 1982.
3. Bill status: As ordered reported by the House Committee on Armed Services on August 11, 1982.
4. Bill purpose: The bill provides for more efficient and effective operation of the Joint Chiefs of Staff and establishes a Senior Strategy Advisory Board in the Department of Defense.

Specifically, the bill would:

(a) permit members of the Joint Chiefs of Staff to submit to the Secretary of Defense or to the President any opinion in disagreement with military advice of the Joint Chiefs of Staff or its Chairman;

(b) require the Chairman to inform the Secretary of Defense and, when appropriate, the President, of those issues upon which the Joint Chiefs of Staff agree, as well as those upon which they disagree. The Chairman currently is required to provide the latter. This bill would also permit the Chairman to provide military advice in his own right; and

(c) establish the position of Deputy Chairman of the Joint Chiefs of Staff. The Deputy Chairman would be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman and Deputy Chairman of the Joint Chiefs of Staff could not be members of the same service. The term of the Deputy Chairman would be two years and could be renewed for one additional term. The Deputy Chairman would hold the rank of general or, in the case of a Navy officer, admiral.

The bill proposes more specific language concerning the selection of officers to serve on the existing 400-officer Joint Staff that serves the Joint Chiefs of Staff. The bill would permit the Chairman of the Joint Chiefs (instead of the Joint Chiefs themselves) to appoint these officers and would give the Chairman greater guidance in their selection.

The bill permits an officer serving as the chief of a service or as the commander of a unified or specified command to provide formal comments on any report or recommendation of the Joint Staff prepared for submittal to the Joint Chiefs of Staff before the report or recommendation is submitted.

The bill would establish a Senior Strategy Advisory Board to provide advice and recommendations on military strategy and tactics to the President, the Secretary of Defense, and the Joint Chiefs of Staff. The members of the ten-person board would be selected from retired officers in the grade of general or admiral who, while on active duty, served as members of the Joint Chiefs of Staff or as commanders of a unified or specified command. The term of each member would be five years. Members of the Board would not be entitled to compensation but would be paid per diem and travel and transportation allowances.

The bill provides authorizations subject to subsequent appropriation action. The bill includes provisions which do not have a cost impact.

5. Cost estimate:

Estimated authorization level:

Fiscal year:	Millions
1983 -----	\$0.2
1984 -----	.2
1985 -----	.3
1986 -----	.3
1987 -----	.3

Estimated outlays:

Fiscal year:	
1983 -----	.2
1984 -----	.2
1985 -----	.3
1986 -----	.3
1987 -----	.3

The costs of this bill fall within budget function 050.

6. Basis of estimate: The establishment of the position of Deputy Chairman of the Joint Chiefs of Staff would result in the addition of one general or admiral to the number serving on active duty under current law. The costs incurred by the government include the pay and allowances associated with an additional general or admiral position and additional support costs.

It was assumed that the ten-member Senior Strategy Advisory Board would meet monthly for a period of five days each month. The costs incurred by the government include round-trip air fare for each member, per diem allowances during their stays in Washington, and support staff for the board.

7. Estimate comparison: This estimate generally concurs with estimates prepared by the Department of Defense.

8. Previous CBO estimate: None.

9. Estimate prepared by: Alice L. Hughey.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

The committee concurs in the Congressional Budget Office cost estimate.

INFLATION-IMPACT STATEMENT

In compliance with clause 2(1)(4) rule XI of the Rules of the House of Representatives, the Committee on Armed Services examined the possible inflationary impact of the bill. The committee believes that enactment of this legislation would have no inflationary impact on the national economy.

OVERSIGHT FINDINGS

With reference to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

With reference to clause 2(b)(1) of rule X of the Rules of the House of Representatives, this legislation results from hearings on the provisions of the bill, which represent a significant part of the committee's oversight responsibility with regard to organization of the Department of Defense.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman) :

TITLE 10, UNITED STATES CODE

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PART I—ORGANIZATION AND GENERAL MILITARY POWERS

* * * * *

CHAPTER 5—JOINT CHIEFS OF STAFF

Sec.

141. Composition; functions.

142. Chairman.

142a. *Deputy Chairman.*

* * * * *

§ 141. Composition; functions

(a) There are in the Department of Defense the Joint Chiefs of Staff consisting of—

- (1) a Chairman;
- (2) the Chief of Staff of the Army;
- (3) the Chief of Naval Operations;
- (4) the Chief of Staff of the Air Force; and
- (5) the Commandant of the Marine Corps.

(b) The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense.

(c) Subject to the authority and direction of the President and the Secretary of Defense, the Joint Chiefs of Staff shall—

- (1) prepare strategic plans and provide for the strategic direction of the armed forces;
- (2) prepare joint logistic plans and assign logistic responsibilities to the armed forces in accordance with those plans;
- (3) establish unified commands in strategic areas;
- (4) review the major material and personnel requirements of the armed forces in accordance with strategic and logistic plans;
- (5) formulate policies for the joint training of the armed forces;

(6) formulate policies for coordinating the military education of members of the armed forces;

(7) provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

(8) perform such other duties as the President or the Secretary of Defense may prescribe.

(d) (1) After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate.

(2) *A member of the Joint Chiefs of Staff may submit to the Secretary of Defense any opinion in disagreement with military advice of the Chairman or the Joint Chiefs of Staff. After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may submit to the President any opinion in disagreement with military advice of the Chairman or the Joint Chiefs of Staff.*

§ 142. Chairman

(a) The Chairman of the Joint Chiefs of Staff shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. He serves at the pleasure of the President for a term of two years, and may be reappointed in the same manner for one additional term. However, in time of war declared by Congress there is no limit on the number of reappointments.

(b) In addition to his other duties as a member of the Joint Chiefs of Staff, the Chairman shall, subject to the authority and direction of the President and the Secretary of Defense—

(1) preside over the Joint Chiefs of Staff;

(2) provide agenda for the meetings of the Joint Chiefs of Staff and assist them in carrying on their business as promptly as practicable; and

(3) inform the Secretary of Defense, and, when the President or the Secretary of Defense considers it appropriate, the President, of those issues upon which the Joint Chiefs of Staff **[have not agreed]** *have agreed and have not agreed and provide military advice in his own right.*

§ 142a. Deputy Chairman

(a) (1) *There is a Deputy Chairman of the Joint Chiefs of Staff. The Deputy Chairman shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman and Deputy Chairman may not be members of the same armed force.*

(2) *The Deputy Chairman serves at the pleasure of the President for a term of up to two years and may be reappointed in the same manner for one additional term, except that in time of war declared by Congress there is no limit on the number of reappointments.*

(b) *The Deputy Chairman acts as Chairman in the absence or disability of the Chairman and exercises such duties as may be delegated by the Chairman with the approval of the Secretary of Defense.*

When there is a vacancy in the office of Chairman, the Deputy Chairman, unless otherwise directed by the President or Secretary of Defense, shall perform the duties of the Chairman until a successor is appointed.

(c) The Deputy Chairman may attend all meetings of the Joint Chiefs of Staff but may not vote on a matter before the Joint Chiefs of Staff except when acting as Chairman in the absence or disability of the Chairman or when there is a vacancy in the office of Chairman,

(d) The Deputy Chairman, while so serving, holds the rank of general or, in the case of an officer of the Navy, admiral. The Deputy Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

§ 143. Joint Staff

[(a) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than 400 officers selected by the Joint Chiefs of Staff with the approval of the Chairman. The Joint Staff shall be selected in approximately equal numbers from—

[(1) the Army;

[(2) the Navy and the Marine Corps; and

[(3) the Air Force.

[The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff, and except in time of war, no such tenure of duty may be more than three years. Except in time of war, officers completing a tour of duty with the Joint Staff may not be reassigned to the Joint Staff for a period of not less than three years following their previous tour of duty on the Joint Staff except that selected officers may be recalled to Joint Staff duty in less than three years with the approval of the Secretary of Defense in each case. The number of such officers recalled to Joint Staff duty in less than three years shall not exceed 30 serving on the Joint Staff at any one time.]

(a) (1) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than 400 officers. The members of the Joint Staff shall be selected by the Chairman of the Joint Chiefs of Staff in approximately equal numbers from—

(A) the Army;

(B) the Navy and the Marine Corps; and

(C) the Air Force.

(2) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

(3) Officers assigned to the Joint Staff shall be assigned for a period of three years, except that in time of war there is no limit on the tenure of members of the Joint Staff. Members of the Joint Staff serve at the pleasure of the Secretary of Defense, and the tenure of a member of the Joint Staff may at the discretion of the Secretary of Defense be extended for a period of up to three additional years.

(4) Except in time of war, officers completing a tour of duty with the Joint Staff may not be reassigned to the Joint Staff for a period

of not less than three years following their previous tour of duty on the Joint Staff, except that selected officers may be recalled to Joint Staff duty in less than three years with the approval of the Secretary of Defense in each case. The number of such officers recalled to Joint Staff duty in less than three years shall not exceed 100 serving on the Joint Staff at any one time.

(b) The Chairman of the Joint Chiefs of Staff in consultation with the Joint Chiefs of Staff, and with the approval of the Secretary of Defense, shall select the Director of the Joint Staff. Except in time of war, the tour of duty of the Director may not exceed three years. Upon the completion of a tour of duty as Director of the Joint Staff, the Director, except in time of war, may not be reassigned to the Joint Staff. The Director must be an officer junior in grade to each member of the Joint Chiefs of Staff.

(c) The Joint Staff shall perform such duties as the Joint Chiefs of Staff or the Chairman prescribes. The Chairman of the Joint Chiefs of Staff manages the Joint Staff and its Director [], on behalf of the Joint Chiefs of Staff] *in the performance of those duties.*

(d) The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines to support the Joint Chiefs of Staff *and the Chairman* in discharging their assigned responsibilities.

(e) (1) *Subject to guidelines established by the Secretary of Defense, each officer serving as a chief of service or as the commander of a unified or specified command may have an opportunity to provide formal comments on any report or recommendation of the Joint Staff prepared for submittal to the Joint Chiefs of Staff before such report or recommendation is submitted to the Joint Chiefs of Staff. A copy of any such comment shall, at the discretion of the officer submitting the comment, be included as an appendix in the submittal of such report or recommendation to the Joint Chiefs of Staff. For purposes of this paragraph, the chiefs of service are the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.*

(2) *The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff, and the members of the Joint Staff, support the Chairman of the Joint Chiefs of Staff and the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces.*

(f) (1) *The Secretary of Defense, in consultation with the Chairman, shall ensure that officer personnel policies of the armed forces concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.*

(2) *In the case of an officer who has served on the Joint Staff and who is selected for recommendation to the President for appointment to a grade above major general or rear admiral, the Chairman shall submit to the President, at the same time as the recommendation for such appointment is submitted, the evaluation of the Chairman of the performance of that officer as a member of the Joint Staff.*

CHAPTER 7—BOARDS, COUNCILS, AND COMMITTEES

Sec.

- 171. Armed Forces Policy Council.
- 172. Ammunition storage board.
- 173. Advisory personnel.
- 174. Advisory personnel: research and development.
- 175. Reserve Forces Policy Board.
- 176. Armed Forces Institute of Pathology.
- 177. American Registry of Pathology.
- 178. Senior Strategy Advisory Board.

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§ 178. Senior Strategy Advisory Board

(a) *There is established in the Department of Defense a Senior Strategy Advisory Board. The Board shall, from time to time, provide such advice and recommendations on matters of military strategy and tactics as it considers appropriate to the President, the Secretary of Defense, and the Joint Chiefs of Staff.*

(b) (1) *The Board shall consist of ten members appointed by the President from among retired officers in the grade of general or admiral who, while on active duty, served as a member of the Joint Chiefs of Staff or as the commander of a unified or specified command.*

(2) *Each member of the Board shall be appointed for a term of five years, except that—*

(A) *a member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term;*

(B) *a member whose term of office has expired shall continue to serve until his successor is appointed; and*

(C) *of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of three years, and four shall be appointed for a term of five years, as designated by the President at the time of appointment.*

Members whose term has expired may be reappointed for one additional term.

(3) *The Chairman of the Board shall be designated by the President from among the members of the Board.*

(c) *The Board shall meet regularly at the call of the Chairman or a majority of the members of the Board, but not less often than once each month.*

(d) *Members of the Board are not entitled to compensation for service on the Board but may be paid per diem and travel and transportation allowances authorized under section 5703 of title 5.*

(e) *The Board shall continue in existence until terminated by law.*

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PART II—PERSONNEL

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CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE

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§ 525. Distribution of commissioned officers on active duty in general officer and flag officer grades

(a) No appointment may be made in a grade above brigadier general in the Army, Air Force, or Marine Corps if that appointment would result in more than 50 percent of the general officers of that armed force on active duty being in grades above brigadier general. No appointment may be made in a grade above commodore in the Navy if that appointment would result in more than 50 percent of the flag officers of the Navy on active duty being in grades above commodore.

(b) (1) No appointment may be made in a grade above major general in the Army, Air Force, or Marine Corps if that appointment would result in more than 15 percent of the general officers of that armed force on active duty being in grades above major general. In the case of the Army and Air Force, of the 15 percent of general officers on active duty who may be serving in grades above major general, not more than 25 percent may be serving in the grade of general.

(2) No appointment may be made in a grade above rear admiral in the Navy if that appointment would result in more than 15 percent of the flag officers of the Navy on active duty being in grades above rear admiral. Of the 15 percent of flag officers on active duty who may be serving in grades above rear admiral, not more than 25 percent may be serving in the grade of admiral.

(3) An officer while serving as Chairman or Deputy Chairman of the Joint Chiefs of Staff or as Chief of Staff to the President, if serving in the grade of general or admiral, is in addition to the number authorized his armed force for that grade under paragraph (1) or (2).

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SUMMARY

PURPOSE

The purpose of H.R. 6954 is to improve the efficiency and effectiveness of the Joint Chiefs of Staff by several changes in its organization and operation. It also would establish a Senior Strategy Advisory Board to advise the President, the Secretary of Defense and the Joint Chiefs of Staff on military strategy and tactics.

FISCAL DATA

The committee concurs in the cost estimate submitted by the Congressional Budget Office.

DEPARTMENTAL POSITION

The Department of Defense has taken no formal position on the provisions of H.R. 6954.

COMMITTEE POSITION

The Committee on Armed Services on August 11, 1982, without objection agreed to report H.R. 6954.