

99TH CONGRESS
1ST SESSION

H. R. 2710

To amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and reform the operation of the Joint Chiefs of Staff.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1985

Mr. ASPIN introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and reform the operation of the Joint Chiefs of Staff.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Joint Military Reform
5 Act of 1985".

6 **SEC. 2. CHAIRMAN OF JOINT CHIEFS OF STAFF TO BE PRINCI-**
7 **PAL MILITARY ADVISER.**

8 (a) **ROLE OF CHAIRMAN AS HEAD OF JCS AND PRIN-**
9 **CIPAL MILITARY ADVISER.**—(1) Subsections (a) and (b) of

1 section 141 of title 10, United States Code, are amended to
2 read as follows:

3 “(a) There are in the Department of Defense the Joint
4 Chiefs of Staff, headed by the Chairman of the Joint Chiefs
5 of Staff. In addition to the Chairman, the Joint Chiefs of
6 Staff consist of the following:

7 “(1) The Chief of Staff of the Army.

8 “(2) The Chief of Naval Operations.

9 “(3) The Chief of Staff of the Air Force.

10 “(4) The Commandant of the Marine Corps.

11 “(b) The Chairman of the Joint Chiefs of Staff is the
12 principal military adviser to the President, the National Se-
13 curity Council, and the Secretary of Defense. The Joint
14 Chiefs of Staff, as a body, shall provide advice to the Presi-
15 dent and the Secretary of Defense on matters with respect to
16 which such advice is requested.”.

17 (2) Subsection (c) of such section is amended by striking
18 out the matter preceding clause (1) and inserting in lieu
19 thereof the following:

20 “(c) Subject to the overall authority and direction of the
21 President and the Secretary of Defense, the Chairman (in
22 consultation, as appropriate, with the other members of the
23 Joint Chiefs of Staff and with the commanders of the unified
24 and specified commands) shall—”.

1 (b) CHAIRMAN TO FORWARD JCS ADVICE.—Section
 2 142(b)(3) of such title is amended by striking out “of those
 3 issues upon which the Joint Chiefs of Staff have not agreed”
 4 and inserting in lieu thereof “of the military advice of the
 5 Joint Chiefs of Staff as a body on those matters with respect
 6 to which such advice is requested by the President or the
 7 Secretary of Defense (including advice on those matters on
 8 which the members of the Joint Chiefs of Staff have not
 9 agreed).”.

10 (c) ADVICE CONCERNING ESTABLISHMENT OF COM-
 11 BATANT COMMANDS.—Section 124(a) of such title is amend-
 12 ed by inserting “of the Chairman” after “advice and assist-
 13 ance”.

14 (d) CONFORMING AMENDMENT.—Section 5081(d) of
 15 such title is amended by striking out “to the President and”.

16 **SEC. 3. RIGHT OF INDIVIDUAL MEMBERS OF JCS TO PROVIDE**
 17 **SEPARATE VIEWS.**

18 Section 141(d) of title 10, United States Code, is
 19 amended—

20 (1) by inserting “(1)” after “(d)”; and

21 (2) by adding at the end thereof the following new
 22 paragraph:

23 “(2) A member of the Joint Chiefs of Staff other than
 24 the Chairman may submit to the Secretary of Defense any
 25 opinion in disagreement with military advice of the Chairman

1 or the Joint Chiefs of Staff. After first informing the Secre-
 2 tary of Defense, such a member of the Joint Chiefs of Staff
 3 may submit to the President any opinion in disagreement
 4 with military advice of the Chairman or the Joint Chiefs of
 5 Staff.”.

6 **SEC. 4. CHAIN OF COMMAND.**

7 Section 142(c) title 10, United States Code, is amend-
 8 ed—

9 (1) by inserting “(1)” after “(c)”; and

10 (2) by adding at the end thereof the following new
 11 paragraph:

12 “(2) The President or Secretary of Defense may direct
 13 that the national military chain of command runs to the com-
 14 manders of the unified and specified combatant commands
 15 through the Chairman.”.

16 **SEC. 5. SUPERVISION OF COMBATANT COMMANDS.**

17 Section 124(c)(2) of title 10, United States Code, is
 18 amended by striking out “acts as the spokesman for the com-
 19 manders of the combatant commands” and inserting in lieu
 20 thereof “supervises the commanders of the combatant com-
 21 mands and acts as their spokesman”.

22 **SEC. 6. TERM OF CHAIRMAN.**

23 (a) **EXTENSION OF TERM TO FOUR YEARS.**—Section
 24 142(a) of title 10, United States Code, is amended—

25 (1) by inserting “(1)” after “(a)”;

1 (2) by striking out “for a term of two years,”; and
2 (3) by adding at the end thereof the following new
3 paragraphs:

4 “(2) Except as provided in paragraph (3), the Chairman
5 serves for a term of four years.

6 “(3) In the event of the death, retirement, resignation,
7 or reassignment of the officer serving as Chairman before the
8 end of the term for which the officer was appointed, an officer
9 appointed to fill the vacancy shall serve as Chairman only for
10 the remainder of the original term.”.

11 (b) EFFECTIVE DATE.—The amendments made by sub-
12 section (a) shall apply with respect to appointments to the
13 position of Chairman of the Joint Chiefs of Staff made on or
14 after the date of the enactment of this Act, except that the
15 first such appointment made on or after the date of enact-
16 ment of this Act shall be for a term ending on June 30, 1990.

17 **SEC. 7. DEPUTY CHAIRMAN.**

18 (a) ESTABLISHMENT OF POSITION OF DEPUTY CHAIR-
19 MAN.—(1) Chapter 5 of title 10, United States Code, is
20 amended by inserting after section 142 the following new
21 section:

22 **“§ 142a. Deputy Chairman**

23 “(a)(1) There is a Deputy Chairman of the Joint Chiefs
24 of Staff. The Deputy Chairman shall be appointed by the
25 President, by and with the advice and consent of the Senate,

1 from the officers of the regular components of the armed
2 forces. The Chairman and Deputy Chairman may not be
3 members of the same armed force. However, the Secretary of
4 Defense may waive the limitation in the preceding sentence
5 for a limited period of time.

6 “(2) The Deputy Chairman serves at the pleasure of the
7 President for a term of four years and may be reappointed in
8 the same manner for one additional term. However, in time
9 of war declared by Congress there is no limit on the number
10 of reappointments.

11 “(b)(1) The Deputy Chairman exercises such duties as
12 may be delegated by the Chairman with the approval of the
13 Secretary of Defense.

14 “(2) When there is a vacancy in the office of Chairman,
15 or in the absence or disability of the Chairman, the Deputy
16 Chairman, unless otherwise directed by the President or Sec-
17 retary of Defense, acts as Chairman and performs the duties
18 of the Chairman until a successor is appointed or the absence
19 or disability ceases.

20 “(c) The Deputy Chairman is the director of the Joint
21 Staff.

22 “(d) The Deputy Chairman may attend all meetings of
23 the Joint Chiefs of Staff but may not vote on a matter before
24 the Joint Chiefs of Staff except when acting as Chairman.

1 “(e) The Deputy Chairman, while so serving, holds the
2 rank of general or, in the case of an officer of the Navy,
3 admiral and outranks all other officers of the armed forces
4 except the Chairman. The Deputy Chairman may not exer-
5 cise military command over the Joint Chiefs of Staff or over
6 any of the armed forces.”.

7 (2) The table of sections at the beginning of such chap-
8 ter is amended by inserting after the item relating to section
9 142 the following new item:

“142a. Deputy Chairman.”.

10 (b) EXEMPTION FROM GRADE LIMITATIONS.—Section
11 525(b)(3) of such title is amended by inserting “or Deputy
12 Chairman” after “Chairman”.

13 (c) CONFORMING AMENDMENT.—Subsection (b) of sec-
14 tion 143 of such title is repealed.

15 **SEC. 8. JOINT STAFF.**

16 (a) JOINT STAFF TO BE UNDER THE CHAIRMAN.—
17 Subsection (a) of section 143 of title 10, United States Code,
18 is amended by inserting “Chairman of the” after “There is
19 under the”.

20 (b) ELIMINATION OF MAXIMUM NUMBER OF OFFICERS
21 ON JOINT STAFF.—Subsection (a) of such section is further
22 amended by striking out “not more than 400”.

23 (c) MANAGEMENT OF JOINT STAFF.—(1) Subsection (c)
24 of such section is redesignated as subsection (b) and is
25 amended to read as follows:

1 “(b) The Joint Staff shall perform such duties as the
2 Chairman prescribes.”.

3 (2) Subsection (d) of such section is redesignated as sub-
4 section (c) and is amended by striking out “Joint Chiefs of
5 Staff in discharging their” and inserting in lieu thereof
6 “Chairman in discharging his”.

7 (d) **TENURE OF MEMBERS OF JOINT STAFF.**—Subsec-
8 tion (e) of such section is redesignated as subsection (d) and is
9 amended by inserting after the first sentence the following
10 new sentence: “However, such a tour of duty may be ex-
11 tended with the approval of the Secretary of Defense.”.

12 (e) **OPERATION OF JOINT STAFF.**—Such section is fur-
13 ther amended by adding at the end thereof the following new
14 subsection (e):

15 “(e) The Secretary of Defense shall ensure that the
16 Joint Staff is independently organized and operated so that
17 the Joint Staff, and the members of the Joint Staff, support
18 the Chairman of the Joint Chiefs of Staff in meeting the con-
19 gressional purpose set forth in the last clause of section 2 of
20 the National Security Act of 1947 (50 U.S.C. 401) to pro-
21 vide for the unified strategic direction of the combatant
22 forces, for their operation under unified command, and for
23 their integration into an efficient team of land, naval, and air
24 forces.”.

1 **SEC. 9. CONSIDERATION OF JOINT SERVICE IN SENIOR GEN-**
2 **ERAL AND FLAG OFFICER APPOINTMENTS.**

3 Section 601 of title 10, United States Code, is amended
4 by adding at the end thereof the following new subsection:

5 “(d) In the case of an officer who is selected for recom-
6 mendation to the President for an initial appointment to a
7 grade above major general or rear admiral, the Chairman of
8 the Joint Chiefs of Staff shall submit to the President, at the
9 same time as the recommendation for such appointment is
10 submitted, the evaluation of the Chairman of the performance
11 of that officer as a member of the Joint Staff and in other
12 assignments involving joint military experience.”.

13 **SEC. 10. REPORT TO CONGRESS ON PLANS FOR FURTHER IM-**
14 **PROVEMENTS.**

15 (a) **REQUIREMENT FOR REPORT.**—Not later than six
16 months after the date of the enactment of this Act, the Secre-
17 tary of Defense shall submit to Congress a report containing
18 plans for the manner in which the matters described in sub-
19 section (b) could be implemented.

20 (b) **MATTERS FOR WHICH PLANS TO BE DEVEL-**
21 **OPED.**—The matters referred to in subsection (a) are the fol-
22 lowing:

23 (1) Creation of a joint specialty for officers within
24 each of the Armed Forces, including—

1 (A) measures to ensure the preferential selec-
2 tion for duty in joint assignments of officers with
3 such a joint specialty;

4 (B) means to provide a role for the Chairman
5 of the Joint Chiefs of Staff in the consideration
6 and selection for promotion of officers who have
7 served on the Joint Staff or in other joint posi-
8 tions; and

9 (C) procedures to ensure the representation
10 of officers serving in joint positions on each pro-
11 motion board considering officers for selection for
12 promotion to a grade above the grade of lieuten-
13 ant colonel or, in the case of the Navy, the grade
14 of commander.

15 (2) Modifications to administrative directives in
16 effect on the date of the enactment of this Act in order
17 to specify that the military chain of command runs
18 from the President to the Secretary of Defense and
19 from the Secretary of Defense through the Chairman
20 of the Joint Chiefs of Staff to the commanders of the
21 unified and specified combatant commands.

22 (3) Provision for a program and budget for each of
23 the unified and specified combatant commands—

1 (A) separate from the programs and budgets
2 of the military department and other elements of
3 the Department of Defense; and

4 (B) developed and administered by the com-
5 manders of those commands under the supervision
6 of the Chairman.

7 (4) Establishment of procedures under which the
8 Chairman (with the support of the Joint Staff and the
9 advice of the other members of the Joint Chiefs of
10 Staff) may recommend to the Secretary of Defense a
11 force posture and five-year defense program to achieve
12 national security objectives within the policy and budg-
13 etary guidelines established by the President and Sec-
14 retary of Defense.

15 (5) Establishment of procedures for periodic sub-
16 mission to the President and Secretary of Defense by
17 the Chairman of a report containing the Chairman's
18 recommendations for such modifications to the unified
19 command plan as the Chairman considers to be re-
20 quired to ensure that the combatant commands are
21 properly structured to contribute to achieving national
22 objectives, with each such report to be preceded by the
23 formal review of—

24 (A) the international situation as it relates to
25 United States theater forces; and

1 (B) the adequacy of the existing structure of
2 the combatant commands, in responding to these
3 conditions, to provide for the unified and strategic
4 direction of the combatant forces, for their oper-
5 ation under unified command, and for their inte-
6 gration into an efficient team of land, naval, and
7 air forces, in accordance with the congressional
8 purpose set forth in the last clause in section 2 of
9 the National Security Act of 1947 (50 U.S.C.
10 401).

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