

99TH CONGRESS  
1ST SESSION

# H. R. 3622

To amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 1985

Mr. NICHOLS (for himself, Mr. ASPIN, Mr. SKELTON, Mr. HOPKINS, Mrs. BYRON, Mr. STUMP, Mr. MAVROULES, Mr. KASICH, Mr. MCCURDY, Mrs. MARTIN of Illinois, Mr. SPRATT, Mr. CARNEY, Mr. MCCLOSKEY, Mr. PRICE, Mr. WHITEHURST, Mr. DANIEL, Mrs. SCHROEDER, Mr. KRAMER, Mr. LEATH of Texas, Mr. FOGLIETTA, Mr. DYSON, Mr. HERTEL of Michigan, Mrs. LLOYD, Mr. ORTIZ, Mr. DARDEN, Mr. ROBINSON, Mr. BUSTAMANTE, Mr. HAMILTON, Mr. EDGAR, Mr. ENGLISH, Mr. FOWLER, Mr. ANDREWS, Mr. MATSUI, Mrs. BENTLEY, Mr. WHITLEY, Mr. CONYERS, Mr. GEPHARDT, Mr. GLICKMAN, Mr. WATKINS, Mr. DICKS, Mr. BEDELL, Mr. BEILSON, Mr. HUGHES, Mr. FAZIO, Mr. GINGRICH, Mr. BEVILL, Mr. FISH, Mr. COELHO, Mr. ECKART of Ohio, Mrs. BOXER, Mr. LAFALCE, Mr. VOLKMER, Mr. HOYER, Mr. PANETTA, Mr. CARPER, Mr. SMITH of Florida, Mr. LUNDINE, Mr. PORTER, Mr. REID, Mr. DENNY SMITH, Mr. SABO, Mr. NEAL, Mr. RANGEL, Mr. YATRON, Mr. LIPINSKI, Mr. SIKORSKI, Mr. GORDON, Mr. BATES, Mr. WILSON, Mr. OLIN, Mr. COOPER, and Mr. DASCHLE) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes.

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 Chiefs of Staff Re-  
5 organization 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  
10 section 141 of title 10, United States Code, are amended to  
11 read as follows:

12 "(a) There are in the Department of Defense the Joint  
13 Chiefs of Staff, headed by the Chairman of the Joint Chiefs  
14 of Staff. In addition to the Chairman, the Joint Chiefs of  
15 Staff consist of the following:

16 "(1) The Chief of Staff of the Army.

17 "(2) The Chief of Naval Operations.

18 "(3) The Chief of Staff of the Air Force.

19 "(4) The Commandant of the Marine Corps.

20 "(b) The Chairman of the Joint Chiefs of Staff is the  
21 principal military adviser to the President, the National Se-  
22 curity Council, and the Secretary of Defense. The Joint  
23 Chiefs of Staff, as a body, shall provide advice to the Presi-  
24 dent and the Secretary of Defense on matters with respect to  
25 which such advice is requested."

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

4           “(c) Subject to the overall authority and direction of the  
5 President and the Secretary of Defense, the Chairman (in  
6 consultation, as appropriate, with the other members of the  
7 Joint Chiefs of Staff and with the commanders of the unified  
8 and specified commands) shall—”.

9           (b) CHAIRMAN TO FORWARD JCS ADVICE.—Section  
10 142(b)(3) of such title is amended by striking out “of those  
11 issues upon which the Joint Chiefs of Staff have not agreed”  
12 and inserting in lieu thereof “of the military advice of the  
13 Joint Chiefs of Staff as a body on those matters with respect  
14 to which such advice is requested by the President or the  
15 Secretary of Defense (including advice on those matters on  
16 which the members of the Joint Chiefs of Staff have not  
17 agreed)”.

18           (c) ADVICE CONCERNING ESTABLISHMENT OF COM-  
19 BATANT COMMANDS.—Section 124(a) of such title is amend-  
20 ed by inserting “of the Chairman” after “advice and  
21 assistance”.

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

1 **SEC. 3. RIGHT OF INDIVIDUAL MEMBERS OF JCS TO PROVIDE**  
2 **SEPARATE VIEWS.**

3 Section 141(d) of title 10, United States Code, is  
4 amended—

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

6 (2) by adding at the end thereof the following new  
7 paragraph:

8 “(2) A member of the Joint Chiefs of Staff other than  
9 the Chairman may submit to the Secretary of Defense any  
10 opinion in disagreement with military advice of the Chairman  
11 or of the Joint Chiefs of Staff. After first informing the Secre-  
12 tary of Defense, such a member of the Joint Chiefs of Staff  
13 may submit to the President any opinion in disagreement  
14 with military advice of the Chairman or of the Joint Chiefs of  
15 Staff.”.

16 **SEC. 4. CHAIN OF COMMAND.**

17 Section 142(c) title 10, United States Code, is  
18 amended—

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

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

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

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

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

7 **SEC. 6. TERM OF CHAIRMAN.**

8 (a) **EXTENSION OF TERM TO FOUR YEARS.**—Section  
9 142(a) of title 10, United States Code, is amended—

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

11 (2) by striking out “for a term of two years,”; and

12 (3) by adding at the end thereof the following new  
13 paragraphs:

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

16 “(3) In the event of the death, retirement, resignation,  
17 or reassignment of the officer serving as Chairman before the  
18 end of the term for which the officer was appointed, an officer  
19 appointed to fill the vacancy shall serve as Chairman only for  
20 the remainder of the original term.”.

21 (b) **EFFECTIVE DATE.**—The amendments made by sub-  
22 section (a) shall apply with respect to appointments to the  
23 position of Chairman of the Joint Chiefs of Staff made on or  
24 after the date of the enactment of this Act, except that the  
25 first such appointment made on or after the date of the enact-  
26 ment of this Act shall be for a term ending on June 30, 1990.

1 **SEC. 7. DEPUTY CHAIRMAN.**

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

6 **“§ 142a. Deputy Chairman**

7 “(a)(1) There is a Deputy Chairman of the Joint Chiefs  
8 of Staff. The Deputy Chairman shall be appointed by the  
9 President, by and with the advice and consent of the Senate,  
10 from the officers of the regular components of the armed  
11 forces.

12 “(2) The Chairman and Deputy Chairman may not be  
13 members of the same armed force. However, the Secretary of  
14 Defense may waive the limitation in the preceding sentence  
15 for a limited period of time.

16 “(3) The Deputy Chairman serves at the pleasure of the  
17 President for a term of four years and may be reappointed in  
18 the same manner for one additional term. However, in time  
19 of war declared by Congress there is no limit on the number  
20 of reappointments.

21 “(b)(1) The Deputy Chairman exercises such duties as  
22 may be delegated by the Chairman with the approval of the  
23 Secretary of Defense.

24 “(2) When there is a vacancy in the office of Chairman  
25 or in the absence or disability of the Chairman, the Deputy  
26 Chairman, unless otherwise directed by the President or Sec-

1 retary of Defense, acts as Chairman and performs the duties  
2 of the Chairman until a successor is appointed or the absence  
3 or disability ceases.

4 “(c) The Deputy Chairman is the director of the Joint  
5 Staff.

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

9 “(e) The Deputy Chairman, while so serving, holds the  
10 rank of general or, in the case of an officer of the Navy,  
11 admiral and outranks all other officers of the armed forces  
12 except the Chairman. The Deputy Chairman may not exer-  
13 cise military command over the Joint Chiefs of Staff or over  
14 any of the armed forces.”.

15 (2) The table of sections at the beginning of such chap-  
16 ter is amended by inserting after the item relating to section  
17 142 the following new item:

“142a. Deputy Chairman.”.

18 (b) EXEMPTION FROM GRADE LIMITATIONS.—Section  
19 525(b)(3) of such title is amended by inserting “or Deputy  
20 Chairman” after “Chairman”.

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

23 **SEC. 8. JOINT STAFF.**

24 (a) JOINT STAFF TO BE UNDER THE CHAIRMAN.—  
25 Subsection (a) of section 143 of title 10, United States Code,

1 is amended by inserting "Chairman of the" after "There is  
2 under the".

3 (b) ELIMINATION OF MAXIMUM NUMBER OF OFFICERS  
4 ON JOINT STAFF.—Subsection (a) of such section is further  
5 amended by striking out "not more than 400".

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

9 "(b) The Joint Staff shall perform such duties as the  
10 Chairman prescribes."

11 (2) Subsection (d) of such section is redesignated as sub-  
12 section (c) and is amended by striking out "Joint Chiefs of  
13 Staff in discharging their" and inserting in lieu thereof  
14 "Chairman in discharging his".

15 (d) TENURE OF MEMBERS OF JOINT STAFF.—Subsec-  
16 tion (e) of such section is redesignated as subsection (d) and is  
17 amended by inserting after the first sentence the following  
18 new sentence: "Such a tour of duty, however, may be ex-  
19 tended with the approval of the Secretary of Defense."

20 (e) OPERATION OF JOINT STAFF.—Such section is fur-  
21 ther amended by adding at the end thereof the following new  
22 subsection (e):

23 "(e) The Secretary of Defense shall ensure that the  
24 Joint Staff is independently organized and operated so that  
25 the Joint Staff, and the members of the Joint Staff, support

1 the Chairman of the Joint Chiefs of Staff in meeting the con-  
2 gressional purpose set forth in the last clause of section 2 of  
3 the National Security Act of 1947 (50 U.S.C. 401) to  
4 provide—

5           “(1) for the unified strategic direction of the com-  
6 batant forces;

7           “(2) for their operation under unified command;  
8 and

9           “(3) for their integration into an efficient team of  
10 land, naval, and air forces.”.

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

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

15           “(d) In the case of an officer who is selected for recom-  
16 mendation to the President for an initial appointment to the  
17 grade of lieutenant general or vice admiral, or to the grade of  
18 general or admiral, the Chairman of the Joint Chiefs of Staff  
19 shall submit to the President the evaluation of the Chairman  
20 of the performance of that officer as a member of the Joint  
21 Staff and in other assignments involving joint military experi-  
22 ence. Such recommendation shall be submitted to the Presi-  
23 dent at the same time as the submission of the recommenda-  
24 tion for the appointment.”.

1 **SEC. 10. PARTICIPATION IN NATIONAL SECURITY COUNCIL**  
2 **MEETINGS.**

3 Section 101 of the National Security Act of 1947 (50  
4 U.S.C. 402) is amended by adding at the end thereof the  
5 following new subsection:

6 “(e) The Chairman or Deputy Chairman of the Joint  
7 Chiefs of Staff shall attend all meetings of the Council and  
8 shall participate fully in its deliberations.”.

9 **SEC. 11. REPORT TO CONGRESS ON PLANS FOR FURTHER IM-**  
10 **PROVEMENTS.**

11 (a) **REQUIREMENT FOR REPORT.**—The Secretary of  
12 Defense shall submit to Congress a report containing plans  
13 for the manner in which the matters described in subsection  
14 (b) could be implemented.

15 (b) **MATTERS FOR WHICH PLANS TO BE DEVEL-**  
16 **OPED.**—The matters referred to in subsection (a) are the  
17 following:

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

20 (A) measures to ensure the preferential selec-  
21 tion for duty in joint assignments of officers with  
22 such a joint specialty;

23 (B) means to provide a role for the Chairman  
24 of the Joint Chiefs of Staff in the consideration  
25 and selection for promotion of officers who have

1 served on the Joint Staff or in other joint posi-  
2 tions; and

3 (C) procedures to ensure the representation  
4 of officers serving in joint positions on each pro-  
5 motion board considering officers for selection for  
6 promotion to a grade above the grade of lieuten-  
7 ant colonel or, in the case of the Navy, the grade  
8 of commander.

9 (2) Modifications to administrative directives in  
10 effect on the date of the enactment of this Act in order  
11 to specify that the military chain of command runs  
12 from the President to the Secretary of Defense and  
13 from the Secretary of Defense through the Chairman  
14 of the Joint Chiefs of Staff to the commanders of the  
15 unified and specified combatant commands.

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

18 (A) separate from the programs and budgets  
19 of the military department and other elements of  
20 the Department of Defense; and

21 (B) developed and administered by the com-  
22 manders of those commands under the supervision  
23 of the Chairman.

24 (4) Establishment of procedures under which the  
25 Chairman (with the support of the Joint Staff and the

1. advice of the other members of the Joint Chiefs of  
2 Staff) may recommend to the Secretary of Defense a  
3 force posture and five-year defense program to achieve  
4 national security objectives within the policy and budg-  
5 etary guidelines established by the President and Sec-  
6 retary of Defense.

7 (5) Establishment of procedures for periodic sub-  
8 mission to the President and Secretary of Defense by  
9 the Chairman of a report containing the Chairman's  
10 recommendations for such modifications to the unified  
11 command plan as the Chairman considers to be re-  
12 quired to ensure that the combatant commands are  
13 properly structured to contribute to achieving national  
14 objectives, with each such report to be preceded by the  
15 formal review of—

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

18 (B) the adequacy of the existing structure of  
19 the combatant commands, in responding to these  
20 conditions, to provide for the unified and strategic  
21 direction of the combatant forces, for their oper-  
22 ation under unified command, and for their inte-  
23 gration into an efficient team of land, naval, and  
24 air forces, in accordance with the congressional  
25 purpose set forth in the last clause in section 2 of

1           the National Security Act of 1947 (50 U.S.C.  
2           401).

3           (c) **DEADLINE FOR REPORT.**—The report required by  
4 this section shall be submitted not later than six months after  
5 the date of the enactment of this Act.

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