

99TH CONGRESS
2D SESSION

H. R. 4370

To amend title 10, United States Code, to reorganize the Department of Defense.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1986

Mr. NICHOLS (for himself, Mr. HOPKINS, Mr. ASPIN, Mr. SKELTON, Mr. MAVEROULES, Mr. MCCURDY, Mr. KASICH, and Mr. BLAZ) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to reorganize the
Department of Defense.

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

3

4 **SECTION 1. SHORT TITLE**

5 This Act may be cited as the "Department of Defense
6 Reorganization Act of 1986".

1 **TITLE I—UNIFIED AND SPECIFIED**
 2 **COMMANDS**

3 **SEC. 101. ENHANCEMENT OF AUTHORITY OF COMMANDERS**
 4 **OF UNIFIED AND SPECIFIED COMBATANT COM-**
 5 **MANDS**

6 (a) **REVISION AND EXTENSION OF COMBATANT COM-**
 7 **MAND AUTHORITY.**—(1) Title 10, United States Code, is
 8 amended by inserting after chapter 5 the following new chap-
 9 ter:

10 **“CHAPTER 6—COMBATANT COMMANDS**

“161. Establishment.

“162. Forces assigned to combatant commands.

“163. Functions and supervision.

“164. Support and administration of assigned forces.

“165. Unified and specified commands: program and budget proposals.

“166. Combatant command subordinate commanders and CINC staff officers: selec-
 tion and tenure.

“167. Joint Commanders Council.

11 **“§ 161. Establishment**

12 **“(a) UNIFIED AND SPECIFIED COMMANDS.**—With the
 13 advice and assistance of the Chairman of the Joint Chiefs of
 14 Staff, the President, through the Secretary of Defense,
 15 shall—

16 **“(1) establish unified combatant commands and**
 17 **specified combatant commands to perform military mis-**
 18 **sions; and**

19 **“(2) prescribe the force structure of those com-**
 20 **mands.**

1 “(b) SPECIAL COMBATANT COMMANDS.—If the Secre-
2 tary of Defense determines that a situation warrants the cre-
3 ation for a specific military mission of a force outside the
4 existing unified and specified commands, the Secretary, with
5 the advice and assistance of the Chairman of the Joint Chiefs
6 of Staff, may—

7 “(1) establish a special combatant command to re-
8 spond to that situation;

9 “(2) prescribe the mission, force structure, and
10 support and administrative arrangements of that com-
11 mand; and

12 “(3) prescribe the chain of command from the
13 President and Secretary of Defense to the commander
14 of that command.

15 “(c) PERIODIC REVIEW.—(1) The Chairman shall peri-
16 odically (and not less often than every other year)—

17 “(A) review the overall structure of the unified
18 and specified combatant commands (including the rela-
19 tionship among their respective functions, missions,
20 areas of responsibility, and chains of command); and

21 “(B) recommend to the President, through the
22 Secretary of Defense, any changes that the Chairman
23 considers necessary or appropriate.

1 “(2) The President shall promptly inform Congress of
2 any action taken in response to recommendations made by
3 the Chairman under paragraph (1)(B).

4 **“§ 162. Forces assigned to combatant commands**

5 “(a) ASSIGNMENT OF FORCES.—(1) Except as provided
6 in paragraph (2), the Secretaries of the military departments
7 shall assign all forces under their jurisdiction to unified and
8 specified combatant commands established under this chapter
9 to perform the missions assigned to those commands. As di-
10 rected by the Secretary of Defense, the commanders of the
11 unified and specified combatant commands and the Secretar-
12 ies of the military departments shall assign forces to any spe-
13 cial combatant command established under this chapter.

14 “(2) Forces to be assigned by the Secretaries of the mili-
15 tary departments to the combatant commands do not, except
16 as directed by the Secretary of Defense, include forces as-
17 signed to the recruiting, organizing, training, or supplying of
18 the armed forces.

19 “(3) A force assigned to a unified or specified combatant
20 command under this chapter may be transferred from the
21 command to which it is assigned only by authority of the
22 Secretary of Defense and under procedures prescribed by the
23 Secretary with the approval of the President.

24 “(4) A force not assigned to a combatant command re-
25 mains, for all purposes, in the military department concerned.

1 “(b) **COMMAND OF ASSIGNED FORCES.**—(1) A force as-
2 signed to a combatant command under this section is under
3 the command of the commander of the command to which it
4 is assigned. In this section, ‘command’ means the authority
5 to give authoritative direction to subordinate forces necessary
6 to accomplish assigned missions.

7 “(2) The commanders of forces assigned to a combatant
8 command are under the command of the commander of the
9 command. Such commanders shall communicate with other
10 elements of the Department of Defense only through the
11 commander of the combatant command or in accordance with
12 procedures approved by the commander.

13 “(3) The Secretary of Defense shall ensure that com-
14 manders of combatant commands have sufficient authority
15 over the forces assigned to their commands to exercise effec-
16 tive command over those forces.

17 “(4) If a commander of a combatant command at any
18 time considers his authority over any of the forces assigned to
19 that command to be insufficient to command effectively, the
20 commander shall promptly inform the Secretary of Defense.

21 “(c) **ORGANIZATION, TRAINING, AND EMPLOYMENT OF**
22 **ASSIGNED FORCES.**—(1) The commander of each combatant
23 command shall prescribe the chain of command and organiza-
24 tional structure of forces assigned to that command. To the
25 extent practicable, the structure established should be the

1 structure that would be used in the event of war or hostil-
2 ities.

3 “(2) The commander of each combatant command shall
4 have authority to train forces assigned to that command and
5 to employ those forces to accomplish assigned missions.

6 **“§ 163. Functions and supervision**

7 “(a) FUNCTIONS.—Commanders of combatant com-
8 mands established under this chapter are responsible to the
9 President and to the Secretary of Defense for such missions
10 as may be assigned to them by the Secretary with the ap-
11 proval of the President.

12 “(b) SUPERVISION BY JCS CHAIRMAN.—Subject to the
13 authority, direction, and control of the Secretary of Defense,
14 the Chairman of the Joint Chiefs of Staff supervises the com-
15 manders of the combatant commands and is their spokesman
16 at the seat of Government.

17 **“§ 164. Support and administration of assigned forces**

18 “(a) IN GENERAL.—Unless otherwise directed by the
19 Secretary of Defense, the Secretary of each military depart-
20 ment is responsible for the support and administration of
21 forces assigned by that department to combatant commands.

22 “(b) SOURCES OF SUPPORT AND ADMINISTRATION.—
23 The Secretary of Defense may assign the responsibility for
24 the support and administration of forces assigned to a com-
25 batant command (or any part of that responsibility) to—

1 “(1) one or more of the military departments;

2 “(2) other agencies of the Department of Defense;

3 or

4 “(3) the commander of the combatant command
5 concerned.

6 “(c) REQUESTS BY CINCS TO PROVIDE OWN SUP-
7 PORT AND ADMINISTRATION.—(1) If a commander of a
8 combatant command decides that performance of a support or
9 administrative function (or any part of such a function) by
10 elements of that command would improve the capability of
11 the command to carry out assigned missions or would other-
12 wise be more effective, economical, or efficient, the com-
13 mander may submit to the Secretary of Defense a proposal
14 for the transfer of that function (or any part of that function)
15 to the command.

16 “(2) Parts of a support or administrative function with
17 respect to which a commander may submit a proposal under
18 this subsection include the authority, with respect to that
19 function, to establish requirements and parameters and to
20 plan and direct distribution and management.

21 “(d) ADVICE OF CHAIRMAN.—The functions of the Sec-
22 retary under this section shall be carried out with the advice
23 and assistance of the Chairman of the Joint Chiefs of Staff.

1 **“§ 165. Unified and specified commands: program and**
2 **budget proposals**

3 “(a) **COMBATANT COMMAND BUDGETS.**—The Secre-
4 tary of Defense shall include in the annual budget of the De-
5 partment of Defense submitted to Congress a separate budget
6 proposal for activities of each of the unified and specified
7 combatant commands.

8 “(b) **CONTENT OF PROPOSALS.**—A budget proposal
9 under subsection (a) for funding of activities of a combatant
10 command shall include funding proposals for such activities of
11 the combatant command as the Secretary (after consultation
12 with the Chairman of the Joint Chiefs of Staff) determines to
13 be appropriate for inclusion. Activities of a combatant com-
14 mand for which funding may be requested in such a proposal
15 include the following:

16 “(1) Joint exercises.

17 “(2) Force training.

18 “(3) Contingencies.

19 “(4) Selected operations.

20 “(5) Administrative and support activities that
21 have been transferred to the combatant command.

22 “(c) **SUBMISSION BY CINCS.**—The commander of each
23 unified or specified combatant command shall submit to the
24 Chairman an annual program and budget proposal for that
25 command for consideration for inclusion under subsection (a)
26 in the next budget of the Department of Defense.

1 “(d) **SUBMISSION OF BUDGET PROPOSALS BY CHAIR-**
2 **MAN.**—The Chairman shall—

3 “(1) review and analyze the combatant command
4 budget proposals submitted under subsection (c);

5 “(2) establish priorities in accordance with guide-
6 lines provided by the Secretary; and

7 “(3) recommend a budget for each command to
8 the Secretary.

9 “§ 166. **Combatant command subordinate commanders**
10 **and CINC staff officers: selection and tenure**

11 “(a) **SELECTION.**—(1) The selection of an officer to an
12 assignment as a principal subordinate officer of the command-
13 er of a combatant command or to an assignment on the staff
14 of the commander of the combatant command shall be made
15 by that commander. Such selection shall be made from a list
16 of officers submitted to the commander by the Secretary of
17 the military department concerned.

18 “(2) The commander of the combatant command may
19 specify the number of officers to be included on any list under
20 paragraph (1).

21 “(b) **TENURE.**—The tenure of an officer assigned to a
22 combatant command under subsection (a) is subject to the
23 approval of the commander of the combatant command.

1 -“§ 167. Joint Commanders Council

2 “(a) ESTABLISHMENT.—There is hereby established in
3 the Department of Defense a council to be known as the
4 ‘Joint Commanders Council’. The Council consists of—

5 “(1) the Chairman of the Joint Chiefs of Staff,
6 who is the head of the Council; and

7 “(2) the commanders of the unified and specified
8 combatant commands.

9 “(b) FUNCTIONS.—The Council, as a body, shall—

10 “(1) provide advice to the President and Secretary
11 of Defense on matters with respect to which such
12 advice is requested; and

13 “(2) advise the Chairman, as requested by him, on
14 the execution of the Chairman’s responsibilities.”.

15 (2) The tables of chapters at the beginning of subtitle A,
16 and at the beginning of part I of subtitle A, of such title are
17 amended by inserting after the item relating to chapter 5 the
18 following new item:

 “6. Combatant Commands..... 161”.

19 (b) COURT-MARTIAL JURISDICTION.—Section 822(a)
20 of title 10, United States Code, is amended—

21 (1) by redesignating paragraphs (2) through (7) as
22 paragraphs (4) through (9), respectively; and

23 (2) by inserting after paragraph (1) the following
24 new paragraphs (2) and (3):

25 “(2) the Secretary of Defense;

1 “(3) the commanding officer of a unified or speci-
2 fied combatant command;”.

3 (c) CONFORMING AMENDMENTS.—(1) Section 124 of
4 such title is repealed.

5 (2) The table of sections at the beginning of chapter 4 of
6 such title is amended by striking out the item relating to
7 section 124.

8 (3) Sections 3034(d)(4), 5081(c), 5201(d), and 8034(d)(4)
9 are amended by striking out “full operational command
10 vested in unified or specified combatant commanders under
11 section 124 of this title” and inserting in lieu thereof “com-
12 mand authority vested in the commanders of unified and
13 specified combatant commands under chapter 6 of this title”.

14 **SEC. 102. FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF**
15 **STAFF**

16 Section 141(c) of title 10, United States Code, is
17 amended—

18 (1) by striking out the matter preceding clause (1)
19 and inserting in lieu thereof the following:

20 “(c) Subject to the authority and direction of the Presi-
21 dent and the Secretary of Defense, the Chairman (in consul-
22 tation, as appropriate, with the other members of the Joint
23 Chiefs of Staff and with the commanders of the unified and
24 specified commands) shall—”;

1 (2) by striking out “and” at the end of paragraph
2 (7);

3 (3) by redesignating paragraph (8) as paragraph
4 (13); and

5 (4) by inserting after paragraph (7) the following
6 new paragraphs:

7 “(8) submit to the Secretary recommendations for
8 the allocation of defense resources under the proposed
9 national defense budget for each fiscal year, to be de-
10 veloped within anticipated limits on funding levels
11 available for defense functions and based on—

12 “(A) guidance provided by the Secretary;

13 “(B) recommendations submitted by the com-
14 manders of the unified and specified combatant
15 commands based on the requirements of their as-
16 signed missions; and

17 “(C) recommendations (as appropriate) sub-
18 mitted by the Secretaries of the military depart-
19 ments and the heads of other components of the
20 Department of Defense;

21 “(9) review the program objectives and budget
22 proposals of the Secretary of each military department
23 and of those defense agencies with a combat support
24 mission and recommend to the Secretary changes in

1 such proposals in accordance with the Chairman's rec-
2 ommendations under clause (8);

3 "(10) in accordance with section 165(d) of this
4 title, recommend to the Secretary a budget for each
5 unified and specified combatant command, including the
6 functions of each such command for which funds should
7 be appropriated to the command;

8 "(11) establish, in consultation with the command-
9 ers of the unified and specified combatant commands, a
10 uniform system of evaluating the overall capabilities of
11 each such command to accomplish its missions;

12 "(12) monitor the extent to which each military
13 department provides officers for joint billets and report
14 to the Secretary of Defense when any department fails
15 to fill its share of one-third of the positions on the
16 Joint Staff and one-third of the total number of joint
17 billets; and".

18 **SEC. 103. TRANSFERS OF STAFF PERSONNEL**

19 (a) **TRANSFERS OF STAFFS TO CINC HEADQUAR-**
20 **TERS.**—The Secretary of Defense shall provide that person-
21 nel assigned to the headquarters staffs of the military depart-
22 ments and of the separate Armed Forces and personnel as-
23 signed to the staffs of the commanders of subordinate forces
24 of the unified and specified commands shall, to the maximum
25 extent practicable, be transferred to the staffs of the com-

1 manders of the unified and specified commands to reflect
2 transfers of functions provided for or authorized by this
3 Act. Such transfers shall be carried out as expeditiously as
4 possible.

5 (b) **LIMITATION ON TOTAL STAFF SIZE.**—The total
6 size of the headquarters staffs of the commanders of the uni-
7 fied and specified commands, the military departments, the
8 separate Armed Forces, and the commanders of subordinate
9 forces of the unified and specified commands may not be
10 greater after any such transfer of functions than it was before
11 such transfer.

12 **SEC. 104. INITIAL REVIEW OF UNIFIED COMMAND PLAN**

13 The first review of the structure of the unified and speci-
14 fied commands carried out under section 161(c) of title 10,
15 United States Code, as added by section 2, shall include con-
16 sideration of the following:

17 (1) Creation of a unified strategic command com-
18 bining the missions, functions, and forces of the Strate-
19 gic Air Command, the strategic forces of the Navy,
20 and other appropriate forces.

21 (2) Creation of a unified transportation command
22 combining military airlift, military sealift, and military
23 surface transportation missions, functions, and forces.

24 (3) Creation of a unified command for special op-
25 erations missions.

1 (4) Revision of the geographic area that is the re-
2 sponsibility of the Central Command.

3 **SEC. 105. EFFECTIVE DATE**

4 This title and the amendments made by this title shall
5 take effect on the later of—

6 (1) January 1, 1987; or

7 (2) the first day of the first month beginning more
8 than six months after the date of the enactment of this
9 Act.

10 **TITLE II—DEFENSE AGENCIES**

11 **SEC. 201. OVERSIGHT REQUIREMENTS WITH RESPECT TO DE-**
12 **FENSE AGENCIES**

13 (a) **IN GENERAL.**—(1) Chapter 8 of title 10, United
14 States Code, is amended—

15 (A) by redesignating section 191 as section 197;
16 and

17 (B) by inserting after the table of sections the fol-
18 lowing new sections:

19 **“§ 191. Authority to provide for common performance of**
20 **supply or service activities**

21 “Whenever the Secretary of Defense determines it will
22 be more effective, economical, or efficient, the Secretary shall
23 provide for the performance of a supply or service activity
24 common to more than one military department by one agency

1 or such other organization as the Secretary considers appro-
2 priate.

3 **“§ 192. Oversight of defense agencies: Secretary of De-**
4 **fense**

5 “(a) PERIODIC REVIEW.—The Secretary of Defense
6 shall periodically (and not less often than every two years)
7 review the services and supplies provided by the defense
8 agencies to ensure that the provision of those services and
9 supplies by those agencies, rather than by the military de-
10 partments, is the most economical manner of providing those
11 services and supplies consistent with the requirements for
12 combat readiness of the armed forces.

13 “(b) INFORMATION REQUIRED FOR REVIEW.—In per-
14 forming the review required by subsection (a), the Secretary
15 shall obtain the views of—

16 “(1) the directors of the defense agencies;

17 “(2) the Chairman of the Joint Chiefs of Staff;

18 “(3) the Secretaries of the military departments;

19 “(4) the Chief of Staff of the Army, the Chief of
20 Staff of the Air Force, the Chief of Naval Operations,
21 and the Commandant of the Marine Corps; and

22 “(5) the commanders of the unified and specified
23 combatant commands.

1 **“§ 193. Oversight of combat support agencies: Chairman**
2 **of the Joint Chiefs of Staff**

3 “(a) COMBAT READINESS.—(1) Periodically (and not
4 less often than every two years) the Chairman of the Joint
5 Chiefs of Staff shall submit to the Secretary of Defense a
6 report on the combat support agencies. Each such report
7 shall include—

8 “(A) a determination with respect to the respon-
9 siveness and readiness of each such agency to support
10 operating forces in the event of a war or threat to na-
11 tional security; and

12 “(B) any recommendations that the Chairman
13 considers appropriate.

14 “(2) In preparing each such report, the Chairman shall
15 review the plans of each such agency with respect to its sup-
16 port of operating forces in the event of a war or threat to
17 national security. After consultation with the Secretaries of
18 the military departments and the commanders of the unified
19 and specified combatant commands, as appropriate, the
20 Chairman may, in accordance with guidelines established by
21 the Secretary of Defense, take steps to provide for any revi-
22 sion of those plans that the Chairman considers appropriate.

23 “(b) PARTICIPATION IN JOINT TRAINING EXER-
24 CISES.—The Chairman shall—

25 “(1) provide for the participation of the combat
26 support agencies in joint training exercises to the

1 extent necessary to ensure that those agencies are ca-
2 pable of performing their support missions with respect
3 to a war or threat to national security; and

4 “(2) assess the performance in joint training exer-
5 cises of each such agency and, in accordance with
6 guidelines established by the Secretary of Defense,
7 take steps to provide for any change that the Chairman
8 considers appropriate to improve that performance.

9 “(c) **READINESS REPORTING SYSTEM.**—The Chairman
10 shall develop, in consultation with the director of each
11 combat support agency, a uniform system for reporting to the
12 Secretary of Defense, the commanders of the unified and
13 specified combatant commands, and the Secretaries of the
14 military departments concerning the readiness of each such
15 agency to perform with respect to a war or threat to national
16 security.

17 “§ 194. **Combat support agency policy councils**

18 “(a) **ESTABLISHMENT AND COMPOSITION.**—There is
19 in each combat support agency a policy council consisting
20 of—

21 “(1) the director of that agency;

22 “(2) the Chairman of the Joint Chiefs of Staff (or
23 the representative of the Chairman);

24 “(3) a representative of the Office of the Secre-
25 tary of Defense;

1 “(4) a representative of each military department
2 to which that agency provides services or supplies;

3 “(5) in the discretion of the Secretary, a
4 representative of each unified and specified combatant
5 command to which that agency provides services or
6 supplies; and

7 “(6) such other members as the Secretary consid-
8 ers appropriate.

9 “(b) *DUTIES.*—The policy council of a combat support
10 agency shall—

11 “(1) advise the director of that agency on matters
12 of policy relating to the operation of that agency and,
13 in particular, with respect to the manner in which that
14 agency fulfills its service or supply mission in the event
15 of a war or threat to national security; and

16 “(2) consider and provide advice on such other
17 matters as the Secretary of Defense may direct.

18 **“§ 195. Combat support agency representatives: combatant**
19 **command headquarters**

20 “Upon the request of the commander of a unified or
21 specified combatant command, the director of a combat sup-
22 port agency shall assign a representative of that agency to
23 the headquarters of that command.

1 **“§ 196. Definition of combat support agency**

2 “In this chapter, ‘combat support agency’ means any of
3 the following agencies:

4 “(1) The Defense Communications Agency.

5 “(2) The Defense Intelligence Agency.

6 “(3) The Defense Logistics Agency.

7 “(4) The Defense Mapping Agency.

8 “(5) The National Security Agency.

9 “(6) Any other defense agency designated as a
10 combat support agency by the Secretary of Defense.”.

11 (2) Section 101 of such title is amended by adding at the
12 end thereof the following new paragraph:

13 “(43) ‘Defense agency’ means an agency estab-
14 lished by the Secretary of Defense under section 191
15 of this title (or any predecessor authority) to perform a
16 supply or service activity common to more than one
17 military department. Such term includes the National
18 Security Agency.”.

19 (b) CLERICAL AMENDMENT.—The table of sections at
20 the beginning of Chapter 8 of such title is amended to read as
21 follows:

“Sec.

“191. Authority to provide for common performance of supply or service activities.

“192. Oversight of defense agencies: Secretary of Defense.

“193. Oversight of combat support agencies: Chairman of the Joint Chiefs of Staff.

“194. Combat support agency policy councils.

“195. Combat support agency representatives: combatant command headquarters.

“196. Definition of combat support agency.

“197. Unauthorized use of Defense Intelligence Agency name, initials, or seal.”.

1 (c) CONFORMING AMENDMENT.—Section 125 of such
2 title is amended by striking out the last sentence of subsec-
3 tion (d).

4 (d) TRANSITION PROVISION.—The initial review re-
5 quired by section 192 of title 10, United States Code (as
6 added by subsection (a)(1)), and the initial report and
7 review required by section 193 of such title (as added by
8 subsection (a)(1)) shall be completed not later than the end of
9 the two-year period beginning on the date that the report
10 required by section 202 is required to be submitted to Con-
11 gress.

12 **SEC. 202. STUDIES CONCERNING DEFENSE AGENCIES**

13 (a) SECRETARY OF DEFENSE.—(1) The Secretary of
14 Defense shall conduct a study of the functions and organiza-
15 tional structure of the defense agencies. The study shall de-
16 termine the most appropriate means of providing the supplies
17 and services now provided by those agencies, after consider-
18 ing the matters enumerated in subsection (c) and the reports
19 submitted under subsection (b).

20 (2) To the extent that the most appropriate means of
21 providing those supplies and services is determined under
22 paragraph (1) to be the existing defense agency structure, the
23 study shall analyze methods to improve the performance and
24 responsiveness of the defense agencies with respect to the
25 entities to which they provide those supplies and services,

1 particularly with regard to the unified and specified combat-
2 ant commands.

3 (b) SERVICE SECRETARIES AND CHAIRMAN OF THE
4 JOINT CHIEFS OF STAFF.—The Chairman of the Joint
5 Chiefs of Staff and the Secretaries of the military depart-
6 ments shall each conduct a study of functions and organiza-
7 tional structure of the defense agencies. Each such study
8 shall consider each of the matters enumerated in subsection
9 (c). A report shall be submitted to the Secretary of Defense
10 on each such study at a time specified by the Secretary. Each
11 such report shall include a discussion of and recommenda-
12 tions concerning each matter enumerated in subsection (c).

13 (c) MATTERS CONSIDERED.—The studies required by
14 subsections (a) and (b) shall consider the following matters:

15 (1) Whether the existing allocation of functions to,
16 and organizational structure of, the defense agencies
17 meets the statutory requirement of providing more ef-
18 fective, economical, or efficient provision of a supply or
19 service activity common to more than one military de-
20 partment and eliminating duplication in the provision of
21 that supply or service activity.

22 (2) Alternative allocations of authority and func-
23 tions assigned to the defense agencies, including—

24 (A) various possible redistributions of respon-
25 sibilities among those agencies;

1 (B) transfer of those functions to the military
2 departments;

3 (C) transfer of those functions to the Office of
4 the Secretary of Defense;

5 (D) transfer of those functions to the Chair-
6 man of the Joint Chiefs of Staff, the commanders
7 of the unified and specified combatant commands,
8 or other joint entities of the Department of De-
9 fense;

10 (E) creation of new defense agencies; and

11 (F) other organizational changes in the De-
12 partment of Defense designed to make the per-
13 formance of those functions more effective, eco-
14 nomical, or efficient.

15 (3) The effect of the amendments made by section
16 1 on ensuring the readiness and responsiveness of the
17 defense agencies in the event of a war or threat to na-
18 tional security and any additional legislation that the
19 Secretary considers necessary to ensure such readiness
20 and responsiveness.

21 (4) Additional legislative or administrative actions
22 that the Secretary considers necessary to ensure effec-
23 tive oversight of defense agency resource management,
24 personnel policies, and budget procedures and to clarify
25 the chain of command.

1 (5) The findings of the report of March 1979 enti-
2 tled "Report to the Secretary of Defense of the De-
3 fense Agency Review" and directed by Major General
4 Theodore Antonelli, United States Army (Retired).

5 (d) CONSULTATION WITH APPROPRIATE OFFI-
6 CIALS.—The Secretary, in preparing the report required by
7 subsection (a), shall consult with the directors of the defense
8 agencies and such other officials as the Secretary considers
9 appropriate.

10 (e) REPORT.—The Secretary of Defense shall submit to
11 the Committees on Armed Services of the Senate and the
12 House of Representatives a report that includes the follow-
13 ing:

14 (1) A report on the study required by subsection
15 (a) that includes—

16 (A) a discussion of and recommendations
17 concerning each matter enumerated in subsection
18 (c); and

19 (B) a discussion of the reports required by
20 subsection (b).

21 (2) A copy of each report required by subsection
22 (b) and the comments of the Secretary concerning each
23 such report.

24 (f) DEADLINE FOR SUBMISSION.—The report required
25 by subsection (e) shall be submitted not later than—

- 1 (1) the end of the 12-month period beginning on
2 the date of the enactment of this Act; or
3 (2) August 1, 1987,
4 whichever is later.

5 **TITLE III—JOINT OFFICER** 6 **SUBSPECIALTY**

7 **SEC. 301. JOINT SUBSPECIALTY FOR MILITARY OFFICERS**

8 (a) **ESTABLISHMENT OF SUBSPECIALTY.**—The Secre-
9 tary of Defense shall establish a secondary occupational spe-
10 cialty for officers of the Army, Navy, Air Force, and Marine
11 Corps to be known as the “joint subspecialty”. Officers in the
12 joint subspecialty shall (in addition to their major occupation-
13 al specialty) be particularly trained in and oriented toward
14 matters relating to the integrated employment of land, sea,
15 and air forces, including national military strategy, long-
16 range and contingency planning, and command and control of
17 combat operations under unified command.

18 (b) **NUMBERS AND SELECTION.**—

19 (1) **NUMBER.**—The number of officers in the joint
20 subspecialty shall be determined by the Secretary and
21 shall be large enough so that approximately one-half of
22 the joint officer billets for grades above captain or, in
23 the case of the Navy, lieutenant may be filled at any
24 time by officers in the joint subspecialty.

1 (2) SELECTION OF OFFICERS FOR JOINT SUBSPE-
2 CIALTY.—Officers shall be selected for the joint sub-
3 specialty by the Secretary of Defense with the advice
4 of the Chairman of the Joint Chiefs of Staff. The Sec-
5 retaries of the military departments shall nominate offi-
6 cers for selection for the joint subspecialty. Nomination
7 generally shall be made from among officers who are
8 relatively senior captains or, in the case of the Navy,
9 lieutenants. An officer who is nominated for the joint
10 subspecialty may not be selected for the joint subspe-
11 cialty until the officer successfully completes (A) an ap-
12 propriate program at a professional military education
13 school, and (B) a tour of duty in a joint assignment.

14 (3) ASSIGNMENTS.—To the extent possible, offi-
15 cers who are selected for the joint subspecialty shall be
16 assigned to joint duty assignments during approximate-
17 ly one-half of their remaining service on the active-
18 duty list.

19 (4) DEFINITION OF JOINT ASSIGNMENT.—The
20 Secretary of Defense shall prescribe by regulation a
21 definition of the term “joint assignment” for the pur-
22 poses of this Act. Such term shall include assignments
23 for joint training or joint education and shall exclude
24 assignments within an officer’s own military depart-
25 ment. The Secretary shall publish a list of positions

1 that are joint assignment positions and the number of
2 such positions.

3 (c) CAREER GUIDELINES.—The Secretary, with the
4 advice of the Chairman of the Joint Chiefs of Staff, shall
5 establish career guidelines for officers in the joint subspecial-
6 ty. Such guidelines shall include guidelines for—

7 (1) training;

8 (2) military education;

9 (3) types of duty assignments;

10 (4) criteria for promotion eligibility; and

11 (5) such other factors as the Secretary considers
12 appropriate.

13 (d) JOINT MILITARY EDUCATION SCHOOLS.—The Sec-
14 retary shall revise the curriculum of schools of the National
15 Defense University (and of any other joint professional mili-
16 tary education school) to enhance the education and training
17 of officers in joint military matters. Such schools shall be re-
18 quired to establish rigorous standards for the military educa-
19 tion of officers in the joint subspecialty. An officer may not be
20 selected for or continue in the joint subspecialty if the officer
21 fails to pass a required course in joint professional military
22 education.

23 (e) ASSIGNMENTS OF OFFICERS.—The Secretary shall
24 ensure that—

1 (1) unless waived by the Secretary in an individ-
2 ual case, an officer who graduates from a joint military
3 school and who is in the joint subspecialty shall be as-
4 signed to a joint position for that officer's next duty as-
5 signment; and

6 (2) most other officers who graduate from a joint
7 military school will also receive immediate assignments
8 to a joint position.

9 (f) **REQUIREMENT FOR SELECTION AS A CINC.**—An
10 officer may not be selected for recommendation to the Presi-
11 dent for assignment as the commander of a unified or speci-
12 fied combatant command unless the officer is in the joint sub-
13 specialty.

14 (g) **REQUIREMENT FOR SELECTION AS CHAIRMAN OF**
15 **JCS.**—An officer may not be appointed as Chairman of the
16 Joint Chiefs of Staff unless the officer has served as the com-
17 mander of a unified or specified command.

18 **SEC. 302. PROMOTION POLICY FOR JOINT SERVICE OFFICERS**

19 (a) **PROMOTION RATES.**—The Secretary of Defense
20 shall establish policies to ensure that selection of officers for
21 promotion is carried out in a manner consistent with the fol-
22 lowing policies:

23 (1) Officers who are serving or have served on the
24 Joint Staff shall, as a group, be promoted at a rate
25 faster than officers of the same Armed Force in the

1 same grade and competitive category who are serving
2 or have served on the headquarters staffs of their mili-
3 tary department.

4 (2) Officers who are serving or have served in
5 other joint assignments shall, as a group, be promoted
6 at a rate not less than the rate of officers of the same
7 Armed Force in the same grade and competitive cate-
8 gory who are serving or have served on the headquar-
9 ters staffs of the military departments.

10 (3) Officers in the joint subspecialty shall, as a
11 group, be promoted at a rate faster than officers of the
12 same Armed Force in the same grade and competitive
13 category who are serving or have served on the head-
14 quarters staffs of the military departments.

15 (b) PROCEDURES FOR MONITORING CAREERS OF OFFI-
16 CERS IN JOINT ASSIGNMENTS.—(1) The Secretary of De-
17 fense, with the advice of the Chairman of the Joint Chiefs of
18 Staff, shall establish procedures for monitoring the careers of
19 officers in the joint subspecialty and of other officers who
20 serve in joint assignments.

21 (2) The Secretary shall take such action as necessary to
22 enhance the capabilities of the personnel directorate of the
23 Joint Staff so that it can—

1 (A) monitor the promotions and career assign-
2 ments of officers in the joint subspecialty and of other
3 officers who have served in joint positions; and

4 (B) otherwise advise the Chairman on joint per-
5 sonnel matters.

6 (c) COMPOSITION OF SELECTION BOARDS.—Section
7 612 of title 10, United States Code, is amended by adding at
8 the end thereof the following new subsection:

9 “(c) Each selection board that will consider officers who
10 have served in joint assignments shall include at least one
11 officer designated by the Chairman of the Joint Chiefs of
12 Staff and who is currently serving in a joint assignment.”.

13 (d) REVIEW OF PROMOTION LISTS BY CHAIRMAN OF
14 JCS.—Section 618 of title 10, United States Code, is
15 amended—

16 (1) by redesignating subsections (b), (c), (d) and (e)
17 as subsections (c), (d), (e), and (f), respectively; and

18 (2) by inserting after subsection (a) the following
19 new subsection (b):

20 “(b)(1) After his final review of the report of a selection
21 board under subsection (a), the Secretary concerned shall
22 submit the report to the Chairman of the Joint Chiefs of Staff
23 if the board considered and did not recommend for promotion
24 an officer who is currently serving or has served in a joint
25 assignment.

1 “(2) The Chairman shall review the report of a selection
2 board in accordance with guidelines prescribed by the Secre-
3 tary of Defense. After reviewing the report of a selection
4 board, the Chairman may recommend for promotion officers
5 who—

6 “(A) have served or are serving in joint assign-
7 ments; and

8 “(B) were considered by the board and not recom-
9 mended for promotion.

10 “(3) The number of such officers that the Chairman rec-
11 ommends for promotion in any competitive category consid-
12 ered by the board may not exceed 10 percent of the number
13 of officers that the board was authorized to recommend for
14 promotion in that competitive category (but in any case the
15 Chairman may recommend one such officer).

16 “(4) After reviewing the report of a selection board—

17 “(A) the Chairman shall return the report to the
18 Secretary concerned with the names of officers (if any)
19 who were not recommended for promotion by the se-
20 lection board and who the Chairman recommends for
21 promotion under paragraph (2); and

22 “(B) if the Chairman recommends any such offi-
23 cers for promotion, the Chairman shall also submit the
24 names of such officers to the Secretary of Defense.

1 “(5) If the Chairman recommends officers for promotion
2 under paragraph (4), the Secretary concerned shall add the
3 names of those officers to the report of the selection board.
4 However, if (after consulting with the Chairman) the Secre-
5 tary concerned disagrees with any such recommendation of
6 the Chairman, the Secretary shall indicate such disagree-
7 ment, and the reasons for such disagreement, as part of his
8 transmittal of the report of the selection board to the Secre-
9 tary of Defense under subsection (c).”; and

10 (3) by adding at the end of paragraph (1) of sub-
11 section (c) (as redesignated by paragraph (1)) the fol-
12 lowing new sentences: “If the Secretary concerned and
13 the Chairman of the Joint Chiefs of Staff disagree with
14 respect to a recommendation for promotion by the
15 Chairman under subsection (b), the Secretary of De-
16 fense shall decide the matter before transmitting the
17 report to the President. After final action by the Secre-
18 tary of Defense, the report of the selection board as
19 modified in accordance with subsection (b) and the de-
20 cisions of the Secretary of Defense shall be deemed for
21 all purposes to be the report of a selection board.”.

22 **SEC. 303. JOINT DUTY ASSIGNMENTS**

23 (a) **PREREQUISITE FOR GENERAL OFFICER OR FLAG**
24 **RANK.**—Section 619 of title 10, United States Code, is

1 amended by adding at the end thereof the following new sub-
2 section:

3 “(e)(1) An officer may not be selected for promotion to
4 the grade of brigadier general or, in the case of the Navy,
5 rear admiral (lower half) unless the officer has served in a
6 joint assignment.

7 “(2) The Secretary of Defense may waive paragraph (1)
8 when necessary for the good of the service. In such a case,
9 the Secretary shall provide that the first duty assignment as
10 a general or flag officer of an officer for whom the waiver is
11 granted shall be in a joint assignment.”.

12 (c) LENGTH OF JOINT DUTY ASSIGNMENTS.—

13 (1) GENERAL RULE.—The length of a joint duty
14 assignment—

15 (A) for general and flag officers shall be not
16 less than three years; and

17 (B) for other officers shall be not less than
18 three and one half years.

19 (2) WAIVER AUTHORITY.—The Secretary of De-
20 fense may waive paragraph (1) in any case, but the
21 Secretary shall ensure that the average length of joint
22 tour assignments meets the standards prescribed in
23 that paragraph.

24 (d) ADVICE OF CHAIRMAN OF JCS.—The Chairman of
25 the Joint Chiefs of Staff shall advise the Secretaries of the

1 military departments with respect to duty assignments of offi-
2 cers in the joint subspecialty and of other officers serving in
3 joint assignments.

4 (e) JOINT EDUCATION.—(1) Each officer selected for
5 promotion to the grade of brigadier general or, in the case of
6 the Navy, rear admiral (lower half) shall be required to
7 attend a course designed to prepare such officer to work with
8 the other Armed Forces.

9 (2) The Secretary of Defense shall require that Depart-
10 ment of Defense schools concerned with professional military
11 education review and revise the curricula for senior and in-
12 termediate grade officers to strengthen the focus on joint
13 military operations and on preparing officers for joint duty
14 assignments.

15 (3) The Secretary shall take all other practicable meas-
16 ures to improve the training and experience of officers serv-
17 ing in senior joint duty assignments.

18 SEC. 304. TRANSITION

19 (a) JOINT SUBSPECIALTY.—

20 (1) INITIAL SELECTIONS.—The Secretary of De-
21 fense shall make the initial selections of officers for the
22 joint subspecialty from among officers in such grades
23 as the Secretary determines.

24 (2) SPECIAL RULES.—In making such selections,
25 the Secretary—

1 (A) may waive the requirement of either
 2 clause (A) or (B) (but not both) of the last sen-
 3 tence of section 2(b)(2) in the case of officers in a
 4 grade above captain or, in the case of the Navy,
 5 lieutenant and below the grade of brigadier gener-
 6 al or rear admiral (lower half); and

7 (B) may waive the requirements of both
 8 clauses (A) and (B) of such sentence in the case of
 9 general and flag officers who have served in joint
 10 assignments.

11 (b) REQUIREMENT FOR SELECTION AS CINC.—Sec-
 12 tion 2(f) shall take effect on January 1, 1991.

13 (c) PROMOTION POLICY.—The amendments made by
 14 section 302 shall take effect with respect to selection boards
 15 convened under section 611(a) of title 10, United States
 16 Code, after the end of the one-year period beginning on the
 17 date of the enactment of this Act.

18 **TITLE IV—MILITARY**
 19 **DEPARTMENT ORGANIZATION**

20 **SEC. 401. REORGANIZATION OF MILITARY DEPARTMENTS BY**
 21 **THE SECRETARY OF DEFENSE**

22 (a) IN GENERAL.—The Secretary of Defense shall reor-
 23 ganize the executive part of the military departments in ac-
 24 cordance with the provisions of this title.

1 (b) REORGANIZATION POLICIES.—In carrying out the
2 reorganization required by subsection (a), the Secretary of
3 Defense shall implement the following policies:

4 (1) Each military department shall have a single
5 integrated staff for the executive part of the depart-
6 ment, rather than separate civilian secretariat and mili-
7 tary staffs.

8 (2) Commissioned officers serving on the new
9 military department staff shall not constitute or be or-
10 ganized as a separate component within the staff.

11 (3) There shall be uniformity of organization
12 among the department staffs of the three military de-
13 partments. The functional assignments of the assistant
14 secretaries of the military departments, other senior ci-
15 vilian officials, and senior military officers on the de-
16 partment staffs shall be as uniform as possible across
17 the military departments. In implementing this policy,
18 the Secretary shall limit exceptions to the greatest
19 extent possible.

20 (4) Senior civilian officials on the department staff
21 who are political appointees shall not be placed in a
22 position subordinate to a military officer.

23 (5) The size of the department staffs shall be sub-
24 stantially reduced from the combined size of the prior
25 secretariat and military staffs, with functions to be

1 shifted to appropriate joint staffs or to subordinate
2 commands outside the seat of government.

3 (c) **LIMITATION ON FUTURE ADMINISTRATIVE REOR-**
4 **GANIZATION OF THE MILITARY DEPARTMENTS.**—After the
5 reorganization required by this section is implemented, no re-
6 organization may be made within the Department of Defense
7 that would be inconsistent with the policies set forth in sub-
8 section (b).

9 **SEC. 402. EXECUTIVE PART OF MILITARY DEPARTMENTS**

10 (a) **IN GENERAL.**—The executive part of each of the
11 military departments is composed of the following:

12 (1) The Secretary of the military department.

13 (2) The Under Secretary.

14 (3) The Assistant Secretaries.

15 (4) The general counsel.

16 (5) The Chief of Staff or, in the case of the De-
17 partment of the Navy, the Chief of Naval Operations
18 and the Commandant of the Marine Corps.

19 (6) The Vice Chief of Staff or, in the case of the
20 Department of the Navy, the Vice Chief of Naval Op-
21 erations and the Assistant Commandant of the Marine
22 Corps.

23 (7) Deputy Chiefs of Staff or, in the case of the
24 Department of the Navy, Deputy Chiefs of Naval Op-
25 erations.

1 (8) Other offices or positions provided by law to
2 be in the executive part of the military department.

3 (9) Civilian personnel in the military department
4 assigned or detailed to the executive part of the mili-
5 tary department.

6 (10) Other members of the armed forces assigned
7 or detailed to the executive part of the military depart-
8 ment.

9 (b) ASSISTANT SECRETARIES.—

10 (1) FUNCTIONS.—The Assistant Secretaries of the
11 military departments shall be assigned the following
12 areas of responsibility by the Secretary of Defense:

13 (A) Manpower functions.

14 (B) Reserve affairs functions.

15 (C) Financial management and comptroller
16 functions.

17 (D) Research and development functions.

18 (E) Acquisition functions.

19 (F) Logistics functions.

20 (G) Installations functions.

21 (H) In the case of the Department of the
22 Army, civil works functions.

23 (2) NUMBER.—There shall be five Assistant Sec-
24 retaries in the Department of the Army, four Assistant
25 Secretaries in the Department of the Navy, and four

1 Assistant Secretaries in the Department of the Air
2 Force.

3 (3) **MILITARY COUNTERPART.**—Each Assistant
4 Secretary shall be assisted by a Deputy Chief of Staff
5 or, in the case of the Department of the Navy, a
6 Deputy Chief of Naval Operations, who shall have the
7 same functional responsibilities as the Assistant Secre-
8 tary and who shall have concurrent responsibilities to
9 the Assistant Secretary and to the Chief of Staff (or
10 Chief of Naval Operations).

11 (c) **PERSONAL STAFF OF SECRETARY.**—The Secretary
12 of a military department may have a personal staff of not
13 more than 30 persons.

14 (d) **LIMITATION ON SIZE OF MILITARY DEPARTMENT**
15 **STAFF.**—The total number of persons assigned or detailed to
16 the department staff of a military department may not exceed
17 85 percent of the total number of persons on the service sec-
18 retariat and headquarters staff of that military department
19 before the reorganization of that department under this Act.
20 The Secretary of Defense shall ensure that the reduction of
21 the number of persons on staffs of military headquarters re-
22 sults in a reduction in the number of persons on those staffs
23 that are assigned to duty in the Washington, D.C. area.

1 **SEC. 403. LIMITATION OF DEPARTMENT STAFF FUNCTIONS**

2 (a) **JOINT STAFF.**—The Secretary of Defense, in carry-
3 ing out the reorganization required by this title, shall provide
4 that operation and planning responsibilities that are duplicat-
5 ed by the staff of the Joint Chiefs of Staff shall be shifted to
6 that staff.

7 (b) **DECENTRALIZATION OF NON-HEADQUARTERS**
8 **FUNCTIONS.**—The Secretary of Defense, in carrying out the
9 reorganization required by this title, and the Secretaries of
10 the military departments shall provide that functions that
11 may be performed by subordinate commands outside of the
12 Washington, D.C. area shall be reassigned to those com-
13 mands.

14 **SEC. 404. IMPLEMENTATION AND REPORT**

15 (a) **IMPLEMENTATION.**—The Secretary of Defense shall
16 complete implementation of this title not later than the end of
17 the 180-day period beginning on the date of the enactment of
18 this Act.

19 (b) **REPORT.**—The Secretary shall submit to Congress a
20 report on such implementation. The report shall be submitted
21 not later than 30 days after the date provided under subsec-
22 tion (a). The report shall include a draft of legislation to make
23 necessary changes in law to effectuate fully this title.

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