

FULL COMMITTEE CONSIDERATION

OF

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 AD-
VISORY BOARD IN THE DEPARTMENT OF DEFENSE

COMMITTEE ON ARMED SERVICES

HOUSE OF REPRESENTATIVES

NINETY-SEVENTH CONGRESS

SECOND SESSION

AUGUST 11, 1982



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NINETY-SEVENTH CONGRESS, SECOND SESSION

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., Wednesday, August 11, 1982.

The committee met, pursuant to call, at 10 a.m., in room 2118, Rayburn House Office Building, Hon. Dan Daniel presiding.

Mr. DAN DANIEL. The meeting will be in order.

The Chair recognizes the gentleman from Texas, Mr. White.

**REPORT OF HON. RICHARD C. WHITE, A REPRESENTATIVE FROM
TEXAS, CHAIRMAN, INVESTIGATIONS SUBCOMMITTEE**

Mr. WHITE. Thank you, Mr. Chairman.

Mr. Chairman, I would like to present for consideration to the committee H.R. 6954, a bill 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, a clean bill reported by the Investigations Subcommittee on August 5 in lieu of H.R. 6828.

The bill 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.

The bill 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 2-year term and could be reappointed for one term. The deputy would have to come from a different Armed Force than the Chairman.

The bill would further provide that the Chairman select the officers of the Joint Staff from those officers nominated by their respective Armed Force. It would also eliminate the current 3-year limitation on service on the Joint Staff by providing for initial appointment for a 3-year term, and possible reappointment for an additional 3 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 3 years of the date of their last service on the Joint Staff.

The bill establishes a procedure whereby under guidelines established by the Secretary of Defense each chief of service, or commander of a unified or specified command, may provide comments on any report or recommendation of the Joint Staff before it is submitted to the Joint Chiefs of Staff. It also requires 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 to provide unified strategic direc-

tion of the combatant forces, for their operation under unified command, and for their integration into an effective team of land, naval, and air forces. And it requires 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. The bill would also require the Chairman to evaluate all nominations for three- and four-star ranks of 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 10 retired generals or admirals who, while on active duty, served on the Joint Chiefs of Staff or as a commander of a unified or specified command. They would receive no salary, but would be reimbursed for travel expenses. A chairman of the board would be designated by the President. The board would provide such advice and recommendations on military strategy and tactics as it considered appropriate to the President, the Secretary of Defense, and the Joint Chiefs of Staff.

Mr. Chairman, after Gen. David C. Jones, the former Chairman of the Joint Chiefs of Staff, and Gen. Edward C. Meyer, Chief of Staff, U.S. Army, published proposals for reorganization of the Joint Chiefs of Staff, this subcommittee began hearings in April. Since then we have taken 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 recommendations of those witnesses have ranged from leaving the Joint Chiefs of Staff exactly as it is, to abolishing the body and replacing it with a single military adviser to the President, the National Security Council, and the Secretary of Defense, while establishing a body of senior military advisers for long-range planning. I might say that each of those witnesses had given the matter much study and supported their proposals with well-reasoned statements.

As compared to the recommendations presented to the subcommittee during the hearings, this bill is modest, since it attempts to accommodate the reservations of those who have opposed any organizational change; yet it addresses almost all the major problems that were identified. While the bill deals with most of the major areas of concern emphasized by General Jones, its provisions would not result in such far-reaching changes as he, and some of our other witnesses, had advocated. The powers and changes provided in this bill would strengthen the advisory processes of the Joint Chiefs of Staff without diminishing the role of the respective services.

The subcommittee believes that this legislation should improve the functioning of the Joint Chiefs of Staff and the Department of Defense.

Accordingly, we recommend a favorable report by the committee.
[H.R. 6954 is as follows:]

1 President, by and with the advice and consent of the Senate,
2 from the officers of the regular components of the armed
3 forces. The Chairman and Deputy Chairman may not be
4 members of the same armed force.

5 “(2) The Deputy Chairman serves at the pleasure of the
6 President for a term of up to two years and may be reap-
7 pointed in the same manner for one additional term, except
8 that in time of war declared by Congress there is no limit on
9 the number of reappointments.

10 “(b) The Deputy Chairman acts as Chairman in the ab-
11 sence or disability of the Chairman and exercises such duties
12 as may be delegated by the Chairman with the approval of
13 the Secretary of Defense. When there is a vacancy in the
14 office of Chairman, the Deputy Chairman, unless otherwise
15 directed by the President or Secretary of Defense, shall per-
16 form the duties of the Chairman until a successor is appoint-
17 ed.

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

23 “(d) The Deputy Chairman, while so serving, holds the
24 rank of general or, in the case of an officer of the Navy,
25 admiral. The Deputy Chairman may not exercise military

1 command over the Joint Chiefs of Staff or any of the armed
2 forces.”.

3 (2) The table of sections at the beginning of such chap-
4 ter is amended by inserting after the item relating to section
5 142 the following new item:

“142a. Deputy Chairman.”.

6 (b) Section 525(b)(3) of such title is amended by insert-
7 ing “or Deputy Chairman” after “Chairman”.

8

JOINT STAFF

9 SEC. 5. (a) Subsection (a) of section 143 of title 10,
10 United States Code, is amended to read as follows:

11 “(a)(1) There is under the Joint Chiefs of Staff a Joint
12 Staff consisting of not more than four hundred officers. The
13 members of the Joint Staff shall be selected by the Chairman
14 of the Joint Chiefs of Staff in approximately equal numbers
15 from—

16 “(A) the Army;

17 “(B) the Navy and the Marine Corps; and

18 “(C) the Air Force.

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

1 “(3) Officers assigned to the Joint Staff shall be as-
2 signed for a period of three years, except that in time of war
3 there is no limit on the tenure of members of the Joint Staff.
4 Members of the Joint Staff serve at the pleasure of the Secre-
5 tary of Defense, and the tenure of a member of the Joint
6 Staff may at the discretion of the Secretary of Defense be
7 extended for a period of up to three additional years.

8 “(4) Except in time of war, officers completing a tour of
9 duty with the Joint Staff may not be reassigned to the Joint
10 Staff for a period of not less than three years following their
11 previous tour of duty on the Joint Staff, except that selected
12 officers may be recalled to Joint Staff duty in less than three
13 years with the approval of the Secretary of Defense in each
14 case. The number of such officers recalled to Joint Staff duty
15 in less than three years shall not exceed one hundred serving
16 on the Joint Staff at any one time.”.

17 (b) Subsection (c) of such section is amended by striking
18 out “, on behalf of the Joint Chiefs of Staff” and inserting in
19 lieu thereof “in the performance of those duties”.

20 (c) Subsection (d) of such section is amended by insert-
21 ing “and the Chairman” after “Joint Chiefs of Staff”.

22 (d) Such section is further amended by adding at the end
23 thereof the following new subsections:

24 “(e)(1) Subject to guidelines established by the Secre-
25 tary of Defense, each officer serving as a chief of service or

1 as the commander of a unified or specified command may
2 have an opportunity to provide formal comments on any
3 report or recommendation of the Joint Staff prepared for sub-
4 mittal to the Joint Chiefs of Staff before such report or rec-
5 ommendation is submitted to the Joint Chiefs of Staff. A
6 copy of any such comment shall, at the discretion of the offi-
7 cer submitting the comment, be included as an appendix in
8 the submittal of such report or recommendation to the Joint
9 Chiefs of Staff. For purposes of this paragraph, the chiefs of
10 service are the Chief of Staff of the Army, the Chief of Naval
11 Operations, the Chief of Staff of the Air Force, and the Com-
12 mandant of the Marine Corps.

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

23 “(f)(1) The Secretary of Defense, in consultation with
24 the Chairman, shall ensure that officer personnel policies of
25 the armed forces concerning promotion, retention, and as-

1 signment give appropriate consideration to the performance
2 of an officer as a member of the Joint Staff.

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

10 **SENIOR STRATEGY ADVISORY BOARD**

11 **SEC. 6. (a)(1)** Chapter 7 of title 10, United States Code,
12 is amended by adding at the end thereof the following new
13 section:

14 **“§ 178. Senior Strategy Advisory Board**

15 “(a) There is established in the Department of Defense
16 a Senior Strategy Advisory Board. The Board shall, from
17 time to time, provide such advice and recommendations on
18 matters of military strategy and tactics as it considers appro-
19 priate to the President, the Secretary of Defense, and the
20 Joint Chiefs of Staff.

21 “(b)(1) The Board shall consist of ten members appoint-
22 ed by the President from among retired officers in the grade
23 of general or admiral who, while on active duty, served as a
24 member of the Joint Chiefs of Staff or as the commander of a
25 unified or specified command.

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

3 “(A) a member appointed to fill a vacancy occur-
4 ring before the expiration of the term for which his
5 predecessor was appointed shall be appointed for the
6 remainder of that term;

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

10 “(C) of the members first appointed, three shall be
11 appointed for a term of one year, three shall be ap-
12 pointed for a term of three years, and four shall be ap-
13 pointed for a term of five years, as designated by the
14 President at the time of appointment.

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

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

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

22 “(d) Members of the Board are not entitled to compen-
23 sation for service on the Board but may be paid per diem and
24 travel and transportation allowances authorized under section
25 5703 of title 5.

1 “(e) The Board shall continue in existence until termi-
2 nated by law.”.

3 (2) The table of sections at the beginning of such chap-
4 ter is amended by adding at the end the following new item:
“178. Senior Strategy Advisory Board.”.

5 (b) Section 178 of title 10, United States Code, as added
6 by subsection (a), shall take effect on October 1, 1982.

Mr. DAN DANIEL. The Chair, first of all, would like to express appreciation to Mr. White for the enormous amount of work that he has done on this very important function.

Without objection, the bill is approved, and Mr. White will handle it on the floor.

Mr. WHITE. Thank you very much, Mr. Chairman.

[The committee then proceeded to the consideration of reprogramming requests.]

