

**Calendar No. 609**

99<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2295**

[Report No. 99-280]

To amend title 10, United States Code, to reorganize and strengthen certain elements of the Department of Defense, to improve the military advice provided the President, the National Security Council, and the Secretary of Defense, to enhance the effectiveness of military operations, to increase attention to the formulation of strategy and to contingency planning, to provide for the more efficient use of resources, to strengthen civilian authority in the Department of Defense, and for other purposes.

---

**IN THE SENATE OF THE UNITED STATES**

APRIL 14 (legislative day, APRIL 8), 1986

Mr. GOLDWATER, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

---

**A BILL**

To amend title 10, United States Code, to reorganize and strengthen certain elements of the Department of Defense, to improve the military advice provided the President, the National Security Council, and the Secretary of Defense, to enhance the effectiveness of military operations, to increase attention to the formulation of strategy and to contingency planning, to provide for the more efficient use of resources, to strengthen civilian authority in the Department of Defense, 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 “Department of Defense  
5 Reorganization Act of 1986”.

6 **SEC. 2. REFERENCES TO TITLE 10, UNITED STATES CODE**

7       Except as otherwise expressly provided, whenever in  
8 this Act an amendment or repeal is expressed in terms of an  
9 amendment to, or repeal of, a section or other provision, the  
10 reference shall be considered to be made to a section or other  
11 provision of title 10, United States Code.

12       **TITLE I—DEPARTMENT OF DEFENSE**

13 **SEC. 101. MODIFICATION OF AUTHORITY OF SECRETARY OF**  
14 **DEFENSE TO REORGANIZE THE DEPARTMENT**  
15 **OF DEFENSE**

16       Section 125 is amended—

17           (1) in subsection (a), by striking out “unless the  
18 Secretary” in the second sentence and all that follows  
19 down through the rest of the subsection and inserting  
20 in lieu thereof a period;

21           (2) in subsection (b)—

22                   (A) by inserting “vested by law in the De-  
23 partment of Defense, or an officer, official, or  
24 agency thereof” after “function, power, or duty”;  
25                   and

1 (B) by striking out "5012, 5013" and insert-  
2 ing in lieu thereof "5242, 5243"; and  
3 (3) by striking out subsection (d).

4 **SEC. 102. ORGANIZATION OF THE DEPARTMENT OF DEFENSE**

5 Section 131 is amended to read as follows:

6 **"§ 131. Executive department**

7 "The Department of Defense is an executive depart-  
8 ment of the United States. It is composed of the following:

9 "(1) The Office of the Secretary of Defense.

10 "(2) The Joint Chiefs of Staff.

11 "(3) The Joint Staff.

12 "(4) The Defense Agencies.

13 "(5) Department of Defense Field Activities.

14 "(6) The Department of the Army.

15 "(7) The Department of the Navy.

16 "(8) The Department of the Air Force.

17 "(9) The unified and specified combatant com-  
18 mands of the Department of Defense.

19 "(10) Such other offices as may be established or  
20 designated by the President.

21 "(11) All functions and activities under the control  
22 or supervision of any element named in clauses (1)  
23 through (10).".

1 SEC. 103. POWERS AND DUTIES OF THE SECRETARY OF DE-  
2 FENSE

3 (a) IN GENERAL.—Section 133 is amended—

4 (1) in subsection (c)(2), by striking out “section  
5 125” and inserting in lieu thereof “sections 125 and  
6 191”;

7 (2) in subsection (e)—

8 (A) by inserting “, major military missions,”  
9 in clause (1) after “policy”;

10 (B) by striking out “that policy” in clause (2)  
11 and inserting in lieu thereof “such policy, mis-  
12 sions,”; and

13 (C) by striking out “the policy” in clause (3)  
14 and inserting in lieu thereof “such policy, mis-  
15 sions,”; and

16 (3) by adding at the end the following new sub-  
17 sections:

18 “(f) When a vacancy occurs in an office within the De-  
19 partment of Defense and the person appointed to that office is  
20 to be appointed from civilian life by the President, by and  
21 with the advice and consent of the Senate, the Secretary of  
22 Defense shall inform the President of the qualifications  
23 needed by an appointee to carry out effectively the duties and  
24 responsibilities of that office.

25 “(g) The Secretary of Defense, with the approval of the  
26 President, shall provide annually to the Chairman of the

1 Joint Chiefs of Staff written policy guidance for the prepara-  
2 tion and review of contingency plans.

3 “(h) The Secretary of Defense shall keep the Secretaries  
4 of the Army, Navy, and Air Force informed on military oper-  
5 ations and activities of the Department of Defense that di-  
6 rectly affect their respective responsibilities.”.

7 (b) CONFORMING AMENDMENTS.—The section heading  
8 of section 133 is amended to read as follows:

9 “§ 133. Secretary of Defense: appointment; powers and  
10 duties; delegation authority”.

11 SEC. 104. REDESIGNATION OF SECTIONS

12 Chapter 4 is further amended by redesignating the sec-  
13 tions of chapter 4 as follows:

- 14 (1) Section 133a as section 142.
- 15 (2) Section 133b as section 2780.
- 16 (3) Section 134 as section 135.
- 17 (4) Section 135 as section 136.
- 18 (5) Section 136 as section 137.
- 19 (6) Section 136a as section 139.
- 20 (7) Section 137 as section 140.
- 21 (8) Section 138 as section 2871.
- 22 (9) Section 139 as section 2872.
- 23 (10) Section 139a as section 2873.
- 24 (11) Section 139b as section 2874.
- 25 (12) Section 139c as section 2875.

1 (13) Section 140 as section 143.

2 (14) Section 140a as section 144.

3 (15) Section 140b as section 145.

4 (16) Section 140c as section 146.

5 **SEC. 105. OFFICE OF THE SECRETARY OF DEFENSE**

6 Chapter 4 is further amended by inserting after section  
7 133 the following new section:

8 **“§ 134. Office of the Secretary of Defense**

9 “(a) There is in the Department of Defense an Office of  
10 the Secretary of Defense. The function of the Office is to  
11 assist the Secretary of Defense in carrying out his duties and  
12 responsibilities.

13 “(b) The Office of the Secretary of Defense is composed  
14 of the following:

15 “(1) The Deputy Secretary of Defense.

16 “(2) The Under Secretaries of Defense.

17 “(3) The Assistant Secretaries of Defense.

18 “(4) The Comptroller of the Department of De-  
19 fense.

20 “(5) The Director of Operational Test and Eval-  
21 uation.

22 “(6) The General Counsel of the Department of  
23 Defense.

24 “(7) The Inspector General of the Department of  
25 Defense.

1           “(8) Such other offices and officers as the Secre-  
2           tary of Defense may establish or designate.

3           “(c) Officers of the armed forces may be detailed for  
4           duty as assistants or personal aides to the Secretary of De-  
5           fense. However, the Secretary may not establish a military  
6           staff other than that designated by section 151(d) of this title.

7           “(d) The Secretary of each military department, his ci-  
8           vilian assistants, and members of the armed forces under the  
9           jurisdiction of his department shall cooperate fully with per-  
10          sonnel of the Office of the Secretary of Defense to achieve  
11          efficient administration of the Department of Defense and to  
12          carry out effectively the authority, direction, and control of  
13          the Secretary of Defense.”.

14   **SEC. 106. UNDER SECRETARIES OF DEFENSE**

15          Section 136 (as redesignated by section 104(4)) is  
16          amended—

17                 (1) in subsection (a), by striking out the last sen-  
18                 tence; and

19                 (2) in subsection (b)—

20                         (A) by inserting “(1)” after “(b)”;

21                         (B) by designating the second sentence as  
22                         paragraph (2); and

23                         (C) by redesignating clauses (1) through (3)  
24                         of paragraph (2) (as redesignated) as clauses (A)  
25                         through (C), respectively.

1 **SEC. 107. ASSISTANT SECRETARIES OF DEFENSE**

2 Section 137 (as redesignated by section 104(5)) is  
3 amended—

4 (1) in subsection (b)—

5 (A) by striking out paragraphs (2) and (3);

6 (B) by redesignating paragraph (4) as para-  
7 graph (2); and

8 (C) by striking out paragraphs (5) and (6);

9 (2) in subsection (c)—

10 (A) by striking out “him” in paragraph (1)  
11 and inserting in lieu thereof “the Assistant Secre-  
12 tary”; and

13 (B) by striking out “, or his designee” in  
14 paragraph (2);

15 (3) by striking out subsection (d);

16 (4) by redesignating subsection (e) as subsection  
17 (d); and

18 (5) by inserting at the end of subsection (d) (as re-  
19 designated) the following: “The order of precedence  
20 among the Assistant Secretaries shall be the order pre-  
21 scribed by the Secretary of Defense.”.

22 **SEC. 108. COMPTROLLER OF THE DEPARTMENT OF DEFENSE**

23 Chapter 4 is further amended by inserting after section  
24 137 (as redesignated by section 104(5)) the following new  
25 section:

1 **“§ 138. Comptroller of the Department of Defense**

2       “(a) There is a Comptroller of the Department of De-  
3 fense, appointed from civilian life.

4       “(b) The Comptroller of the Department of Defense  
5 shall—

6               “(1) advise and assist the Secretary in performing  
7 such budgetary and fiscal functions and duties, and in  
8 exercising such budgetary and fiscal powers, as are  
9 needed to carry out the powers of the Secretary;

10              “(2) supervise and direct the preparation of  
11 budget estimates of the Department of Defense;

12              “(3) establish and supervise the execution of prin-  
13 ciples, policies, and procedures to be followed in con-  
14 nection with organizational and administrative matters  
15 relating to—

16                      “(A) the preparation and execution of  
17 budgets;

18                      “(B) fiscal, cost, operating, and capital prop-  
19 erty accounting;

20                      “(C) progress and statistical reporting; and

21                      “(D) internal audit;

22              “(4) establish and supervise the execution of poli-  
23 cies and procedures relating to the expenditure and  
24 collection of funds administered by the Department of  
25 Defense; and

1           “(5) establish uniform terminologies, classifica-  
2           tions, and procedures concerning matters covered by  
3           clauses (1) through (4).”.

4 **SEC. 109. INSPECTOR GENERAL OF THE DEPARTMENT OF**  
5 **DEFENSE**

6           Chapter 4 is further amended by inserting after section  
7 140 (as redesignated by section 104(7)) the following new  
8 section:

9 **“§ 141. Inspector General of the Department of Defense**

10          “(a) There is an Inspector General of the Department of  
11 Defense, who shall be appointed as provided in section 3 of  
12 the Inspector General Act of 1978 (Public Law 95-452; 5  
13 U.S.C. App. 3).

14          “(b) The Inspector General of the Department of De-  
15 fense shall perform the duties, have the responsibilities, and  
16 exercise the powers specified in the Inspector General Act of  
17 1978 (Public Law 95-452; 5 U.S.C. App. 3).”.

18 **SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS**

19          (a) **REORGANIZATION OF CHAPTER 4.**—(1) The table  
20 of sections at the beginning of chapter 4 is amended to read  
21 as follows:

“Sec.

“131. Executive department.

“132. Department of Defense: seal.

“133. Secretary of Defense: appointment; powers and duties; delegation authority.

“134. Office of the Secretary of Defense.

“135. Deputy Secretary of Defense: appointment; powers and duties; precedence.

“136. Under Secretaries of Defense: appointment; powers and duties; precedence.

“137. Assistant Secretaries of Defense: appointment; powers and duties; precedence.

“138. Comptroller of the Department of Defense.

- “139. Director of Operational Test and Evaluation: appointment; powers and duties.  
 “140. General Counsel: appointment; powers and duties.  
 “141. Inspector General of the Department of Defense.  
 “142. Secretary of Defense: annual report on North Atlantic Treaty Organization readiness.  
 “143. Emergencies and extraordinary expenses.  
 “144. Secretary of Defense: funds transfers for foreign cryptologic support.  
 “145. Prohibition of certain civilian personnel management constraints.  
 “146. Secretary of Defense: authority to withhold from public disclosure certain technical data.”.

1           (2) Section 132 is amended by striking out the section  
 2 heading and inserting in lieu thereof the following:

3   “§ 132. Department of Defense: seal”.

4           (3) Except as provided in subsections (b) and (c), the  
 5 sections of chapter 4 redesignated by section 104 and the  
 6 sections added to such chapter by sections 105, 108, and 109  
 7 shall appear in such chapter in the order of their numerical  
 8 designations.

9           (b) RELOCATION OF SECTION.—(1) Section 2780, as  
 10 redesignated by section 104(2), is transferred to and made a  
 11 part of chapter 165, and is inserted immediately after section  
 12 2779.

13           (2) The table of sections at the beginning of chapter 165  
 14 is amended by adding at the end the following new item:

“2780. Sale or transfer of defense articles: report to Congress.”.

15           (c) CREATION OF NEW CHAPTER.—(1) Part IV of sub-  
 16 title A is amended by adding after chapter 169 the following:

1 **“CHAPTER 171—REQUIREMENT FOR AU-**  
 2 **THORIZATION OF APPROPRIATIONS;**  
 3 **OVERSIGHT OF COST GROWTH IN**  
 4 **MAJOR PROGRAMS**

“Sec.

“2871. Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports.

“2872. Weapons development and procurement schedules for armed forces; reports; supplemental reports.

“2873. Oversight of cost growth in major programs: Selected Acquisition Reports.

“2874. Oversight of cost growth of major programs: unit cost reports.

“2875. Major defense acquisition programs: independent cost estimates.”.

5 (2) Sections 2871 through 2875, as redesignated by sec-  
 6 tion 104, are transferred to and made a part of chapter 171  
 7 (as added by subsection (c) of this section).

8 (3) The catchline of section 2872, as redesignated by  
 9 section 104(9), is amended to read as follows:

“2872. Weapons development and procurement schedules for armed forces; reports; supplemental reports.”.

10 (4) The tables of chapters at the beginning of subtitle A  
 11 and at the beginning of part IV of such subtitle are each  
 12 amended by inserting after the item relating to chapter 169  
 13 the following new item:

“171. Requirement for Authorization of Appropriations; Over-  
 sight of Cost Growth in Major Programs ..... 2871.”.

14 (d) REPEAL OF SECTION.—Chapter 41 is amended—

15 (1) by striking out section 718; and

16 (2) by striking out in the table of sections at the  
 17 beginning of such chapter the item relating to section  
 18 718.

1 **SEC. 111. JOINT CHIEFS OF STAFF**

2 (a) **COMPOSITION; FUNCTIONS; CHAIRMAN; VICE**  
3 **CHAIRMAN; JOINT STAFF.**—Chapter 5 is amended to read  
4 as follows:

5 **“CHAPTER 5—JOINT CHIEFS OF STAFF**

“Sec.

“151. Composition; functions.

“152. Chairman.

“153. Vice Chairman.

“154. Joint Staff.

6 **“§ 151. Composition; functions**

7 “(a)(1) There are in the Department of Defense the  
8 Joint Chiefs of Staff consisting of the following:

9 “(A) The Chairman.

10 “(B) The Vice Chairman.

11 “(C) The Chief of Staff of the Army.

12 “(D) The Chief of Naval Operations.

13 “(E) The Chief of Staff of the Air Force.

14 “(F) The Commandant of the Marine Corps.

15 “(2) The President may assign to serve as members of  
16 the Joint Chiefs of Staff only officers who have served in one  
17 or more joint duty positions for a substantial period of time.  
18 The President may waive such requirement in the case of  
19 any officer if the President determines such action is neces-  
20 sary in the national interest.

21 “(b) The Chairman of the Joint Chiefs of Staff is the  
22 principal military adviser to the President, the National Se-  
23 curity Council, and the Secretary of Defense.

1       “(c) The members of the Joint Chiefs of Staff are mili-  
2 tary advisers to the President, the National Security Council,  
3 and the Secretary of Defense, as specified in this section.

4       “(d) The Joint Chiefs of Staff, assisted by the Joint  
5 Staff, constitute the immediate military staff of the Secretary  
6 of Defense.

7       “(e) In performing his duties, the Chairman shall—

8               “(1) convene regular meetings of the Joint Chiefs  
9 of Staff;

10              “(2) unless impracticable, consult with and seek  
11 the advice of, individually or collectively, the other  
12 members of the Joint Chiefs of Staff; and

13              “(3) when appropriate, consult with and seek the  
14 advice of the commanders of the unified and specified  
15 combatant commands.

16       “(f) When the Chairman of the Joint Chiefs of Staff  
17 provides advice to the Secretary of Defense, the National  
18 Security Council, or the President, any other member of the  
19 Joint Chiefs of Staff may submit advice or an opinion in dis-  
20 agreement or advice or an opinion in addition to the advice  
21 provided by the Chairman. If such member submits such  
22 advice or opinion, the Chairman shall present the advice or  
23 opinion of such member at the same time the Chairman pre-  
24 sents his own advice to the President, the National Security  
25 Council, or the Secretary of Defense, as the case may be.

1       “(g) After first informing the Secretary of Defense, a  
2 member of the Joint Chiefs of Staff may make such recom-  
3 mendations to Congress relating to the Department of De-  
4 fense as he may consider appropriate.

5       “(h) In addition to any advice or opinion submitted  
6 under subsection (f) by members of the Joint Chiefs of Staff  
7 other than the Chairman, such members, in their capacity as  
8 military advisers, shall provide advice to the President, the  
9 National Security Council, or the Secretary of Defense on a  
10 particular matter when the President, the National Security  
11 Council, or the Secretary requests such advice.

12       “§ 152. Chairman

13       “(a)(1) The Chairman of the Joint Chiefs of Staff shall  
14 be appointed by the President, by and with the advice and  
15 consent of the Senate, from the officers of the regular compo-  
16 nents of the armed forces. He serves at the pleasure of the  
17 President for a term of two years and, subject to paragraph  
18 (3), may be reappointed in the same manner for two addition-  
19 al terms. However, in time of war declared by Congress  
20 there is no limit on the number of reappointments.

21       “(2) Notwithstanding paragraph (1), the term of a  
22 Chairman shall end not later than six months after the acces-  
23 sion to office of a new President. The requirement of the  
24 preceding sentence does not apply in the case of a Chairman  
25 appointed or reappointed during the first six months of the

1 term of a new President. As used in this paragraph, the term  
2 'new President' shall not include a President who is elected  
3 to a second consecutive term.

4       “(3) An officer may not serve as Chairman or Vice  
5 Chairman of the Joint Chiefs of Staff if the total combined  
6 period of service of such officer in both such positions exceeds  
7 six years. The President may extend the combined period of  
8 service for such officer to eight years if he determines such  
9 action is necessary in the national interest. The limitations of  
10 this paragraph do not apply in time of war declared by  
11 Congress.

12       “(b) In addition to his other duties as a member of the  
13 Joint Chiefs of Staff, the Chairman shall, subject to the au-  
14 thority, direction, and control of the President and the Secre-  
15 tary of Defense—

16               “(1) preside over the Joint Chiefs of Staff; and

17               “(2) provide agenda for the meetings of the Joint  
18 Chiefs of Staff (including any subject for the agenda  
19 recommended by the Joint Chiefs of Staff), assist them  
20 in carrying on their business as promptly as practica-  
21 ble, and determine when issues under consideration  
22 shall be decided.

23       “(c) The Chairman, while so serving, holds the grade of  
24 general or, in the case of an officer of the Navy, admiral and  
25 outranks all other officers of the armed forces. However, he

1 may not exercise military command over the Joint Chiefs of  
2 Staff or any of the armed forces.

3 “(d) Subject to the authority, direction, and control of  
4 the President and the Secretary of Defense, the Chairman of  
5 the Joint Chiefs of Staff shall—

6 “(1) prepare strategic plans to provide for the  
7 strategic direction of the armed forces, including plans  
8 which conform with resource levels projected by the  
9 Secretary of Defense;

10 “(2) advise the Secretary on the extent to which  
11 the program recommendations and budget proposals of  
12 the military departments and other components of the  
13 Department of Defense for each fiscal year conform  
14 with the priorities established in strategic plans and the  
15 operational requirements of the unified and specified  
16 combatant commands;

17 “(3) advise the Secretary on the extent to which  
18 the major manpower programs and policies of the  
19 armed forces conform with strategic plans;

20 “(4) provide for the preparation and review of  
21 contingency plans which conform to policy guidance  
22 from the President and the Secretary of Defense;

23 “(5) prepare joint logistic and mobility plans to  
24 support the contingency plans and recommend the as-  
25 signment of logistic and mobility responsibilities to the

1 military departments and armed forces in accordance  
2 with such logistic and mobility plans;

3 “(6) advise the Secretary on critical deficiencies  
4 and strengths in force capabilities, including manpower,  
5 logistic, and mobility support, identified during the  
6 preparation and review of contingency plans and assess  
7 the effect of such deficiencies and strengths on meeting  
8 national security objectives and policy and on strategic  
9 plans;

10 “(7) assess joint military requirements for defense  
11 acquisition programs, especially in the area of commu-  
12 nications, in order to enhance the ability of the armed  
13 forces to operate jointly;

14 “(8) develop doctrine, for the approval of the Sec-  
15 retary of Defense, for the joint employment of the  
16 armed forces;

17 “(9) formulate policies, for the approval of the  
18 Secretary of Defense, for the joint training of the  
19 armed forces that enhance their ability to operate  
20 jointly;

21 “(10) formulate policies, for the approval of the  
22 Secretary of Defense, for coordinating the military edu-  
23 cation and training of the armed forces, particularly the  
24 education and training of officers who serve in joint  
25 duty positions;

1           “(11) provide for representation of the United  
2 States on the Military Staff Committee of the United  
3 Nations in accordance with the Charter of the United  
4 Nations; and

5           “(12) perform such other duties as the President  
6 or the Secretary of Defense may prescribe.

7           “(e)(1) Not less than once every three years, or upon the  
8 request of the President, the Chairman shall submit a report  
9 to the Secretary of Defense containing such recommendations  
10 for changes in the function assignments of the armed forces  
11 as the Chairman considers necessary to ensure maximum ef-  
12 fectiveness of the armed forces. In preparing each report, the  
13 Chairman shall take into consideration—

14           “(A) changes in the nature of the threats faced by  
15 the armed forces;

16           “(B) unnecessary duplication of effort among the  
17 armed forces; and

18           “(C) changes in technology that can be applied ef-  
19 fectively to warfare.

20           “(2) The Chairman shall also include in each such  
21 report recommendations for such changes in policies, direc-  
22 tives, regulations, and legislation as may be necessary to  
23 achieve the changes in function assignments recommended by  
24 the Chairman.

1 **“§ 153. Vice Chairman**

2       “(a)(1) There is a Vice Chairman of the Joint Chiefs of  
3 Staff. The Vice Chairman shall be appointed by the Presi-  
4 dent, by and with the advice and consent of the Senate, from  
5 the officers of the regular components of the armed forces.

6       “(2) The Chairman and Vice Chairman may not be  
7 members of the same armed force. However, the Secretary of  
8 Defense may waive the restriction in the preceding sentence  
9 for a limited period of time in order to effect the orderly  
10 transition of officers appointed to serve in the positions of  
11 Chairman and Vice Chairman.

12       “(3) The Vice Chairman serves at the pleasure of the  
13 President for a term of two years and may be reappointed in  
14 the same manner for two additional terms. However, in time  
15 of war declared by Congress there is no limit on the number  
16 of reappointments.

17       “(b)(1) The Vice Chairman exercises such duties as may  
18 be delegated by the Chairman with the approval of the Sec-  
19 retary of Defense.

20       “(2) When there is a vacancy in the office of Chairman  
21 or in the absence or disability of the Chairman, the Vice  
22 Chairman, unless otherwise directed by the President or the  
23 Secretary of Defense, acts as Chairman and performs the  
24 duties of the Chairman until a successor is appointed or the  
25 absence or disability ceases.

1           “(c) The Vice Chairman may attend all meetings of the  
2 Joint Chiefs of Staff but may not vote on a matter before the  
3 Joint Chiefs of Staff except when acting as Chairman.

4           “(d) The Vice Chairman, while so serving, holds the  
5 grade of general or, in the case of an officer of the Navy,  
6 admiral and outranks all other officers of the armed forces  
7 except the Chairman. The Vice Chairman may not exercise  
8 military command over the Joint Chiefs of Staff or any of the  
9 armed forces.

10 **“§ 154. Joint Staff**

11           “(a)(1) There is in the Department of Defense a Joint  
12 Staff under the Chairman of the Joint Chiefs of Staff. Subject  
13 to the authority, direction, and control of the Chairman, the  
14 Joint Staff shall assist the Chairman and the other members  
15 of the Joint Chiefs of Staff in carrying out their respon-  
16 sibilities.

17           “(2) The Joint Staff shall include officers selected by the  
18 Chairman in approximately equal numbers from—

19                   “(A) the Army;

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

21                   “(C) the Air Force.

22           “(3) Selection of officers of an armed force to serve on  
23 the Joint Staff shall be made by the Chairman from a list of  
24 officers submitted by the armed force. Each officer whose  
25 name is submitted shall be among those officers considered to

1 be the most outstanding officers of that armed force. The  
2 Chairman may specify the number of officers to be included  
3 on any such list.

4       “(4) The tenure of the members of the Joint Staff is  
5 subject to the approval of the Chairman of the Joint Chiefs of  
6 Staff.

7       “(b) The Chairman of the Joint Chiefs of Staff, after  
8 consultation with the other members of the Joint Chiefs of  
9 Staff and with the approval of the Secretary of Defense, may  
10 select a Director of the Joint Staff.

11       “(c) The Chairman of the Joint Chiefs of Staff manages  
12 the Joint Staff and the Director of the Joint Staff. The Joint  
13 Staff shall perform such duties as the Chairman shall pre-  
14 scribe and shall perform such duties under such procedures as  
15 the Chairman shall prescribe.

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

22       “(e)(1) An officer who is assigned or detailed to duty on  
23 the Joint Staff may not serve for a tour of duty of more than  
24 four years. However, such tour of duty may be extended with  
25 the approval of the Secretary of Defense.

1       “(2) An officer completing a tour of duty with the Joint  
2 Staff may not be assigned or detailed to duty on the Joint  
3 Staff within two years after relief from that duty except with  
4 the approval of the Secretary.

5       “(3) This subsection does not apply in time of war de-  
6 clared by Congress or in time of national emergency declared  
7 by the President.

8       “(f)(1) The total number of civilian and military person-  
9 nel assigned or detailed to permanent duty on the Joint Staff  
10 may not exceed 1,617. Such limitation does not apply in time  
11 of war or during a national emergency declared by Congress.

12       “(2)(A) For purposes of this section, the Joint Staff in-  
13 cludes all civilian and military personnel assigned or detailed  
14 to permanent duty to assist the Chairman and Vice Chairman  
15 in carrying out their responsibilities and to assist the other  
16 members of the Joint Chiefs of Staff in carrying out their  
17 responsibilities specified in section 151 of this title.

18       “(B) The Joint Staff does not include civilian or military  
19 personnel assigned or detailed to permanent duty in a mili-  
20 tary department.”.

21       (b) CONFORMING AMENDMENTS.—(1) The item relating  
22 to chapter 5 in the tables of chapters at the beginning of  
23 subtitle A and at the beginning of part I of such subtitle are  
24 each amended to read as follows:

“5. Joint Chiefs of Staff ..... 151”.

1 (2) Section 525(b)(3) is amended by inserting “or Vice  
2 Chairman” after “Chairman”.

3 (3) Section 743 is amended—

4 (A) by striking out “and” after “Operations,”;

5 (B) by inserting “, and the Commandant of the  
6 Marine Corps” after “Air Force”; and

7 (C) by inserting “and the Vice Chairman” after  
8 “Chairman”.

9 (c) DATE FOR FIRST REPORT.—The first report under  
10 section 152(e) of title 10, United States Code (as added by  
11 subsection (a) of this section), shall be submitted by the  
12 Chairman of the Joint Chiefs of Staff not later than one year  
13 after the date of the enactment of this Act.

14 (d) EFFECTIVE DATE.—The limitation prescribed in  
15 section 154(f) of title 10, United States Code (as added by  
16 subsection (a) of this section), shall be effective after Septem-  
17 ber 30, 1988.

18 **SEC. 112. COMBATANT COMMANDS**

19 (a) IN GENERAL.—Part I of subtitle A is amended by  
20 inserting after chapter 5 the following new chapter:

21 **“CHAPTER 6—COMBATANT COMMANDS**

“Sec.

“161. Definitions.

“162. Combatant commands: establishment; composition; functions.

“163. Operational chain of command.

“164. Commanders of combatant commands: assignment; powers and duties.

“165. Combatant commands: administration and support.

1 **“§ 161. Definitions**

2 “In this chapter:

3 “(1) ‘Unified combatant command’ means a com-  
4 mand which has broad, continuing missions and which  
5 is composed of combatant forces from two or more  
6 military departments.

7 “(2) ‘Specified combatant command’ means a  
8 command which has broad, continuing missions and  
9 which is composed of combatant forces from a single  
10 military department.

11 “(3) ‘Combatant command’ means a unified com-  
12 batant command or a specified combatant command.

13 “(4) ‘Combatant forces’ means those forces of the  
14 armed forces whose primary mission is to engage in  
15 combat.

16 **“§ 162. Combatant commands: establishment; composi-  
17 tion; functions**

18 “(a) With the advice and assistance of the Chairman of  
19 the Joint Chiefs of Staff, the President, through the Secre-  
20 tary of Defense, shall—

21 “(1) establish unified combatant commands and  
22 specified combatant commands to perform military mis-  
23 sions;

24 “(2) prescribe the force structure of those com-  
25 mands;

1           “(3) review periodically, but not less often than  
2           every two years, the missions, tasks, responsibilities  
3           (including geographic boundaries), and force structure  
4           of each combatant command and revise such missions,  
5           tasks, responsibilities, and force structures as may be  
6           necessary to respond to changing conditions; and

7           “(4) notify Congress, except during time of hostil-  
8           ities or imminent threat of hostilities, at least 60 days  
9           before (A) establishing a new combatant command, or  
10          (B) significantly revising the missions, tasks, responsi-  
11          bilities, or force structure of an existing combatant  
12          command.

13          “(b)(1) Unless otherwise directed by the Secretary of  
14          Defense, all combatant forces of the military departments  
15          shall be assigned to combatant commands, established under  
16          this section, to perform the missions of those commands.

17          “(2) Consistent with the force structure prescribed by  
18          the President for each combatant command, the Secretary of  
19          each military department, with the approval of the Secretary  
20          of Defense, shall assign combatant forces of his department  
21          to combatant commands.

22          “(3) A combatant force so assigned may be transferred  
23          from the command to which it is assigned only by authority  
24          of the Secretary of Defense and only under procedures pre-  
25          scribed by the Secretary and approved by the President.

1       “(c) Combatant commands established under this section  
2 are responsible to the President and to the Secretary of De-  
3 fense for the performance of such military missions as may be  
4 assigned to such commands by the Secretary with the ap-  
5 proval of the President.

6 **“§ 163. Operational chain of command**

7       “(a) Unless otherwise directed by the President, the  
8 chain of command for the operational direction of the combat-  
9 ant commands runs from the President to the Secretary of  
10 Defense to the commanders of the unified and specified com-  
11 batant commands.

12       “(b) Subject to the limitations of section 152(c) of this  
13 title, the President or the Secretary of Defense may direct  
14 the channel of command communications to run from the  
15 Secretary of Defense to the commanders of the unified and  
16 specified combatant commands through the Chairman of the  
17 Joint Chiefs of Staff.

18       “(c) Unless otherwise directed by the President or the  
19 Secretary of Defense, the commander of a combatant com-  
20 mand shall prescribe the chain of command to, and the orga-  
21 nizational relationship among, the commands and forces  
22 within that command.

23       “(d)(1) As a means of providing for more effective con-  
24 trol and coordination of the combatant commands, the Secre-  
25 tary of Defense may assign responsibility to the Chairman of

1 the Joint Chiefs of Staff for overseeing the activities of the  
2 combatant commands. Such assignment by the Secretary to  
3 the Chairman does not confer any command authority on the  
4 Chairman and does not alter the responsibility of the combat-  
5 ant commanders prescribed in section 164(b) of this title.

6       “(2) Subject to the authority, direction, and control of  
7 the Secretary of Defense, the Chairman of the Joint Chiefs of  
8 Staff serves as the spokesman for the commanders of the  
9 combatant commands on operational requirements. In per-  
10 forming such responsibility, the Chairman shall—

11               “(A) confer with and obtain information from the  
12 commanders of the combatant commands about the  
13 operational requirements of their commands;

14               “(B) evaluate and integrate such information;

15               “(C) advise and make recommendations to the  
16 Secretary of Defense about the operational require-  
17 ments of the combatant commands, individually and  
18 collectively; and

19               “(D) perform such other activities as may be re-  
20 quired to communicate clearly the operational require-  
21 ments of the combatant commands.

22 **“§ 164. Commanders of combatant commands: assign-**  
23 **ment; powers and duties**

24       “(a) The President may assign to serve as commanders  
25 of unified combatant commands only officers who have served

1 in one or more joint duty positions for a substantial period of  
2 time. The President may waive the requirement of the pre-  
3 ceding sentence in the case of any officer if the President  
4 determines such action is necessary in the national interest.

5       “(b) Each commander of a combatant command per-  
6 forms his duties under the authority, direction, and control of  
7 the Secretary of Defense and is directly responsible to the  
8 Secretary for the performance of his command and its pre-  
9 paredness to execute assigned missions.

10       “(c) Subject to the authority, direction, and control of  
11 the Secretary of Defense, each commander of a combatant  
12 command shall—

13               “(1) maintain the security of his command and  
14 protect the United States, its possessions, and bases  
15 against attack or hostile incursion;

16               “(2) carry out assigned missions, tasks, and re-  
17 sponsibilities; and

18               “(3) assign tasks to, and direct coordination  
19 among, his subordinate commanders so as to ensure  
20 unity of effort in the accomplishment of the missions  
21 assigned to his command.

22       “(d) Forces assigned to combatant commands are under  
23 the full operational command of the commander of the com-  
24 batant command to which they are assigned. Full operational  
25 command includes—

1           “(1) all aspects of military operations and joint  
2 training; and

3           “(2) authority as assigned by the Secretary of De-  
4 fense, after consultation with the Secretaries of the  
5 military departments and the combatant commander,  
6 for coordination and approval of those aspects of ad-  
7 ministration and support, including planning for war-  
8 time logistics, necessary for the accomplishment of the  
9 missions assigned to the command.

10          “(e)(1) Commanders of commands and forces assigned to  
11 a combatant command are under the authority, direction, and  
12 control of, and are responsible to, the commander of the com-  
13 batant command on all matters for which the combatant com-  
14 mander has been assigned full operational command under  
15 subsection (d).

16          “(2) The commander of a command or force referred to  
17 in paragraph (1) shall communicate with other elements of  
18 the Department of Defense on any matter for which the com-  
19 batant commander has been assigned full operational com-  
20 mand under subsection (d) in accordance with procedures, if  
21 any, established by the commander of the combatant  
22 command.

23          “(3) If directed by the combatant commander, the com-  
24 mander of a command or force referred to in paragraph (1)  
25 shall advise the combatant commander of all communications

1 with other elements of the Department of Defense on any  
2 matter for which the combatant commander has not been as-  
3 signed full operational command under subsection (d).

4       “(f)(1) Selection of an officer of an armed force to serve  
5 as commander of a command directly subordinated to the  
6 commander of a combatant command may be made only with  
7 the concurrence of the commander of the combatant com-  
8 mand and only in accordance with procedures established by  
9 the Secretary of Defense.

10       “(2) The commander of a combatant command shall  
11 evaluate the duty performance of each commander of a com-  
12 mand directly subordinated to the commander of such com-  
13 batant command and submit the evaluation to the Secretary  
14 of the military department of which the commander being  
15 evaluated is a member.

16       “(g)(1) Each unified combatant command shall have a  
17 joint staff with officers in key positions of responsibility from  
18 each military department having forces assigned to the com-  
19 batant command.

20       “(2) Selection of officers of an armed force to serve on  
21 the joint staff of a unified combatant command in any grade  
22 above lieutenant colonel or, in the case of an officer of the  
23 Navy, any grade above commander shall be made only with  
24 the concurrence of the commander of such command and only

1 in accordance with procedures established by the Secretary of  
2 Defense.

3       “(h) In accordance with procedures established by the  
4 Secretary of Defense, the commander of a combatant com-  
5 mand may suspend from duty and recommend the reassign-  
6 ment of any officer assigned to such combatant command.

7 **“§ 165. Combatant commands: administration and support**

8       “(a) The Secretary of Defense, with the advice and as-  
9 sistance of the Chairman of the Joint Chiefs of Staff, shall  
10 provide for the administration and support of combatant  
11 forces assigned to each combatant command.

12       “(b) Subject to the authority, direction, and control of  
13 the Secretary of Defense and consistent with the full oper-  
14 ational command vested in combatant commanders by section  
15 164(d) of this title, the Secretary of a military department is  
16 responsible for the administration and support of forces as-  
17 signed by him to a combatant command.

18       “(c) After consultation with the Secretary of each mili-  
19 tary department, the Secretary of Defense may also assign  
20 the responsibility or any part of the responsibility for the ad-  
21 ministration and support of combatant forces assigned to the  
22 combatant commands to other components of the Department  
23 of Defense. A component assigned such a responsibility shall  
24 discharge that responsibility under the authority, direction,  
25 and control of the Secretary of Defense and consistent with

1 the full operational command vested in combatant command-  
2 ers by section 164(d) of this title.”.

3 (b) CONFORMING AMENDMENTS.—(1) The tables of  
4 chapters at the beginning of subtitle A and at the beginning  
5 of part I of such subtitle are each amended by inserting after  
6 the item relating to chapter 5 the following new item:

“6. Combatant Commands..... 161”.

7 (2) Section 124 is repealed.

8 (3) The table of sections at the beginning of chapter 3 is  
9 amended by striking out the item relating to section 124.

10 **SEC. 113. REPEAL OF PROHIBITION AGAINST CONSOLIDATING**  
11 **FUNCTIONS OF THE MILITARY TRANSPORTA-**  
12 **TION COMMANDS**

13 Section 1110 of the Department of Defense Authoriza-  
14 tion Act, 1983 (Public Law 97-252; 96 Stat. 747), is  
15 repealed.

16 **SEC. 114. REPEAL OF PROHIBITION AGAINST ALTERING THE**  
17 **COMMAND STRUCTURE FOR MILITARY FORCES**  
18 **IN ALASKA**

19 Section 8106 of the Department of Defense Appropria-  
20 tions Act, 1986, as contained in section 101(b) of the Joint  
21 Resolution entitled “Joint Resolution making further con-  
22 tinuing appropriations for fiscal year 1986, and for other pur-  
23 poses”, approved December 19, 1985 (Public Law 99-190;  
24 99 Stat. 1221), is repealed.

**1 SEC. 115. POSITIONS OF IMPORTANCE AND RESPONSIBILITY**

2 Section 601 is amended by adding at the end thereof the  
3 following new subsections:

4 “(d) When an officer is recommended to the President  
5 for an initial appointment to the grade of lieutenant general  
6 or vice admiral, or for an initial appointment to the grade of  
7 general or admiral, the Chairman of the Joint Chiefs of Staff  
8 shall submit to the President the evaluation of the Chairman  
9 of the performance of that officer as a member of the Joint  
10 Staff and in other joint duty positions. The Chairman shall  
11 submit the evaluation to the President at the same time the  
12 recommendation for the appointment is submitted to the  
13 President.

14 “(e) Each time a vacancy occurs in a military office or  
15 position within the Department of Defense that the President  
16 has designated as a position of importance and responsibility  
17 to carry the grade of general or admiral or lieutenant general  
18 or vice admiral, the Secretary of Defense shall inform the  
19 President of the qualifications needed by an appointee to  
20 carry out effectively the duties and responsibilities of that  
21 office or position.”.

**22 SEC. 116. SERVICE OF OFFICERS IN JOINT DUTY POSITIONS**

23 (a) **IN GENERAL.**—Section 646 is amended to read as  
24 follows:

1 **“§ 646. Service of officers in joint duty positions**

2       “(a) The Secretary of Defense, after consultation with  
3 the Chairman of the Joint Chiefs of Staff and the Secretary  
4 of each military department, shall ensure that the personnel  
5 practices, policies, and procedures of the Army, Navy, Air  
6 Force, and Marine Corps enhance the abilities of those offi-  
7 cers assigned to joint duty positions to perform effectively the  
8 duties of such positions.

9       “(b) In carrying out subsection (a), the Secretary of De-  
10 fense shall ensure that—

11               “(1) officers are well prepared to assume joint  
12 duty positions as the result of previous experience (in-  
13 cluding, as appropriate, previous duty in joint duty po-  
14 sitions), formal education, and training;

15               “(2) continuity is attained and preserved in joint  
16 organizations through appropriate periods of service by  
17 officers serving in joint organizations;

18               “(3) the promotion, retention, and assignment  
19 policies of the Army, Navy, Air Force, and Marine  
20 Corps provide sufficient incentives for officers to seek  
21 joint duty assignments;

22               “(4) the curricula of joint military colleges and  
23 schools are oriented to preparing officers for joint duty  
24 assignments;

25               “(5) a substantial percentage of the graduates of  
26 joint military colleges and schools are assigned to joint

1 duty positions soon after they complete their courses of  
 2 study; and

3 “(6) the curricula of the military colleges and  
 4 schools of the Army, Navy, Air Force, and Marine  
 5 Corps give appropriate emphasis to instruction in joint  
 6 military matters.”.

7 (b) CONFORMING AMENDMENT.—The table of sections  
 8 at the beginning of subchapter V of chapter 36 is amended by  
 9 striking out the item relating to section 646 and inserting in  
 10 lieu thereof the following:

“646. Service of officers in joint duty positions.”.

11 **SEC. 117. DEFENSE AGENCIES AND DEPARTMENT OF DE-**  
 12 **FENSE FIELD ACTIVITIES**

13 (a) IN GENERAL.—Chapter 8 is amended—

14 (1) by redesignating sections 191 and 192 as sec-  
 15 tions 195 and 196, respectively;

16 (2) by striking out the table of sections at the be-  
 17 ginning of such chapter and inserting in lieu thereof  
 18 the following:

“Subchapter	Sec.
I. Common Supply and Service Activities.....	191
II. Defense Intelligence Agency .....	195

19 “SUBCHAPTER I—COMMON SUPPLY AND SERVICE  
 20 ACTIVITIES

1  
 | “Sec.  
 | “191. Common supply and service activities.

1 **“§ 191. Common supply and service activities**

2       “(a)(1) In any case in which the Secretary of Defense  
3 determines such action would be more effective, economical,  
4 or efficient, he may provide for the performance of a supply  
5 or service activity which is common to more than one mili-  
6 tary department by a single agency of the Department of  
7 Defense.

8       “(2) The Secretary of Defense shall establish within the  
9 Department of Defense a Defense Agency or a Department  
10 of Defense Field Activity to perform any supply or service  
11 activity referred to in paragraph (1).

12       “(b) The Secretary of Defense shall assign responsibility  
13 for the overall supervision of each supply or service agency  
14 referred to in subsection (a) to the Deputy Secretary of De-  
15 fense, an Under Secretary of Defense, an Assistant Secretary  
16 of Defense, the Comptroller of the Department of Defense,  
17 the General Counsel of the Department of Defense, or the  
18 Chairman of the Joint Chiefs of Staff. In discharging such  
19 responsibility, an official assigned such a responsibility shall  
20 advise the Secretary of Defense on the extent to which the  
21 program recommendations and budget proposals of such  
22 supply or service agency conform with the material require-  
23 ments of the military departments and the operational re-  
24 quirements of the unified and specified combatant commands.  
25 This subsection shall not apply to the Defense Intelligence  
26 Agency and the National Security Agency.

1       “(c) The Secretary of Defense shall establish procedures  
2 to ensure the full and effective review of the program recom-  
3 mendations and budget proposals of each such supply or serv-  
4 ice agency.

5       “(d)(1) The Chairman of the Joint Chiefs of Staff shall  
6 be responsible for advising the Secretary of Defense on the  
7 preparedness of each such supply or service agency which  
8 has wartime support responsibilities to perform those respon-  
9 sibilities. As part of such advice, the Chairman shall assess  
10 the adequacy of the contingency plans, participation in joint  
11 exercises, and readiness reporting systems of each such  
12 supply or service agency.

13       “(2) The Secretary of Defense and the Director of Cen-  
14 tral Intelligence shall jointly develop and implement, as they  
15 may determine to be necessary, policies and programs to cor-  
16 rect such deficiencies as the Chairman of the Joint Chiefs of  
17 Staff may identify in the wartime support capabilities of the  
18 Defense Intelligence Agency and the National Security  
19 Agency.

20       “(e) The Secretary of Defense shall periodically assess  
21 the continuing need for each such supply or service agency.  
22 In making such assessment, the Secretary shall also examine  
23 the division of responsibilities between such supply or service  
24 agency and other components of the Department of Defense.



1 number of personnel performing such activities on September  
2 30, 1985. The number of personnel reduced under this sub-  
3 section in excess of the reduction required by this subsection  
4 may be included in the number required to be reduced by  
5 subsection (b).

6 (b) OTHER ACTIVITIES.—Not later than September 30,  
7 1988, the Secretary of Defense shall reduce the total number  
8 of military and civilian personnel assigned to duty in the De-  
9 fense Agencies and Department of Defense Field Activities,  
10 other than personnel assigned to management headquarters  
11 activities or management headquarters support activities, by  
12 a number that is at least 10 percent below the total number  
13 of personnel performing such activities on September 30,  
14 1985.

15 (c) PROHIBITION AGAINST CERTAIN ACTIONS TO  
16 ACHIEVE REDUCTIONS.—The reductions required by sub-  
17 sections (a) and (b) may not be accomplished by recategoriz-  
18 ing or redefining duties, functions, offices, or organizations.

19 (d) ALLOCATIONS TO BE MADE BY SECRETARY OF  
20 DEFENSE.—(1) The Secretary of Defense shall allocate the  
21 reductions required by subsections (a) and (b) in a manner  
22 consistent with the efficient operation of the Department of  
23 Defense.

1       (2) The Secretary shall also consolidate and eliminate  
2 unnecessary management headquarters activities and man-  
3 agement headquarters support activities.

4       (e) REDUCTION NOT APPLICABLE TO NATIONAL SE-  
5 CURITY AGENCY.—The reductions required by this section  
6 do not apply to the National Security Agency.

7       (f) PROHIBITION ON FUTURE INCREASES.—After Sep-  
8 tember 30, 1988, the number of civilian and military person-  
9 nel assigned to perform activities described in subsections (a)  
10 and (b) may not be increased above the number of such per-  
11 sonnel assigned to perform such activities on September 30,  
12 1988. The limitation provided in this subsection shall not  
13 apply in time of war or during a national emergency declared  
14 by Congress.

15       (g) DEFINITIONS.—For purposes of this section, the  
16 term “management headquarters activities” and “manage-  
17 ment headquarters support activities” have the same mean-  
18 ings as prescribed for such terms in Department of Defense  
19 Directive 5100.73 entitled “Department of Defense Manage-  
20 ment Headquarters and Headquarters Support Activities”  
21 dated January 7, 1985.

22 SEC. 119. ADDITIONAL CONFORMING AMENDMENTS

23       (a) AMENDMENTS TO TITLE 10, UNITED STATES  
24 CODE.—(1) Section 139(a)(2)(B) (as redesignated by section

1 104(6) of this Act) is amended by striking out “section  
2 139a(a)(1)” and inserting in lieu thereof “section 2873(a)(1)”.

3 (2) Paragraphs (1) and (2) of section 2403(e) are each  
4 amended by striking out “section 139a” and inserting in lieu  
5 thereof “section 2873”.

6 (3) Section 2872 (as redesignated by section 104(9) of  
7 this Act) is amended by striking out “section 138(a)” in sub-  
8 section (a) and inserting in lieu thereof “section 2871(a)”.

9 (4) Section 2873(c) (as redesignated by section 104(10)  
10 of this Act) is amended by striking out “section 139” in sub-  
11 section (c)(1) and inserting in lieu thereof “section 2872”.

12 (5) Section 2874 (as redesignated by section 104(11) of  
13 this Act) is amended—

14 (A) in subsection (a)(1), by striking out “section  
15 139a(a)” and inserting in lieu thereof “section  
16 2873(a)”;

17 (B) in subsection (b), by striking out “section  
18 139a(b)(3) and inserting in lieu thereof “section  
19 2873(b)(3)”.

20 (6) Section 2875(b)(1) (as redesignated by section  
21 104(12) of this Act) is amended by striking out “section  
22 139a(a)(1)” and inserting in lieu thereof “section 2873(a)(1)”.

23 (7) Section 8062(e) is amended by striking out “section  
24 138” and inserting in lieu thereof “section 2871”.

1 (b) AMENDMENTS TO ARMS EXPORT CONTROL  
2 ACT.—(1) Section 51(c)(1) of the Arms Export Control Act  
3 (22 U.S.C. 2795(c)(1)) is amended by striking out “section  
4 138(g)” and inserting in lieu thereof “section 2871(g)”.

5 (2) Section 53(b) of the Arms Export Control Act (22  
6 U.S.C. 2795b(b)) is amended by striking out “section 139(a)”  
7 and inserting in lieu thereof “section 2872(a)”.

## 8 TITLE II—ARMY

### 9 SEC. 201. DEPARTMENT OF THE ARMY

10 (a) IN GENERAL.—(1) Chapter 303 is amended by re-  
11 designating section 3015 as section 3041, transferring such  
12 section (as redesignated) to chapter 305, and inserting such  
13 section immediately after section 3040.

14 (2) Such chapter is further amended by striking out sec-  
15 tions 3012, 3013, 3014, and 3016 and inserting in lieu there-  
16 of the following:

17 “§ 3013. Secretary of the Army: appointment; powers and  
18 duties; delegation authority

19 “(a) There is a Secretary of the Army appointed from  
20 civilian life by the President, by and with the advice and  
21 consent of the Senate. The Secretary is the head of the De-  
22 partment of the Army. A person may not be appointed as  
23 Secretary of the Army within five years after relief from  
24 active duty as a commissioned officer of a regular component  
25 of an armed force.

1       “(b) Subject to the authority, direction, and control of  
2 the Secretary of Defense and the provisions of chapter 6 of  
3 this title, the Secretary of the Army is responsible for and  
4 has the authority necessary to conduct all affairs of the De-  
5 partment of the Army, including the following:

6           “(1) Recruiting.

7           “(2) Organizing.

8           “(3) Supplying.

9           “(4) Equipping (including research and develop-  
10 ment).

11          “(5) Training.

12          “(6) Servicing.

13          “(7) Mobilizing.

14          “(8) Demobilizing.

15          “(9) Administering.

16          “(10) Maintaining.

17          “(11) The construction, maintenance, and repair  
18 of buildings, structures, and utilities and the acquisition  
19 of real property and interests therein necessary to  
20 carry out the responsibilities specified in clauses (1)  
21 through (10).

22       “(c) Subject to the authority, direction, and control of  
23 the Secretary of Defense, the Secretary of the Army is also  
24 responsible to the Secretary of Defense for—

1           “(1) the functioning and efficiency of the Depart-  
2           ment of the Army;

3           “(2) the formulation of policies and programs by  
4           the Department of the Army that are fully consistent  
5           with national security objectives and policies estab-  
6           lished by the President or the Secretary of Defense;

7           “(3) the effective and timely implementation of  
8           policy, program, and budget decisions and instructions  
9           of the President or the Secretary of Defense relating to  
10          the functions of the Department of the Army;

11          “(4) carrying out the functions of the Department  
12          of the Army so as to fulfill (to the maximum extent  
13          practicable) the current and future operational require-  
14          ments of the unified and specified combatant com-  
15          mands;

16          “(5) effective cooperation and coordination be-  
17          tween the Department of the Army and the other mili-  
18          tary departments and agencies of the Department of  
19          Defense to provide for more effective, efficient, and ec-  
20          onomical administration and to eliminate duplication;

21          “(6) the presentation and justification of the posi-  
22          tions of the Department of the Army on the plans, pro-  
23          grams, and policies of the Department of Defense; and

24          “(7) the effective supervision and control of the  
25          intelligence activities of the Department of the Army.

1       “(d) The Secretary of the Army is also responsible for  
2 such other activities as may be prescribed by law, the Presi-  
3 dent, or the Secretary of Defense.

4       “(e) After first informing the Secretary of Defense, the  
5 Secretary of the Army may make such recommendations to  
6 Congress relating to the Department of Defense as he consid-  
7 ers appropriate.

8       “(f) The Secretary of the Army may assign such of his  
9 functions, powers, and duties as he considers appropriate to  
10 the Under Secretary of the Army and to the Assistant Secre-  
11 taries of the Army. Officers of the Army shall, as directed by  
12 the Secretary, report on any matter to the Secretary, the  
13 Under Secretary, or any Assistant Secretary.

14       “(g) The Secretary may assign, detail, and prescribe the  
15 duties of members of the Army and civilian personnel of the  
16 Department of the Army.

17       “(h) The Secretary may change the title of any officer  
18 or activity of the Department of the Army not prescribed by  
19 law.

20       “(i) The Secretary may prescribe regulations to carry  
21 out his functions, powers, and duties under this title.

22       **“§ 3014. Office of the Secretary of the Army**

23       “(a) There is in the Department of the Army an Office  
24 of the Secretary of the Army to assist the Secretary in carry-  
25 ing out his responsibilities.

1       “(b) The Office of the Secretary of the Army shall con-  
2 sist of the following:

3               “(1) The Under Secretary of the Army.

4               “(2) The Assistant Secretaries of the Army.

5               “(3) The Inspector General of the Army.

6               “(4) The Army Reserve Forces Policy Commit-  
7 tee.

8               “(5) Such other offices and officers as the Secre-  
9 tary of the Army may establish or designate.

10       “(c) The Secretary of the Army shall ensure that the  
11 Office of the Secretary of the Army does not duplicate specif-  
12 ic functions for which the Secretary has assigned responsibil-  
13 ity to the Army Staff.

14       “(d) The total number of military and civilian personnel  
15 assigned or detailed to permanent duty in the Office of the  
16 Secretary of the Army may not exceed 313. However, such  
17 limitation does not apply in time of war or during a national  
18 emergency declared by Congress.

19       **“§ 3015. Under Secretary of the Army: appointment;  
20 powers and duties**

21       “(a) There is an Under Secretary of the Army appointed  
22 from civilian life by the President, by and with the advice and  
23 consent of the Senate.



1 (A) by striking out “(a)” at the beginning of such  
2 section; and

3 (B) by striking out subsection (b).

4 (4) Chapter 303 is further amended by striking out sec-  
5 tion 3019.

6 (5) Chapter 303 is further amended by inserting after  
7 section 3017 the following new section:

8 **“§ 3018. Inspector General of the Army: detail; duties**

9 “(a) There is in the Office of the Secretary of the Army  
10 an Inspector General of the Army who shall be detailed to  
11 such position by the Secretary of the Army from general offi-  
12 cers of the Army. An officer may not be detailed to such  
13 position for a tour of duty of not more than four years, except  
14 that the Secretary may extend such a tour of duty if he  
15 makes a special finding that the extension is necessary in the  
16 public interest.

17 “(b) The Inspector General, when directed by the Sec-  
18 retary or the Chief of Staff, shall inquire into and report upon  
19 the discipline, efficiency, and economy of the Army and shall  
20 perform any other duties prescribed by the Secretary or by  
21 the Chief of Staff.

22 “(c) The Inspector General shall periodically propose  
23 programs of inspections to the Secretary of the Army and  
24 shall recommend additional inspections and investigations as  
25 may appear appropriate.

1       “(d) The Inspector General shall have such deputies and  
2 assistants as the Secretary of the Army may prescribe. Each  
3 such deputy and assistant shall be an officer detailed by the  
4 Secretary to that position from the officers of the Army for a  
5 tour of duty of not more than four years, under a procedure  
6 prescribed by the Secretary.”.

7       (6)(A) Section 3033 is redesignated as section 3019, is  
8 transferred to and made a part of chapter 303, and is inserted  
9 immediately after section 3018.

10       (B) Section 3019 (as redesignated by subparagraph (A))  
11 is amended—

12               (i) in subsection (a)—

13                       (I) by striking out “office” and inserting in  
14 lieu thereof “Office”;

15                       (II) by inserting “and the mobilization pre-  
16 paredness” after “reserve components”; and

17                       (III) by striking out “Chief of Staff and the  
18 Assistant Secretary responsible for reserve af-  
19 fairs” and inserting in lieu thereof “Secretary of  
20 the Army and the Chief of Staff”; and

21               (ii) in the section heading, by striking out the  
22 semicolon and inserting in lieu thereof a colon.

23       (b) CONFORMING AMENDMENTS.—(1) Such chapter is  
24 further amended by redesignating sections 3010 and 3011 as  
25 sections 3011 and 3012, respectively.

1           (2) The table of sections at the beginning of such chap-  
2 ter is amended to read as follows:

“Sec.

“3011. Organization.

“3012. Department of the Army: seal.

“3013. Secretary of the Army: appointment; powers and duties; delegation author-  
ity.

“3014. Office of the Secretary of the Army.

“3015. Under Secretary of the Army: appointment; powers and duties.

“3016. Assistant Secretaries of the Army: appointment; powers and duties.

“3017. Secretary of the Army: successors to duties.

“3018. Inspector General of the Army: detail; duties.

“3019. Reserve components of Army: policies and regulations for government of.”.

3           (3) Section 175(d) is amended by striking out “3033”  
4 and “8033” and inserting in lieu thereof “3019” and  
5 “8019”, respectively.

6           (c) **EFFECTIVE DATE.**—The limitation provided for in  
7 section 3014(d) of title 10, United States Code (as amended  
8 by subsection (a)(2) of this section), shall be effective after  
9 September 30, 1988.

10 **SEC. 202. THE ARMY STAFF**

11           (a) **COMPOSITION OF THE ARMY STAFF.**—Section  
12 3031 is amended to read as follows:

13 **“§ 3031. The Army Staff: composition; assignment and**  
14 **detail of members of Army and civilians**

15           “(a) There is in the executive part of the Department of  
16 the Army an Army Staff to assist the Secretary of the Army  
17 in carrying out his responsibilities.

18           “(b) The Army Staff shall consist of the following:

19                   “(1) The Chief of Staff.

20                   “(2) The Vice Chief of Staff.

1           “(3) Not more than four Deputy Chiefs of Staff,  
2 as prescribed by the Secretary of the Army.

3           “(4) Not more than three Assistant Chiefs of  
4 Staff, as prescribed by the Secretary.

5           “(5) The Chief of Engineers.

6           “(6) The Surgeon General of the Army.

7           “(7) The Judge Advocate General of the Army.

8           “(8) The Chief of Chaplains of the Army.

9           “(9) The Chief of Army Reserve.

10          “(10) The Provost Marshal General.

11          “(11) Other members of the Army assigned or de-  
12 tailed to the Army Staff.

13          “(12) Civilians in the Department of the Army as-  
14 signed or detailed to the Army Staff.

15          “(c) Except as otherwise specifically prescribed by law,  
16 the Army Staff shall be organized in such manner, and its  
17 members shall perform such duties and have such titles, as  
18 the Secretary may prescribe. A part of the Army Staff may  
19 be designated as the Army General Staff.

20          “(d)(1) The total number of military and civilian person-  
21 nel assigned or detailed to permanent duty to the Army Staff  
22 may not exceed 2,729. Such limitation does not apply in time  
23 of war or during a national emergency declared by Congress.

24          “(2) Not more than 1,825 officers of the Army may be  
25 assigned or detailed to permanent duty in the Office of the

1 Secretary of the Army and the Army Staff. Of such number,  
2 not more than 1,000 may be detailed or assigned to duty on  
3 or with the Army General Staff. However, such limitations  
4 do not apply in time of war or during a national emergency  
5 declared by Congress, or whenever the President finds that it  
6 is in the national interest to increase the number of officers in  
7 the Office of the Secretary of the Army and the Army Staff  
8 or on or with the Army General Staff.”.

9 (b) THE ARMY STAFF; GENERAL DUTIES.—Section  
10 3032 is amended—

11 (1) in subsection (a), by inserting before the period  
12 “, and the Chief of Staff of the Army”;

13 (2) in subsection (b)—

14 (A) by striking out “direction and control of  
15 the Secretary” in the matter preceding clause (1)  
16 and inserting in lieu thereof “authority, direction,  
17 and control of the Secretary of the Army”;

18 (B) by striking out “, training, serving, mobi-  
19 lizing, and demobilizing” in clause (1) and insert-  
20 ing in lieu thereof “(including research and devel-  
21 opment), training, servicing, mobilizing, demobiliz-  
22 ing, administering, and maintaining”; and

23 (C) by striking out “for military operations”  
24 in clause (2) and inserting in lieu thereof “to sup-

1 port military operations by combatant com-  
2 mands”; and

3 (3) by striking out the section heading and insert-  
4 ing in lieu thereof the following:

5 “§ 3032. **The Army Staff: general duties**”.

6 (c) **CHIEF OF STAFF**.—Section 3034 is redesignated as  
7 section 3033 and (as redesignated) is amended—

8 (1) in subsection (a)—

9 (A) by striking out “The Chief of Staff shall  
10 be” and inserting in lieu thereof “There is a Chief  
11 of Staff of the Army”; and

12 (B) by striking out “national emergency, de-  
13 clared by the Congress after December 31, 1968”  
14 and inserting in lieu thereof “during a national  
15 emergency declared by Congress”;

16 (2) by striking out subsections (c) and (d) and in-  
17 serting in lieu thereof the following:

18 “(c) Except as otherwise prescribed by law and subject  
19 to section 3013(f) of this title, the Chief of Staff performs his  
20 duties under the authority, direction, and control of the  
21 Secretary of the Army and is directly responsible to the  
22 Secretary.

23 “(d) Subject to the authority, direction, and control of  
24 the Secretary of the Army, the Chief of Staff shall—

25 “(1) preside over the Army Staff;

1           “(2) transmit the plans and recommendations of  
2 the Army Staff to the Secretary and advise the Secre-  
3 tary with regard to such plans and recommendations;

4           “(3) after approval of the plans or recommenda-  
5 tions of the Army Staff by the Secretary, act as the  
6 agent of the Secretary in carrying them into effect;

7           “(4) exercise supervision, consistent with the full  
8 operational command vested in unified or specified  
9 combatant commanders under chapter 6 of this title,  
10 over such of the members and organizations of the  
11 Army as the Secretary determines;

12           “(5) perform the duties prescribed for him by sec-  
13 tion 171 of this title and other provisions of law;

14           “(6) keep the Secretary fully informed on matters  
15 considered or acted upon by the Joint Chiefs of Staff;  
16 and

17           “(7) perform such other military duties, not other-  
18 wise assigned by law, as are assigned to him by the  
19 President, the Secretary of Defense, or the Secretary  
20 of the Army.

21           “(e) The Chief of Staff shall also perform the duties pre-  
22 scribed for him as a member of the Joint Chiefs of Staff under  
23 section 151 of this title.”; and

24           (3) by striking out the section heading and insert-  
25 ing in lieu thereof the following:



1 Chief of Staff until a successor to the Chief of Staff or  
2 the Vice Chief of Staff is appointed or until the ab-  
3 sence or disability of the Chief of Staff or Vice Chief of  
4 Staff ceases, whichever occurs first.”; and

5 (3) by striking out the section heading and insert-  
6 ing in lieu thereof the following:

7 **“§ 3034. Vice Chief of Staff: appointment; powers and**  
8 **duties; succession to duties of Chief of Staff”.**

9 (e) DEPUTY CHIEFS OF STAFF.—Chapter 305 is fur-  
10 ther amended by inserting after section 3034 (as redesignated  
11 by subsection (d)) the following new section:

12 **“§ 3035. Deputy Chiefs of Staff and Assistant Chiefs of**  
13 **Staff: detail**

14 “The Deputy Chiefs of Staff and the Assistant Chiefs of  
15 Staff shall be general officers detailed to those positions.”.

16 (f) RELOCATION OF SECTIONS.—(1) Chapter 305 is  
17 further amended by inserting after section 3037 the following  
18 new section:

19 **“§ 3038. Office of Army Reserve: appointment of Chief**

20 “(a) There is in the executive part of the Department of  
21 the Army an Office of the Army Reserve which is headed by  
22 a chief who is the adviser to the Chief of Staff on Army  
23 Reserve matters.

24 “(b) The President, by and with the advice and consent  
25 of the Senate, shall appoint the Chief of Army Reserve from

1 officers of the Army Reserve not on active duty, or on active  
2 duty under section 265 of this title, who—

3           “(1) have had at least 10 years of commissioned  
4 service in the Army Reserve;

5           “(2) are in grade of brigadier general and above;  
6 and

7           “(3) have been recommended by the Secretary of  
8 the Army.

9           “(c) The Chief of Army Reserve holds office for four  
10 years but may be removed for cause at any time. He is eligi-  
11 ble to succeed himself. If he holds a lower reserve grade, he  
12 shall be appointed in the grade of major general for service in  
13 the Army Reserve.”.

14           (2) Section 3039 is amended to read as follows:

15 **“§ 3039. Provost Marshal General**

16           “(a) There is a Provost Marshal General in the Army.  
17 The Provost Marshal General shall perform the duties pre-  
18 scribed by the Secretary of the Army, by the Chief of Staff,  
19 or by law.

20           “(b) The position of Provost Marshal General shall be  
21 filled by the detail of a general officer of the Army for a tour  
22 of duty of not more than four years. However, the Secretary  
23 may extend such a tour of duty if he makes a special finding  
24 that the extension is necessary in the public interest.”.

1 (g) CONFORMING AMENDMENT.—The table of sections  
 2 at the beginning of chapter 305 is amended to read as fol-  
 3 lows:

“Sec.

“3031. The Army Staff: composition; assignment and detail of members of Army  
 and civilians.

“3032. The Army Staff: general duties.

“3033. Chief of Staff: appointment; term of office; powers and duties.

“3034. Vice Chief of Staff: appointment; powers and duties; succession to duties of  
 Chief of Staff.

“3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff: detail.

“3036. Chiefs of branches: appointment; duties.

“3037. Judge Advocate General, Assistant Judge Advocate General, and general  
 officers of Judge Advocate General’s Corps: appointment; duties.

“3038. Office of Army Reserve: appointment of Chief.

“3039. Provost Marshal General.

“3040. Deputy and assistant chiefs of branches.

“3041. Chief of National Guard Bureau: appointment; acting chief.”.

4 (h) EFFECTIVE DATE.—The limitations provided for in  
 5 section 3031(d) of title 10, United States Code (as amended  
 6 by subsection (a) of this section), shall be effective after Sep-  
 7 tember 30, 1988.

## 8 SEC. 203. COMMANDS

9 Section 3074(a) is amended by inserting “or the Secre-  
 10 tary of Defense” after “by law”.

## 11 TITLE III—NAVY

### 12 SEC. 301. DEPARTMENT OF THE NAVY

13 (a) ORGANIZATION.—(1) Chapter 503 is amended—

14 (A) in section 5011—

15 (i) by striking out the third and fourth sen-  
 16 tences; and

17 (ii) by striking out the section heading and  
 18 inserting in lieu thereof the following:

1 **“§ 5011. Organization”;**

2 (B) by striking out sections 5012 and 5013; and

3 (C) by inserting after section 5011 the following

4 new sections:

5 **“§ 5012. Department of the Navy: seal**

6 “The Secretary of the Navy shall have a seal for the  
7 Department of the Navy. The design of the seal must be  
8 approved by the President. Judicial notice shall be taken of  
9 the seal.

10 **“§ 5013. Secretary of the Navy: appointment; powers and  
11 duties; delegation authority**

12 “(a) There is a Secretary of the Navy appointed from  
13 civilian life by the President, by and with the advice and  
14 consent of the Senate. The Secretary is the head of the De-  
15 partment of the Navy. A person may not be appointed as  
16 Secretary of the Navy within five years after relief from  
17 active duty as a commissioned officer of a regular component  
18 of an armed force.

19 “(b) Subject to the authority, direction, and control of  
20 the Secretary of Defense and the provisions of chapter 6 of  
21 this title, the Secretary of the Navy is responsible for and has  
22 the authority necessary to conduct all affairs of the Depart-  
23 ment of the Navy, including the following:

24 “(1) Recruiting.

25 “(2) Organizing.

26 “(3) Supplying.

1           “(4) Equipping (including research and develop-  
2           ment).

3           “(5) Training.

4           “(6) Servicing.

5           “(7) Mobilizing.

6           “(8) Demobilizing.

7           “(9) Administering.

8           “(10) Maintaining.

9           “(11) The construction, maintenance, and repair  
10          of buildings, structures, and utilities and the acquisition  
11          of real property and interests therein necessary to  
12          carry out the responsibilities specified in clauses (1)  
13          through (10).

14          “(c) Subject to the authority, direction, and control of  
15          the Secretary of Defense, the Secretary of the Navy is also  
16          responsible to the Secretary of Defense for—

17                 “(1) the functioning and efficiency of the Depart-  
18                 ment of the Navy;

19                 “(2) the formulation of policies and programs by  
20                 the Department of the Navy that are fully consistent  
21                 with national security objectives and policies estab-  
22                 lished by the President or the Secretary of Defense;

23                 “(3) the effective and timely implementation of  
24                 policy, program, and budget decisions and instructions

1 of the President or the Secretary of Defense relating to  
2 the functions of the Department of the Navy;

3 “(4) carrying out the functions of the Department  
4 of the Navy so as to fulfill (to the maximum extent  
5 practicable) the current and future operational require-  
6 ments of the unified and specified combatant com-  
7 mands;

8 “(5) effective cooperation and coordination be-  
9 tween the Department of the Navy and the other mili-  
10 tary departments and agencies of the Department of  
11 Defense to provide for more effective, efficient, and ec-  
12 onomical administration and to eliminate duplication;

13 “(6) the presentation and justification of the posi-  
14 tions of the Department of the Navy on the plans, pro-  
15 grams, and policies of the Department of Defense; and

16 “(7) the effective supervision and control of the  
17 intelligence activities of the Department of the Navy.

18 “(d) The Secretary of the Navy is also responsible for  
19 such other activities as may be prescribed by law, the Presi-  
20 dent, or the Secretary of Defense.

21 “(e) After first informing the Secretary of Defense, the  
22 Secretary of the Navy may make such recommendations to  
23 Congress relating to the Department of Defense as he consid-  
24 ers appropriate.



1 them uniform, to the extent he considers advisable, with  
2 Navy operations.

3 **“§ 5014. Office of the Secretary of the Navy**

4       “(a) There is in the Department of the Navy an Office of  
5 the Secretary of the Navy to assist the Secretary in carrying  
6 out his responsibilities.

7       “(b) The Office of the Secretary of the Navy shall con-  
8 sist of the following:

9               “(1) The Under Secretary of the Navy.

10              “(2) The Assistant Secretaries of the Navy.

11              “(3) The Naval Inspector General.

12              “(4) The Chief of Naval Research.

13              “(5) The Judge Advocate General of the Navy.

14              “(6) Such other offices and officers as the Secre-  
15 tary of the Navy may establish or designate.

16       “(c) The Secretary of the Navy shall ensure that the  
17 Office of the Secretary of the Navy does not duplicate specific  
18 functions for which the Secretary has assigned responsibility  
19 to the Office of the Chief of Naval Operations or to the Head-  
20 quarters, Marine Corps.

21       “(d) The total number of military and civilian personnel  
22 assigned or detailed to permanent duty in the Office of the  
23 Secretary of the Navy may not exceed 685. However, such  
24 limitation does not apply in time of war or during a national  
25 emergency declared by Congress.



1 shall perform the duties of the Secretary until the President,  
2 under section 3347 of title 5, directs another person to per-  
3 form those duties or until the absence or disability ceases:

4           “(1) The Under Secretary of the Navy.

5           “(2) The Assistant Secretaries of the Navy in  
6 order of their length of service as such.

7           “(3) The Chief of Naval Operations.

8           “(4) The Commandant of the Marine Corps.”.

9           (2)(A) Section 5088 is redesignated as section 5018, is  
10 transferred to and made a part of chapter 503, and is inserted  
11 immediately after section 5017.

12           (B) Section 5018 (as redesignated by subparagraph (A)  
13 of this paragraph) is amended by striking out “Chief of Naval  
14 Operations” in subsections (a) and (c) and inserting in lieu  
15 thereof “Secretary of the Navy”.

16           (b) REDESIGNATION OF SECTIONS.—Sections 5150,  
17 5151, 5152, and 5153 are redesignated as sections 5019,  
18 5020, 5021, and 5022, respectively, are transferred to and  
19 made a part of chapter 503, and are inserted in numerical  
20 sequence immediately after section 5018 (as redesignated by  
21 subsection (a)(2) of this section).

22           (c) TECHNICAL AND CONFORMING AMENDMENTS.—(1)  
23 Section 5021 (as redesignated by subsection (b) of this sec-  
24 tion) is amended by striking out “section 5151” in subsection  
25 (a) and inserting in lieu thereof “section 5020”.

1       (2) Subsection (c) of section 5022 (as redesignated by  
2 subsection (b) of this section) is amended by striking out  
3 “claim proceeding” and inserting in lieu thereof “claim, pro-  
4 ceeding,”.

5       (3) Chapters 505 and 507 are repealed.

6       (4) The tables of chapters at the beginning of subtitle C  
7 and the beginning of part I of such subtitle are each amended  
8 by striking out the items relating to chapters 505 and 507.

9       (5) The table of sections at the beginning of chapter 503  
10 is amended to read as follows:

“Sec.

“5011. Organization.

“5012. Department of the Navy: seal.

“5013. Secretary of the Navy: appointment; powers and duties; delegation author-  
ity.

“5013a. Secretary of the Navy: powers with respect to Coast Guard.

“5014. Office of the Secretary of the Navy.

“5015. Under Secretary of the Navy: appointment; powers and duties.

“5016. Assistant Secretaries of the Navy: appointment; powers and duties.

“5017. Secretary of the Navy: successors to duties.

“5018. Naval Inspector General: detail; duties.

“5019. Office of Naval Research: Chief; appointment, term, emoluments; Assistant  
Chief; succession to duties.

“5020. Office of Naval Research: duties.

“5021. Office of Naval Research: appropriations; time limit.

“5022. Naval Research Advisory Committee.”.

11       (6) Chapter 513 is amended—

12               (A) by striking out the chapter heading and insert-  
13               ing in lieu thereof the following:

14               **“CHAPTER 513—BUREAUS; OFFICE OF THE**  
15               **JUDGE ADVOCATE GENERAL”;**

16               (B) in the table of sections at the beginning of  
17               such chapter—

1 (i) by striking out the items relating to sec-  
2 tions 5150, 5151, 5152, and 5153; and

3 (ii) by redesignating the item relating to sec-  
4 tion 5155 as 5150; and

5 (C) by redesignating section 5155 as section  
6 5150.

7 (7) The tables of chapters at the beginning of subtitle C  
8 and at the beginning of part I of such subtitle are each  
9 amended by striking out the item relating to chapter 513 and  
10 inserting in lieu thereof the following:

“513. Bureaus; Office of the Judge Advocate General..... 513”.

11 (8) Chapter 661 is amended—

12 (A) by redesignating sections 7861 and 7862 as  
13 sections 7862 and 7863, respectively; and

14 (B) by striking out the table of sections at the be-  
15 ginning of such chapter and inserting in lieu thereof  
16 the following:

“Sec.

“7861. Custody of departmental records and property.

“7862. Accounts of paymasters of lost or captured naval vessels.

“7863. Disbursements by order of commanding officer.

17 “§ 7861. Custody of departmental records and property

18 “The Secretary of the Navy has custody and charge of  
19 all books, records, papers, furniture, fixtures, and other prop-  
20 erty under the lawful control of the executive part of the  
21 Department of the Navy.”.

1 (d) **EFFECTIVE DATE.**—The limitation prescribed in  
 2 section 5014(d) of title 10, United States Code (as amended  
 3 by subsection (a)(1) of this section), shall be effective after  
 4 September 30, 1988.

5 **SEC. 302. OFFICE OF THE CHIEF OF NAVAL OPERATIONS**

6 (a) **IN GENERAL.**—Part I of subtitle C is amended—

7 (1) by striking out chapter 509; and

8 (2) by inserting after chapter 503 the following  
 9 new chapter:

10 **“CHAPTER 505—OFFICE OF THE CHIEF OF**  
 11 **NAVAL OPERATIONS**

“Sec.

“5031. Office of the Chief of Naval Operations.

“5032. Office of the Chief of Naval Operations: general duties.

“5033. Chief of Naval Operations: appointment; term of office; powers and duties.

“5034. Chief of Naval Operations: retirement.

“5035. Vice Chief of Naval Operations: appointment; powers and duties; succession  
 to duties of Chief of Naval Operations.

“5036. Deputy Chiefs of Naval Operations: detail; duties.

“5037. Assistant Chiefs of Naval Operations: detail; duties.

12 **“§ 5031. Office of the Chief of Naval Operations**

13 “(a) There is in the executive part of the Department of  
 14 the Navy an Office of the Chief of Naval Operations to assist  
 15 the Secretary of the Navy in carrying out his responsibilities.

16 “(b) The Office of the Chief of Naval Operations shall  
 17 consist of the following:

18 “(1) The Chief of Naval Operations.

19 “(2) The Vice Chief of Naval Operations.

1           “(3) Not more than four Deputy Chiefs of Naval  
2           Operations, as prescribed by the Secretary of the  
3           Navy.

4           “(4) Not more than three Assistant Chiefs of  
5           Naval Operations, as prescribed by the Secretary.

6           “(5) The Surgeon General of the Navy.

7           “(6) The Chief of Naval Personnel.

8           “(7) The Chief of Chaplains of the Navy.

9           “(8) Other members of the Navy and Marine  
10          Corps assigned or detailed to the Office of the Chief of  
11          Naval Operations.

12          “(9) Civilians in the Department of the Navy as-  
13          signed or detailed to the Office of the Chief of Naval  
14          Operations.

15          “(c) Except as otherwise specifically prescribed by law,  
16          the Office of the Chief of Naval Operations shall be organized  
17          in such manner, and its members shall perform such duties  
18          and have such titles, as the Secretary may prescribe.

19          “(d)(1) The total number of military and civilian person-  
20          nel assigned or detailed to permanent duty in the Office of  
21          the Chief of Naval Operations may not exceed 1,725. Such  
22          limitation does not apply in time of war or during a national  
23          emergency declared by Congress.

24          “(2) Not more than 1,300 officers of the Navy and  
25          Marine Corps may be assigned or detailed to permanent duty

1 in the Office of the Chief of Naval Operations. However,  
2 such limitation does not apply in time of war or during a  
3 national emergency declared by Congress, or whenever the  
4 President finds that it is in the national interest to increase  
5 the number of officers in the Office of the Chief of Naval  
6 Operations.

7 **“§ 5032. Office of the Chief of Naval Operations: general**  
8 **duties**

9 “(a) The Office of the Chief of Naval Operations shall  
10 furnish professional assistance to the Secretary, the Under  
11 Secretary, and the Assistant Secretaries of the Navy, and the  
12 Chief of Naval Operations.

13 “(b) Under the authority, direction, and control of the  
14 Secretary of the Navy, the Office of the Chief of Naval Oper-  
15 ations shall—

16 “(1) prepare for such employment of the Navy,  
17 and for such recruiting, organizing, supplying, equip-  
18 ping (including research and development), training,  
19 servicing, mobilizing, demobilizing, administering, and  
20 maintaining of the Navy, as will assist in the execution  
21 of any power, duty, or function of the Secretary or the  
22 Chief of Naval Operations;

23 “(2) investigate and report upon the efficiency of  
24 the Navy and its preparation to support military oper-  
25 ations by combatant commands;

1           “(3) prepare detailed instructions for the execution  
2           of approved plans and supervise the execution of those  
3           plans and instructions;

4           “(4) act as agent of the Secretary and the Chief  
5           of Naval Operations in coordinating the actions of all  
6           organizations of the Navy; and

7           “(5) perform such other duties, not otherwise as-  
8           signed by law, as may be prescribed by the Secretary.

9   **“§ 5033. Chief of Naval Operations: appointment; term of**  
10           **office; powers and duties**

11           “(a) There is a Chief of Naval Operations appointed by  
12           the President, by and with the advice and consent of the  
13           Senate. The Chief of Naval Operations shall be appointed for  
14           a term of four years, from officers on the active-duty list in  
15           the line of the Navy who are eligible to command at sea and  
16           who hold the grade of rear admiral or above. He serves at  
17           the pleasure of the President. In time of war or during a  
18           national emergency declared by Congress, he may be reap-  
19           pointed for a term of not more than four years.

20           “(b) The Chief of Naval Operations, while so serving,  
21           has the grade of admiral without vacating his regular or re-  
22           serve grade. In the performance of his duties within the De-  
23           partment of the Navy, the Chief of Naval Operations takes  
24           precedence above all other officers of the naval service.

1       “(c) Except as otherwise prescribed by law and subject  
2 to section 5013(f) of this title, the Chief of Naval Operations  
3 performs his duties under the authority, direction, and control  
4 of the Secretary of the Navy and is directly responsible to the  
5 Secretary.

6       “(d) Subject to the authority, direction, and control of  
7 the Secretary of the Navy, the Chief of Naval Operations  
8 shall—

9               “(1) preside over the Office of the Chief of Naval  
10 Operations;

11               “(2) transmit the plans and recommendations of  
12 the Office of the Chief of Naval Operations to the Sec-  
13 retary and advise the Secretary with regard to such  
14 plans and recommendations;

15               “(3) after approval of the plans or recommenda-  
16 tions of the Office of the Chief of Naval Operations by  
17 the Secretary, act as the agent of the Secretary in car-  
18 rying them into effect;

19               “(4) exercise supervision, consistent with the full  
20 operational command vested in unified or specified  
21 combatant commanders under chapter 6 of this title,  
22 over such of the members and organizations of the  
23 Navy and the Marine Corps as the Secretary deter-  
24 mines;

1           “(5) perform the duties prescribed for him by sec-  
2           tion 171 of this title and other provisions of law;

3           “(6) keep the Secretary fully informed on matters  
4           considered or acted upon by the Joint Chiefs of Staff;  
5           and

6           “(7) perform such other military duties, not other-  
7           wise assigned by law, as are assigned to him by the  
8           President, the Secretary of Defense, or the Secretary  
9           of the Navy.

10          “(e) The Chief of Naval Operations shall also perform  
11          the duties prescribed for him as a member of the Joint Chiefs  
12          of Staff under section 151 of this title.

13          **“§ 5034. Chief of Naval Operations: retirement**

14          “An officer who is retired while serving as Chief of  
15          Naval Operations, or who, after serving at least two and one-  
16          half years as Chief of Naval Operations, is retired after com-  
17          pletion of that service while serving in a lower grade than  
18          admiral, may, in the discretion of the President, be retired  
19          with the grade of admiral. The retired pay of such an officer  
20          shall be computed at the highest rates of basic pay applicable  
21          to him while he served in that office.

1 **“§ 5035. Vice Chief of Naval Operations: appointment;**  
2 **powers and duties; succession to duties of**  
3 **Chief of Naval Operations**

4       “(a) There is a Vice Chief of Naval Operations appoint-  
5 ed by the President, by and with the advice and consent of  
6 the Senate, from officers on the active-duty list in the line of  
7 the Navy serving in grades above captain and eligible to  
8 command at sea.

9       “(b) The Vice Chief of Naval Operations, while so serv-  
10 ing, has the grade of admiral without vacating his regular or  
11 reserve grade.

12       “(c) The Vice Chief of Naval Operations has such au-  
13 thority and duties with respect to the Department of the  
14 Navy as the Chief of Naval Operations, with the approval of  
15 the Secretary of the Navy, may delegate to or prescribe for  
16 him. Orders issued by the Vice Chief of Naval Operations in  
17 performing such duties have the same effect as those issued  
18 by the Chief of Naval Operations.

19       “(d) When there is a vacancy in the office of Chief of  
20 Naval Operations or during the absence or disability of the  
21 Chief of Naval Operations—

22               “(1) the Vice Chief of Naval Operations shall per-  
23 form the duties of the Chief of Naval Operations until  
24 a successor is appointed or the absence or disability  
25 ceases; or

1           “(2) if there is a vacancy in the office of the Vice  
2 Chief of Naval Operations or the Vice Chief of Naval  
3 Operations is absent or disabled, unless the President  
4 directs otherwise, the most senior officer in the Office  
5 of the Chief of Naval Operations who is not absent or  
6 disabled and who is not restricted in performance of  
7 duty shall perform the duties of the Chief of Naval Op-  
8 erations until a successor to the Chief of Naval Oper-  
9 ations or the Vice Chief of Naval Operations is ap-  
10 pointed or until the absence or disability of the Chief of  
11 Naval Operations or Vice Chief of Naval Operations  
12 ceases, whichever occurs first.

13 **“§ 5036. Deputy Chiefs of Naval Operations: detail; duties**

14           “(a) There are in the Office of the Chief of Naval Oper-  
15 ations not more than four Deputy Chiefs of Naval Oper-  
16 ations, detailed by the Secretary of the Navy from officers on  
17 the active-duty list in the line of the Navy serving in grades  
18 above captain.

19           “(b) The Deputy Chiefs of Naval Operations are  
20 charged, under the direction of the Chief of Naval Oper-  
21 ations, with the execution of the functions of their respective  
22 divisions. Orders issued by the Deputy Chiefs of Naval Oper-  
23 ations in performing the duties assigned them are considered  
24 as coming from the Chief of Naval Operations.



“5203. Commandant of the Marine Corps: appointment; term of office; powers and duties.

“5204. Assistant Commandant of the Marine Corps: appointment; powers and duties; succession to duties of Commandant.

1 **“§ 5201. Headquarters, Marine Corps**

2       “(a) There is in the executive part of the Department of  
3 the Navy a Headquarters, Marine Corps, to assist the Secre-  
4 tary of the Navy in carrying out his responsibilities.

5       “(b) The Headquarters, Marine Corps, shall consist of  
6 the following:

7               “(1) The Commandant of the Marine Corps.

8               “(2) The Assistant Commandant of the Marine  
9 Corps.

10              “(3) The Chief of Staff of the Marine Corps.

11              “(4) Not more than four Deputy Chiefs of Staff,  
12 as prescribed by the Secretary of the Navy.

13              “(5) Not more than three Assistant Chiefs of  
14 Staff, as prescribed by the Secretary of the Navy.

15              “(6) Other members of the Navy and Marine  
16 Corps assigned or detailed to the Headquarters, Marine  
17 Corps.

18              “(7) Civilians in the Department of the Navy as-  
19 signed or detailed to the Headquarters, Marine Corps.

20       “(c) Except as otherwise specifically prescribed by law,  
21 the Headquarters, Marine Corps, shall be organized in such  
22 manner, and its members shall perform such duties and have  
23 such titles, as the Secretary of the Navy may prescribe.

1           “(d)(1) The total number of military and civilian person-  
2 nel assigned or detailed to permanent duty in the Headquar-  
3 ters, Marine Corps, shall not exceed 428. Such limitation  
4 does not apply in time of war or during a national emergency  
5 declared by Congress.

6           “(2) Not more than 325 officers of the Marine Corps  
7 and Navy may be assigned or detailed to permanent duty in  
8 the Headquarters, Marine Corps. However, such limitation  
9 does not apply in time of war or during a national emergency  
10 declared by Congress, or whenever the President finds that it  
11 is in the national interest to increase the number of officers in  
12 the Headquarters, Marine Corps.

13 **“§ 5202. Headquarters, Marine Corps: general duties**

14           “(a) The Headquarters, Marine Corps, shall furnish pro-  
15 fessional assistance to the Secretary, the Under Secretary,  
16 and the Assistant Secretaries of the Navy, and the Comman-  
17 dant of the Marine Corps.

18           “(b) Under the authority, direction, and control of the  
19 Secretary of the Navy, the Headquarters, Marine Corps,  
20 shall—

21                   “(1) prepare for such employment of the Marine  
22 Corps, and for such recruiting, organizing, supplying,  
23 equipping (including research and development), train-  
24 ing, servicing, mobilizing, demobilizing, administering,  
25 and maintaining of the Marine Corps, as will assist in

1 the execution of any power, duty, or function of the  
2 Secretary or the Commandant;

3 “(2) investigate and report upon the efficiency of  
4 the Marine Corps and its preparation to support mili-  
5 tary operations by combatant commanders;

6 “(3) prepare detailed instructions for the execution  
7 of approved plans and supervise the execution of those  
8 plans and instructions;

9 “(4) act as agent of the Secretary and the Com-  
10 mandant in coordinating the action of all organizations  
11 of the Marine Corps; and

12 “(5) perform such other duties, not otherwise as-  
13 signed by law, as may be prescribed by the Secretary.

14 **“§ 5203. Commandant of the Marine Corps: appointment;**  
15 **term of office; powers and duties**

16 “(a) There is a Commandant of the Marine Corps ap-  
17 pointed by the President by and with the advice and consent  
18 of the Senate. The Commandant shall be appointed for a  
19 term of four years from officers on the active-duty list of the  
20 Marine Corps not below the grade of colonel. He serves at  
21 the pleasure of the President. In time of war or during a  
22 national emergency declared by Congress, he may be reap-  
23 pointed for a term of not more than four years.

1       “(b) The Commandant of the Marine Corps, while so  
2 serving, has the grade of general without vacating his regular  
3 or reserve grade.

4       “(c) An officer who is retired while serving as Comman-  
5 dant of the Marine Corps, or who, after serving at least two  
6 and one-half years as Commandant, is retired after comple-  
7 tion of that service while serving in a lower grade than gen-  
8 eral, may, in the discretion of the President, be retired with  
9 the grade of general. The retired pay of such an officer shall  
10 be computed at the highest rates of basic pay applicable to  
11 him while he served in that office.

12       “(d) Except as otherwise prescribed by law and subject  
13 to section 5013(f) of this title, the Commandant performs his  
14 duties under the authority, direction, and control of the Sec-  
15 retary of the Navy and is directly responsible to the Secre-  
16 tary.

17       “(e) Subject to the authority, direction, and control of  
18 the Secretary of the Navy, the Commandant shall—

19               “(1) preside over the Headquarters, Marine Corps;

20               “(2) transmit the plans and recommendations of  
21 the Headquarters, Marine Corps, to the Secretary, and  
22 advise the Secretary with regard to such plans and  
23 recommendations;

24               “(3) after approval of the plans and recommenda-  
25 tions of the Headquarters, Marine Corps, by the Secre-

1 tary, act as the agent of the Secretary in carrying  
2 them into effect;

3 “(4) exercise supervision, consistent with the full  
4 operational command vested in unified or specified  
5 combatant commanders under chapter 6 of this title,  
6 over such of the members and organizations of the  
7 Marine Corps and the Navy as the Secretary deter-  
8 mines;

9 “(5) perform the duties prescribed for him by sec-  
10 tion 171 of this title and other provisions of law;

11 “(6) keep the Secretary fully informed on matters  
12 considered or acted upon by the Joint Chiefs of Staff;  
13 and

14 “(7) perform such other military duties, not other-  
15 wise assigned by law, as are assigned to him by the  
16 President, the Secretary of Defense, or the Secretary  
17 of the Navy.

18 “(f) The Commandant shall also perform the duties pre-  
19 scribed for him as a member of the Joint Chiefs of Staff under  
20 section 151 of this title.

21 **“§ 5204. Assistant Commandant of the Marine Corps: ap-  
22 pointment; powers and duties; succession to  
23 duties of Commandant**

24 “(a) There is an Assistant Commandant of the Marine  
25 Corps appointed by the President, by and with the advice and

1 consent of the Senate, from officers on the active-duty list of  
2 the Marine Corps not restricted in the performance of duty.

3       “(b) The Assistant Commandant of the Marine Corps,  
4 while so serving, has the grade of general without vacating  
5 his regular or reserve grade.

6       “(c) The Assistant Commandant has such authority and  
7 duties with respect to the Marine Corps as the Commandant,  
8 with the approval of the Secretary of the Navy, may delegate  
9 to or prescribe for him. Orders issued by the Assistant Com-  
10 mandant in performing such duties have the same effect as  
11 those issued by the Commandant.

12       “(d) When there is a vacancy in the office of Comman-  
13 dant of the Marine Corps, or during the absence or disability  
14 of the Commandant—

15               “(1) the Assistant Commandant of the Marine  
16 Corps shall perform the duties of the Commandant  
17 until a successor is appointed or the absence or disabil-  
18 ity ceases; or

19               “(2) if there is a vacancy in the office of the As-  
20 sistant Commandant of the Marine Corps or the Assist-  
21 ant Commandant is absent or disabled, unless the  
22 President directs otherwise, the most senior officer of  
23 the Marine Corps in the Headquarters, Marine Corps,  
24 who is not absent or disabled and who is not restricted  
25 in performance of duty shall perform the duties of the

1       Commandant until a successor to the Commandant or  
 2       the Assistant Commandant is appointed or until the ab-  
 3       sence or disability of the Commandant or Assistant  
 4       Commandant ceases, whichever occurs first.”.

5       (b) CONFORMING AMENDMENTS.—The tables of chap-  
 6       ters at the beginning of subtitle C and at the beginning of  
 7       part I of such subtitle are each amended by striking out the  
 8       item relating to chapter 515 and inserting in lieu thereof the  
 9       following:

“515. Headquarters, Marine Corps ..... 5201”.

10       (c) EFFECTIVE DATE.—The limitations provided for in  
 11       section 5201(d) of title 10, United States Code (as amended  
 12       by subsection (a) of this section), shall be effective after Sep-  
 13       tember 30, 1988.

14       **SEC. 304. COMPOSITION OF THE DEPARTMENT OF THE NAVY**

15       (a) IN GENERAL.—Part I of subtitle C is amended by  
 16       inserting after chapter 515 the following new chapter:

17       **“CHAPTER 518—COMPOSITION OF THE**  
 18       **DEPARTMENT OF THE NAVY**

“Sec.

“5241. Department of the Navy: composition.

“5242. United States Navy: composition; functions.

“5243. United States Marine Corps: composition; functions.

19       **“§ 5241. Department of the Navy: composition**

20       “The Department of the Navy is composed of the fol-  
 21       lowing:

22       “(1) The Office of the Secretary of the Navy.

1           “(2) The Office of the Chief of Naval Operations.

2           “(3) The Headquarters, Marine Corps.

3           “(4) The entire operating forces, including naval  
4           aviation, of the United States Navy and of the United  
5           States Marine Corps, and the reserve components of  
6           those operating forces.

7           “(5) All field activities, headquarters, forces,  
8           bases, installations, activities, and functions under the  
9           control or supervision of the Secretary of the Navy.

10          “(6) The United States Coast Guard when it is  
11          operating as a service in the Navy.

12   **“§ 5242. United States Navy: composition; functions**

13          “(a) The Navy, within the Department of the Navy, in-  
14          cludes, in general, naval combat and service forces and such  
15          aviation as may be organic therein. The Navy shall be orga-  
16          nized, trained, and equipped primarily for prompt and sus-  
17          tained combat incident to operations at sea. It is responsible  
18          for the preparation of naval forces necessary for the effective  
19          prosecution of war except as otherwise assigned and is gener-  
20          ally responsible for naval reconnaissance, antisubmarine war-  
21          fare, and protection of shipping.

22          “(b) All naval aviation shall be integrated with the naval  
23          service as part thereof within the Department of the Navy.  
24          Naval aviation consists of combat and service and training  
25          forces, and includes land-based naval aviation, air transport

1 essential for naval operations, all air weapons and air tech-  
2 niques involved in the operations and activities of the Navy,  
3 and the entire remainder of the aeronautical organization of  
4 the Navy, together with the personnel necessary therefor.

5       “(c) The Navy shall develop aircraft, weapons, tactics,  
6 technique, organization, and equipment of naval combat and  
7 service elements. Matters of joint concern as to these func-  
8 tions shall be coordinated between the Army, the Air Force,  
9 and the Navy.

10       “(d) The Navy is responsible, in accordance with inte-  
11 grated joint mobilization plans, for the expansion of the  
12 peacetime components of the Navy to meet the needs of war.

13 **“§ 5243. United States Marine Corps: composition;**  
14 **functions**

15       “(a) The Marine Corps, within the Department of the  
16 Navy, shall be so organized as to include not less than three  
17 combat divisions and three air wings, and such other land  
18 combat, aviation, and other services as may be organic there-  
19 in. The Marine Corps shall be organized, trained, and  
20 equipped to provide fleet marine forces of combined arms,  
21 together with supporting air components, for service with the  
22 fleet in the seizure or defense of advanced naval bases and for  
23 the conduct of such land operations as may be essential to the  
24 prosecution of a naval campaign. In addition, the Marine  
25 Corps shall provide detachments and organizations for serv-

1 ice on armed vessels of the Navy, shall provide security de-  
 2 tachments for the protection of naval property at naval sta-  
 3 tions and bases, and shall perform such other duties as the  
 4 President may direct. However, these additional duties may  
 5 not detract from or interfere with the operations for which  
 6 the Marine Corps is primarily organized.

7       “(b) The Marine Corps shall develop, in coordination  
 8 with the Army and the Air Force, those phases of amphibious  
 9 operations that pertain to the tactics, technique, and equip-  
 10 ment used by landing forces.

11       “(c) The Marine Corps is responsible, in accordance  
 12 with integrated joint mobilization plans, for the expansion of  
 13 peacetime components of the Marine Corps to meet the needs  
 14 of war.”.

15       (b) CONFORMING AMENDMENTS.—The tables of chap-  
 16 ters at the beginning of subtitle C and at the beginning of  
 17 part I of such subtitle are each amended by inserting after  
 18 the item relating to chapter 515 the following new item:

“518. Composition of the Department of the Navy..... 5241”.

19                                   **TITLE IV—AIR FORCE**

20       **SEC. 401. DEPARTMENT OF THE AIR FORCE**

21       (a) IN GENERAL.—(1) Chapter 803 is amended by  
 22 striking out sections 8012, 8013, and 8014 and inserting in  
 23 lieu thereof the following:

1 **“§ 8013. Secretary of the Air Force: appointment; powers**  
2 **and duties; delegation authority**

3 **“(a) There is a Secretary of the Air Force appointed**  
4 **from civilian life by the President, by and with the advice and**  
5 **consent of the Senate. The Secretary is the head of the De-**  
6 **partment of the Air Force. A person may not be appointed as**  
7 **Secretary of the Air Force within five years after relief from**  
8 **active duty as a commissioned officer of a regular component**  
9 **of an armed force.**

10 **“(b) Subject to the authority, direction, and control of**  
11 **the Secretary of Defense and the provisions of chapter 6 of**  
12 **this title, the Secretary of the Air Force is responsible for**  
13 **and has the authority necessary to conduct all affairs of the**  
14 **Department of the Air Force, including the following:**

15 **“(1) Recruiting.**

16 **“(2) Organizing.**

17 **“(3) Supplying.**

18 **“(4) Equipping (including research and develop-**  
19 **ment).**

20 **“(5) Training.**

21 **“(6) Servicing.**

22 **“(7) Mobilizing.**

23 **“(8) Demobilizing.**

24 **“(9) Administering.**

25 **“(10) Maintaining.**

1           “(11) The construction, maintenance, and repair  
2 of buildings, structures, and utilities and the acquisition  
3 of real property and interests therein necessary to  
4 carry out the responsibilities specified in clauses (1)  
5 through (10).

6           “(c) Subject to the authority, direction, and control of  
7 the Secretary of Defense, the Secretary of the Air Force is  
8 also responsible to the Secretary of Defense for—

9           “(1) the functioning and efficiency of the Depart-  
10 ment of the Air Force;

11           “(2) the formulation of policies and programs by  
12 the Department of the Air Force that are fully consist-  
13 ent with national security objectives and policies estab-  
14 lished by the President or the Secretary of Defense;

15           “(3) the effective and timely implementation of  
16 policy, program, and budget decisions and instructions  
17 of the President or the Secretary of Defense relating to  
18 the functions of the Department of the Air Force;

19           “(4) carrying out the functions of the Department  
20 of the Air Force so as to fulfill (to the maximum extent  
21 practicable) the current and future operational require-  
22 ments of the unified and specified combatant com-  
23 mands;

24           “(5) effective cooperation and coordination be-  
25 tween the Department of the Air Force and the other

1 military departments and agencies of the Department  
2 of Defense to provide for more effective, efficient, and  
3 economical administration and to eliminate duplication;

4 “(6) the presentation and justification of the posi-  
5 tions of the Department of the Air Force on the plans,  
6 programs, and policies of the Department of Defense;  
7 and

8 “(7) the effective supervision and control of the  
9 intelligence activities of the Department of the Air  
10 Force.

11 “(d) The Secretary of the Air Force is also responsible  
12 for such other activities as may be prescribed by law, the  
13 President, or the Secretary of Defense.

14 “(e) After first informing the Secretary of Defense, the  
15 Secretary of the Air Force may make such recommendations  
16 to Congress relating to the Department of Defense as he con-  
17 siders appropriate.

18 “(f) The Secretary of the Air Force may assign such of  
19 his functions, powers, and duties as he considers appropriate  
20 to the Under Secretary of the Air Force and to the Assistant  
21 Secretaries of the Air Force. Officers of the Air Force shall,  
22 as directed by the Secretary, report on any matter to the  
23 Secretary, the Under Secretary, or any Assistant Secretary.

1           “(g) The Secretary may assign, detail, and prescribe the  
2 duties of members of the Air Force and civilian personnel of  
3 the Department of the Air Force.

4           “(h) The Secretary may change the title of any officer  
5 or activity of the Department of the Air Force not prescribed  
6 by law.

7           “(i) The Secretary may prescribe regulations to carry  
8 out his functions, powers, and duties under this title.

9           **“§ 8014. Office of the Secretary of the Air Force**

10           “(a) There is in the Department of the Air Force an  
11 Office of the Secretary of the Air Force to assist the Secre-  
12 tary in carrying out his responsibilities.

13           “(b) The Office of the Secretary of the Air Force shall  
14 consist of the following:

15                   “(1) The Under Secretary of the Air Force.

16                   “(2) The Assistant Secretaries of the Air Force.

17                   “(3) The Inspector General of the Air Force.

18                   “(4) The Air Reserve Forces Policy Committee.

19                   “(5) Such other offices and officers as the Secre-  
20 tary of the Air Force may establish or designate.

21           “(c) The Secretary of the Air Force shall ensure that  
22 the Office of the Secretary of the Air Force does not dupli-  
23 cate specific functions for which the Secretary has assigned  
24 responsibility to the Air Staff.



1 vision of manpower and reserve component affairs of the De-  
2 partment of the Air Force.”.

3 (2) Section 8017 is amended—

4 (A) by striking out “(a)” at the beginning of such  
5 section; and

6 (B) by striking out subsection (b).

7 (3) Chapter 803 is further amended by striking out sec-  
8 tion 8019.

9 (4) Chapter 803 is further amended by inserting after  
10 section 8017 the following new section:

11 **“§ 8018. Inspector General of the Air Force: detail; duties**

12 “(a) There is in the Office of the Secretary of the Air  
13 Force an Inspector General of the Air Force who shall be  
14 detailed to such position by the Secretary of the Air Force  
15 from general officers of the Air Force. An officer may not be  
16 detailed to such position for a tour of duty of not more than  
17 four years, except that the Secretary may extend such a tour  
18 of duty if he makes a special finding that the extension is  
19 necessary in the public interest.

20 “(b) The Inspector General, when directed by the Sec-  
21 retary or the Chief of Staff, shall inquire into and report upon  
22 the discipline, efficiency, and economy of the Air Force and  
23 shall perform any other duties prescribed by the Secretary or  
24 by the Chief of Staff.

1       “(c) The Inspector General shall periodically propose  
2 programs of inspections to the Secretary of the Air Force and  
3 shall recommend additional inspections and investigations as  
4 may appear appropriate.

5       “(d) The Inspector General shall have such deputies and  
6 assistants as the Secretary of the Air Force may prescribe.  
7 Each such deputy and assistant shall be an officer detailed by  
8 the Secretary to that position from the officers of the Air  
9 Force for a tour of duty of not more than four years, under a  
10 procedure prescribed by the Secretary.”.

11       (5)(A) Section 8033 is redesignated as section 8019, is  
12 transferred to and made a part of chapter 803, and is inserted  
13 immediately after section 8018.

14       (B) Section 8019 (as redesignated by subparagraph (A))  
15 is amended—

16           (i) in subsection (a)—

17               (I) by inserting “and the mobilization pre-  
18 paredness” after “reserve components”; and

19               (II) by striking out “Chief of Staff, and the  
20 Assistant Secretary responsible for reserve af-  
21 fairs” and inserting in lieu thereof “Secretary of  
22 the Air Force and the Chief of Staff”;

23           (ii) in subsection (b), by inserting “and” after the  
24 semicolon in clause (2); and

1 (iii) by striking out the section heading and insert-  
2 ing in lieu thereof the following:

3 **“§ 8019. Reserve components of Air Force: policies and**  
4 **regulations for government of; functions of**  
5 **National Guard Bureau with respect to Air**  
6 **National Guard”.**

7 (b) **CONFORMING AMENDMENTS.**—(1) Such chapter is  
8 further amended by redesignating sections 8010 and 8011 as  
9 sections 8011 and 8012, respectively.

10 (2) The table of sections at the beginning of such chap-  
11 ter is amended to read as follows:

“Sec.

“8011. Organization.

“8012. Department of the Air Force: seal.

“8013. Secretary of the Air Force: appointment; powers and duties; delegation au-  
thority.

“8014. Office of the Secretary of the Air Force.

“8015. Under Secretary of the Air Force: appointment; powers and duties.

“8016. Assistant Secretaries of the Air Force: appointment; powers and duties.

“8017. Secretary of the Air Force: successors to duties.

“8018. Inspector General of the Air Force: detail; duties.

“8019. Reserve components of Air Force: policies and regulations for government  
of; functions of National Guard Bureau with respect to Air Na-  
tional Guard.”.

12 (c) **EFFECTIVE DATE.**—The limitation provided for in  
13 section 8014(d) of title 10, United States Code (as amended  
14 by subsection (a)(1) of this section), shall be effective after  
15 September 30, 1988.

16 **SEC. 402. THE AIR STAFF.**

17 (a) **COMPOSITION OF THE AIR STAFF.**—Section 8031  
18 is amended to read as follows:

1 **“§ 8031. The Air Staff: composition; assignment and detail**  
2 **of members of Air Force and civilians**

3 “(a) There is in the executive part of the Department of  
4 the Air Force an Air Staff to assist the Secretary of the Air  
5 Force in carrying out his responsibilities.

6 “(b) The Air Staff shall consist of the following:

7 “(1) The Chief of Staff.

8 “(2) The Vice Chief of Staff.

9 “(3) Not more than four Deputy Chiefs of Staff,  
10 as prescribed by the Secretary of the Air Force.

11 “(4) Not more than three Assistant Chiefs of  
12 Staff, as prescribed by the Secretary.

13 “(5) The Surgeon General of the Air Force.

14 “(6) The Judge Advocate General of the Air  
15 Force.

16 “(7) The Chief of the Air Force Reserve.

17 “(8) Other members of the Air Force assigned or  
18 detailed to the Air Staff.

19 “(9) Civilians in the Department of the Air Force  
20 assigned or detailed to the Air Staff.

21 “(c) Except as otherwise specifically prescribed by law,  
22 the Air Staff shall be organized in such manner, and its mem-  
23 bers shall perform such duties and have such titles, as the  
24 Secretary may prescribe.

25 “(d)(1) The total number of military and civilian person-  
26 nel assigned or detailed to permanent duty to the Air Staff

1 may not exceed 2,354. Such limitation does not apply in time  
2 of war or during a national emergency declared by Congress.

3       “(2) Not more than 1,575 officers of the Air Force may  
4 be assigned or detailed to permanent duty in the Office of the  
5 Secretary of the Air Force and the Air Staff. However, such  
6 limitation does not apply in time of war or during a national  
7 emergency declared by Congress, or whenever the President  
8 finds that it is in the national interest to increase the number  
9 of officers in the Office of the Secretary of the Air Force and  
10 the Air Staff.”.

11       (b) THE AIR STAFF: GENERAL DUTIES.—Section  
12 8032 is amended—

13           (1) in subsection (a), by inserting “of the Air  
14 Force” after “Chief of Staff”;

15           (2) in subsection (b)—

16               (A) by striking out “The” at the beginning of  
17 the subsection and inserting in lieu thereof  
18 “Under the authority, direction, and control of the  
19 Secretary of the Air Force, the”;

20               (B) by striking out “, training, serving, mobi-  
21 lizing, and demobilizing” in clause (1) and insert-  
22 ing in lieu thereof “(including research and devel-  
23 opment), training, servicing, mobilizing, demobiliz-  
24 ing, administering, and maintaining”; and

1 (C) by striking out “for military operations”  
2 in clause (2) and inserting in lieu thereof “to sup-  
3 port military operations by combatant com-  
4 mands”; and

5 (3) by striking out the section heading and insert-  
6 ing in lieu thereof the following:

7 “§ 8032. **The Air Staff: general duties**”.

8 (c) **CHIEF OF STAFF**.—Section 8034 is redesignated as  
9 section 8033 and (as redesignated) is amended—

10 (1) in subsection (a)—

11 (A) by striking out “The Chief of Staff shall  
12 be” and inserting in lieu thereof “There is a Chief  
13 of Staff of the Air Force”; and

14 (B) by striking out “national emergency de-  
15 clared by the Congress after December 31, 1968”  
16 and inserting in lieu thereof “during a national  
17 emergency declared by Congress”;

18 (2) by striking out subsections (c) and (d) and in-  
19 serting in lieu thereof the following:

20 “(c) Except as otherwise prescribed by law and subject  
21 to section 8013(f) of this title, the Chief of Staff performs his  
22 duties under the authority, direction, and control of the Sec-  
23 retary of the Air Force and is directly responsible to the  
24 Secretary.

1       “(d) Subject to the authority, direction, and control of  
2 the Secretary of the Air Force, the Chief of Staff shall—

3               “(1) preside over the Air Staff;

4               “(2) transmit the plans and recommendations of  
5 the Air Staff to the Secretary and advise the Secretary  
6 with regard to such plans and recommendations;

7               “(3) after approval of the plans or recommenda-  
8 tions of the Air Staff by the Secretary, act as the  
9 agent of the Secretary in carrying them into effect;

10              “(4) exercise supervision, consistent with the full  
11 operational command vested in unified or specified  
12 combatant commanders under chapter 6 of this title,  
13 over such of the members and organizations of the Air  
14 Force as the Secretary determines;

15              “(5) perform the duties prescribed for him by sec-  
16 tion 171 of this title and other provisions of law;

17              “(6) keep the Secretary fully informed on matters  
18 considered or acted upon by the Joint Chiefs of Staff;  
19 and

20              “(7) perform such other military duties, not other-  
21 wise assigned by law, as are assigned to him by the  
22 President, the Secretary of Defense, or the Secretary  
23 of the Air Force.



1           “(1) the Vice Chief of Staff shall perform the  
2 duties of the Chief of Staff until a successor is appoint-  
3 ed or the absence or disability ceases; or

4           “(2) if there is a vacancy in the office of the Vice  
5 Chief of Staff or the Vice Chief of Staff is absent or  
6 disabled, unless the President directs otherwise, the  
7 most senior officer of the Air Force in the Air Staff  
8 who is not absent or disabled and who is not restricted  
9 in performance of duty shall perform the duties of the  
10 Chief of Staff until a successor to the Chief of Staff or  
11 the Vice Chief of Staff is appointed or until the ab-  
12 sence or disability of the Chief of Staff or Vice Chief of  
13 Staff ceases, whichever occurs first.”; and

14           (5) striking out the section heading and inserting  
15 in lieu thereof the following new heading:

16 **“§ 8034. Vice Chief of Staff: appointment; powers and  
17 duties; succession to duties of Chief of Staff”.**

18           (e) DEPUTY CHIEFS OF STAFF.—Chapter 805 is fur-  
19 ther amended by inserting after section 8034 the following  
20 new section:

21 **“§ 8035. Deputy Chiefs of Staff and Assistant Chiefs of  
22 Staff: detail**

23           “The Deputy Chiefs of Staff and the Assistant Chiefs of  
24 Staff shall be general officers detailed to those positions.”.



1       “(c) The Chief of Air Force Reserve holds office for four  
2 years, but may be removed for cause at any time. He is eligi-  
3 ble to succeed himself. If he holds a lower reserve grade, he  
4 shall be appointed in the grade of major general for service in  
5 the Air Force Reserve.”.

6       (h) CONFORMING AMENDMENTS.—(1) The table of sec-  
7 tions at the beginning of chapter 805 is amended to read as  
8 follows:

“Sec.

“8031. The Air Staff: composition; assignment and detail of members of Air Force  
and civilians.

“8032. The Air Staff: general duties.

“8033. Chief of Staff: appointment; term of office; powers and duties.

“8034. Vice Chief of Staff: appointment; powers and duties; succession to duties of  
Chief of Staff.

“8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff: detail.

“8036. Surgeon General: appointment; grade.

“8037. Judge Advocate General, Deputy Judge Advocate General: appointment;  
duties.

“8038. Office of Air Force Reserve: appointment of Chief.”.

9       (2) The section heading for section 8036 is amended by  
10 striking out the comma after “appointment” and inserting in  
11 lieu thereof a semicolon.

12       (3) The table of sections at the beginning of chapter 807  
13 is amended by striking out the item relating to section 8072.

14       (i) EFFECTIVE DATE.—The limitations provided for in  
15 section 8031(d) of title 10, United States Code (as amended  
16 by subsection (a) of this section), shall be effective after Sep-  
17 tember 30, 1988.

1 **SEC. 403. COMMANDS**

2 Section 8074(a) is amended by striking out "The" and  
3 inserting in lieu thereof "Except as otherwise prescribed by  
4 law or the Secretary of Defense, the".

5 **TITLE V—GENERAL PROVISIONS AND**  
6 **EFFECTIVE DATE**

7 **SEC. 501. REDUCTION IN PERSONNEL ASSIGNED TO MANAGE-**  
8 **MENT HEADQUARTERS ACTIVITIES**

9 (a) **IN GENERAL.**—(1) Not later than September 30,  
10 1988, the Secretary of Defense shall reduce the total number  
11 of military and civilian personnel assigned or detailed to per-  
12 manent duty in the military departments and in the unified  
13 and specified combatant commands to perform management  
14 headquarters activities or management headquarters support  
15 activities by a number that is at least 10 percent of the total  
16 number of personnel assigned or detailed to perform such ac-  
17 tivities on September 30, 1985.

18 (2) In computing and in making the reduction required  
19 under paragraph (1), the Secretary of Defense shall exclude  
20 personnel in the Office of the Secretary of the Army, the  
21 Army Staff, the Office of the Secretary of the Navy, the  
22 Office of the Chief of Naval Operations, the Headquarters,  
23 Marine Corps, the Office of the Secretary of the Air Force,  
24 and the Air Staff who are assigned or detailed to permanent  
25 duty to perform management headquarters activities or man-  
26 agement headquarters support activities.

1 (b) ALLOCATION OF REDUCTIONS TO BE MADE BY  
2 THE SECRETARY OF DEFENSE.—(1) The Secretary of De-  
3 fense shall allocate the reductions required under subsection  
4 (a) among management headquarters activities and manage-  
5 ment headquarters support activities in a manner consistent  
6 with the efficient operation of the Department of Defense.

7 (2) The Secretary shall also consolidate and eliminate  
8 unnecessary management headquarters activities and man-  
9 agement headquarters support activities.

10 (c) PROHIBITION AGAINST CERTAIN ACTIONS TO  
11 ACHIEVE REDUCTIONS.—The personnel reduction required  
12 by subsection (a) may not be accomplished by recategorizing  
13 or redefining duties, functions, offices, or organizations.

14 (d) AUTHORITY OF COMBATANT COMMANDERS WITH  
15 REGARD TO REDUCTIONS.—In the case of a reduction under  
16 this section made applicable by the Secretary of Defense to a  
17 unified or specified combatant command, the commander of  
18 that command, after consultation with the commanders of  
19 commands directly subordinated to the commander of the  
20 combatant command, shall determine the manner in which  
21 the reduction shall be accomplished.

22 (e) PROHIBITION ON FUTURE INCREASE.—After Sep-  
23 tember 30, 1988, the number of civilian and military person-  
24 nel assigned to perform activities described in subsection (a)  
25 may not be increased above a number that is 10 percent less

1 than the number of such personnel assigned or detailed to  
2 perform such activities on September 30, 1985. The limita-  
3 tion provided in this subsection shall not apply in time of war  
4 or during a national emergency declared by Congress.

5 (f) **DEFINITIONS.**—For purposes of this section, the  
6 terms “management headquarters activities” and “manage-  
7 ment headquarters support activities” have the same mean-  
8 ings prescribed for such terms in Department of Defense Di-  
9 rective 5100.73 entitled “Department of Defense Manage-  
10 ment Headquarters and Headquarters Support Activities,”  
11 dated January 7, 1985.

12 **SEC. 502. ANNUAL REPORT ON NATIONAL SECURITY**  
13 **STRATEGY**

14 (a) **REPORT REQUIREMENT.**—The President shall  
15 submit to the Committees on Armed Services and Foreign  
16 Relations of the Senate and the Committees on Armed Serv-  
17 ices and Foreign Affairs of the House of Representatives  
18 each year a comprehensive written report on the national  
19 security strategy of the United States. The President shall  
20 submit such report on the same date each year on which he  
21 submits the budget to Congress pursuant to section 1105 of  
22 title 31, United States Code.

23 (b) **CONTENTS OF REPORT.**—The report referred to in  
24 subsection (a) shall include—

1           (1) a comprehensive discussion of the vital inter-  
2           ests, goals, and objectives of the United States  
3           throughout the world;

4           (2) a coordinated and comprehensive description of  
5           the foreign policy, worldwide commitments, and nation-  
6           al defense capabilities of the United States necessary  
7           to deter aggression and to implement the national se-  
8           curity strategy of the United States;

9           (3) a discussion of the proposed short-term and  
10          long-term uses of the political, economic, military, and  
11          other elements of the national power of the United  
12          States to protect or promote the interests and achieve  
13          the goals and objectives referred to in clause (1);

14          (4) a discussion of the adequacy of the capabilities  
15          of the United States to carry out the national security  
16          strategy of the United States, including an evaluation  
17          of the balance among the capabilities of all elements of  
18          the national power of the United States to support the  
19          implementation of the national security strategy; and

20          (5) such other pertinent information as may be  
21          necessary to help inform Congress on matters relating  
22          to the overall foreign policy strategy and military strat-  
23          egy of the United States.

24          (c) The report referred to in subsection (a) shall be sub-  
25          mitted in a classified and an unclassified form.

1 SEC. 503. WAIVER OF CERTAIN REPORTING, NOTIFICATION,  
2 AND STUDY REQUIREMENTS

3 (a) IN GENERAL.—Except as provided in subsection (b),  
4 effective on January 1, 1987, any provision of law contained  
5 in title 10, United States Code, title 37, United States Code,  
6 or in any other provision of law contained in any Act author-  
7 izing appropriations to or for the Department of Defense or  
8 in any Act making appropriations to or for the Department of  
9 Defense that requires the President or any official or employ-  
10 ee of the Department of Defense to submit in writing any  
11 report, notification, or study to Congress or to any committee  
12 of Congress shall not be effective to the extent that such  
13 provision requires the submission in writing of such report,  
14 notification, or study.

15 (b) EXCEPTIONS.—Subsection (a) of this section shall  
16 not apply to any provision of law enacted on or after the date  
17 of enactment of this Act or to any provision of law that re-  
18 quires the submission of the following reports, notifications,  
19 and studies:

20 (1) The annual reports, statements, and recom-  
21 mendations required by section 133(c) of title 10,  
22 United States Code, relating to the accomplishments of  
23 the Department of Defense.

24 (2) The annual report required by section 133(e)  
25 of such title, relating to foreign policy, major military  
26 missions, and military force structure.

1           (3) The reports required by subsection (b)(5) of  
2 section 139 of such title (as redesignated by section  
3 104(6) of this Act) and the annual report required by  
4 subsection (g) of such section, relating to operational  
5 test and evaluation activities.

6           (4) The annual report required by section 142 of  
7 such title (as redesignated by section 104(1) of this  
8 Act), relating to North Atlantic Treaty Organization  
9 readiness.

10           (5) The submission of regulations required by sec-  
11 tion 196(d) of such title (as redesignated by section  
12 117(1) of this Act) and section 431(d) of title 37,  
13 United States Code, relating to certain allowances and  
14 benefits for certain Defense Intelligence Agency  
15 personnel.

16           (6) The reports required by section 1464(c) of  
17 such title, relating to the status of the Department of  
18 Defense Military Retirement Fund.

19           (7) The annual report required by section 2208(k)  
20 of such title, relating to the condition and operation of  
21 working-capital funds.

22           (8) The notifications required by section  
23 2233a(a)(1) of such title, relating to expenditures and  
24 contributions for acquisition of facilities for reserve  
25 components.

1           (9) The notifications required by section 2304(e)(7)  
2 of such title, relating to the use of procurement proce-  
3 dures other than competitive procedures.

4           (10) The notifications required by section  
5 2306(h)(3) of such title, relating to cancellation ceilings  
6 in certain multiyear contracts.

7           (11) The annual report required by section  
8 2313(d)(4) of such title, relating to subpoenas issued by  
9 the Director of the Defense Contract Audit Agency to  
10 obtain contractor records.

11           (12) The annual report required by section 2349  
12 of such title, relating to North Atlantic Treaty Organi-  
13 zation acquisition and cross-servicing agreements.

14           (13) The notifications required by section  
15 2394(b)(2) of such title, relating to contracts for energy  
16 or fuel.

17           (14) The notifications required by subsection (e)(1)  
18 of section 2403 of such title and the annual report re-  
19 quired by subsection (e)(2) of such section, relating to  
20 waivers of certain requirements for contractor  
21 guarantees.

22           (15) The annual report required by section  
23 2457(d) of such title, relating to the policy to standard-  
24 ize equipment, ammunition, and fuel procured for the

1 use of United States military forces stationed in  
2 Europe under the North Atlantic Treaty.

3 (16) The reports required by subsection (a) or (e)  
4 of section 2662 of such title and the annual report re-  
5 quired by subsection (b) of such section, relating to cer-  
6 tain real property transactions.

7 (17) The proposals referred to in section  
8 2667a(b)(1) of such title, relating to sale and replace-  
9 ment of nonexcess real property.

10 (18) The notifications required by section 2672(b)  
11 of such title, relating to acquisitions of interests in land  
12 for more than \$100,000.

13 (19) The notifications required by section 2676(d)  
14 of such title, relating to reductions in scope and in-  
15 creases in cost of a land acquisition.

16 (20) The notifications and submissions required by  
17 section 2687(b) of such title, relating to base closures  
18 and realignments.

19 (21) The annual report required by section  
20 2779(b)(4) of such title, relating to the use of funds ap-  
21 propriated for the elimination of certain losses caused  
22 by fluctuations in currency exchange rates of foreign  
23 countries.

1           (22) The reports required by section 2780 of such  
2 title (as redesignated by section 104(2) of this Act), re-  
3 lating to sales or transfers of certain defense articles.

4           (23) The reports required by section 2804(b) of  
5 such title, relating to military construction projects not  
6 authorized by law.

7           (24) The notifications required by paragraphs (2)  
8 and (3) of section 2805(b) of such title, relating to  
9 minor construction in connection with certain reloca-  
10 tions of activities from one installation to another.

11           (25) The reports required by section 2806(c)(2) of  
12 such title, relating to contributions for North Atlantic  
13 Treaty Organization Infrastructure.

14           (26) The notifications required by subsection (b) of  
15 section 2807 of such title and the reports required by  
16 subsection (c) of such section, relating to architectural  
17 and engineering services and construction design in  
18 connection with military construction or military family  
19 housing projects.

20           (27) The notifications required by section 2808(b)  
21 of such title, relating to military construction projects  
22 in the event of a declaration of war or national emer-  
23 gency.

24           (28) The justifications and economic analyses re-  
25 quired by section 2809(a)(4) of such title, relating to

1 long-term contracts for the construction, management,  
2 and operation of certain facilities.

3 (29) The notifications and justifications required  
4 by section 2823(b) of such title, relating to disagree-  
5 ments on the availability of suitable alternative housing  
6 at locations in the United States where family housing  
7 is proposed to be constructed.

8 (30) The notifications required by section 2827(b)  
9 of such title, relating to relocation of military family  
10 housing units.

11 (31) The economic analyses required by section  
12 2828(g)(6)(A) of such title, relating to leasing military  
13 family housing facilities.

14 (32) The notifications required by section 2834(b)  
15 of such title, relating to agreements with the Secretary  
16 of State for the use of Department of State housing  
17 and related services by Department of Defense per-  
18 sonnel.

19 (33) The notifications required by subsections (d)  
20 and (e) of section 2853 of such title, relating to reduc-  
21 tions in the scope of work or increases in the cost of  
22 military construction projects.

23 (34) The notifications required by section 2854(b)  
24 of such title, relating to repair, restoration, or replace-  
25 ment of damaged or destroyed military facilities.

1           (35) The annual request required by section 2859  
2 of such title, relating to military construction authori-  
3 zations.

4           (36) The annual report required by section  
5 2861(a) of such title, relating to military construction  
6 activities and military family housing activities.

7           (37) The annual report required by section  
8 2871(c)(3) of such title (as redesignated by section  
9 104(8) of this Act), relating to military and civilian  
10 personnel end strength levels, certain other manpower  
11 requirements, base structures, and certain requirements  
12 for and information on officers.

13           (38) The annual report required by section  
14 2871(d)(2) of such title (as redesignated by section  
15 104(8) of this Act), relating to average student training  
16 loads.

17           (39) The annual report required by section  
18 2871(e) of such title (as redesignated by section 104(8)  
19 of this Act), relating to operations and maintenance.

20           (40)(A) The annual and supplemental reports re-  
21 quired by section 2872 of such title (as redesignated by  
22 section 104(9) of this Act), relating to weapons devel-  
23 opment and procurement schedules, including the  
24 matter required by section 53(b) of the Arms Export

1 Control Act (95 Stat. 1524; 22 U.S.C. 2795b(b)) to be  
2 included in such annual reports.

3 (B) The notifications in lieu of such supplemental  
4 reports under subsection (b) of such section 2872.

5 (41) The Selected Acquisition Reports required by  
6 section 2873 of such title (as redesignated by section  
7 104(10) of this Act).

8 (42) The notifications required by subsection (d)(3)  
9 of section 2874 of such title (as redesignated by section  
10 104(11) of this Act) and reports required by subsection  
11 (e) of such section, relating to increases in program ac-  
12 quisition unit costs and procurement unit costs of cer-  
13 tain major defense acquisition programs.

14 (43) The statements and quarterly report required  
15 by subsections (c) and (e) of section 709 of the Depart-  
16 ment of Defense Appropriation Authorization Act,  
17 1975 (88 Stat. 408; 50 U.S.C. App. 2403-1(e)), relat-  
18 ing to the export of certain goods, technology, and in-  
19 dustrial techniques.

20 (44) The notifications required by section 1201(c)  
21 of the Department of Defense Authorization Act, 1984  
22 (Public Law 98-94; 97 Stat. 678), relating to transfers  
23 of amounts of authorizations.

24 (45) The reports and assessments required by sec-  
25 tion 1231 of the Department of Defense Authorization

1 Act, 1984 (Public Law 98-94; 97 Stat. 693), relating  
2 to certain intercontinental ballistic missile systems.

3 (46) The reports required by section 307(b)(3) of  
4 the Department of Defense Authorization Act, 1985  
5 (98 Stat. 2515; 10 U.S.C. 2304 note), relating to  
6 waivers of a prohibition on contracting out certain lo-  
7 gistics activities.

8 (47) The annual report required by section  
9 1002(d)(1) of the Department of Defense Authorization  
10 Act, 1985 (98 Stat. 2575; 22 U.S.C. 1928 note), re-  
11 lating to the supply of munitions and certain aircraft  
12 facilities in support of the North Atlantic Treaty  
13 Organization.

14 (48) The annual report required by section  
15 1002(d)(2) of the Department of Defense Authorization  
16 Act, 1985 (98 Stat. 2575; 22 U.S.C. 1928 note), re-  
17 lating to the status and cost of the United States com-  
18 mitment to the North Atlantic Treaty Organization and  
19 certain activities of other NATO members.

20 (49) The annual reports required by subsections  
21 (c) and (d) of section 1003 of the Department of De-  
22 fense Authorization Act, 1985 (98 Stat. 2576; 22  
23 U.S.C. 1928 note), relating to allied contributions to  
24 the common defense.

1           (50) The annual report required by section 1102  
2 of the Department of Defense Authorization Act, 1985  
3 (98 Stat. 2580; 10 U.S.C. 2872 note (formerly 10  
4 U.S.C. 139 note)), relating to the Strategic Defense  
5 Initiative and any other antiballistic missile defense  
6 program.

7           (51) The notifications required by section 1501(c)  
8 of the Department of Defense Authorization Act, 1985  
9 (Public Law 98-525; 98 Stat. 2626), relating to trans-  
10 fers of amounts of authorizations.

11           (52) The reports required by section 1536(g) of  
12 the Department of Defense Authorization Act, 1985  
13 (98 Stat. 2633; 46 U.S.C. 1120 note), relating to the  
14 Commission on Merchant Marine and Defense.

15           (53) The certification required by section 125(a)(1)  
16 of the Department of Defense Authorization Act, 1986  
17 (Public Law 99-145; 99 Stat. 601), relating to any  
18 new contract for the procurement of 5-ton trucks.

19           (54) The legislative environmental impact state-  
20 ment required by section 209(c) of the Department of  
21 Defense Authorization Act, 1986 (Public Law 99-145;  
22 99 Stat. 610), relating to full-scale development of a  
23 small intercontinental ballistic missile or the selection  
24 of basing areas for the deployment of such missile.

1           (55) The certification required by section 222 of  
2 the Department of Defense Authorization Act, 1986  
3 (Public Law 99-145; 99 Stat. 613), relating to termi-  
4 nation of a prohibition of deployment of a strategic de-  
5 fense system.

6           (56) The reports required by section 223 of the  
7 Department of Defense Authorization Act, 1986  
8 (Public Law 99-145; 99 Stat. 613), relating to the  
9 Strategic Defense Initiative.

10          (57) The quarterly reports required by section  
11 502(c) of the Department of Defense Authorization  
12 Act, 1986 (Public Law 99-145; 99 Stat. 621), relating  
13 to the obligation of funds appropriated for civilian  
14 personnel.

15          (58) The annual report required by section  
16 1221(d)(2) of the Department of Defense Authorization  
17 Act, 1986 (Public Law 99-145; 99 Stat. 727), relating  
18 to a research program to support the polygraph activi-  
19 ties of the Department of Defense.

20          (59) The annual reports required by section 1407  
21 of the Department of Defense Authorization Act, 1986  
22 (Public Law 99-145; 99 Stat. 745), relating to unobli-  
23 gated balances in appropriation accounts.

24          (60)(A) The certifications required by subsections  
25 (b) and (c)(2) of section 1411 of the Department of De-

1       fense Authorization Act, 1986 (Public Law 99-145; 99  
2       Stat. 745), relating to the procurement or assembly of  
3       binary chemical weapons.

4               (B) The report required by subsection (e) of such  
5       section, relating to consultations among NATO  
6       member nations concerning NATO's chemical deterrent  
7       posture.

8               (61) The annual reports required by section 704  
9       of the Military Construction Authorization Act, 1982  
10       (Public Law 97-99; 95 Stat. 1377), relating to con-  
11       tracts for construction in the United States and its  
12       possessions.

13               (62) The economic analyses required by section  
14       802(d)(1) of the Military Construction Authorization  
15       Act, 1984 (97 Stat. 784; 10 U.S.C. 2821 note), relat-  
16       ing to proposed military housing rental guarantee  
17       agreements.

18               (63) The notifications required by section  
19       803(b)(2) of the Military Construction Authorization  
20       Act, 1984 (97 Stat. 785; 10 U.S.C. 2821 note), relat-  
21       ing to waivers of a requirement to use manufactured or  
22       factory-built housing fabricated in the United States by  
23       a United States contractor for military family housing  
24       construction in foreign countries.

1           (64) The report required by section 840(d) of the  
2           **Military Construction Authorization Act, 1986 (Public**  
3           **Law 99-167; 99 Stat. 998)**, relating to the sale of  
4           land at Fort Jackson, South Carolina.

5           (65) The notifications required by the proviso in  
6           section 8005(m) of the Department of Defense Appro-  
7           priations Act, 1985 (as contained in section 101(h) of  
8           the Joint Resolution entitled “Joint Resolution making  
9           continuing appropriations for fiscal year 1985, and for  
10          other purposes”, approved October 12, 1984 (Public  
11          Law 98-473; 98 Stat. 1923)), relating to unusual cost  
12          overruns incident to overhaul, maintenance, and repair  
13          for certain ships.

14          (66) The annual report required by section  
15          8104(b) of the Department of Defense Appropriations  
16          Act, 1985 (as contained in section 101(h) of the Joint  
17          Resolution entitled “Joint Resolution making continu-  
18          ing appropriations for fiscal year 1985, and for other  
19          purposes”, approved October 12, 1984 (Public Law  
20          98-473; 98 Stat. 1942; 10 U.S.C. 2872 note (formerly  
21          10 U.S.C. 139 note))), relating to consultations with  
22          members of common defense alliances concerning Stra-  
23          tegic Defense Initiative research.

24          (67) The notifications required by section 8020 or  
25          8021 of the Department of Defense Appropriations

1 Act, 1986 (as contained in section 101(b) of the Joint  
2 Resolution entitled "Joint Resolution making further  
3 continuing appropriations for the fiscal year 1986, and  
4 for other purposes", approved December 19, 1985  
5 (Public Law 99-190; 99 Stat. 1206)), relating to  
6 transfers of working capital funds.

7 (68) The notifications required by section 8021 of  
8 the Department of Defense Appropriations Act, 1986  
9 (as contained in section 101(b) of the Joint Resolution  
10 entitled "Joint Resolution making further continuing  
11 appropriations for the fiscal year 1986, and for other  
12 purposes", approved December 19, 1985 (Public Law  
13 99-190; 99 Stat. 1206)), relating to the obligation of  
14 working capital funds to procure war reserve material  
15 inventory.

16 (69) The notifications required by section 8042 of  
17 the Department of Defense Appropriations Act, 1986  
18 (as contained in section 101(b)) of the Joint Resolution  
19 entitled "Joint Resolution making further continuing  
20 appropriations for the fiscal year 1986, and for other  
21 purposes", approved December 19, 1985 (Public Law  
22 99-190; 99 Stat. 1210), relating to the availability of  
23 appropriated funds for intelligence or special activities  
24 different from activities justified to the Congress.

1           (70) The notification required by section 8075 of  
2 the Department of Defense Appropriations Act, 1986  
3 (as contained in section 101(b) of the Joint Resolution  
4 entitled "Joint Resolution making further continuing  
5 appropriations for the fiscal year 1986, and for other  
6 purposes", approved December 19, 1985 (Public Law  
7 99-190; 99 Stat. 1214), relating to the acquisition of  
8 certain types of weapons, subsystems, and munitions of  
9 European NATO manufacture.

10           (71) The certification required by section 8097 of  
11 the Department of Defense Appropriations Act, 1986  
12 (as contained in section 101(b) of the Joint Resolution  
13 entitled "Joint Resolution making further continuing  
14 appropriations for the fiscal year 1986, and for other  
15 purposes", approved December 19, 1985 (Public Law  
16 99-190; 99 Stat. 1219)), relating to the obligation or  
17 expenditure of funds to carry out a test of the Space  
18 Defense System (anti-satellite weapon) against an  
19 object in space.

20           (72) The annual report required by the third pro-  
21 viso in the undesignated paragraph under the heading  
22 "FOREIGN CURRENCY FLUCTUATION, CONSTRU-  
23 CTION, DEFENSE" in the Military Construction Approp-  
24 riation Act, 1980 (Public Law 96-130; 93 Stat.  
25 1019), relating to transfers of appropriated funds to

1 eliminate losses in military construction or expenses of  
2 family housing caused by fluctuations in foreign curren-  
3 cy exchange rates of foreign countries.

4 (73) The reports required by section 125(a) of the  
5 Military Construction Appropriations Act, 1985 (as  
6 contained in section 101(e) of the Joint Resolution en-  
7 titled "Joint Resolution making continuing appropria-  
8 tions for fiscal year 1985, and for other purposes", ap-  
9 proved October 12, 1984 (Public Law 98-473; 98  
10 Stat. 1883)), relating to terminations of a prohibition  
11 on the availability of appropriated military construction  
12 funds to foreign governments ineligible to receive such  
13 funds by reason of inadequate drug control measures.

14 (74)(A) The semiannual report required by section  
15 5(b) of the Inspector General Act of 1978 (5 U.S.C.  
16 App. 3), relating to activities of the Inspector General  
17 of the Department of Defense.

18 (B) The reports required by section 5(d) of such  
19 Act (5 U.S.C. App. 3), relating to particular cases of  
20 problems, abuses, or deficiencies which have come to  
21 the attention of the Inspector General of the Depart-  
22 ment of Defense.

23 (C) The statements required by paragraphs (3)  
24 and (4) of section 8(b) of such Act (5 U.S.C. App. 3),  
25 relating to the exercise of certain authority of the Sec-

1       retary of Defense with respect to the activities of the  
2       Inspector General of the Department of Defense.

3               (75) The requirement to furnish information and  
4       to report to Congress concerning intelligence activities  
5       as provided in subsections (a) and (b) of section 501 of  
6       the National Security Act of 1947 (50 U.S.C. 413).

7 **SEC. 504. EFFECTIVE DATE**

8       Except as otherwise provided in this Act, the provisions  
9       of this Act and the amendments made by this Act shall take  
10      effect on such date or dates as the Secretary of Defense may  
11      specify, but in no event may the effective date for any provi-  
12      sion or amendment be later than 180 days following the date  
13      of the enactment of this Act.

Calendar No. 609

99TH CONGRESS  
2D SESSION

**S. 2295**

[Report No. 99-280]

---

---

## **A BILL**

To amend title 10, United States Code, to reorganize and strengthen certain elements of the Department of Defense, to improve the military advice provided the President, the National Security Council, and the Secretary of Defense, to enhance the effectiveness of military operations, to increase attention to the formulation of strategy and to contingency planning, to provide for the more efficient use of resources, to strengthen civilian authority in the Department of Defense, and for other purposes.

---

---

APRIL 14 (legislative day, APRIL 8), 1986

Read twice and placed on the calendar