

99TH CONGRESS
1ST SESSION

H. R. 2165

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1985

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Joint Chiefs of Staff Re-
5 organization Act of 1985".

6 **SEC. 2. CHAIN OF COMMAND.**

7 (a) **CHAIRMAN OF JOINT CHIEFS OF STAFF IN MILI-**
8 **TARY CHAIN OF COMMAND.**—(1) Chapter 3 of title 10,

1 United States Code, is amended by inserting after section
2 121 the following new section:

3 **“§121a. Chain of command**

4 “The national military chain of command runs from the
5 President to the Secretary of Defense and through the Chair-
6 man of the Joint Chiefs of Staff to the combatant commands.
7 Orders to combatant commands shall be issued by the Presi-
8 dent or the Secretary through the Chairman of the Joint
9 Chiefs of Staff.”.

10 (2) The table of sections at the beginning of such chap-
11 ter is amended by inserting after the item relating to section
12 121 the following new item:

“121a. Chain of command.”.

13 (b) CONFORMING AMENDMENTS.—(1) Section 124 of
14 such title is amended—

15 [(A) by inserting “Chairman of the” in subsection
16 (a) before “Joint Chiefs of Staff”;] and

17 (B) by striking out “acts as the spokesman for the
18 commanders of the combatant commands” in subsec-
19 tion (c)(2) and inserting in lieu thereof “[supervises]
20 the commander of the combatants commands and acts
21 as their spokesman”.

22 (2) Section 142(c) of such title is amended by inserting
23 “, except as provided in sections 121a and 124(c) of this title,
24 over” before “any of the armed forces”.

1 **SEC. 3. CHAIRMAN TO BE PRINCIPAL MILITARY ADVISOR TO**
2 **CIVILIAN AUTHORITIES.**

3 (a) **IN GENERAL.**—(1) Section 141(b) of title 10, United
4 States Code, is amended by striking out “the principal”.

5 (2) Section 142(a) of such title is amended by inserting
6 after “(a)” the following new sentence: “The Chairman of
7 the Joint Chiefs of Staff is the principal military advisor to
8 the President, the Secretary of Defense, and the National
9 Security Council.”.

10 (b) **SEPARATE VIEWS BY OTHER MEMBERS OF**
11 **JCS.**—Section 141(d) of such title is amended—

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

13 (2) by adding at the end thereof the following new
14 paragraph:

15 “(2) A member of the Joint Chiefs of Staff may submit
16 to the Secretary of Defense any opinion in disagreement with
17 military advice of the Chairman or the Joint Chiefs of Staff.
18 After first informing the Secretary of Defense, a member of
19 the Joint Chiefs of Staff may submit to the President any
20 opinion in disagreement with military advice of the Chairman
21 or the Joint Chiefs of Staff.”.

22 **SEC. 4. DEPUTY CHAIRMAN OF JOINT CHIEFS OF STAFF.**

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

1 **“§142a. Deputy Chairman**

2 “(a)(1) There is a Deputy Chairman of the Joint Chiefs
3 of Staff. The Deputy Chairman shall be appointed by the
4 President, by and with the advice and consent of the Senate,
5 from the officers of the regular components of the armed
6 forces. The Chairman and Deputy Chairman may not be
7 members of the same armed force.

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

13 “(b)(1) The Deputy Chairman acts as Chairman in the
14 absence or disability of the Chairman and exercises such
15 duties as may be delegated by the Chairman with the approv-
16 al of the Secretary of Defense.

17 “(2) When there is a vacancy in the office of Chairman,
18 the Deputy Chairman, unless otherwise directed by the
19 President or Secretary of Defense, shall perform the duties of
20 the Chairman until a successor is appointed.

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

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

1 the absence or disability of the Chairman or when there is a
2 vacancy in the office of Chairman.

3 “(e) The Deputy Chairman, while so serving, holds the
4 rank of general or, in the case of an officer of the Navy,
5 admiral. The Deputy Chairman may not exercise military
6 command over the Joint Chiefs of Staff or, except when
7 acting under subsection (b), over any of the armed forces.”.

8 (2) The table of sections at the beginning of such chap-
9 ter is amended by inserting after the item relating to section
10 142 the following new item:

“142a. Deputy Chairman.”.

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

14 **SEC. 5. AUTHORITY OVER JOINT STAFF.**

15 Section 143 of title 10, United States Code, is
16 amended—

17 (1) by inserting “Chairman of the” in subsection

18 (a)(1) before “Joint Chiefs of Staff”;

19 (2) by striking out subsection (b);

20 (3) by striking out “Joint Chiefs of Staff” in sub-
21 section (c) and all that follows in that subsection and
22 inserting in lieu thereof “Chairman prescribes.”; and

23 (4) by inserting “the Chairman and” before “the
24 Joint Chiefs of Staff”.

1 **SEC. 6. CHAIRMAN OF THE JOINT CHIEFS OF STAFF TO BE**
2 **MEMBER OF NATIONAL SECURITY COUNCIL.**

3 Section 101(a)(5) of the National Security Act of 1947
4 (50 U.S.C. 402) is amended by striking out “the Director for
5 Mutual Security” and inserting in lieu thereof “the Chairman
6 of the Joint Chiefs of Staff”.

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