

Union Calendar No. 221

99TH CONGRESS
1ST SESSION

H. R. 3622

[Report No. 99-375]

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 1985

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

NOVEMBER 14, 1985

Additional sponsors: Mr. ARCHER, Mr. ATKINS, Mr. AU COIN, Mr. BADHAM, Mr. BLAZ, Mr. CHAPPIE, Mr. CHENEY, Mr. CLINGER, Mr. COURTER, Mr. DICKINSON, Mr. FEIGHAN, Mr. FLIPPO, Mr. FRANK, Mr. GRADISON, Mr. GRAY of Illinois, Mr. HARTNETT, Mr. HEFTTEL of Hawaii, Mr. HILLIS, Mr. HORTON, Mr. LUKEN, Mr. MARTIN of New York, Ms. MIKULSKI, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. OWENS, Mr. PEASE, Mr. PEPPER, Mr. RAHALL, Mr. RICHARDSON, Mrs. SCHNEIDER, Mr. SOLARZ, Mr. STAGGERS, Mr. STARK, Mr. SYNAR, Mr.

TALLON, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL, Mr. WILLIAMS,
WIRTH, and Mr. YOUNG of Missouri

NOVEMBER 14, 1985

Reported with amendments, committed to the Committee of the Whole House
the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. CHAIRMAN OF JOINT CHIEFS OF STAFF TO BE PRINCIPAL**
7 **MILITARY ADVISER.**

8 (a) **ROLE OF CHAIRMAN AS HEAD OF JCS AND PRINCIPAL**
9 **MILITARY ADVISER.**—(1) Subsections (a) and (b) of
10 section 141 of title 10, United States Code, are amended to
11 read as follows:

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

1 “(1) The Chief of Staff of the Army.

2 “(2) The Chief of Naval Operations.

3 “(3) The Chief of Staff of the Air Force.

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

5 “(b) The Chairman of the Joint Chiefs of Staff is the
6 principal military adviser to the President, the National Se-
7 curity Council, and the Secretary of Defense. The Joint
8 Chiefs of Staff, as a body, shall provide advice to the Presi-
9 dent and the Secretary of Defense on matters with respect to
10 which such advice is requested.”.

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

14 (2) *Subsection (c) of such section is amended—*

15 *(A) by striking out the matter preceding clause*

16 *(1) and inserting in lieu thereof the following:*

17 “(c) Subject to the overall authority and direction of the
18 President and the Secretary of Defense, the Chairman (in
19 consultation, as appropriate, with the other members of the
20 Joint Chiefs of Staff and with the commanders of the unified
21 and specified commands) shall—”;

22 *(B) by striking out “and” at the end of paragraph*

23 *(7);*

24 *(C) by redesignating paragraph (8) as paragraph*

25 *(9); and*

1 *(B) by inserting after paragraph (7) the following*
2 *new paragraph (8):*

3 *“(8) formulate program recommendations and*
4 *budget proposals to the Secretary during each budget*
5 *cycle based on—*

6 *“(A) guidance provided by the Secretary;*

7 *“(B) program and budget proposals submit-*
8 *ted by the commanders of the unified and speci-*
9 *fied combatant commands; and*

10 *“(C) recommendations (as appropriate) sub-*
11 *mitted by the military departments and other com-*
12 *ponents of the Department of Defense; and”.*

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

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

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

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

5 Section 141(d) of title 10, United States Code, is
6 amended—

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

8 (2) by adding at the end thereof the following new
9 paragraph:

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

18 **SEC. 4. CHAIN OF COMMAND.**

19 Section 142(c) title 10, United States Code, is
20 amended—

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

22 (2) by adding at the end thereof the following new
23 paragraph:

24 “(2) The President or Secretary of Defense may direct
25 that the national military chain of command runs to the com-

1 manders of the unified and specified combatant commands
2 through the Chairman.”.

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

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

9 **SEC. 6. TERM OF CHAIRMAN.**

10 (a) **EXTENSION OF TERM TO FOUR YEARS.**—Section
11 142(a) of title 10, United States Code, is amended—

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

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

14 (3) by adding at the end thereof the following new
15 paragraphs:

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

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

23 (b) **EFFECTIVE DATE.**—The amendments made by sub-
24 section (a) shall apply with respect to appointments to the
25 position of Chairman of the Joint Chiefs of Staff made on or

1 after the date of the enactment of this Act, except that the
2 first such appointment made on or after the date of the enact-
3 ment of this Act shall be for a term ending on June 30, 1990.

4 **SEC. 7. DEPUTY CHAIRMAN.**

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

9 **“§ 142a. Deputy Chairman**

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

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

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

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

4 “(2) When there is a vacancy in the office of Chairman
5 or in the absence or disability of the Chairman, the Deputy
6 Chairman, unless otherwise directed by the President or Sec-
7 retary of Defense, acts as Chairman and performs the duties
8 of the Chairman until a successor is appointed or the absence
9 or disability ceases.

10 “(c) The Deputy Chairman is the director of the Joint
11 Staff.

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

15 “(e) The Deputy Chairman, while so serving, holds the
16 rank of general or, in the case of an officer of the Navy,
17 admiral and outranks all other officers of the armed forces
18 except the Chairman. The Deputy Chairman may not exer-
19 cise military command over the Joint Chiefs of Staff or over
20 any of the armed forces.”.

21 (2) The table of sections at the beginning of such chap-
22 ter is amended by inserting after the item relating to section
23 142 the following new item:

“142a. Deputy Chairman.”.

1 (b) **EXEMPTION FROM GRADE LIMITATIONS.**—Section
2 525(b)(3) of such title is amended by inserting “or Deputy
3 Chairman” after “Chairman”.

4 (c) **CONFORMING AMENDMENT.**—Subsection (b) of sec-
5 tion 143 of such title is repealed.

6 **SEC. 8. JOINT STAFF.**

7 (a) **JOINT STAFF TO BE UNDER THE CHAIRMAN.**—
8 Subsection (a) of section 143 of title 10, United States Code,
9 is amended by inserting “Chairman of the” after “There is
10 under the”.

11 (b) **ELIMINATION OF MAXIMUM NUMBER OF OFFICERS**
12 **ON JOINT STAFF.**—Subsection (a) of such section is further
13 amended by striking out “not more than 400”.

14 (c) **MANAGEMENT OF JOINT STAFF.**—(1) Subsection (c)
15 of such section is redesignated as subsection (b) and is
16 amended to read as follows:

17 “(b) The Joint Staff shall perform such duties as the
18 Chairman prescribes.”.

19 (2) Subsection (d) of such section is redesignated as sub-
20 section (c) and is amended by striking out “Joint Chiefs of
21 Staff in discharging their” and inserting in lieu thereof
22 “Chairman in discharging his”.

23 (d) **TENURE OF MEMBERS OF JOINT STAFF.**—Subsec-
24 tion (e) of such section is redesignated as subsection (d) and is
25 amended by inserting after the first sentence the following

1 new sentence: "Such a tour of duty, however, may be ex-
2 tended with the approval of the Secretary of Defense."

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

6 "(e) The Secretary of Defense shall ensure that the
7 Joint Staff is independently organized and operated so that
8 the Joint Staff, and the members of the Joint Staff, support
9 the Chairman of the Joint Chiefs of Staff in meeting the con-
10 gressional purpose set forth in the last clause of section 2 of
11 the National Security Act of 1947 (50 U.S.C. 401) to
12 provide—

13 "(1) for the unified strategic direction of the com-
14 batant forces;

15 "(2) for their operation under unified command;
16 and

17 "(3) for their integration into an efficient team of
18 land, naval, and air forces."

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

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

23 "(d) In the case of an officer who is selected for recom-
24 mendation to the President for an initial appointment to the
25 grade of lieutenant general or vice admiral, or to the grade of

1 general or admiral, the Chairman of the Joint Chiefs of Staff
2 shall submit to the President the evaluation of the Chairman
3 of the performance of that officer as a member of the Joint
4 Staff and in other assignments involving joint military experi-
5 ence. Such recommendation shall be submitted to the Presi-
6 dent at the same time as the submission of the recommenda-
7 tion for the appointment.”.

8 **SEC. 10. PARTICIPATION IN NATIONAL SECURITY COUNCIL**
9 **MEETINGS.**

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

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

16 **SEC. 11. REPORT TO CONGRESS ON PLANS FOR FURTHER IM-**
17 **PROVEMENTS.**

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

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

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

3 (A) measures to ensure the preferential selec-
4 tion for duty in joint assignments of officers with
5 such a joint specialty;

6 (B) means to provide a role for the Chairman
7 of the Joint Chiefs of Staff in the consideration
8 and selection for promotion of officers who have
9 served on the Joint Staff or in other joint posi-
10 tions; and

11 (C) procedures to ensure the representation
12 of officers serving in joint positions on each pro-
13 motion board considering officers for selection for
14 promotion to a grade above the grade of lieuten-
15 ant colonel or, in the case of the Navy, the grade
16 of commander.

17 (2) Modifications to administrative directives in
18 effect on the date of the enactment of this Act in order
19 to specify that the military chain of command runs
20 from the President to the Secretary of Defense and
21 from the Secretary of Defense through the Chairman
22 of the Joint Chiefs of Staff to the commanders of the
23 unified and specified combatant commands.

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

1 (A) separate from the programs and budgets
2 of the military department and other elements of
3 the Department of Defense; and

4 (B) developed and administered by the com-
5 manders of those commands under the supervision
6 of the Chairman.

7 (4) Establishment of procedures under which the
8 Chairman (with the support of the Joint Staff and the
9 advice of the other members of the Joint Chiefs of
10 Staff) may recommend to the Secretary of Defense a
11 force posture and five-year defense program to achieve
12 national security objectives within the policy and budg-
13 etary guidelines established by the President and Sec-
14 retary of Defense.

15 (5) Establishment of procedures for periodic sub-
16 mission to the President and Secretary of Defense by
17 the Chairman of a report containing the Chairman's
18 recommendations for such modifications to the unified
19 command plan as the Chairman considers to be re-
20 quired to ensure that the combatant commands are
21 properly structured to contribute to achieving national
22 objectives, with each such report to be preceded by the
23 formal review of—

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

1 (B) the adequacy of the existing structure of
2 the combatant commands, in responding to these
3 conditions, to provide for the unified and strategic
4 direction of the combatant forces, for their oper-
5 ation under unified command, and for their inte-
6 gration into an efficient team of land, naval, and
7 air forces, in accordance with the congressional
8 purpose set forth in the last clause in section 2 of
9 the National Security Act of 1947 (50 U.S.C.
10 401).

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