

- Chapter 36—Promotion, Separation, and Involuntary Retirement of Officers on the Active-Duty List
- Chapter 41—Special Appointments, Assignments, Details, and Duties
- Chapter 43—Rank and Command
- Chapter 165—Accountability and Responsibility
- Chapter 171—Requirement for Authorization of Appropriations; Oversight of Cost Growth in Major Programs (new)

TITLE II—ARMY

- Chapter 303—Department of the Army
- Chapter 305—The Army Staff
- Chapter 307—The Army

TITLE III—NAVY

- Chapter 503—Department of the Navy
- Chapter 505—Secretary, Under Secretary, and Assistant Secretaries of the Navy (repealed)
- Chapter 507—Office of the Comptroller of the Navy (repealed)
- Chapter 509—Office of the Chief of Naval Operations
- Chapter 513—Bureaus; Office of the Judge Advocate General; Office of Naval Research
- Chapter 515—Commandant of the Marine Corps; Headquarters, Marine Corps
- Chapter 518—Composition of the Department of the Navy (new)
- Chapter 661—Accountability and Responsibility

TITLE IV—AIR FORCE

- Chapter 803—Department of the Air Force
- Chapter 805—The Air Staff
- Chapter 807—The Air Force

SECTION-BY-SECTION ANALYSIS OF THE BILL

Each section of each title of this bill is described and analyzed in this portion of the report. As a note, the term “Services” is not used in title 10, United States Code. Instead, the term “armed forces” is used to refer to the Army, Navy, Air Force, Marine Corps, and Coast Guard. Given the more frequent use of the term “Services” in defense literature, it is used extensively throughout this report. For purposes of this report, “Services” means the Army, Navy, Air Force, and Marine Corps.

Title I—Department of Defense

SEC. 101. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO REORGANIZE THE DEPARTMENT OF DEFENSE

Subsection (a) of section 125 of title 10 currently authorizes the Secretary of Defense to transfer, reassign, consolidate, or abolish any DoD function, power, or duty, including those vested by law in DoD or in a DoD officer, official, or agency. In essence, the Congress has granted broad legislative authority to the Secretary of Defense in that he can change statutory prescriptions on his own initiative. There are only two limitations on this authority: (1) the Secretary must provide a 30-day notice to the Congress of proposed changes to functions, powers, and duties specified in law; and (2) the Congress provided for a one-house veto of proposed changes to the functions assigned by law to any of the four Services. This one-house veto mechanism has been rendered constitutionally suspect by three Supreme Court rulings, principally *Immigration and Naturalization Service v. Chadha* (462 U.S. 919).