

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

Assignment of Combatant Commanders

The Senate amendment contained a provision (section 112) that would provide that the President may assign to serve as commanders of unified combatant commands only officers who have served in one or more joint duty positions for a substantial period of time. This provision would also provide a Presidential waiver of this requirement in the case of any officer if the President determines that such action is necessary in the national interest.

The House amendment contained a provision (section 301) that would require the Secretary of Defense to establish policies to ensure, whenever practicable, the application of certain criteria to the selection of an officer for recommendation to the President for assignment as the commander of a unified or specified combatant command. The specified criteria would be that the officer have the joint specialty (as provided in section 301 of the House amendment) and have had at least one joint duty assignment as a general or flag officer.

The Senate recedes with amendments to require that the President may assign an officer to serve as a combatant commander only if he meets the criteria specified in the House provision, to provide a Presidential waiver of this requirement if the President determines that such action is necessary in the national interest, and to provide an appropriate transition provision for use by the President before full application of these new requirements. The transition provision is provided in section 214 of the conference substitute amendment.

Responsibilities of Combatant Commanders

The Senate amendment contained a provision (section 112) that would specify that each combatant commander performs his duties under the authority, direction, and control of the Secretary of Defense and is directly responsible to the Secretary for the performance of his command and its preparedness to execute assigned missions.

The House amendment contained no similar provision.

The House recedes with amendments to specify that, subject to the direction of the President, the combatant commander performs his duties and is responsible as provided in the Senate provision and to delete the portion of the Senate provision relating to "the performance of his [combatant commander's] command." The conferees agreed to the second amendment because a combatant commander is responsible to both the President and the Secretary of Defense for the performance of his command as provided in section 164(b)(1) of title 10 (as added by section 112 of the conference substitute amendment).

The Senate amendment contained a provision (section 112) that would prescribe the basic responsibilities of each combatant commander concerning maintaining security, carrying out missions, and assigning tasks to, and directing coordination among, his subordinate commanders.

The House amendment contained no similar provision.