

The House recedes with amendments to delete "full operational command or other authority" and substitute "authority under subsection (c)" of section 164 of title 10 (as added by section 211 of the conference substitute amendment) and to make these requirements apply to communications to and from the subordinate commanders.

Selection of Subordinate Commanders

The Senate amendment contained a provision (section 112) that would require that the selection of a directly subordinate commander be made only with the concurrence of a combatant commander. This provision would authorize the Secretary of Defense to waive this requirement if he determines such action is necessary in the national interest.

The House amendment contained a provision (section 101) that would require the selection or the selection for recommendation to the President of a principal subordinate officer to be made by the combatant commander. The selection would be made from a list of officers submitted by the Secretary of the Military Department concerned, with the number of officers on such list to be specified by the combatant commander.

The House recedes with an amendment to require the concurrence of the combatant commander in the assignment or recommendation for assignment of an officer as a directly subordinate commander. The distinction between "assignment" and "recommendation for assignment" is necessary because 3- and 4-star officers are nominated by the President (under section 601 of title 10) to positions of importance and responsibility and are subject to confirmation by the Senate for service in those positions. Only after confirmation by the Senate are these officers actually "assigned" to their positions. Thus, for those positions, the officer is not directly assigned, but instead, is recommended to the President for assignment.

In agreeing to this provision, the conferees intend that the subordinate commanders perceive the combatant commander, rather than officers in the Military Departments, as the superior whom they serve. The requirement for concurrence should be exercised by a combatant commander to demonstrate unequivocally that he is the "hiring" authority.

The Senate amendment contained a provision (section 112) that would require a combatant commander to evaluate the duty performance of each directly subordinate commander. The evaluation would be submitted to the Secretary of the Military Department concerned.

The House amendment contained no similar provision.

The House recedes with an amendment to require each evaluation to be submitted to the JCS Chairman as well as to the Secretary of the Military Department concerned. The conferees intend that each evaluation of a directly subordinate commander submitted by a combatant commander to the Secretary of a Military Department concerned shall be made a part of the personnel record of the subordinate commander.