The second Senate amendment replaces the authority for the Chairman to recommend officers for promotion with a requirement that the Chairman, after reviewing the report of a selection board, return it with his determinations and comments to the Secretary of the Military Department concerned. The conferees recognize that the House amendment would have breached a long standing practice, with roots in law and tradition, that promotions are based on the action of impartial boards of officers rather than the judgment of any one individual. The conferees agree, however, that the Senate amendment is not intended to circumscribe the content (including the specificity) or presentation of the "deliberations and comments" prepared by the Chairman for the Secretary of the Military Department and, with respect to the fourth amendment described below, for the Secretary of Defense.

The third Senate amendment specifies actions that may be taken by the Secretary of the Military Department concerned if the Chairman determines that a board acted contrary to the guidelines of the Secretary of Defense or otherwise failed to give appropriate consideration to the performance of joint duty officers. The actions specified are the same as those contained in the House amendment for a Secretary of the Military Department to take in case the Chairman recommended officers for promotion, except that a Secretary is also authorized to convene a new selection board (as opposed to reconvening the original board).

The fourth Senate amendment modifies the remainder of the procedures contained in the House amendment to make them consistent with the first three amendments. It requires that remaining disagreements between the Chairman and the Secretary of a Military Department be referred to the Secretary of Defense with comments from both parties and that the Secretary of Defense take appropriate action.

SEC. 403. CONSIDERATION OF JOINT DUTY IN SENIOR GENERAL AND FLAG OFFICER APPOINTMENTS AND ADVICE ON QUALIFICATIONS

The Senate amendment contained a provision (section 114) that would amend section 601 of title 10 to add a requirement that the JCS Chairman submit his evaluation of the joint service of officers recommended to the President for initial appointment to the grade of lieutenant general or vice admiral, or to the grade of general or admiral. The provision would further require that the Secretary of Defense submit the Chairman's evaluation to the President at the same time the recommendation for the appointment was submitted to the President.

The House amendment contained a similar provision.

The House recedes.

The Senate amendment contained a provision (section 114) that would require the Secretary of Defense, each time a vacancy occurs in a military office or position within the Department of Defense that the President has designated as a position of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral, to inform the President of the qualifications needed by an appointee to carry out effectively the duties and responsibilities of that office or position.