

10, especially sections 3962 and 8962, concerning the retirement of officers who are serving, or have served, in a position for which the grade is specified in law. The conferees agreed to direct the Secretary of Defense to submit a legislative proposal, as part of the submission required by section 604 of the conference substitute amendment, to make consistent or appropriately amend the retirement provisions for all officers serving or having served in positions for which the grade is specified in law.

Qualifications for Appointment as Chief of Staff

The Senate amendment contained a provision (section 111) that would provide that the President may assign to serve as members of the Joint Chiefs of Staff only officers who have served in one or more joint duty positions for a substantial period of time. The provision would also provide a 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 Chief of Staff of an Armed Force. The specified criteria would be that the officer have had significant experience in joint duty assignments and that such experience include 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 Chief of Staff only if he meets the criteria specified in the House provision, to provide a waiver of this requirement if the President determines that such action is necessary in the national interest, and to provide appropriate transition provisions for use by the President before full application of these new requirements. The transition provision is provided in section 532(c) of the conference substitute amendment.

Principal Naval Adviser

The Senate amendment contained a provision (section 302) which would have the effect of repealing existing section 5081(d) that provides:

The Chief of Naval Operations is the principal naval adviser to the President and to the Secretary of the Navy on the conduct of war, and the principal naval adviser and naval executive to the Secretary on the conduct of the activities of the Department of the Navy.

The House amendment contained a provision (section 601(d)) that would strike out "to the President and" from section 5081(d) of title 10.

The House recedes.

Vice Chiefs of Staff

The Senate amendment contained provisions (sections 202, 302, 303, and 402) that would specify the appointment and powers and duties of each Vice Chief of Staff and the succession to the duties of the Chief of Staff.

The House amendment contained no similar provisions.