

THE DEPARTMENT OF DEFENSE

Documents on Organization and Mission 1978-2003

Edited by
Roger R. Trask
John P. Glennon



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Foreword

In 1978 the Historical Office of the Office of the Secretary of Defense published a volume entitled *The Department of Defense: Documents on Establishment and Organization, 1944-1978*. The present volume, covering the period from 1978 through 2003, extends the documentary record, with emphasis on organizational change in the Office of the Secretary of Defense and the functions of the Armed Forces and the Joint Chiefs of Staff over the past quarter century. The origins and development of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, the most significant legislation affecting the organization and functions of OSD and the JCS since 1958, are covered extensively.

The Department of Defense celebrated its sixtieth anniversary in September 2007. As the largest department of the government, with primary responsibility for the national security, it has an important obligation to inform the public about its history and operation. This updated documentary record of the department's organization and functions is intended to serve that purpose, a purpose essential to our system of government.

A handwritten signature in black ink, appearing to read "Robert M. Gates".

Robert M. Gates
Secretary of Defense

Preface

This volume is a supplement to *The Department of Defense: Documents on Establishment and Organization, 1944-1978*, edited by Alice C. Cole et al, published by the OSD Historical Office in 1978. That compilation presented commentary and documents pertaining to the origin and content of the National Security Act of 1947 and major changes to the act between 1947 and 1958—the amendments of 1949, Reorganization Plan No. 6 of 1953, and the Department of Defense Reorganization Act of 1958. It also included documents detailing other organizational and legislative modifications from 1958 to 1978 and the evolving functions of the Armed Services and the Joint Chiefs of Staff.

This book covers organizational changes in the Office of the Secretary of Defense between 1978 and the end of 2003. During this period there were frequent and substantial adjustments, some directed by congressional action and some by the secretary of defense. There were changes in the titles and functions of OSD statutory officials and their number. Whereas in 1978 there were two under secretaries of defense, by 2003 there were five. In 1978 there were seven assistant secretaries of defense; at the end of 2003 there were nine. Congress approved a number of new statutory positions—for an inspector general, a director of operational test and evaluation, three under secretaries of defense, and four deputy under secretaries—between 1982 and 2002.

The most important legislation affecting the Department of Defense between 1978 and 2003, the Goldwater-Nichols Department of Defense Reorganization Act of 1986, received its impetus primarily from Congress rather than the Department of Defense. This law joins the amendments of 1949, Reorganization Plan No. 6 of 1953, and the Department of Defense Reorganization Act of 1958 as one of the four major changes to the National Security Act of 1947. Because of its significance, the entire text of the Goldwater-Nichols Act is included in this publication, as well as important documents preceding its passage, including the report of the Packard Commission (1986).

This collection includes documents detailing the functions of the Armed Forces and the Joint Chiefs of Staff as well as those pertaining to the roles and missions of the Armed Forces. As in the 1978 volume, changes in the organization of the military services are not covered in this compilation, which emphasizes the Office of the Secretary of Defense and the Department of Defense in general. Versions of chapter 4 (Office of the Secretary of Defense) and chapter 5 (Joint Chiefs of Staff) of the United States Code, Title 10, Armed Forces as of 31 December 2003, are printed in Appendix II.

The chief editor, Roger R. Trask, was the co-author of *The Department of Defense: Organization and Leaders* (1997). Co-editor John P. Glennon has assisted on seven previous publications of the OSD Historical Office. Former OSD Historian Alfred Goldberg oversaw the early preparation of the manuscript. Diane Putney,

Ronald D. Landa, and Nancy Berlage provided valuable critiques of the arrangement and contents of the volume. For their usual able help and guidance, the OSD Historical Office is grateful to the staff of OSD Graphics, in particular Colleen Wiatt for her sound advice and skillful execution of the book's layout and composition.

Stuart Rochester
OSD Historian

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Administrative and Legislative Modifications in Organization, 1978-1986

1. Establishment of the Defense Resources Board, 1979

In April 1979 Secretary of Defense Harold Brown established the Defense Resources Board (DRB), chaired by the deputy secretary of defense, to play a central role in preparation of the DoD budget and to direct the Office of the Secretary of Defense (OSD) review of the Program Objective Memorandums and budget requests. Deputy Secretary of Defense Frank C. Carlucci in a memo of 27 March 1981 expanded the membership of the DRB, most significantly adding representatives of the three services to the Board. Carlucci wrote, "The primary role of DRB is to help the Secretary of Defense manage the entire revised planning, programming, and budgeting process."

2. Changes in the Assistant Secretary of Defense Positions, 1981

Secretary of Defense Caspar W. Weinberger in 1981 downgraded two assistant secretary of defense positions in order to establish two new assistant secretary positions. The assistant secretary for program analysis and evaluation was redesignated as director, and the assistant secretary for command, control, communications, and intelligence (C³I) became a deputy under secretary of defense.* The two replacement positions were assistant secretary for international security policy (to take over certain areas previously under the assistant secretary for international security affairs) and an assistant secretary for legislative affairs (previously an assistant to the secretary of defense).

* The C³I position reverted to assistant secretary level in 1984.

3. Creation of the Department of Defense Office of Inspector General (IG), 1978-1982

On 8 September 1982, President Ronald Reagan signed the Department of Defense Authorization Act, 1983 (PL 97-252), creating an inspector general (IG) for the Department of Defense. This legislation built on the Inspector General Act of 1978 (PL 95-452, 12 October 1978) that had established inspectors general “to conduct and supervise audits and investigations relating to programs and operations” in 12 federal departments, agencies, and administrations but excluded the Department of Defense, which argued that it differed from the agencies named to have IGs and that the proposed concept and structure were not appropriate for DoD. The department also contended that a recent reorganization of its audit and investigative functions addressed the problems identified, making the appointment of an inspector general unnecessary.

Sen. Thomas F. Eagleton (D-Mo.), chairman of a subcommittee of the Senate Committee on Governmental Affairs, introduced H.R. 8588 with substantial amendments in the Senate on 19 April 1978. In a Senate Report of 8 August 1978 and in a lengthy floor statement on 22 September, Eagleton argued for inclusion in the bill of an inspector general for the Department of Defense. His subcommittee concluded “that the public record contains countless examples of serious waste and mismanagement” in DoD and noted that the U.S. General Accounting Office (GAO) and the inspectors general in the separate military services were in frequent conflict, especially over denial to GAO auditors of access to service records. Eagleton’s proposed amendments to the House bill created a DoD IG, with a special provision authorizing the secretary of defense to delete specific information from the semiannual reports of the IG to Congress if he “determines that any such report contains specific information critical to the national security, and [that] a disclosure of such information would jeopardize the national security.”

When the Senate debated H.R. 8588 on 22 September 1978, Eagleton proposed a series of amendments to the bill dealing with the Department of Defense, based on discussion with DoD representatives and the Senate Armed Services Committee. He consented to forego the plan discussed previously in the Senate to create a DoD IG. Instead he proposed to add a section to the House bill requiring the DoD to make semiannual reports on the activities of its audit, investigative, and inspection units for the period from September 1978 to September 1982. Eagleton stated that if these reports “failed to discover serious instances of fraud or waste which come to light through the work of GAO, the media, or oversight by Congress, these failures would strengthen the case for revamping audit, investigative, and inspection activities at the Defense Department.”

The Eagleton subcommittee’s amendments also required the secretary of defense to establish a task force to study the operations of audit, investigative, and inspection units of the Department of Defense. The task force was to present its report to Congress no later than 1 April 1980.

The Senate agreed to the Eagleton amendments and passed H.R. 8588 as amended on 22 September 1978. The House agreed five days later, and the president signed the law on 12 October 1978. The sections of PL 95-452 pertaining to the audit, investigative, and inspection activities of the Department of Defense are as follows:

SEMIANNUAL REPORTS

SEC. 8 (a) (1) The Secretary of Defense shall submit to the Congress semiannual reports during the period ending October 1, 1982, summarizing the activities of the audit, investigative and inspection units of the Department of Defense. Such reports shall be submitted within sixty days of the close of the reporting periods ending March 31 and September 30 and shall include, but not be limited to—

(A) a description of significant instances or patterns of fraud, waste, or abuse disclosed by the audit, investigative, and inspection activities during the reporting period and a description of recommendations for corrective action made with respect to such instances or patterns;

(B) a summary of matters referred for prosecution and of the results of such prosecutions; and

(C) a statistical summary, by categories of subject matter, of audit and inspection reports completed during the reporting period.

(2) Within sixty days of the transmission of the semiannual reports, the Secretary shall make copies of such reports available to the public upon request and at a reasonable cost.

(3) If the Secretary concludes that compliance with the reporting requirements in paragraphs (1) and (2) of this subsection would require inclusion of material that may constitute a threat to the national security or disclose an intelligence function or activity, the Secretary may exclude such material from the report. If material is excluded from a report under this subsection, the Secretary shall provide the chairmen and ranking minority members of the appropriate committees or subcommittees with a general description of the nature of the material excluded.

(4) The Secretary may delegate his responsibilities under paragraphs (1) through (3): *Provided*, That the delegation be to an official within the Office of the Secretary of Defense who is a Presidential appointee confirmed by the Senate. In preparing the reports, the designee of the Secretary shall have the same access to information held by the audit, investigative or inspection units as the Secretary would.

(5) In order to effectuate the purposes of this Act with respect to the Department of Defense, the Secretary of Defense shall submit, not later than March 31, 1981, proposed legislation to establish appropriate reporting procedures, for the period after October 1, 1982, concerning the audit, investigative and inspection activities of the Department of Defense.

(b) (1) The Secretary of Defense shall establish a task force to study the operation of the audit, investigative, and inspection components in the Department of Defense which engage in the prevention and detection of fraud, waste, and abuse. The Secretary shall appoint the Director and other members of the task force: *Provided*, That the Director shall be a person who is not an employee of the Department of Defense. The Director shall have the authority to hire such additional staff as is necessary to complete the study.

(2) The Director and members of the task force and, upon the request of a member or the Director, the staff of the task force shall have access to all information relevant to the study and held by the audit, investigative, and inspection components in the Department of Defense including reports prepared by such components: *Provided, That—*

(A) such information or reports may be withheld if a component head determines that disclosure would compromise an active investigation of wrong-doing;

(B) the Inspectors General of the Military Departments may delete the names of individuals in a report prepared by them if the Inspector General determines that the inclusion of the names would affect the ability of the Inspector General to obtain information in future investigations and inspections; and

(C) no classified information shall be released to the task force unless the members and staff who will have access to the classified information have the appropriate clearances.

Upon the request of the Director, the Secretary of Defense and the Secretaries of the Military Departments shall assure that the task force has access to information as provided in this subsection.

(3) The task force shall prepare a comprehensive report that shall include, but not be limited to—

(A) a description of the functions of the audit, investigative and inspection components in the Department of Defense and the extent to which such components cooperate in their efforts to detect and prevent fraud, waste and abuse;

(B) an evaluation of whether such components are sufficiently independent to carry out their responsibilities;

(C) the relationship between such components and the Criminal Division of the Department of Justice; and

(D) recommendations for change in organization or functions that may be necessary to improve the effectiveness of such components.

(4) The task force shall submit its final report to the Secretary of Defense and the Director of the Office of Management and Budget. The Secretary and the Director of the Office of Management and Budget may, in the form of addenda to the report, provide any additional information that they deem necessary. The Secretary shall submit the report and the addenda to the Congress not later than April 1, 1980. The task force shall be disestablished sixty days following such submission.

(5) Any matter concerning the intelligence or counterintelligence activities of the Department of Defense and assigned by regulation to the Inspector General for Defense Intelligence shall be excluded from the study of the task force.

SOURCES: *Establishment of Offices of Inspector General*, Hearings Before a Subcommittee of the House Committee on Government Operations, 95 Cong, 1 sess (Washington: GPO, 1977); *Legislation to Establish Offices of Inspector General—H.R. 8588*, Hearings Before the Subcommittee on Government Efficiency and the District of Columbia of the Senate Committee on Governmental Affairs, 95 Cong, 2 sess (Washington: GPO, 1978); *Establishment of Offices of Inspector and Auditor General in Certain Executive Offices and Agencies*, 95 Cong, 2 sess, Senate Report No. 95-1071, 8 August 1978 (Washing-

ton: GPO, 1978); *Establishment of Offices of Inspector General in Certain Executive Offices and Agencies*, 95 Cong, 1 sess, House Report No. 95-584, 5 August 1977 (Washington: GPO, 1977). Quoted material is from *Establishment of Offices of Inspector and Auditor General* . . . , 17, 37; *Congressional Record*, vol 124, pt 23, 22 September 1978, 30953-56.

Continued problems with fraud and abuse relating to Defense Department activities and pressures from Congress led Secretary of Defense Weinberger to create an Office of the Assistant to the Secretary of Defense for Review and Oversight in April 1981. The ATSD(R&O) was to:

- develop policy, maintain oversight, evaluate programs and performance, and provide guidance to DoD components on matters regarding criminal investigation programs;
- monitor and evaluate the adherence of DoD components to internal audit, contract audit and internal review principles, policies and procedures;
- develop policies, evaluate performance and monitor follow-up actions taken by DoD components in response to GAO audit, internal audit, contract audit and internal review reports;
- exercise direction, authority and control over the Defense Audit Service;
- advise the Secretary of Defense on incidents of fraud, waste or abuse in DoD programs or operations, and perform other duties as the Secretary of Defense may prescribe.

The ATSD(R&O) reported to the secretary of defense and was to work closely with the assistant secretary of defense (comptroller), the general counsel, and other DoD components.

Some members of Congress as well as outside critics still felt that the Department of Defense needed an inspector general independent of the secretary of defense, modeled on the IG positions created in the 1978 act. The Defense Department continued to resist, citing concern about possible disclosure of sensitive national security information by an independent IG and the effective work of the office of the new assistant to the secretary of defense for review and oversight. Nevertheless, Congress moved forward to create a DoD inspector general in the Department of Defense Authorization Act of 1983. Sen. John Tower (R-Tex.) introduced the authorization bill in the Senate on 22 March 1982, and Rep. Melvin Price (D-Ill.) introduced the bill in the House of Representatives on 1 April 1982.

When the Senate considered the 1983 Defense authorization bill in May 1982, Sen. David H. Pryor (D-Ark.) proposed an amendment establishing an Office of Inspector General in the Defense Department. He noted that the House had passed a DoD IG bill in 1981, but the Senate had not followed suit. He argued that the large appropriations projected for DoD for FY 1983 needed watching—“we need every possible check and control over these funds.” In Pryor’s amendment, the DoD IG was to be independent of the secretary of defense. Pryor told the Senate, “We need to prevent improper assertions of

national security classifications which are designed solely to keep an Inspector General from making embarrassing revelations of waste or misconduct.”

The Senate passed its version of the bill on 13 May 1982, after a long debate over the IG position, especially on the question of that official’s independence from the secretary of defense. The bill when finally approved in the Senate contained an amendment, proposed by Sen. William V. Roth (R-Del.), giving the secretary of defense control over all activities of the inspector general.

The House of Representatives debated its bill for several days in July 1982, with knowledge of the Senate’s provision for an IG. Eventually the House substituted the Senate bill for its own, with various amendments, including one stating that the secretary of defense would not have authority to intervene in or prohibit activities of the DoD IG. After passing the bill as amended, the House requested a conference with the Senate to consider the House amendments to the Senate-passed bill.

When the House of Representatives considered the conference report on 18 August 1982, several of its members spoke in favor of the provisions for an IG in the Department of Defense. Rep. Jack Brooks (D-Tex.) said that establishment of an IG for the Department of Defense “may be one of the most significant and responsible actions taken by this Congress. In taking this action, this Congress has shown the American people that we intend to carefully monitor the management and expenditure of the massive appropriations now being authorized for the Defense Department.”

The Conference Committee adopted compromise wording on the relationship between the Defense IG and the secretary of defense. The IG would be under general supervision of the secretary of defense. Specifically in matters relating to audits and investigations requiring information on sensitive operational plans, intelligence and counterintelligence, criminal investigations of other DoD units related to national security, or other matters about which disclosures would constitute a serious threat to national security, the Defense IG was to be under the authority, direction, and control of the secretary of defense.

The Senate agreed to the conference report on 17 August 1982, and the House approved it the following day. The law (PL 97-252, 8 September 1982) amended the Inspector General Act of 1978 by inserting the name of the Department of Defense among those departments and federal agencies required to have inspectors general. It also transferred to the office of the new inspector general the existing Defense Audit Service, the Office of the Inspector General of the Defense Logistics Agency, and the portion of the Defense Investigative Service responsible for the investigation of alleged criminal violations. Further, the law required the secretary of defense to transfer to the Office of the IG at least 100 additional audit positions. Notably, the law amended Section 8 of the IG Act of 1978 to subject the Defense IG to the authority, direction, and control of the secretary of defense with respect to audits, investigations, and subpoenas that the secretary determined might threaten the national security interests of the United States. The text of Section 8 of the Inspector General Act of 1978 as amended by Public Law 97-252 follows:

“ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR
GENERAL OF THE DEPARTMENT OF DEFENSE

“SEC. 8. (a) No member of the Armed Forces, active or reserve, shall be appointed Inspector General of the Department of Defense.

“(b)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Secretary of Defense with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning—

“(A) sensitive operational plans;

“(B) intelligence matters;

“(C) counterintelligence matters;

“(D) ongoing criminal investigations by other administrative units of the Department of Defense related to national security; or

“(E) other matters the disclosure of which would constitute a serious threat to national security.

“(2) With respect to the information described in paragraph (1) the Secretary of Defense may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to preserve the national security interests of the United States.

“(3) If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning such exercise within thirty days to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

“(4) The Secretary shall, within thirty days after submission of a statement under paragraph (3), transmit a statement of the reasons for the exercise of power under paragraph (1) or (2) to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees.

“(c) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Department of Defense shall—

“(1) be the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department;

“(2) initiate, conduct, and supervise such audits and investigations in the Department of Defense (including the military departments) as the Inspector General considers appropriate;

“(3) provide policy direction for audits and investigations relating to fraud, waste, and abuse and program effectiveness;

“(4) investigate fraud, waste, and abuse uncovered as a result of other contract and internal audits, as the Inspector General considers appropriate;

“(5) develop policy, monitor and evaluate program performance, and provide guidance with respect to all Department activities relating to criminal investigation programs;

“(6) monitor and evaluate the adherence of Department auditors to internal audit, contract audit, and internal review principles, policies, and procedures;

“(7) develop policy, evaluate program performance, and monitor actions taken by all components of the Department in response to contract audits, internal audits, internal review reports, and audits conducted by the Comptroller General of the United States;

“(8) request assistance as needed from other audit, inspection, and investigative units of the Department of Defense (including military departments); and

“(9) give particular regard to the activities of the internal audit, inspection, and investigative units of the military departments with a view toward avoiding duplication and insuring effective coordination and cooperation.

“(d) Notwithstanding section 4(d), the Inspector General of the Department of Defense shall expeditiously report suspected or alleged violations of chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to the Secretary of the military department concerned or the Secretary of Defense.

“(e) For the purposes of section 7, a member of the Armed Forces shall be deemed to be an employee of the Department of Defense.

“(f)(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall include information concerning the numbers and types of contract audits conducted by the Department during the reporting period. Each such report shall be transmitted by the Secretary of Defense to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

“(2) Any report required to be transmitted by the Secretary of Defense to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified in such section, to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives.

“(g) The provisions of section 1385 of title 18, United States Code, shall not apply to audits and investigations conducted by, under the direction of, or at the request of the Inspector General of the Department of Defense to carry out the purposes of this Act.”

(c) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

“(c)(1) *Nothing in this section shall be construed to authorize the public disclosure of information which is—*

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

“(2) Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

“(3) Nothing in this section or in any other provision of this Act shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.”

SOURCES: *Department of Defense Authorization for Appropriations for Fiscal Year 1983 and Supplemental Authorization for Appropriations for Fiscal Year 1982*, 97 Cong, 2 sess, Senate Report No. 97-330, 13 April 1982 (Washington: GPO, 1982); *Department of Defense Authorization Act, 1983*, 97 Cong, 2 sess, House Report No. 97-482, 13 April 1982 (Washington: GPO, 1982); *Department of Defense Authorization Act, 1983*, Conference Report, 97 Cong, 2 sess, House Report No. 97-749, 16 August 1982 (Washington: GPO, 1982). Quoted material is from DoD News Release No. 156-81, 23 April 1981; *Congressional Record*, vol 128, pt 7, 12 May 1982, 9669, pt 16, 18 August 1982, 22071.

4. Establishment of the Office of Director of Operational Test and Evaluation, 1983

Prior to 1983 each of the military services managed operational test and evaluation procedures for systems being developed under its control. A director of defense test and evaluation to review such activities served under the under secretary of defense for research and engineering. Concern about cost overruns and reports by the General Accounting Office suggesting that the Defense Department deployed expensive weapon systems without adequate testing led some members of Congress in 1982 and 1983 to propose the establishment of an independent office of operational test and evaluation in the department. Their objective was to improve test and evaluation by removing the testing process from the control of the military service that developed and bought the weapon. There also was concern in Congress about a possible conflict of interest when the director of defense test and evaluation reported directly to the under secretary of defense for research and engineering, the Pentagon official in charge of developing and procuring new weapon systems.

When Senator Pryor and 17 of his Senate colleagues early in 1983 submitted a bill to establish an independent testing and evaluation office, the Defense Department opposed it. Under Secretary of Defense (R&E) Richard D. DeLauer rejected the proposal, arguing that the office under him was doing a satisfactory job, but he also promised major initiatives to strengthen the existing program.

Despite the Pentagon's opposition, the legislation moved forward and passed in both House and Senate in late July 1983. By mid-September 1983 a conference committee had resolved differences between the two houses. Their report stated that “the conferees expect the Director to safeguard the integrity of operational testing and evaluation in general and with respect to specific major defense acquisition programs.” In reference to section (f)(2) in the law, printed below, the conferees stated that “‘low-rate initial production’ means the produc-

tion of a system in limited quantity to be used in operational test and evaluation for verification of production engineering and design maturity and to establish a production base prior to a decision to proceed with production.”

The president signed the legislation, part of the Department of Defense Authorization Act, 1984 (PL 98-94), on 24 September 1983. DoD moved deliberately to implement it, initiating action to establish an Office of the Director for Operational Test and Evaluation in late November 1983. DoD Directive 5141.2, 2 April 1984, officially created the position of director of operational test and evaluation to serve as “the Principal Staff Assistant and advisor to the Secretary of Defense on OT&E in the Department of Defense and the principal OT&E official within the senior management of the Department of Defense.” The first director of OT&E entered office on 18 April 1985.

Provisions of the law are as follows:

SEC. 1211. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

“§136a. Director of Operational Test and Evaluation: appointment; powers and duties

“(a)(1) There is a Director of Operational Test and Evaluation in the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

“(2) In this section:

“(A) ‘Operational test and evaluation’ means—

“(i) the field test, under realistic combat conditions, of any item of (or key component of) weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users; and

“(ii) the evaluation of the results of such test.

“(B) ‘Major defense acquisition program’ means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 139a(a)(1) of this title or that is designated as such a program by the Director for purposes of this section.

“(b) The Director is the principal adviser to the Secretary of Defense on operational test and evaluation in the Department of Defense and the principal operational test and evaluation official within the senior management of the Department of Defense. The Director shall—

“(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of operational test and evaluation in the Department of Defense;

“(2) provide guidance to and consult with the Secretary of Defense and the Secretaries of the military departments with respect to operational test and evaluation in the Department of Defense in general and with respect to specific

operational test and evaluation to be conducted in connection with a major defense acquisition program;

“(3) monitor and review all operational test and evaluation in the Department of Defense;

“(4) coordinate operational testing conducted jointly by more than one military department or defense agency;

“(5) analyze the results of the operational test and evaluation conducted for each major defense acquisition program and, at the conclusion of such operational test and evaluation, report to the Secretary of Defense and to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives as provided in subsection (c) on—

“(A) whether the test and evaluation performed was adequate; and

“(B) whether the test and evaluation results confirm that the items or components actually tested are effective and suitable for combat; and

“(6) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational test and evaluation, including operational test facilities and equipment, in the Department of Defense.

“(c) Each report of the Director required under subsection (b)(5) shall be submitted to the committees specified in that subsection in precisely the same form and with precisely the same content as the report originally was submitted to the Secretary and shall be accompanied by such comments as the Secretary of Defense may wish to make on such report.

“(d) The Director reports directly, without intervening review or approval, to the Secretary of Defense. The Director shall consult closely with, but the Director and the Director’s staff are independent of, the Under Secretary of Defense for Research and Engineering and all other officers and entities of the Department of Defense responsible for research and development.

“(e)(1) The Secretary of a military department shall report promptly to the Director the results of all operational test and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational test and evaluation in the military department.

“(2) The Director may require that such observers as he designates be present during the preparation for and the conduct of the test part of any operational test and evaluation conducted in the Department of Defense.

“(3) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out his duties under this section.

“(f)(1) Operational testing of a major defense acquisition program may not be conducted until the Director has approved in writing the adequacy of the plans (including the adequacy of projected levels of funding) for operational test and evaluation to be conducted in connection with that program.

“(2) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until the Director has submitted to the Secretary of Defense the report with re-

spect to that program required by subsection (b)(5) and the Committees on Armed Services and on Appropriations of the Senate and House of Representatives have received that report.

“(g)(1) The Director shall prepare an annual report summarizing the operational test and evaluation activities of the Department of Defense during the preceding fiscal year. Each such report shall be submitted concurrently to the Secretary of Defense and the Congress not later than January 15 immediately following the end of the fiscal year for which the report is prepared. The report shall include such comments and recommendations as the Director considers appropriate, including comments and recommendations on resources and facilities available for operational test and evaluation and levels of funding made available for operational test and evaluation activities. The Secretary may comment on any report of the Director to Congress under this paragraph.

“(2) The Director shall comply with requests from Congress (or any committee of either House of Congress) for information relating to operational test and evaluation in the Department of Defense.

“(h) The President shall include in the Budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the activities of the Director of Operational Test and Evaluation in carrying out the duties and responsibilities of the Director under this section.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

“136a. Director of Operational Test and Evaluation: appointment; powers and duties.”

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

“Director of Operational Test and Evaluation, Department of Defense.”

(c) The amendments made by this section shall take effect on November 1, 1983.

SOURCES: *Department of Defense Authorization Act, 1984*, 98 Cong, 1 sess, House Report 98-107, 11 May 1983 (Washington: GPO, 1983); *Omnibus Defense Authorization Act, 1984*, 98 Cong, 1 sess, Senate Report No. 98-174, 5 July 1983 (Washington: GPO, 1983); *Department of Defense Authorization Act, 1984*, Conference Report, 98 Cong, 1 sess, Senate Report No. 98-213, 15 August 1983 (Washington: GPO, 1983). Quoted material from *Department of Defense Authorization Act, 1984*, Conference Report, 248.

5. Changes in the Assistant Secretaries of Defense, 1983

The Department of Defense Authorization Act, 1984 (PL 98-94, 24 September 1983) increased the authorized number of assistant secretaries of defense from 7 to 11. Secretary Weinberger earlier had asked Congress to restore the five assistant secretary positions (two in OSD and one in each of the military departments) cut by his predecessor, Secretary Harold Brown, in a reorganization order in 1978. Weinberger said the previous cuts had “reduced the flexibility

of the Department in adapting the Office of the Secretary of Defense and the Service Secretaries to changes in Defense priorities, policies, and program emphasis.” In addition to increasing the number of assistant secretaries in OSD by four, the law also stated that one of the assistant secretaries of defense should be for reserve affairs, with the principal duty of “overall supervision of reserve component affairs of the Department of Defense.” The Department of Defense opposed mandating one of the positions for reserve affairs, but Congress insisted on it. Congress decided that another of the assistant secretaries should have as a principal duty “the overall supervision of command, control, communications, and intelligence affairs of the Department of Defense.” These provisions of the law took effect on 1 October 1983.

The other two positions not designated by the law went to new assistant secretaries for research and technology and for development and support.

SOURCE: Caspar W. Weinberger, *Annual Report to the Congress, Fiscal Year 1983* (Washington: GPO, 1982), III-205, 207.

6. Changes in Defense Agencies, 1978-1986

- 12 August 1981: Defense Legal Services Agency established by DoD Directive 5145.4, 12 August 1981.
- 2 November 1982: Defense Audit Service (established 14 October 1976) transferred to Office of the Inspector General. Memorandum, Frank C. Carlucci for Secretaries of the Military Departments, 2 November 1982.
- 24 April 1984: Strategic Defense Initiative Organization established by Secretary of Defense; DoD Directive 5141.5, 21 February 1986.
- 30 September 1985: Defense Audio-Visual Agency (established 21 June 1979) disestablished.

II

Goldwater-Nichols Department of Defense Reorganization Act of 1986

1. Background

In the early 1980s there had been much discussion inside and outside of Congress on the need for defense reform. In 1981-1982 General David C. Jones, Chairman of the Joint Chiefs of Staff, severely criticized the JCS as inadequate and ineffective in carrying out its functions. Disastrous or poorly managed military events—including the hostage rescue attempt in Iran in April 1980, the terrorist attack on the U.S. Marine barracks in Lebanon in October 1983 that killed 241 Marines, and the U.S. military intervention in Grenada in October 1983—fueled this discussion. During this period there appeared several studies of defense organization looking toward reorganization, reform, and cost savings.

2. The Grace Commission, 1983-1984

President Reagan in February 1982 established the President's Private Sector Survey on Cost Control, headed by J. Peter Grace, chairman and CEO of W.R. Grace and Company. In reports on defense spending issued in June 1983, the Grace Commission stated that the Department of Defense could save \$92 billion over three years by reducing major weapon purchases, reforming military retirement pay, closing military commissaries in the United States, consolidating or shutting down military bases, and reforming the military health care system. The commission's final report in January 1984 suggested that if all of its recommendations were implemented throughout the federal government, there would be a three-year savings of \$424 billion, including \$100 billion in DoD, and \$1.9 trillion annually by the year 2000. Disagreements over the substance and estimated savings of many of the Grace Commission's proposals minimized the tangible results of its work. *President's Private Sector Survey on Cost Control, A Report to the President, 15 January 1984.*

3. The CSIS Study, 1985

A second and more influential study, *Toward a More Effective Defense*, published in February 1985 by the Georgetown University Center for Strategic and International Studies (CSIS), emphasized both the need to strengthen joint military institutions and to improve the quality of military advice. It recommended making the JCS chairman the principal military adviser to the president, the National Security Council, and the secretary of defense; giving a broader role to the under secretary of defense for policy; putting the defense budget on a biennial basis; streamlining the Planning-Programming-Budgeting System; granting greater authority to the unified commanders; creating a third under secretary of defense position to handle programs for readiness and sustainability of field forces; and reducing the staffs of OSD, the military departments, and the defense-related congressional committees.

4. *Defense Organization: The Need for Change* (1985)

In June 1983, Sens. John Tower (R-Tex.), chairman of the Senate Armed Services Committee, and Henry Jackson (D-Wash.), ranking minority member of the committee, directed the committee's staff "to prepare a comprehensive study of the organization and decision-making procedures of the Department of Defense." In January 1985, the new chairman and ranking minority member, Sens. Barry M. Goldwater (R-Ariz.) and Samuel A. Nunn (D-Ga.), initiated renewed effort on the study. James R. Locher III, a staff member of the committee and study director, submitted the completed study of 645 pages, entitled *Defense Organization: The Need for Change*, to Goldwater and Nunn on 16 October 1985, the same date on which the Senate Armed Services Committee began hearings on reorganization of the Department of Defense, lasting for 10 days between 16 October and 12 December 1985. The staff study began with criticism "of the current organization and decision-making procedures of the Department of Defense (DoD) and of the Congress." It proposed many changes and offered 91 specific recommendations, some of them radical. The study attracted much attention and discussion of its proposals, but only a few of its recommendations, mainly in the areas of personnel management and the chain of command, ultimately would be included in the Goldwater-Nichols legislation. The report's executive summary follows:

EXECUTIVE SUMMARY

A. INTRODUCTION

This study, as its title —*Defense Organization: The Need for Change*—indicates, is critical of the current organization and decision-making procedures of the Department of Defense (DoD) and of the Congress. The underlying problems within DoD have been evident for much of this century. The inability to solve these problems is not due to a lack of attention or a failure to have the issues examined by the most experienced and learned experts. At regular intervals during the last 85 years, these issues have been vigorously addressed by highly capable and well-intentioned individuals, both from the public and private sectors as well as from civilian and military life. It is the complexity of the Department of Defense—the largest orga-

nization in the Free World—that has served to frustrate previous efforts. Adding to the difficulty of these issues are the quickening pace of the technological revolution, the increasing and changing demands of protecting U.S. security interests in a dynamic international environment, and the resistance to needed changes by a substantial portion of the defense bureaucracy. While the problems in congressional review and oversight of the defense program have emerged more recently, their resolution has not been possible despite serious study and concern by Members of Congress.

Twenty-seven years have passed since major statutory changes were last made in DoD organizational arrangements. During that period, substantial experience has been gained with the basic structure provided by the National Security Act of 1947. There is a record—which is not always clear—of what has worked and what has failed. George Washington’s statement at the time of the creation of the War Office in 1776 would be equally appropriate to the Department of Defense when it was created in 1949:

The Benefits derived from it [the War Office], I flatter myself will be considerable tho’ the plan upon which it is first formed may not be perfect. This like other great works in its first Edition, may not be entirely free from Error. Time will discover its Defects and experience suggest the Remedy, and such further Improvements as may be necessary; but it was right to give it a Beginning.

Moreover, the passage of time may permit more objective consideration of issues that flared into emotional controversies during the unification debates of the immediate post-World War II period. These two factors—actual organizational experience and a measured detachment from previous controversies—enhance prospects for the emergence of a consensus on solutions to the long-standing problems of the U.S. military establishment.

Hopefully, this is the case. The Department of Defense’s task of protecting U.S. worldwide interests has become exceedingly more complex and demanding over the last 30 years. This trend has increased the seriousness of structural deficiencies within the U.S. military establishment. The gap between today’s structural arrangements and the organizational needs of the Department of Defense is continuously widening.

B. PRINCIPAL ORGANIZATIONAL GOAL OF DOD

The principal organizational goal of DoD, both in 1949 and now, is the integration of the distinct military capabilities of the four Services to prepare for and conduct effective unified operations in fulfilling major U.S. military missions. In this study, this goal is termed “mission integration”. Mission integration is necessary at both of the distinct organizational levels of DoD: the policymaking level, comprised basically of Washington Headquarters organizations, and the operational level, consisting of the unified and specified commands. Effective mission integration is critical to U.S. national security because none of the major missions of DoD can be executed alone by forces of any single Service. Without effective mission integration, unification of the four Services—as provided in the National Security Act of 1947—means little.

In fact, while previous debates on DoD organization have focused on unification or centralization, neither of these concepts is a useful starting point for identifying the organizational needs of DoD. Instead, mission integration describes the real goal of the search for a more effective and, perhaps, a more efficient U.S.

military establishment. Focusing on mission integration offers greater prospects for understanding DoD's deficiencies.

At the present time, DoD has six major missions, three of which are worldwide in nature and three of which are regional. The major worldwide missions and their goals are:

nuclear deterrence—maintaining essential equivalence with the strategic and theater nuclear forces of the Soviet Union;

maritime superiority—controlling the seas when and where needed; and

power projection superiority—deploying superior military forces in times of crisis to distant world areas which are primarily outside the traditional system of Western alliances.

The major regional missions are:

defense of NATO Europe, including both the northern and southern flanks;

defense of East Asia, particularly Northeast Asia; and

defense of Southwest Asia, especially the region's oil resources.

While DoD has other regional missions (e.g., Western Hemisphere and Africa), these relatively smaller, while important, missions are included in the mission of power projection superiority.

C. PROBLEMS AND BROAD RECOMMENDATIONS

1. Limited Mission Integration at DoD's Policymaking Level

The three principal organizations of the Washington Headquarters of DoD—the Office of the Secretary of Defense (OSD), the Organization of the Joint Chiefs of Staff (OJCS), and the Military Departments—are focused excessively on functional areas, such as manpower, research and development, and installations and logistics. This functional structure serves to inhibit integration of Service capabilities along mission lines, and, thereby, hinders achieving DoD's principal organizational goal of mission integration. The focus of organizational activity is on functional efficiency (or, in other terms, management control of functional activities) and not on major missions and their objectives and strategy. Without extensive mission integration efforts, numerous deficiencies occur:

In colloquial terms, material inputs, not mission outputs, are emphasized.

A sharp focus on missions, where DoD must compete with potential adversaries, is lost in the functional diffusion.

Strategic planning is inhibited by the absence of an organizational focus on major missions and strategic goals.

Service interests rather than strategic needs play the dominant role in shaping program decisions.

Functions (e.g., airlift, sealift, close air support) which are not central to a Service's own definition of its missions tend to be neglected.

Tradeoffs between programs of different Services that can both contribute to a particular mission are seldom made.

Opportunities for non-traditional contributions to missions (e.g., Air Force contributions to sea control) are neither easily identified nor pursued.

Headquarters organizations are not fully attuned to the operational, especially readiness, requirements of the unified commanders.

Interoperability and coordination requirements of forces from the separate Services are not readily identified.

Beyond these major shortcomings, the functional structure encourages OSD micro-management of Service programs.

A more appropriate balance between functional and mission orientations is needed, especially within OSD. In the absence of an organizational focus on missions within the Washington Headquarters of DoD, effective mission integration will remain limited. For a major mission like defense of Southwest Asia—for which all four Services have important roles—insufficient mission integration at the policymaking level would lead to critical gaps in warfighting capabilities, wasted resources through unwarranted duplication, interoperability problems, unrealistic plans, inconsistent doctrine, inadequate joint training, and ineffective fighting forces.

2. Imbalance Between Service and Joint Interests

Under current arrangements, the Military Departments and Services exercise power and influence which are completely out of proportion to their statutorily assigned duties. The predominance of Service perspectives in DoD decision-making results from three basic problems: (1) OSD is not organized to effectively integrate Service capabilities and programs into the forces needed to fulfill the major missions of DoD; (2) the Joint Chiefs of Staff (JCS) system is dominated by the Services which retain an effective veto over nearly every JCS action; and (3) the unified commands are also dominated by the Services primarily through the strength and independence of the Service component commanders and constraints placed upon the power and influence of the unified commanders. In sum, the problem of undue Service influence arises principally from the weaknesses of organizations that are responsible for joint military preparation and planning.

This overwhelming influence of the Military Departments and Services works at cross-purposes to efforts to integrate the U.S. military establishment along mission lines. This is not the fault of the Military Departments. They have correctly pursued their interests vigorously through capable and tenacious headquarters staffs. What is missing is the organizational structure and supporting mechanisms that would provide an equally vigorous and capable integration effort along mission lines—to balance the influence of the Services on basic issues of strategy, policy, and resource allocation. Correcting the imbalance between Service and joint interests will require the strengthening of the authority, stature, and support of joint organizations, primarily the Organization of the Joint Chiefs of Staff (or its succeeding organization) and the unified commands.

While these realignments are critically needed, they will not, by themselves, be sufficient to correct the imbalance between Service and joint interests. The problem is more deep-seated; it involves the basic attitudes and orientations of the professional officer corps. As long as the vast majority of military officers at all levels gives highest priority to the interests of their Service or branch while losing sight of broader and more important national security needs—and believes that their behavior is correct—the predominance of Service influence will remain a problem. Whatever changes are made at the top of the DoD organization, powerful resistance to a more unified outlook will continue to be the basic orientation of military officers deeply immersed in the culture of their Services. This dimension of the problem will require changes in the system of military education, training, and assignments to produce officers with a heightened awareness and greater commitment to DoD-wide requirements, a genuine multi-Service perspective, and an improved understanding of other Services.

3. Imbalance Between Modernization and Readiness

The imbalance between Service and joint interests is a major cause of the imbalance between modernization and readiness in the defense program. Overemphasis on future needs deprives operating forces of capabilities needed to respond to today's or tomorrow's crisis. Current warfighting capabilities are robbed to pay for hardware in the distant future. For the most part, the Washington Headquarters of the Services are focused on future requirements and the modernization of their equipment. The constituency for readiness is the operational commands which are among the joint organizations whose interests are under-represented in senior decision-making councils. Correcting this modernization-readiness imbalance will require a strengthening of the representation of the operational commanders, especially the unified commanders, in the resource allocation process.

4. Inter-Service Logrolling

While strong criticism of destructive and disruptive inter-Service rivalry is frequently voiced, DoD suffers more from inter-Service logrolling. The intensity of the postwar rivalry among the Services was so great that its continued existence has been assumed. It is true that inter-Service secretiveness, duplication, lack of understanding, and inconsistencies continue to exist. These are found at lower levels of organizational activity where they continue to undermine coordination and cooperation. However, over the last 20 years, the Services have logrolled on the central issues of concern to them in order to provide a united front to the Secretary of Defense and other senior civilian authorities. The natural consequence of this logrolling has been a heightening of civil-military disagreement, an isolation of OSD, a loss of information critical to effective decision-making, and, most importantly, a political weakening of the Secretary of Defense. The overall result of inter-Service logrolling has been a highly undesirable lessening of civilian control of the military. Actions to correct this problem will need to ensure that senior civilian authorities are informed of all legitimate alternatives.

The current system in many regards represents the worst of many possibilities. On critical issues, the Services logroll and deny the opportunity for effective decision-making. On lesser issues, the Services remain determined rivals and preclude the degree of cooperation and coordination necessary to provide efficient and integrated fighting teams.

5. Inadequate Joint Advice

The JCS system has not been capable of adequately fulfilling its responsibility to provide useful and timely unified military advice. The institutional views of the JCS often take too long to prepare; are not in the concise form required by extremely busy senior officials; and, most importantly, do not offer clear, meaningful recommendations on issues affecting more than one Service. As General David C. Jones, USAF (Retired), a former JCS Chairman, has stated:

... the corporate advice provided by the Joint Chiefs of Staff is not crisp, timely, very useful or very influential.

Former Secretary of Defense James R. Schlesinger concurs in his evaluation of formal JCS advice:

... The proffered advice is generally irrelevant, normally unread, and almost always disregarded.

Symptoms of inadequate joint advice are found in many activities within DoD, including strategic planning, programming, operational planning, force employment, roles and missions of the Services, revision of the Unified Command Plan, organization of the unified commands, and development of joint doctrine. The JCS are viewed as the key military advisors on a substantial range of important strategy, resource, operational, and organizational issues. Shortcomings in their ability to meaningfully address these issues have had a serious impact on the ability of DoD to prepare for and to conduct military operations in times of crisis. Moreover, the JCS have failed to provide adequate staff support to the Secretary of Defense in his mission integrator and chain of command roles. As a result, the Secretary has been forced to rely on civilians, whether they are qualified or not, for advice on issues for which independent military recommendations would have been preferred.

The dual responsibilities of the Service Chiefs—often referred to as “dual-hatting”—to their individual Services and to the Joint Chiefs of Staff is the primary cause of the deficiencies of the JCS system. “Dual-hatting” poses an inherent conflict of interest for the Service Chiefs. They have one job that requires them to be effective advocates for their own Service. Their second job as JCS members requires them to subordinate Service interests to broader considerations. The Service Chiefs have been unable to balance these two conflicting demands; they have normally been unable to subordinate the interests of their parent Services to the larger interests of national defense. Therefore, “dual-hatting” yields weak JCS advice that simply reflects whatever level of compromise is necessary to achieve the four Services’ unanimous agreement. “Dual-hatting” also overburdens the Service Chiefs by requiring them to shoulder more responsibilities than one person can handle. Simply performing all the duties entailed in leading a military Service is enough to fully consume the time and energy of a single individual.

6. Failure to Adequately Implement the Concept of Unified Command

The concept of unified command, as formulated in the immediate postwar period and articulated by President Eisenhower in 1958, has not been adequately implemented. At that time, President Eisenhower stated:

Because I have often seen the evils of diluted command, I emphasize that each unified commander must have unquestioned authority over all units of his command Today a unified command is made up of component commands from each military department, each under a commander of that department. The commander’s authority over these component commands is short of the full command required for maximum efficiency.

Despite President Eisenhower’s efforts, the authority of the unified commanders remains extremely limited. They have weak authority over their Service component commands, limited influence over resources, and little ability to promote greater unification within their commands. As a result, the unified commands remain loose confederations of single-Service forces which are unable to provide effective unified action across the spectrum of military missions. In essence, there is limited mission integration at the operational level of DoD. As the 1970 *Blue Ribbon Defense Panel Report* noted:

The net result is an organizational structure in which “unification” of either command or of the forces is more cosmetic than substantive.

The operational deficiencies evident during the Vietnam War, the seizure of the *Pueblo*, the Iranian hostage rescue mission, and the incursion into Grenada were the result of the failure to adequately implement the concept of unified command.

7. Unnecessary Staff Layers and Duplication of Effort in the Top Management Headquarters of the Military Departments

Each Military Department has two separate headquarters staffs (three in the Navy): the Secretariat and the military headquarters staff. This arrangement results in an unnecessary layer of supervision and duplication of effort. Moreover, the existence of two separate staffs leads to delays and micro-management and is counterproductive and inefficient. There are two causes of this problem. First, the current arrangements are a holdover from an earlier era when the Service Secretaries headed separate, executive-level departments. The second cause is the failure of the Service Secretaries to effectively control the military headquarters staffs and their attempted use of the Secretariats to provide this control. The Service Secretaries would be able to exercise more effective management and control if these separate staffs were fully or partially integrated. Moreover, the dual levels of staff review would be eliminated; paperwork would be reduced; and substantial manpower savings would be possible.

8. Predominance of Programming and Budgeting

The overall performance of DoD suffers from the predominance in organizational activity of the programming and budgeting phases of the resource allocation process. Too much of the time and attention of DoD and its senior civilian and military officials is consumed by resource decisions. This has led to insufficient attention to strategic planning, operational matters, and execution of policy and resource decisions. For example, the Secretary of Defense—the critical civilian link in the chain of command—pays insufficient attention to his operational responsibilities. Moreover, insufficient attention is given to contingency plans, joint doctrine, joint training, and alliance issues.

The overemphasis on resource issues and the underemphasis of operational matters are also reflected in the professional development of military officers. The development of leadership skills needed in wartime has been given relatively low priority in the resource-oriented Services. Instead, technical, managerial, and bureaucratic skills have been emphasized. DoD's predominant focus on programming and budgeting must be diminished.

9. Lack of Clarity of Strategic Goals

Inattention to strategic planning has led to numerous deficiencies, including a lack of clarity of DoD's strategic goals. The stated goals are vague and ambiguous. In an organization as large as DoD, the clear articulation of overall strategic goals can play an important role in achieving a coordinated effort toward these goals by the various components and individuals within them. Clarity of goals can enhance unity and integration. DoD loses the benefit of this unifying mechanism through its failure to clarify its strategic goals. To correct this problem and other strategic planning deficiencies, DoD needs to establish and maintain a well-designed and highly interactive strategic planning process.

10. Insufficient Mechanisms for Change

Throughout history, military organizations—like all large organizations—have been noted for their resistance to change. The U.S. military establishment shares

the resistance to change inherent in the military profession. However, in DoD, this tendency is magnified by systemic problems. Key among these systemic problems are (1) the bureaucratic agreements among the Services—the Key West Agreement on Service roles and missions, the Unified Command Plan, and JCS Publication 2 (*Unified Action Armed Forces*) being key examples—which are “off-limits” even when serious deficiencies are identified; (2) the predominant influence of the Services, particularly when compared to that of joint organizations; (3) inter-Service logrolling on critical issues; and (4) absolute Service control over promotions and assignments of all military officers, including those in joint duty billets. The result of these systemic problems is that DoD does not have effective mechanisms for change.

As this study documents, the Department of Defense suffers from numerous organizational and procedural deficiencies. Of major concern is the frequent inability of DoD to correct these deficiencies on its own. Despite substantial evidence of poor performance, DoD expends its energies on defending the *status quo*. The absence of an effective process of self-correction and self-modification has resulted in an undesirable rigidity in DoD organization and procedures.

11. Inadequate Feedback

Related to insufficient mechanisms for change is the absence of useful feedback in many activities in DoD. Effective management control is not possible without useful and timely feedback on actual operations and implementation of plans. While the absence of useful feedback reduces management control of the resource allocation process, it also precludes learning important lessons from poor organizational performance. Past mistakes—whether in the procurement of a weapon system or in the employment of forces during a crisis—do not receive the critical review that would prevent them from recurring. DoD has not established a tradition of comprehensive, critical evaluations of its performance in many areas. The lessons go unlearned, and the mistakes are repeated. While there are other factors that contribute to this deficiency, inadequate feedback mechanisms play an important role.

12. Inadequate Quality of Political Appointees and Joint Duty Military Personnel

Problems with the quality of DoD personnel have been identified in political appointee positions in the Office of the Secretary of Defense and the Service Secretariats and in joint duty military positions, especially in the Organization of the Joint Chiefs of Staff and the staffs of the unified commanders. Political appointees are a problem because of their relative inexperience and high turnover rates as well as lengthy vacancies in appointed positions. These factors lead to extended periods of on-the-job training and poor continuity. DoD has given insufficient attention to the development of military officers capable of effectively performing joint duty assignments. In addition, the substantial disincentives to serving in such assignments have been permitted to persist.

In this regard, some observers argue that the overriding solution to DoD organizational problems is to improve the caliber of senior officials. While improving the quality of DoD's senior leadership is an important initiative, it should not, however, be seen as a substitute for necessary organizational reform. Although good people can, to a certain extent, overcome a deficient organizational structure, a well-designed structure will support a higher level of sustained effectiveness than a

poor structure will. Moreover, a choice between good people and sound structure need not be made. Efforts to improve DoD's performance should emphasize *both* structural change and enhancement of the management and leadership skills of senior officials.

13. Failure to Clarify the Desired Division of Work

One of the basic mechanisms for enhancing organizational efficiency is to rationally divide the work among the various structural components. Within DoD, the desired division of work has not been adequately clarified in many instances; in others, the assigned division of work is ignored in practice. Congressional micro-management of defense programs and OSD micro-management of Service programs are key examples of this problem. Equally relevant is DoD's inability to objectively examine the Unified Command Plan and the Services' roles and missions. This inability precludes a more rational division of work among the operational commands in the first instance and among the Services in the second. In the context of civilian control of the military, there is also a lack of clarity on the division of work between civilian and military officials and organizations. As a last point, many organizations have encroached on the duties of OJCS; both OSD and the Services are performing roles assigned to OJCS. The absence of a rational and enforced division of work leads to greater complexity, friction, delay, duplication, and inefficiency.

14. Excessive Spans of Control

At many levels of the Department of Defense, key managers have an excessive number of subordinates reporting to them. For example, the Secretary of Defense has 41 senior military and civilian officials (excluding the Deputy Secretary and his immediate staff) who report directly to him. Likewise, the Service Chiefs have unwieldy spans of control. The Army Chief of Staff has 42 officials reporting directly to him; the Chief of Naval Operations, 48 officials; the Air Force Chief of Staff, 35 officials; and the Marine Corps Commandant, 41 officials. Effective supervision and coordination of excessive numbers of officials are not possible. As a result, organizational inefficiency is substantial. In general, excessive spans of control in DoD result from the use of relatively flat organizational structures. Use of more orderly hierarchical structures may help to solve the problems of insufficient supervision and coordination.

15. Insufficient Power and Influence of the Secretary of Defense

The actual power and influence of the Secretary of Defense are not sufficient to enable him to effectively manage the Department of Defense. The problem arises not from his formal statutory authority which provides him a full measure of power. Instead, the problem emanates from powerful organizational forces whose vigorous pursuit of their own agendas has substantially weakened the office of Secretary of Defense. As a result, the Secretary lacks the tools, levers, and organizational channels that he needs to effectively manage the defense bureaucracy. Moreover, his efforts are seriously hampered by the absence of a source of truly independent military advice; he is too dependent on the advice and counsel of the Service Chiefs who pre-negotiate key issues. The Secretary of Defense is confronted by powerful institutional forces that undermine his authority and offer him little help in carrying out his vast responsibilities. Organizational and procedural changes in DoD should be consistent with the need to enhance the management potential of the Secretary of Defense.

Strengthening the power and influence of the Secretary of Defense does not mean increased centralization. Only when bureaucratic constraints and obstacles that diffuse the Secretary's power are removed will he be able to decentralize without losing control. On the whole, the recommendations of this study offer the potential for the Secretary of Defense to realize the advantages of decentralized management of many activities.

16. Inconsistent and Contradictory Pattern of Congressional Oversight

The Congress has a central role in the overall planning and management of the Nation's security and must share responsibility for any fundamental problems. In fact, efforts to reorganize the Department of Defense will prove imperfect again unless accompanied by changes on Capitol Hill. The very structure of the Congress and its review procedures produce an inconsistent and sometimes contradictory pattern of oversight and guidance. This inconsistent pattern reinforces divisions within DoD, inhibiting the development of a coherent and integrated defense program. The absence of effective mission integration in DoD is a fundamental flaw, and the Congress has been a major contributor to that shortcoming.

There are five aspects to this congressional problem. First, the cognizant committees have developed different structures, styles, and traditions, resulting in an inconsistent and sometimes contradictory pattern of DoD oversight. These differences foster confusion and tempt factions within DoD to export conflicts to the Congress. Second, the Congress tends to review the defense program in terms of artificial accounting inputs rather than in terms of mission outputs. Adjustments tend to be made for financing reasons within accounts rather than for reasons of priorities among missions. Third, the Congress tends not to compare programs across Service lines and very rarely makes policy tradeoffs that cross Service lines. Fourth, the Congress tends to dwell on policy or program conflicts and tensions within DoD, reinforcing those conflicts. Fifth, the Congress has historically favored independent subordinate offices as opposed to centralized control in DoD, in order to maximize congressional leverage in directing the allocation of resources or determining the outcome of policy disputes.

Beyond this major deficiency, the current practice of congressional review and oversight has resulted in substantial instability in defense policies and programs. This has resulted from the hegemony of the congressional budget process which has overwhelmed the remainder of the legislative agenda and which has precluded meeting the established schedule for enactment of authorization and appropriations bills. As a result, the Congress has been forced to resort to continuing resolutions for spending measures. Instability in defense policies and programs has been further heightened by the tendency of the Congress to look at DoD activity in only single fiscal year increments with predictable short-sighted results. Lastly, the Congress extensively micro-manages DoD. Increasingly, the Congress is becoming involved in the details of the defense budget, not just the broad policies and directions that guide it.

D. SPECIFIC RECOMMENDATIONS

Many of the broad recommendations of the staff study are presented in the preceding text of the Executive Summary. The study also makes a total of 91 specific recommendations to solve the problems identified in Chapters 3 through 9. The twelve most important specific recommendations are:

1. Establish three mission-oriented under secretary positions in the Office of the Secretary of Defense for (1) nuclear deterrence, (2) NATO defense, and (3) regional defense and force projection.
2. Disestablish the Joint Chiefs of Staff and, thereby, permit the Service Chiefs to dedicate all their time to Service duties.
3. Establish a Joint Military Advisory Council consisting of a Chairman and a 4-star military officer from each Service on his last tour of duty to serve as the principal military advisors to the President, the National Security Council, and the Secretary of Defense.
4. Authorize the Chairman of the Joint Military Advisory Council to provide military advice in his own right.
5. Designate one of the members of the Joint Military Advisory Council, from a different Service pair (Army/Air Force and Navy /Marine Corps) than the Chairman, as Deputy Chairman.
6. Specify that one of the responsibilities of the Joint Military Advisory Council is to inform higher authority of all legitimate alternatives.
7. Authorize the Chairman of the Joint Military Advisory Council to develop and administer a personnel management system for all military officers assigned to joint duty.
8. Establish in each Service a joint duty career specialty.
9. Make the Chairman of the Joint Military Advisory Council (JMAC) the principal military advisor to the Secretary of Defense on operational matters and the sole command voice of higher authority within the JMAC system while ensuring absolute clarity that the JMAC Chairman is not part of the chain of command.
10. Remove the Service component commanders within the unified commands from the operational chain of command.
11. Fully integrate the Secretariats and military headquarters staffs in the Departments of the Army and Air Force and partially integrate the Secretariat and military headquarters staffs in the Department of the Navy. (The Department of the Navy is treated differently because of its dual-Service structure.)
12. Create the position of Assistant Secretary of Defense (Strategic Planning) who would be responsible for establishing and maintaining a well-designed and highly interactive strategic planning process.

SOURCE: *Defense Organization: The Need for Change*, Staff Report to the Committee on Armed Services, U.S. Senate, 99 Cong, 1 sess, Senate Report No. 99-86, 16 October 1985 (Washington: GPO, 1985), 1-12.

5. The Packard Commission, 1985-1986

Extensive public and congressional discussion critical of defense organization, management, and budgets influenced President Reagan to establish on 15 July 1985 the President's Blue Ribbon Commission on Defense Management. Its primary objective, according to Executive Order 12526, was "to study defense management policies and procedures, including the budget process, the pro-

curement system, legislative oversight, and the organizational and operational arrangements, both formal and informal, among the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Unified and Specified Command system, the Military Departments, and the Congress.” To head the commission, Reagan chose David Packard, a founder of the Hewlett-Packard Corporation and a former deputy secretary of defense. The other 14 members came from various groups—corporations, law firms, retired military officers—as well as two one-time DoD officials, former Deputy Secretary of Defense Frank C. Carlucci and former Under Secretary of Defense (Research and Engineering) William J. Perry. Both President Reagan and Secretary of Defense Caspar W. Weinberger were reluctant to establish the Packard Commission, but Reagan later became more supportive of its work.

On 28 February 1986, the Packard Commission published *An Interim Report to the President*, with analysis and recommendations under four headings. The interim report was essentially identical to the summary of the commission’s *A Quest for Excellence: Final Report to the President*, presented in June 1986. The summary is reprinted below:

In July 1985, this Commission was charged by the President to conduct a defense management study of important dimension. Our findings and recommendations,* summarized below, concern major features of national security planning and budgeting, military organization and command, acquisition organization and procedures, and government-industry accountability. This summary represents, with certain important additions, the blueprint for overall improvement in defense management presented as our *Interim Report to the President* on February 28, 1986.

National Security Planning and Budgeting

The Commission finds that there is a great need for improvement in the way we think through and tie together our security objectives, what we spend to achieve them, and what we decide to buy. The entire undertaking for our nation’s defense requires more and better long-range planning. This will involve concerted action by our professional military, the civilian leadership of the Department of Defense, the President, and the Congress.

Today, there is no rational system whereby the Executive Branch and the Congress reach coherent and enduring agreement on national military strategy, the forces to carry it out, and the funding that should be provided—in light of the overall economy and competing claims on national resources. The absence of such a system contributes substantially to the instability and uncertainty that plague our defense program. These cause imbalances in our military forces and capabilities, and increase the costs of procuring military equipment.

Better long-range planning must be based on military advice of an order not now always available—fiscally constrained, forward looking, and fully integrated. This advice must incorporate the best possible assessment of our overall military posture vis-a-vis potential opponents, and must candidly evaluate the performance and readiness of the individual Services and the Unified and Specified Commands.

* The Commission’s recommendations are set forth in full and detailed form at Appendix A to this *Final Report*. All appended material is collected in a separate *Appendix to Final Report*.

To conduct such planning requires a sharpened focus on major defense missions in the Department's presentation, and Congress' review, of the defense budget. The present method of budget review, involving duplicative effort by numerous congressional committees and subcommittees, centers on either the minutiae of line items or the gross dollar allocation to defense, and obscures important matters of strategy, operational concepts, and key defense issues. As Senator Goldwater, Chairman of the Senate Armed Services Committee, recently observed, "The budget process distorts the nature of congressional oversight by focusing primarily on the question of how much before we answer the key questions of what for, why, and how well."

Of greater concern, congressional approval of the budget on a year-to-year basis contributes to and reinforces the Department's own historical penchant for defense management by fits and starts. Anticipated defense dollars are always in flux. Individual programs must be hastily and repeatedly accommodated to shifting overall budgets, irrespective of military strategy and planning. The net effect of this living day-to-day is less defense and more cost. Although often hidden, this effect is significant—and it can be avoided.

Biennial budgeting, authorization and appropriation of major programs not annually but only at key milestones, and a focus on strategy and operational concepts instead of line items are among the most important changes that could be made to improve defense planning. They would enhance the congressional role in framing good national security policy.

Budgeting based on strategy and operational concepts also would provide a far greater improvement in the performance of the Office of the Secretary of Defense than would any legislated reorganization of that Office. In general, we believe, Congress should permit the Secretary to organize his Office as he chooses to accomplish centralized policy formulation and decentralized implementation within the Department.

The Commission concludes that new procedures are required to help the Administration and the Congress do the necessary long-range planning and meaningfully assess what military forces are needed to meet our national security objectives. Public and official debate must be brought to bear on these larger defense policy questions. The Commission strongly urges adoption of a process that emphasizes the element of sound, professional military advice provided within realistic confines of anticipated long-term funding.

Recommendations

To institutionalize, expand, and link a series of critical determinations within the Executive Branch and Congress, we recommend a process that would operate in substance as follows:

Defense planning would start with a comprehensive statement of national security objectives and priorities, based on recommendations of the National Security Council (NSC).

Based on these objectives, the President would issue, at the outset of his Administration and thereafter as required, provisional five-year budget levels to the Department of Defense (DoD). These budget levels would reflect competing demands on the federal budget and projected gross national product and revenues and would come from recommendations of the NSC and the Office of Management and Budget.

The Secretary of Defense would instruct the Chairman of the Joint Chiefs of Staff (JCS) to prepare a military strategy for the national objectives, and options on operational concepts and key defense issues for the budget levels provided by the President.

The Chairman would prepare broad military options with advice from the JCS and the Commanders-in-Chief of the Unified and Specified Commands (CINCs). Addressing operational concepts and key defense issues (e.g., modernization, force structure, readiness, sustainability, and strategic versus general purpose forces), the Chairman would frame explicit trade-offs among the Armed Forces and submit his recommendations to the Secretary of Defense. The Secretary of Defense would make such modifications as he thinks appropriate and present these to the President.

The Chairman, with the assistance of the JCS and the Director of Central Intelligence, would prepare a net assessment of the effectiveness of United States and Allied Forces as compared to those of possible adversaries. The net assessment would be used to evaluate the risks of options and would accompany the recommendations of the Secretary of Defense to the President.

The President would select a particular military program and the associated budget level. This program and budget level would be binding on all elements of the Administration. DoD would then develop a five-year defense plan and a two-year defense budget conforming to the President's determination.

The President would submit to the Congress the two-year budget and the five-year plan on which it is based. Congress would be asked to approve the two-year budget based upon this plan. It would authorize and appropriate funding for major weapon systems at the two key milestones of full-scale engineering development and high-rate production.

DoD would present the budget to Congress on the basis of national strategy and operational concepts rather than line items. The details of such presentation would be worked out by the Secretary of Defense and appropriate committees of Congress.

Military Organization and Command

In our *Interim Report*, the Commission recommended the changes in military organization and command described below. These were designed to assure unified action by our Armed Forces. On April 24, 1986, in a Special Message to Congress, the President endorsed these recommendations and requested early enactment of legislation required to implement them. As the culmination of a major legislative effort begun in the House of Representatives in 1982 and joined in the Senate by passage of the Barry Goldwater Department of Defense Reorganization Act of 1986, we anticipate enactment of our basic recommendations by the end of 1986.

Recommendations

Current law should be changed to designate the Chairman of the Joint Chiefs of Staff (JCS) as the principal uniformed military advisor to the President, the National Security Council, and the Secretary of Defense, representing his own views as well as the corporate views of the JCS.

Current law should be changed to place the Joint Staff and the Organization of the Joint Chiefs of Staff under the exclusive direction of the Chairman, to perform such duties as he prescribes to support the JCS and to respond to

the Secretary of Defense. The statutory limit on the number of officers on the Joint Staff should be removed to permit the Chairman a staff sufficient to discharge his responsibilities.

The Secretary of Defense should direct that the commands to and reports by the Commanders-in-Chief of the Unified and Specified Commands (CINCs) should be channeled through the Chairman so that the Chairman may better incorporate the views of senior combatant commanders in his advice to the Secretary.

The Service Chiefs should serve as members of the JCS. The position of a four-star Vice Chairman should be established by law as a sixth member of the JCS. The Vice Chairman should assist the Chairman by representing the interests of the CINCs, co-chairing the Joint Requirements and Management Board, and performing such other duties as the Chairman may prescribe.

The Secretary of Defense, subject to the direction of the President, should determine the procedures under which an Acting Chairman is designated to serve in the absence of the Chairman of the JCS. Such procedures should remain flexible and responsive to changing circumstances.

Subject to the review and approval of the Secretary of Defense, Unified Commanders should be given broader authority to structure subordinate commands, joint task forces, and support activities in a way that best supports their missions and results in a significant reduction in the size and numbers of military headquarters.

The Unified Command Plan should be revised to assure increased flexibility to deal with situations that overlap the geographic boundaries of the current combatant commands and with changing world conditions.

For contingencies short of general war, the Secretary of Defense, with the advice of the Chairman and the JCS, should have the flexibility to establish the shortest possible chains of command for each force deployed, consistent with proper supervision and support. This would help the CINCs and the JCS perform better in situations ranging from peace to crisis to general war.

The Secretary of Defense should establish a single unified command to integrate global air, land, and sea transportation, and should have flexibility to structure this organization as he sees fit. Legislation prohibiting such a command should be repealed.

Acquisition Organization and Procedures

Action within the Administration and in Congress to improve national security planning and budgeting and military organization—as recommended by the Commission—will provide the element of stability required for substantial improvement of the acquisition system. This element is critical, and has been missing. While significant savings can be and have been made through better procurement techniques, more impressive savings will come from eliminating the hidden costs that instability imposes.

Our study of acquisition reveals, and our collective experience fully confirms, that there are certain common characteristics of successful commercial and governmental projects. Short, unambiguous lines of communication among levels of management, small staffs of highly competent professional personnel, an emphasis on innovation and productivity, smart buying practices, and, most importantly, a

stable environment of planning and funding—all are characteristic of efficient and successful management.

These characteristics should be hallmarks of defense acquisition. They are, unfortunately, antithetical to the process the Congress and the Department of Defense have created to conduct much of defense acquisition over the years. With notable exceptions, weapon systems take too long and cost too much to produce. Too often, they do not perform as promised or expected. The reasons are numerous.

Over the long term, there has been chronic instability in top-line funding and, even worse, in programs. This eliminates key economies of scale, stretches out programs, and discourages contractors from making the long-term investments required to improve productivity.

Federal law governing procurement has become overwhelmingly complex. Each new statute adopted by Congress has spawned more administrative regulation. As law and regulation have proliferated, defense acquisition has become ever more bureaucratic and encumbered by unproductive layers of management and overstaffing.

Responsibility for acquisition policy has become fragmented. There is today no single senior official in the Office of the Secretary of Defense (OSD) working full-time to provide overall supervision of the acquisition system. While otherwise convinced that the Secretary should be left free to organize his Office as he sees fit, the Commission concludes that the demands of the acquisition system have become so weighty as to require organizational change within that Office.

In the absence of such a senior OSD official, policy responsibility has tended to devolve to the Services, where at times it has been exercised without the necessary coordination or uniformity.

Authority for acquisition execution, and accountability for its results, have become vastly diluted. Program managers have in effect been deprived of control over programs. They are confronted instead by never-ending bureaucratic obligations for making reports and gaining approvals that bear no relation to program success.

Deficiencies in the senior-level appointment system have complicated the recruitment of top executive personnel with industrial and acquisition experience. Recent steps to improve the professionalism of military acquisition personnel have been made within the Department of Defense and reinforced by legislation. The existing civilian personnel management system has not, however, allowed similar improvements in career paths and education for civilian acquisition personnel. To attract and retain a good work force requires a more flexible system for management of contracting officers and other senior acquisition personnel—one comparable to the successful system for scientists and engineers recently demonstrated in the Navy's so-called China Lake personnel project. Major innovations in personnel management and regulations are needed. The Commission's recommendations in this critical area can and should be acted upon quickly and are of the highest priority.

A better job of determining requirements and estimating costs has been needed at the outset of weapons development. More money and better engineering invested at the front end will get more reliable and better performing weapons into the field more quickly and cheaply. For example, recent improvements in budgeting

to most-likely cost have demonstrated that this approach can result in a reduction in overruns.

All too often, requirements for new weapon systems have been overstated. This has led to overstated specifications, which has led to higher cost equipment. Such so-called goldplating has become deeply embedded in our system today. The current streamlining effort in the Defense Department is directed at this problem.

Developmental and operational testing have been too divorced, the latter has been undertaken too late in the cycle, and prototypes have been used and tested far too little.

In their advanced development projects, the Services too often have duplicated each other's efforts and disfavored new ideas and systems. The Defense Advanced Research Projects Agency has not had a sufficient role in hardware experimentation and prototyping.

Common sense, the indispensable ingredient for a successful system, has not always governed acquisition strategies. More competition, for example, is beneficial, but the mechanistic pursuit of competition for its own sake would be inefficient and sacrifice quality—with harmful results. Multi-year procurement, baselining, and the use of non-developmental items all entail costs to management flexibility, but would yield far greater benefits in program stability. The Defense Department has initiated some baselining (the B-1 is an example) and has made progress in gaining congressional acceptance of multi-year contracting.

In sum, the Commission finds that there is legitimate cause for dissatisfaction with the process by which the Department of Defense and Congress buy military equipment and material. We strongly disagree, however, with the commonly held views of what is wrong and how it must be fixed. The nation's defense programs lose far more to inefficient procedures than to fraud and dishonesty. The truly costly problems are those of overcomplicated organization and rigid procedure, not avarice or connivance.

Chances for meaningful improvement will come not from more regulation but only with major institutional change. Common sense must be made to prevail alike in the enactments of Congress and the operations of the Department. We must give acquisition personnel more authority to do their jobs. If we make it possible for people to do the right thing the first time and allow them to use their common sense, then we believe that the Department can get by with far fewer people.

The well-publicized spare parts cases are only one relatively small aspect of a far costlier structural problem. Each spare parts case has its own peculiarities, but there are several major recurring causes that are systemic in nature. Many of these causes have been identified by the Defense Department.

It is undoubtedly important to buy spare parts with care and at reasonable cost. It is yet more important not to let the spare parts cases lead us to ignore larger problems or, even worse, to aggravate them. Policy makers must address the root causes of inefficiency, not dwell on marginal issues. The prescription we offer for those larger problems will, we believe, result in savings on major weapon systems and minor spare parts alike.

Recommendations

Notwithstanding our view that the Secretary of Defense should be free to organize his Office as he sees fit, we strongly recommend creation by statute

of the new position of Under Secretary of Defense (Acquisition) and authorization of an additional Level II appointment in the Office of the Secretary of Defense. This Under Secretary, who should have a solid industrial background, would be a full-time Defense Acquisition Executive. He would set overall policy for procurement and research and development (R&D), supervise the performance of the entire acquisition system, and establish policy for administrative oversight and auditing of defense contractors.

The Army, Navy, and Air Force should each establish a comparable senior position filled by a top-level civilian Presidential appointee. The role of the Services' Acquisition Executives would mirror that of the Defense Acquisition Executive. They would appoint Program Executive Officers (PEO), each of whom would be responsible for a reasonable and defined number of acquisition programs. Program Managers for these programs would be responsible directly to their respective PEO and report *only* to him on program matters. Each Service should retain flexibility to shorten this reporting chain even further, as it sees fit.

Establishing short, unambiguous lines of authority would streamline the acquisition process and cut through bureaucratic red tape. By this means, the Department of Defense (DoD) should substantially reduce the number of acquisition personnel.

Congress should work with the Administration to recodify all federal statutes governing procurement into a single government-wide procurement statute. This recodification should aim not only at consolidation, but more importantly at simplification and consistency.

DoD must be able to attract, retain, and motivate well qualified acquisition personnel. Significant improvements, along the lines of those recommended in November 1985 by the National Academy of Public Administration, should be made in the senior-level appointment system. The Secretary of Defense should have increased authority to establish flexible personnel management policies necessary to improve defense acquisition. An alternate personnel management system, modeled on the China Lake Laboratory demonstration project, should be established to include senior acquisition personnel and contracting officers as well as scientists and engineers. Federal regulations should establish business-related education and experience criteria for civilian contracting personnel, which will provide a basis for the professionalization of their career paths. Federal law should permit expanded opportunities for the education and training of all civilian acquisition personnel. This is necessary if DoD is to attract and retain the caliber of people necessary for a quality acquisition program.

The Joint Requirements and Management Board (JRMB) should be co-chaired by the Under Secretary of Defense (Acquisition) and the Vice Chairman of the Joint Chiefs of Staff. The JRMB should play an active and important role in all joint programs and in appropriate Service programs by defining weapons requirements, selecting programs for development, and providing thereby an early trade-off between cost and performance.

Rather than relying on excessively rigid military specifications, DoD should make much greater use of components, systems, and services available "off the shelf." It should develop new or custom-made items only when it has been

established that those readily available are clearly inadequate to meet military requirements.

A high priority should be given to building and testing prototype systems and subsystems before proceeding with full-scale development. This early phase of R&D should employ extensive informal competition and use streamlined procurement processes. It should demonstrate that the new technology under test can substantially improve military capability, and should as well provide a basis for making realistic cost estimates prior to a full-scale development decision. This increased emphasis on prototyping should allow us to “fly and know how much it will cost before we buy.”

The proper use of operational testing is critical to improving the operations performance of new weapons. We recommend that operational testing begin early in advanced development and continue through full-scale development, using prototype hardware. The first units that come off the limited-rate production line should be subjected to intensive operational testing and the systems should not enter high-rate production until the results from these tests are evaluated.

To promote innovation, the role of the Defense Advanced Research Projects Agency should be expanded to include prototyping and other advanced development work on joint programs and in areas not adequately emphasized by the Services.

Federal law and DoD regulations should provide for substantially increased use of commercial-style competition, relying on inherent market forces instead of governmental intervention. To be truly effective, such competition should emphasize quality and established performance as well as price, particularly for R&D and for professional services.

DoD should fully institutionalize “baselining” for major weapon systems at the initiation of full-scale engineering development. Establishment of a firm internal agreement or baseline on the requirements, design, production, and cost of weapon systems will enhance program stability.

DoD and Congress should expand the use of multi-year procurement for high-priority systems. This would lead to greater program stability and lower unit prices.

DoD must recognize the delicate and necessary balance between the government’s requirement for data and the benefit to the nation that comes from protecting the private sector’s proprietary rights. That balance must exist to foster technological innovation and private investment which is so important in developing products vital to our defense. DoD should adopt a data rights policy that reflects the following principles:

- If a product has been developed with private funds, the government should not demand, as a precondition for buying that product, unlimited data rights even if the government provides the only market. The government should acquire only the data necessary for installation, operation, and maintenance.
- If a product is to be developed with joint private and government funding, the government’s needs for data should be defined during contract

negotiations. Government contribution to development funding should not automatically guarantee it rights to all data.

- **If a product is developed entirely with government funds, the government owns all the rights to it but may under certain circumstances make those rights available to the private sector.**

The President, through the National Security Council, should establish a comprehensive and effective national industrial responsiveness policy to support the full spectrum of potential emergencies. The Secretary of Defense, with advice from the Joint Chiefs of Staff, should respond with a general statement of surge and mobilization requirements for basic wartime defense industries, and logistic needs to support those industries and the essential economy. The DoD and Service Acquisition Executives should consider this mobilization guidance in formulating their acquisition policy, and program managers should incorporate industrial surge and mobilization considerations in program execution.

Government-Industry Accountability

In recent years there has been increasing public mistrust of the performance of private contractors in the country's defense programs. Numerous reports of questionable procurement practices have fostered a conviction, widely shared by members of the public and by many in government, that defense contractors place profits above legal and ethical responsibilities. Others argue that contractors have been unfairly discredited through ill-conceived official actions, exaggerated press, and mistaken public dialogue. The depth of public sentiment and prospect of continuing tensions and divisions between government and industry are cause for concern.

Our nation relies heavily upon the private sector in executing defense policy. Cooperation between government and industry is essential if private enterprise is to fulfill its role in the defense acquisition process. Contractor or government actions that undermine public confidence in the integrity of the contracting process jeopardize this needed partnership.

Aggressive and sustained enforcement of civil and criminal laws governing procurement punishes and deters misconduct by the few, vindicates the vast majority who deal with the government lawfully, and recoups losses to the Treasury. As President Reagan emphasized in public remarks announcing the formation of this Commission, "Waste and fraud by corporate contractors are more than a ripoff of the taxpayer—they're a blow to the security of our nation. And this the American people cannot and should not tolerate." Specific measures can and should be taken to make civil and criminal enforcement still more effective.

Management and employees of companies that contract with the Defense Department assume unique and compelling obligations to the people of our Armed Forces, the American taxpayer, and our nation. They must apply (and be perceived as applying) the highest standards of business ethics and conduct. Significant improvements in contractor self-governance, addressing problems unique to defense contracting, are required. Contractors have a legal and moral obligation to disclose to government authorities misconduct discovered as a result of self-review.

Improvements also should be made in the Department's administration of current standards of conduct for military personnel and civilian employees. Additional

enforcement and compliance, and complementary efforts to address the respective ethical concerns of government and industry, are required.

Despite an unquestioned need for broad administrative oversight of contractor performance, defense programs have too often suffered from lack of clear direction and cooperation among oversight agencies. Proliferation of uncoordinated contractor oversight—both administrative and congressional—has added unnecessary cost and inefficiency in the procurement process.

Government action should not impede efforts by contractors to improve their own performance. The Commission is concerned that, for example, overzealous use of investigative subpoenas by Defense Department agencies may result in less vigorous internal corporate auditing.

The Services and the Defense Logistics Agency are authorized to suspend or debar contractors, prohibiting the award of new government contracts for a particular period. Suspension and debarment are powerful administrative tools. Existing regulations provide insufficient guidance, however, as to when and how these sanctions should be used to protect legitimate government interests. If poorly administered, used for impermissible purposes, or applied too broadly, the sanctions can foreclose important sources of supply and inflict substantial harm on responsible contractors. A uniform policy and more precise administrative criteria are required to assure predictable and equitable application of these sanctions throughout the Department of Defense.

Recommendations

The Commission's recommendations address each of the above aspects of the Defense Department's relations with industry—law enforcement, corporate governance, official ethics, and contractor oversight.

We recommend continued, aggressive enforcement of federal civil and criminal laws governing defense acquisition. Specific measures can be taken to make enforcement still more effective, including the passage of Administration proposals to amend the civil False Claims Act and to establish administrative adjudication of small, civil false claims cases.

To assure that their houses are in order, defense contractors must promulgate and vigilantly enforce codes of ethics that address the unique problems and procedures incident to defense procurement. They must also develop and implement internal controls to monitor these codes of ethics and sensitive aspects of contract compliance.

The Department of Defense (DoD) should vigorously administer current ethics regulations for military and civilian personnel to assure that its employees comply with the same high standards expected of contractor personnel. This effort should include development of specific ethics guidance and specialized training programs concerning matters of particular concern to DoD acquisition personnel, including post-government relationships with defense contractors.

Oversight of defense contractors must be better coordinated among the various DoD agencies and Congress. Guidelines must be developed to remove undesirable duplication of official effort and, where appropriate, to encourage sharing of contractor data by audit agencies.

Government actions should foster contractor self-governance. DoD should not, for example, use investigative subpoenas to compel such disclosure of contractor internal auditing materials as would discourage aggressive self-review. The new Under Secretary of Defense (Acquisition) should establish appropriate overall audit policy for DoD agencies and generally supervise the DoD's oversight of contractor performance.

Suspension and debarment should be applied only to protect the public interest where a contractor is found to lack "present responsibility" to contract with the federal government. Suspension and debarment should not be imposed solely as a result of an indictment or conviction predicated upon former (not ongoing) conduct, nor should they be used punitively. The Federal Acquisition Regulation should be amended to provide more precise criteria for applying these sanctions and, in particular, determining present responsibility. Administration of suspension and debarment at DoD should be controlled by a uniform policy promulgated by the Secretary of Defense.

SOURCE: The President's Blue Ribbon Commission on Defense Management, *A Quest for Excellence: Final Report to the President*, June 1986, xvii-xxx.

6. National Security Decision Directive 219, 1 April 1986

On 1 April 1986, one month after President Reagan received the commission's Interim Report, he issued National Security Decision Directive 219, implementing many of the recommendations contained in the report. The White House summary of the directive follows:

Summary of a Directive Implementing the Recommendations of the Blue Ribbon Commission on Defense Management

This directive outlines the steps approved for the implementation of the initial recommendations of the Commission on Defense Management. The Commission will make additional recommendations which will be evaluated in due course and elaborate on those it has already made, as required. We must, however, be especially mindful of the need to move quickly and decisively to implement those changes approved in this directive.

I. National Security Planning and Budgeting

The current Department of Defense planning, programming, and budgeting system (PPBS) is a sophisticated and effective pro-

cess for the allocation of defense resources. Effective planning is a key element of PPBS. In striving to achieve the objectives of our five-year defense program within a constrained resource environment, the requirement for stable and effective planning is becoming even more important. The planning process requires that we consider the entire scope of national policies and priorities.

In this regard, it has been determined that defense planning should convey the initial guidance from senior civilian and military officials to those required to implement such guidance by: (1) the NSC reviewing our national security strategy to de-

termine if changes are required; (2) strengthening the process through which the President provides policy and fiscal guidance to the Department of Defense; and (3) enhancing the role of the Chairman of the Joint Chiefs of Staff in the resource allocation process.

The NSC, with the advice and assistance of the Office of Management and Budget, will develop revised schedules and procedures to improve the integration of national security strategy with fiscal guidance provided to the Department of Defense. Toward this end, within 90 days of the date of this directive, the Secretary of Defense shall recommend to the NSC and OMB procedures for:

- A) the issuance of provisional five-year budget levels to the Department of Defense. Those budget levels would reflect competing demands on the federal budget and gross national product, and revenue projections;
- B) a military strategy to support national objectives within the provisional five-year budget levels. Such strategy would include broad military options developed by the Chairman with the advice of members of the JCS and the Commanders of the Combatant Commands;
- C) a net assessment of military capabilities; and
- D) selection by the President of a military program and the associated budget level.

The NSC and OMB will ensure that such procedures are fully in place prior to the beginning of the budget cycle for Fiscal Year 1989. In the meantime, the Secretary of De-

fense will ensure that improvements to the planning process, which result from the guidance above, are integrated with the preparation of the Fiscal Year 1988 defense budget to the greatest possible extent. In addition, OMB and DoD will undertake the appropriate steps necessary to produce a two-year defense budget for Fiscal Years 1988-89.

Our objective is to improve and stabilize strategic planning at the highest level, so that public and congressional debate can be elevated and brought to bear on these larger questions of defense policy.

II. *Military Organization and Command*

This directive fully endorses the recommendations of the Commission concerning military organization and command. To continue to strengthen command, control, and military advice, the following measures will be undertaken:

- A. Within 90 days of this directive, the Secretary of Defense will report to the President concerning changes to appropriate DoD Directives undertaken to increase the effectiveness of communications between the Secretary of Defense and the Combatant Commanders. Such changes shall include improved procedures for the Chairman of the JCS to:
 - (1) channel the reports of the Combatant Commanders to the Secretary of Defense, subject to the direction of the Secretary, so that the Chairman may better incorporate the views of the Combatant Commanders in his advice to the President and the Secretary; and

- (2) channel to the Combatant Commanders the orders of the President and the Secretary of Defense.

B. Within 180 days of the date of this directive, the Secretary of Defense will report to the President on revisions made to Joint Chiefs of Staff Publication #2 (Unified Action Armed Forces), the Unified Command Plan, and any other such publications and directives as may be necessary to accomplish the following:

- (1) to provide broader authority to the Combatant Commanders to structure subordinate commands, joint task forces and support activities, subject to the approval of the Secretary of Defense;
- (2) to provide options in the organizational structure of Combatant Commands to accommodate the shortest possible chains of command consistent with proper supervision and support, which the Secretary of Defense may implement during contingencies short of general war;
- (3) to provide increased flexibility to deal with situations that overlap the current geographical boundaries of the Combatant Commands; and
- (4) to ensure the continuing responsiveness of the Combatant Commands to current and projected national security requirements.

We also support the recommendation of the Commission that the current statutory prohibition on the

establishment of a single Unified Command for transportation be repealed. Assuming this provision of law will be repealed, the Secretary of Defense will take those steps necessary to establish a single Unified Command to provide global air, land, and sea transportation.

III. *Acquisition Organization and Procedures*

To continue to improve acquisition management, the following measures will be undertaken:

- A. Within 60 days of the date of this directive, in anticipation of the enactment of legislation establishing a level II position of Under Secretary of Defense for Acquisition, the Secretary of Defense will issue a DoD Directive outlining the roles, functions, and responsibilities of the Under Secretary of Defense for Acquisition. The Under Secretary of Defense for Acquisition, who should have a solid industrial background, will serve as the Defense Acquisition Executive. The existing Defense Acquisition Executive will immediately begin implementation of these actions pending the passage of a bill authorizing appointment of a new USD(A) as contemplated by the Packard Commission. The Directive will encompass the following:
 - (1) definition of the scope of the "acquisition" function;
 - (2) responsibility for setting policy for procurement and research and development;
 - (3) supervision of the performance of the entire department acquisition system;

- (4) policy for administrative oversight of defense contractors; and
 - (5) develop appropriate guidance concerning auditing of defense contractors.
- B. Within 60 days of the date of this directive, in anticipation of enactment of legislation to establish the position of Under Secretary of Defense for Acquisition, the Secretary of Defense will direct the Secretaries of the Military Departments to prepare Military Department Directives establishing Service Acquisition Executives. The Service Acquisition Executives, acting for the Service Secretaries, will appoint Program Executive Officers (PEO) who will be responsible for a reasonable and defined number of acquisition programs. Program managers for these programs would be responsible directly to their respective PEO and report only to him on program matters. Thus, no program manager would have more than one level of supervision between himself and his Service Acquisition Executive, and no more than two levels between himself and the Department of Defense Acquisition Executive. Each Service should retain flexibility to shorten this reporting chain even further, as it sees fit. By this means, DoD should substantially reduce the number of acquisition personnel.
- C. The Administration should work with the Congress to recodify all federal statutes governing procurement into a single government-wide procurement statute. This recodification should aim not only at consolidation, but more importantly at simplification and consistency. Within 120 days of this directive, the Director of OMB should submit a legislative initiative to the President that accomplishes the needed consolidation, simplification and consistency. In preparing this initiative, OMB should work with the DoD and all other appropriate Federal Agencies.
- D. Within 60 days the Secretary of Defense shall report to the President on measures to strengthen personnel management policies for civilian managers and employees having contracting, procurement or other acquisition responsibilities.
- E. Within 45 days of this directive the Secretary of Defense shall establish procedures which call for the Joint Requirements Management Board (JRMB) to be co-chaired by the Under Secretary of Defense (Acquisition) and the Vice Chairman of the JCS. These procedures should call for the JRMB to play an active and important role in all joint programs and in appropriate Service programs by defining weapons requirements, selecting programs for development, and providing thereby an early trade-off between cost and performance. The JRMB will conduct its activities under the general supervision of the Secretary of Defense and in coordination with the Defense Resources Board.
- F. Within 90 days after the appointment of the Under Secretary of Defense for Acquisition, the Secretary of Defense shall report to the President on measures, already taken or to be

taken, to enhance the cost-efficiency, quality, and timeliness of procurements.

IV. *Government, Industry, Accountability*

Within 90 days of the date of this directive, the Secretary of Defense shall begin implementation and report to the President on the implementation of the recommendations of the President's Commission on Defense Management relating to Government/Industry accountability. Steps taken in this regard

should not, however, reduce the Department's ability to monitor and audit contractor performance and procedures.

V. *Reporting and Coordination*

This directive contains numerous actions, plans, and implementation procedures. In order to keep the President fully informed on the progress of these events, the Secretary of Defense will advise him regularly on implementation progress.

SOURCE: National Security Decision Directive 219 (White House Summary), "Summary of a Directive Implementing the Recommendations of the Blue Ribbon Commission on Defense Management," in *A Quest for Excellence: Appendix*, Final Report by the President's Blue Ribbon Commission on Defense Management (June 1986), 34-37.

7. **President Reagan's Message to Congress, 24 April 1986**

On 24 April 1986 President Reagan sent a "Message to the Congress Outlining Proposals for Improving the Organization of the Defense Establishment." He noted that the Senate and House Armed Services Committees had already begun discussions of changes in the Department of Defense and that he had issued National Security Decision Directive 219. Reagan discussed the legislative steps he thought Congress needed to take to fully implement the Packard Commission's recommendations in addition to what he had ordered. Early in his message he stated that "any changes in statute must not infringe on the constitutionally protected responsibilities of the President as Commander in Chief." He spoke at length of the principles President Dwight D. Eisenhower had followed in making proposals for defense reorganization in 1958: "the proper functioning of our defense establishment depends upon civilian authority that is unimpaired and capable of strong executive action"; "if our defense program is to achieve maximum effectiveness, it must be genuinely unified"; and "the character of our defenses must keep pace with rapid changes in the military challenges we face."

The president said he would back efforts to strengthen the secretary of defense in areas where his authority was not clear. He advised that the secretary's powers be delegated only insofar as the secretary wished, that delegation not be legislated unless the secretary agreed, and that strengthening other areas of the defense establishment "should never be, nor appear to be, at the expense of the authority of the Secretary of Defense."

As for the combatant commanders, in addition to the Packard Commission recommendations he had ordered implemented, the president said that if Congress wished to amplify existing law it should be mindful that the president and

the secretary of defense “must retain the authority for establishing Combatant Commands; for prescribing their force structure; and for oversight of the assignment of forces by the Military Departments.” Congress should repeal any legal restrictions “that prohibit the establishment of certain command arrangements.” Any move to strengthen the role of combatant commanders “must establish an appropriate balance between enhancing their influence in resource allocation and maintaining their focus on joint training and operational planning.” Reagan also warned against legislating departmental procedures relating to the combatant commanders: “It is neither necessary nor appropriate for the Department’s internal resource allocation process to be defined in law.”

President Reagan proposed several legislative steps relating to the chairman and members of the Joint Chiefs of Staff. These included designating the chairman as the principal uniformed military adviser to the president, the NSC, and the secretary of defense; placing the Organization of the JCS and the Joint Staff under exclusive direction of the chairman; creating a new position for a JCS vice chairman and making him a member of the JCS; retaining the service chiefs as JCS members and providing their views as well as the chairman’s to the president; and providing flexibility for the president and secretary of defense to designate the acting chairman in the chairman’s absence.

The president recognized the need for acquisition reform but urged Congress “to show restraint in the use of more legislation as a solution to our current problems.” He specifically recommended creation of the position of under secretary of defense for acquisition but argued that other changes to the DoD acquisition organization should be left to DoD. Congress should refrain from adding new procurement laws pending completion of the review of federal procurement laws that he had ordered recently. Furthermore, “new laws that would restrict the authority of the Secretary of Defense to hire and retain the high quality of personnel needed to administer the Department of Defense’s acquisition program” should be avoided.

President Reagan also urged Congress to develop internal procedures to authorize and appropriate defense budgets on a biennial basis and encouraged Congress to make broader use of multiyear procurement, including milestone funding of research and development. Finally, the president noted that there were as many as 40 committees and subcommittees with defense jurisdiction. He urged Congress to return to the use of “a few key committees to oversee the defense program.”

SOURCE: Message to the Congress Outlining Proposals for Improving the Organization of the Defense Establishment, 24 April 1986, *Public Papers of the Presidents of the United States: Ronald Reagan, 1986*, I, 517-24.

8. Passage of the Goldwater-Nichols Act, 1 October 1986

Prior to Reagan's message, on 20 November 1985, by a vote of 383 to 27, the House passed H.R. 3622, the Joint Chiefs of Staff Reorganization Act of 1985, which focused mainly on JCS and the commanders of the unified commands. A far-ranging inquiry into defense reform launched in the Senate by Senators Goldwater and Nunn in early 1985 examined fundamental systemic problems in the Department of Defense, including serious organization defects in the Joint Chiefs of Staff, inability of the military services to work together, a lack of mission focus in the Office of the Secretary of Defense, and weaknesses in the budget process, as well as deficiencies in the congressional review of DoD programs and plans. On 7 May 1986, spurred on by President Reagan's 24 April message and the increasingly manifest need for basic structural reform of DoD, by a vote of 95 to 0 the Senate passed a bill in the form of substantial amendments to H.R. 3622, naming it the Barry Goldwater Department of Defense Reorganization Act of 1986. This bill was more comprehensive than the House bill, covering not only the JCS but also the broader structure of the Defense Department.

On 11 August 1986 the House passed a bill concurring in the Senate amendments of 7 May as further amended by the House. This bill was more inclusive than its predecessor of November 1985, addressing the issues of joint military service, the authority of the unified commanders, and the military bureaucracy, among others.

The Goldwater-Nichols Act incorporated the views of both the House and the Senate as finally agreed on by a conference committee that met for almost a full month, 13 August to 11 September 1986. The Senate agreed to the conference report on 16 September and the House on 17 September. On 1 October 1986, President Reagan signed the bill, named after Rep. William F. Nichols (D-Ala.) and Senator Goldwater, the principal proponents and architects of the law in their respective houses of Congress.

The Goldwater-Nichols Act (PL 99-433), a comprehensive and substantial reorganization of the U.S. military system, was the first major defense reform legislation since the Defense Reorganization Act of 1958. Generally opposed by the civilian and military leadership of the Defense Department, the law resulted mainly from the determination of both houses of Congress to make major changes in the defense structure. Its five main titles dealt with the organization of DoD, including the Office of the Secretary of Defense and the powers and duties of the secretary; the Joint Chiefs of Staff and the combatant commands; defense agencies and field activities; joint officer personnel policy; and the military departments.

PUBLIC LAW 99-433—OCT. 1, 1986

Public Law 99-433
99th Congress

An Act

To reorganize the Department of Defense and strengthen civilian authority in the Department of Defense, to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense, to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands and ensure that the authority of those commanders is fully commensurate with that responsibility, to increase attention to the formulation of strategy and to contingency planning, to provide for more efficient use of defense resources, to improve joint officer management policies, otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) **SHORT TITLE.**—This Act may be cited as the “Goldwater-Nichols Department of Defense Reorganization Act of 1986”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 10, United States Code.
- Sec. 3. Policy.

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

- Sec. 101. Organization of the Department of Defense.
- Sec. 102. Powers and duties of the Secretary of Defense.
- Sec. 103. Modification of authority of Secretary of Defense to reorganize the Department of Defense.
- Sec. 104. Office of the Secretary of Defense.
- Sec. 105. Under Secretary for Policy and Director of Defense Research and Engineering.
- Sec. 106. Assistant Secretaries of Defense.
- Sec. 107. Comptroller of the Department of Defense.
- Sec. 108. Inspector General of the Department of Defense.
- Sec. 109. Management studies of Office of the Secretary of Defense.
- Sec. 110. Technical and conforming amendments.

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

PART A—JOINT CHIEFS OF STAFF

- Sec. 201. Revised functions of Chairman; establishment of Vice Chairman.
- Sec. 202. Provisions relating to Vice Chairman.

- Sec. 203. *Participation in National Security Council meetings.*
- Sec. 204. *Transition.*

PART B—COMBATANT COMMANDS

- Sec. 211. *Establishment of combatant commands and authority of commanders.*
- Sec. 212. *Initial review of combatant commands.*
- Sec. 213. *Repeal of certain limitations on command structure.*
- Sec. 214. *Transition.*

TITLE III—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

- Sec. 301. *Establishment and management of Defense Agencies and Department of Defense Field Activities.*
- Sec. 302. *Definitions of Defense Agency and Department of Defense Field Activity.*
- Sec. 303. *Reassessment of Defense Agencies and DOD Field Activities.*
- Sec. 304. *Transition.*

TITLE IV—JOINT OFFICER PERSONNEL POLICY

- Sec. 401. *Joint officer management.*
- Sec. 402. *Promotion procedures for joint officers.*
- Sec. 403. *Consideration of joint duty in senior general and flag officer appointments and advice on qualifications.*
- Sec. 404. *Joint duty assignment as prerequisite for promotion to general or flag officer grade.*
- Sec. 405. *Annual report on implementation.*
- Sec. 406. *Transition.*

TITLE V—MILITARY DEPARTMENTS

PART A—DEPARTMENT OF THE ARMY

- Sec. 501. *The Army Secretariat.*
- Sec. 502. *The Army Staff.*
- Sec. 503. *Authority to organize Army into commands, forces, and organizations.*

PART B—DEPARTMENT OF THE NAVY

- Sec. 511. *The Navy Secretariat.*
- Sec. 512. *Office of the Chief of Naval Operations.*
- Sec. 513. *Headquarters, Marine Corps.*
- Sec. 514. *Technical and clerical amendments.*

PART C—DEPARTMENT OF THE AIR FORCE

- Sec. 521. *The Air Force Secretariat.*
- Sec. 522. *The Air Staff.*
- Sec. 523. *Authority to organize Air Force into separate organizations.*

PART D—GENERAL CONFORMING AMENDMENTS AND TRANSITION PROVISIONS

Sec. 531. Conforming amendments.

Sec. 532. Transition.

TITLE VI—MISCELLANEOUS

Sec. 601. Reduction in personnel assigned to management headquarters activities and certain other activities.

Sec. 602. Reduction of reporting requirements.

Sec. 603. Annual report on national security strategy.

Sec. 604. Legislation to make required conforming changes in law.

Sec. 605. General technical amendments.

SEC. 2. REFERENCES TO TITLE 10, UNITED STATES CODE

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

SEC. 3. POLICY

In enacting this Act, it is the intent of Congress, consistent with the congressional declaration of policy in section 2 of the National Security Act of 1947 (50 U.S.C. 401)—

(1) to reorganize the Department of Defense and strengthen civilian authority in the Department;

(2) to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense;

(3) to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands;

(4) to ensure that the authority of the commanders of the unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands;

(5) to increase attention to the formulation of strategy and to contingency planning;

(6) to provide for more efficient use of defense resources;

(7) to improve joint officer management policies; and

(8) otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense.

TITLE I—DEPARTMENT OF DEFENSE GENERALLY

SEC. 101. ORGANIZATION OF THE DEPARTMENT OF DEFENSE

(a) REORGANIZATION OF CODE.—(1) Part I of subtitle A is amended by inserting after chapter 1 the following new chapter:

“CHAPTER 2—DEPARTMENT OF DEFENSE

“Sec.

“111. Executive department.

“112. Department of Defense: seal.

“113. Secretary of Defense.

“114. Annual authorization of appropriations.

“115. Annual authorization of personnel strengths; annual manpower requirements report.

“116. Annual operations and maintenance report.

“117. Annual report on North Atlantic Treaty Organization readiness.

“118. Sale or transfer of defense articles: reports to Congress.”

(2) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to the end of chapter 2 of such title, as added by paragraph (1), and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing sections of chapter 4:	New sections of chapter 2
131.....	111
132.....	112
133.....	113
138.....	114
133a.....	117
133b.....	118

(3) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to the end of chapter 3 of such title and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing sections of chapter 4:	New sections of chapter 3
140.....	127
140a.....	128
140b.....	129
140c.....	130

(4) Part IV of subtitle A is amended by inserting after chapter 143 the following new chapter:

“CHAPTER 144—OVERSIGHT OF COST GROWTH IN MAJOR PROGRAMS

“Sec.

“2431. Weapons development and procurement schedules.

“2432. Selected Acquisition Reports.

“2433. Unit cost reports.

“2434. Independent cost estimates.”.

(5) The sections of chapter 4 listed in the left-hand column of the following table are transferred (in the order they appear in that column) to chapter 144, as added by paragraph (4), and are redesignated in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing sections of chapter 4:	New sections of chapter 3
139.....	2431
139a.....	2432
139b.....	2433
139c.....	2434

(6) The heading of chapter 4 is amended to read as follows:

“CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE”.

(7) Chapter 4 is amended by redesignating sections of such chapter listed in the left-hand column of the following table in accordance with the corresponding section numbers in the right-hand column of the table, as follows:

Existing sections	New sections
134.....	132
134a.....	133
136a.....	138
137.....	139

(b) ELEMENTS OF THE DEPARTMENT.—Section 111 (as transferred and redesignated by subsection (a)(2)) is amended—

(1) by inserting “(a)” before “The Department of Defense”; and

(2) by adding at the end the following:

“(b) The Department is composed of the following:

“(1) The Office of the Secretary of Defense.

“(2) The Joint Chiefs of Staff.

“(3) The Joint Staff.

“(4) The Defense Agencies.

“(5) Department of Defense Field Activities.

“(6) The Department of the Army.

“(7) The Department of the Navy.

“(8) The Department of the Air Force.

“(9) The unified and specified combatant commands.

“(10) Such other offices, agencies, activities, and commands as may be established or designated by law or by the President.

“(11) All offices, agencies, activities, and commands under the control or supervision of any element named in paragraphs (1) through (10).

“(c) If the President establishes or designates an office, agency, activity, or command in the Department of Defense of a kind other than those described in paragraphs (1) through (9) of subsection (b), the President shall notify Congress not later than 60 days thereafter.”.

SEC. 102. POWERS AND DUTIES OF THE SECRETARY OF DEFENSE

Section 113 (as transferred and redesignated by section 101(a)(2)) is amended by adding at the end the following new subsections:

“(f) When a vacancy occurs in an office within the Department of Defense and the office is to be filled by a person appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of Defense shall inform the President of the qualifications needed by a person serving in that office to carry out effectively the duties and responsibilities of that office.

“(g)(1) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the heads of Department of Defense components written policy guidance for the preparation and review of the program recommendations and budget proposals of their respective components. Such guidance shall include guidance on—

“(A) national security objectives and policies;

“(B) the priorities of military missions; and

“(C) the resource levels projected to be available for the period of time for which such recommendations and proposals are to be effective.

“(2) The Secretary of Defense, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide annually to the Chairman written policy guidance for the preparation and review of contingency plans. Such guidance shall include guidance on the specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

“(h) The Secretary of Defense shall keep the Secretaries of the military departments informed with respect to military operations and activities of the Department of Defense that directly affect their respective responsibilities.”.

SEC. 103. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO REORGANIZE THE DEPARTMENT OF DEFENSE

Section 125 is amended—

(1) by striking out “unless the Secretary” in the second sentence of subsection (a) and all that follows in that subsection and inserting in lieu thereof a period; and

(2) by inserting “vested by law in the Department of Defense, or an officer, official, or agency thereof” in subsection (b) after “function, power, or duty”.

SEC. 104. OFFICE OF THE SECRETARY OF DEFENSE

Chapter 4 (as amended by section 101(a)) is further amended by inserting after the table of sections the following new section:

“§ 131. Office of the Secretary of Defense

“(a) There is in the Department of Defense an Office of the Secretary of Defense. The function of the Office is to assist the Secretary of Defense in carrying out his duties and responsibilities and to carry out such other duties as may be prescribed by law.

“(b) The Office of the Secretary of Defense is composed of the following:

“(1) The Deputy Secretary of Defense.

“(2) The Under Secretary of Defense for Acquisition.

“(3) The Under Secretary of Defense for Policy.

“(4) The Director of Defense Research and Engineering.

“(5) The Assistant Secretaries of Defense.

“(6) The Comptroller of the Department of Defense.

“(7) The Director of Operational Test and Evaluation.

“(8) The General Counsel of the Department of Defense.

“(9) The Inspector General of the Department of Defense.

“(10) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.

“(c) Officers of the armed forces may be assigned or detailed to permanent duty in the Office of the Secretary of Defense. However, the Secretary may not establish a military staff in the Office of the Secretary of Defense.

“(d) The Secretary of each military department, and the civilian employees and members of the armed forces under the jurisdiction of the Secretary, shall cooperate fully with personnel of the Office of the Secretary of Defense to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.”.

SEC. 105. UNDER SECRETARY FOR POLICY AND DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

Chapter 4 is further amended—

(1) by striking out the heading and subsection (a) of section 135 and inserting in lieu thereof the following:

“§ 134. Under Secretary of Defense for Policy

“(a) There is an Under Secretary of Defense for Policy, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Under Secretary within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

“(b)(1) The Under Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(2) The Under Secretary shall assist the Secretary of Defense—

“(A) in preparing written policy guidance for the preparation and review of contingency plans; and

“(B) in reviewing such plans.

“(c) The Under Secretary takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, and the Secretaries of the military departments.

“§ 135. Director of Defense Research and Engineering

“(a) There is a Director of Defense Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate.”; and

(2) by striking out the first sentence of subsections (b) and (c) of section 135 (as designated by paragraph (1)).

SEC. 106. ASSISTANT SECRETARIES OF DEFENSE

(a) REPEAL OF SPECIFICATION OF CERTAIN ASSISTANT SECRETARIES.—Subsection (b) of section 136 is amended—

(1) by striking out paragraphs (2) and (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(3) by striking out paragraph (6).

(b) PRECEDENCE.—Subsection (e) of such section is amended—

(1) by striking out “and the Under Secretaries of Defense” and inserting in lieu thereof “the Under Secretaries of Defense, and the Director of Defense Research and Engineering”; and

(2) by adding at the end the following new sentence: “The Assistant Secretaries take precedence among themselves in the order prescribed by the Secretary of Defense.”.

(c) CONFORMING AMENDMENTS.—Such Section is further amended—

(1) in subsection (c)—

(A) by striking out “him” in paragraph (1) and inserting in lieu thereof “the Assistant Secretary”; and

(B) by striking out “, or his designee” in paragraph (2);

(2) by striking out subsection (d); and

(3) by redesignating subsection (e) (as amended by subsection

(b) of this section) as subsection (d).

SEC. 107. COMPTROLLER OF THE DEPARTMENT OF DEFENSE

Chapter 4 is further amended by inserting after section 136 the following new section:

“§ 137. Comptroller

“(a) There is a Comptroller of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Comptroller shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) The Comptroller shall advise and assist the Secretary of Defense—

“(1) in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

“(2) in supervising and directing the preparation of budget estimates of the Department of Defense;

“(3) in establishing and supervising the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

“(A) the preparation and execution of budgets;

“(B) fiscal, cost, operating, and capital property accounting; and

“(C) progress and statistical reporting;

“(4) in establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

“(5) in establishing uniform terminologies, classifications, and procedures concerning matters covered by clauses (1) through (4).”.

SEC. 108. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

Chapter 4 is further amended by inserting after section 139 (as redesignated by section 101(a)) the following new section:

“§ 140. Inspector General

“(a) There is an Inspector General of the Department of Defense, who is appointed as provided in section 3 of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3).

“(b) The Inspector General performs the duties, has the responsibilities, and exercises the powers specified in the Inspector General Act of 1978.”.

SEC. 109. MANAGEMENT STUDIES OF OFFICE OF THE SECRETARY OF DEFENSE

(a) **SECRETARY OF DEFENSE STUDY.**—The Secretary of Defense shall conduct a study of the functions and organization of the Office of the Secretary of Defense. The study shall consider whether the present allocation of functions to, and the organizational structure of, the Office constitute the most effective, efficient, and economical allocation and structure of the Office to assist the Secretary in carrying out his duties and responsibilities. The study shall include consideration of each of the matters specified in subsection (d).

(b) **SERVICE SECRETARIES JOINT STUDY.**—(1) The Secretaries of the military departments shall conduct a joint study of the functions and organization of the

Office of the Secretary of Defense. The study shall be conducted independently of the study conducted by the Secretary of Defense under subsection (a). The Secretaries shall submit a joint report to the Secretary of Defense on such study at a time specified by the Secretary. Except as provided in paragraph (2), the report shall include a discussion of and recommendations concerning each of the matters specified in subsection (d).

(2) The Secretary of Defense shall determine the extent to which, and prescribe the procedures under which, the Secretaries of the military departments shall study the matters specified in subsection (d)(1)(A) relating to contingency planning and military operations.

(c) CHAIRMAN OF JCS STUDY.—The Chairman of the Joint Chiefs of Staff shall conduct a study of the functions and organization of the Office of the Secretary of Defense. The study shall be conducted independently of the study conducted by the Secretary of Defense under subsection (a). The Chairman shall submit a report to the Secretary of Defense on such study at a time specified by the Secretary. The report shall include a discussion of and recommendations concerning the matters specified in paragraphs (1)(C), (1)(D), (2), (3), (5), and (6) of subsection (d).

(d) MATTERS TO BE INCLUDED.—The study required by subsection (a) shall include consideration of the following:

(1) Whether the present organization of the Office—

(A) is optimally structured to assist the Secretary of Defense in the effective exercise of civilian control of the Department of Defense, including civilian control of—

- (i) defense policy development and strategic planning;
- (ii) program and budget development;
- (iii) policy, program, and budget execution;
- (iv) contingency planning; and
- (v) military operations;

(B) is the most effective and efficient organization for the initiation, development, and articulation of defense policy;

(C) ensures that strategic planning and contingency planning are linked to, and derived from, national security strategy, policies, and objectives; and

(D) inhibits integration of the capabilities of the Armed Forces along mission lines.

(2) Whether the planning, programming, and budgeting system of the Department of Defense (including the role of the Office in such system) needs to be revised—

(A) to strengthen strategic planning and policy direction;

(B) to ensure that strategic planning is consistent with national security strategy, policies, and objectives;

(C) to ensure that there is a sufficient relationship between strategic planning and the resource levels projected to be available for the period for which the planning is to be effective;

(D) to ensure that strategic planning and program development give sufficient attention to alliances with other nations;

(E) to provide for more effective oversight, control, and evaluation of policy, program, and budget execution; and

(F) to ensure that past program and budget decisions are effectively evaluated, that such evaluations are supported by consistent, complete, and timely financial and performance data, and that such evaluations are fully considered in the next planning, programming, and budgeting cycle.

(3) Whether the major force program categories of the Five-Year Defense Plan could be restructured to better assist decisionmaking and management control.

(4) Means to improve and strengthen the oversight function within each element of the Office in policy areas not addressed by the planning, programming, and budgeting system.

(5) Factors inhibiting efficient and effective execution of the functions of the Office, including factors relating to—

(A) duplication of functions (both within the Office and between the Office and other elements of the Department);

(B) insufficient information; and

(C) insufficient resources (including personnel).

(6) Alternative allocations of authorities and functions of the Office and other reorganization proposals for the Office, including the desirability of—

(A) establishing Under Secretaries of Defense for mission-oriented areas of responsibility;

(B) decentralizing functions of the Office;

(C) reducing the number of officials reporting directly to the Secretary of Defense; and

(D) changing the ratio of members of the Armed Forces to civilian employees in the Office.

(7) Whether political appointees in the Office of the Secretary of Defense have sufficient experience and expertise, upon appointment, to be capable of contributing immediately to effective policy formulation and management.

(e) ANALYSIS OF CIVILIAN CONTROL.—(1) The Secretary of Defense, in considering under subsection (d)(1)(A) whether effective civilian control of the Department of Defense is best assisted by the current structure of the Office, shall examine the functions performed in the Office by—

(A) members of the Armed Forces on the active-duty list; and

(B) members of the Armed Forces in a retired status and members of the reserve components who are employed in a civilian capacity.

(2) Such examination shall include a determination of the total number of positions in the Office of the Secretary of Defense above grade GS-8 and the military equivalent (as determined by the Secretary of Defense), and of such number—

(A) the number of positions held by members of the Armed Forces on the active-duty list, shown for the military equivalent of each civilian pay grade by number and as a percentage of the total number of positions in the Office in the civilian pay grade concerned and in the military equivalent of such civilian pay grade;

(B) the number of such positions held by members of the Armed Forces in a retired status who are serving in a civilian capacity, shown for each civilian pay grade in the same manner as provided under clause (A); and

(C) the number of such positions held by members of the reserve components who are serving in a civilian capacity, shown for each civilian pay grade in the same manner as provided under clause (A).

(3) In determining the total number of positions in the Office of the Secretary of Defense in grades above GS-8, the Secretary shall exclude positions which are primarily clerical or secretarial.

(f) INDEPENDENT CONTRACTOR STUDY.—The Secretary shall provide for an independent study to be carried out by a contractor to consider the same matters required to be considered by the Secretary under subsection (d). The Secretary shall ensure that the contractor has full access to such information as the contractor requires and that the contractor otherwise receives full cooperation from all officials and entities of the Department of Defense.

(g) REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to Congress a report on the Secretary's study under subsection (a). The report shall include—

(A) the findings and conclusions of the Secretary with respect to each of the matters set forth in subsection (d);

(B) the findings and statistical determinations required under subsection (e); and

(C) any recommendations of the Secretary for organizational changes in the Office of the Secretary of Defense and a description of the means for implementing each recommendation.

(2) The Secretary shall include with the report a copy of the reports to the Secretary under subsections (b) and (c) and a copy of the report of the independent contractor under subsection (f), together with such comments on each such report as the Secretary considers appropriate.

(3) The report under this subsection shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS

(a) CONFORMING AMENDMENT FOR OFFICE OF SECRETARY OF DEFENSE.—Chapter 41 is amended—

(1) by striking out section 718; and

(2) by striking out the item relating to that section in the table of sections at the beginning of such chapter.

(b) Revision of Old Section 138.—Section 114 (as transferred and redesignated by section 101(a)) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

“§ 114. Annual authorization of appropriations”;

(2) by transferring subsection (h) to the end of section 113 (as transferred and redesignated by section 101(a) and amended by section 102) and redesignating such subsection as subsection (i);

(3) by striking out “(as defined in subsection (f))” in subsection (a)(6);

(4) by inserting after subsection (a) the following:

“§ 115. Annual authorization of personnel strengths; annual manpower requirements report”;

(5) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(6) by inserting after such subsection (c) (as so redesignated) the following:

“§ 116. Annual operations and maintenance report”;

(7) by redesignating subsection (e) as subsection (a);

(8) by transferring subsection (f)(1) the end of section 114 (as determined by the amendments made by this subsection) and striking out “(f)(1)” therein and inserting in lieu thereof “(b)”;

(9) by striking out “(2) In subsection (e)” and inserting in lieu thereof “(b) In this section”;

(10) by striking out “(A) ‘Combat’ and “(B) ‘Major’ and inserting in lieu thereof “(1) The term ‘combat’ and “(2) The term ‘major”, respectively; and

(11) by transferring subsections (g) and (i) to the end of section 114 (as determined by the amendments made by this subsection) and redesignating such subsections as subsections (c) and (d), respectively.

(c) TECHNICAL AMENDMENTS.—(1) Section 133 (as redesignated by section 101(a)) is amended by inserting “of Defense” in subsection (a) after “Under Secretary”.

(2) The heading of chapter 3 is amended to read as follows:

“CHAPTER 3—GENERAL POWERS AND FUNCTIONS”.

(d) Revised Section Headings.—(1) The heading of section 112 (as redesignated by section 101(a)) is amended to read as follows:

“§ 112. Department of Defense: seal”.

(2) The heading of section 113 (as redesignated by section 101(a)) is amended to read as follows:

“§ 113. Secretary of Defense”.

(3) The heading of section 117 (as redesignated by section 101(a)) is amended to read as follows:

“§ 117. Annual report on North Atlantic Treaty Organization readiness”.

(4) The heading of section 127 (as redesignated by section 101(a)) is amended to read as follows:

“§ 127. Emergency and extraordinary expenses”.

(5) The heading of section 128 (as redesignated by section 101(a)) is amended to read as follows:

“§ 128. Funds transfers for foreign cryptologic support”.

(6) The heading of section 130 (as redesignated by section 101(a)) is amended to read as follows:

“§ 130. Authority to withhold from public disclosure certain technical data”.

(7) The heading of section 132 (as redesignated by section 101(a)) is amended to read as follows:

“§ 132. Deputy Secretary of Defense”.

(8) The heading of section 133 (as redesignated by section 101(a)) is amended to read as follows:

“§ 133. Under Secretary of Defense for Acquisition”.

(9) The heading of section 136 is amended to read as follows:

“§ 136. Assistant Secretaries of Defense”.

(10) The heading of section 138 (as redesignated by section 101(a)) is amended to read as follows:

“§ 138. Director of Operational Test and Evaluation”.

(11) The heading of section 139 (as redesignated by section 101(a)) is amended to read as follows:

“§ 139. General Counsel”.

(12) The heading of section 2431 (as redesignated by section 101(a)) is amended to read as follows:

“§ 2431. Weapons development and procurement schedules”.

(13) The heading of section 2432 (as redesignated by section 101(a)) is amended to read as follows:

“§ 2432. Selected Acquisition Reports”.

(14) The heading of section 2433 (as redesignated by section 101(a)) is amended to read as follows:

“§ 2433. Unit cost reports”.

(15) The heading of section 2434 (as redesignated by section 101(a)) is amended to read as follows:

“§ 2434. Independent cost estimates”.

(e) CLERICAL AMENDMENTS FOR REORGANIZATION OF CHAPTER 4.—

(1) The table of sections at the beginning of chapter 3 is amended by adding at the end the following new items:

- “127. Emergency and extraordinary expenses.
- “128. Funds transfers for foreign cryptologic support.
- “129. Prohibition of certain civilian personnel management constraints.
- “130. Authority to withhold from public disclosure certain technical data.”.

(2) The table of sections at the beginning of chapter 4 is amended to read as follows:

- “Sec.
- “131. Office of the Secretary of Defense.
- “132. Deputy Secretary of Defense.
- “133. Under Secretary of Defense for Acquisition.
- “134. Under Secretary of Defense for Policy.
- “135. Director of Defense Research and Engineering.
- “136. Assistant Secretaries of Defense.
- “137. Comptroller.
- “138. Director of Operational Test and Evaluation.
- “139. General Counsel.
- “140. Inspector General.”.

(g) CROSS REFERENCE AMENDMENTS TO TITLE 10.—(1) Section 138(a)(2)(B) (as redesignated by section 101(a)) is amended by striking out “section 139a(a)(1)” and inserting in lieu thereof “section 2432(a)(1)”.

(2) Section 1621(3) is amended by striking out “section 139a(a)(1)” and inserting in lieu thereof “section 2432(a)(1)”.

(3) Section 2305a(d) is amended—

(A) by striking out “section 139a(a)” in paragraph (1) and inserting in lieu thereof “section 2432(a)”; and

(B) by striking out “section 139a(a)(1)(B)” both places it appears in paragraph (2) and inserting in lieu thereof “section 2432(a)(1)(B)”.

(4) Section 2362(e)(2) is amended by striking out “section 139a” and inserting in lieu thereof “section 2432”.

(5) Section 2403(e) is amended by striking out “section 139a” in paragraphs (1) and (2) and inserting in lieu thereof “section 2432”.

(6) Section 2431 (as redesignated by section 101(a)) is amended by striking out “section 138(a)” in subsection (a) and inserting in lieu thereof “section 114(a)”.

(7) Section 2432(c) (as redesignated by section 101(a)) is amended by striking out “section 139” in subsection (c)(1) and inserting in lieu thereof “section 2431”.

(8) Section 2433 (as redesignated by section 101(a)) is amended—

(A) by striking out “section 139a(a)” in subsection (a)(1) and inserting in lieu thereof “section 2432(a)”; and

(B) by striking out “section 139a(b)(3)” in subsection (b) and inserting in lieu thereof “section 2432(b)(3)”.

(9) Section 2434(b)(1) (as redesignated by section 101(a)) is amended by striking out “section 139a(a)(1)” and inserting in lieu thereof “section 2432(a)(1)”.

(10) Section 8062(e) is amended by striking out “section 138” and inserting in lieu thereof “section 114”.

(h) CROSS REFERENCE AMENDMENTS TO OTHER ACTS.—(1) Section 51(c)(1) of the Arms Export Control Act (22 U.S.C. 2795(c)(1)) is amended by striking out “section 138(g)” and inserting in lieu thereof “section 114(c)”.

(2) Section 53(b) of the Arms Export Control Act (22 U.S.C. 2795b(b)) is amended by striking out “section 139(a)” and inserting in lieu thereof “section 2431(a)”.

(3) Section 303(c) of the Internal Security Act of 1950 (50 U.S.C. 833(c)) is amended by striking out “section 133(d)” and inserting in lieu thereof “section 113(d)”.

TITLE II—MILITARY ADVICE AND COMMAND FUNCTIONS

PART A—JOINT CHIEFS OF STAFF

SEC. 201. REVISED FUNCTIONS OF CHAIRMAN; ESTABLISHMENT OF VICE CHAIRMAN

Chapter 5 is amended to read as follows:

“CHAPTER 5—JOINT CHIEFS OF STAFF

“Sec.

“151. Joint Chiefs of Staff: composition; functions.

“152. Chairman: appointment; rank.

“153. Chairman: functions.

“154. Vice Chairman.

“155. Joint Staff.

“§ 151. Joint Chiefs of Staff: composition; functions

“(a) COMPOSITION.—There are in the Department of Defense the Joint Chiefs of Staff, headed by the Chairman of the Joint Chiefs of Staff. The Joint Chiefs of Staff consist of the following:

“(1) The Chairman.

“(2) The Chief of Staff of the Army.

“(3) The Chief of Naval Operations.

“(4) The Chief of Staff of the Air Force.

“(5) The Commandant of the Marine Corps.

“(b) FUNCTION AS MILITARY ADVISERS.—(1) The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense.

“(2) The other members of the Joint Chiefs of Staff are military advisers to the President, the National Security Council, and the Secretary of Defense as specified in subsections (d) and (e).

“(c) CONSULTATION BY CHAIRMAN.—(1) In carrying out his functions, duties, and responsibilities, the Chairman shall, as he considers appropriate, consult with and seek the advice of—

“(A) the other members of the Joint Chiefs of Staff; and

“(B) the commanders of the unified and specified combatant commands.

“(2) Subject to subsection (d), in presenting advice with respect to any matter to the President, the National Security Council, or the Secretary of Defense, the Chairman shall, as he considers appropriate, inform the President, the National Security Council, or the Secretary of Defense, as the case may be, of the range of military advice and opinion with respect to that matter.

“(d) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.— (1) A member of the Joint Chiefs of Staff (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, or the Secretary of Defense, as the case may be.

“(2) The Chairman shall establish procedures to ensure that the presentation of his own advice to the President, the National Security Council, or the Secretary of Defense is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Joint Chiefs of Staff.

“(e) ADVICE ON REQUEST.—The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to the President, the National Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, or the Secretary requests such advice.

“(f) RECOMMENDATIONS TO CONGRESS.—After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

“(g) MEETINGS OF JCS.—(1) The Chairman shall convene regular meetings of the Joint Chiefs of Staff.

“(2) Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman shall—

“(A) preside over the Joint Chiefs of Staff;

“(B) provide agenda for the meetings of the Joint Chiefs of Staff (including, as the Chairman considers appropriate, any subject for the agenda recommended by any other member of the Joint Chiefs of Staff);

“(C) assist the Joint Chiefs of Staff in carrying on their business as promptly as practicable; and

“(D) determine when issues under consideration by the Joint Chiefs of Staff shall be decided.

“§ 152. Chairman: appointment; rank

“(a) APPOINTMENT; TERM OF OFFICE.—(1) There is a Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman serves at the pleasure of the President for a term of two years, beginning on October 1 of odd-numbered years. Subject to paragraph (3), an officer serving as Chairman may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

“(2) In the event of the death, retirement, resignation, or reassignment of the officer serving as Chairman before the end of the term for which the officer was appointed, an officer appointed to fill the vacancy shall serve as Chairman only for the remainder of the original term, but may be reappointed as provided in paragraph (1).

“(3) An officer may not serve as Chairman or Vice Chairman of the Joint Chiefs of Staff if the combined period of service of such officer in such positions exceeds six years. However, the President may extend to eight years the combined period of service an officer may serve in such positions if he determines such action is in the national interest. The limitations of this paragraph do not apply in time of war.

“(b) REQUIREMENT FOR APPOINTMENT.—(1) The President may appoint an officer as Chairman of the Joint Chiefs of Staff only if the officer has served as—

“(A) the Vice Chairman of the Joint Chiefs of Staff;

“(B) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps; or

“(C) the commander of a unified or specified combatant command.

“(2) The President may waive paragraph (1) in the case of an officer if the President determines such action is necessary in the national interest.

“(c) GRADE AND RANK.—The Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

“§ 153. Chairman: functions

“(a) PLANNING; ADVICE; POLICY FORMULATION.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall be responsible for the following:

“(1) STRATEGIC DIRECTION.—Assisting the President and the Secretary of Defense in providing for the strategic direction of the armed forces.

“(2) STRATEGIC PLANNING.—(A) Preparing strategic plans, including plans which conform with resource levels projected by the Secretary of Defense to be available for the period of time for which the plans are to be effective.

“(B) Preparing joint logistic and mobility plans to support those strategic plans and recommending the assignment of logistic and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

“(C) Performing net assessments to determine the capabilities of the armed forces of the United States and its allies as compared with those of their potential adversaries.

“(3) CONTINGENCY PLANNING; PREPAREDNESS.—(A) Providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense.

“(B) Preparing joint logistic and mobility plans to support those contingency plans and recommending the assignment of logistic and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

“(C) Advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

“(D) Establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command to carry out missions assigned to the command.

“(4) ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.—(A) Advising the Secretary, under section 163(b)(2) of this title, on the priorities of the requirements identified by the commanders of the unified and specified combatant commands.

“(B) Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in strategic plans and with the priorities established for the requirements of the unified and specified combatant commands.

“(C) Submitting to the Secretary alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in clause (B).

“(D) Recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command.

“(E) Advising the Secretary on the extent to which the major programs and policies of the armed forces in the area of manpower conform with strategic plans.

“(F) Assessing military requirements for defense acquisition programs.

“(5) DOCTRINE, TRAINING, AND EDUCATION.—(A) Developing doctrine for the joint employment of the armed forces.

“(B) Formulating policies for the joint training of the armed forces.

“(C) Formulating policies for coordinating the military education and training of members of the armed forces.

“(6) OTHER MATTERS.—(A) Providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.

“(B) Performing such other duties as may be prescribed by law or by the President or the Secretary of Defense.

“(b) REPORT ON ASSIGNMENT OF ROLES AND MISSIONS.—(1) Not less than once every three years, or upon the request of the President or the Secretary of Defense, the Chairman shall submit to the Secretary of Defense a report containing such recommendations for changes in the assignment of functions (or roles and missions) to the armed forces as the Chairman considers necessary to achieve maximum effectiveness of the armed forces. In preparing each such report, the Chairman shall consider (among other matters) the following:

“(A) Changes in the nature of the threats faced by the United States.

“(B) Unnecessary duplication of effort among the armed forces.

“(C) Changes in technology that can be applied effectively to warfare.

“(2) The Chairman shall include in each such report recommendations for such changes in policies, directives, regulations, and legislation as may be necessary to achieve the changes in the assignment of functions recommended by the Chairman.

“§ 154. Vice Chairman

“(a) APPOINTMENT.—(1) There is a Vice Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces.

“(2) The Chairman and Vice Chairman may not be members of the same armed force. However, the President may waive the restriction in the preceding sentence for a limited period of time in order to provide for the orderly transition of officers appointed to serve in the positions of Chairman and Vice Chairman.

“(3) The Vice Chairman serves at the pleasure of the President for a term of two years and may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

“(b) REQUIREMENT FOR APPOINTMENT.—(1) The President may appoint an officer as Vice Chairman of the Joint Chiefs of Staff only if the officer—

“(A) has the joint specialty under section 661 of this title; and

“(B) has served in at least one joint duty assignment (as defined under section 668(b) of this title) as a general or flag officer.

“(2) The President may waive paragraph (1) in the case of an officer if the President determines such action is necessary in the national interest.

“(c) DUTIES.—The Vice Chairman performs such duties as may be prescribed by the Chairman with the approval of the Secretary of Defense.

“(d) FUNCTION AS ACTING CHAIRMAN.—When there is a vacancy in the office of Chairman or in the absence or disability of the Chairman, the Vice Chairman

acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

“(e) SUCCESSION AFTER CHAIRMAN AND VICE CHAIRMAN.—When there is a vacancy in the offices of both Chairman and Vice Chairman or in the absence or disability of both the Chairman and the Vice Chairman, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the President shall designate a member of the Joint Chiefs of Staff to act as and perform the duties of the Chairman until a successor to the Chairman or Vice Chairman is appointed or the absence or disability of the Chairman or Vice Chairman ceases.

“(f) PARTICIPATION IN JCS MEETINGS.—The Vice Chairman may participate in all meetings of the Joint Chiefs of Staff, but may not vote on a matter before the Joint Chiefs of Staff except when acting as Chairman.

“(g) GRADE AND RANK.—The Vice Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces except the Chairman. The Vice Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

“§ 155. Joint Staff

“(a) APPOINTMENT OF OFFICERS TO JOINT STAFF.—(1) There is a Joint Staff under the Chairman of the Joint Chiefs of Staff. The Joint Staff assists the Chairman and, subject to the authority, direction, and control of the Chairman, the other members of the Joint Chiefs of Staff and the Vice Chairman in carrying out their responsibilities.

“(2) Officers of the armed forces (other than the Coast Guard) assigned to serve on the Joint Staff shall be selected by the Chairman in approximately equal numbers from—

“(A) the Army;

“(B) the Navy and the Marine Corps; and

“(C) the Air Force.

“(3) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by the Secretary of the military department having jurisdiction over that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

“(b) DIRECTOR.—The Chairman of the Joint Chiefs of Staff, after consultation with the other members of the Joint Chiefs of Staff and with the approval of the Secretary of Defense, may select an officer to serve as Director of the Joint Staff.

“(c) MANAGEMENT OF JOINT STAFF.—The Chairman of the Joint Chiefs of Staff manages the Joint Staff and the Director of the Joint Staff. The Joint Staff shall perform such duties as the Chairman prescribes and shall perform such duties under such procedures as the Chairman prescribes.

“(d) OPERATION OF JOINT STAFF.—The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff supports

the Chairman of the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide—

“(1) for the unified strategic direction of the combatant forces;

“(2) for their operation under unified command; and

“(3) for their integration into an efficient team of land, naval, and air forces.

“(e) PROHIBITION OF FUNCTION AS ARMED FORCES GENERAL STAFF.—The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines.

“(f) TOUR OF DUTY OF JOINT STAFF OFFICERS.—(1) An officer who is assigned or detailed to permanent duty on the Joint Staff may not serve for a tour of duty of more than four years. However, such a tour of duty may be extended with the approval of the Secretary of Defense.

“(2) In accordance with procedures established by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff may suspend from duty and recommend the reassignment of any officer assigned to the Joint Staff. Upon receipt of such a recommendation, the Secretary concerned shall promptly reassign the officer.

“(3) An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to permanent duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary.

“(4) Paragraphs (1) and (3) do not apply—

“(A) in time of war; or

“(B) during a national emergency declared by the President.

“(g) LIMITATION ON SIZE OF JOINT STAFF.—(1) Effective on October 1, 1988, the total number of members of the armed forces and civilian personnel assigned or detailed to permanent duty on the Joint Staff may not exceed 1,627.

“(2) Paragraph (1) does not apply—

“(A) in time of war; or

“(B) during a national emergency declared by Congress.

“(h) COMPOSITION OF JOINT STAFF.—(1) The Joint Staff is composed of all members of the armed forces and civilian employees assigned or detailed to permanent duty in the executive part of the Department of Defense to perform the functions and duties prescribed under subsections (a) and (c).

“(2) The Joint Staff does not include members of the armed forces or civilian employees assigned or detailed to permanent duty in a military department.”.

SEC. 202. PROVISIONS RELATING TO VICE CHAIRMAN

(a) EXEMPTION OF VICE CHAIRMAN FROM 4-STAR GRADE LIMITATION.—Section 525(b)(3) is amended by inserting “or Vice Chairman” after “Chairman”.

(b) RANK OF VICE CHAIRMAN.—Section 743 is amended—

- (1) by striking out “and” after “Chief of Naval Operations,”;
- (2) by inserting “, and the Commandant of the Marine Corps” after “Air Force”; and
- (3) by inserting “and the Vice Chairman” after “Chairman”.

SEC. 203. PARTICIPATION IN NATIONAL SECURITY COUNCIL MEETINGS

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

“(e) The Chairman (or in his absence the Vice Chairman) of the Joint Chiefs of Staff may, in his role as principal military adviser to the National Security Council and subject to the direction of the President, attend and participate in meetings of the National Security Council.”.

SEC. 204. TRANSITION

(a) **PREPAREDNESS EVALUATION SYSTEM.**—The uniform system of evaluating the preparedness of each unified and specified combatant command required to be established by paragraph (3)(D) of section 153(a) of title 10, United States Code, as added by section 201 of this Act, shall be established not later than one year after the date of the enactment of this Act.

(b) **DATE FOR FIRST REPORT.**—The first report under section 153(b) of title 10, United States Code, as added by section 201 of this Act, shall be submitted by the Chairman of the Joint Chiefs of Staff not later than two years after the date of the enactment of this Act.

(c) **WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS VICE CHAIRMAN OF JCS.**—
 (1) The President may waive, as provided in paragraph (2), the requirements provided for in section 154(b) of title 10, United States Code (as added by section 201 of this Act), relating to requirements for appointment of an officer as Vice Chairman of the Joint Chiefs of Staff.

(2) In exercising such waiver authority, the President may—

(A) waive the requirement that the officer have the joint specialty;

(B) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(C) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3)(A) A waiver under paragraph (2)(A) may not be made more than two years after the date of the enactment of this Act.

(B) A waiver under paragraph (2)(B) or (2)(C) may not be made more than four years after the date of the enactment of this Act.

PART B—COMBATANT COMMANDS

SEC. 211. ESTABLISHMENT OF COMBATANT COMMANDS AND AUTHORITY OF COMMANDERS

(a) *IN GENERAL.*—Part I of subtitle A is amended by inserting after chapter 5 the following new chapter:

“CHAPTER 6—COMBATANT COMMANDS

“Sec.

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“§ 161. Combatant commands: establishment

“(a) *UNIFIED AND SPECIFIED COMBATANT COMMANDS.*—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

“(1) establish unified combatant commands and specified combatant commands to perform military missions; and

“(2) prescribe the force structure of those commands.

“(b) *PERIODIC REVIEW.*—(1) The Chairman periodically (and not less often than every two years) shall—

“(A) review the missions, responsibilities (including geographic boundaries), and force structure of each combatant command; and

“(B) recommend to the President, through the Secretary of Defense, any changes to such missions, responsibilities, and force structures as may be necessary.

“(2) Except during time of hostilities or imminent threat of hostilities, the President shall notify Congress not more than 60 days after—

“(A) establishing a new combatant command; or

“(B) significantly revising the missions, responsibilities, or force structure of an existing combatant command.

“(c) *DEFINITIONS.*—In this chapter:

“(1) The term ‘unified combatant command’ means a military command which has broad, continuing missions and which is composed of forces from two or more military departments.

“(2) The term ‘specified combatant command’ means a military command which has broad, continuing missions and which is normally composed of forces from a single military department.

“(3) The term ‘combatant command’ means a unified combatant command or a specified combatant command.

“§ 162. Combatant commands: assigned forces; chain of command

“(a) ASSIGNMENT OF FORCES.—(1) Except as provided in paragraph (2), the Secretaries of the military departments shall assign all forces under their jurisdiction to unified and specified combatant commands to perform missions assigned to those commands. Such assignments shall be made as directed by the Secretary of Defense, including direction as to the command to which forces are to be assigned. The Secretary of Defense shall ensure that such assignments are consistent with the force structure prescribed by the President for each combatant command.

“(2) Except as otherwise directed by the Secretary of Defense, forces to be assigned by the Secretaries of the military departments to the combatant commands under paragraph (1) do not include forces assigned to carry out functions of the Secretary of a military department listed in sections 3013(b), 5013(b), and 8013(b) of this title.

“(3) A force assigned to a combatant command under this section may be transferred from the command to which it is assigned only—

“(A) by authority of the Secretary of Defense; and

“(B) under procedures prescribed by the Secretary and approved by the President.

“(4) Except as otherwise directed by the Secretary of Defense, all forces operating within the geographic area assigned to a unified combatant command shall be assigned to, and under the command of, the commander of that command. The preceding sentence applies to forces assigned to a specified combatant command only as prescribed by the Secretary of Defense.

“(b) CHAIN OF COMMAND.—Unless otherwise directed by the President, the chain of command to a unified or specified combatant command runs—

“(1) from the President to the Secretary of Defense; and

“(2) from the Secretary of Defense to the commander of the combatant command.

“§ 163. Role of Chairman of Joint Chiefs of Staff

“(a) COMMUNICATIONS THROUGH CHAIRMAN OF JCS; ASSIGNMENT OF DUTIES.—Subject to the limitations in section 152(c) of this title, the President may—

“(1) direct that communications between the President or the Secretary of Defense and the commanders of the unified and specified combatant commands be transmitted through the Chairman of the Joint Chiefs of Staff; and

“(2) assign duties to the Chairman to assist the President and the Secretary of Defense in performing their command function.

“(b) OVERSIGHT BY CHAIRMAN OF JOINT CHIEFS OF STAFF.—(1) The Secretary of Defense may assign to the Chairman of the Joint Chiefs of Staff responsibility for overseeing the activities of the combatant commands. Such assignment by the Secretary to the Chairman does not confer any command authority on the Chairman and does not alter the responsibility of the commanders of the combatant commands prescribed in section 164(b)(2) of this title.

“(2) Subject to the authority, direction, and control of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff serves as the spokesman for the commanders of the combatant commands, especially on the operational requirements of their commands. In performing such function, the Chairman shall—

“(A) confer with and obtain information from the commanders of the combatant commands with respect to the requirements of their commands;

“(B) evaluate and integrate such information;

“(C) advise and make recommendations to the Secretary of Defense with respect to the requirements of the combatant commands, individually and collectively; and

“(D) communicate, as appropriate, the requirements of the combatant commands to other elements of the Department of Defense.

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

“(a) ASSIGNMENT AS COMBATANT COMMANDER.—(1) The President may assign an officer to serve as the commander of a unified or specified combatant command only if the officer—

“(A) has the joint specialty under section 661 of this title; and

“(B) has served in at least one joint duty assignment (as defined under section 668(b) of this title) as a general or flag officer.

“(2) The President may waive paragraph (1) in the case of an officer if the President determines that such action is necessary in the national interest.

“(b) RESPONSIBILITIES OF COMBATANT COMMANDERS.—(1) The commander of a combatant command is responsible to the President and to the Secretary of Defense for the performance of missions assigned to that command by the President or by the Secretary with the approval of the President.

“(2) Subject to the direction of the President, the commander of a combatant command—

“(A) performs his duties under the authority, direction, and control of the Secretary of Defense; and

“(B) is directly responsible to the Secretary for the preparedness of the command to carry out missions assigned to the command.

“(c) COMMAND AUTHORITY OF COMBATANT COMMANDERS.—(1) Unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the commander of a combatant command with respect to the commands and forces assigned to that command include the command functions of—

“(A) giving authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics;

“(B) prescribing the chain of command to the commands and forces within the command;

“(C) organizing commands and forces within that command as he considers necessary to carry out missions assigned to the command;

“(D) employing forces within that command as he considers necessary to carry out missions assigned to the command;

“(E) assigning command functions to subordinate commanders;

“(F) coordinating and approving those aspects of administration and support (including control of resources and equipment, internal organization, and training) and discipline necessary to carry out missions assigned to the command; and

“(G) exercising the authority with respect to selecting subordinate commanders, selecting combatant command staff, suspending subordinates, and convening courts-martial, as provided in subsections (e), (f), and (g) of this section and section 822(a) of this title, respectively.

“(2)(A) The Secretary of Defense shall ensure that a commander of a combatant command has sufficient authority, direction, and control over the commands and forces assigned to the command to exercise effective command over those commands and forces. In carrying out this subparagraph, the Secretary shall consult with the Chairman of the Joint Chiefs of Staff.

“(B) The Secretary shall periodically review and, after consultation with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commander of the combatant command, assign authority to the commander of the combatant command for those aspects of administration and support that the Secretary considers necessary to carry out missions assigned to the command.

“(3) If a commander of a combatant command at any time considers his authority, direction, or control with respect to any of the commands or forces assigned to the command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.

“(d) **AUTHORITY OVER SUBORDINATE COMMANDERS.**—Unless otherwise directed by the President or the Secretary of Defense—

“(1) commanders of commands and forces assigned to a combatant command are under the authority, direction, and control of, and are responsible to, the commander of the combatant command on all matters for which the commander of the combatant command has been assigned authority under subsection (c);

“(2) the commander of a command or force referred to in clause (1) shall communicate with other elements of the Department of Defense on any matter for which the commander of the combatant command has been assigned authority under subsection (c) in accordance with procedures, if any, established by the commander of the combatant command;

“(3) other elements of the Department of Defense shall communicate with the commander of a command or force referred to in clause (1) on any matter for which the commander of the combatant command has been assigned authority under subsection (c) in accordance with procedures, if any, established by the commander of the combatant command; and

“(4) if directed by the commander of the combatant command, the commander of a command or force referred to in clause (1) shall advise the commander of the combatant command of all communications to and from other elements

of the Department of Defense on any matter for which the commander of the combatant command has not been assigned authority under subsection (c).

“(e) SELECTION OF SUBORDINATE COMMANDERS.—(1) An officer may be assigned to a position as the commander of a command directly subordinate to the commander of a combatant command or, in the case of such a position that is designated under section 601 of this title as a position of importance and responsibility, may be recommended to the President for assignment to that position, only—

“(A) with the concurrence of the commander of the combatant command; and

“(B) in accordance with procedures established by the Secretary of Defense.

“(2) The Secretary of Defense may waive the requirement under paragraph (1) for the concurrence of the commander of a combatant command with regard to the assignment (or recommendation for assignment) of a particular officer if the Secretary of Defense determines that such action is in the national interest.

“(3) The commander of a combatant command shall—

“(A) evaluate the duty performance of each commander of a command directly subordinate to the commander of such combatant command; and

“(B) submit the evaluation to the Secretary of the military department concerned and the Chairman of the Joint Chiefs of Staff.

“(f) COMBATANT COMMAND STAFF.—(1) Each unified and specified combatant command shall have a staff to assist the commander of the command in carrying out his responsibilities. Positions of responsibility on the combatant command staff shall be filled by officers from each of the armed forces having significant forces assigned to the command.

“(2) An officer may be assigned to a position on the staff of a combatant command or, in the case of such a position that is designated under section 601 of this title as a position of importance and responsibility, may be recommended to the President for assignment to that position, only—

“(A) with the concurrence of the commander of such command; and

“(B) in accordance with procedures established by the Secretary of Defense.

“(3) The Secretary of Defense may waive the requirement under paragraph (2) for the concurrence of the commander of a combatant command with regard to the assignment (or recommendation for assignment) of a particular officer to serve on the staff of the combatant command if the Secretary of Defense determines that such action is in the national interest.

“(g) AUTHORITY TO SUSPEND SUBORDINATES.—In accordance with procedures established by the Secretary of Defense, the commander of a combatant command may suspend from duty and recommend the reassignment of any officer assigned to such combatant command.

“§ 165. Combatant commands: administration and support

“(a) IN GENERAL.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide for the administration and support of forces assigned to each combatant command.

“(b) RESPONSIBILITY OF SECRETARIES OF MILITARY DEPARTMENTS.—Subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of commanders of the combatant commands under section 164(c) of this title, the Secretary of a military department is responsible for the administration and support of forces assigned by him to a combatant command.

“(c) ASSIGNMENT OF RESPONSIBILITY TO OTHER COMPONENTS OF DOD.—After consultation with the Secretaries of the military departments, the Secretary of Defense may assign the responsibility (or any part of the responsibility) for the administration and support of forces assigned to the combatant commands to other components of the Department of Defense (including Defense Agencies and combatant commands). A component assigned such a responsibility shall discharge that responsibility subject to the authority, direction, and control of the Secretary of Defense and subject to the authority of commanders of the combatant commands under section 164(c) of this title.

“§ 166. Combatant commands: budget proposals

“(a) COMBATANT COMMAND BUDGETS.—The Secretary of Defense shall include in the annual budget of the Department of Defense submitted to Congress a separate budget proposal for such activities of each of the unified and specified combatant commands as may be determined under subsection (b).

“(b) CONTENT OF PROPOSALS.—A budget proposal under subsection (a) for funding of activities of a combatant command shall include funding proposals for such activities of the combatant command as the Secretary (after consultation with the Chairman of the Joint Chiefs of Staff) determines to be appropriate for inclusion. Activities of a combatant command for which funding may be requested in such a proposal include the following:

“(1) Joint exercises.

“(2) Force training.

“(3) Contingencies.

“(4) Selected operations.”.

(b) COURT-MARTIAL JURISDICTION.—Section 822(a) (article 22(a) of the Uniform Code of Military Justice) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (1) the following new paragraphs (2) and (3):

“(2) the Secretary of Defense;

“(3) the commanding officer of a unified or specified combatant command;”.

(c) REPEAL OF SECTION 124.—(1) Section 124 is repealed.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to that section.

SEC. 212. INITIAL REVIEW OF COMBATANT COMMANDS

(a) MATTERS TO BE CONSIDERED.—The first review of the missions, responsibilities (including geographic boundaries), and force structure of the unified and specified combatant commands under section 161(b) of title 10, United States Code, as added by section 211 of this Act, shall include consideration of the following:

(1) Creation of a unified combatant command for strategic missions which would combine—

(A) the missions, responsibilities, and forces of the Strategic Air Command;

(B) the strategic missions, responsibilities, and forces of the Army and Navy; and

(C) other appropriate strategic missions, responsibilities, and forces of the armed forces.

(2) Creation of a unified combatant command for special operations missions which would combine the special operations missions, responsibilities, and forces of the armed forces.

(3) Creation of a unified combatant command for transportation missions which would combine the transportation missions, responsibilities, and forces of the Military Traffic Management Command, the Military Sealift Command, and the Military Airlift Command.

(4) Creation of a unified combatant command for missions relating to defense of Northeast Asia.

(5) Revision of the geographic area for which the United States Central Command has responsibility so as to include—

(A) the ocean areas adjacent to Southwest Asia; and

(B) the region of the Middle East that is assigned to the United States European Command.

(6) Revision of the geographic area for which the United States Southern Command has responsibility so as to include the ocean areas adjacent to Central America.

(7) Revision of the geographic area for which the United States Pacific Command has responsibility so as to include all of the State of Alaska.

(8) Revision of the missions and responsibilities of the United States Readiness Command so as to include—

(A) an enhanced role in securing the borders of the United States; and

(B) assignment of regions of the world not assigned as part of the geographic area of responsibility of any other unified combatant command.

(9) Revision of the division of missions and responsibilities between the United States Central Command and the United States Readiness Command.

(10) Elimination of the command designated as United States Forces, Caribbean.

(b) DEADLINE.—The first report to the President under such section shall be made not later than one year after the date of the enactment of this Act.

SEC. 213. REPEAL OF CERTAIN LIMITATIONS ON COMMAND STRUCTURE

(a) PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS.—Section 1110 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 747), is repealed.

(b) PROHIBITION AGAINST ALTERING COMMAND STRUCTURE FOR MILITARY FORCES IN ALASKA.—Section 8106 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1221)), is repealed.

SEC. 214. TRANSITION

(a) ASSIGNMENT OF FORCES TO COMBATANT COMMANDS.—Section 162(a) of title 10, United States Code (as added by section 211 of this Act), shall be implemented not later than 90 days after the date of the enactment of this Act.

(b) WAIVER OF QUALIFICATIONS FOR ASSIGNMENT AS COMBATANT COMMANDER.—(1) The President may waive, as provided in paragraph (2), the requirements provided for in section 164(a) of title 10, United States Code (as added by section 201 of this Act), relating to the assignment of commanders of the combatant commands.

(2) In exercising such waiver authority, the President may, in the case of any officer—

(A) waive the requirement that the officer have the joint specialty;

(B) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(C) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3)(A) A waiver under paragraph (2)(A) may not be made more than two years after the date of the enactment of this Act.

(B) A waiver under paragraph (2)(B) or (2)(C) may not be made more than four years after the date of the enactment of this Act.

(4) A waiver under this subsection may be made only on a case-by-case basis.

(c) SELECTION AND SUSPENSION FROM DUTY OF SUBORDINATE OFFICERS.—Subsections (e), (f), and (g) of section 164 of title 10, United States Code (as added by section 211 of this Act), shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act, or on such earlier date as may be prescribed by the Secretary of Defense.

(d) **BUDGET PROPOSALS.**—Section 166 of title 10, United States Code (as added by section 211 of this Act), shall take effect with budget proposals for fiscal year 1989.

TITLE III—DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

SEC. 301. ESTABLISHMENT AND MANAGEMENT OF DEFENSE AGENCIES AND DEPARTMENT OF DEFENSE FIELD ACTIVITIES

(a) **IN GENERAL.**—Chapter 8 is amended—

(1) by redesignating section 191 as section 201; and

(2) by striking out the chapter heading and the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

“CHAPTER 8—DEFENSE AGENCIES AND DEPARTMENT OF DE- FENSE FIELD ACTIVITIES

“Subchapter	Sec.
“ I. Common Supply and Service Activities	191
“II. Miscellaneous Defense Agency Matters	201

“SUBCHAPTER I—COMMON SUPPLY AND SERVICE ACTIVITIES

“Sec.

“191. Secretary of Defense: authority to provide for common performance of supply or service activities.

“192. Defense Agencies and Department of Defense Field Activities: oversight by the Secretary of Defense.

“193. Combat support agencies: oversight.

“194. Limitations on personnel.

“§ 191. Secretary of Defense: authority to provide for common performance of supply or service activities

“(a) **AUTHORITY.**—Whenever the Secretary of Defense determines such action would be more effective, economical, or efficient, the Secretary may provide for the performance of a supply or service activity that is common to more than one military department by a single agency of the Department of Defense.

“(b) **DESIGNATION OF COMMON SUPPLY OR SERVICE AGENCY.**—Any agency of the Department of Defense established under subsection (a) (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) for the performance of a supply or service activity referred to in such subsection shall be designated as a Defense Agency or a Department of Defense Field Activity.

“§ 192. Defense Agencies and Department of Defense Field Activities: over- sight by the Secretary of Defense

“(a) **OVERALL SUPERVISION.**—(1) The Secretary of Defense shall assign responsibility for the overall supervision of each Defense Agency and Department of Defense Field Activity designated under section 191(b) of this title—

“(A) to a civilian officer within the Office of the Secretary of Defense listed in section 131(b) of this title; or

“(B) to the Chairman of the Joint Chiefs of Staff.

“(2) An official assigned such a responsibility with respect to a Defense Agency or Department of Defense Field Activity shall advise the Secretary of Defense on the extent to which the program recommendations and budget proposals of such agency or activity conform with the requirements of the military departments and of the unified and specified combatant commands.

“(3) This subsection does not apply to the Defense Intelligence Agency or the National Security Agency.

“(b) PROGRAM AND BUDGET REVIEW.—The Secretary of Defense shall establish procedures to ensure that there is full and effective review of the program recommendations and budget proposals of each Defense Agency and Department of Defense Field Activity.

“(c) PERIODIC REVIEW.—(1) Periodically (and not less often than every two years), the Secretary of Defense shall review the services and supplies provided by each Defense Agency and Department of Defense Field Activity to ensure that—

“(A) there is a continuing need for each such agency and activity; and

“(B) the provision of those services and supplies by each such agency and activity, rather than by the military departments, is a more effective, economical, or efficient manner of providing those services and supplies or of meeting the requirements for combat readiness of the armed forces.

“(2) Paragraph (1) shall apply to the National Security Agency as determined appropriate by the Secretary, in consultation with the Director of Central Intelligence. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

“§ 193. Combat support agencies: oversight

“(a) COMBAT READINESS.—(1) Periodically (and not less often than every two years), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the combat support agencies. Each such report shall include—

“(A) a determination with respect to the responsiveness and readiness of each such agency to support operating forces in the event of a war or threat to national security; and

“(B) any recommendations that the Chairman considers appropriate.

“(2) In preparing each such report, the Chairman shall review the plans of each such agency with respect to its support of operating forces in the event of a war or threat to national security. After consultation with the Secretaries of the military departments and the commanders of the unified and specified combatant commands, as appropriate, the Chairman may, with the approval of the Secretary of Defense, take steps to provide for any revision of those plans that the Chairman considers appropriate.

“(b) PARTICIPATION IN JOINT TRAINING EXERCISES.—The Chairman shall—

“(1) provide for the participation of the combat support agencies in joint training exercises to the extent necessary to ensure that those agencies are capable of performing their support missions with respect to a war or threat to national security; and

“(2) assess the performance in joint training exercises of each such agency and, in accordance with guidelines established by the Secretary of Defense, take steps to provide for any change that the Chairman considers appropriate to improve that performance.

“(c) READINESS REPORTING SYSTEM.—The Chairman shall develop, in consultation with the director of each combat support agency, a uniform system for reporting to the Secretary of Defense, the commanders of the unified and specified combatant commands, and the Secretaries of the military departments concerning the readiness of each such agency to perform with respect to a war or threat to national security.

“(d) REVIEW OF NATIONAL SECURITY AGENCY.—(1) Subsections (a), (b), and (c) shall apply to the National Security Agency, but only with respect to combat support functions the Agency performs for the Department of Defense.

“(2) The Secretary, after consulting with the Director of Central Intelligence, shall establish policies and procedures with respect to the application of subsections (a), (b), and (c) to the National Security Agency.

“(e) COMBAT SUPPORT CAPABILITIES OF DIA AND NSA.—The Secretary of Defense, in consultation with the Director of Central Intelligence, shall develop and implement, as they may determine to be necessary, policies and programs to correct such deficiencies as the Chairman of the Joint Chiefs of Staff and other officials of the Department of Defense may identify in the capabilities of the Defense Intelligence Agency and the National Security Agency to accomplish assigned missions in support of military combat operations.

“(f) Definition of Combat Support Agency.—In this section, the term ‘combat support agency’ means any of the following Defense Agencies:

“(1) The Defense Communications Agency.

“(2) The Defense Intelligence Agency.

“(3) The Defense Logistics Agency.

“(4) The Defense Mapping Agency.

“(5) Any other Defense Agency designated as a combat support agency by the Secretary of Defense.

“§ 194. Limitations on personnel.

“(a) CAP ON HEADQUARTERS MANAGEMENT PERSONNEL.—After September 30, 1989, the total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities or management headquarters support activities in the Defense Agencies and Department of Defense Field Activities may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

“(b) CAP ON OTHER PERSONNEL.—After September 30, 1989, the total number of members of the armed forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned to management headquarters activities or management headquarters support activities, may not exceed the number that is the number of such members and employees assigned or detailed to such duty on September 30, 1989.

“(c) PROHIBITION AGAINST CERTAIN ACTIONS TO EXCEED LIMITATIONS.—The limitations in subsections (a) and (b) may not be exceeded by recategorizing or redefining duties, functions, offices, or organizations.

“(d) EXCLUSION OF NSA.—The National Security Agency shall be excluded in computing and maintaining the limitations required by this section.

“(e) WAIVER.—The limitations in this section do not apply—

“(1) in time of war; or

“(2) during a national emergency declared by Congress.

“(f) DEFINITIONS.—In this section, the terms ‘management headquarters activities’ and ‘management headquarters support activities’ have the meanings given those terms in Department of Defense Directive 5100.73, entitled ‘Department of Defense Management Headquarters and Headquarters Support Activities’ and dated January 7, 1985.

“SUBCHAPTER II—MISCELLANEOUS DEFENSE AGENCY MATTERS

“Sec.

“201. Unauthorized use of Defense Intelligence Agency name, initials, or seal.”.

(b) CONFORMING AMENDMENTS.—(1) Section 125 is amended by striking out subsection (d).

(2) Subsection (c)(2) of section 113 (as redesignated by section 101(a)) is amended by striking out “section 125” and inserting in lieu thereof “sections 125 and 191”.

SEC. 302. DEFINITIONS OF DEFENSE AGENCY AND DEPARTMENT OF DEFENSE FIELD ACTIVITY

Section 101 is amended by adding at the end the following new paragraphs:

“(44) ‘Defense Agency’ means an organizational entity of the Department of Defense—

“(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

“(B) that is designated by the Secretary of Defense as a Defense Agency.

“(45) ‘Department of Defense Field Activity’ means an organizational entity of the Department of Defense—

“(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986)) to perform a supply or service activity common to more than one military department; and

“(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.”.

SEC. 303. REASSESSMENT OF DEFENSE AGENCIES AND DOD FIELD ACTIVITIES

(a) **SECRETARY OF DEFENSE.**—(1) The Secretary of Defense shall conduct a study of the functions and organizational structure of the Defense Agencies and Department of Defense Field Activities. The study shall determine the most effective, economical, or efficient means of providing supply or service activities common to more than one military department, after considering the matters set forth in subsection (d) and the reports submitted under subsection (b).

(2) To the extent that the most effective, economical, or efficient means of providing those activities is determined under paragraph (1) to be the existing Defense Agency and Department of Defense Field Activity structure, the study shall analyze methods to improve the performance and responsiveness of Defense Agencies and Department of Defense Field Activities with respect to the entities to which they provide supplies and services, particularly with regard to the unified and specified combatant commands.

(b) **SERVICE SECRETARIES AND CHAIRMAN OF THE JCS.**—The Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff shall each conduct a study of the functions and organizational structure of the Defense Agencies and Department of Defense Field Activities. The Secretaries and Chairman shall each submit a report to the Secretary of Defense on such study at a time specified by the Secretary. Each such report shall include a discussion of and recommendations concerning each matter set forth in subsection (d).

(c) **NATIONAL SECURITY AGENCY.**—This section shall apply to the National Security Agency as determined appropriate by the Secretary of Defense, in consultation with the Director of Central Intelligence. The Secretary shall establish procedures under which information required for review of the National Security Agency shall be obtained.

(d) **MATTERS CONSIDERED.**—The studies required by subsections (a) and (b) shall consider the following matters:

(1) Whether the existing allocation of functions to, and organizational structure of, the Defense Agencies and Department of Defense Field Activities meet the statutory requirement of providing a supply or service activity common to more than one military department in a more effective, economical, or efficient manner.

(2) Alternative allocations of authority and functions assigned to the Defense Agencies and Department of Defense Field Activities, including—

(A) various possible redistributions of responsibilities among those agencies and activities;

(B) transfer of the responsibility for those functions to—

(i) the Secretaries of the military departments;

(ii) the appropriate officers in the Office of the Secretary of Defense;

(iii) the Chairman of the Joint Chiefs of Staff; or

(iv) the commanders of unified or specified combatant commands;

(C) creation of new Defense Agencies or Department of Defense Field Activities;

(D) consolidation of two or more such agencies and activities;

(E) elimination of any such agency or activity; and

(F) other organizational changes in the Department of Defense designed to make the performance of those functions more effective, economical, or efficient.

(3) Whether the requirements of the amendments made by section 301 will have the effect of ensuring the readiness and responsiveness of the Defense Agencies in the event of a war or threat to national security and whether any additional legislation is necessary to ensure such readiness and responsiveness.

(4) Additional legislative or administrative actions that the Secretary considers necessary to ensure effective oversight of Defense Agency and Department of Defense Field Activity resource management, personnel policies, and budget procedures and to clarify supervisory responsibilities.

(5) Whether the findings and recommendations of the report of March 1979 entitled "Report to the Secretary of Defense of the Defense Agency Review" and directed by Major General Theodore Antonelli, United States Army (Retired), should be the basis for additional legislative or administrative actions.

(e) REPORT.—The Secretary of Defense shall submit to Congress a report that includes the following:

(1) A report on the study required by subsection (a) that includes—

(A) a discussion of and recommendations concerning each matter set forth in subsection (d); and

(B) a discussion of the report required by subsection (b).

(2) A copy of each report required by subsection (b).

(3) A study of the improved application of computer systems to functions of Defense Agencies and Department of Defense Field Activities, including a plan for the rapid replacement, where necessary, of existing automated data processing equipment with new equipment.

(4) Plans to achieve reductions in the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities (other than the National Security Agency) by 5 percent, 10 percent, and 15 percent of the total number of such members and employees projected to be assigned or detailed to such duty on September 30, 1988, together with a discussion of the implications

of each such reduction and a draft of any legislation that would be required to implement each such plan.

(f) **DEADLINE FOR SUBMISSION.**—The report required by subsection (e) shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 304. TRANSITION

(a) **SECRETARY OF DEFENSE REVIEW OF DEFENSE AGENCIES.**—The first review under section 192(c) of title 10, United States Code (as added by section 301(a)), shall be completed not later than two years after the date that the report under section 303(e) is required to be submitted to Congress.

(b) **REPORT AND OTHER ACTIONS BY CHAIRMAN OF JCS.**—The first report under subsection (a) of section 193 of such title (as added by section 301(a)) shall be submitted, and subsections (b) and (c) of such section shall be implemented, not later than one year after the date of the enactment of this Act. The Secretary of Defense shall provide a report on the implementation of such subsections (b) and (c) in the report of the Secretary submitted to Congress for 1988 under section 113(c) of title 10, United States Code (as redesignated by section 101(a)).

TITLE IV—JOINT OFFICER PERSONNEL POLICY

SEC. 401. JOINT OFFICER MANAGEMENT

(a) **ESTABLISHMENT OF JOINT OFFICER MANAGEMENT POLICIES.**—Part II of subtitle A is amended by inserting after chapter 37 the following new chapter:

“CHAPTER 38—JOINT OFFICER MANAGEMENT

“Sec.

“661. Management policies for joint specialty officers.

“662. Promotion policy objectives for joint officers.

“663. Education.

“664. Length of joint duty assignments.

“665. Procedures for monitoring careers of joint officers.

“666. Reserve officers not on the active-duty list.

“667. Annual report to Congress.

“668. Definitions.

“§ 661. Management policies for joint specialty officers

“(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish policies, procedures, and practices for the effective management of officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who are particularly trained in, and oriented toward, joint matters (as defined in section 668 of this title). Such officers shall be identified or designated (in addition to their principal military occupational specialty) in such manner as the Secretary of Defense directs. For purposes of this chapter, officers to be managed by such policies, procedures, and practices are referred to as having, or having been nominated for, the ‘joint specialty’.

“(b) **NUMBERS AND SELECTION.**—(1) The number of officers with the joint specialty shall be determined by the Secretary. Such number shall be large enough to meet the requirements of subsection (d).

“(2) Officers shall be selected for the joint specialty by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. The Secretaries of the military departments shall nominate officers for selection for the joint specialty. Nominations shall be made from among officers—

“(A) who meet qualifications prescribed by the Secretary of Defense; and

“(B) who—

“(i) are senior captains or, in the case of the Navy, senior lieutenants; or

“(ii) are serving in the grade of major or lieutenant commander or a higher grade.

“(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) An officer who is nominated for the joint specialty may not be selected for the joint specialty until the officer—

“(A) successfully completes an appropriate program at a joint professional military education school; and

“(B) after completing such program of education, successfully completes a full tour of duty in a joint duty assignment.

“(2) An officer who has a critical occupational specialty involving combat operations (as designated by the Secretary of Defense) and who is nominated for the joint specialty may be selected for the joint specialty after successful completion of a joint duty assignment of not less than two years and successful completion of a program under paragraph (1)(A). An officer selected for the joint specialty under this paragraph shall be required to complete the generally applicable requirements for selection under paragraph (1)(B) as soon as practicable after such officer's selection.

“(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above captain or, in the case of the Navy, lieutenant are filled at any time by officers who have (or have been nominated for) the joint specialty.

“(2) The Secretary of Defense shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Each such position shall be held only by an officer with the joint specialty.

“(e) CAREER GUIDELINES.—The Secretary, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish career guidelines for officers with the joint specialty. Such guidelines shall include guidelines for —

“(1) selection;

“(2) military education;

“(3) training;

“(4) types of duty assignments; and

“(5) such other matters as the Secretary considers appropriate.

“§ 662. Promotion policy objectives for joint officers

“(a) QUALIFICATIONS.—The Secretary of Defense shall ensure that the qualifications of officers assigned to joint duty assignments are such that—

“(1) officers who are serving on, or have served on, the Joint Staff are expected, as a group, to be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force;

“(2) officers who have the joint specialty are expected, as a group, to be promoted at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force; and

“(3) officers who are serving in, or have served in, joint duty assignments (other than officers covered in paragraphs (1) and (2)) are expected, as a group, to be promoted at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.

“(b) REPORT.—The Secretary of Defense shall periodically (and not less often than every six months) report to Congress on the promotion rates of officers who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of clauses (1), (2), and (3) of subsection (a). If such promotion rates fail to meet such objectives, the Secretary shall immediately notify Congress of such failure and of what action the Secretary has taken or plans to take to prevent further failures.

“§ 663. Education

“(a) CAPSTONE COURSE FOR NEW GENERAL AND FLAG OFFICERS.—(1) Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new general and flag officers to work with the other armed forces.

“(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

“(A) in the case of an officer whose immediately previous assignment was in a joint duty assignment and who is thoroughly familiar with joint matters;

“(B) when necessary for the good of the service;

“(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and

“(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, or chaplain.

“(3) The authority of the Secretary of Defense to grant a waiver under paragraph (2) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

“(b) JOINT MILITARY EDUCATION SCHOOLS.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall periodically review and revise the curriculum of each school of the National Defense University (and of any other joint professional military education school) to enhance the education and training of officers in joint matters. The Secretary shall require such

schools to maintain rigorous standards for the military education of officers with the joint specialty.

“(c) OTHER PROFESSIONAL MILITARY EDUCATION SCHOOLS.—The Secretary of Defense shall require that each Department of Defense school concerned with professional military education periodically review and revise its curriculum for senior and intermediate grade officers in order to strengthen the focus on—

“(1) joint matters; and

“(2) preparing officers for joint duty assignments.

“(d) Post-Education Duty Assignments.—The Secretary of Defense shall ensure that—

“(1) unless waived by the Secretary in an individual case, each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer’s next duty assignment; and

“(2) a high proportion (which shall be greater than 50 percent) of the other officers graduating from a joint professional military education school also receive assignments to a joint duty assignment as their next duty assignment.

“§ 664. Length of joint duty assignments

“(a) GENERAL RULE.—The length of a joint duty assignment—

“(1) for general and flag officers shall be not less than three years; and

“(2) for other officers shall be not less than three and one-half years.

“(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in the case of an officer, but the Secretary shall ensure that the average length of joint duty assignments meets the standards prescribed in that subsection.

“(c) Certain Officers With Critical Combat Operations Skills.—Joint duty assignments of less than the period prescribed by subsection (a), but not less than two years, may be authorized for the purposes of section 661(c)(2) of this title. Such an assignment may not be counted for the purposes of determining the average length of joint duty assignments under subsection (b).

“(d) EXCEPTION.—(1) Subsection (a) does not apply in the case of an officer who fails to complete a joint duty assignment as the result of—

“(A) retirement;

“(B) separation from active duty; or

“(C) suspension from duty under section 155(f)(2) or 164(g) of this title.

“(2) In computing the average length of joint duty assignments for purposes of this section, the Secretary of Defense shall exclude joint duty assignments not completed because of a reason specified in paragraph (1).

“§ 665. Procedures for monitoring careers of joint officers

“(a) PROCEDURES.—(1) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall establish procedures for overseeing the careers of—

“(A) officers with the joint specialty; and

“(B) other officers who serve in joint duty assignments.

“(2) Such oversight shall include monitoring of the implementation of the career guidelines established under section 661(e) of this title.

“(b) *FUNCTION OF JOINT STAFF.*—The Secretary shall take such action as necessary to enhance the capabilities of the Joint Staff so that it can—

“(1) monitor the promotions and career assignments of officers with the joint specialty and of other officers who have served in joint duty assignments; and

“(2) otherwise advise the Chairman on joint personnel matters.

“§ 666. Reserve officers not on the active-duty list

“The Secretary of Defense shall establish personnel policies emphasizing education and experience in joint matters for reserve officers not on the active-duty list. Such policies shall, to the extent practicable for the reserve components, be similar to the policies provided by this chapter.

“§ 667. Annual report to Congress

“The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

“(1) The number of officers selected for the joint specialty and their education and experience.

“(2) The promotion rate for officers considered for promotion from within the promotion zone who are serving on the Joint Staff compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers serving on the headquarters staff of the armed force concerned.

“(3) The promotion rate for officers with the joint specialty, compared in the same manner as specified in paragraph (2).

“(4) The promotion rate for other officers who are serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

“(5) The promotion rate for officers considered for promotion from below the promotion zone, shown for officers serving on the Joint Staff, officers with the joint specialty, and other officers serving in joint duty assignments, compared in the same manner as specified in paragraph (2).

“(6) An analysis of assignments of officers after selection for the joint specialty.

“(7) The average length of tours of duty in joint duty assignments—

“(A) for general and flag officers, shown separately for assignments to the Joint Staff and other joint duty assignments; and

“(B) for other officers, shown separately for assignments to the Joint Staff and other joint duty assignments.

“(8) In any case in which the information under paragraphs (2) through (5) shows a significant imbalance between officers serving in joint duty assignments or having the joint specialty and other officers, a description of what action has been taken (or is planned to be taken) by the Secretary to correct the imbalance.

“(9) An analysis of the extent to which the Secretary of each military department is providing officers to fill that department’s share (as determined by law or by the Secretary of Defense) of Joint Staff and other joint duty assignments, including the reason for any significant failure by a military department to fill its share of such positions and a discussion of the actions being taken to correct the shortfall.

“(10) Such other information and comparative data as the Secretary of Defense considers appropriate to demonstrate the performance of the Department of Defense and the performance of each military department in carrying out this chapter.

“§ 668. Definitions

“(a) JOINT MATTERS.—In this chapter, the term ‘joint matters’ means matters relating to the integrated employment of land, sea, and air forces, including matters relating to—

“(1) national military strategy;

“(2) strategic planning and contingency planning; and

“(3) command and control of combat operations under unified command.

“(b) JOINT DUTY ASSIGNMENT.—(1) The Secretary of Defense shall by regulation define the term ‘joint duty assignment’ for the purposes of this chapter. That definition shall be limited to assignments in which the officer gains significant experience in joint matters and shall exclude—

“(A) assignments for joint training or joint education; and

“(B) assignments within an officer’s own military department.

“(2) The Secretary shall publish a list showing—

“(A) the positions that are joint duty assignment positions under such regulation and the number of such positions; and

“(B) of the positions listed under subparagraph (A), those that are critical joint duty assignment positions and the number of such positions.”.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by inserting after the item relating to chapter 37 the following new item:

“38. Joint Officer Management 661”.

SEC. 402. PROMOTION PROCEDURES FOR JOINT OFFICERS

(a) COMPOSITION OF SELECTION BOARDS.—Section 612 is amended by adding at the end the following new subsection:

“(c) Each selection board convened under section 611(a) of this title that will consider officers who are serving in, or have served in, joint duty assignments shall

include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is currently serving in a joint duty assignment. The Secretary of Defense may waive the preceding sentence in the case of any selection board of the Marine Corps.”.

(b) GUIDANCE TO SELECTION BOARDS.—Section 615 is amended—

- (1) by inserting “(a)” before “The Secretary of the”;
- (2) by striking out “and” at the end of clause (4);
- (3) by designating clause (5) as clause (6);
- (4) by inserting after clause (4) the following new clause (5):

“(5) guidelines, based upon guidelines received by the Secretary from the Secretary of Defense under subsection (b), for the purpose of ensuring that the board gives appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments; and”;

and

- (5) by adding at the end the following new subsection:

“(b) The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall furnish to the Secretaries of the military departments guidelines for the purpose of ensuring that each selection board convened under section 611(a) of this title gives appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments.”.

(c) REVIEW OF PROMOTION LISTS BY CHAIRMAN OF JCS.—Section 618 is amended—

- (1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f) respectively; and

- (2) by inserting after subsection (a) the following new subsection (b):

“(b)(1) After completing the requirements of subsection (a), the Secretary concerned, in the case of the report of a selection board that considered officers who are serving, or have served, in joint duty assignments, shall submit the report to the Chairman of the Joint Chiefs of Staff.

“(2) The Chairman, in accordance with guidelines furnished to the Chairman by the Secretary of Defense, shall review the report for the purpose of determining if—

“(A) the selection board acted consistent with the guidelines of the Secretary of Defense under section 615-(b) of this title to ensure that selection boards give appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments; and

“(B) the selection board otherwise gave appropriate consideration to the performance in joint duty assignments of officers who are serving, or have served, in such assignments.

“(3) After reviewing the report, the Chairman shall return the report, with his determinations and comments, to the Secretary concerned.

“(4) If the Chairman determines that the board acted contrary to the guidelines of the Secretary of Defense under section 615(b) of this title or otherwise failed to give appropriate consideration to the performance of officers in joint duty assignments, the Secretary concerned may—

“(A) return the report, together with the Chairman’s determinations and comments, to the selection board (or a subsequent selection board convened under section 611(a) of this title for the same grade and competitive category) for further proceedings in accordance with subsection (a);

“(B) convene a special selection board in the manner provided for under section 628 of this title; or

“(C) take other appropriate action to satisfy the concerns of the Chairman.

“(5) If, after completion of all actions taken under paragraph (4), the Secretary concerned and the Chairman remain in disagreement with respect to the report of a selection board, the Secretary concerned shall indicate such disagreement, and the reasons for such disagreement, as part of his transmittal of the report of the selection board to the Secretary of Defense under subsection (c). Such transmittal shall include any comments submitted by the Chairman.”; and

(3) by adding at the end of paragraph (1) of subsection (c) (as redesignated by paragraph (1)) the following new sentence: “The Secretary of Defense shall, before transmitting the report of a selection board to the President, take appropriate action to resolve any disagreement between the Secretary concerned and the Chairman transmitted to him under subsection (b)(5).”.

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

Section 601 is amended by adding at the end the following new subsection:

“(d)(1) When an officer is recommended to the President for an initial appointment to the grade of lieutenant general or vice admiral, or for an initial appointment to the grade of general or admiral, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman’s evaluation of the performance of that officer as a member of the Joint Staff and in other joint duty assignments. The Secretary of Defense shall submit the Chairman’s evaluation to the President at the same time the recommendation for the appointment is submitted to the President.

“(2) Whenever a vacancy occurs in a 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 or in an office that is designated by law to carry such a grade, the Secretary of Defense shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.”.

SEC. 404. JOINT DUTY ASSIGNMENT AS PREREQUISITE FOR PROMOTION TO GENERAL OR FLAG OFFICER GRADE

Section 619 is amended by adding at the end the following new subsection:

“(e)(1) An officer may not be selected for promotion to the grade of brigadier general or rear admiral (lower half) unless the officer has served in a joint duty assignment.

“(2) Subject to paragraph (3), the Secretary of Defense may waive paragraph (1)—

“(A) when necessary for the good of the service;

“(B) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist;

“(C) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, chaplain, or judge advocate; and

“(D) until January 1, 1992, in the case of an officer who served before the date of the enactment of this subsection in an assignment (other than a joint duty assignment) that involved significant experience in joint matters (as determined by the Secretary).

“(3)(A) A waiver may be granted under paragraph (2) only on a case-by-case basis in the case of an individual officer.

“(B) In the case of a waiver under paragraph (2)(A), the Secretary shall provide that the first duty assignment as a general or flag officer of an officer for whom the waiver is granted shall be in a joint duty assignment.

“(C) The authority of the Secretary of Defense to grant a waiver under paragraph (2)(B), (2)(C), or (2)(D) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense.

“(4) The Secretary of Defense shall prescribe regulations to carry out this subsection. Such regulations shall specifically identify those categories of officers for which selection for promotion to brigadier general or, in the case of the Navy, rear admiral (lower half) is based primarily upon scientific and technical qualifications for which joint requirements do not exist.”.

SEC. 405. ANNUAL REPORT ON IMPLEMENTATION

The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of title 10, United States Code (as redesignated by section 101(a)), for each year from 1987 through 1991 a detailed report on the implementation of this title and the amendments made by this title.

SEC. 406. TRANSITION

(a) JOINT DUTY ASSIGNMENTS.—(1) Section 661(d) of title 10, United States Code (as added by section 401), shall be implemented as rapidly as possible and not later than two years after the date of the enactment of this Act.

(2) The list of positions that are joint duty assignment positions, including identification of those positions that are critical joint duty assignment positions,

required to be published by section 668(b)(2) of such title shall be published not later than six months after the date of the enactment of this Act.

(b) JOINT SPECIALTY.—

(1) INITIAL SELECTIONS.—(A) In making the initial selections of officers for the joint specialty under section 661 of title 10, United States Code (as added by section 401 of this Act), the Secretary of Defense may waive the requirement of either subparagraph (A) or (B) (but not both) of subsection (c)(1) of such section in the case of any officer in a grade above captain or, in the case of the Navy, lieutenant.

(B) In applying such subparagraph (B) to the initial selections of officers for the joint specialty, the Secretary may in the case of any officer—

(i) waive the requirement that a joint duty assignment be served after the officer has completed an appropriate program at a joint professional military education school;

(ii) waive the requirement for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(iii) consider as a joint duty assignment any tour of duty served by the officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under the regulations in effect at the time the assignment began.

(C) A waiver under subparagraph (A) of this paragraph or under any provision of subparagraph (B) of this paragraph may only be made on a case-by-case basis.

(D) The authority of the Secretary of Defense to grant a waiver under subparagraph (A) or (B) of this paragraph may be delegated only to the Deputy Secretary of Defense.

(2) REQUIREMENT FOR HIGH STANDARDS.—In exercising the authority provided by paragraph (1), the Secretary of Defense shall ensure that the highest standards of performance, education, and experience are established and maintained for officers selected for the joint specialty.

(3) SUNSET.—The authority provided by paragraph (1) shall expire two years after the date of the enactment of this Act.

(c) CAREER GUIDELINES.—The career guidelines required to be established by section 661(e) of such title, the procedures required to be established by section 665(a) of such title, and the personnel policies required to be established by section 666 of such title (as added by section 401) shall be established not later than the end of the eight-month period beginning on the date of the enactment of this Act. The provisions of section 665(b) of such title shall be implemented not later than the end of such period.

(d) EDUCATION.—

(1) CAPSTONE COURSE.—subsection (a) of section 663 of such title (as added by section 401) shall apply with respect to officers selected in reports of officer selection boards submitted to the Secretary concerned after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) REVIEW OF MILITARY EDUCATION SCHOOLS.—(A) The first review under subsections (b) and (c) of such section shall be completed not later than 120 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report on the results of the review at each Department of Defense school not later than 60 days thereafter.

(B) Such subsections shall be implemented so that the revised curricula take effect with respect to courses beginning after July 1987.

(3) POST-EDUCATION DUTY ASSIGNMENTS.—Subsection (d) of such section shall take effect with respect to classes graduating from joint professional military education schools after January 1987.

(e) LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (a) of Section 664 of title 10, United States Code (as added by section 401), shall apply to officers assigned to joint duty assignments after the end of the 90-day period beginning on the date of the enactment of this Act. In computing an average under subsection (b) of such section only joint duty assignments to which such subsection applies shall be considered.

(f) PROMOTION POLICY.—The amendments made by section 402 shall take effect with respect to selection boards convened under section 611(a) of title 10, United States Code, after the end of the 120-day period beginning on the date of the enactment of this Act.

(g) INITIAL REPORT.—The first report submitted by the Secretary of Defense after the date of the enactment of this Act under section 113(c) of title 10, United States Code (as redesignated by section 101), shall contain as much of the information required by section 667 of such title (as added by section 401) as is available to the Secretary at the time of the preparation of the report.

TITLE V—MILITARY DEPARTMENTS

PART A—DEPARTMENT OF THE ARMY

SEC. 501. THE ARMY SECRETARIAT

(a) AMENDMENTS TO CHAPTER 303.—(1) Section 3015 is transferred to the end of chapter 305 and redesignated section 3040.

(2) Sections 3010, 3011, 3012, 3013, and 3014 are redesignated as sections 3011, 3012, 3013, 3014, and 3015, respectively.

(3) Section 3016 is transferred within chapter 303 to appear after section 3017 and is redesignated as section 3018.

(4) Section 3019 is transferred to chapter 305, inserted after section 3037, and redesignated as section 3038.

(5) Chapter 303 is amended by striking out sections 3013, 3014, and 3015 (as redesignated by paragraph (2)) and inserting in lieu thereof the following:

“§ 3013. Secretary of the Army

“(a)(1) There is a Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Army.

“(2) A person may not be appointed as Secretary of the Army within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

“(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Army is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Army, including the following functions:

- “(1) Recruiting.
- “(2) Organizing.
- “(3) Supplying.
- “(4) Equipping (including research and development).
- “(5) Training.
- “(6) Servicing.
- “(7) Mobilizing.
- “(8) Demobilizing.
- “(9) Administering (including the morale and welfare of personnel).
- “(10) Maintaining.
- “(11) The construction, outfitting, and repair of military equipment.

“(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

“(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Army is also responsible to the Secretary of Defense for—

“(1) the functioning and efficiency of the Department of the Army;

“(2) the formulation of policies and programs by the Department of the Army that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

“(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Army;

“(4) carrying out the functions of the Department of the Army so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

“(5) effective cooperation and coordination between the Department of the Army and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

“(6) the presentation and justification of the positions of the Department of the Army on the plans, programs, and policies of the Department of Defense; and

“(7) the effective supervision and control of the intelligence activities of the Department of the Army.

“(d) The Secretary of the Army is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

“(e) After first informing the Secretary of Defense, the Secretary of the Army may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

“(f) The Secretary of the Army may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Army and to the Assistant Secretaries of the Army. Officers of the Army shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

“(g) The Secretary of the Army may—

“(1) assign, detail, and prescribe the duties of members of the Army and civilian personnel of the Department of the Army;

“(2) change the title of any officer or activity of the Department of the Army not prescribed by law; and

“(3) prescribe regulations to carry out his functions, powers, and duties under this title.

“§ 3014. Office of the Secretary of the Army

“(a) There is in the Department of the Army an Office of the Secretary of the Army. The function of the Office is to assist the Secretary of the Army in carrying out his responsibilities.

“(b) The Office of the Secretary of the Army is composed of the following:

“(1) The Under Secretary of the Army.

“(2) The Assistant Secretaries of the Army.

“(3) The Administrative Assistant to the Secretary of the Army.

“(4) The General Counsel of the Department of the Army.

“(5) The Inspector General of the Army.

“(6) The Army Reserve Forces Policy Committee.

“(7) Such other offices and officials as may be established by law or as the Secretary of the Army may establish or designate.

“(c)(1) The Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the following functions:

“(A) Acquisition.

“(B) Auditing.

“(C) Comptroller (including financial management).

“(D) Information management.

“(E) Inspector General.

“(F) Legislative affairs.

“(G) Public affairs.

“(2) The Secretary of the Army shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Army Staff to conduct any of the functions specified in paragraph (1).

“(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

“(4) The vesting in the Office of the Secretary of the Army of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Army (including the Army Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Army.

“(d)(1) Subject to paragraph (2), the Office of the Secretary of the Army shall have sole responsibility within the Office of the Secretary and the Army Staff for the function of research and development.

“(2) The Secretary of the Army may assign to the Army Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

“(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Army to conduct the function specified in paragraph (1).

“(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Army and to the Army Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

“(e) The Secretary of the Army shall ensure that the Office of the Secretary of the Army and the Army Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

“(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Army assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed 3,105.

“(2) Not more than 1,865 officers of the Army on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff.

“(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Army and on the Army Staff may not exceed the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection.

“(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Army or on the Army Staff.

“(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

“§ 3015. Under Secretary of the Army

“(a) There is an Under Secretary of the Army, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

“§ 3016. Assistant Secretaries of the Army

“(a) There are five Assistant Secretaries of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Army may prescribe.

“(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Army.

“(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Civil Works. He shall have as his principal duty the overall supervision of the functions of the Department of the Army relating to programs for conservation and development of the national water resources, including flood control, navigation, shore protection, and related purposes.”.

(6) Section 3017 is amended—

(A) by striking out “(a)” at the beginning of the text of such section;

(B) by striking out clause (2) and inserting in lieu thereof the following:

“(2) The Assistant Secretaries of the Army, in the order prescribed by the Secretary of the Army and approved by the Secretary of Defense.”; and

(C) by striking out subsection (b).

(7) Chapter 303 is further amended by adding at the end the following new sections:

“§ 3019. General Counsel

“(a) There is a General Counsel of the Department of the Army, appointed from civilian life by the President.

“(b) The General Counsel shall perform such functions as the Secretary of the Army may prescribe.

“§ 3020. Inspector General

“(a) There is an Inspector General of the Army who shall be detailed to such position by the Secretary of the Army from the general officers of the Army. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

“(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

“(1) inquire into and report upon the discipline, efficiency, and economy of the Army; and

“(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

“(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Army and shall recommend additional inspections and investigations as may appear appropriate.

“(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Army.

“(e) The Inspector General shall have such deputies and assistants as the Secretary of the Army may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Army for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.”.

(8) Section 3033 is transferred to the end of chapter 303 (as amended by paragraph (7)), redesignated as section 3021, and amended—

(A) in subsection (a)—

(i) by striking out “office” and inserting in lieu thereof “Office”;

(ii) by striking out “Committee which” and inserting in lieu thereof “Committee. The Committee”;

(iii) by inserting “and the mobilization preparedness” after “reserve components”;

(iv) by striking out “Army, and the” and inserting in lieu thereof “Army. The”; and

(v) by striking out “Chief of Staff and the Assistant Secretary responsible for reserve affairs” and inserting in lieu thereof “Secretary of the Army and the Chief of Staff”;

(B) in subsection (h), by striking out “General” each place it appears; and

(C) by striking out the section heading and inserting in lieu thereof the following:

“§ 3021. Army Reserve Forces Policy Committee”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginnings of chapter 303 is amended to read as follows:

“Sec.

“3011. Organization.

“3012. Department of the Army: seal.

“3013. Secretary of the Army.

“3014. Office of the Secretary of the Army.

“3015. Under Secretary of the Army.

“3016. Assistant Secretaries of the Army.

“3017. Secretary of the Army: successors to duties.

“3018. Administrative Assistant.

“3019. General Counsel.

“3020. Inspector General.

“3021. Army Reserve Forces Policy Committee.”.

SEC. 502. THE ARMY STAFF

(a) COMPOSITION OF THE ARMY STAFF.—Section 3031 is amended to read as follows:

“§ 3031. The Army Staff: function; composition

“(a) There is in the executive part of the Department of the Army an Army Staff. The function of the Army Staff is to assist the Secretary of the Army in carrying out his responsibilities.

“(b) The Army Staff is composed of the following:

“(1) The Chief of Staff.

“(2) The Vice Chief of Staff.

“(3) The Deputy Chiefs of Staff.

“(4) The Assistant Chiefs of Staff.

“(5) The Chief of Engineers.

“(6) The Surgeon General of the Army.

“(7) The Judge Advocate General of the Army.

“(8) The Chief of Chaplains of the Army.

“(9) The Chief of Army Reserve.

“(10) Other members of the Army assigned or detailed to the Army Staff.

“(11) Civilian employees of the Department of the Army assigned or detailed to the Army Staff.

“(c) Except as otherwise specifically prescribed by law, the Army Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.”.

(b) GENERAL DUTIES.—(1) Subsection (a) of section 3032 is amended by inserting “and to the Chief of Staff of the Army” before the period.

(2) Subsection (b) of such section is amended—

(A) by striking out “direction and control of the Secretary” in the matter preceding clause (1) and inserting in lieu thereof “authority, direction, and control of the Secretary of the Army”;

(B) by inserting “subject to subsections (c) and (d) of section 3014 of this title,” before “prepare” in clause (1);

(C) by striking out “, training, serving, mobilizing, and demobilizing” in clause (1) and inserting in lieu thereof “(including those aspects of research and development assigned by the Secretary of the Army), training, servicing, mobilizing, demobilizing, administering, and maintaining”;

(D) by striking out “for military operations” in clause (2) and inserting in lieu thereof “to support military operations by combatant commands”; and

(E) by striking out clause (4) and inserting in lieu thereof the following:

“(4) as directed by the Secretary or the Chief of Staff, coordinate the action of organizations of the Army; and”.

(3) The heading of such section is amended to read as follows:

“§ 3032. The Army Staff: general duties”.

(c) CHIEF OF STAFF.—Section 3034 is redesignated as section 3033 and is amended to read as follows:

“§ 3033. Chief of Staff

“(a)(1) There is a Chief of Staff of the Army, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Army. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

“(2) The President may appoint an officer as Chief of Staff only if—

“(A) the officer has had significant experience in joint duty assignments; and

“(B) such experience includes at least one joint duty assignment as a general officer.

“(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

“(b) The Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

“(c) Except as otherwise prescribed by law and subject to section 3013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Army and is directly responsible to the Secretary.

“(d) Subject to the authority, direction, and control of the Secretary of the Army, the Chief of Staff shall—

“(1) preside over the Army Staff;

“(2) transmit the plans and recommendations of the Army Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

“(3) after approval of the plans or recommendations of the Army Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

“(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Army as the Secretary determines;

“(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

“(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Army.

“(e)(1) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

“(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Army.

“(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Staff shall keep the Secretary of the Army fully informed of significant military operations affecting the duties and responsibilities of the Secretary.”.

(d) VICE CHIEF OF STAFF.—Section 3035 is redesignated as section 3034 and is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

“(a) There is a Vice Chief of Staff of the Army, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Army.

“(b) The Vice Chief of Staff of the Army, while so serving, has the grade of general without vacating his permanent grade.”;

(2) by adding at the end the following new subsection:

“(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

“(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

“(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Army in the Army Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first.”; and

(3) by striking out the section heading and inserting in lieu thereof the following:

“§3034. Vice Chief of Staff”.

(e) DEPUTY CHIEFS OF STAFF.—Chapter 305 is further amended by inserting after section 3034 (as redesignated by subsection (d) of this section) the following new section:

“§ 3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

“(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

“(b) The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

“(1) there may not be more than five Deputy Chiefs of Staff; and

“(2) there may not be more than three Assistant Chiefs of Staff.”.

(f) REPEAL OF SECTION FOR PROVOST MARSHAL GENERAL.—(1) Section 3039 is repealed.

(2) Section 3040 (relating to Deputy and Assistant Chiefs of Branches) is redesignated as section 3039 and is amended by striking out “sections 3036 and 3039” in subsection (a) and inserting in lieu thereof “section 3036”.

(3) Section 3081(a) is amended by striking out “section 3040” and inserting in lieu thereof “section 3039”.

(g) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Section 3038 (as redesignated by section 501(a)(4) of this Act) is amended by striking out “services” in subsection (c) and inserting in lieu thereof “service”.

(2) The table of sections at the beginning of chapter 305 is amended to read as follows:

“Sec.

“3031. The Army Staff: function; composition.

“3032. The Army Staff: general duties.

“3033. Chief of Staff.

“3034. Vice Chief of Staff.

“3035. Deputy Chiefs of Staff and Assistant Chiefs of Staff.

“3036. Chiefs of branches: appointment; duties.

“3037. Judge Advocate General, Assistant Judge Advocate General, and general officers of Judge Advocate General's Corps: appointment; duties.

“3038. Office of Army Reserve: appointment of Chief.

“3039. Deputy and assistant chiefs of branches.

“3040. Chief of National Guard Bureau: appointment; acting chief.”.

SEC. 503. AUTHORITY TO ORGANIZE ARMY INTO COMMANDS, FORCES, AND ORGANIZATIONS

Section 3074(a) is amended by inserting “or by the Secretary of Defense” after “by law”.

PART B—DEPARTMENT OF THE NAVY

SEC. 511. THE NAVY SECRETARIAT

(a) REPEAL OF SUPERSEDED CHAPTER.—Chapter 507 is repealed.

(b) TRANSFER OF SECTIONS PROVIDING FOR COMPOSITION OF THE DEPARTMENT OF THE NAVY.—(1) Part I of subtitle C is amended by inserting after chapter 505 the following new chapter 507:

**“CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF
THE NAVY**

“Sec.

“5061. Department of the Navy: composition.

“5062. United States Navy: composition; functions.

“5063. United States Marine Corps: composition; functions.

“§ 5061. Department of the Navy: composition

“The Department of the Navy is composed of the following:

“(1) The Office of the Secretary of the Navy.

“(2) The Office of the Chief of Naval Operations.

“(3) The Headquarters, Marine Corps.

“(4) The entire operating forces, including naval aviation, of the Navy and of the Marine Corps, and the reserve components of those operating forces.

“(5) All field activities, headquarters, forces, bases, installations, activities, and functions under the control or supervision of the Secretary of the Navy.

“(6) The Coast Guard when it is operating as a service in the Navy.”.

(2) Section 5011 is amended by striking out the third and fourth sentences.

(3) Sections 5012 and 5013 are transferred to the end of chapter 507 (as added by paragraph (1)) and redesignated as sections 5062 and 5063, respectively.

(4) Section 5062 (as so transferred and redesignated) is amended—

(A) by striking out “assigned and is” in subsection (a) and all that follows in that subsection and inserting in lieu thereof “assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.”; and

(B) by striking out subsection (d).

(c) REVISION OF NAVY SECRETARIAT SECTIONS.—Chapter 503 (as amended by subsection (b)) is further amended as follows:

“§ 5011. Organization”.

(1) The heading of section 5011 is amended to read as follows:

(2) Such chapter is amended by adding after section 5011 the following new sections:

“§ 5012. Department of the Navy: seal

“The Secretary of the Navy shall have a seal for the Department of the Navy. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.

“§ 5013. Secretary of the Navy

“(a)(1) There is a Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Navy.

“(2) A person may not be appointed as Secretary of the Navy within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

“(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Navy is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Navy, including the following functions:

“(1) Recruiting.

“(2) Organizing.

“(3) Supplying.

“(4) Equipping (including research and development).

“(5) Training.

“(6) Servicing.

“(7) Mobilizing.

“(8) Demobilizing.

“(9) Administering (including the morale and welfare of personnel).

“(10) Maintaining.

“(11) The construction, outfitting and repair of military equipment.

“(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

“(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Navy is also responsible to the Secretary of Defense for—

“(1) the functioning and efficiency of the Department of the Navy;

“(2) the formulation of policies and programs by the Department of the Navy that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

“(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Navy;

“(4) carrying out the functions of the Department of the Navy so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

"(5) effective cooperation and coordination between the Department of the Navy and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

"(6) the presentation and justification of the positions of the Department of the Navy on the plans, programs, and policies of the Department of Defense; and

"(7) the effective supervision and control of the intelligence activities of the Department of the Navy.

"(d) The Secretary of the Navy is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

"(e) After first informing the Secretary of Defense, the Secretary of the Navy may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

"(f) The Secretary of the Navy may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Navy and to the Assistant Secretaries of the Navy. Officers of the Navy and the Marine Corps shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

"(g) The Secretary of the Navy may—

"(1) assign, detail, and prescribe the duties of members of the Navy and Marine Corps and civilian personnel of the Department of the Navy;

"(2) change the title of any officer or activity of the Department of the Navy not prescribed by law; and

"(3) prescribe regulations to carry out his functions, powers, and duties under this title."

(3) Section 5032 is transferred to the end of such chapter and redesignated as section 5013a.

(4) Such chapter is further amended by adding after section 5013a (as transferred and redesignated by paragraph (3)) the following new sections:

"§ 5014. Office of the Secretary of the Navy

"(a) There is in the Department of the Navy an Office of the Secretary of the Navy. The function of the Office is to assist the Secretary of the Navy in carrying out his responsibilities.

"(b) The Office of the Secretary of the Navy is composed of the following:

"(1) The Under Secretary of the Navy.

"(2) The Assistant Secretaries of the Navy.

"(3) The General Counsel of the Department of the Navy.

"(4) The Judge Advocate General of the Navy.

"(5) The Naval Inspector General.

"(6) The Chief of Naval Research.

“(7) Such other offices and officials as may be established by law or as the Secretary of the Navy may establish or designate.

“(c)(1) The Office of the Secretary of the Navy shall have sole responsibility within the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, for the following functions:

“(A) Acquisition.

“(B) Auditing.

“(C) Comptroller (including financial management).

“(D) Information management.

“(E) Inspector General.

“(F) Legislative affairs.

“(G) Public affairs.

“(2) The Secretary of the Navy shall establish or designate a single office or other entity within the Office of the Secretary of the Navy to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Office of the Chief of Naval Operations or the Headquarters, Marine Corps, to conduct any of the functions specified in paragraph (1).

“(3) The Secretary shall—

“(A) prescribe the relationship of each office or other entity established or designated under paragraph (2)—

“(i) to the Chief of Naval Operations and the Office of the Chief of Naval Operations; and

“(ii) to the Commandant of the Marine Corps and the Headquarters, Marine Corps; and

“(B) ensure that each such office or entity provides the Chief of Naval Operations and the Commandant of the Marine Corps such staff support as each considers necessary to perform his duties and responsibilities.

“(4) The vesting in the Office of the Secretary of the Navy of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Navy (including the Office of the Chief of Naval Operations and the Headquarters, Marine Corps) from providing advice or assistance to the Chief of Naval Operations and the Commandant of the Marine Corps or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Navy.

“(d)(1) Subject to paragraph (2), the Office of the Secretary of the Navy shall have sole responsibility within the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, for the function of research and development.

“(2) The Secretary of the Navy may assign to the Office of the Chief of Naval Operations and the Headquarters, Marine Corps, responsibility for those aspects of the function of research and development relating to military requirements and test and evaluation.

“(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Navy to conduct the function specified in paragraph (1).

“(4) The Secretary shall—

“(A) prescribe the relationship of the office or other entity established or designated under paragraph (3)—

“(i) to the Chief of Naval Operations and the Office of the Chief of Naval Operations; and

“(ii) to the Commandant of the Marine Corps and the Headquarters, Marine Corps; and

“(B) ensure that each such office or entity provides the Chief of Naval Operations and the Commandant of the Marine Corps such staff support as each considers necessary to perform his duties and responsibilities.

“(e) The Secretary of the Navy shall ensure that the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, do not duplicate specific functions for which the Secretary has assigned responsibility to another of such offices.

“(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Navy assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps, may not exceed 2,866.

“(2) Not more than 1,720 officers of the Navy and Marine Corps on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

“(3) The total number of general and flag officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps, may not exceed the number equal to 85 percent of the number of general and flag officers assigned or detailed to such duty on the date of the enactment of this subsection.

“(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, or the Headquarters, Marine Corps.

“(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

“§ 5015. Under Secretary of the Navy

“(a) There is an Under Secretary of the Navy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

“§ 5016. Assistant Secretaries of the Navy

“(a) There are four Assistant Secretaries of the Navy. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe.

“(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Navy.

“§ 5017. Secretary of the Navy: successors to duties

“If the Secretary of the Navy dies, resigns, is removed from office, is absent, or is disabled, the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President, under section 3347 of title 5, directs another person to perform those duties or until the absence or disability ceases:

“(1) The Under Secretary of the Navy.

“(2) The Assistant Secretaries of the Navy, in the order prescribed by the Secretary of the Navy and approved by the Secretary of Defense.

“(3) The Chief of Naval Operations.

“(4) The Commandant of the Marine Corps.

“§ 5018. Administrative Assistant

“The Secretary of the Navy may appoint an Administrative Assistant in the Office of the Secretary of the Navy. The Administrative Assistant shall perform such duties as the Secretary may prescribe.

“§ 5019. General Counsel

“(a) There is a General Counsel of the Department of the Navy, appointed from civilian life by the President.

“(b) The General Counsel shall perform such functions as the Secretary of the Navy may prescribe.”.

(5) Section 5088 is transferred to the end of such chapter (as amended by paragraph (4)), redesignated as section 5020, and amended—

(A) by striking out “Office of the Chief of Naval Operations” in subsection (a) and inserting in lieu thereof “Office of the Secretary of the Navy”;

(B) by redesignating subsection (c) as subsection (d) and striking out “the Chief of Naval Operations” in such subsection and inserting in lieu thereof “the Secretary of the Navy”; and

(C) by inserting after subsection (b) the following new subsection (c):

“(c) The Naval Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the

Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Navy.”.

(d) TRANSFERS FROM CHAPTER 513.—Sections 5150, 5151, 5152, and 5153 are transferred to the end of chapter 503 (as amended by subsection (c)) and redesignated as sections 5021, 5022, 5023, and 5024, respectively.

(e) REPEAL OF SUPERSEDED CHAPTER.—Chapter 505 is repealed.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 503 is amended to read as follows:

“Sec.

“5011. Organization.

“5012. Department of the Navy: seal.

“5013. Secretary of the Navy.

“5013a. Secretary of the Navy: powers with respect to Coast Guard.

“5014. Office of the Secretary of the Navy.

“5015. Under Secretary of the Navy.

“5016. Assistant Secretaries of the Navy.

“5017. Secretary of the Navy: successors to duties.

“5018. Administrative Assistant.

“5019. General Counsel.

“5020. Naval Inspector General: detail; duties.

“5021. Office of Naval Research: Chief; appointment, term, emoluments; Assistant Chief; succession to duties.

“5022. Office of Naval Research: duties.

“5023. Office of Naval Research: appropriations; time limit.

“5024. Naval Research Advisory Committee.”.

SEC. 512. OFFICE OF THE CHIEF OF NAVAL OPERATIONS

(a) REPEAL OF FORMER CHAPTER ON OFFICE OF CNO.—Chapter 509 is repealed.

(b) NEW CHAPTER ON OFFICE OF CNO.—Part I of subtitle C is amended by inserting after chapter 503 the following new chapter 505:

“CHAPTER 505—OFFICE OF THE CHIEF OF NAVAL OPERATIONS

“Sec.

“5031. Office of the Chief of Naval Operations: function; composition.

“5032. Office of the Chief of Naval Operations: general duties.

“5033. Chief of Naval Operations.

“5034. Chief of Naval Operations: retirement.

“5035. Vice Chief of Naval Operations:

“5036. Deputy Chiefs of Naval Operations.

“5037. Assistant Chiefs of Naval Operations.

“§ 5031. Office of the Chief of Naval Operations: function; composition

“(a) There is in the executive part of the Department of the Navy an Office of the Chief of Naval Operations. The function of the Office of the Chief of Naval Operations is to assist the Secretary of the Navy in carrying out his responsibilities.

“(b) The Office of the Chief of Naval Operations is composed of the following:

“(1) The Chief of Naval Operations.

“(2) The Vice Chief of Naval Operations.

“(3) The Deputy Chiefs of Naval Operations.

“(4) The Assistant Chiefs of Naval Operations.

“(5) The Surgeon General of the Navy.

“(6) The Chief of Naval Personnel.

“(7) The Chief of Chaplains of the Navy.

“(8) Other members of the Navy and Marine Corps assigned or detailed to the Office of the Chief of Naval Operations.

“(9) Civilian employees in the Department of the Navy assigned or detailed to the Office of the Chief of Naval Operations.

“(c) Except as otherwise specifically prescribed by law, the Office of the Chief of Naval Operations shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

“§ 5032. Office of the Chief of Naval Operations: general duties

“(a) The Office of the Chief of Naval Operations shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Chief of Naval Operations.

“(b) Under the authority, direction, and control of the Secretary of the Navy, the Office of the Chief of Naval Operations shall—

“(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Navy, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Navy), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Navy, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Naval Operations;

“(2) investigate and report upon the efficiency of the Navy and its preparation to support military operations by combatant commands;

“(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

“(4) as directed by the Secretary or the Chief of Naval Operations, coordinate the action of organizations of the Navy; and

“(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

“§ 5033. Chief of Naval Operations

“(a)(1) There is a Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate. The Chief of Naval Operations shall be appointed for a term of four years from officers on the active-duty list in the line of the Navy who are eligible to command at sea and who hold the grade of rear admiral or above. He serves at the pleasure of the President. In time of war or during a

national emergency declared by Congress, he may be reappointed for a term of not more than four years.

“(2) The President may appoint an officer as the Chief of Naval Operations only if—

“(A) the officer has had significant experience in joint duty assignments; and

“(B) such experience includes at least one joint duty assignment as a flag officer.

“(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

“(b) The Chief of Naval Operations, while so serving, has the grade of admiral without vacating his permanent grade. In the performance of his duties within the Department of the Navy, the Chief of Naval Operations takes precedence above all other officers of the naval service.

“(c) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Chief of Naval Operations performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

“(d) Subject to the authority, direction, and control of the Secretary of the Navy, the Chief of Naval Operations shall—

“(1) preside over the Office of the Chief of Naval Operations;

“(2) transmit the plans and recommendations of the Office of the Chief of Naval Operations to the Secretary and advise the Secretary with regard to such plans and recommendations;

“(3) after approval of the plans or recommendations of the Office of the Chief of Naval Operations by the Secretary, act as the agent of the Secretary in carrying them into effect;

“(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Navy and the Marine Corps as the Secretary determines;

“(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

“(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

“(e)(1) The Chief of Naval Operations shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

“(2) To the extent that such action does not impair the independence of the Chief of Naval Operations in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Naval Operations shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

“(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Naval Operations shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

“§ 5034. Chief of Naval Operations: retirement

“An officer who is retired while serving as Chief of Naval Operations, or who, after serving at least two and one-half years as Chief of Naval Operations, is retired after completion of that service while serving in a lower grade than admiral, may, in the discretion of the President, be retired with the grade of admiral.

“§ 5035. Vice Chief of Naval Operations

“(a) There is a Vice Chief of Naval Operations, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list in the line of the Navy serving in grades above captain and eligible to command at sea.

“(b) The Vice Chief of Naval Operations, while so serving, has the grade of admiral without vacating his permanent grade.

“(c) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same effect as those issued by the Chief of Naval Operations.

“(d) When there is a vacancy in the office of Chief of Naval Operations or during the absence or disability of the Chief of Naval Operations—

“(1) the Vice Chief of Naval Operations shall perform the duties of the Chief of Naval Operations until a successor is appointed or the absence or disability ceases; or

“(2) if there is a vacancy in the office of the Vice Chief of Naval Operations or the Vice Chief of Naval Operations is absent or disabled, unless the President directs otherwise, the most senior officer of the Navy in the Office of the Chief of Naval Operations who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Naval Operations until a successor to the Chief of Naval Operations or the Vice Chief of Naval Operations is appointed or until the absence or disability of the Chief of Naval Operations or Vice Chief of Naval Operations ceases, whichever occurs first.

“§ 5036. Deputy Chiefs of Naval Operations

“(a) There are in the Office of the Chief of Naval Operations not more than five Deputy Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list in the line of the Navy serving in grades above captain.

“(b) The Deputy Chiefs of Naval Operations are charged, under the direction of the Chief of Naval Operations, with the execution of the functions of their respective divisions. Orders issued by the Deputy Chiefs of Naval Operations in performing the duties assigned them are considered as coming from the Chief of Naval Operations.

“§ 5037. Assistant Chiefs of Naval Operations

“(a) There are in the Office of the Chief of Naval Operations not more than three Assistant Chiefs of Naval Operations, detailed by the Secretary of the Navy from officers on the active-duty list in the line of the Navy and officers on the active-duty list of the Marine Corps.

“(b) The Assistant Chiefs of Naval Operations shall perform such duties as the Secretary of the Navy prescribes.”.

SEC. 513. HEADQUARTERS, MARINE CORPS

(a) REPEAL OF FORMER CHAPTER ON HEADQUARTERS, MARINE CORPS.—Chapter 515 is repealed.

(b) New Chapter.—Part I of subtitle C is amended by inserting after chapter 505 (as added by section 512 of this Act) the following new chapter:

“CHAPTER 506—HEADQUARTERS, MARINE CORPS

“Sec.

“5041. Headquarters, Marine Corps: function; composition.

“5042. Headquarters, Marine Corps: general duties.

“5043. Commandant of the Marine Corps.

“5044. Assistant Commandant of the Marine Corps.

“5045. Chief of Staff; Deputy and Assistant Chiefs of Staff.

“§ 5041. Headquarters, Marine Corps: function; composition

“(a) There is in the executive part of the Department of the Navy a Headquarters, Marine Corps. The function of the Headquarters, Marine Corps, is to assist the Secretary of the Navy in carrying out his responsibilities.

“(b) The Headquarters, Marine Corps, is composed of the following:

“(1) The Commandant of the Marine Corps.

“(2) The Assistant Commandant of the Marine Corps.

“(3) The Chief of Staff of the Marine Corps.

“(4) The Deputy Chiefs of Staff.

“(5) The Assistant Chiefs of Staff.

“(6) Other members of the Navy and Marine Corps assigned or detailed to the Headquarters, Marine Corps.

“(7) Civilian employees in the Department of the Navy assigned or detailed to the Headquarters, Marine Corps.

“(c) Except as otherwise specifically prescribed by law, the Headquarters, Marine Corps, shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

“§ 5042. Headquarters, Marine Corps: general duties

“(a) The Headquarters, Marine Corps, shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Navy and to the Commandant of the Marine Corps.

“(b) Under the authority, direction, and control of the Secretary of the Navy, the Headquarters, Marine Corps, shall—

“(1) subject to subsections (c) and (d) of section 5014 of this title, prepare for such employment of the Marine Corps, and for such recruiting, organizing, supplying, equipping (including research and development), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Marine Corps, as will assist in the execution of any power, duty, or function of the Secretary or the Commandant;

“(2) investigate and report upon the efficiency of the Marine Corps and its preparation to support military operations by combatant commanders;

“(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

“(4) as directed by the Secretary or the Commandant, coordinate the action of organizations of the Marine Corps; and

“(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

“§ 5043. Commandant of the Marine Corps

“(a)(1) There is a Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate. The Commandant shall be appointed for a term of four years from officers on the active-duty list of the Marine Corps not below the grade of colonel. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

“(2) The President may appoint an officer as Commandant of the Marine Corps only if—

“(A) the officer has had significant experience in joint duty assignments; and

“(B) such experience includes at least one joint duty assignment as a general officer.

“(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

“(b) The Commandant of the Marine Corps, while so serving, has the grade of general without vacating his permanent grade.

“(c) An officer who is retired while serving as Commandant of the Marine Corps, or who, after serving at least two and one-half years as Commandant, is retired after completion of that service while serving in a lower grade than general, may, in the discretion of the President, be retired with the grade of general.

“(d) Except as otherwise prescribed by law and subject to section 5013(f) of this title, the Commandant performs his duties under the authority, direction, and control of the Secretary of the Navy and is directly responsible to the Secretary.

“(e) Subject to the authority, direction, and control of the Secretary of the Navy, the Commandant shall—

“(1) preside over the Headquarters, Marine Corps;

“(2) transmit the plans and recommendations of the Headquarters, Marine Corps, to the Secretary and advise the Secretary with regard to such plans and recommendations;

“(3) after approval of the plans or recommendations of the Headquarters, Marine Corps, by the Secretary, act as the agent of the Secretary in carrying them into effect;

“(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Marine Corps and the Navy as the Secretary determines;

“(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

“(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Navy.

“(f)(1) The Commandant shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

“(2) To the extent that such action does not impair the independence of the Commandant in the performance of his duties as a member of the Joint Chiefs of Staff, the Commandant shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Navy.

“(3) Subject to the authority, direction, and control of the Secretary of Defense, the Commandant shall keep the Secretary of the Navy fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

“§ 5044. Assistant Commandant of the Marine Corps

“(a) There is an Assistant Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate, from officers on the active-duty list of the Marine Corps not restricted in the performance of duty.

“(b) The Assistant Commandant of the Marine Corps, while so serving, has the grade of general without vacating his permanent grade.

“(c) The Assistant Commandant has such authority and duties with respect to the Marine Corps as the Commandant, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Assistant Commandant in performing such duties have the same effect as those issued by the Commandant.

“(d) When there is a vacancy in the office of Commandant of the Marine Corps, or during the absence or disability of the Commandant—

“(1) the Assistant Commandant of the Marine Corps shall perform the duties of the Commandant until a successor is appointed or the absence or disability ceases; or

“(2) if there is a vacancy in the office of the Assistant Commandant of the Marine Corps or the Assistant Commandant is absent or disabled, unless the

President directs otherwise, the most senior officer of the Marine Corps in the Headquarters, Marine Corps, who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Commandant until a successor to the Commandant or the Assistant Commandant is appointed or until the absence or disability of the Commandant or Assistant Commandant ceases, whichever occurs first.

“§ 5045. Chief of Staff; Deputy and Assistant Chiefs of Staff

“There are in the Headquarters, Marine Corps, a Chief of Staff, not more than five Deputy Chiefs of Staff, and not more than three Assistant Chiefs of Staff, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.”.

SEC. 514. TECHNICAL AND CLERICAL AMENDMENTS

(a) CONFORMING AMENDMENTS TO CHAPTER 513.—(1) The heading of chapter 513 is amended to read as follows:

**“CHAPTER 513—BUREAUS; OFFICE OF THE JUDGE
ADVOCATE GENERAL”.**

(2) Section 5155 is redesignated as section 5150.

(3) The table of sections at the beginning of such chapter is amended—

(A) by striking out the items relating to sections 5150, 5151, 5152, and 5153; and

(B) by redesignating the item relating to section 5155 to conform to the redesignation made by paragraph (2).

(b) TECHNICAL AMENDMENTS TO CHAPTER 661.—Chapter 661 is amended—

(1) by redesignating sections 7861 and 7862 as sections 7862 and 7863, respectively; and

(2) by striking out the table of sections at the beginning of such chapter and inserting in lieu thereof the following:

“Sec.

“7861. Custody of departmental records and property.

“7862. Accounts of paymasters of lost or captured naval vessels.

“7863. Disbursements by order of commanding officer.

“§ 7861. Custody of departmental records and property

“The Secretary of the Navy has custody and charge of all books, records, papers, furniture, fixtures, and other property under the lawful control of the executive part of the Department of the Navy.”.

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 125(b) is amended by striking out “5012, 5013” and inserting in lieu thereof “5062, 5063”.

(2) Section 5023 (as redesignated by section 511(d) of this Act) is amended by striking out “section 5151” in subsection (a) and inserting in lieu thereof “section 5022”.

(3) Sections 5589(a) and 6027 are amended by striking out “section 5155(b)” and inserting in lieu thereof “section 5150(b)”.

(d) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle C, and at the beginning of part I of such subtitle, are each amended by striking out the items relating to chapters 505, 507, 509, 513, and 515 and inserting in lieu thereof the following:

“505. Office of the Chief of Naval Operations	5031
“506. Headquarters, Marine Corps	5041
“507. Composition of the Department of the Navy	5061
“513. Bureaus: Office of the Judge Advocate General	5131”.

(2) Subsection (c) of section 5024 (as redesignated by section 511(d) of this Act) is amended by striking out “claim proceeding” and inserting in lieu thereof “claim, proceeding,”.

PART C—DEPARTMENT OF THE AIR FORCE

SEC. 521. THE AIR FORCE SECRETARIAT

(a) AMENDMENTS TO CHAPTER 803.—(1) Sections 8010, 8011, 8012, 8013, and 8014 are redesignated as sections 8011, 8012, 8013, 8014, and 8015, respectively.

(2) Section 8019 is transferred to the end of chapter 805 and is redesignated as section 8038.

(3) Chapter 803 is amended by striking out sections 8013, 8014, and 8015 (as redesignated by paragraph (1)) and inserting in lieu thereof the following:

“§ 8013. Secretary of the Air Force

“(a)(1) There is a Secretary of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Air Force.

“(2) A person may not be appointed as Secretary of the Air Force within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

“(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Air Force is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Air Force, including the following functions:

- “(1) Recruiting.
- “(2) Organizing.
- “(3) Supplying.
- “(4) Equipping (including research and development).
- “(5) Training.
- “(6) Servicing.
- “(7) Mobilizing.
- “(8) Demobilizing.

“(9) Administering (including the morale and welfare of personnel).

“(10) Maintaining.

“(11) The construction, outfitting, and repair of military equipment.

“(12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

“(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Air Force is also responsible to the Secretary of Defense for—

“(1) the functioning and efficiency of the Department of the Air Force;

“(2) the formulation of policies and programs by the Department of the Air Force that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;

“(3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Air Force;

“(4) carrying out the functions of the Department of the Air Force so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the unified and specified combatant commands;

“(5) effective cooperation and coordination between the Department of the Air Force and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

“(6) the presentation and justification of the positions of the Department of the Air Force on the plans, programs, and policies of the Department of Defense; and

“(7) the effective supervision and control of the intelligence activities of the Department of the Air Force.

“(d) The Secretary of the Air Force is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

“(e) After first informing the Secretary of Defense, the Secretary of the Air Force may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

“(f) The Secretary of the Air Force may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Air Force and to the Assistant Secretaries of the Air Force. Officers of the Air Force shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

“(g) The Secretary of the Air Force may—

“(1) assign, detail, and prescribe the duties of members of the Air Force and civilian personnel of the Department of the Air Force;

“(2) change the title of any officer or activity of the Department of the Air Force not prescribed by law; and

“(3) prescribe regulations to carry out his functions, powers, and duties under this title.

“§ 8014. Office of the Secretary of the Air Force

“(a) There is in the Department of the Air Force an Office of the Secretary of the Air Force. The function of the Office is to assist the Secretary of the Air Force in carrying out his responsibilities.

“(b) The Office of the Secretary of the Air Force is composed of the following:

“(1) The Under Secretary of the Air Force.

“(2) The Assistant Secretaries of the Air Force.

“(3) The General Counsel of the Department of the Air Force.

“(4) The Inspector General of the Air Force.

“(5) The Air Reserve Forces Policy Committee.

“(6) Such other offices and officials as may be established by law or as the Secretary of the Air Force may establish or designate.

“(c)(1) The Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary and the Air Staff for the following functions:

“(A) Acquisition.

“(B) Auditing.

“(C) Comptroller (including financial management).

“(D) Information management.

“(E) Inspector General.

“(F) Legislative affairs.

“(G) Public affairs.

“(2) The Secretary of the Air Force shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Air Staff to conduct any of the functions specified in paragraph (1).

“(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Air Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

“(4) The vesting in the Office of the Secretary of the Air Force of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Air Force (including the Air Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Air Force.

“(d)(1) Subject to paragraph (2), the Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary and the Air Staff for the function of research and development.

“(2) The Secretary of the Air Force may assign to the Air Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

“(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct the function specified in paragraph (1).

“(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Air Force and to the Air Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

“(e) The Secretary of the Air Force shall ensure that the Office of the Secretary of the Air Force and the Air Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

“(f)(1) The total number of members of the armed forces and civilian employees of the Department of the Air Force assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed 2,639.

“(2) Not more than 1,585 officers of the Air Force on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff.

“(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection.

“(4) The limitations in paragraphs (1), (2) , and (3) do not apply in time of war or during a national emergency declared by Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force or on the Air Staff.

“(5) The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.

“§ 8015. Under Secretary of the Air Force

“(a) There is an Under Secretary of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

“§ 8016. Assistant Secretaries of the Air Force

“(a) There are three Assistant Secretaries of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

“(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force.”.

(4) Section 8017 is amended—

(A) by striking out “(a)” at the beginning of the text of such section;

(B) by striking out clause (2) and inserting in lieu thereof the following:

“(2) The Assistant Secretaries of the Air Force, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense.”; and

(C) by striking out subsection (b).

(5) Chapter 803 is further amended by adding at the end the following new sections:

“§ 8018. Administrative Assistant

“The Secretary of the Air Force may appoint an Administrative Assistant in the Office of the Secretary of the Air Force. The Administrative Assistant shall perform such duties as the Secretary may prescribe.

“§ 8019. General Counsel

“(a) There is a General Counsel of the Department of the Air Force, appointed from civilian life by the President.

“(b) The General Counsel shall perform such functions as the Secretary of the Air Force may prescribe.

“§ 8020. Inspector General

“(a) There is an Inspector General of the Air Force who shall be detailed to such position by the Secretary of the Air Force from the general officers of the Air Force. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

“(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

“(1) inquire into and report upon the discipline, efficiency, and economy of the Air Force; and

“(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

“(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Air Force and shall recommend additional inspections and investigations as may appear appropriate.

“(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Air Force.

“(e) The Inspector General shall have such deputies and assistants as the Secretary of the Air Force may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Air Force for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.”.

(6) Section 8033 is transferred to the end of chapter 803 (as amended by paragraph (5)), redesignated as section 8021, and amended—

(A) in subsection (a)—

(i) by striking out “Policy which” and inserting in lieu thereof “Policy. The Committee”;

(ii) by inserting “and the mobilization preparedness” after “reserve components”;

(iii) by striking out “Air Force and the” and inserting in lieu thereof “Air Force. The”; and

(iv) by striking out “Chief of Staff, and the Assistant Secretary responsible for reserve affairs” and inserting in lieu thereof “Secretary of the Air Force and the Chief of Staff”;

(B) in subsection (b), by inserting “and” after the semicolon in clause (2); and

(C) by striking out the section heading and inserting in lieu thereof the following:

“§ 8021. Air Force Reserve Forces Policy Committee”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 803 is amended to read as follows:

“Sec.

“8011. Organization.

“8012. Department of the Air Force: seal.

“8013. Secretary of the Air Force.

“8014. Office of the Secretary of the Air Force.

“8015. Under Secretary of the Air Force.

“8016. Assistant Secretaries of the Air Force.

“8017. Secretary of the Air Force: successors to duties.

“8018. Administrative Assistant.

“8019. General Counsel.

“8020. Inspector General.

“8021. Air Force Reserve Forces Policy Committee.”.

SEC. 522. THE AIR STAFF

(a) COMPOSITION OF THE AIR STAFF.—Section 8031 is amended to read as follows:

“§ 8031. The Air Staff: function; composition

“(a) There is in the executive part of the Department of the Air Force an Air Staff. The function of the Air Staff is to assist the Secretary of the Air Force in carrying out his responsibilities.

“(b) The Air Staff is composed of the following:

“(1) The Chief of Staff.

“(2) The Vice Chief of Staff.

“(3) The Deputy Chiefs of Staff.

“(4) The Assistant Chiefs of Staff.

“(5) The Surgeon General of the Air Force.

“(6) The Judge Advocate General of the Air Force.

“(7) The Chief of the Air Force Reserve.

“(8) Other members of the Air Force assigned or detailed to the Air Staff.

“(9) Civilian employees in the Department of the Air Force assigned or detailed to the Air Staff.

“(c) Except as otherwise specifically prescribed by law, the Air Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.”.

(b) GENERAL DUTIES.—(1) Subsection (a) of section 8032 is amended by inserting “of the Air Force” after “Chief of Staff”.

(2) Subsection (b) of such section is amended—

(A) by striking out “The Air Staff” in the matter preceding clause (1) and inserting in lieu thereof “Under the authority, direction, and control of the Secretary of the Air Force, the Air Staff”;

(B) by inserting “subject to subsections (c) and (d) of section 8014 of this title,” before “prepare” in clause (1);

(C) by striking out “, training, serving, mobilizing, and demobilizing” in clause (1) and inserting in lieu thereof “(including those aspects of research and development assigned by the Secretary of the Air Force), training, servicing, mobilizing, demobilizing, administering, and maintaining”;

(D) by striking out “for military operations” in clause (2) and inserting in lieu thereof “to support military operations by combatant commands”; and

(E) by striking out clause (4) and inserting in lieu thereof the following:

“(4) as directed by the Secretary or the Chief of Staff, coordinate the action of organizations of the Air Force; and”.

(3) The heading of such section is amended to read as follows:

“§ 8032. The Air Staff: general duties”.

(C) CHIEF OF STAFF.—Section 8034 is redesignated as section 8033 and is amended to read as follows:

“§ 8033. Chief of Staff

“(a)(1) There is a Chief of Staff of the Air Force, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

“(2) The President may appoint an officer as Chief of Staff only if—

“(A) the officer has had significant experience in joint duty assignments; and

“(B) such experience includes at least one joint duty assignment as a general officer.

“(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

“(b) The Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

“(c) Except as otherwise prescribed by law and subject to section 8013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

“(d) Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff shall—

“(1) preside over the Air Staff;

“(2) transmit the plans and recommendations of the Air Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

“(3) after approval of the plans or recommendations of the Air Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

“(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Air Force as the Secretary determines;

“(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

“(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Air Force.

“(e)(1) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

“(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice ren-

dered by members of the Joint Chiefs of Staff on matters affecting the Department of the Air Force.

“(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Staff shall keep the Secretary of the Air Force fully informed of significant military operations affecting the duties and responsibilities of the Secretary.”.

(d) VICE CHIEF OF STAFF.—Section 8035 is redesignated as section 8034 and is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

“(a) There is a Vice Chief of Staff of the Air Force, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force.

“(b) The Vice Chief of Staff of the Air Force, while so serving, has the grade of general without vacating his permanent grade.”;

(2) by striking out subsection (c);

(3) by redesignating subsection (d) as subsection (c);

(4) by adding at the end the following new subsection:

“(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

“(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

“(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Air Force in the Air Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first.”; and

(5) by striking out the section heading and inserting in lieu thereof the following:

“§ 8034. Vice Chief of Staff”.

(e) DEPUTY CHIEFS OF STAFF.—Chapter 805 is further amended by inserting after section 8034 (as redesignated by subsection (d) of this section) the following new section:

“§ 8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

“(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

“(b) The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

“(1) there may not be more than five Deputy Chiefs of Staff; and

“(2) there may not be more than three Assistant Chiefs of Staff.”.

(f) JUDGE ADVOCATE GENERAL; DEPUTY JUDGE ADVOCATE GENERAL.—Section 8072 is transferred to chapter 805, inserted after section 8036, and redesignated as section 8037.

(g) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 805 is amended to read as follows:

“Sec.

“8031. The Air Staff: function; composition.

“8032. The Air Staff: general duties.

“8033. Chief of Staff.

“8034. Vice Chief of Staff.

“8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff.

“8036. Surgeon General: appointment; grade.

“8037. Judge Advocate General, Deputy Judge Advocate General: appointment; duties.

“8038. Office of Air Force Reserve: appointment of Chief.”.

(2) The heading of section 8036 is amended by striking out the comma and inserting in lieu thereof a semicolon.

(3) Section 8038 (as redesignated by section 521(a)(2)) is amended by striking out the comma in subsection (a) after “Chief of Staff”.

(4) The table of sections at the beginning of chapter 807 is amended by striking out the item relating to section 8072.

SEC. 523. AUTHORITY TO ORGANIZE AIR FORCE INTO SEPARATE ORGANIZATIONS

Section 8074(a) is amended by striking out “The” and inserting in lieu thereof “Except as otherwise prescribed by law or by the Secretary of Defense, the”.

PART D—GENERAL CONFORMING AMENDMENTS AND TRANSITION PROVISIONS

SEC. 531. CONFORMING AMENDMENTS

(a) AMENDMENTS TO TITLE 10.—(1) Sections 175(d) and 523(b)(1)(B) are amended by striking out “3033” and “8033” and inserting in lieu thereof “3021” and “8021”, respectively.

(2) Section 641(1)(B) is amended by striking out “3015, 3019, 3033, 3496, 5251, 5252, 8019, 8033,” and inserting in lieu thereof “3021, 3038, 3040, 3496, 5251, 5252, 8021, 8038,”.

(b) AMENDMENTS TO TITLE 37.—Section 204(a)(2) of title 37, United States Code, is amended by striking out “3033” and “8033” and inserting in lieu thereof “3021” and “8021”, respectively.

SEC. 532. TRANSITION

(a) EFFECTIVE DATE.—The provisions of subsections (c) and (d) of each of sections 3014, 5014, and 8014 of title 10, United States Code, as added by sections 501, 511, and 521, respectively, shall be implemented not later than 180 days after the date of the enactment of this Act.

(b) **REPORT.**—Not later than 210 days after the date of the enactment of this Act, the Secretary of each military department shall submit to Congress a report on the actions that have been taken to implement the provisions referred to in subsection (a) with respect to that military department.

(c) **WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF.**—(1) The President may waive, as provided in paragraph (2), the requirements provided for in section 3033(a)(2), 5033(a)(2), 5043(a)(2), and 8033(a)(2) of title 10, United States Code (as added or amended by sections 502, 512, 513, and 522, respectively).

(2) In exercising such waiver authority, the President may, in the case of any officer—

(A) waive the requirement under section 664 of such title (as added by section 401 of this Act) for the length of a joint duty assignment if the officer has served in such an assignment for not less than two years; and

(B) consider as a joint duty assignment any tour of duty served by the officer as a general or flag officer before the date of the enactment of this Act (or being served on the date of the enactment of this Act) that was considered to be a joint duty assignment or a joint equivalent assignment under regulations in effect at the time the assignment began.

(3) A waiver under paragraph (2) may not be made in the case of any officer more than four years after the date of the enactment of this Act.

(4) A waiver under this subsection may be made only on a case-by-case basis.

TITLE VI—MISCELLANEOUS

SEC. 601. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND CERTAIN OTHER ACTIVITIES

(a) **MILITARY DEPARTMENTS AND COMBATANT COMMANDS.**—(1) Effective on October 1, 1988, the total number of members of the Armed Forces and civilian employees assigned or detailed to duty described in paragraph (2) may not exceed the number equal to 90 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(2) Duty referred to in paragraph (1) is permanent duty in the military departments and in the unified and specified combatant commands to perform management headquarters activities or management headquarters support activities.

(3) In computing and implementing the limitation in paragraph (1), the Secretary of Defense shall exclude members and employees who are assigned or detailed to permanent duty to perform management headquarters activities or management headquarters support activities in the following:

(A) The Office of the Secretary of the Army and the Army Staff.

(B) The Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps.

(C) The Office of the Secretary of the Air Force and the Air Staff.

(D) The immediate headquarters staff of the commander of each unified or specified combatant command.

(4) If the Secretary of Defense applies any reduction in personnel required by the limitation in paragraph (1) to a unified or specified combatant command, the commander of that command, after consulting with his directly subordinate commanders, shall determine the manner in which the reduction shall be accomplished.

(b) DEFENSE AGENCIES AND DOD FIELD ACTIVITIES.—(1)(A) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities by a number that is at least 5 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(B) Not later than September 30, 1989, the Secretary shall carry out an additional reduction in such members and employees of not less than 10 percent of the number of such members and employees assigned or detailed to such duty on September 30, 1988.

(C) If the number of members and employees reduced under subparagraph (A) or (B) is in excess of the reduction required to be made by that subparagraph, such excess number may be applied to the number required to be reduced under paragraph (2).

(2)(A) Not later than September 30, 1988, the Secretary of Defense shall reduce the total number of members of the Armed Forces and civilian employees assigned or detailed to permanent duty in the Defense Agencies and Department of Defense Field Activities, other than members and employees assigned or detailed to duty in management headquarters activities or management headquarters support activities, by a number that is at least 5 percent of the total number of such members and employees assigned or detailed to such duty on September 30, 1986.

(B) Not later than September 30, 1989, the Secretary shall carry out an additional reduction in such members and employees of not less than 5 percent of the number of such members and employees assigned or detailed to such duty on September 30, 1988.

(3) If after the date of the enactment of this Act and before October 1, 1988, the total number of members and employees described in paragraph (1)(A) or (2)(A) is reduced by a number that is in excess of the number required to be reduced under that paragraph, the Secretary may, in meeting the additional reduction required by paragraph (1)(B) or (2)(B), as the case may be, offset such additional reduction by that excess number.

(4) The National Security Agency shall be excluded in computing and making reductions under this subsection.

(c) PROHIBITION AGAINST CERTAIN ACTIONS TO ACHIEVE REDUCTIONS.— Compliance with the limitations and reductions required by subsections (a) and (b) may not be accomplished by recategorizing or redefining duties, functions, offices, or organizations.

(d) ALLOCATIONS TO BE MADE BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall allocate the reductions required to comply with the limitations in subsections (a) and (b) in a manner consistent with the efficient operation of the

Department of Defense. If the Secretary determines that national security requirements dictate that a reduction (or any portion of a reduction) required by subsection (b) not be made from the Defense Agencies and Department of Defense Field Activities, the Secretary may allocate such reduction (or any portion of such reduction) (A) to personnel assigned or detailed to permanent duty in management headquarters activities or management headquarters support activities, or (B) to personnel assigned or detailed to permanent duty in other than management headquarters activities or management headquarters support activities, as the case may be, of the Department of Defense other than the Defense Agencies and Department of Defense Field Activities.

(2) Among the actions that are taken to carry out the reductions required by subsections (a) and (b), the Secretary shall consolidate and eliminate unnecessary management headquarters activities and management headquarters support activities.

(e) **TOTAL REDUCTIONS.**—Reductions in personnel required to be made under this section are in addition to any reductions required to be made under other provisions of this Act or any amendment made by this Act.

(f) **DEFINITIONS.**—For purposes of this section, the terms “management headquarters activities” and “management headquarters support activities” have the meanings given those terms in Department of Defense Directive 5100.73, entitled “Department of Defense Management Headquarters and Headquarters Support Activities” and dated January 7, 1985.

SEC. 602. REDUCTION OF REPORTING REQUIREMENTS

(a) **POLICY.**—It is the policy of Congress to reduce the administrative burden placed on the Department of Defense by requirements for reports, studies, and notifications to be submitted to Congress through the elimination of outdated, redundant, or otherwise unnecessary reporting requirements.

(b) **COMPILATION OF EXISTING REPORTING REQUIREMENTS.**—(1) The Secretary of Defense shall compile a list of all provisions of law in effect on the date of the enactment of this Act or enacted after such date and before February 1, 1987, that require the President, with respect to national defense functions of the Government, or any official or employee of the Department of Defense to submit a report, notification, or study to Congress or any committee of Congress. The preceding sentence does not apply to a requirement for a report, notification, or study to be submitted one time.

(2) The Secretary shall submit to Congress the list compiled under paragraph (1) not later than six months after the date of the enactment of this Act. The Secretary shall include with such list (with respect to each report, notification, or study shown on the list) the following:

(A) The date the requirement for such report, notification, or study was first imposed by law and the current legal citation for such requirement.

(B) The Secretary’s assessment of the continuing utility of such requirement to Congress and to the executive branch.

(C) The Secretary’s assessment of the administrative burden of such requirement and how such burden relates to the utility of the report, notification, or study.

(D) The Secretary's recommendation as to whether such requirement should be retained, modified, or repealed.

(3) The matter submitted under paragraph (2) shall also include—

(A) any recommendation of the Secretary for consolidation of different requirements for reports, notifications, and studies; and

(B) a draft of legislation to implement any changes in law recommended by the Secretary and to conform statutory provisions to the elimination of reporting requirements under subsection (c).

(c) **TERMINATION OF REPORTING REQUIREMENTS.**—Except as provided in subsection (d), effective on January 1, 1987, each provision of law that is contained in title 10, 32, or 37, United States Code, or in any Act authorizing appropriations or making appropriations for military functions of the Department of Defense (including military construction and military family housing functions) shall not be effective to the extent such provision requires the submission of a report, notification, or study.

(d) **EXCEPTIONS.**—Subsection (c) does not apply—

(1) to a requirement for a report, notification, or study to be submitted one time;

(2) to a provision of law enacted on or after the date of the enactment of this Act (including any provision enacted by this Act); or

(3) to a provision of law that requires the submission of the reports, notifications, and studies described in subsections (e) through (u).

(e) **PROVISIONS OF TITLE 10.**—The exception provided in subsection (d)(3) applies to the following reports, notifications, and studies required by title 10, United States Code:

(1) The annual report required by section 113(c) of such title (as redesignated by section 101(a)), relating to the accomplishments of the Department of Defense.

(2) The annual report required by section 113(e) of such title (as redesignated by section 101(a) and amended by section 603), relating to major military missions and the military force structure of the United States.

(3) The annual reports required by section 115 of such title (as designated and amended by section 110(b))—

(A) under subsection (a)(2) of such section, relating to equipment of the National Guard and reserve components;

(B) under subsection (b)(3) of such section, relating to military and civilian personnel and strength levels, certain other manpower requirements, base structures, and certain requirements for and information on officers; and

(C) under subsection (c)(2) of such section, relating to average student training loads.

(4) The annual report required by section 116(a) of such title (as designated and amended by section 110(b)), relating to operations and maintenance.

(5) The annual report required by section 117 of such title (as redesignated by section 101(a)), relating to North Atlantic Treaty Organization readiness.

(6) The reports required by section 118 of such title (as redesignated by section 101(a)), relating to sales or transfers of certain defense articles.

(7) The report required by section 125(c) of such title, relating to the proposed reduction or elimination of a major weapon system.

(8) The reports required by subsection (b)(5) of section 138 of such title (as redesignated by section 101(a)) and the annual report required by subsection (g) of such section, relating to operational test and evaluation activities.

(9) Reports required by section 1092(a)(3) of such title, relating to studies and demonstration projects relating to delivery of health and medical care.

(10) The reports required by section 1464(c) of such title, relating to the status of the Department of Defense Military Retirement Fund.

(11) The report required by section 2137 of such title, relating to the educational assistance program for members of the Selected Reserve under chapter 106 of such title.

(12) The annual report required by section 2208(k) of such title, relating to the condition and operation of working-capital funds.

(13) The notifications required by section 2233a(a)(1) of such title, relating to expenditures and contributions for acquisition of facilities for reserve components.

(14) The notifications required by section 2304(c)(7) of such title, relating to the use of procurement procedures other than competitive procedures.

(15) The notifications required by section 2306(h)(3) of such title, relating to cancellation ceilings in certain multiyear contracts.

(16) The annual report required by section 2313(d)(4) of such title, relating to subpoenas issued by the Director of the Defense Contract Audit Agency to obtain contractor records.

(17) The annual report required by section 2349 of such title, relating to North Atlantic Treaty Organization acquisition and cross-servicing agreements.

(18) The semiannual report required by section 2357 of such title, relating to contracts in excess of \$50,000 entered into by the military departments for research and development.

(19) The report required by section 2362(c) of such title, relating to the testing of wheeled or tracked armored vehicle programs.

(20) The reports required by section 2391(c) of such title, relating to military base reuse studies and community planning assistance.

(21) The notifications required by section 2394(b)(2) of such title, relating to contracts for energy or fuel.

(22) The annual report required by section 2397(e) of such title, relating to the names of certain employees and former employees of defense contractors.

(23) The notifications required by clauses (B) and (C) of section 2401(b)(1) of such title, the cost analyses required by section 2401(e)(1) of such title, and the reports required by section 2401(e)(2) of such title, all relating to the long-term lease or charter of vessels and aircraft by the military departments.

(24) The notifications required by subsection (e)(1) of section 2403 of such title and the annual report required by subsection (e)(2) of such section, relating to waivers of certain requirements for contractor guarantees.

(25) The notifications required by paragraphs (1) and (2) of section 2407(d) of such title, relating to certain contracts awarded by the Department of Defense in connection with North Atlantic Treaty Organization cooperative agreements.

(26)(A) The annual and supplemental reports required by section 2431 of such title (as redesignated by section 101(a)), relating to weapons development and procurement schedules, including the matter required by section 53(b) of the Arms Export Control Act (22 U.S.C. 2795b(b)) to be included in such annual reports.

(B) The notifications in lieu of such supplemental reports under subsection (b) of such section.

(27) The Selected Acquisition Reports required by section 2432 of such title (as redesignated by section 101(a)).

(28) The notifications required by subsection (d)(3) of section 2433 of such title (as redesignated by section 101(a)) and reports required by subsection (e) of such section, relating to increases in program acquisition unit costs and procurement unit costs of certain major defense acquisition programs.

(29) The annual report required by section 2457(d) of such title, relating to the policy to standardize equipment, ammunition, and fuel procured for the use of United States military forces stationed in Europe under the North Atlantic Treaty.

(30) The reports required by subsection (a) or (e) of section 2662 of such title and the annual report required by subsection (b) of such section, relating to certain real property transactions.

(31) The notifications required by section 2667a(g)(3) of such title, relating to expenditures in excess of \$300,000 from the DOD Facilities Replacement Management Account.

(32) The notifications required by section 2672(b) of such title, relating to acquisitions of interests in land for more than \$100,000.

(33) The notifications required by section 2676(d) of such title, relating to reductions in scope and increases in cost of a land acquisition.

(34)(A) The notifications required by section 2687(b) of such title, relating to base closures and realignments.

(B) The certification provided for in section 2687(c) of such title, relating to a closure or realignment of a military installation for reasons of national security.

(35) The annual report required by section 2779(b)(4) of such title, relating to the use of funds appropriated for the elimination of certain losses caused by fluctuations in currency exchange rates of foreign countries.

(36) The reports required by section 2803(b) of such title, relating to emergency military construction projects carried out under section 2803 of such title.

(37) The reports required by section 2804(b) of such title, relating to military construction projects not authorized by law.

(38) The notifications required by paragraphs (2) and (3) of section 2805(b) of such title, relating to minor construction in connection with certain relocations of activities from one installation to another.

(39) The reports required by section 2806(c)(2) of such title, relating to contributions for North Atlantic Treaty Organization Infrastructure.

(40) The notifications required by subsection (b) of section 2807 of such title and the reports required by subsection (c) of such section, relating to architectural and engineering services and construction design in connection with military construction or military family housing projects.

(41) The notifications required by section 2808(b) of such title, relating to military construction projects in the event of a declaration of war or national emergency.

(42) The justifications and economic analyses required by section 2809(a)(4) of such title, relating to long-term contracts for the construction, management, and operation of certain facilities.

(43) The notifications and justifications required by section 2823(b) of such title, relating to disagreements on the availability of suitable alternative housing at locations in the United States where family housing is proposed to be constructed.

(44) The notifications required by section 2827(b) of such title, relating to relocation of military family housing units.

(45) The notifications and reports of economic analyses required by section 2828 of such title—

(A) under subsection (b)(3) of such section, relating to domestic family housing limitations;

(B) under subsection (f) of such section, relating to the proposed lease of military family housing in excess of authorized amounts; and

(C) under subsection (g)(6)(A) of such section, relating to leasing of military family housing facilities.

(46) The notifications required by section 2834(b) of such title, relating to agreements with the Secretary of State for the use of Department of State housing and related services by Department of Defense personnel.

(47) The notifications required by subsections (d) and (e) of section 2853 of such title, relating to reductions in the scope of work or increases in the cost of military construction projects.

(48) The notifications required by section 2854(b) of such title, relating to repair, restoration, or replacement of damaged or destroyed military facilities.

(49) The notifications required by section 2856(b) of such title, relating to regulations establishing limitations on barracks space.

(50) The annual report required by section 2861(a) of such title, relating to military construction activities and military family housing activities.

(51) The notifications required by section 7307(b)(2) of such title, relating to the disposition of naval vessels to foreign nations.

(52) The quarterly report required by section 7434 of such title, relating to production from the naval petroleum reserves.

(f) PROVISIONS OF TITLE 37.—(1) The exception provided in subsection (d)(3) applies to the report required by section 406(i) of title 37, United States Code, relating to dependents accompanying members of the Armed Forces stationed outside the United States.

(2) Such section is amended—

(A) by striking out “quarter” in the matter preceding clause (1); and

(B) by striking out “quarter” in clauses (1) and (2) and inserting in lieu thereof “fiscal year”.

(g) PUBLIC LAW 91-121.—Notifications required by subsections (b)(4) and (c)(1) of section 409 of Public Law 91-121 (50 U.S.C. 1512(4), 1513(1)), relating to chemical or biological warfare agents.

(h) PUBLIC LAW 91-441.—Reports required by section 203(c) of Public Law 91-441 (10 U.S.C. 2358 note), relating to independent research and development and bid and proposal programs.

(i) PUBLIC LAW 93-365.—The exception provided in subsection (d)(3) applies to the statements and quarterly report required by subsections (c) and (e) of section 709 of the Department of Defense Appropriation Authorization Act, 1975 (50 U. S. C. App. 2403-1(e)), relating to the export of certain goods, technology, and industrial techniques.

(j) PUBLIC LAW 96-342.—The exception provided in subsection (d)(3) applies to the notifications, summaries, certifications, and reports required by subsections (a), (b), and (c) of section 502 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note), relating to conversion of performance of commercial and other type functions from Department of Defense personnel to private contractors.

(k) PUBLIC LAW 98-94.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by section 1201(c) of the Department of Defense Authorization Act, 1984 (97 Stat. 678), relating to transfers of amounts of authorizations.

(2) The reports and assessments required by section 1231 of such Act (97 Stat. 693), relating to certain intercontinental ballistic missile systems.

(3) The reports required by section 1252(d) of such Act (97 Stat. 698), relating to the cost effectiveness of and the quality of medical care provided by public health service hospitals.

(l) PUBLIC LAW 98-525.—The exception provided in subsection (d)(3) applies to the following:

(1) Reports required by section 105(b)(1) of the Department of Defense Authorization Act, 1985 (98 Stat. 2503), relating to government-to-govern-

ment agreements for acquisition in connection with certain NATO cooperative programs.

(2) The reports required by section 307(b)(3) of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2304 note), relating to waivers of a prohibition on contracting out certain logistics activities.

(3) The annual report required by section 1002(d)(1) of such Act (22 U.S.C. 1928 note), relating to the supply of munitions and certain aircraft facilities in support of the North Atlantic Treaty Organization.

(4) The annual report required by section 1002(d)(2) of such Act (22 U.S.C. 1928 note), relating to the status and cost of the United States commitment to the North Atlantic Treaty Organization and certain activities of other member nations of the North Atlantic Treaty Organization.

(5) The annual reports required by subsections (c) and (d) of section 1003 of such Act (22 U.S.C. 1928 note), relating to allied contributions to the common defense.

(6) The annual report required by section 1102 of such Act (10 U.S.C. 2872 note (formerly 10 U.S.C. 139 note)), relating to the Strategic Defense Initiative and any other antiballistic missile defense program.

(7) The notifications required by section 1501(c) of such Act (98 Stat. 2626), relating to transfers of amounts of authorizations.

(8) The notification required by section 1512 of the Department of Defense Authorization Act, 1985 (98 Stat. 2627), relating to the use of funds for the B-1B bomber aircraft program beyond 100 aircraft.

(9) The reports required by section 1536(g) of such Act (98 Stat. 2633; 46 U.S.C. 1120 note), relating to the Commission on Merchant Marine and Defense.

(m) PUBLIC LAW 99-145.—The exception provided in subsection (d)(3) applies to the following:

(1) Reports required by section 106(a)(2) of the Department of Defense Authorization Act, 1986 (99 Stat. 596), relating to government-to-government agreements for acquisition in connection with certain NATO cooperative programs.

(2) The certification required by section 125(a)(1) of the Department of Defense Authorization Act, 1986 (99 Stat. 601), relating to any new contract for the procurement of 5-ton trucks.

(3) The legislative environmental impact statement required by section 209(c) of such Act (99 Stat. 610), relating to full-scale development of a small intercontinental ballistic missile or the selection of basing areas for the deployment of such missile.

(4) The certification required by section 222 of such Act (99 Stat. 613), relating to termination of a prohibition of deployment of a strategic defense system.

(5) The reports required by section 223 of such Act (99 Stat. 613), relating to the Strategic Defense Initiative.

(6) The quarterly reports required by section 502(c) of such Act (99 Stat. 621), relating to the obligation of funds appropriated for civilian personnel.

(7) The report required by section 1002 of such Act (99 Stat. 705), relating to Soviet compliance with arms control commitments.

(8) The annual report required by section 1221(d)(2) of such Act (99 Stat. 727), relating to a research program to support the polygraph activities of the Department of Defense.

(9) The annual reports required by section 1407 of such Act (99 Stat. 745), relating to unobligated balances in appropriation accounts.

(10)(A) The certifications required by subsections (b) and (c)(2) of section 1411 of such Act (99 Stat. 745), relating to the procurement or assembly of binary chemical weapons.

(B) The report required by subsection (e) of such section, relating to consultations among member nations of the North Atlantic Treaty Organization concerning the chemical deterrent posture of the North Atlantic Treaty Organization.

(11) The annual report required by section 1412(g) of the Department of Defense Authorization Act, 1986 (99 Stat. 748), relating to the program for the destruction of the United States stockpile of lethal chemical agents and munitions.

(n) PUBLIC LAW 98-473.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by the provision in section 8005(m) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473 (98 Stat. 1923)), relating to unusual cost overruns incident to overhaul, maintenance, and repair for certain ships.

(2) The annual report required by section 8104(b) of such Act (98 Stat. 1942), relating to consultations with members of common defense alliances concerning Strategic Defense Initiative research.

(o) PUBLIC LAW 99-190.—The exception provided in subsection (d)(3) applies to the following:

(1) The notifications required by section 8020 or 8021 of the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190 (99 Stat. 1206)), relating to transfers of working capital funds.

(2) The notifications required by section 8021 of such Act (99 Stat. 1206), relating to the obligation of working capital funds to procure war reserve material inventory.

(3) The notifications required by section 8042 of such Act (99 Stat. 1210), relating to the availability of appropriated funds for intelligence or special activities different from activities justified to the Congress.

(4) The notification required by section 8075 of such Act (99 Stat. 1214), relating to the acquisition of certain types of weapons, subsystems, and munitions of European North Atlantic Treaty Organization manufacture.

(5) The certification required by section 8097 of such Act (99 Stat. 1219), relating to the obligation or expenditure of funds to carry out a test of the Space Defense System (anti-satellite weapon) against an object in space.

(p) **MILITARY CONSTRUCTION AUTHORIZATION ACTS.**—(1) The exception provided in subsection (d)(3) applies to the annual reports required by section 704 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377), relating to contracts for construction in the United States and its possessions.

(2) The exception provided in subsection (d)(3) applies to the following:

(A) The economic analyses required by section 802(d)(1) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), relating to proposed military housing rental guarantee agreements.

(B) The notifications required by section 803(b)(2) of such Act (10 U.S.C. 2821 note), relating to waivers of a requirement to use manufactured or factory-built housing fabricated in the United States by a United States contractor for military family housing construction in foreign countries.

(3) The exception provided in subsection (d)(3) applies to the report required by section 840(d) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 998), relating to the sale of land at Fort Jackson, South Carolina.

(q) **MILITARY CONSTRUCTION APPROPRIATION ACTS.**—The exception provided in subsection (d)(3) applies to the following:

(1) The annual report required by the third proviso in the undesignated paragraph under the heading “FOREIGN CURRENCY FLUCTUATION, CONSTRUCTION, DEFENSE” in the Military Construction Appropriation Act, 1980 (Public Law 96-130; 93 Stat. 1019), relating to transfers of appropriated funds to eliminate losses in military construction or expenses of family housing caused by fluctuations in foreign currency exchange rates of foreign countries.

(2) The reports required by section 125(a) of the Military Construction Appropriations Act, 1985 (as contained in section 101(e) of Public Law 98-473; 98 Stat. 1883), relating to terminations of a prohibition on the availability of appropriated military construction funds to foreign governments ineligible to receive such funds by reason of inadequate drug control measures.

(r) The report required by section 1436(a) of title 38, United States Code, relating to the New GI-Bill Educational Assistance Program under chapter 30 of such title.

(s) **INSPECTOR GENERAL ACT OF 1978.**—The exception provided in subsection (d)(3) applies to the following:

(1) The semiannual report required by section 5(b) of the Inspector General Act of 1978 (5 U.S.C. App. 3), relating to activities of the Inspector General of the Department of Defense.

(2) The reports required by section 5(d) of such Act (5 U.S.C. App. 3), relating to particular cases of problems, abuses, or deficiencies which have come to the attention of the Inspector General of the Department of Defense.

(3) The statements required by paragraphs (3) and (4) of section 8(b) of such Act (5 U.S.C. App. 3), relating to the exercise of certain authority of the

Secretary of Defense with respect to the activities of the Inspector General of the Department of Defense.

(t) INTELLIGENCE COMMUNITY PROVISIONS.—The exception provided in subsection (d)(3) applies to the following:

(1) The requirement to furnish information and to report to Congress concerning intelligence activities as provided in title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(2) Reports and information required to be furnished under the following provisions of law:

(A) Section 1601(e) of title 10, United States Code, relating to the Defense Intelligence Senior Executive Service.

(B) Section 1604(e) of such title, relating to termination of certain Defense Intelligence Agency personnel.

(C) Section 1605 of such title, relating to benefits and allowances for certain Defense Intelligence Agency civilian personnel.

(3) Reports and information required to be furnished under section 431 of title 37, United States Code, relating to benefits and allowances for certain military personnel assigned to the Defense Intelligence Agency.

(u) ADDITIONAL MISCELLANEOUS EXCEPTIONS.—The exception provided in subsection (d)(3) applies to the following:

(1) The reports required by section 673(d) of title 10, United States Code, relating to the necessity for units of the Ready Reserve being ordered to active duty.

(2) The reports required by section 673b(f) of such title, relating to necessity of ordering units or members of the Selected Reserve to active duty.

(3) The reports required under section 836(b) (article 36(b)) of such title, relating to rules and regulations prescribed by the President under such section.

(4) The reports required by section 867(g)(1) (article 69(g)(1) of such title, relating to the operation of the Uniform Code of Military Justice.

(5) The reports required by subsections (a) and (b) of section 1008 and subsections (e) and (f) of section 1009 of title 37, United States Code, relating to military compensation.

SEC. 603. ANNUAL REPORT ON NATIONAL SECURITY STRATEGY

(a) ANNUAL PRESIDENTIAL REPORT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

“ANNUAL NATIONAL SECURITY STRATEGY REPORT

“SEC. 104. (a)(1) The President shall transmit to Congress each year a comprehensive report on the national security strategy of the United States (hereinafter in this section referred to as a ‘national security strategy report’).

“(2) The national security strategy report for any year shall be transmitted on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.

“(b) Each national security strategy report shall set forth the national security strategy of the United States and shall include a comprehensive description and discussion of the following:

“(1) The worldwide interests, goals, and objectives of the United States that are vital to the national security of the United States.

“(2) The foreign policy, worldwide commitments, and national defense capabilities of the United States necessary to deter aggression and to implement the national security strategy of the United States.

“(3) The proposed short-term and long-term uses of the political, economic, military, and other elements of the national power of the United States to protect or promote the interests and achieve the goals and objectives referred to in paragraph (1).

“(4) The adequacy of the capabilities of the United States to carry out the national security strategy of the United States, including an evaluation of the balance among the capabilities of all elements of the national power of the United States to support the implementation of the national security strategy.

“(5) Such other information as may be necessary to help inform Congress on matters relating to the national security strategy of the United States.

“(c) Each national security strategy report shall be transmitted in both a classified and an unclassified form.”.

(2) The table of contents in the first section of such Act is amended by inserting after the item relating to section 103 the following new item:

“Sec. 104. Annual national security strategy report.”.

(b) REVISION OF ANNUAL SECRETARY OF DEFENSE REPORT.—Subsection (c) of section 113 (as redesignated by section 101(a) of this Act) is amended to read as follows:

“(e)(1) The Secretary shall include in his annual report to Congress under subsection (c)—

“(A) a description of the major military missions and of the military force structure of the United States for the next fiscal year;

“(B) an explanation of the relationship of those military missions to that force structure; and

“(C) the justification for those military missions and that force structure.

“(2) In preparing the matter referred to in paragraph (1), the secretary shall take into consideration the content of the annual national security strategy report of the President under section 104 of the National Security Act of 1947 for the fiscal year concerned.”.

SEC. 604. LEGISLATION TO MAKE REQUIRED CONFORMING CHANGES IN LAW

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a draft of legislation to make any technical and conforming changes to title 10, United States Code, and other provisions of law that are required or should be made by reason of the amendments made by this Act.

SEC. 605. GENERAL TECHNICAL AMENDMENTS

(a) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of such subtitle, are amended by striking out the items relating to chapters 3 through 8 and inserting in lieu thereof the following:

“2. Department of Defense 111
“3. General Powers and Functions 121
“4. Office of the Secretary of Defense 131
“5. Joint Chiefs of Staff 151
“6. Combatant Commands 161
“7. Boards, Councils, and Committees 171
“8. Defense Agencies and Department of Defense Field Activities 191”.

(b) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of such subtitle, are amended by inserting after the item relating to chapter 143 the following new item:

“144. Oversight of Cost Growth in Major Programs 2431”.

Approved October 1, 1986.

SOURCES: *Joint Chiefs of Staff Reorganization Act of 1985*, 99 Cong, 1 sess, House Report No. 99-375, 14 November 1985 (Washington: GPO, 1985); *Department of Defense Reorganization Act of 1986*, 99 Cong, 2 sess, Senate Report 99-280, 14 Apr 1986 (Washington: GPO, 1986); *Goldwater-Nichols Department of Defense Reorganization Act of 1986*, Conference Report, 99 Cong, 2 sess, House Report 99-824, 12 September 1986 (Washington: GPO, 1986). For an insightful view of the history of the legislation see James R. Locher III, *Victory on the Potomac* (College Station, Texas A&M University Press, 2002).

III

Administrative and Legislative Modifications in Organization, 1986-2003

1. Establishment of the Positions of Under Secretary of Defense (Acquisition) and Deputy Under Secretary of Defense (Acquisition), 1986

Growing concern in the early 1980s over the quality and efficiency of the defense acquisition process led to increased scrutiny of acquisition organization and management as one aspect of the broader question of defense reform. When President Reagan established the President's Blue Ribbon Commission on Defense Management (the Packard Commission) on 15 July 1985, he listed as one of its mandates a review of the adequacy of the defense acquisition process. In three publications—*An Interim Report to the President* (28 February 1986), *A Formula for Action: A Report to the President on Defense Acquisition* (April 1986), and *A Quest for Excellence: Final Report to the President* (June 1986)—the Packard Commission strongly recommended statutory establishment of the new position of under secretary of defense (acquisition) to manage the defense acquisition system on a full-time basis.

President Reagan first endorsed the Packard Commission's recommendation in National Security Decision Directive 219, signed on 1 April 1986 (see page 36). The president stated that within 60 days, in anticipation of legislation establishing the position of under secretary of defense for acquisition, the secretary of defense was to issue a directive outlining the roles, functions, and responsibilities of the position. In addition, the secretary of defense was to direct the secretaries of the military departments to prepare instructions for establishing service acquisition directors. The president endorsed the Packard Commission recommendation for an acquisition under secretary in his message to Congress on 24 April 1986.

Sen. Dan Quayle (R-Ind.) on 15 May 1986 introduced a specific proposal to establish an under secretary of defense (acquisition) as an amendment to the

Military Retirement Reform bill then being debated by the Senate. The House had passed this bill on 22 April 1986, but without a proposal for the office. Sen. Alan J. Dixon (D-Ill.) urged Quayle's Subcommittee on Acquisition of the Senate Armed Services Committee to support such a position. Quayle proposed the amendment to the Military Retirement Reform bill to get it on a fast track, rather than waiting for the defense authorization bill to be considered later in the year. The objective of Dixon and Quayle was to get the post approved so that the Department of Defense could move ahead to recruit for the job with the expectation that details would be dealt with later in the authorization bill. During the Senate debate on the amendment, which passed on 15 May 1986, both Quayle and Sen. John H. Glenn, Jr. (D-Ohio) pointed out how anxious David Packard and his commission were to have the position established immediately. In the conference committee on the bill, the House accepted the Senate provision establishing an under secretary of defense (acquisition). Thus the Military Retirement Reform Act of 1986 (PL 99-348), 1 July 1986, contained the following provisions:

SEC. 501. UNDERSECRETARY OF DEFENSE FOR ACQUISITION

(a) CREATION OF POSITION.—Chapter 4 of title 10, United States Code, is amended by inserting after section 134 the following new section:

“§134a. Under Secretary of Defense for Acquisition: appointment

“(a) There is an Under Secretary for Acquisition, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe, except as otherwise provided by law.”

The law also redesignated the existing position of under secretary of defense for research and engineering as director of defense research and engineering.

SOURCES: *Military Retirement Reform Act of 1986*, 99 Cong, 2 sess, House Report No. 99-513, 8 April 1986 (Washington: GPO, 1986); *Amending Title 10, United States Code, to Establish a Revised Retirement System for New Members of the Uniformed Services . . .*, 99 Cong, 2 sess, Senate Report No. 99-292, 1 May 1986 (Washington: GPO, 1986); *Military Retirement Reform Act of 1986*, Conference Report, 99 Cong, 2 sess, House Report No. 99-659, 25 June 1986 (Washington: GPO, 1986). See also *Congressional Record*, vol 132, pt 8, 15 May 1986, 10783-85.

As expected, after passing PL 99-348, Congress gave further consideration to the under secretary of defense for acquisition and related matters as it debated what became PL 99-661, the National Defense Authorization Act for Fiscal Year 1987, signed on 14 November 1986. During the first two weeks of August 1986, the Senate and House considered separate bills on Defense authorization for fiscal year 1987. The Senate passed S. 2638 on 9 August, and the House approved H.R. 4428 on 15 August.

Prior to these debates, the Armed Services Committees of both houses reported to members on their respective bills. The Senate committee, noting its

agreement with the findings and recommendations of the Packard Commission, wrote into its bill a section elaborating on the position of under secretary of defense for acquisition. This official was to be well qualified by education, training, and industrial experience to supervise the entire DoD acquisition system; establish an acquisition, procurement, research and development, logistics, testing, contract audit, and contract administration within DoD; serve as the acquisition executive and senior procurement executive of DoD; and have authority to direct the secretaries of the military departments and heads of other DoD entities with regard to matters for which he was responsible. The secretary of defense might expand but not reduce the duties of the under secretary of defense (acquisition), who would have precedence after the deputy secretary of defense and before the secretaries of the military departments on matters for which he was responsible. On other matters, the under secretary of defense (acquisition) would have precedence after the service secretaries.

The Senate Armed Services Committee further stated that the new under secretary's primary role would be policy formulation in his areas of responsibility rather than being a super program manager. While the under secretary would be responsible for supervising the entire acquisition system, execution of service acquisition programs would be carried out in the services. The committee also approved creation of a new position of deputy under secretary of defense for acquisition to assist the under secretary. In the Senate bill, the Defense Contract Audit Agency was to continue as an independent agency responsible for determining the nature and scope of audits necessary to comply with the General Accounting Office's audit standards.

Finally, the Senate committee's bill gave the under secretary of defense (acquisition) responsibility for testing but made clear that there was no intention to affect the independence and objectivity of the Office of Operational Test and Evaluation (OT&E). Its reports would go directly to the secretary of defense, the under secretary of defense (acquisition), and the appropriate congressional committees without intervening review and approval. The under secretary of defense (acquisition) could comment on OT&E reports if he wished. Finally, the proposed Senate bill gave the under secretary of defense for acquisition responsibility for the Office of Small and Disadvantaged Business Utilization.

The House of Representatives initially passed its own version of the authorization bill and then substituted for it the Senate bill, which it passed with amendments. In a report on its original bill, H.R. 4428, the House Armed Services Committee agreed on the need to improve the defense acquisition process, including defining the position of the under secretary of defense (acquisition) much as the Senate committee had recommended. The new under secretary should not be involved in the daily management of service acquisition programs. The Defense Contract Audit Agency audit supervision and oversight functions should continue as previously. The House Committee rejected the idea that the director of the Office of Test and Evaluation should report to the under secretary of defense (acquisition); to maintain independence, the director should report directly to the secretary of defense.

Eventually the House and Senate-passed bills went to a conference committee. The House generally receded to the Senate. The conferees clearly prescribed the duties and precedence of the under secretary of defense (acquisition), established a deputy under secretary of defense (acquisition), and defined the position of director of defense research and engineering. They agreed to maintain existing law governing audit policy and the inspector general, and gave the under secretary of defense (acquisition), in conjunction with the inspector general, the duty of coordinating audit and oversight of contractor activities to prevent duplication of effort by elements of the Department of Defense. The conference committee agreed that the director of operational test and evaluation should report directly to the secretary of defense, that Office of Operational Test and Evaluation reports should be forwarded directly to the under secretary of defense (acquisition), and that the director of the Office of Small and Disadvantaged Business Utilization should report directly to the under secretary of defense (acquisition).

The pertinent sections of Title IX of the National Defense Authorization Act for Fiscal Year 1987 (PL 99-661), 14 November 1986, follow:

SEC. 900. SHORT TITLE

This title may be cited as the “Defense Acquisition Improvement Act of 1986”.

PART A—MANAGEMENT OF THE ACQUISITION PROCESS

SEC. 901. DUTIES AND PRECEDENCE OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Section 133 of title 10, United States Code (as redesignated by section 101(a) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433), is amended to read as follows:

“§ 133. Under Secretary of Defense for Acquisition

“(a) There is an Under Secretary of Defense for Acquisition, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive management background in the private sector.

“(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition shall perform such duties and exercise such powers relating to acquisition as the Secretary of Defense may prescribe, including—

“(1) supervising Department of Defense acquisition;

“(2) establishing policies for acquisition (including procurement, research and development, logistics, developmental testing, and contract administration) for all elements of the Department of Defense;

“(3) establishing policies of the Department of Defense for maintenance of the defense industrial base of the United States; and

“(4) the authority to direct the Secretaries of the military departments and the heads of all other elements of the Department of Defense with regard to matters for which the Under Secretary has responsibility.

“(c) The Under Secretary—

“(1) is the senior procurement executive for the Department of Defense for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3));

“(2) is the Defense Acquisition Executive for purposes of regulations and procedures of the Department providing for a Defense Acquisition Executive; and

“(3) to the extent directed by the Secretary, exercises overall supervision of all personnel (civilian and military) in the Office of the Secretary of Defense with regard to matters for which the Under Secretary has responsibility, unless otherwise provided by law.

“(d)(1) The Under Secretary shall prescribe policies to ensure that audit and oversight of contractor activities are coordinated and carried out in a manner to prevent duplication by different elements of the Department.

“(2) In carrying out this subsection, the Under Secretary shall consult with the Inspector General of the Department of Defense.

“(3) Nothing in this subsection shall affect the authority of the Inspector General of the Department of Defense to establish audit policy for the Department of Defense under the Inspector General Act of 1978 and otherwise to carry out the functions of the Inspector General under that Act.

“(e)(1) With regard to all matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary of Defense for Acquisition takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.

“(2) With regard to all matters other than matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, and the Secretaries of the military departments.”.

SEC. 902. ESTABLISHMENT OF POSITION OF DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION

(a) ESTABLISHMENT OF POSITION.—(1) Chapter 4 of title 10, United States Code (as amended by title I of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)), is amended by inserting after section 133 the following new section:

“§ 133a. Deputy Under Secretary of Defense for Acquisition

“(a) There is a Deputy Under Secretary of Defense for Acquisition, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Deputy Under Secretary of Defense for Acquisition shall assist the Under Secretary of Defense for Acquisition in the performance of his duties. The Deputy Under Secretary shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133 the following new item:

“133a. Deputy Under Secretary of Defense for Acquisition.”

(b) PAY GRADE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Deputy Under Secretary of Defense for Acquisition.”.

Subsequent to the establishment of the position of under secretary of defense for acquisition in 1986, the title changed twice to reflect the assigned duties. Section 904 of the National Defense Authorization Act for Fiscal Year 1994 (PL 103-160, 30 November 1993) changed the designation to under secretary of defense for acquisition and technology. Section 911 of the National Defense Authorization Act for Fiscal Year 2000 (PL 106-65, 5 October 1999) renamed the position under secretary of defense for acquisition, technology, and logistics.

SOURCES: *National Defense Authorization Act for Fiscal Year 1987*, 99 Cong, 2 sess, Senate Report No. 99-331, 8 July 1986 (Washington: GPO, 1986); *National Defense Authorization Act for Fiscal Year 1987*, 99 Cong, 2 sess, House Report No. 99-718, 25 July 1986 (Washington: GPO, 1986); *National Defense Authorization Act for Fiscal Year 1987*, Conference Report, 99 Cong, 2 sess, House Report No. 99-1001, 14 October 1986 (Washington: GPO, 1986).

2. Establishment of the Position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Establishment of the Special Operations Command, 1986

In the early 1980s members of Congress as well as outside observers urged the Department of Defense to give more attention to special operations activities, such as strategic reconnaissance, psychological operations, and counterterrorism. Despite this, the military services and DoD as a whole continued during this period to emphasize the Soviet Union as the basic threat, to the exclusion of special operations needs and the potential for low intensity conflict.

On 6 August 1986, Sen. William S. Cohen (R-Maine), on behalf of himself, Sen. Sam Nunn and Sen. David F. Durenberger (R-Minn.), introduced an amendment to the draft National Defense Authorization Act for Fiscal Year 1987, listing several congressional findings, including the statement “that the Department of Defense has not given sufficient emphasis to the planning and preparation for unconventional warfare missions or to the appropriate integration of special operations forces capabilities into the national security strategy of the United States.” Cohen’s amendment proposed the establishment of special operations forces and a special operations unified command. In his comments on the proposed amendment, Cohen referred to “a new term in the lexicon of war: ‘low intensity conflict,’” which he defined as “irregular battles and attacks

perpetrated by irregular armies and individuals.” Although his amendment did not specifically so state, Cohen assumed that responsibility for special operations and low intensity conflict activities would be placed under an assistant secretary of defense directly assigned to such matters.

Eventually Congress incorporated language on a unified command for special operations forces into Title XIII of the National Defense Authorization Act for Fiscal Year 1987 (PL 99-661) and provided for an assistant secretary of defense for special operations and low intensity conflict. When he signed this law on 14 November 1986, President Reagan described the legislation as “a positive step toward strengthening our national defense,” but he also made clear his objections to several features of the act, including “the need to legislate the reorganization of the Special Operations Forces, particularly in mandating the creation of a unified command, which has heretofore been the exclusive prerogative of the President as Commander in Chief.”

The relevant provisions of the law are as follows:

SEC. 1311. SPECIAL OPERATIONS FORCES

(a) ASSISTANT SECRETARY OF DEFENSE.—Section 136(b) of title 10, United States Code (as amended by section 106 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986), is amended by adding at the end the following new paragraph:

“(4) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. He shall have as his principal duty the overall supervision (including oversight of policy and resources) of special operations activities (as defined in section 167(j) of this title) and low intensity conflict activities of the Department of Defense.”.

(b) UNIFIED COMBATANT COMMAND.—(1) Chapter 6 of such title (as added by section 211 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)) is amended by adding at the end the following new section:

“§ 167. Unified combatant command for special operations forces

“(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified combatant command for special operations forces (hereinafter in this section referred to as the ‘special operations command’). The principal function of the command is to prepare special operations forces to carry out assigned missions.

“(b) ASSIGNMENT OF FORCES.—Unless otherwise directed by the Secretary of Defense, all active and reserve special operations forces of the armed forces stationed in the United States shall be assigned to the special operations command.

“(c) GRADE OF COMMANDER.—The commander of the special operations command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The

commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position.

“(d) **COMMAND OF ACTIVITY OR MISSION.**—(1) Unless otherwise directed by the President or the Secretary of Defense, a special operations activity or mission shall be conducted under the command of the commander of the unified combatant command in whose geographic area the activity or mission is to be conducted.

“(2) The commander of the special operations command shall exercise command of a selected special operations mission if directed to do so by the President or the Secretary of Defense.

“(e) **AUTHORITY OF COMBATANT COMMANDER.**—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the special operations command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to special operations activities, including the following functions:

“(A) Developing strategy, doctrine, and tactics.

“(B) Training assigned forces.

“(C) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(D) Validating requirements.

“(E) Establishing priorities for requirements.

“(F) Ensuring combat readiness.

“(G) Developing and acquiring special operations-peculiar equipment and acquiring special operations-peculiar material, supplies, and services.

“(H) Ensuring the interoperability of equipment and forces.

“(I) Formulating and submitting requirements for intelligence support.

“(J) Monitoring the promotions, assignments, retention, training, and professional military education of special operations forces officers.

“(2) The commander of such command shall be responsible for monitoring the preparedness of special operations forces assigned to other unified combatant commands to carry out assigned missions.

“(f) **BUDGET.**—In addition to the activities of a combatant command for which funding may be requested under section 166(b) of this title, the budget proposal of the special operations command shall include requests for funding for—

“(1) development and acquisition of special operations-peculiar equipment; and

“(2) acquisition of other material, supplies, or services that are peculiar to special operations activities.

“(g) **INTELLIGENCE AND SPECIAL ACTIVITIES.**—This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require—

“(1) a finding under section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422); or

“(2) a notice to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives under section 501(a)(1) of the National Security Act of 1947 (50 U.S.C. 413).

“(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the activities of the special operations command. Such regulations shall include authorization for the commander of such command to provide for operational security of special operations forces and activities.

“(i) IDENTIFICATION OF SPECIAL OPERATIONS FORCES.—(1) Subject to paragraph (2), for the purposes of this section special operations forces are those forces of the armed forces that—

“(A) are identified as core forces or as augmenting forces in the Joint Chiefs of Staff Joint Strategic Capabilities Plan, Annex E, dated December 17, 1985;

“(B) are described in the Terms of Reference and Conceptual Operations Plan for the Joint Special Operations Command, as in effect on April 1, 1986; or

“(C) are designated as special operations forces by the Secretary of Defense.

“(2) The Secretary of Defense, after consulting with the Chairman of the Joint Chiefs of Staff and the commander of the special operations command, may direct that any force included within the description in paragraph (1)(A) or (1)(B) shall not be considered as a special operations force for the purposes of this section.

“(j) SPECIAL OPERATIONS ACTIVITIES.—For purposes of this section, special operations activities include each of the following insofar as it relates to special operations:

“(1) Direct action.

“(2) Strategic reconnaissance.

“(3) Unconventional warfare.

“(4) Foreign internal defense.

“(5) Civil affairs.

“(6) Psychological operations.

“(7) Counterterrorism.

“(8) Humanitarian assistance.

“(9) Theater search and rescue.

“(10) Such other activities as may be specified by the President or the Secretary of Defense.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“167. Unified combatant command for special operations forces.”.

(c) MAJOR FORCE PROGRAM CATEGORY.—The Secretary of Defense shall create for the special operations forces a major force program category for the Five-Year Defense Plan of the Department of Defense. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, with the advice and assistance of the commander of the special operations command, shall provide overall supervi-

sion of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

(d) PROGRAM AND BUDGET EXECUTION.—To the extent that there is authority to revise programs and budgets approved by Congress for special operations forces, such authority may be exercised only by the Secretary of Defense, after consulting with the commander of the special operations command.

(e) GRADE FOR COMMANDERS OF CERTAIN AREA SPECIAL OPERATIONS COMMANDS.—The commander of the special operations command of the United States European Command, the United States Pacific Command, and any other unified combatant command that the Secretary of Defense may designate for the purposes of this section shall be of general or flag officer grade.

(f) BOARD FOR LOW INTENSITY CONFLICT.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

“(f) The President shall establish within the National Security Council a board to be known as the ‘Board for Low Intensity Conflict’. The principal function of the board shall be to coordinate the policies of the United States for low intensity conflict.”.

(g) DEPUTY ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS FOR LOW INTENSITY CONFLICT.—It is the sense of Congress that the President should designate within the Executive Office of the President a Deputy Assistant to the President for National Security Affairs to be the Deputy Assistant for Low Intensity Conflict.

(h) REPORTS.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the plans of the Secretary for implementation of this section, including a description of the progress made on such implementation.

(2) Not later than one year after the date of the enactment of this Act, the President shall transmit to Congress a report on the capabilities of the United States to conduct special operations and engage in low intensity conflicts. The report shall include a description of the following:

(A) Deficiencies in such capabilities.

(B) Actions being taken throughout the executive branch to correct such deficiencies.

(C) The principal low intensity conflict threats to the interests of the United States.

(D) The actions taken and to be taken to implement this section.

(i) EFFECTIVE DATE.—Section 167 of title 10, United States Code (as added by subsection (b)), shall be implemented not later than 180 days after the date of the enactment of this Act.

(j) FUNDING FOR FISCAL YEAR 1987.—The Secretary of Defense may spend unobligated funds appropriated to the Department of Defense for fiscal years before fiscal year 1987 in such sums as necessary in order to carry out this section and sec-

tion 167 of title 10, United States Code (as added by subsection (b)), during fiscal year 1987.

In addition to these provisions, Section 1312 of the law provided for the development of aircraft for a special operations airlift and required the Special Operations commander to “develop a plan to meet the immediate strategic special operations airlift requirements.”

SOURCES: *National Defense Authorization Act for Fiscal Year 1987*, 99 Cong, 2 sess, Senate Report No. 99-331, 8 July 1986 (Washington: GPO, 1986); *National Defense Authorization Act for Fiscal Year 1987*, 99 Cong, 2 sess, House Report No. 99-718, 25 July 1986 (Washington: GPO, 1986); *National Defense Authorization Act for Fiscal Year 1987*, Conference Report, 99 Cong, 2 sess, House Report No. 99-1001, 14 October 1986 (Washington: GPO, 1986). For quoted material see *Congressional Record*, vol 132, pt 14, 6 August 1986, 19500-01; Statement on Signing the National Defense Authorization Act for Fiscal Year 1987, 14 November 1986, *Public Papers of the Presidents of the United States: Ronald Reagan*, 1986, II, 1557-58.

3. Establishment of the Position of Assistant to the Secretary of Defense for Atomic Energy, 1987

The Atomic Energy Act of 1946 (PL 79-585, 1 August 1946) established the Military Liaison Committee within the Department of Defense. From 13 April 1953 the chairman also served as assistant to the secretary of defense for atomic energy. The National Defense Authorization Act for Fiscal Year 1987 (PL 99-161, 14 November 1986) abolished the Military Liaison Committee and established the Nuclear Weapons Council.

The National Defense Authorization Act for Fiscal Years 1988 and 1989 (PL 100-180, 4 December 1987) established the statutory position of assistant to the secretary of defense for atomic energy to advise the secretary of defense and the Nuclear Weapons Council on nuclear energy and nuclear weapons matters.

4. Establishment of the Position of Chief Financial Officer of the Department of Defense, 1990

The Chief Financial Officers Act of 1990 (PL 101-576, 15 November 1990) established chief financial officers in 23 federal departments, agencies, administrations, and other offices, including the Department of Defense. The law also established the position of deputy chief financial officer for the designated entities, in a career reserved position in the Senior Executive Service. Section 902 of PL 101-576 spelled out the authority and functions of the chief financial officer as follows:

- (1) report directly to the head of the agency regarding financial management matters;
- (2) oversee all financial management activities relating to the programs and operations of the agency;
- (3) develop and maintain an integrated agency accounting and financial management system, including financial reporting and internal controls . . . ;

- (4) make recommendations to the head of the agency regarding the selection of the Deputy Chief Financial Officer of the agency;
- (5) direct, manage, and provide policy guidance and oversight of agency financial management personnel, activities, and operations . . . ;
- (6) prepare and transmit . . . an annual report to the agency head and the Director of the Office of Management and Budget . . . ;
- (7) monitor the financial execution of the budget of the agency in relation to actual expenditures, and prepare and submit to the head of the agency timely performance reports; and
- (8) review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.

5. Creation of the Position of Deputy Under Secretary of Defense for Policy, 1991

During 1991, while considering the defense authorization bill for Fiscal Years 1992 and 1993, the Senate Armed Services committee took note of the creation in 1989 of the nonstatutory position of principal deputy under secretary of defense for policy (strategy and resources). This official helped increase the involvement of the under secretary of defense (policy) “in the formulation of strategy and contingency planning, and in the better linkage between strategy and resources.” In advocating making this a statutory position, the Senate committee wished to increase the stature and prestige of the position and provide an official to assist the under secretary in his other duties and to act for him as needed. The House of Representatives had no similar provision in its authorization bill; it accepted the Senate proposal in the conference committee.

The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Sec. 901, PL 102-190, 5 December 1991) created the statutory position of deputy under secretary of defense for policy to “assist the Under Secretary of Defense for Policy in the performance of his duties.”

SOURCES: *National Defense Authorization Act for Fiscal Years 1992 and 1993*, 102 Cong, 1 sess, Senate Report No. 102-113, 19 July 1991 (Washington: GPO, 1991); *National Defense Authorization Act for Fiscal Years 1992 and 1993*, Conference Report, 102 Cong, 1 sess, House Report No. 102-311, 13 November 1991 (Washington: GPO, 1991).

6. Vice Chairman Made a Full Member of the Joint Chiefs of Staff, 1992

The Goldwater-Nichols Act created the position of vice chairman of the Joint Chiefs of Staff but did not state that this officer was actually a member of the JCS. In 1991 the Department of Defense, with the support of the service chiefs and the chairman of the JCS, proposed legislation making the vice chairman a

member. Both the Senate and House Armed Services Committees favored this change. The Senate bill provided for full membership with the same rights as the service chiefs. The House bill subjected the vice chairman to the direction and control of the chairman but did not grant him formal voting privileges. In the conference committee, the House modified its position and the National Defense Authorization Act for Fiscal Year 1993 (Title IX, Sec. 911, PL 102-484, 23 October 1992) designated the vice chairman as a full member of the JCS.

SOURCES: *Making the Vice Chairman of the Joint Chiefs of Staff a Member of the Joint Chiefs of Staff*. . ., 102 Cong, 2 sess, Senate Report No. 102-270, 9 April 1992 (Washington: GPO, 1992); *National Defense Authorization Act for Fiscal Year 1993*, 102 Cong, 2 sess, Senate Report No. 102-352, 31 July 1992 (Washington: GPO, 1992); *National Defense Authorization Act for Fiscal Year 1993*, Conference Report, 102 Cong, 2 sess, House Report No. 102-966, 1 October 1992 (Washington: GPO, 1992).

7. Changes in the Assistant Secretary of Defense Positions, 1993

In 1993 Secretary of Defense Les Aspin instituted a broad revision of the structure for assistant secretaries of defense, reflecting his views on DoD's post-Cold War priorities and the need to alter the Pentagon's policymaking organization to meet the national security challenges of the 1990s. This involved elimination of five existing assistant secretary positions—for international security affairs; international security policy; program analysis and evaluation; force management and personnel; and production and logistics. In addition he changed the position of the official responsible for public affairs from an assistant secretary to an assistant to the secretary of defense.

Aspin retained existing assistant secretary positions for special operations and low intensity conflict; reserve affairs; health affairs; command, control, communications, and intelligence (C³I); and legislative affairs. He established five new assistant secretary positions: for regional security affairs; strategy, requirements, and resources; nuclear security and counterproliferation; policy and plans; and economic security. Aspin could not fill still another proposed assistant secretary position—for democracy and peacekeeping—because the nominee for the office never received Senate confirmation. The net result of the Aspin changes was 10 assistant secretary positions, with the eleventh authorized position (based on PL 98-94, 24 September 1983) unfilled.

SOURCES: "Aspin Overhauls Pentagon to Bolster Policy Role," *New York Times*, 28 January 1993; "Defense Policy Posts Restructured," *Washington Post*, 28 January 1993.

8. Designation of the Assistant Secretary of Defense for Legislative Affairs as a Statutory Position, 1993

When considering the National Defense Authorization Act for Fiscal Year 1994, the Senate Armed Services Committee studied Secretary of Defense Aspin's proposals for reorganization of the Office of the Secretary of Defense, paying particular attention to his plan to redesignate several assistant secretary

of defense positions, including “the apparent plan to forego designation of the head of legislative affairs as an Assistant Secretary of Defense.” The committee reported its belief “that the legislative affairs function is extremely important to both the Department and the Congress” and wrote into the draft bill a provision designating one of the assistant secretaries as assistant secretary of defense for legislative affairs. The House version of the bill did not contain such a provision, but in the conference committee the House receded and the Senate provision appeared in Section 905 of the National Defense Authorization Act for Fiscal Year 1994 (PL 103-160, 30 November 1993) as follows: “One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.” This provision ensured retention of the position of assistant secretary of defense for legislative affairs, with statutory standing.

SOURCE: *National Defense Authorization Act for Fiscal Year 1994*, 103 Cong, 1 sess, Senate Report No. 103-112, 27 July 1993 (Washington: GPO, 1993), 172.

9. Establishment of the Position of Under Secretary of Defense for Personnel and Readiness, 1993

As part of his 1993 restructuring, Secretary Aspin concluded that there was no central focal point in OSD to ensure the overall soundness of DoD's readiness program. The military departments, the Joint Chiefs of Staff, and the combatant commanders as well as OSD were all involved in readiness activities. In proposing the new position of under secretary of defense for personnel and readiness Aspin intended to create a high-level OSD executive to coordinate the department's efforts in these areas.

Section 903 of the National Defense Authorization Act for Fiscal Year 1994 (PL 103-160, 30 November 1993) reduced the number of assistant secretaries of defense from 11 to 10, because the new position of under secretary of defense for personnel and readiness assumed the functions of the assistant secretary of defense for force management and personnel. The law created the position of under secretary of defense for personnel and readiness as follows:

- (a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate.
- (b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary, and nonappropriated fund activities, personnel requirements for weapons support, National Guard and Reserve components, and health affairs.

- (c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Comptroller.

SOURCES: *National Defense Authorization Act for Fiscal Year 1994*, 103 Cong, 1 sess, Senate Report No. 103-112, 27 July 1993 (Washington: GPO, 1993); *National Defense Authorization Act for Fiscal Year 1994*, 103 Cong, 1 sess, House Report No. 103-200, 30 July 1993 (Washington: GPO, 1993); *National Defense Authorization Act for Fiscal Year 1994*, Conference Report, 103 Cong, 1 sess, House Report No. 103-357, 10 November 1993 (Washington: GPO, 1993).

10. Changes in the Department of Defense Comptroller Position, 1993-1994

Section 901 of the National Defense Authorization Act for Fiscal Year 1994 (PL 103-160, 30 November 1993) enhanced the position of the comptroller of the Department of Defense. The office received precedence in DoD after the under secretary of defense for policy, elevating the comptroller above the assistant secretaries of defense.

Section 902 of PL 103-160 gave the comptroller the additional designation of chief financial officer (as established in the Chief Financial Officers Act of 1990, PL 101-576, 15 November 1990).

Section 902 also contained a congressional information responsibilities provision that originated in the Senate bill. The Senate Armed Services Committee expressed concern "that vital budgetary, fiscal, and analytic information is not being provided in a timely and uniform manner to all the congressional defense committees." This resulted in the following instruction to the comptroller, included in the law: "The Comptroller shall ensure that the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each informed, in a timely manner, regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Comptroller."

Later, in considering the draft National Defense Authorization Act for Fiscal Year 1995, the House Armed Services Committee noted that all other positions at executive pay level III in the Office of the Secretary of Defense carried the title "under secretary" except that of the comptroller. The committee added a provision to the bill changing the comptroller's title to under secretary of defense (comptroller). In the conference committee the Senate agreed to the change, which became Section 903 of the National Defense Authorization Act for Fiscal Year 1995 (PL 103-337, 5 October 1994).

SOURCES: *National Defense Authorization Act for Fiscal Year 1994*, 103 Cong, 1 sess, Senate Report No. 103-112, 27 July 1993 (Washington: GPO, 1993); *National Defense Authorization Act for Fiscal Year 1994*, 103 Cong, 1 sess, House Report No. 103-200, 30 July 1993 (Washington: GPO, 1993); *National Defense Authorization Act for Fiscal Year 1994*, Conference Report, 103 Cong, 1 sess, House Report No. 103-357, 10 November 1993 (Washington: GPO, 1993); *National Defense Authorization Act for Fiscal Year 1995*, 103 Cong, 2 sess, House Report No. 103-701, 12 August 1994 (Washington: GPO, 1994).

11. Changes in the Assistant Secretary of Defense Positions, 1994

Secretary of Defense William J. Perry, who took office in February 1994, replaced Aspin's assistant secretary of defense structure with one organized along more traditional lines. He dropped three of Aspin's assistant secretary positions—regional security affairs, nuclear security and counterproliferation, and policy and plans. He replaced these positions in 1994 with new assistant secretaries for international security affairs, international security policy, and force management policy. See Appendix 1 for OSD organization charts dated January 1994 and January 1995.

12. Increase in the Number of Assistant Secretaries of Defense, 1994

When considering in 1994 the draft defense authorization bill for fiscal year 1995, the Senate Armed Services Committee noted the importance of the OSD public affairs function, then held by the assistant to the secretary of defense for public affairs. Responding to a request from the deputy secretary of defense for an assistant secretary position for the public affairs function, the committee added a section to the bill increasing the number of authorized assistant secretary positions from 10 to 11, with the new slot intended for public affairs. Section 901 of the National Defense Authorization Act for Fiscal Year 1995 (PL 103-337, 5 October 1994) authorized the increase but did not specifically allocate it to public affairs. Eventually, on 29 March 1996, the Department of Defense issued Defense Directive 5122.5, changing the title from the assistant to the secretary of defense for public affairs to assistant secretary of defense for public affairs.

SOURCES: *National Defense Authorization Act for Fiscal Year 1995*, 103 Cong, 2 sess, Senate Report No. 103-282, 14 June 1994 (Washington: GPO, 1994); *National Defense Authorization Act for Fiscal Year 1995*, Conference Report, 103 Cong, 2 sess, House Report No. 103-701, 12 August 1994 (Washington: GPO, 1994).

13. Decrease in the Number of Assistant Secretaries of Defense and Termination of Statutory Specification, 1996

Section 902 of the National Defense Authorization Act for Fiscal Year 1996 (PL 104-106, 10 February 1996) reduced the number of authorized assistant secretaries of defense from 11 to 10, even though the Department of Defense had requested an increase to 12. Section 903 of this law, effective 31 January 1997, also terminated the statutory specification of certain assistant secretary of defense positions—for health affairs, manpower and logistics, and special operations and low intensity conflict (SOLIC). The change was not intended to suggest elimination of the offices but rather to give the secretary of defense broader latitude in reorganizing OSD, which the law encouraged. The conference report on the legislation nonetheless urged the secretary of defense to vest the special operations and low intensity conflict function in a presidentially-appointed officer with SOLIC as his principal responsibility.

SOURCES: *National Defense Authorization Act for Fiscal Year 1996*, 104 Cong, 1 sess, House Report No. 104-131, 1 June 1995 (Washington: GPO, 1995); *National Defense Authorization Act for Fiscal Year 1996*, 104 Cong, 1 sess, Senate Report No. 104-112, 12 July 1995 (Washington: GPO, 1995); *National Defense Authorization Act for Fiscal Year 1996*, Conference Report, 104 Cong, 2 sess, House Report No. 104-450, 22 January 1996 (Washington: GPO, 1996); *National Defense Authorization Act for Fiscal Year 1997*, 104 Cong, 2 sess, Senate Report No. 104-267, 13 May 1996 (Washington: GPO, 1996); *National Defense Authorization Act for Fiscal Year 1997*, Conference Report, 104 Cong, 2 sess, House Report No. 104-724, 30 July 1996 (Washington: GPO, 1996).

14. Repeal and Reinstatement of Certain OSD Statutory Positions, 1996

The National Defense Authorization Act for Fiscal Year 1996 (PL 104-106, Sec. 903, 10 February 1996) repealed certain mandated statutory positions—deputy under secretary of defense for acquisition and technology, deputy under secretary of defense for policy, director of defense research and engineering, and assistant to the secretary of defense for nuclear and chemical and biological programs. In proposing this provision the House Committee on National Security reported “that repeal of these [statutory] provisions does not require and should not be interpreted to mean the elimination of any of the affected offices. The committee recommends this action without prejudice toward any of these offices and intends only to extend the Secretary the broadest possible latitude in pursuing reorganizational efforts free of legislatively-driven constraints.” Congress reversed itself later in Section 901 of the National Defense Authorization Act for Fiscal Year 1997 (PL 104-201, 23 September 1996), revoking the section of PL 104-106 pertaining to repeal of statutory positions. With this change, Congress gave the secretary of defense a chance, after a review of OSD structure, to “propose legislative changes . . . if there is a recommendation to eliminate any of the current statutorily-required positions.”

SOURCES: *National Defense Authorization Act for Fiscal Year 1996*, 104 Cong, 1 sess, House Report No. 104-131, 1 June 1995 (Washington: GPO, 1995), 244; *National Defense Authorization Act for Fiscal Year 1997*, Conference Report, 104 Cong, 2 sess, House Report No. 104-724, 30 July 1996 (Washington: GPO, 1996), 777.

15. Redesignation of the Position of Assistant to the Secretary of Defense for Atomic Energy, 1996

Section 904 of the National Defense Authorization Act for Fiscal Year 1996 (PL 104-106, 10 February 1996) redesignated the position of assistant to the secretary of defense for atomic energy as assistant to the secretary of defense for nuclear and chemical and biological defense programs, to more accurately describe his duties. In 1998 Congress refused to act on a DoD request for repeal of the statutory requirement for this position. Though not abolished, the position remained vacant from February 1998 to November 2001.

16. Establishment of the Joint Requirements Oversight Council (JROC) as a Statutory Organization, 1997

In 1986 the Joint Requirements Oversight Council replaced the Joint Requirements and Management Board, established by the Joint Chiefs of Staff in 1984 to monitor and advise the JCS on major development and acquisition projects. In April 1987 the vice chairman of the JCS became the JROC chairman. The JROC evolved from an organization mainly screening acquisition requests developed elsewhere, including the services, to validating proposals for major acquisitions before the formal acquisition decision process. In the National Defense Authorization Act for Fiscal Year 1996 (PL 104-106, Sec. 905, 10 February 1996), Congress made JROC a statutory organization established by the secretary of defense, effective 31 January 1997. This law designated the JCS chairman as the chairman of JROC. Section 905 follows:

- (a) **IN GENERAL** — (1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

Sec. 181. Joint Requirements Oversight Council

- (a) **ESTABLISHMENT**—The Secretary of Defense shall establish a Joint Requirements Oversight Council in the Department of Defense.
- (b) **MISSION**—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall—
- (1) assist the Chairman of the Joint Chiefs of Staff in identifying and assessing the priority of joint military requirements (including existing systems and equipment) to meet the national military strategy;
 - (2) assist the Chairman in considering alternatives to any acquisition program that has been identified to meet military requirements by evaluating the cost, schedule, and performance criteria of the program and of the identified alternatives; and
 - (3) as part of its mission to assist the Chairman in assigning joint priority among existing and future programs meeting valid requirements, ensure that the assignment of such priorities conforms to and reflects resource levels projected by the Secretary of Defense through defense planning guidance.
- (c) **COMPOSITION**—(1) The Joint Requirements Oversight Council is composed of—
- (A) the Chairman of the Joint Chiefs of Staff, who is the chairman of the Council;
 - (B) an Army officer in the grade of general;

- (C) a Navy officer in the grade of admiral;
 - (D) an Air Force officer in the grade of general; and
 - (E) a Marine Corps officer in the grade of general.
- (2) Members of the Council, other than the Chairman of the Joint Chiefs of Staff, shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for such selection by the Secretary of the military department concerned.
 - (3) The functions of the Chairman of the Joint Chiefs of Staff as chairman of the Council may only be delegated to the Vice Chairman of the Joint Chiefs of Staff.
 - (4) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

181. Joint Requirements Oversight Council.

- (d) EFFECTIVE DATE—The amendments made by this section shall take effect on January 31, 1997.

SOURCES: *National Defense Authorization Act for Fiscal Year 1996*, Conference Report, 104 Cong, 2 sess, House Report No. 104-450, 22 January 1996 (Washington: GPO, 1996); on JROC's evolution during this period, see William A. Owens and James R. Blaker, "Overseeing Cross-Service Trade Offs," *Joint Force Quarterly* (Autumn 1996), 37-40.

Later in 1996, in the National Defense Authorization Act for Fiscal Year 1997 (PL 104-201, Sec. 908, 23 September 1996), because of its interest in securing oversight information for its committees, Congress added another statutory provision further defining the role of the JROC.

Section 181 of title 10, United States Code, as added effective January 31, 1997, is amended by adding at the end the following new subsection:

- (d) AVAILABILITY OF OVERSIGHT INFORMATION TO CONGRESSIONAL DEFENSE COMMITTEES—(1) The Secretary of Defense shall ensure that, in the case of a recommendation by the Chairman to the Secretary that is approved by the Secretary, oversight information with respect to such recommendation that is produced as a result of the activities of the Joint Requirements Oversight Council is made available in a timely fashion to the congressional defense committees.
- (2) In this subsection:
 - (A) The term "oversight information" means information and materials comprising analysis and justification that are prepared to support a recommendation that is made to, and approved by, the Secretary of Defense.

(B) The term “congressional defense committees” means—

- (i) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
- (ii) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

SOURCE: *National Defense Authorization Act for Fiscal Year 1997*, Conference Report, 104 Cong, 2 sess, House Report No. 104-724, 30 July 1996 (Washington: GPO, 1996).

17. Reduction in the Number of Assistant Secretary of Defense Positions, 1998

Section 901 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (PL 105-261, 17 October 1998) reduced the number of authorized assistant secretary of defense positions from 10 to 9. The section codified a reduction in the number of assistant secretaries proposed by Secretary of Defense William S. Cohen as part of the Defense Reform Initiative announced on 10 November 1997 to “aggressively apply to the Department those business practices that American industry has successfully used to become leaner and more flexible in order to remain competitive.”

SOURCE: *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*, Conference Report, 105 Cong, 2 sess, House Report No. 105-736, 22 September 1998 (Washington: GPO, 1998).

18. Repeal of the Statutory Requirement for the Position of Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (C³I), 1998

Section 902 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (PL 105-261, 17 October 1998) repealed the statutory requirement for the position of assistant secretary of defense (C³I). The conference committee report noted that the secretary of defense had made modifications in the office of the assistant secretary of defense (C³I) pursuant to the Defense Reform Initiative. The conferees stated that the title no longer described the office’s full range, and endorsed a new title, “assistant secretary of defense for space and information superiority.” The Department of Defense did not adopt the recommended title. On 8 May 2003 the title was changed by DoD to Assistant Secretary of Defense for Networks and Information Integration, ASD(NII).

SOURCE: *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*, Conference Report, 105 Cong, 2 sess, House Report No. 105-736, 22 September 1998 (Washington: GPO, 1998).

19. Establishment of the Position of Deputy Under Secretary of Defense for Logistics and Materiel Readiness, 1999

Section 911 of the National Defense Authorization Act for Fiscal Year 2000 (PL 106-65, 5 October 1999) created the position of deputy under secretary of defense for logistics and materiel readiness. To assist the under secretary of defense for acquisition, technology, and logistics, the House of Representatives proposed to invest these functions with “the organizational stature and visibility” that they deserved. Subjecting the position to Senate confirmation was “intended to enhance the quality” of nominees for the post and “increase congressional oversight of this critical area.”

The person in this position was to be the principal logistics official within the senior management of the Department of Defense and the principal adviser to the secretary of defense and the under secretary of defense for acquisition, technology and logistics on materiel readiness and logistics. The law described the official's duties as follows:

- (c) The Deputy Under Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology, and Logistics may assign, including—
 - (1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;
 - (2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition, Technology, and Logistics providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and
 - (3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.

SOURCE: *National Defense Authorization Act for Fiscal Year 2000*, Conference Report, 106 Cong, 1 sess, House Report No. 106-301, 6 August 1999 (Washington: GPO, 1999). Quoted material is from p. 783.

20. Permanent Requirement for a Quadrennial Defense Review (QDR), 1999

Title IX, Section 901 of the National Defense Authorization Act for Fiscal Year 2000 (PL 106-65, 5 October 1999) established a legislative mandate for a Quadrennial Defense Review. The National Defense Authorization Act for Fiscal Year 1997 (PL 104-201, 23 September 1996) had mandated a QDR for 1997 only, calling in Section 923 for “a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies with a view to-

ward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.” The secretary of defense was to submit a QDR to the Senate Armed Services Committee and the House National Security Committee by 15 May 1997. PL 104-201 had also set up a nonpartisan independent National Defense Panel to assess the QDR during its development and at its completion. The Senate proposed continuation of the National Defense Panel on a permanent basis, but because of opposition from the House of Representatives this provision did not appear in PL 106-65. Section 901 of PL 106-65 enacted an amendment that made the QDR permanent.

The text of Section 901 of PL 106-65 follows:

SEC. 901. PERMANENT REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW

(a) REVIEW REQUIRED—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 117 the following new section:

Sec. 118. Quadrennial defense review

(a) REVIEW REQUIRED—The Secretary of Defense shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a ‘quadrennial defense review’) of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years. Each such quadrennial defense review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

(b) CONDUCT OF REVIEW—Each quadrennial defense review shall be conducted so as—

(1) to delineate a national defense strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U. S. C. 404a);

(2) to define sufficient force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with that national defense strategy that would be required to execute successfully the full range of missions called for in that national defense strategy; and

(3) to identify (A) the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in that national defense strategy at a low-to-moderate level of risk, and (B) any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(c) ASSESSMENT OF RISK—The assessment of risk for the purposes of subsection (b) shall be undertaken by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff. That assessment shall define the nature and magnitude of the political, strategic, and military risks associated with executing the missions called for under the national defense strategy.

(d) **SUBMISSION OF QDR TO CONGRESSIONAL COMMITTEES**—The Secretary shall submit a report on each quadrennial defense review to the Committees on Armed Services of the Senate and the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted. The report shall include the following:

- (1) The results of the review, including a comprehensive discussion of the national defense strategy of the United States and the force structure best suited to implement that strategy at a low-to-moderate level of risk.
- (2) The assumed or defined national security interests of the United States that inform the national defense strategy defined in the review.
- (3) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.
- (4) The assumptions used in the review, including assumptions relating to—
 - (A) the status of readiness of United States forces;
 - (B) the cooperation of allies, mission-sharing and additional benefits to and burdens on United States forces resulting from coalition operations;
 - (C) warning times;
 - (D) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies; and
 - (E) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies.
- (5) The effect on the force structure and on readiness for high-intensity combat of preparations for and participation in operations other than war and smaller-scale contingencies.
- (6) The manpower and sustainment policies required under the national defense strategy to support engagement in conflicts lasting longer than 120 days.
- (7) The anticipated roles and missions of the reserve components in the national defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.
- (8) The appropriate ratio of combat forces to support forces (commonly referred to as the 'tooth-to-tail' ratio) under the national defense strategy, including, in particular, the appropriate number and size of headquarters units and Defense Agencies for that purpose.
- (9) The strategic and tactical air-lift, sea-lift, and ground transportation capabilities required to support the national defense strategy.
- (10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the national defense strategy for conflict deterrence and adequate military response to anticipated conflicts.
- (11) The extent to which resources must be shifted among two or more theaters under the national defense strategy in the event of conflict in such theaters.
- (12) The advisability of revisions to the Unified Command Plan as a result of the national defense strategy.

(13) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

(14) Any other matter the Secretary considers appropriate.

(e) CJCS REVIEW—Upon the completion of each review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk. The Chairman's assessment shall be submitted to the Secretary in time for the inclusion of the assessment in the report. The Secretary shall include the Chairman's assessment, together with the Secretary's comments, in the report in its entirety.

(2) The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 117 the following new item:

‘118. Quadrennial defense review.’.

(b) DATE FOR SUBMISSION OF NATIONAL SECURITY STRATEGY—Section 108(a) of the National Security Act of 1947 (50 U.S.C. 404a(a)) is amended by adding at the end the following new paragraph:

(3) Not later than 150 days after the date on which a new President takes office, the President shall transmit to Congress a national security strategy report under this section. That report shall be in addition to the report for that year transmitted at the time specified in paragraph (2).’.

(c) SPECIFIED MATTER FOR NEXT QDR—In the first quadrennial defense review conducted under section 118 of title 10, United States Code, as added by subsection (a), the Secretary shall include in the technologies considered for the purposes of paragraph (13) of subsection (d) of that section the following: precision guided munitions, stealth, night vision, digitization, and communications.

SOURCES: *National Defense Authorization Act for Fiscal Year 2000*, 106 Cong, 1 sess, Senate Report No. 106-50, 17 May 1999 (Washington: GPO, 1999); *National Defense Authorization Act for Fiscal Year 2000*, Conference Report, 106 Cong, 1 sess, House Report No. 106-301, 6 August 1999 (Washington: GPO, 1999).

Title IX, Section 922 of PL 107-314, 2 December 2002, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, allowed submission of the Quadrennial Defense Review report “in the year following the year in which the review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress.”

21. Designation of Assistant Secretary of Defense to Exercise Overall Supervision of DoD Activities for Combating Terrorism, 2000

In 2000, while considering the draft National Defense Authorization Act for Fiscal Year 2001, the Senate Committee on Armed Services expressed its concern “that there is currently no single individual responsible for policy oversight at the Department [of Defense] to ensure a focused, comprehensive, cohesive, and well-funded DoD combating terrorism policy.” By inserting in the bill a provi-

sion to establish a position with such responsibilities, the committee intended to ensure inclusion of the DoD program for combating terrorism as a single entity in the Programming, Planning, and Budgeting System (PPBS) of the department. The Senate committee specified that the assistant secretary of defense for special operations and low intensity conflict (SOLIC) should be designated as the principal senior DoD official responsible for combating terrorism.

The House of Representatives did not raise this issue when it took up the FY 2001 authorization bill, but the House put forth an amendment, which the conference committee accepted, allowing the secretary of defense to designate any one of the assistant secretaries of defense to supervise activities combating terrorism. The House amendment also stated that if the secretary of defense designated an assistant secretary other than the assistant secretary for SOLIC, "then the responsibilities of the ASD-SOLIC relating to combating terrorism shall be exercised subject to this provision." The Floyd D. Spence Authorization Act for Fiscal Year 2001 (PL 106-398, Sec. 901, 30 October 2000) contained these provisions:

**SEC. 901. OVERALL SUPERVISION OF DEPARTMENT OF DEFENSE
ACTIVITIES FOR COMBATING TERRORISM**

Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) One of the Assistant Secretaries, as designated by the Secretary of Defense from among those Assistant Secretaries with responsibilities that include responsibilities related to combating terrorism, shall have, among that Assistant Secretary's duties, the duty to provide overall direction and supervision for policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for combating terrorism, including antiterrorism activities, counterterrorism activities, terrorism consequences management activities, and terrorism-related intelligence support activities.

"(B) the Assistant Secretary designated under subparagraph (A) shall be the principal civilian adviser to the Secretary of Defense on combating terrorism and (after the Secretary and Deputy Secretary) shall be the principal official within the senior management of the Department of Defense responsible for combating terrorism.

"(C) If the Secretary of Defense designates under subparagraph (A) an Assistant Secretary other than the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, then the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict related to combating terrorism shall be exercised subject to subparagraph (B)."

SOURCES: *National Defense Authorization Act for Fiscal Year 2001*, 106 Cong., 2 sess, Senate Report No. 106-292, 12 May 2000 (Washington: GPO, 2000); *Enactment of Provisions of H.R. 5408, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001*, Conference Report, 106 Cong., 2 sess, House Report No. 106-945, 6 October 2000 (Washington: GPO, 2000). Quoted material is from Senate Report No. 106-292, p. 335; House Report No. 106-945, p. 834.

22. Establishment of the Position of Deputy Under Secretary of Defense for Personnel and Readiness and Reduction in the Number of Assistant Secretaries of Defense, 2001

In 1993, at Secretary of Defense Aspin's request, Congress had established the position of under secretary of defense for personnel and readiness. An assistant secretary of defense (force management policy), a position created by DoD Directive 5124.5, 31 October 1994, reported to this official. In the National Defense Authorization Act for Fiscal Year 2002 (Sec. 901, PL 107-107, 28 December 2001), Congress established a new position of deputy under secretary of defense for personnel and readiness. Also the law reduced the number of assistant secretaries of defense from 9 to 8, without specifying which assistant secretary position would be abolished. When the new deputy under secretary for personnel and readiness took office in 2002, he assumed the duties of the assistant secretary of defense (force management policy), and OSD eliminated that position. DoD Directive 5124.8, 16 July 2003, entitled the position Principal Deputy Under Secretary of Defense (Personnel and Readiness).

SOURCES: *National Defense Authorization Act for Fiscal Year 2002*, 107 Cong, 1 sess, Senate Report No. 107-62, 12 September 2001 (Washington: GPO, 2001); *National Defense Authorization Act for Fiscal Year 2002*, Conference Report, 107 Cong, 1 sess, House Report No. 107-333, 12 December 2001 (Washington: GPO, 2001).

23. Establishment of the Positions of Under Secretary of Defense for Intelligence and Assistant Secretary of Defense for Homeland Defense, 2002

During consideration of what became the National Defense Authorization Act for Fiscal Year 2002 (PL 107-107, 28 December 2001), the Senate, influenced by the recommendations of the Commission to Assess United States National Security Space Management and Organization, favored creation of an under secretary of defense for space, intelligence, and information. However, the conference committee for the bill did not include the proposal in the final text of the law. Still concerned about the need, especially in the intelligence area, Congress in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Sec. 901, PL 107-314, 2 December 2002) created the new position of under secretary of defense for intelligence. The law also specified in Section 902 that there should be an assistant secretary of defense for homeland defense. It repealed the provision in PL 107-107 that had reduced the number of assistant secretaries of defense from 9 to 8.

SOURCES: *National Defense Authorization Act for Fiscal Year 2003*, 107 Cong, 2 sess, Senate Report No. 107-151, 15 May 2002 (Washington: GPO, 2002); *National Defense Authorization Act for Fiscal Year 2003*, Conference Report, 107 Cong, 2 sess, House Report No. 107-772, 12 Nov 2002 (Washington: GPO, 2002).

24. Changes in Defense Agencies, 1988-2003

During these years changes included creation of new agencies, consolidation of existing organizations, and retitling of existing agencies. In some instances the agencies came into being and began operations days, months, or years before a DoD directive was issued.

- 15 January 1988: On-Site Inspection Agency established. DoD Directive TS-5134.2, 28 January 1988.
- 9 November 1990: Defense Commissary Agency established. DoD Directive 5105.55, 9 November 1990.
- 26 November 1990: Defense Finance and Accounting Service established. DoD Directive 5118.5, 26 November 1990.
- 25 June 1991: Defense Information Systems Agency succeeded (name change) Defense Communications Agency (established 12 May 1960). DoD Directive 5105.19, 25 June 1991.
- 15 March 1993: Defense Advanced Research Projects Agency (DARPA) renamed Advanced Research Projects Agency. Memorandum, William J. Perry to Secretaries of the Military Departments, et al, 15 March 1993.
- 14 July 1993: Ballistic Missile Defense Organization succeeded the Strategic Defense Initiative Organization. DoD Directive 5134.9, 14 June 1994.
- 10 February 1996: Advanced Research Projects Agency renamed Defense Advanced Research Projects Agency in the National Defense Authorization Act for Fiscal Year 1996 (Sec. 908, PL 104-106, 10 February 1996). This act restored the name the agency had had before 1993, when Deputy Secretary of Defense Perry deleted "Defense" from the agency's name. In House Report 104-131, 1 June 1995, the House Committee on National Security explained that in 1993, when "Defense" was dropped from the name, the agency was directed "to assume significantly increased responsibilities for managing defense reinvestment programs." *The committee noted that this change resulted in doubling the agency's budget "and a dilution in the focus the agency once provided to national security programs and priorities."* The committee included the name change in its bill, a provision accepted by the conference committee in January 1996. DoD Directive 5134.10, 17 February 1995, reissued with changes 11 March 1996 and 16 July 2001.
- 31 May 1996: Defense Special Weapons Agency succeeded (name change) the Defense Nuclear Agency. DoD Directive 5105.31, 31 May 1996.
- 23 September 1996: The National Defense Authorization Act for Fiscal Year 1997 (Sec. 1101, PL 104-201, 23 September 1996) established the National Imagery and Mapping Agency (NIMA). Congress found in the law that "there is a need within the Department of Defense and the Intelligence Community of the United States to provide a single agency focus for the growing number and diverse types of customers for imagery and geospatial information resources within the Government, to ensure visibility and accountability for those resources, and to harness, leverage, and focus rapid

technological developments to serve the imagery, imagery intelligence, and geospatial information customers.”

The National Imagery and Mapping Agency was designated a combat support agency in the Department of Defense. It was to assume missions and functions of the Defense Mapping Agency, the Central Imagery Office, and other elements of the Department of Defense, as well as the CIA's National Photographic Interpretation Center. NIMA's director was to be appointed by the president on the recommendation of the secretary of defense. The law specified that NIMA should provide, in support of the national security objectives of the United States, imagery, imagery intelligence, and geospatial information. NIMA began operations on 1 October 1996. DoD Directive 5105.60, 11 October 1996. See also 24 November 2003.

- 25 November 1997: Defense Security Service succeeded (name change) the Defense Investigative Service (established 1 January 1972). DoD Directive 5105.42, 13 May 1999.
- 1 October 1998: Defense Security Cooperation Agency succeeded (name change) the Defense Security Assistance Agency (established 1 September 1971). DoD Directive 5105.65, 31 October 2000.
- 1 October 1998: The secretary of defense established the Defense Threat Reduction Agency (DTRA), consolidating the Defense Technology Security Administration, the Defense Special Weapons Agency, the On-Site Inspection Agency, and staff elements of the office of the Secretary of Defense. DTRA functions included technology security activities, cooperative threat reduction programs, arms control treaty monitoring and on-site inspection, force protection, nuclear, biological, and chemical defense, and counter-proliferation. The agency supports the U.S. nuclear deterrent and provides technical support to Department of Defense organizations on matters relating to weapons of mass destruction. DoD Directive 5105.62, 30 September 1998.
- 27 March 2000: Defense Contract Management Agency established to succeed the Defense Contract Management Command. DoD Directive 5105.64, 27 September 2000.
- 4 January 2002: Secretary of Defense Donald Rumsfeld renamed the Ballistic Missile Defense Organization as the Missile Defense Agency. DoD Directive 5134.9, 9 October 2004, followed.
- 3 May 2002: Pentagon Force Protection Agency established to provide expanded force protection, security, and law enforcement for the Pentagon Reservation and for DoD-occupied facilities in the National Capital Region not under the jurisdiction of a Military Department. DoD Directive 5105.68, 2 May 2002.
- 24 November 2003: National Imagery and Mapping Agency (see 23 September 1996) redesignated National Geospatial-Intelligence Agency by Section 921 of the National Defense Authorization Act for Fiscal Year 2004, PL 108-136.

IV

Functions of the Department of Defense and the Joint Chiefs of Staff, 1978-2003

1. Department of Defense Directive 5100.1, 26 January 1980

On 16 March 1954 the Department of Defense issued the initial version of DoD Directive 5100.1, "Functions of the Armed Forces and the Joint Chiefs of Staff," and on 31 December 1958 released a completely revised version.* These documents included decisions made earlier about roles and missions of the armed forces and the functions of the Joint Chiefs of Staff. The next issuance of DoD Directive 5100.1, titled "Functions of the Department of Defense and Its Major Components," appeared on 26 January 1980. It did not contain significant substantive changes from the previous version. The text is printed here for purposes of comparison with the version released in 2002.

January 26, 1980
NUMBER 5100.1

Department of Defense Directive

SUBJECT: Functions of the Department of Defense and its Major Components

References:

- (a) DoD Directive 5100.1, subject as above, December 31, 1958 (hereby canceled)
- (b) Title 50, United States Code, Section 401, Section 2 of the National Security Act of 1947, as amended

* See Alice C. Cole et al, eds., *The Department of Defense: Documents on Establishment and Organization, 1944-1978* (Washington: Historical Office, Office of the Secretary of Defense, 1978), 293-306, 316-24.

(c) DoD Directive 5158.1, “Organization of the Joint Chiefs of Staff and Relationships with the Office of the Secretary of Defense,” January 26, 1980

(d) Title 10, United States Code, Section 125, (National Security Act of 1947, as amended)

A. REISSUANCE AND PURPOSE

1. This Directive reissues reference (a).

2. Under the authority of reference (b), Congress described the basic policy embodied in the Act as follows:

“In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff.”

3. To provide guidance in accordance with the policy declared by Congress, the Secretary of Defense, with the approval of the President, hereby promulgates the following statement of the functions of the Department of Defense and its major components.

B. ORGANIZATIONAL RELATIONSHIPS IN THE DEPARTMENT OF DEFENSE

1. All functions in the Department of Defense and its component agencies are performed under the direction, authority, and control of the Secretary of Defense.

2. The Department of Defense includes the Office of the Secretary of Defense, the Military Departments and the Military Services within those Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and such other agencies as the Secretary of Defense establishes to meet specific requirements.

a. In providing immediate staff assistance and advice to the Secretary of Defense, the Office of the Secretary of Defense and the Organization of the Joint Chiefs of Staff, though separately identified and organized, function in full coordination and cooperation in accordance with DoD Directive 5158.1 (reference (c)).

(1) The Office of the Secretary of Defense includes the offices of the Under Secretaries of Defense; Assistant Secretaries of Defense; the General Counsel of the Department of Defense; the Assistants to the Secretary of Defense; and such other staff offices as the Secretary of Defense establishes to assist him in carrying out his duties and responsibilities. The functions of the heads of these offices shall be as assigned by the Secretary of Defense in accordance with existing laws.

(2) The Joint Chiefs of Staff, as a group, are directly responsible to the Secretary of Defense for the functions assigned to them. Each member of the Joint Chiefs of Staff, other than the Chairman, is responsible for keeping the Secretary of his Military Department fully informed on matters considered or acted upon by the Joint Chiefs of Staff.

b. Each Military Department (the Department of the Navy to include naval aviation and the United States Marine Corps) shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense. The Secretary of a Military Department shall be responsible to the Secretary of Defense for the operation of such Department as well as its efficiency. Orders to the Military Departments shall be issued through the Secretaries of these Departments, or their designees, by the Secretary of Defense or under authority specifically delegated in writing by the Secretary of Defense or provided by law.

c. Commanders of Unified and Specified Commands are responsible to the President and the Secretary of Defense for the accomplishment of the military missions assigned to them. The chain of command runs from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the commanders of Unified and Specified Commands. Orders to such commanders shall be issued by the President or the Secretary of Defense, or by the Joint Chiefs of Staff by the authority and direction of the Secretary of Defense. These commanders shall have full operational command over the forces assigned to them and shall perform such functions as are prescribed by the Unified Command Plan and other directives issued by competent authority.

3. The functions assigned hereafter may be transferred, reassigned, abolished, or consolidated by the Secretary of Defense in accordance with the procedures established and the authorities provided in the National Security Act of 1947, as amended (10 U.S.C. 125) (reference (d)).

C. FUNCTIONS OF THE DEPARTMENT OF DEFENSE

As prescribed by higher authority, the Department of Defense shall maintain and employ armed forces to:

1. Support and defend the Constitution of the United States against all enemies, foreign and domestic.

2. Ensure, by timely and effective military action, the security of the United States, its possessions, and areas vital to its interest.

3. Uphold and advance the national policies and interests of the United States.

4. Safeguard the internal security of the United States.

D. FUNCTIONS OF THE JOINT CHIEFS OF STAFF

The Joint Chiefs of Staff, consisting of the Chairman; the Chief of Staff, U.S. Army; the Chief of Naval Operations; the Chief of Staff, U.S. Air Force; and the Commandant of the Marine Corps, and supported by the Organization of the Joint Chiefs of Staff, constitute the immediate military staff of the Secretary of Defense. The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense. In performance of their functions of advising and assisting the Secretary of Defense, and subject to the authority and direction of the President and the Secretary of Defense, it shall be the duty of the Joint Chiefs of Staff to:

1. Serve as advisers and as military staff in the chain of operational command with respect to Unified and Specified Commands, to provide a channel of communications from the President and Secretary of Defense to Unified and Specified Commands, and to coordinate all communications in matters of joint interest addressed to the commanders of the Unified or Specified Commands by other authority.
2. Prepare strategic plans and provide for the strategic direction of the armed forces, including the direction of operations conducted by commanders of Unified and Specified Commands and the discharge of any other function of command for such commands directed by the Secretary of Defense.
3. Prepare joint logistic plans and assign logistic responsibilities to the Military Services and the Defense Logistics Agency in accordance with those plans; ascertain the logistic support available to execute the general war and contingency plans of the commanders of the Unified and Specified Commands; review and recommend to the Secretary of Defense appropriate logistic guidance for the Military Services which, if implemented, shall result in logistic readiness consistent with the approved strategic plans.
4. Prepare integrated plans for military mobilization.
5. Provide adequate, timely, and reliable joint intelligence for use within the Department of Defense.
6. Review major personnel, materiel, and logistic requirements of the armed forces in relation to strategic and logistic plans.
7. Review the plans and programs of commanders of Unified and Specified Commands to determine their adequacy, feasibility, and suitability for the performance of assigned missions.
8. Provide military guidance for use by the Military Departments, the armed forces, and the defense agencies in the preparation of their respective detailed plans.
9. Participate, as directed, in the preparation of combined plans for military action in conjunction with the armed forces of other nations.
10. Recommend to the Secretary of Defense the establishment and force structure of Unified and Specified Commands in strategic areas.
11. Determine the headquarters support, such as facilities, personnel, and communications, required by commanders of Unified and Specified Commands, and recommend the assignment to the Military Departments of the responsibilities for providing such support.

12. Establish doctrines for unified operations and training, and for coordination of the military education of members of the armed forces.

13. Recommend to the Secretary of Defense the assignment of primary responsibility for any function of the armed forces requiring such determination and the transfer, reassignment, abolition, or consolidation of such functions.

14. Prepare and submit to the Secretary of Defense, for information and consideration in connection with the preparation of budgets, statements of military requirements based upon U.S. strategic considerations, current national security policy, and strategic war plans. These statements of requirements shall include tasks, priority of tasks, force requirements, and general strategic guidance for developing military installations and bases and for equipping and maintaining military forces.

15. Advise and assist the Secretary of Defense in research and engineering matters by preparing: statements of broad strategic guidance to be used in the preparation of an integrated DoD program; statements of overall military requirements; statements of the relative military importance of development activities to meet the needs of the Unified and Specified commanders; and recommendations for the assignment of specific new weapons to the armed forces.

16. Prepare and submit to the Secretary of Defense for information and consideration general strategic guidance for the development of industrial mobilization programs.

17. Prepare and submit to the Secretary of Defense military guidance for use in the development of military aid programs and other actions relating to foreign military forces, including recommendations for allied military force, materiel, and facilities requirements related to U.S. strategic objectives, current national security policy, strategic war plans, and the implementation of approved programs; and make recommendations to the Secretary of Defense, as necessary, to keep the Military Assistance Program in consonance with agreed strategic concepts.

18. Provide U.S. representation on the Military Staff Committee of the United States Mission to the United Nations, in accordance with the provisions of the Charter of the United Nations, and representation on other properly authorized military staffs, boards, councils, and missions.

19. Perform such other duties as the President or the Secretary of Defense may prescribe.

E. FUNCTIONS OF THE MILITARY DEPARTMENTS AND THE MILITARY SERVICES

1. The chain of command for purposes other than the operational direction of Unified and Specified Commands runs from the President to the Secretary of Defense to the Secretaries of the Military Departments.

2. The Military Departments, under their respective Secretaries and in accordance with sections B. and D., shall:

a. Prepare forces and establish reserves of equipment and supplies for the effective prosecution of war, and plan for the expansion of peacetime components to meet the needs of war.

b. Maintain mobile reserve forces in readiness, properly organized, trained, and equipped for employment in an emergency.

c. Provide adequate, timely, and reliable departmental intelligence for use within the Department of Defense.

d. Organize, train, and equip forces for assignment to Unified or Specified Commands.

e. Recommend appropriate logistic guidance to the Secretary of Defense for their respective Military Departments that, if implemented, will result in logistic readiness consistent with approved strategic guidance; and verify the continuing adequacy of approved logistic guidance and the resources available to their respective Military Departments.

f. Prepare and submit budgets to the Secretary of Defense for their respective Departments; justify budget requests before the Congress as approved by the Secretary of Defense; and administer the funds made available for maintaining, equipping, and training the forces of their respective Departments, including those assigned to Unified and Specified Commands. The budget submissions to the Secretary of Defense by the Military Departments shall be prepared, among other considerations, on the basis of the advice of commanders of forces assigned to Unified and Specified Commands. Such advice, in the case of component commanders of Unified Commands, will be in agreement with the plans and programs of the respective Unified commanders.

g. Conduct research; develop tactics, techniques, and organization; and develop and procure weapons, equipment, and supplies essential to fulfill the functions hereafter assigned.

h. Develop, garrison, supply, equip, and maintain bases and other installations, including lines of communication, and provide administrative and logistic support for all forces and bases.

i. Provide, as directed, such forces, military missions, and detachments for service in foreign countries as may be required to support the national interest of the United States.

j. Assist in training and equipping the military forces of foreign nations.

k. Assist each other in the accomplishment of their respective functions, including the provision of personnel, intelligence, training, facilities, equipment, supplies, and services.

3. The forces developed and trained to perform the primary functions set forth hereafter shall be employed to support and supplement the other Military Services in carrying out their primary functions, where and whenever such participation shall result in increased effectiveness and shall contribute to the accomplishment of the overall military objectives. As for collateral functions, while the assignment of such functions may establish further justification for stated force requirements, such assignment shall not be used as the basis for establishing additional force requirements.

a. Functions of the Department of the Army

(1) The Department of the Army is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

(2) The Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein.

(3) The primary functions of the Army are to:

(a) Organize, train, and equip Army forces for the conduct of prompt and sustained combat operations on land; specifically, forces to defeat enemy land forces and to seize, occupy, and defend land area.

(b) Organize, train, and equip Army air defense units, including the provision of Army forces as required for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

(c) Organize, equip, and provide Army forces in coordination with the other Services, for joint amphibious and airborne operations, and to provide for the training of such forces, in accordance with doctrines established by the Joint Chiefs of Staff.

1 Develop, in coordination with the other Services, doctrines, tactics, techniques, and equipment of interest to the Army for amphibious operations not provided for in E.3.b.(3)(b)2 and E.3.b.(3)(d).

2 Develop, in coordination with the other Military Services, the doctrines, procedures, and equipment employed by Army and Marine Forces in airborne operations. The Army shall have primary interest in the development of those airborne doctrines, procedures, and equipment that are of common interest to the Army and the Marine Corps.

(d) Provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Army.

(e) Provide forces for the occupations of territories abroad, to include the initial establishment of military government pending the transfer of this responsibility to other authority.

(f) Formulate doctrines and procedures for the organizing, equipping, training, and employment of forces operating on land, except that the formulation of doctrines and procedures for the organization, equipping, training, and employment of Marine Corps' units for amphibious operations shall be a function of the Department of the Navy, coordinating as required by E.3.b.(3)(b)3.

(g) Conduct the following activities:

1 Functions relating to the management and operation of the Panama Canal as assigned by the Secretary or Deputy Secretary of Defense.

2 The authorized civil works program, including projects for improvement of navigation, flood control, beach erosion control, and other water resource developments in the United States, its territories, and its possessions.

3 Certain other civil activities prescribed by law.

(4) The collateral functions of the Army are to train forces to interdict enemy sea and air power and communications through operations on or from land.

b. Functions of the Department of the Navy

(1) The Department of the Navy is responsible for the preparation of Navy and Marine Corps forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Navy and Marine Corps to meet the needs of war.

(2) Within the Department of the Navy, the Navy includes naval combat and service forces and such aviation as may be organic therein, and the Marine Corps includes not less than three combat divisions and three air wings and such other land combat, aviation, and other services as may be organic therein.

(3) The primary functions of the Navy and the Marine Corps are to:

(a) Organize, train, and equip Navy and Marine Corps forces for the conduct of prompt and sustained combat operations at sea, including operations of sea-based aircraft and land-based naval air components, specifically, forces to seek out and destroy enemy naval forces and to suppress enemy sea commerce, to gain and maintain general naval supremacy, to control vital sea areas, to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign.

(b) Maintain the Marine Corps, whose specific functions are to:

1 Provide Fleet Marine forces of combined arms, together with supporting air components, for service with the Fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. These functions do not contemplate the creation of a second land Army.

2 Provide detachments and organizations for service on armed vessels of the Navy, and security detachments for the protection of naval property at naval stations and bases.

3 Develop, in coordination with the other Military Services, the doctrines, tactics, techniques, and equipment employed by landing forces in amphibious operations. The Marine Corps shall have primary interest in the development of those landing force doctrines, tactics, techniques, and equipment that are of common interest to the Army and the Marine Corps.

4 Train and equip, as required, Marine Forces for airborne operations in coordination with the other Military Services and in accordance with doctrines established by the Joint Chiefs of Staff.

5 Develop, in coordination with the other Military Services, doctrines, procedures, and equipment of interest to the Marine Corps for airborne operations not provided in E.3.a.(3)(c)2.

(c) Organize and equip, in coordination with the other Military Services, and provide naval forces, including naval close air-support forces, for the conduct of joint amphibious operations, and be responsible for the amphibious training of all forces assigned to joint amphibious operations, in accordance with doctrines established by the Joint Chiefs of Staff.

(d) Develop, in coordination with the other Military Services, the doctrines, procedures, and equipment of naval forces for amphibious operations, and the doctrines and procedures for joint amphibious operations.

(e) Furnish adequate, timely, and reliable intelligence for the Navy and Marine Corps.

(f) Organize, train, and equip naval forces for naval reconnaissance, antisubmarine warfare, and the protection of shipping and minelaying, including the air aspects thereof, and controlled minefield operations.

(g) Provide air support essential for naval operations.

(h) Provide sea-based air defense and the sea-based means for coordinating control for defense against air attack, coordinating with the other Military Services in matters of joint concern.

(i) Provide naval forces, including naval air forces, for the defense of the United States against air attack, in accordance with doctrines established by the Joint Chiefs of Staff.

(j) Furnish aerial photography, as necessary, for Navy and Marine Corps operations.

(4) The collateral functions of the Navy and the Marine Corps are to train forces to:

(a) Interdict enemy land and air power and communications through operations at sea.

(b) Conduct close air and naval support for land operations.

(c) Furnish aerial photography for cartographic purposes.

(d) Participate in the overall air effort, when directed.

(e) Establish military government, as directed, pending transfer of this responsibility to other authority.

c. Functions of the Department of the Air Force

(1) The Department of the Air Force is responsible for the preparation of the air forces necessary for the effective prosecution of war, except as otherwise assigned, and, in accordance with integrated mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

(2) The Air Force, within the Department of the Air Force, includes aviation forces, both combat and service, not otherwise assigned.

(3) The primary functions of the Air Force are to:

(a) Organize, train, and equip Air Force forces for the conduct of prompt and sustained combat operations in the air, specifically, forces to defend

the United States against air attack in accordance with doctrines established by the Joint Chiefs of Staff, to gain and maintain general air supremacy, to defeat enemy air forces, to control vital air areas, and to establish local air superiority, except as otherwise assigned herein.

(b) Develop doctrines and procedures, in coordination with the other Military Services, for the unified defense of the United States against air attack.

(c) Organize, train, and equip Air Force forces for strategic air warfare.

(d) Organize and equip Air Force forces for joint amphibious and airborne operations, in coordination with the other Military Services, and provide for their training in accordance with doctrines established by the Joint Chiefs of Staff.

(e) Furnish close combat and logistical air support to the Army, to include air lift, support, and resupply of airborne operations, aerial photography, tactical reconnaissance, and interdiction of enemy land power and communications.

(f) Provide air transport for the armed forces, except as otherwise assigned.

(g) Develop, in coordination with the other Military Services, doctrines, procedures, and equipment for air defense from land areas, including the continental United States.

(h) Formulate doctrines and procedures for the organizing, equipping, training, and employment of Air Force forces.

(i) Provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Air Force.

(j) Furnish aerial photography for cartographic purposes.

(k) Develop, in coordination with the other Military Services, tactics, techniques, and equipment of interest to the Air Force for amphibious operations not provided in E.3.b.(3)(b)3 and E.3.b.(3)(d).

(l) Develop, in coordination with the other Military Services, doctrines, procedures, and equipment employed by Air Force forces in airborne operations.

(4) The collateral functions of the Air Force are to train forces to:

(a) Interdict enemy sea power through air operations.

(b) Conduct antisubmarine warfare and protect shipping.

(c) Conduct aerial mine laying operations.

F. FUNCTIONS OF DoD AGENCIES

1. Defense Advanced Research Projects Agency (DARPA). See DoD Directive 5105.41, June 8, 1978.

2. Defense Audit Service (DAS). See DoD Directive 5105.48, October 14, 1976.

3. Defense Audiovisual Agency (DAVA). See DoD Directive 5040.1, June 12, 1979.

4. Defense Communications Agency (DCA). See DoD Directive 5105.19, August 10, 1978.
5. Defense Contract Audit Agency (DCAA). See DoD Directive 5105.36, June 8, 1978.
6. Defense Intelligence Agency (DIA). See DoD Directive 5105.21, May 19, 1977.
7. Defense Investigative Service (DIS). See DoD Directive 5105.42, July 19, 1978.
8. Defense Logistics Agency (DLA). See DoD Directive 5105.22, June 8, 1978.
9. Defense Mapping Agency (DMA). See DoD Directive 5105.40, August 10, 1978.
10. Defense Nuclear Agency (DNA). See DoD Directive 5105.31, November 3, 1971.
11. Defense Security Assistance Agency (DSAA). See DoD Directive 5105.38, August 10, 1978.
12. The National Security Agency and the Central Security Service. See DoD Directive S-5100.20, December 23, 1971.

G. EFFECTIVE DATE

This Directive is effective immediately.

W. Graham Clayton, Jr.
Deputy Secretary of Defense

2. Department of Defense Directive 5100.1, 25 September 1987

The passage of several new laws on organization of the Department of Defense, including the Inspector General Act of 1978 (PL 95-452, 12 October 1978) and its full extension to DoD in 1982 (Department of Defense Authorization Act, 1983, PL 97-252, 8 September 1982), and especially the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (PL 99-433, 1 October 1986), necessitated a substantial revision of 5100.1. The revision, initially issued on 3 April 1987, quickly gave way to an updated version on 25 September 1987, with changes that included detailing of the broadened functions of the Joint Chiefs of Staff, a new section on the unified and specified combatant commanders, and a greatly expanded and more detailed section on the functions of the military departments. The text of this 1987 directive is not printed because of its similarity to the newer edition published in 2002 (see below).

3. Department of Defense Directive 5100.1, 1 August 2002

Much of the text of this update to DoD Directive 5100.1 follows the text of the 1987 version. The main revisions addressed the roles of the Military Departments in space and specifically assigned to the Air Force responsibility to organize, train, equip, and provide forces for the conducting of prompt and sustained offensive and defensive combat operations in the air and space. The 2002 version also updated the list of DoD Agencies and added a list of DoD Field Activities.

August 1, 2002
NUMBER 5100.1

Department of Defense Directive

SUBJECT: Functions of the Department of Defense and Its Major Components

References:

- (a) DoD Directive 5100.1, subject as above, September 25, 1987 (hereby canceled)
- (b) Title 10, United States Code
- (c) DoD Directive 5158.1, "Organization of the Joint Chiefs of Staff and Relationships with the Office of the Secretary of Defense," May 1, 1985
- (d) Title 5, United States Code, Appendix, "Inspector General Act of 1978," as amended
- (e) through (ae), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Cancels reference (a).

1.2. Promulgates the functions of the Department of Defense and its major components according to 10 U.S.C. (reference (b)).

2. ORGANIZATIONAL RELATIONSHIPS IN THE DEPARTMENT OF DEFENSE

2.1. All functions in the Department of Defense and its component agencies are performed under the authority, direction, and control of the Secretary of Defense.

2.2. The Department of Defense is composed of the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff (JCS), the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and such other offices, agencies, activities and commands established or designated by law, or by the President or by the Secretary of Defense. The functions of the heads of these offices shall be as assigned by the Secretary of Defense according to existing law.

2.2.1. In providing immediate staff assistance and advice to the Secretary of Defense, the OSD and the JCS, though separately identified and organized, function in full coordination and cooperation in accordance with reference (c).

2.2.1.1. The OSD includes the Deputy Secretary of Defense, Under Secretaries of Defense, Director of Defense Research and Engineering, Assistant Secretaries of Defense, Director of Operational Test and Evaluation, General Counsel of the Department of Defense, the Inspector General of the Department of Defense, the Assistants to the Secretary of Defense, the OSD Directors who report directly to the Secretary or Deputy Secretary of Defense, and such other offices and officials established by law or by the Secretary of Defense.

2.2.1.2. The Chairman and the Joint Chiefs of Staff are responsible to the Secretary of Defense for the functions assigned to them. To the extent it does not impair independence in the performance of their duties as members of the Joint Chiefs of Staff, members of the Joint Chiefs of Staff, except the Chairman, shall inform the Secretary of their respective Military Departments regarding military advice rendered as members of the Joint Chiefs of Staff on matters affecting the Military Departments.

2.2.1.3. The Inspector General, Department of Defense, provides staff assistance and advice to the Secretary of Defense according to the responsibilities specified in Public Law 95-452 and DoD Directive 5106.1 (references (d) and (e)).

2.2.2. Each Military Department (the Department of the Navy to include the United States Marine Corps, and the United States Coast Guard when transferred according to sections 2, 3, and 145 of reference (f)) shall be separately organized under its own Secretary and shall function under the authority, direction, and control of the Secretary of Defense. Orders to the Military Departments shall be issued through the Secretaries of these Departments, or their designees, by the Secretary of Defense or under authority specifically delegated in writing by the Secretary of Defense or as provided by law.

2.2.2.1. The Secretary of each Military Department, and the civilian employees and members of the Armed Forces under the jurisdiction of the Military Department Secretary, shall cooperate fully with the OSD to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.

2.2.2.2. The Secretary of Defense shall keep the Secretaries of the Military Departments informed with respect to military operations and activities of the Department of Defense that directly affect their respective responsibilities.

2.2.3. The Commanders of the Combatant Commands are responsible to the President and the Secretary of Defense for accomplishing the military missions assigned to them and shall exercise command authority over forces assigned to them as directed by the Secretary of Defense pursuant to section 10 U.S.C. 164 (reference (b)). The operational chain of command runs from the President to the Secretary of Defense to the Commanders of the Combatant Commands. The Chairman, JCS, functions within the chain of command by transmitting to the Commanders of the Combatant Commands the orders of the President or the Secretary of Defense.

2.2.3.1. Orders to such commanders shall be issued by the President or the Secretary of Defense or by the Chairman, JCS, with the authority and direction of the President or the Secretary of Defense.

2.2.3.2. Communications from the President or the Secretary of Defense to the Commanders of the Combatant Commands shall be transmitted through the Chairman, JCS. Communications from the Commanders of the Combatant Commands to the President or the Secretary of Defense shall be transmitted through the Chairman, JCS.

2.2.3.3. Communications in matters of joint interest, addressed to the Commanders of the Combatant Commands by other authority, shall, unless urgent circumstances do not permit, be coordinated with the Chairman, JCS. Information copies of all communications in matters of joint interest between Washington-level offices, agencies, activities and commands and the Combatant Commands shall be provided to the Chairman, JCS.

2.2.3.4. Subject to the authority, direction, and control of the Secretary of Defense, the Chairman acts as the spokesman for Commanders of the Combatant Commands, especially on the operational requirements of their commands and shall be responsible for overseeing the activities of the Combatant Commands. The President and the Secretary of Defense may assign other duties to the Chairman to assist the President and the Secretary of Defense in performing their command functions.

3. FUNCTIONS OF THE DEPARTMENT OF DEFENSE

As prescribed by higher authority, the Department of Defense shall maintain and employ Armed Forces to:

3.1. Support and defend the Constitution of the United States against all enemies, foreign and domestic.

3.2. Ensure, by timely and effective military action, the security of the United States, its possessions, and areas vital to its interest.

3.3. Uphold and advance the national policies and interests of the United States.

4. FUNCTIONS OF THE JOINT CHIEFS OF STAFF

The JCS, consisting of the Chairman; the Chief of Staff, U.S. Army; the Chief of Naval Operations; the Chief of Staff, U.S. Air Force; and the Commandant of the Marine Corps, and supported by the Joint Staff, constitute the immediate military staff of the Secretary of Defense.

4.1. The Chairman, JCS is the principal military advisor to the President, the National Security Council (NSC), and the Secretary of Defense. Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman shall be responsible for the following principal functions:

4.1.1. To advise and assist the Secretary of Defense on the preparation of annual policy guidance for the Heads of the DoD Components for the preparation and review of program recommendations and budget proposals.

4.1.2. To advise the Secretary of Defense on the preparation of policy guidance for the preparation and review of contingency plans.

4.1.3. To assist the President and the Secretary of Defense in providing for the strategic direction of the Armed Forces, including the direction of operations conducted by the Commanders of the Combatant Commands.

4.1.4. To prepare strategic plans, including plans that conform with resource levels projected by the Secretary of Defense to be available for the period of time for which the plans are to be effective.

4.1.5. To prepare joint logistic and mobility plans to support those strategic plans and recommend the assignment of logistics and mobility responsibilities to the Armed Forces in accordance with those logistic and mobility plans.

4.1.6. To prepare military strategy and assessments of the associated risks. These will include the following:

4.1.6.1. A military strategy to support national objectives within policy and resource-level guidance provided by the Secretary of Defense. Such strategy shall include broad military options prepared by the Chairman with the advice of the JCS and the Commanders of the Combatant Commands.

4.1.6.2. Net assessments to determine the capabilities of the Armed Forces of the United States and its allies as compared to those of possible adversaries.

4.1.7. To provide for the preparation and review of contingency plans that conform to policy guidance from the President and the Secretary of Defense.

4.1.8. To prepare joint logistics and mobility plans to support those contingency plans and recommend the assignment of logistic and mobility responsibilities to the Armed Forces in accordance with those logistic and mobility plans.

4.1.9. To advise the Secretary of Defense on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of contingency plans, and assess the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

4.1.10. After consultation with the Commanders of the Combatant Commands, to establish and maintain a uniform system for evaluating the preparedness of each Combatant Command to carry out missions assigned to the command.

4.1.11. To advise the Secretary of Defense on the priorities of the requirements, especially operational requirements, identified by the Commanders of the Combatant Commands.

4.1.12. To advise the Secretary of Defense on the extent to which the program recommendations and budget proposals of the Military Departments and other Components of the Department of Defense conform with the priorities established in strategic plans and with the priorities established for requirements of the Commanders of the Combatant Commands.

4.1.13. To submit to the Secretary of Defense, when deemed necessary, alternative program recommendations and budget proposals within projected resource levels and guidance provided by the Secretary of Defense, to achieve greater con-

formance with the priorities established in strategic plans and with the priorities for the requirements of the Commanders of the Combatant Commands.

4.1.14. To recommend budget proposals, pursuant to guidance of the Secretary of Defense, for activities of each Combatant Command, as appropriate. Activities for which funding may be requested include:

4.1.14.1. Joint Exercises.

4.1.14.2. Force Training.

4.1.14.3. Contingencies.

4.1.14.4. Selected Operations.

4.1.15. To advise the Secretary of Defense on the extent to which the major programs and policies of the Armed Forces in the area of manpower conform with strategic plans.

4.1.16. To assess military requirements for defense acquisition programs.

4.1.17. To develop and establish doctrine for all aspects of the joint employment of the Armed Forces.

4.1.18. To formulate policies for coordinating the military education and training of members of the Armed Forces.

4.1.19. To provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.

4.1.20. To submit to the Secretary of Defense, not less than once every 3 years, a report containing such recommendations for changes in the assignment of functions (roles and missions) to the Armed Forces as the Chairman considers necessary to achieve maximum effectiveness of the Armed Forces.

4.1.21. To prescribe the duties and functions of the Vice Chairman, JCS, subject to approval of the Secretary of Defense.

4.1.22. To exercise exclusive direction of the Joint Staff.

4.1.23. To attend and participate in meetings of the NSC subject to the direction of the President.

4.1.24. To advise and assist the President and the Secretary of Defense on establishing Combatant Commands to perform military missions and on prescribing the force structure of those commands.

4.1.25. Periodically, not less than every 2 years, to review the missions, responsibilities (including geographic boundaries), and force structure of each Combatant Command; and recommend to the President through the Secretary of Defense, any changes to missions, responsibilities, and force structure, as may be necessary.

4.1.26. To transmit communications between the President or the Secretary of Defense and the Commanders of the Combatant Commands, as directed by the President.

4.1.27. To perform duties, as assigned by the President or the Secretary of Defense, to assist the President and the Secretary of Defense in performing their command function.

4.1.28. To oversee the activities of the Combatant Commands.

4.1.29. To advise the Secretary of Defense on whether a Commander of a Combatant Command has sufficient authority, direction, and control over the commands and forces assigned to the command to exercise effective command of those commands and forces.

4.1.30. To advise and assist the Secretary of Defense on measures to provide for the administration and support of forces assigned to each Combatant Command.

4.1.31. To advise the Secretary of Defense on whether aspects of the administration and support necessary for the accomplishment of missions should be assigned to the Commander of a Combatant Command.

4.1.32. To serve as the spokesman for Commanders of the Combatant Commands, especially on the operational requirements of their commands.

4.1.33. To provide overall supervision of those Defense Agencies and DoD Field Activities that the Secretary of Defense has designated the Chairman, JCS to oversee. Perform such other functions with respect to the Defense Agencies and DoD Field Activities as assigned by the Secretary of Defense.

4.1.34. Periodically, not less than every 2 years, to report to the Secretary of Defense on the responsiveness and readiness of designated combat-support agencies.

4.1.35. To provide for the participation of combat-support agencies in joint training exercises, assess their performance, and take steps to provide for changes to improve their performance.

4.1.36. To develop, in consultation with the director of each combat-support agency, and maintain a uniform readiness reporting system for combat-support agencies.

4.1.37. To advise and assist the Secretary of Defense on the periodic review and revision of the curriculum of each professional military education school to enhance the education and training of officers in joint matters.

4.1.38. To review the reports of selection boards that consider for promotion officers serving, or having served, in joint duty assignments according to guidelines furnished by the Secretary of Defense and return the reports with determinations and comments to the Secretary of the appropriate Military Department.

4.1.39. To advise the Secretary of Defense on the establishment of career guidelines for officers with the joint specialty.

4.1.40. To submit to the Secretary of Defense an evaluation of the joint duty performance of officers recommended for an initial appointment to the grade of lieutenant general or vice admiral, or initial appointment as general or admiral.

4.1.41. To promulgate JCS publications to provide military guidance for joint activities of the Armed Forces.

4.1.42. To review the plans and programs of the Commanders of the Combatant Commands to determine their adequacy and feasibility for the performance of assigned missions.

4.1.43. To provide military guidance for use by the Military Departments, the Military Services, and the Defense Agencies in the preparation of their respective detailed plans.

4.1.44. To participate, as directed, in the preparation of combined plans for military action in conjunction with the Armed Forces of other nations.

4.1.45. To determine the headquarters support, such as facilities, personnel, and communications, required by the Combatant Commands, and recommend the assignment to the Military Departments of the responsibilities for providing such support.

4.1.46. To prepare and submit to the Secretary of Defense, for information and consideration, general strategic guidance for the development of industrial and manpower mobilization programs.

4.1.47. To prepare and submit to the Secretary of Defense military guidance for use in the development of military aid programs and other actions relating to foreign military forces.

4.1.48. To formulate policies for the joint training of the Armed Forces.

4.1.49. To assess joint military requirements for command, control, and communications; recommend improvements; and provide guidance on aspects that relate to the conduct of joint operations.

4.1.50. To prepare and submit to the Secretary of Defense, for information and consideration in connection with the preparation of budgets, statements of military requirements based upon U.S. strategic war plans. These statements of requirements shall include tasks, priority of tasks, force requirements, and general strategic guidance for developing military installations and bases, and for equipping and maintaining military forces.

4.1.51. In carrying out his functions, duties, and responsibilities, the Chairman, JCS, shall, as considered appropriate, consult with and seek the advice of the other members of the JCS and the Commanders of the Combatant Commands.

4.1.52. To perform such other duties as the President or the Secretary of Defense may prescribe.

4.2. The other members of the JCS are military advisers to the President, the NSC, and the Secretary of Defense, as specified below:

4.2.1 A member of the JCS may submit to the Chairman advice or an opinion in disagreement with, or in addition to, the advice or opinion presented by the Chairman. If a member submits such advice or opinion, the Chairman shall present that advice or opinion to the President, Secretary of Defense, or NSC at the same time that he presents his own advice. The Chairman shall also, as he considers appropriate, inform the President, the NSC, or the Secretary of Defense of the range of military advice and opinion with respect to any matter.

4.2.2. The members of the JCS, individually or collectively, in their capacity as military advisers, shall provide advice to the President, the NSC, or the Secretary of Defense on a particular matter when the President, the NSC, or the Secretary of Defense requests such advice.

4.3. The Vice Chairman of the JCS shall perform such duties as may be prescribed by the Chairman with the approval of the Secretary of Defense. When there is a vacancy in the Office of the Chairman or in the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

5. FUNCTIONS OF THE COMBATANT COMMANDERS

5.1. Unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the Commander of a Combatant Command with respect to the commands and forces assigned to that command include the following command functions:

5.1.1. To give authoritative direction to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics;

5.1.2. To prescribe the chain of command to the commands and forces within the command;

5.1.3. To organize commands and forces within that command as he considers necessary to carry out missions assigned to the command;

5.1.4. To employ forces within that command as he considers necessary to carry out missions assigned to the command;

5.1.5. To assign command functions to subordinate commanders;

5.1.6. To coordinate and approve those aspects of administration, support (including control of resources and equipment, internal organization, and training), and discipline necessary to carry out missions assigned to the command; and

5.1.7. To exercise the authority with respect to selecting subordinate commanders, selecting combatant command staff, suspending subordinates, and convening courts-martial, as provided in 10 U.S.C. (reference (b)).

5.2. If a Commander of a Combatant Command at any time considers his authority, direction, or control with respect to any of the commands or forces assigned to the command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.

5.3. Unless otherwise directed by the President or the Secretary of the Defense, Commanders of the Combatant Commands exercise authority over subordinate commanders as follows:

5.3.1. Commanders of commands and forces assigned to a Combatant Command are under the authority, direction, and control of, and are responsible to, the Commander of the Combatant Command on all matters for which the Commander of the Combatant Command has been assigned authority under paragraph 5.1., above;

5.3.2. The Commander of a command or force referred to in subparagraph 5.3.1., above, shall communicate with other elements of the Department of Defense on any matter for which the Commander of the Combatant Command has been assigned authority under paragraph 5.1. according to procedures, if any, established by the Commander of the Combatant Command;

5.3.3. Other elements of the Department of Defense shall communicate, with the Commander of a command or force referred to in subparagraph 5.3.1. on any matter for which the Commander of the Combatant Command has been assigned authority under paragraph 5.1., above, according to procedures, if any, established by the Commander of the Combatant Command; and

5.3.4. If directed by the Commander of the Combatant Command, the Commander of a command or force referred to in subparagraph 5.3.1. shall advise the Commander of the Combatant Command of all communications to and from other elements of the Department of Defense on any matter for which the Commander of the Combatant Command has not been assigned authority under paragraph 5.1.

6. FUNCTIONS OF THE MILITARY DEPARTMENTS

6.1. The chain of command for purposes other than the operational direction of Combatant Commands runs from the President to the Secretary of Defense to the Secretaries of the Military Departments to the Commanders of Military Service forces.

6.2. Subject to the authority, direction, and control of the Secretary of Defense, the Secretaries of the Military Departments are responsible for, and have the authority necessary to conduct, all affairs of their respective Departments, including the following:

6.2.1. Recruiting.

6.2.2. Organizing.

6.2.3. Supplying.

6.2.4. Equipping (including research and development).

6.2.5. Training.

6.2.6. Servicing.

6.2.7. Mobilizing.

6.2.8. Demobilizing.

6.2.9. Administering (including the morale and welfare of personnel).

6.2.10. Maintaining.

6.2.11. The construction, outfitting, and repairs of military equipment.

6.2.12. The construction, maintenance, and repair of buildings, structures, and utilities; the acquisition, management and disposal; and the management of real property of natural resources.

6.3. Subject to the authority, direction, and control of the Secretary of Defense, the Secretaries of the Military Departments are responsible to the Secretary of Defense for the following activities of their respective Departments:

6.3.1. The operation and efficiency of their Departments;

6.3.2. The formulation of policies and programs that are fully consistent with national security objectives and policies established by the President and the Secretary of Defense;

6.3.3. The effective and timely implementation of policy, program, and budget decisions and instructions of the President or Secretary of Defense relating to the functions of each Military Department;

6.3.4. The carrying out of the functions of the Military Departments so as to fulfill (to the maximum extent practicable) the current and future operational requirements of the Combatant Commands;

6.3.5. The effective cooperation and coordination between the Military Departments and Agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;

6.3.6. The presentation and justification of the positions of their respective Departments on the plans, programs, and policies of the Department of Defense;

6.3.7. The effective supervision and control of Military Department intelligence activities; and

6.3.8. Such other activities prescribed by law or by the President or Secretary of Defense.

6.4. Common Functions of the Military Departments. The Military Departments, under their respective Secretaries, are responsible for the following functions:

6.4.1. To prepare forces and establish reserves of manpower, equipment, and supplies for the effective prosecution of war and military operations short of war and planning for the expansion of peacetime components to meet the needs of war.

6.4.2. To maintain in readiness mobile reserve forces, properly organized, trained, and equipped for employment in emergency.

6.4.3. To provide adequate, timely, and reliable intelligence and counter-intelligence for the Military Department and other Agencies as directed by competent authority.

6.4.4. To recruit, organize, train, and equip interoperable forces for assignment to the Combatant Commands.

6.4.5. To prepare and submit budgets for their respective Departments; justifying before the Congress budget requests as approved by the President; and to administer the funds made available for maintaining, equipping, and training the forces of their respective Departments, including those assigned to Combatant Commands. The budget submissions to the Secretary of Defense by the Military Departments shall be prepared on the basis, among other things, of the recommen-

dations of Commanders of the Combatant Commands and of Service component commanders of forces assigned to Combatant Commands.

6.4.6. To conduct research; develop tactics, techniques, and organization; and to develop and procure weapons, equipment, and supplies essential to the fulfillment of the functions assigned in this Directive.

6.4.7. To develop, garrison, supply, equip, and maintain bases and other installations, including lines of communication, and to provide administrative and logistics support for all forces and bases, unless otherwise directed by the Secretary of Defense.

6.4.8. To provide, as directed, such forces, military missions, and detachments for service in foreign countries as may be required to support the national interests of the United States.

6.4.9. To assist in training and equipping the military forces of foreign nations.

6.4.10. To provide, as directed, administrative and logistic support to the headquarters of the Combatant Commands, to include direct support of the development and acquisition of the command and control systems of such headquarters.

6.4.11. To assist each other in the accomplishment of their respective functions, including the provisions of personnel, intelligence, training, facilities, equipment, supplies, and services.

6.4.12. To prepare and submit, in coordination with other Military Departments, mobilization information to the JCS.

6.5. Common Service Functions. The Army, the Navy, the Air Force, and the Marine Corps, under their respective Secretaries, are responsible for the following functions:

6.5.1. To determine Service force requirements and to make recommendations concerning force requirements to support national security objectives and strategy and to meet the operational requirements of the Combatant Commands.

6.5.2. To plan for the use of the intrinsic capabilities of resources of the other Services that may be made available.

6.5.3. To recommend to the JCS the assignment and deployment of forces to Combatant Commands established by the President through the Secretary of Defense.

6.5.4. To administer Service forces.

6.5.5. To provide logistic support for Service forces, including procurement, distribution, supply, equipment, and maintenance, unless otherwise directed by the Secretary of Defense.

6.5.6. To develop doctrines, procedures, tactics, and techniques employed by Service forces.

6.5.7. To conduct operational testing and evaluation.

6.5.8. To provide for training for joint operations and joint exercises in support of Combatant Command operational requirements, including:

6.5.8.1. Development of Service training, doctrines, procedures, tactics, techniques, and methods of organization in accordance with policies and procedures established in Service publications.

6.5.8.2. Development and preparation of Service publications to support the conduct of joint training.

6.5.8.3. Determination of Service requirements to enhance the effectiveness of joint training.

6.5.8.4. Support of that joint training directed by the Commanders of the Combatant Commands and conduct of such additional joint training as is mutually agreed upon by the Services concerned.

6.5.9. To operate organic land vehicles, aircraft, spacecraft or space systems, and ships or craft.

6.5.10. To consult and coordinate with the other Services on all matters of joint concern.

6.5.11. To participate with the other Services in the development of the doctrines, procedures, tactics, techniques, training, publications, and equipment for such joint operations as are the primary responsibility of one of the Services.

6.6. The forces developed and trained to perform the primary functions set forth hereafter shall be employed to support and supplement the other Military Service forces in carrying out their primary functions, where and whenever such participation shall result in increased effectiveness and shall contribute to the accomplishment of the overall military objectives. As for collateral functions, while the assignment of such functions may establish further justification for stated force requirements, such assignment shall not be used as the sole basis for establishing additional force requirements.

6.6.1. Functions of the Department of the Army

6.6.1.1. The Army, within the Department of the Army, includes land combat and service forces and any organic aviation, space forces, and water transport assigned. The Army is responsible for the preparation of land forces necessary for the effective prosecution of war and military operations short of war, except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

6.6.1.2. The primary functions of the Army are:

6.6.1.2.1. To organize, train, and equip forces for the conduct of prompt and sustained combat operations on land—specifically, forces to defeat enemy land forces and to seize, occupy, and defend land areas.

6.6.1.2.2. To organize, train, equip, and provide forces for appropriate air and missile defense and space operations unique to the Army, including the provision of forces as required for the strategic defense of the United States, in accordance with joint doctrines.

6.6.1.2.3. To organize, equip, and provide Army forces, in coordination with the other Military Services, for joint amphibious, airborne, and space operations

and to provide for the training of such forces, in accordance with joint doctrines. Specifically, the Army shall:

6.6.1.2.3.1. Develop, in coordination with the other Military Services, doctrines, tactics, techniques, and equipment of interest to the Army for amphibious operations and not provided for elsewhere.

6.6.1.2.3.2. Develop, in coordination with the other Military Services, the doctrines, procedures, and equipment employed by Army and Marine Corps forces in airborne operations. The Army shall have primary responsibility for developing those airborne doctrines, procedures, and equipment that are of common interest to the Army and the Marine Corps.

6.6.1.2.3.3. Develop, in coordination with the other Military Services, Army doctrines, procedures, and equipment employed by Army forces in the conduct of space operations.

6.6.1.2.4. To organize, train, equip, and provide forces for the support and conduct of special operations.

6.6.1.2.5. To provide equipment, forces, procedures, and doctrine necessary for the effective prosecution of operations and, as directed, support of other forces.

6.6.1.2.6. To organize, train, equip, and provide forces for the support and conduct of psychological operations.

6.6.1.2.7. To provide forces for the occupation of territories abroad, including initial establishment of military government pending transfer of this responsibility to other authority.

6.6.1.2.8. To develop doctrines and procedures, in coordination with the other Military Services, for organizing, equipping, training, and employing forces operating on land, except that the development of doctrines and procedures for organizing, equipping, training, and employing Marine Corps units for amphibious operations shall be a function of the Marine Corps coordinating, as required, with the other Military Services.

6.6.1.2.9. To organize, train, equip, and provide forces, as directed, to operate land lines of communication.

6.6.1.2.10. To conduct the following activities:

6.6.1.2.10.1. Functions relating to the management and operation of the Panama Canal, as assigned by the Secretary or Deputy Secretary of Defense.

6.6.1.2.10.2. The authorized civil works program, including projects for improvement of navigation, flood control, beach erosion control, and other water resource developments in the United States, its territories, and its possessions.

6.6.1.2.10.3. Certain other civil activities prescribed by law.

6.6.1.3. A collateral function of the Army is to train forces to interdict enemy sea, space and air power, and communications through operations on or from land.

6.6.1.4. Army responsibilities in support of space operations include the following:

6.6.1.4.1. To organize, train, equip, and provide Army forces to support space operations.

6.6.1.4.2. To develop, in coordination with the other Military Services, tactics, techniques, and equipment employed by Army forces for use in space operations.

6.6.1.4.3. To conduct individual and unit training of Army space operations forces.

6.6.1.4.4. To participate with other Services in joint space operations, training, and exercises as mutually agreed to by the Services concerned, or as directed by competent authority.

6.6.1.4.5. To provide forces for space support operations for the Department of Defense when directed.

6.6.1.5. Other responsibilities of the Army. With respect to close air support of ground forces, the Army has specific responsibility for the following:

6.6.1.5.1. To provide, in accordance with inter-Service agreements, communications, personnel, and equipment employed by Army forces.

6.6.1.5.2. To conduct individual and unit training of Army forces.

6.6.1.5.3. To develop equipment, tactics, and techniques employed by Army forces.

6.6.2. Functions of the Department of the Navy

6.6.2.1. The Navy, within the Department of the Navy, includes, in general, naval combat and service forces and such aviation as may be organic therein. The Marine Corps, within the Department of Navy, includes not less than three combat divisions and three air wings and such other land combat, aviation, and other services as may be organic therein. The Coast Guard, when operating as a Service within the Department of the Navy, includes naval combat and service forces and such aviation as may be organic therein.

6.6.2.1.1. The Navy and the Marine Corps, under the Secretary of the Navy, are responsible for the preparation of Navy and Marine Corps forces necessary for the effective prosecution of war and military operations short of war, except as otherwise assigned and, in accordance with the integrated joint mobilization plans, for the expansion of the peacetime components of the Navy and the Marine Corps to meet the needs of war.

6.6.2.1.2. During peacetime, the Department of Transportation is responsible for maintaining the United States Coast Guard in a state of readiness so that it may function as a specialized Service in the Navy in time of war or when the President directs. The Coast Guard may also perform its military functions in times of limited war or defense contingency, in support of naval component commanders, without transfer to the Department of the Navy.

6.6.2.2. The primary functions of the Navy and/or the Marine Corps are:

6.6.2.2.1. To organize, train, equip and provide Navy and Marine Corps forces for the conduct of prompt and sustained combat incident to operations at sea, including operations of sea-based aircraft and land-based naval air components—specifically, forces to seek out and destroy enemy naval forces and to suppress enemy sea commerce, to gain and maintain general naval supremacy, to control vital sea areas and to protect vital sea lines of communication, to establish and maintain

local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land, air, and space operations as may be essential to the prosecution of a naval campaign.

6.6.2.2.2. To maintain the Marine Corps, which shall be organized, trained, and equipped to provide Fleet Marine Forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. In addition, the Marine Corps shall provide detachments and organizations for service on armed vessels of the Navy, provide security detachments for the protection of naval property at naval stations and bases, and perform such other duties as the President or the Secretary of Defense may direct. However, these additional duties must not detract from, or interfere with, the operations for which the Marine Corps is primarily organized. These functions do not contemplate the creation of a second land army.

6.6.2.2.3. Further, the Marine Corps shall:

6.6.2.2.3.1. Develop, in coordination with the other Military Services, the doctrines, tactics, techniques, and equipment employed by landing forces in amphibious operations. The Marine Corps shall have primary responsibility for the development of those landing force doctrines, tactics, techniques, and equipment that are of common interest to the Army and the Marine Corps.

6.6.2.2.3.2. Train and equip, as required, forces for airborne operations, in coordination with the other Military Services, and in accordance with joint doctrines.

6.6.2.2.3.3. Develop, in coordination with the other Military Services, doctrines, procedures, and equipment of interest to the Marine Corps for airborne operations and not provided for by the Army, that has primary responsibility for the development of airborne doctrines, procedures, and techniques, which are of common interest to the Army and the Marine Corps.

6.6.2.2.4. To organize and equip, in coordination with the other Military Services, and to provide naval forces, including naval close air support and space forces, for the conduct of joint amphibious operations, and to be responsible for the amphibious training of all forces assigned to joint amphibious operations in accordance with joint doctrines.

6.6.2.2.5. To develop, in coordination with the other Services, the doctrines, procedures, and equipment of naval forces for amphibious operations and the doctrines and procedures for joint amphibious operations.

6.6.2.2.6. To organize, train, equip, and provide forces for strategic nuclear warfare to support strategic deterrence.

6.6.2.2.7. To furnish adequate, timely, reliable intelligence for the Coast Guard.

6.6.2.2.8. To organize, train, equip, and provide forces for reconnaissance, antisubmarine warfare, protection of shipping, aerial refueling and minelaying, including the air and space aspects thereof, and controlled minefield operations.

6.6.2.2.9. To provide the afloat forces for strategic sealift.

6.6.2.2.10. To provide air support essential for naval operations.

6.6.2.2.11. To organize, train, equip, and provide forces for appropriate air and missile defense and space operations unique to the Navy, including the provision of forces as required for the strategic defense of the United States, in accordance with joint doctrines.

6.6.2.2.12. To provide equipment, forces, procedures, and doctrine necessary for the effective prosecution of electronic warfare operations and, as directed, support of other forces.

6.6.2.2.13. To furnish aerial photography, as necessary, for Navy and Marine Corps operations.

6.6.2.2.14. To develop, in coordination with the other Services, doctrines, procedures, and equipment employed by Navy and Marine Corps forces in the conduct of space operations.

6.6.2.2.15. To provide sea-based launch and space support for the Department of Defense when directed.

6.6.2.2.16. To organize, train, equip, and provide forces, as directed, to operate sea lines of communication.

6.6.2.2.17. To organize, train, equip, and provide forces for the support and conduct of special operations.

6.6.2.2.18. To organize, train, equip, and provide Navy and Marine Corps forces for the support and conduct of psychological operations.

6.6.2.2.19. To coordinate with the Department of Transportation for the peacetime maintenance of the Coast Guard. During war, the Coast Guard will function as a Military Service. The specific wartime functions of the Coast Guard are as follows:

6.6.2.2.19.1. To provide an integrated port security and coastal defense force, in coordination with the other Military Services, for the United States.

6.6.2.2.19.2. To provide specialized Coast Guard units, including designated ships and aircraft, for overseas deployment required by naval component commanders.

6.6.2.2.19.3. To organize and equip, in coordination with the other Military Services, and provide forces for maritime search and rescue, icebreaking, and servicing of maritime aids to navigation.

6.6.2.3. The collateral functions of the Navy and the Marine Corps include the following:

6.6.2.3.1. To interdict enemy land power, air power, space power, and communications through operations at sea.

6.6.2.3.2. To conduct close air and naval support for land operations.

6.6.2.3.3. To furnish aerial imagery for cartographic purposes.

6.6.2.3.4. To be prepared to participate in the overall air and space effort, as directed.

6.6.2.3.5. To establish military government, as directed, pending transfer of this responsibility to other authority.

6.6.2.4. Navy and Marine Corps responsibilities in support of space operations include the following:

6.6.2.4.1. To organize, train, equip, and provide Navy and Marine Corps forces to support space operations.

6.6.2.4.2. To develop, in coordination with the other Military Services, tactics, techniques, and equipment employed by Navy and Marine Corps forces for use in space operations.

6.6.2.4.3. To conduct individual and unit training of Navy and Marine Corps space operations forces.

6.6.2.4.4. To participate with the other Services in joint space operations, training, and exercises, as mutually agreed to by the Services concerned or as directed by competent authority.

6.6.2.5. Other responsibilities of the Navy and the Marine Corps include the following:

6.6.2.5.1. To provide, when directed, logistic support of Coast Guard forces, including procurement, distribution, supply, equipment, and maintenance.

6.6.2.5.2. To provide air and land transport essential for naval operations and not otherwise provided for.

6.6.2.5.3. To provide and operate sea transport for the Armed Forces other than that which is organic to the individual Services.

6.6.2.5.4. To develop, in coordination with the other Services, doctrine and procedures for close air support for naval forces and for joint forces in amphibious operations.

6.6.3. Functions of the Department of the Air Force

6.6.3.1. The Air Force, within the Department of the Air Force, includes aviation and space forces, both combat and service, not otherwise assigned. The Air Force is responsible for the preparation of the air and space forces necessary for the effective prosecution of war and military operations short of war, except as otherwise assigned and, according to integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

6.6.3.2. The primary functions of the Air Force include the following:

6.6.3.2.1. To organize, train, equip, and provide forces for the conduct of prompt and sustained offensive and defensive combat operations in the air and space—specifically, forces to defend the United States against air and space attack in accordance with doctrines established by the JCS, gain and maintain general air and space supremacy, defeat enemy air and space forces, conduct space operations, control vital air areas, and establish local air and space superiority, except as otherwise assigned herein.

6.6.3.2.2. To organize, train, equip, and provide forces for appropriate air and missile defense and space control operations, including the provision of forces as

required for the strategic defense of the United States, in accordance with joint doctrines.

6.6.3.2.3. To organize, train, equip, and provide forces for strategic air and missile warfare.

6.6.3.2.4. To organize, equip, and provide forces for joint amphibious, space, and airborne operations, in coordination with the other Military Services, and to provide for their training in accordance with joint doctrines.

6.6.3.2.5. To organize, train, equip, and provide forces for close air support and air logistic support to the Army and other forces, as directed, including airlift, air and space support, resupply of airborne operations, aerial photography, tactical air reconnaissance, and air interdiction of enemy land forces and communications.

6.6.3.2.6. To organize, train, equip and provide forces for air transport for the Armed Forces, except as otherwise assigned.

6.6.3.2.7. To develop, in coordination with the other Services, doctrines, procedures, and equipment for air and space defense from land areas, including the United States.

6.6.3.2.8. To organize, train, equip, and provide forces to furnish aerial imagery for use by the Army and other Agencies as directed, including aerial imagery for cartographic purposes.

6.6.3.2.9. To develop, in coordination with the other Services, tactics, techniques, and equipment of interest to the Air Force for amphibious operations and not provided for elsewhere.

6.6.3.2.10. To develop, in coordination with the other Services, doctrines, procedures, and equipment employed by Air Force forces in airborne operations.

6.6.3.2.11. To provide launch and space support for the Department of Defense, except as otherwise assigned.

6.6.3.2.12. To develop, in coordination with the other Services, doctrines, procedures, and equipment employed by Air Force forces in the conduct of space operations.

6.6.3.2.13. To organize, train, equip, and provide land-based tanker forces for the in-flight refueling support of strategic operations and deployments of aircraft of the Armed Forces and Air Force tactical operations, except as otherwise assigned.

6.6.3.2.14. To organize, train, equip, and provide forces, as directed to operate air and space lines of communications.

6.6.3.2.15. To organize, train, equip, and provide forces for the support and conduct of special operations.

6.6.3.2.16. To organize, train, equip, and provide forces for the support and conduct of psychological operations.

6.6.3.2.17. To provide equipment, forces, procedures, and doctrine necessary for the effective prosecution of electronic warfare operations and, as directed, support of other forces.

6.6.3.3. Collateral functions of the Air Force include the following:

6.6.3.3.1. Surface sea surveillance and antisurface ship warfare through air and space operations.

6.6.3.3.2. Antisubmarine warfare and antiair warfare operations to protect sea lines of communications.

6.6.3.3.3. Aerial minelaying operations.

6.6.3.3.4. Air-to-air refueling in support of naval campaigns.

6.6.3.4. Other responsibilities of the Air Force include the following:

6.6.3.4.1. With respect to amphibious operations, the Air Force shall develop, in coordination with the other Services, tactics, techniques, and equipment of interest to the Air Force and not provided for by the Navy and Marine Corps.

6.6.3.4.2. With respect to airborne operations, the Air Force has specific responsibility:

6.6.3.4.2.1. To provide Air Force forces for the air movement of troops, supplies, and equipment in joint airborne operations, including parachuted and aircraft landings.

6.6.3.4.2.2. To develop tactics and techniques employed by Air Force forces in the air movement of troops, supplies, and equipment.

6.6.3.4.3. With respect to close air support of ground forces, the Air Force has specific responsibility for developing, in coordination with the other Services, doctrines and procedures, except as provided for in Navy responsibilities for amphibious operations and in responsibilities for the Marine Corps.

7. FUNCTIONS OF DoD AGENCIES

7.1. Defense Advanced Research Projects Agency (DARPA). See DoD Directive 5134.10 (reference (g)).

7.2. Defense Information System Agency (DISA). See DoD Directive 5105.19 (reference (h)).

7.3. Defense Contract Audit Agency (DCAA). See DoD Directive 5105.36 (reference (i)).

7.4. Defense Intelligence Agency (DIA). See DoD Directive 5105.21 (reference (j)).

7.5. Defense Security Service (DSS). See DoD Directive 5105.42 (reference (k)).

7.6. Defense Legal Services Agency (DLSA). See DoD Directive 5145.4 (reference (1)).

7.7. Defense Logistics Agency (DLA). See DoD Directive 5105.22 (reference (m)).

7.8. National Imagery and Mapping Agency (NIMA). See DoD Directive 5105.60 (reference (n)).

7.9. Defense Threat Reduction Agency (DTRA). See DoD Directive 5105.62 (reference (o)).

7.10. Defense Security Cooperation Agency (DSCA). See DoD Directive 5105.65 (reference (p)).

7.11. The National Security Agency and the Central Security Service (NSA/CSS). See DoD Directive 5100.20 (reference (q)).

7.12. Missile Defense Agency (MDA). See DoD Directive 5134.9 (reference (r)).

7.13. Defense Contract Management Agency (DCMA). See DoD Directive 5105.64 (reference (s)).

7.14. Defense Commissary Agency (DECA). See DoD Directive 5105.55 (reference (t)).

7.15. Defense Finance and Accounting Service (DFAS). See DoD Directive 5118.5 (reference (u)).

7.16. Pentagon Force Protection Agency (PFPA). See DoD Directive 5105.68 (reference (v)).

8. FUNCTIONS OF DoD FIELD ACTIVITIES

8.1. Armed Forces Information Services (AFIS). See DoD Directive 5122.10 (reference (w)).

8.2. Counterintelligence Field Activity (CIFA). See DoD Directive 5105.67 (reference (x)).

8.3. Defense POW/MIA Office. See DoD Directive 5110.10 (reference (y)).

8.4. Defense Technology Security Administration (DTSA). See Deputy Secretary of Defense Memorandum (reference (z)).

8.5. DoD Education Activity (DoDEA). See DoD Directive 1342.20 (reference (aa)).

8.6. Office of Economic Adjustment. See DoD Directive 3030.1 (reference (ab)).

8.7. TRICARE Management Activity (TMA). See DoD Directive 5136.12 (reference (ac)).

8.8. Washington Headquarters Services (WHS). See DoD Directive 5110.4 (reference (ad)).

8.9. DoD Human Resources Activity (DoDHRA). See DoD Directive 5100.87 (reference (ae)).

9. EFFECTIVE DATE

This Directive is effective immediately.

Paul Wolfowitz
Deputy Secretary of Defense

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 5106.1, "Inspector General of the Department of Defense," January 4, 2001
- (f) Title 14, United States Code
- (g) DoD Directive 5134.10, "Defense Advanced Research Projects Agency (DARPA)," February 17, 1995
- (h) DoD Directive 5105.19, "Defense Information System Agency (DISA)," June 25, 1991
- (i) DoD Directive 5105.36, "Defense Contract Audit Agency (DCAA)," February 28, 2002
- (j) DoD Directive 5105.21, "Defense Intelligence Agency (DIA)," February 18, 1997
- (k) DoD Directive 5105.42, "Defense Security Service (DSS)," May 13, 1999
- (l) DoD Directive 5145.4, "Defense Legal Services Agency (DLSA)," December 15, 1989
- (m) DoD Directive 5105.22, "Defense Logistics Agency (DLA)," December 6, 1988
- (n) DoD Directive 5105.60, "National Imagery and Mapping Agency (NIMA)," October 11, 1996
- (o) DoD Directive 5105.62, "Defense Threat Reduction Agency (DTRA)," September 30, 1998
- (p) DoD Directive 5105.65, "Defense Security Cooperation Agency (DSCA)," October 31, 2000
- (q) DoD Directive 5100.20, "The National Security Agency and the Central Security Service (NSA/CSS)," December 23, 1971
- (r) DoD Directive 5134.9, "Ballistic Missile Defense Organization (BMDO)," June 14, 1994
- (s) DoD Directive 5105.64, "Defense Contract Management Agency (DCMA)," September 27, 2000
- (t) DoD Directive 5105.55, "Defense Commissary Agency (DECA)," November 9, 1990
- (u) DoD Directive 5118.5, "Defense Finance and Accounting Service (DFAS)," November 26, 1990
- (v) DoD Directive 5105.68, "Pentagon Force Protection Agency (PFPA)," May 3, 2002

- (w) DoD Directive 5122.10, "Armed Forces Information Services (AFIS)," November 21, 2000
- (x) DoD Directive 5105.67, "Counterintelligence Field Activity (CIFA)," February 19, 2002
- (y) DoD Directive 5110.10, "Defense POW/MIA Office," July 16, 1993
- (z) Deputy Secretary of Defense Memorandum, "Reestablishment of the Defense Technology Security Administration," August 31, 2001
- (aa) DoD Directive 1342.20, "DoD Education Activity (DoDEA)," October 13, 1992
- (ab) DoD Directive 3030.1, "Office of Economic Adjustment," November 28, 2000
- (ac) DoD Directive 5136.12, "TRICARE Management Activity (TMA)," May 31, 2001
- (ad) DoD Directive 5110.4, "Washington Headquarters Services (WHS)," October 19, 2001
- (ae) DoD Directive 5100.87, "Department of Defense Human Resources Activity (DoDHRA)," June 29, 1998

4. Reports on Roles and Missions of the Armed Forces, 1986-1992

The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (PL 99-433, 1 October 1986), in Title II, Section 201, par. 153, required the chairman of the Joint Chiefs of Staff to submit to the secretary of defense at least once every three years, or otherwise upon the request of the president or the secretary of defense, a report with recommendations for changes deemed necessary in the roles and missions of the armed forces. This provision required the chairman to consider, among other matters, "changes in the nature of the threats faced by the United States," "unnecessary duplication of effort among the armed forces," and "changes in technology that can be applied effectively to warfare."

In its report of July 1992 on the draft defense authorization act for FY 1993, the Senate Armed Services Committee noted that the decreasing threat against the United States because of disintegration of the Warsaw Pact and the Soviet Union, along with "the application in warfare of technology, as demonstrated in the Persian Gulf conflict . . . provide the opportunity for a systematic review of roles and missions" and that "the nation's budget deficit crisis provides the necessity" for such a review as well as consideration of other matters. The committee recommended that the JCS chairman's triennial report on roles and missions, due in 1992, together with comments of the secretary of defense, be submitted to Congress. The committee was concerned about how a comprehensive review of roles and missions would affect the start of new programs or increases in existing programs. It also wanted "to achieve efficiencies and prevent the unnecessary expenditure of funds."

The House, like the Senate, also favored requiring the secretary of defense to submit to Congress the triennial report of the JCS chairman on roles and missions. Thus Title IX, Section 901 of the National Defense Authorization Act for Fiscal Year 1993 (PL 102-484, 23 October 1992) required the secretary of defense to transmit to Congress the first such report submitted to him by the chairman of the Joint Chiefs of Staff after 1 January 1992. In addition to the matters required by Goldwater-Nichols listed above, PL 102-484 directed the chairman to comment and make recommendations on the following matters:

- (1) Reassessing the roles and missions assigned to each of the Armed Forces (under the Key West agreement of 1947 [1948] and subsequent actions by the various Secretaries of Defense and the Congress) in light of the new national security environment resulting from the end of the Cold War.
- (2) The extent to which the efficiency of the Armed Forces in carrying out their roles and missions can be enhanced by—
 - (A) the elimination or reduction of duplication in the capabilities of the military departments and Defense Agencies without an undue diminution in their effectiveness; and
 - (B) the consolidation or streamlining of organizations and activities within the military departments and Defense Agencies.
- (3) Changes in the operational tempo of forces stationed in the continental United States and changes in deployment patterns and operational tempo of forces deployed outside the United States.
- (4) Changes in the readiness status of units based upon time-phased force deployment plans.
- (5) Transfers of functions from the active components of the Armed Forces to the reserve components of the Armed Forces.

In Section 903 of this same law, Congress commented on the roles and missions of the Army and Marine Corps as follows:

SEC. 903. SENSE OF CONGRESS ON COOPERATION BETWEEN THE ARMY AND THE MARINE CORPS

(a) FINDINGS.—With respect to the roles and missions of the Army and Marine Corps, the Congress makes the following findings:

- (1) The Army and the Marine Corps both provide military capabilities that are necessary for carrying out the national military strategy of the United States.
- (2) Operation Desert Shield and Operation Desert Storm demonstrated the complementary nature of those capabilities and the substantial degree to which the Army and the Marine Corps can effectively coordinate their activities and cooperate with each other.

(3) The availability of future Federal budget resources for the Army and the Marine Corps is likely to be significantly more limited than the Federal budget resources currently available for the Army and the Marine Corps.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army and the Marine Corps should intensify efforts—

(1) to eliminate unnecessary duplication; and

(2) to improve interservice coordination and to specialize in specific functional areas.

(c) EXAMINATION BY CJCS.—(1) The Congress encourages the Chairman of the Joint Chiefs of Staff to examine whether—

(A) the Army should provide the Marine Corps with armor and heavy fire support needed for mid-intensity and high-intensity combat; or

(B) the Marine Corps should be equipped with the armor, heavy artillery, and other weapons and sustainability needed to engage in mid-intensity and high-intensity combat independent of the other military services.

(2) In conducting the examination, the Chairman should consider the following actions:

(A) Designating Army artillery battalions equipped with the Multiple Launch Rocket System to support Marine amphibious forces afloat.

(B) Designating Army tank battalions to support Marine amphibious forces afloat.

(C) Equipping maritime prepositioning ships with Multiple Launch Rocket System (MLRS) launchers and M1 tanks to be manned by Army units in support of Marine forces.

(D) Transferring management of all prepositioning shipping on behalf of all of the Armed Forces to the Marine Corps.

(E) Transferring Army shipping and lighterage to the Navy.

(3) In the consideration of the actions referred to in paragraph (2), the Chairman should evaluate the logistics, training, and operational implications of each action.

(4) If the Chairman recommends that the Marine Corps be equipped with the armor, heavy artillery, other weapons, and sustainability necessary for engaging in mid-intensity and high-intensity combat independent of the other services, the Chairman should determine, as part of the examination under this paragraph, the following:

(A) What additional procurement requirements and costs are necessary to equip the Marine Corps to meet the demands of mid-intensity and high-intensity combat.

(B) The adequacy of current prepositioning programs, mine warfare capability, naval fire support, and night fighting capability to meet the demands of mid-intensity and high-intensity combat.

(d) ROLES AND MISSIONS AUTHORITY OF CHAIRMAN.—The Chairman should consider the findings and sense of Congress set forth in subsections (a) and (b), and

the matters set forth in subsection (c), including the options for streamlining the roles and missions of the Army and the Marine Corps, in the performance of the Chairman's responsibilities under section 153(b) of title 10, United States Code.

SOURCES: *National Defense Authorization Act for Fiscal Year 1993*, 102 Cong, 2 sess, Senate Report No. 102-352, 31 July 1992 (Washington: GPO, 1992); *National Defense Authorization Act for Fiscal Year 1993*, Conference Report, 102 Cong, 2 sess, House Report No. 102-966, 1 October 1992 (Washington: GPO, 1992). The quoted material from the Senate Report appears on p. 242 of the document.

5. Establishment of the Commission on Roles and Missions, 1993-1994

The next Congress continued the deliberations on roles and missions. During consideration of the draft defense authorization bill for FY 1994, the House Armed Services Committee favored a provision establishing a Commission on Roles and Missions of the Armed Forces. Full House action, reflecting disappointment with the triennial report on roles and missions submitted by the JCS chairman earlier in 1993, required the president to appoint commission members for five-year terms and the commission to review annually the implementing actions of the Department of Defense. In the conference committee on the bill the Senate conferees agreed to establish the commission for a limited term with specific objectives, with its members appointed by the secretary of defense. The commission would not review DoD implementing actions. The conference report stated: "The conferees expect the commission to provide an adequate basis for further action on roles and missions and believe that it will energize the Department of Defense to address these issues more comprehensively."

Title IX of the National Defense Authorization Act for Fiscal Year 1994 (PL 103-160, 30 November 1993) established the Commission on Roles and Missions.

Subtitle E—Commission on Roles and Missions of the Armed Forces

SEC. 951. FINDINGS.

Congress makes the following findings:

(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

(2) Many analysts believe that a realignment of those roles and missions is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has not produced the comprehensive review envisioned by Congress.

(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

SEC. 952. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT**—There is hereby established a commission to be known as the Commission on Roles and Missions of the Armed Forces (hereinafter in this subtitle referred to as the ‘Commission’).

(b) **COMPOSITION AND QUALIFICATIONS**—(1) The Commission shall be composed of seven members. Members of the Commission shall be appointed by the Secretary of Defense.

(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

(3) The Secretary shall designate one of the members as chairman of the Commission.

(c) **PERIOD OF APPOINTMENT; VACANCIES**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) **INITIAL ORGANIZATIONAL REQUIREMENTS**—(1) The Secretary shall make all appointments to the Commission within 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 953. DUTIES OF COMMISSION.

(a) **IN GENERAL**—The Commission shall—

(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

(2) evaluate and report on alternative allocations of those roles, missions, and functions; and

(3) make recommendations for changes in the current definition and distribution of those roles, missions, and functions.

(b) **REVIEW OF POTENTIAL MILITARY OPERATIONS**—The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

(1) Defense of the United States.

(2) Warfare against other national military forces.

(3) Participation in peacekeeping, peace enforcement, and other nontraditional activities.

(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

(5) Support of law enforcement.

(6) Other types of operations as specified by the chairman of the Commission.

(c) COMMISSION TO DEFINE BROAD MISSION AREAS AND KEY SUPPORT REQUIREMENTS—As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

(d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR ORGANIZATIONAL ALLOCATIONS—The Commission shall develop a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider—

(1) static efficiency (such as duplicative overhead and economies of scale);

(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

(5) division of responsibility on the battlefield;

(6) exploitation of new technology and operational concepts;

(7) the degree of disruption that a change in roles and missions would entail; and

(8) the experience of other nations.

(e) RECOMMENDATIONS CONCERNING MILITARY ROLES AND MISSIONS—Based upon the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend—

(1) the functions for which each military department should organize, train, and equip forces;

(2) the missions of combatant commands; and

(3) the roles that Congress should assign to the various military elements of the Department of Defense.

(f) RECOMMENDATIONS CONCERNING CIVILIAN ELEMENTS OF DEPARTMENT OF DEFENSE—The Commission may address the roles, missions, and functions of civilian portions of the Department of Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, missions, and functions.

(g) RECOMMENDATIONS CONCERNING PROCESS FOR FUTURE CHANGES—The Commission shall also recommend a process for continuing to adapt the roles,

missions, and functions of the Armed Forces to future changes in technology and in the international security environment.

SEC. 954. REPORTS.

(a) **IMPLEMENTATION PLAN**—Not later than three months after the date on which all members of the Commission have been appointed, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth its plan for the work of the Commission. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

(b) **COMMISSION REPORT**—The Commission shall, not later than one year after the date of its first meeting, submit to the committees named in subsection (a) and to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislation that the Commission considers advisable.

(c) **ACTION BY SECRETARY OF DEFENSE**—The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit comments on the Commission's report to the committees referred to in subsection (b) not later than 90 days following receipt the report.

SEC. 955. POWERS.

(a) **HEARINGS**—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) **INFORMATION**—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 956. COMMISSION PROCEDURES.

(a) **MEETINGS**—The Commission shall meet at the call of the chairman.

(b) **QUORUM**—(1) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) **PANELS**—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) **AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 957. PERSONNEL MATTERS.

(a) **PAY OF MEMBERS**—Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF**—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) **DETAIL OF GOVERNMENT EMPLOYEES**—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a non-reimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES**—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 958. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) **POSTAL AND PRINTING SERVICES**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) **MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES**—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) GIFTS—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) TRAVEL— To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 959. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 960. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the last day of the sixteenth month that begins after the date of its first meeting, but not earlier than 30 days after the date of the Secretary of Defense's submission of comments on the Commission's report.

SOURCES: *National Defense Authorization Act for Fiscal Year 1994*, 103 Cong, 1 sess, House Report No. 103-200, 30 July 1993 (Washington: GPO, 1993); *National Defense Authorization Act for Fiscal Year 1994*, Conference Report, 103 Cong, 1 sess, House Report No. 103-357, 10 November 1993 (Washington: GPO, 1993), 706.

The second session of the 103d Congress, in 1994, amended the terms establishing the Commission on Roles and Missions contained in PL 103-160. These amendments, in Section 923 of the National Defense Authorization Act for Fiscal Year 1995 (PL 103-337, 5 October 1994), increased the commission's membership from 7 to 11 and specified that one of the new members "shall have previous military experience and management experience with the reserve components."

The amendments also expanded the commission's mandate to include a review of the roles of the Army National Guard, the Air National Guard, and the other Reserve components "within the total force of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future." The amendments pertaining to the Reserve components resulted from the recognition that the original law (PL 103-160) did not specifically request the commission to review and make recommendations concerning the Reserves and to address their roles, missions, and functions within the total force. The conference committee report on PL 103-337 also stated that the conferees wanted to make it clear "that changes in force structure and programs are part of the Commission's charter."

6. Report of the Commission on Roles and Missions, 1995

John P. White, director of the Center for Business and Government at the John F. Kennedy School of Government, Harvard University, and a former assistant secretary of defense (1977-1978), chaired the Commission on Roles and Missions, which issued its report, *Directions for Defense*, in May 1995. The report's summary describes the commission's findings and recommendations.

OVERVIEW

The central purpose of the Department of Defense is to conduct effective military operations in pursuit of America's National Security Strategy. The central message for DOD from the Commission on Roles and Missions of the Armed Forces is *in the 21st century, every DOD element must focus on supporting the operations of the Unified Commanders in Chief (CINCs)*. Everything else DOD does—from furnishing health care to developing new weapons—should support that effort. The recommendations made throughout our report seek to concentrate all of DOD's activities toward that end.

In establishing the Commission on Roles and Missions of the Armed Forces, Congress told us to “review . . . the appropriateness . . . of the current allocations of roles, missions, and functions among the Armed Forces; evaluate and report on alternative allocations; and make recommendations for changes in the current definition and distribution of those roles, missions, and functions.”

Our view of the future gives urgency to this effort. If America's experience since the end of the Cold War is instructive, America's future will be marked by rapid change, diverse contingencies, limited budgets, and a broad range of missions to support evolving national security policies. Providing military capabilities that operate effectively together to meet future challenges is the common purpose of the military departments, the Services, the defense agencies, and other DOD elements. All must focus on DOD's real product—effective military operations.

Military operations are performed by geographic and functional CINCs under the authority and direction of the President and the Secretary of Defense. To be successful, the CINCs must mold effective unified forces from the diverse array of capabilities provided to them by other organizations. This means that the CINCs must have a role in helping determine the capabilities that will be available; it also requires the close cooperation of the military departments and the Services, support agencies, and decision-makers in DOD. The Department has strengthened its capabilities for unified operations considerably since passage of the 1986 Goldwater-Nichols Defense Reorganization Act. But, that job is not yet done; further efforts to ensure the effectiveness of joint operations are essential to a successful and secure future.

Our recommendations are designed to better focus DOD's traditional military functions, management and decision-making processes, and support elements more directly on effective unified military operations. In short, we must accelerate the

process of thinking differently about defense. Military operations are planned and conducted by joint forces under the direction of the CINCs, not by the Military Services, defense agencies, or Pentagon staffs.

We began our inquiry by listing the global realities we expect to be prominent through the first two decades of the next century. We anticipate the continuation of regional threats and instabilities; proliferation of weapons of mass destruction; demand for military operations focusing on preventing conflict, promoting stability, and expanding U.S. influence; greater importance of information warfare; limited defense budgets; and rapid technological advances.

To deal with these realities, we identified six attributes of a successful DOD in the future. They are

- *responsiveness* to requirements that change over time—sometimes rapidly;
- *reliability* in delivering predictable, consistent performance;
- *cooperation* and *trust*, the sine qua non of unified operations;
- *innovation* in new weapons, organization, and operational concepts;
- *competition* directed toward constructive solutions to complex problems; and
- *efficiency* in the use of resources.

Our recommendations encourage the development of these attributes. They are designed to

- improve the ability of the Secretary of Defense to provide unified strategic and programmatic direction to DOD;
- expand the role of the Chairman and Vice Chairman of the Joint Chiefs of Staff and the CINCs in ensuring better joint doctrine, training, weapons planning, and support;
- focus the military departments on providing the right mix of capabilities for unified military operations;
- improve capabilities to deal with new challenges of the post-Cold War world; and
- reduce the cost of the support infrastructure through increased outsourcing and better management—while increasing responsiveness to the needs of the CINCs.

ADJUSTING PERSPECTIVES

In the context of effective, unified military operations, our most surprising conclusion is that it is a mistake to take the traditional view of roles and missions issues—a view that concentrates on the allocation of roles among the Military Services. Broadly speaking, existing problems with Service roles are symptoms of the need for DOD to concentrate more intensely on unified operations. That is, do the CINCs have the set of capabilities they need to fulfill their missions?

We group our recommendations under three broad themes: the unified military operations themselves, productive and responsive support, and improved management and direction.

EFFECTIVE UNIFIED MILITARY OPERATIONS

Our recommendations emphasize the roles of the Chairman of the Joint Chiefs of Staff (JCS) and the CINCs' joint "core competency" in preparing for, and conducting, unified operations.

We recommend that the Chairman of the JCS propose a unified vision for joint operations to the Secretary of Defense to guide force and materiel development; integrate support to CINCs in such critical areas as theater air/missile defense and intelligence; improve joint doctrine development; develop and monitor joint readiness standards; and increase emphasis on joint training. We recommend larger roles for the CINCs in structuring and controlling command, control, and intelligence support, joint training, and theater logistics. We also emphasize the role of the geographic CINCs in preparing for coalition operations.

Joint Operations

We recommend a new, functional unified command responsible for joint training and integration of all forces based in the Continental United States. Under the direction of the Secretary of Defense, this new command would train and provide the joint forces required by the geographic CINCs' operational plans. The command would work with the geographic CINCs in developing appropriate plans and training programs for joint and combined operations.

Emerging Mission Priorities

Our examination revealed several emerging mission areas that demand immediate attention from the Federal Government generally, not just from DOD.

These mission areas provide significant security challenges and opportunities in the years ahead.

- *Combating Proliferation of Weapons of Mass Destruction (WMD).* We recommend that the Vice President lead an interagency task force to better organize U.S. defense against these insidious threats. We also recommend organizational changes in the Office of the Secretary of Defense and the Joint Staff, and better integration of the functional unified commands into overall planning for combating WMD.
- *Information Warfare.* We recommend a high-level interagency effort to improve America's information warfare capacity. DOD's capabilities for this emerging warfighting mission need to be improved, and our civil and military information vulnerabilities must be reduced.
- *Peace Operations.* Currently, DOD regards peace operations as a subset of the broad category of operations other than war (OOTW). However, peace operations hold the prospect for preventing, containing, or ending conflict. They have the potential to preclude larger, more costly U.S. involvement in regional conflicts. We recommend differentiating peace operations to give them greater prominence in contingency planning.
- *OOTW.* We must in addition be prepared to engage in the wide range of remaining OOTW tasks, such as humanitarian assistance and disaster relief. For these we recommend limiting the use of military forces to military tasks where practical; broadening non-DOD capabilities for some OOTW functions; and improving interagency coordination. We must also ensure rapid reimbursement

of DOD for unplanned peace operations and OOTW to prevent readiness problems among forces not engaged.

For all the missions highlighted above, DOD must expand capabilities but without sacrificing its ability to fight the Nation's wars. DOD also must maintain a hedge against the possibility that another country could attain sufficient military capabilities to threaten our Nation.

The Military Departments should sharpen their focus on their particular capabilities, or "core competencies." While the CINCs concentrate on planning and training for joint operations in the near term, the Military Departments must have a larger view that embraces long-term force development and materiel acquisition.

Other Key Service Functions

Overseas presence is a core competency of all the Services. Each Service has important, sometimes unique capabilities for presence. Current practices should be challenged to find innovative ways of meeting those objectives, such as intermittent or surge deployments and various combinations of forces.

Additionally, we recommend specific adjustments in some Service functions: Make the Air Force the Executive Agent for Combat Search and Rescue. Assign management of sea-based pre-positioning programs to the Marine Corps and management of land-based pre-positioning programs to the Army. Have the Army provide ground-based area air defense, heavy engineering, and supplemental logistics support to the Marine Corps. Assign the Air Force primary responsibility for acquiring and operating multiuser space systems. Transfer operational support airlift aircraft (except for Department of the Navy C-9s) to the Air Force for management by the U.S. Transportation Command.

Congress asked us to examine Reserve Component roles and missions in DOD's future Total Force. Our recommendation is to size and shape Reserve Components more consistently with national strategy needs, integrate the Reserve Forces better with the Active Duty Forces, improve training and evaluation, and eliminate reserves not needed.

From our review of the deep attack mission, we conclude that DOD needs a better mechanism for determining the proper size and mix of deep attack capabilities in the requirements development process. We recommend a DOD-wide study to determine the best mix of these systems for the future. Furthermore, we recommend including bombers in that study and delaying a final decision on B-2 bomber funding until the industrial base portion of DOD's bomber study is completed and reviewed thoroughly.

"Problems" that are not Problems

Our study identifies three perceived roles and missions problems that proved to be nonissues. In each case, improvement is needed—but not a reordering of roles or functions. Putting outdated roles and missions issues such as these into proper perspective—and therefore, to rest—is an essential step toward concentrating attention on the broader changes needed. In particular, Army and Marine Corps capabilities are complementary, not redundant; inefficiencies attributed to the so-called "four air forces" (i.e., each Service has aircraft) are found mostly in the infrastructure, not on the battlefield; and more joint training, not fewer Services, is needed to ensure effective close air support.

PRODUCTIVE AND RESPONSIVE SUPPORT

DOD should reduce the cost of support to help fund higher priority needs. Infrastructure accounts for more than half of its budget, and big opportunities for savings are available within that infrastructure.

Outsource Some Activities to Private Companies

Our approach is to outsource activities that need not be performed in the government and reengineer support activities that must remain in the government to protect the public interest. Implementation of some of our recommendations will require legislative relief from laws that inhibit efficiency.

More than a quarter of a million DOD employees engage in commercial-type activities that could be performed by competitively selected private companies. Experience suggests achievable cost reductions of about 20 percent. DOD should outsource essentially all wholesale-level warehousing and distribution, whole-sale-level weapon system depot maintenance, property control and disposal, and incurred-cost auditing of DOD contracts. In addition, many other commercial-type activities, including those in family housing, base and facility maintenance, data processing, and others could be transferred to the private sector. Finally, DOD should rely on the private sector for all *new* support activities.

Giving beneficiaries of DOD health care more choice between military and civilian care at equal cost may reduce long-term demand for peacetime military medical personnel and facilities. The resulting reductions would yield net savings and sharpen the military medical establishment's focus on readiness to meet operational requirements.

Reengineering Support Activities

Support activities that remain in the government should be reengineered to improve performance and reduce cost, and they should adopt private-sector management tools that increase efficiency.

We rejected a monolithic new acquisition organization independent of the Services because it could undermine core combat capabilities. Instead, we concentrated on improving the infrastructure that supports buying and maintaining military equipment.

Reengineering the military aircraft support infrastructure has the highest potential payoff because it costs so much and there is clear duplication among the Services. This redundancy within the aviation support structure is an important part of the true "four air forces" issue; reducing it should be given high priority.

We recommend reengineering DOD's centralized contract audit and oversight functions, including greater use of private-sector audits and electronic auditing wherever possible. Furthermore, the Defense Contract Management Command and the Defense Contract Audit Agency should be combined. More generally, DOD needs relief from laws and regulations that prevent using proven commercial business processes, such as activity-based cost accounting and international quality assurance standards.

Many of the defense agencies and field activities that provide the bulk of DOD's centralized support must become more efficient and responsive to their customers. We recommend establishing a board of directors for each defense agency and

major field activity. These boards should include customer representatives and be supported by expert consultants to promote adoption of innovative management practices. Their purview should extend beyond financial accounting matters to address the full range of customer needs.

We recommend collocating the Military Departments' aircraft program management offices and consolidating common business and engineering activities that support the program managers. Matrix support will reduce overall personnel costs by assigning experts to individual Service program offices only as needed. This should also increase aviation interoperability and commonality over time.

To streamline logistic support of aircraft already in service, we recommend a single manager for support of fixed-wing aircraft, and another for helicopters. These single management elements (SMEs) should direct the most efficient mix of inter-Service support for all military aircraft. As more "wholesale-level" support for DOD weapon systems is outsourced, the SMEs will also manage contracting with private-sector providers.

IMPROVED MANAGEMENT AND DIRECTION

Planning, Programming, and Budgeting

The Department of Defense's budget and program decisions are central to our concerns because they often result in the de facto allocation of roles, missions, and functions. Improved performance requires changes to the planning, programming, and budgeting system; a new information framework; and adjustments to headquarters organizations.

The Department's planning and budgeting system is the best of its kind in the Federal Government, but it can be improved. Among the system's needs are unified strategic direction, more attention to front-end planning, fewer program changes late in the process, and less attention to unnecessary detail.

We recommend a Quadrennial Strategy Review (QSR) at the beginning of each Presidential term and whenever else events dictate. That review would be an inter-agency effort directed by the National Security Council.

The QSR should consider recent and anticipated geopolitical and policy changes, technological developments, opportunities for shaping the security environment, the plausible range of DOD budget levels, and a robust set of force and capability options. We also suggest a different force planning concept that evaluates various force/capability mixes possible at each of several different funding levels to determine relative value across the spectrum of possible contingencies.

We recommend a thorough restructuring of the existing DOD planning and budgeting system. Taking its initial direction from the QSR, the system we propose features more orderly treatment of issues, stronger program and budget direction by the Secretary, and greater stability. We also believe that our system will provide better focus on important issues by senior officials and require considerably less staff effort devoted to detail.

The Department's decision-making information support framework—the Future Years Defense Program—is too "input" oriented. We recommend a mission/output-oriented information framework to better enable the assessment of forces and capabilities to perform missions derived from the National Security Strategy.

The new framework would include improved metrics for measuring and tracking performance.

The Department's process for acquiring weapons systems can be improved by considering joint warfighting concerns, including interoperability and commonality of support when "requirements" are first established. This implies a greater ability and willingness of the Joint Requirements Oversight Council (JROC) and OSD to address DOD needs in the aggregate, and earlier involvement in tradeoffs of cost versus performance by civilian acquisition executives.

Organizational Changes

Changes are necessary in DOD's "corporate headquarters." The Chairman of the Joint Chiefs of Staff is the principal military advisor to the Secretary of Defense. The Chairman's advice should include a comprehensive "joint vision" developed with the CINCs and the Services. In addition, we recommend strengthening the charter of the JROC (chaired by the Vice Chairman) over joint requirements formulation, and increasing the technical and analytic capacity of the Joint Staff to better assist the Chairman and Vice Chairman.

Elements in OSD are frequently preoccupied with managing, and sometimes advocating, particular programs or functions. We recommend reducing OSD's functional management responsibilities so the staff can concentrate on giving the Secretary of Defense policy advice and analytical support.

A new OSD "integration" function should be developed to assist the Secretary in assessing diverse and competing recommendations and providing unified direction for the defense program.

We recommend several other organizational changes, including giving mission-oriented charters to elements of the Under Secretary of Defense for Policy organization and combining the staffs that support the Military Department Secretaries and the Service Chiefs.

Finally, to strengthen the quality of DOD's civilian leadership, we recommend a new management concept, improved opportunities for advancement and growth for career civilians, and limitations on the number of DOD political appointees.

CONCLUSION

In conclusion, the challenge is to shape our military institutions so that they are better prepared for a changing and uncertain future; this means ensuring effective unified military operations. It is time to complete the work begun by the Goldwater-Nichols Act by making joint thinking and acting a compelling reality throughout DOD.

Appendix I

Organization Charts

CHART 1 OFFICE OF THE SECRETARY OF DEFENSE

APRIL 1980

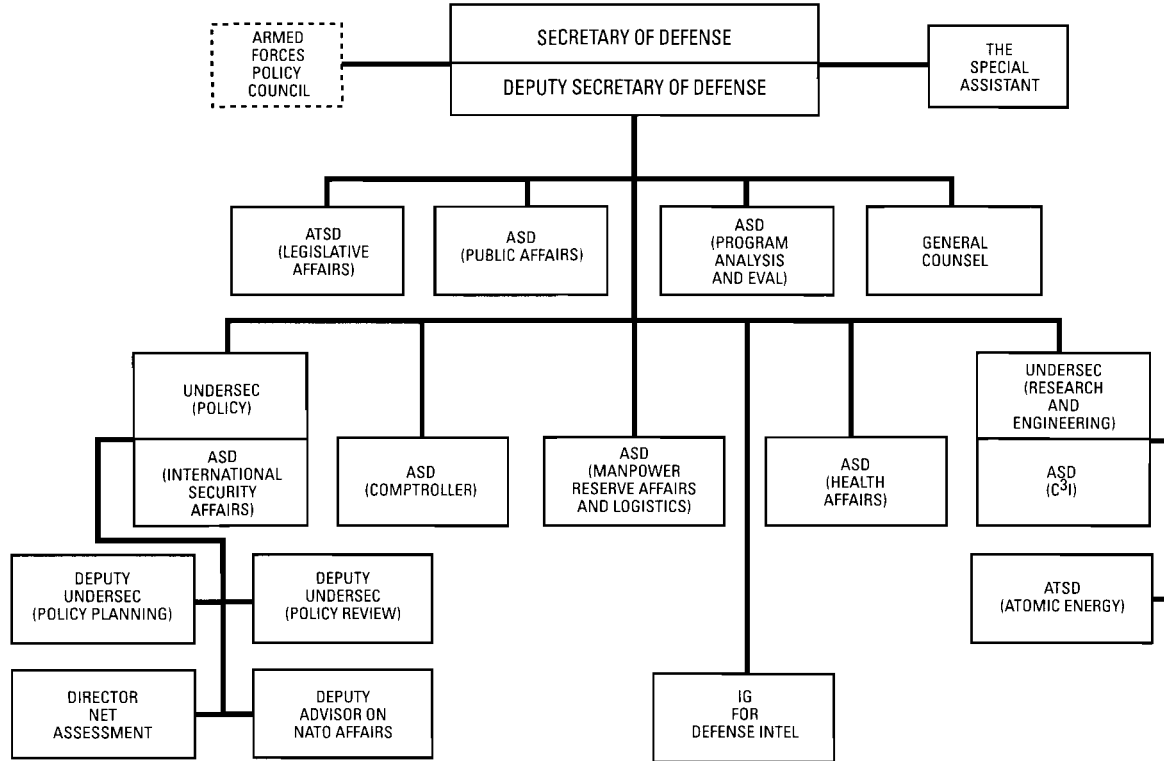


CHART 2
DEPARTMENT OF DEFENSE
DECEMBER 1980

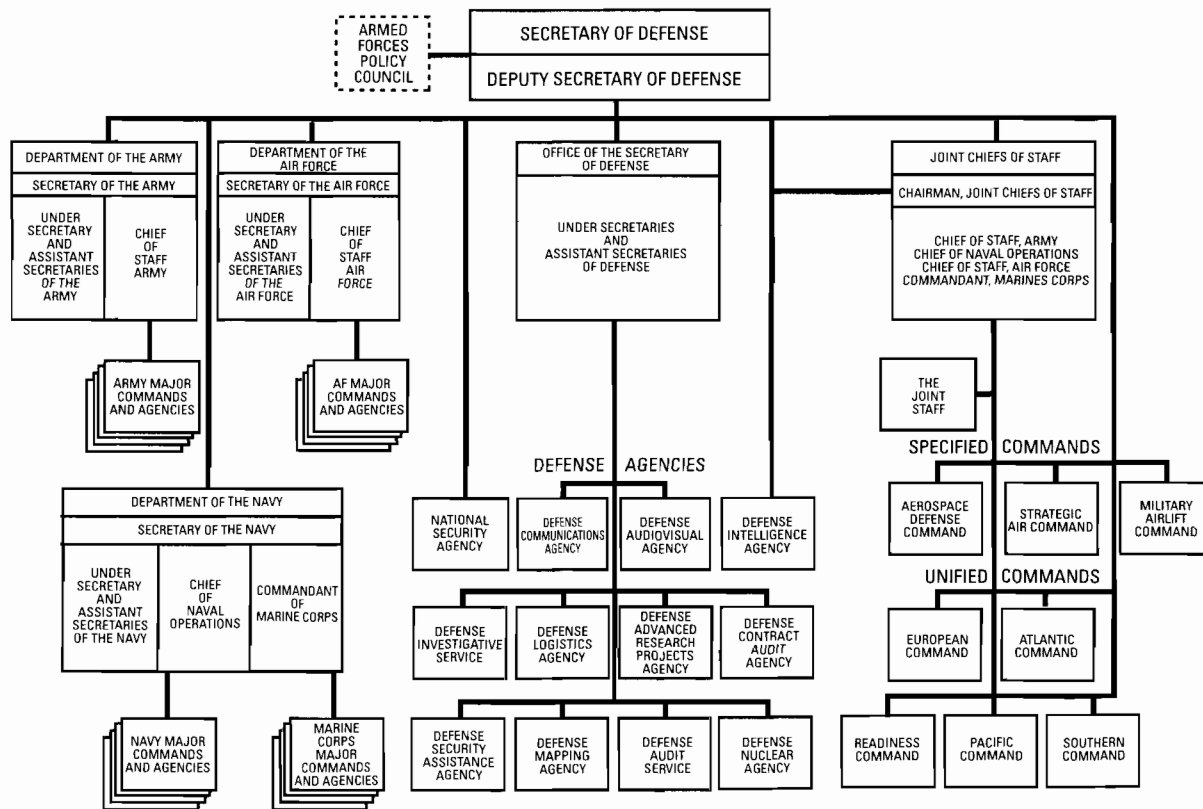


CHART 3 OFFICE OF THE SECRETARY OF DEFENSE

February 1984

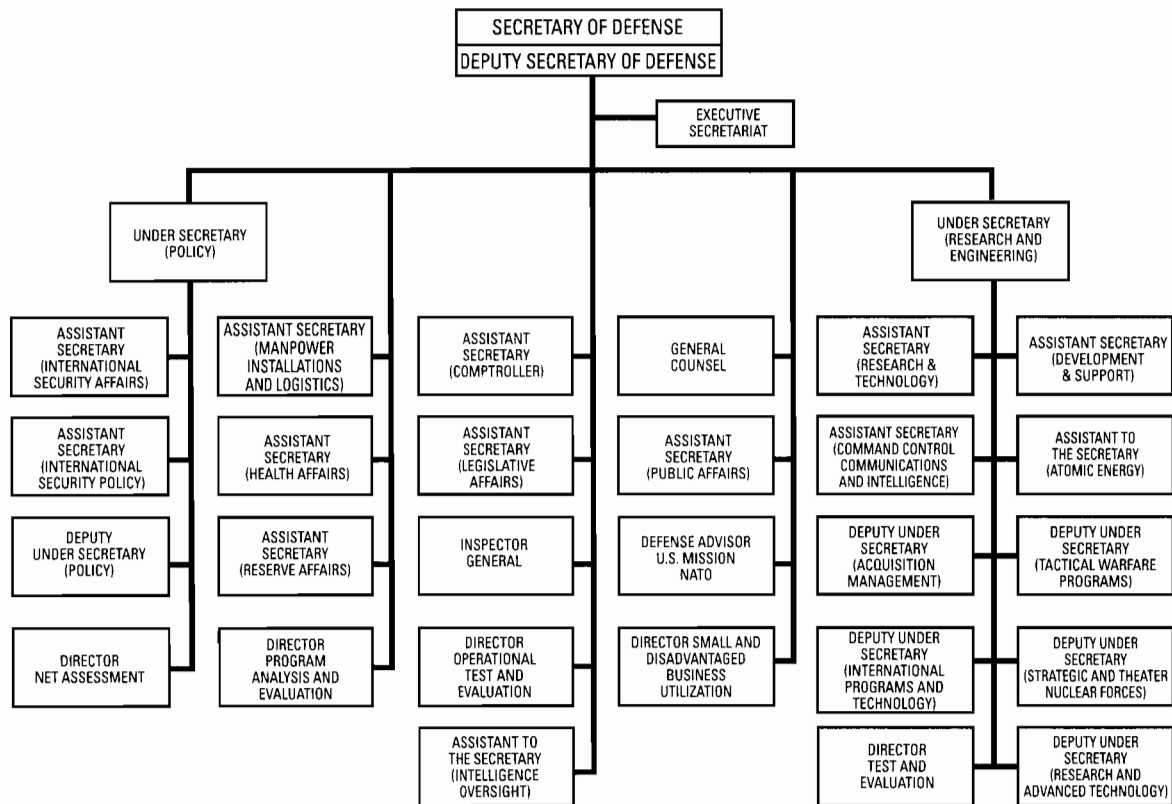


CHART 4
OFFICE OF THE SECRETARY OF DEFENSE
MARCH 1991

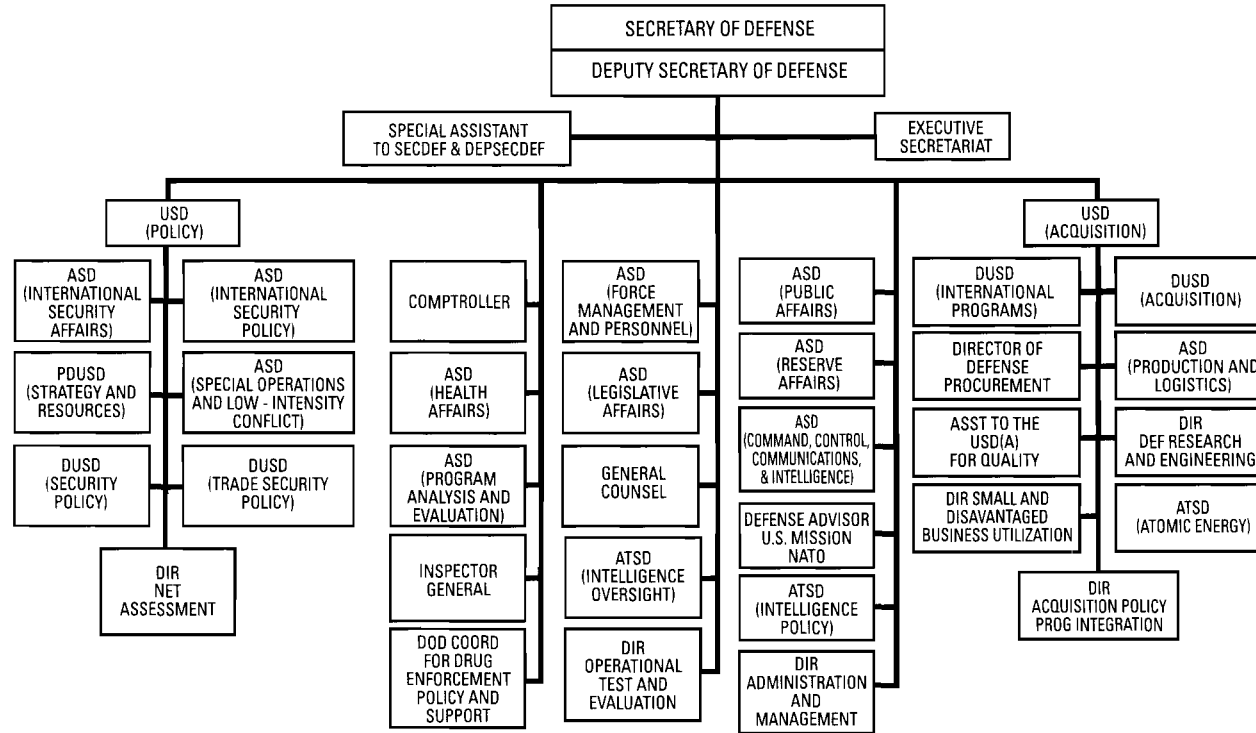


CHART 5 DEPARTMENT OF DEFENSE

JANUARY 1994

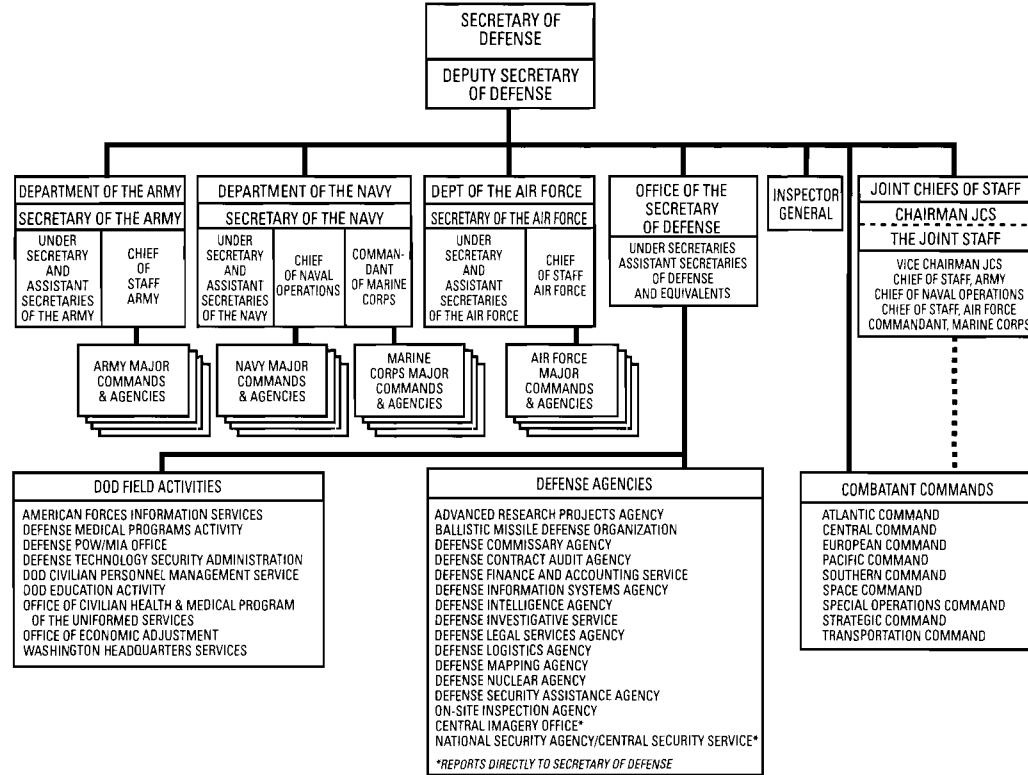


CHART 6 OFFICE OF THE SECRETARY OF DEFENSE

JANUARY 1994

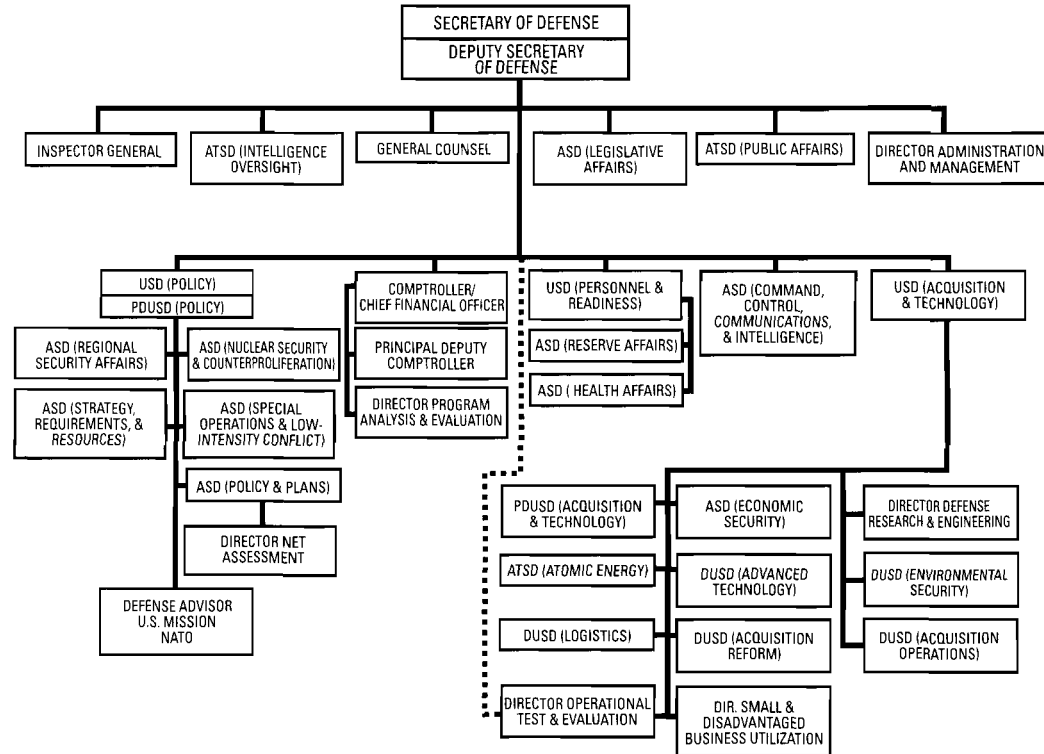


CHART 7
OFFICE OF THE SECRETARY OF DEFENSE
 JANUARY 1995

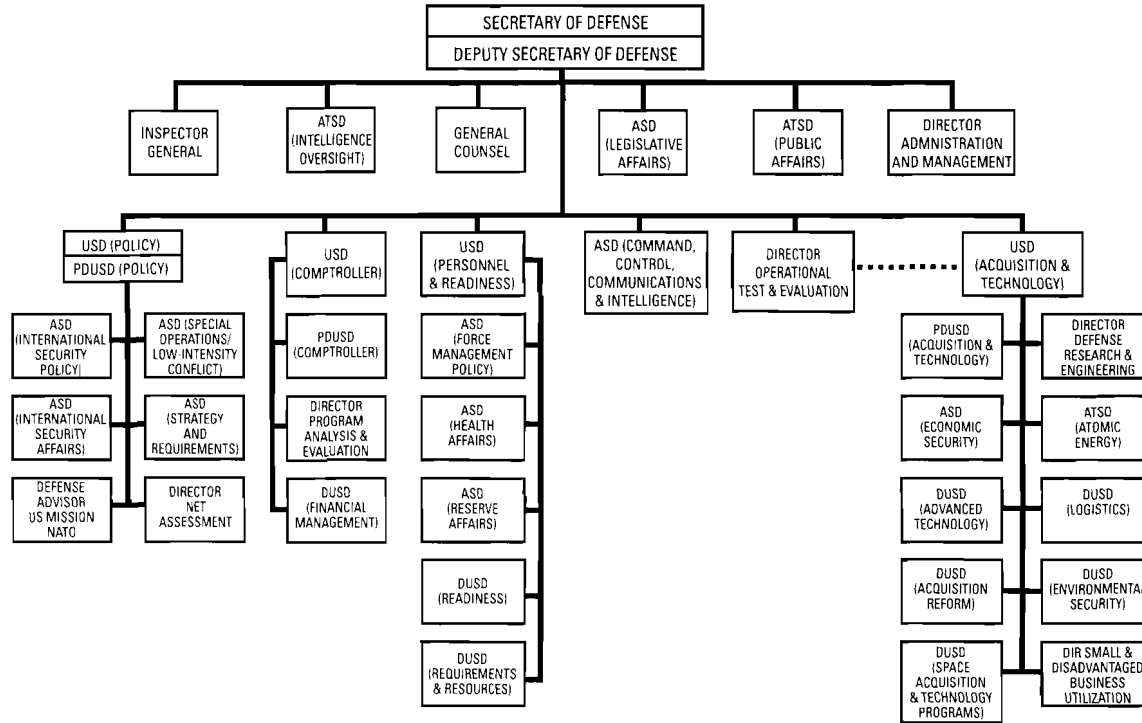


CHART 8
OFFICE OF THE SECRETARY OF DEFENSE
 FEBRUARY 2000

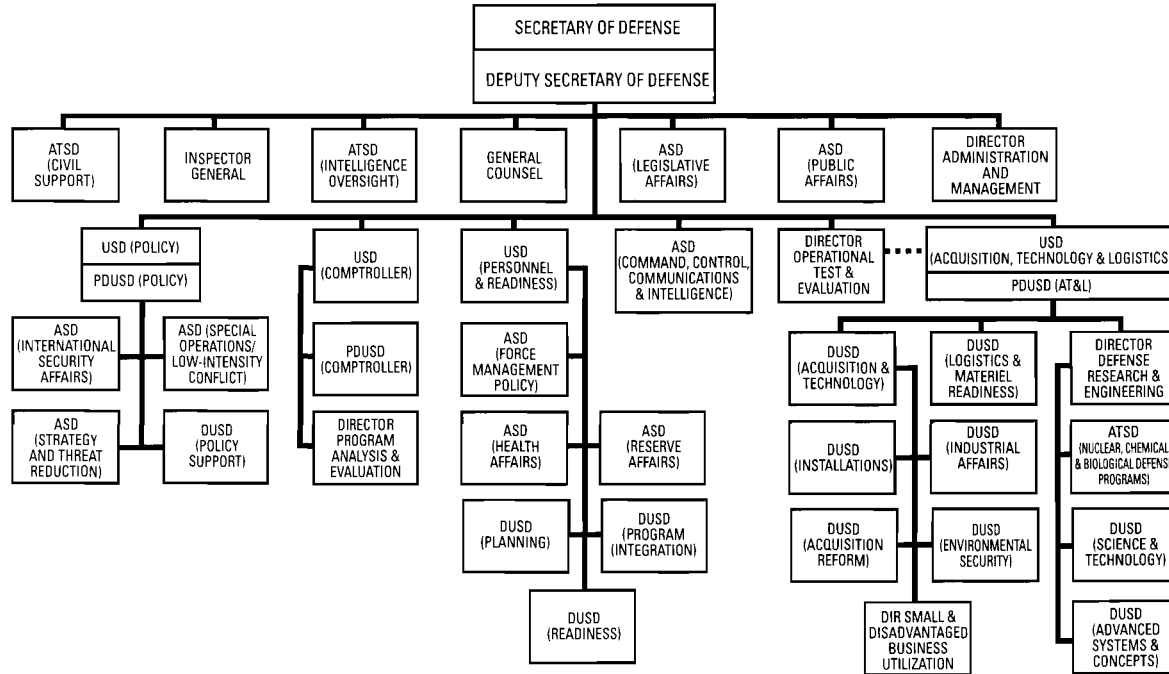


CHART 9 DEPARTMENT OF DEFENSE

MARCH 2000

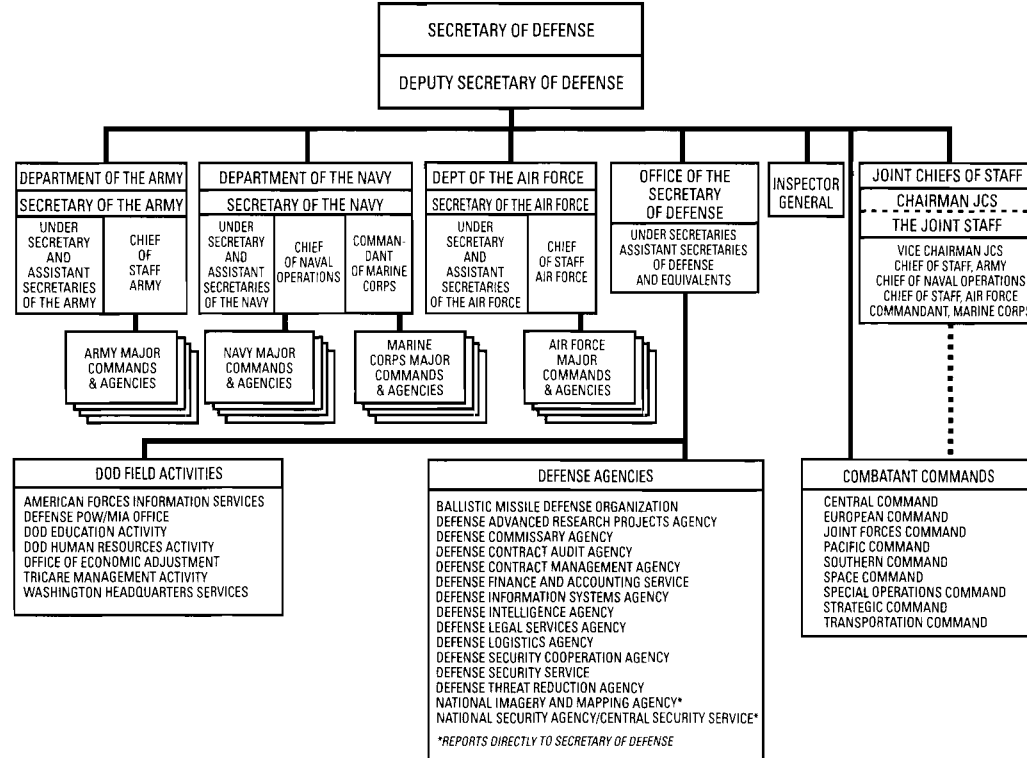


CHART 10
OFFICE OF THE SECRETARY OF DEFENSE
MAY 2003

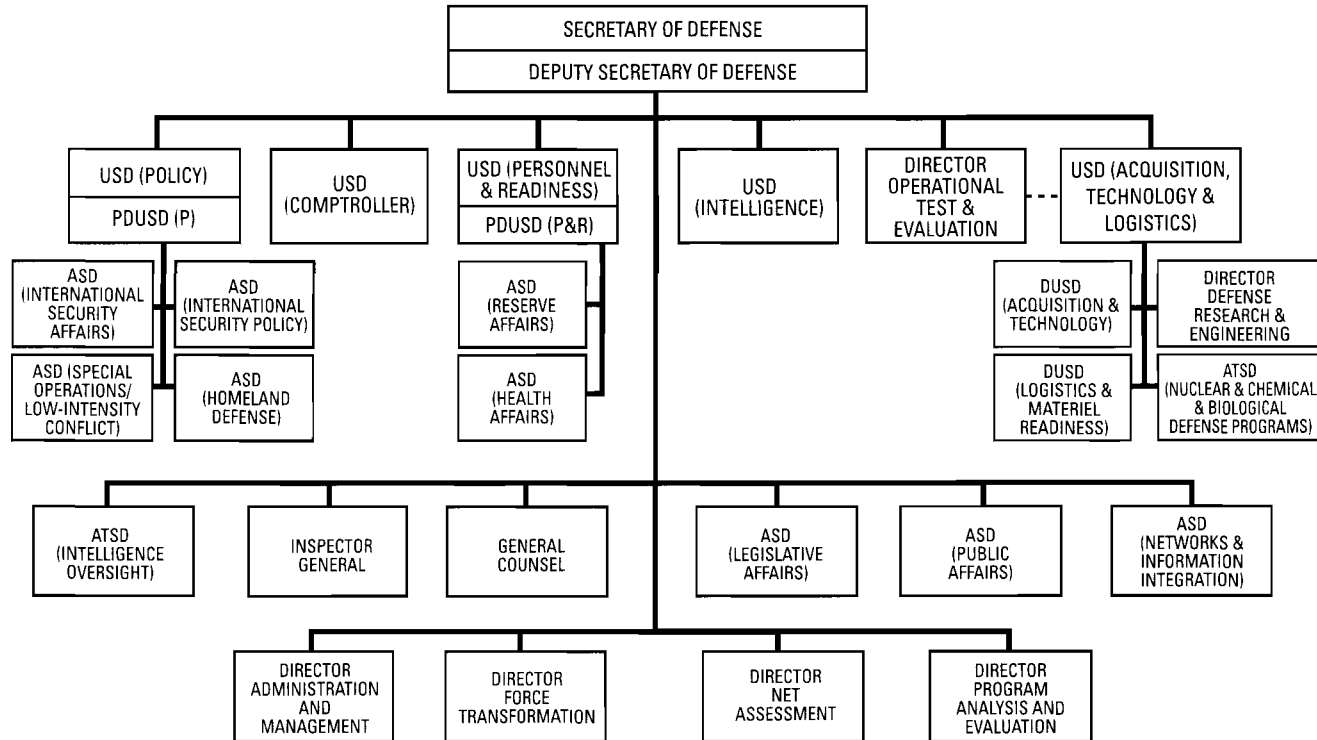
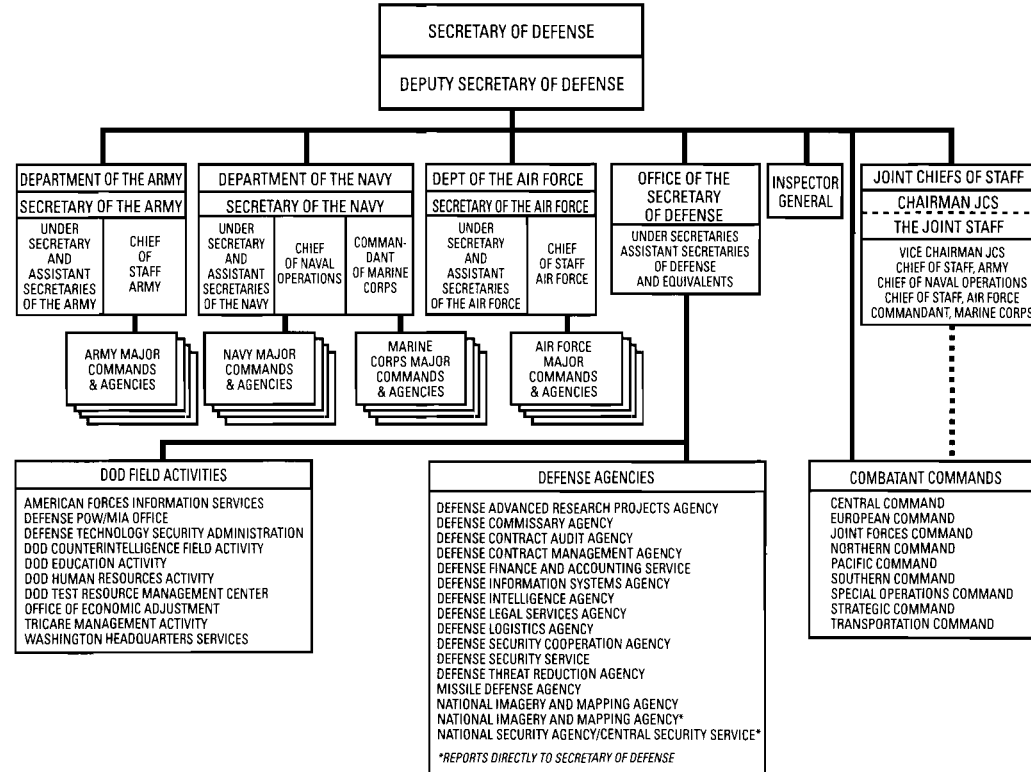


CHART 11 DEPARTMENT OF DEFENSE

MAY 2003



Appendix II

United States Code, Title 10, as amended through 31 December 2003

Chapter 4: Office of the Secretary of Defense

Chapter 5: Joint Chiefs of Staff

Title 10, United States Code, covers the Armed Forces of the United States. The Code is updated periodically to incorporate changes in statutes relating to the Armed Forces. Printed below, from the United States Code, as amended through 31 December 2003, are Title 10, Subtitle A, Part I, Chapter 4, Office of the Secretary of Defense, and Title 10, Subtitle A, Part I, Chapter 5, Joint Chiefs of Staff. These two chapters of Title 10 are most pertinent to the organization of the Office of the Secretary of Defense and the Joint Chiefs of Staff.

United States Code (As amended through 31 December 2003)
Title 10—Armed Forces
Subtitle A—General Military Law
Part I—Organization and General Military Powers

CHAPTER 4—OFFICE OF THE SECRETARY OF DEFENSE

Sec.

- 131. Office of the Secretary of Defense.
- 132. Deputy Secretary of Defense.
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- 137. Under Secretary of Defense for Intelligence.
- 138. Assistant Secretaries of Defense.
- 139. Director of Operational Test and Evaluation.
- 139a. Director of Defense Research and Engineering.
- 140. General Counsel.
- 141. Inspector General.
- 142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.
- 143. Office of the Secretary of Defense personnel: limitation.

§ 131. Office of the Secretary of Defense

(a) There is in the Department of Defense an Office of the Secretary of Defense. The function of the Office is to assist the Secretary of Defense in carrying out his duties and responsibilities and to carry out such other duties as may be prescribed by law.

(b) The Office of the Secretary of Defense is composed of the following:

- (1) The Deputy Secretary of Defense.
- (2) The Under Secretaries of Defense, as follows:
 - (A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.
 - (B) The Under Secretary of Defense for Policy.
 - (C) The Under Secretary of Defense (Comptroller).
 - (D) The Under Secretary of Defense for Personnel and Readiness.
 - (E) The Under Secretary of Defense for Intelligence.
- (3) The Director of Defense Research and Engineering.

(4) The Assistant Secretaries of Defense.

(5) The Director of Operational Test and Evaluation.

(6) The General Counsel of the Department of Defense.

(7) The Inspector General of the Department of Defense.

(8) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.

(c) Officers of the armed forces may be assigned or detailed to permanent duty in the Office of the Secretary of Defense. However, the Secretary may not establish a military staff in the Office of the Secretary of Defense.

(d) The Secretary of each military department, and the civilian employees and members of the armed forces under the jurisdiction of the Secretary, shall cooperate fully with personnel of the Office of the Secretary of Defense to achieve efficient administration of the Department of Defense and to carry out effectively the authority, direction, and control of the Secretary of Defense.

(Added P.L. 99-433, § 104, Oct. 1, 1986, 100 Stat. 996 [former § 131 transferred to § 111]; amended P.L. 103-160, § 906(a), Nov. 30, 1993, 107 Stat. 1729; P.L. 103-337, § 903(b)(1), Oct. 5, 1994, 108 Stat. 2823; P.L. 106-65, § 911(d)(1), Oct. 5, 1999, 113 Stat. 719; P.L. 107-314, § 901(b)(1), Dec. 2, 2002, 116 Stat. 2619.)

§ 132. Deputy Secretary of Defense

(a) There is a Deputy Secretary of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Deputy Secretary of Defense within ten years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b) The Deputy Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Deputy Secretary shall act for, and exercise the powers of, the Secretary when the Secretary is disabled or there is no Secretary of Defense.

(c) The Deputy Secretary takes precedence in the Department of Defense immediately after the Secretary.

(Added as § 134 by P.L. 87-651, § 202, Sept. 7, 1962, 76 Stat. 518; amended P.L. 92-596, § 4(1), Oct. 27, 1972, 86 Stat. 1318; P.L. 95-140, § 1(a), Oct. 21, 1977, 91 Stat. 1172; redesignated § 132 and amended P.L. 99-433, §§ 101(a)(7), 110(d)(7), Oct. 1, 1986, 100 Stat. 995, 1003 [former § 132 transferred to § 112].)

§ 133. Under Secretary of Defense for Acquisition, Technology, and Logistics

(a) There is an Under Secretary of Defense for Acquisition, Technology, and Logistics, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed from among persons who have an extensive management background in the private sector.

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall perform such duties and exercise such powers relating to acquisition as the Secretary of Defense may prescribe, including—

(1) supervising Department of Defense acquisition;

(2) establishing policies for acquisition (including procurement of goods and services, research and development, developmental testing, and contract administration) for all elements of the Department of Defense;

(3) establishing policies for logistics, maintenance, and sustainment support for all elements of the Department of Defense;

(4) establishing policies of the Department of Defense for maintenance of the defense industrial base of the United States; and

(5) the authority to direct the Secretaries of the military departments and the heads of all other elements of the Department of Defense with regard to matters for which the Under Secretary has responsibility.

(c) The Under Secretary—

(1) is the senior procurement executive for the Department of Defense for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3));

(2) is the Defense Acquisition Executive for purposes of regulations and procedures of the Department providing for a Defense Acquisition Executive; and

(3) to the extent directed by the Secretary, exercises overall supervision of all personnel (civilian and military) in the Office of the Secretary of Defense with regard to matters for which the Under Secretary has responsibility, unless otherwise provided by law.

(d)(1) The Under Secretary shall prescribe policies to ensure that audit and oversight of contractor activities are coordinated and carried out in a manner to prevent duplication by different elements of the Department. Such policies shall provide for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.

(2) In carrying out this subsection, the Under Secretary shall consult with the Inspector General of the Department of Defense.

(3) Nothing in this subsection shall affect the authority of the Inspector General of the Department of Defense to establish audit policy for the Department of Defense under the Inspector General Act of 1978 and otherwise to carry out the functions of the Inspector General under that Act.

(e)(1) With regard to all matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.

(2) With regard to all matters other than matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, and the Secretaries of the military departments.

(Added as § 134a by P.L. 99-348, § 501, July 1, 1986, 100 Stat. 707; redesignated § 133; amended P.L. 99-433, §§ 101(a)(7), 110 (c)(1), (d)(8), 100 Stat. 995, 1002, 1003 [former § 133 transferred to § 113]; revised in entirety by identical amendments P.L. 99-500, 99-591, 99-661, § 101(c) [§ 901], § 101(c) [§ 901], § 901, Oct. 18, Oct. 30, Nov. 14, 1986, 100 Stat. 1783-130, 3341-130, 3910; amended P.L. 100-456, § 809(d), Sept. 29, 1988, 102 Stat. 2013; P.L. 103-160, § 904(b), Nov. 30, 1993, 107 Stat. 1728; P.L. 106-65, § 911(a)(2), (d)(2), Oct. 5, 1999, 113 Stat. 717, 719; P.L. 107-107, 801(a), Dec. 28, 2001, 115 Stat. 1174.)

§ 133a. Deputy Under Secretary of Defense for Acquisition and Technology

(a) There is a Deputy Under Secretary of Defense for Acquisition and Technology, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The Deputy Under Secretary of Defense for Acquisition and Technology shall assist the Under Secretary of Defense for Acquisition, Technology, and Logistics in the performance of the Under Secretary's duties relating to acquisition and technology.

(Added by identical amendments P.L. 99-500, 99-591, 99-661, § 101(c) [§ 902(a)], § 101(c) [§ 902(a)], § 902(a), Oct. 18, Oct. 30, Nov. 14, 1986, 100 Stat. 1783-131, 3341-131, 3910 [former § 133a transferred to § 117]; amended P.L. 103-160, § 904(c), Nov. 30, 1993, 107 Stat. 1728; P.L. 103-337, § 1070(a)(2), Oct. 5, 1994, 108 Stat. 2855; P.L. 106-65, § 911(c), Oct. 5, 1999, 113 Stat. 718; P.L. 107-107, § 1048(b)(1), Dec. 28, 2001, 115 Stat. 1225.)

§ 133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness

(a) There is a Deputy Under Secretary of Defense for Logistics and Materiel Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Deputy Under Secretary shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.

(b) The Deputy Under Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.

(c) The Deputy Under Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology, and Logistics may assign, including—

(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition, Technology, and Logistics providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.

(Added P.L. 106-65, § 911(b)(1), Oct. 5, 1999, 113 Stat. 718.)

§ 134. Under Secretary of Defense for Policy

(a) There is an Under Secretary of Defense for Policy, appointed from civilian life by the President, by and with the advice and consent of the Senate. A person may not be appointed as Under Secretary within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

(b)(1) The Under Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

(2) The Under Secretary shall assist the Secretary of Defense—

(A) in preparing written policy guidance for the preparation and review of contingency plans; and

(B) in reviewing such plans.

(3) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall have responsibility for supervising and directing activities of the Department of Defense relating to export controls.

(4) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Policy shall have overall direction and supervision for policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for combating terrorism.

(c) The Under Secretary takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Secretaries of the military departments.

(Formerly part of § 135, which was as designated in part as § 134 and amended identically by P.L. 99-433, § 105(1), Oct. 1, 1986, 100 Stat. 997; amended P.L. 99-500, 99-591, 99-661, § 101(c) [§ 903(a)], § 101(c) [§ 903(a)], § 903(a), Oct. 18, Oct. 30, Nov. 14, 1986, 100 Stat. 1783-132, 3341-132, 3911 [former § 134 transferred to § 132]; P.L. 103-160, § 904(d)(1), Nov. 30, 1993, 107 Stat. 1728; P.L. 105-261, § 1521(a), Oct. 17, 1998, 112 Stat. 2178; P.L. 106-65, § 911(d)(1), Oct. 5, 1999, 113 Stat. 719; P.L. 107-314, § 902(b), Dec. 2, 2002, 116 Stat. 2620.)

§ 134a. Deputy Under Secretary of Defense for Policy

(a) There is a Deputy Under Secretary of Defense for Policy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The Deputy Under Secretary of Defense for Policy shall assist the Under Secretary of Defense for Policy in the performance of his duties. The Deputy Under Secretary of Defense for Policy shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.

(Added P.L. 102-190, § 901(a), Dec. 5, 1991, 105 Stat. 1450.)

§ 134b. Deputy Under Secretary of Defense for Technology Security Policy

(a) There is in the Office of the Under Secretary of Defense for Policy a Deputy Under Secretary of Defense for Technology Security Policy.

(b) The Deputy Under Secretary serves as the Director of the Defense Technology Security Administration (or any successor organization charged with similar responsibilities).

(c) The principal duties of the Deputy Under Secretary are—

(1) assisting the Under Secretary of Defense for Policy in supervising and directing the activities of the Department of Defense relating to export controls; and

(2) assisting the Under Secretary of Defense for Policy in developing policies and positions regarding the appropriate export control policies and procedures that are necessary to protect the national security interests of the United States.

(d) The Deputy Under Secretary shall perform such additional duties and exercise such authority as the Secretary of Defense may prescribe.

(Added P.L. 105-261, § 1521(b)(1), Oct. 17, 1998, 112 Stat. 2178; amended P.L. 106-65, § 911(d)(1), Oct. 5, 1999, 113 Stat. 719.)

§ 135. Under Secretary of Defense (Comptroller)

(a) There is an Under Secretary of Defense (Comptroller), appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) ¹ The Under Secretary of Defense (Comptroller) is the agency Chief Financial Officer of the Department of Defense for the purposes of chapter 9 of title 31. The Under Secretary of Defense (Comptroller) shall perform such additional duties and exercise such powers as the Secretary of Defense may prescribe.

(c) The Under Secretary of Defense (Comptroller) shall advise and assist the Secretary of Defense—

(1) in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

(2) in supervising and directing the preparation of budget estimates of the Department of Defense;

(3) in establishing and supervising the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

(A) the preparation and execution of budgets;

(B) fiscal, cost, operating, and capital property accounting; and

(C) progress and statistical reporting;

(4) in establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

(5) in establishing uniform terminologies, classifications, and procedures concerning matters covered by clauses (1) through (4).

(d) The Under Secretary of Defense (Comptroller) takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.

¹ On Jan. 8, 1991, the President designated the Comptroller of the Department of Defense [now the Under Secretary of Defense (Comptroller), referred to in subsection (b)] to be the Chief Financial Officer of the Department of Defense, pursuant to the provisions of the Chief Financial Officers Act of 1990 (P.L. 101-576).

(e) The Under Secretary of Defense (Comptroller) shall ensure that each of the congressional defense committees is informed, in a timely manner, regarding all matters relating to the budgetary, fiscal, and analytic activities of the Department of Defense that are under the supervision of the Under Secretary of Defense (Comptroller).

(Added as § 137 by P.L. 99-433, § 107, Oct. 1, 1986, 100 Stat. 998 [former § 137 transferred to § 139]; redesignated § 135, transferred, and amended P.L. 103-160, §§ 901(a)(2), 902(a)(1), (b), Nov. 30, 1993, 107 Stat. 1726, 1727 [former § 135 redesignated § 137]; amended P.L. 103-337, § 903(a)(1), (2), Oct. 5, 1994, 108 Stat. 2823; P.L. 104-106, § 1502(a)(6), Feb. 10, 1996, 110 Stat. 502; P.L. 106-65, § 1067(1), Oct. 5, 1999, 113 Stat. 774; P.L. 108-136, § 1043(b)(1), Nov. 24, 2003, 117 Stat. 1610.)

§ 136. Under Secretary of Defense for Personnel and Readiness

(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, exchange, commissary, and nonappropriated fund activities, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Under Secretary of Defense (Comptroller).

(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.

(Added P.L. 103-160, § 903(a), Nov. 30, 1993, 107 Stat. 1727 [former § 136 redesignated § 138]; amended P.L. 104-106, § 1503(a)(2), Feb. 10, 1996, 110 Stat. 510; P.L. 106-65, §§ 923(a), 1066(a)(1), Oct. 5, 1999, 113 Stat. 724, 770.)

§ 136a. Deputy Under Secretary of Defense for Personnel and Readiness

(a) There is a Deputy Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The Deputy Under Secretary of Defense for Personnel and Readiness shall assist the Under Secretary of Defense for Personnel and Readiness in the performance of the duties of that position. The Deputy Under Secretary of Defense for Personnel and Readiness shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.

(Added P.L. 107-107, § 901(a)(1), Dec. 28, 2001, 115 Stat. 1193.)

§ 137. Under Secretary of Defense for Intelligence

(a) There is an Under Secretary of Defense for Intelligence, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Intelligence shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the area of intelligence.

(c) The Under Secretary of Defense for Intelligence takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.

(Added P.L. 107-314, § 901(a)(2), Dec. 2, 2002, 116 Stat. 2619 [former § 137 redesignated § 139a].)

§ 138. Assistant Secretaries of Defense

(a) There are nine Assistant Secretaries of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Reserve Affairs. He shall have as his principal duty the overall supervision of reserve component affairs of the Department of Defense.

(3) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Homeland Defense. He shall have as his principal duty the overall supervision of the homeland defense activities of the Department of Defense.

(4) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. He shall have as his principal duty the overall supervision (including oversight of policy and resources) of special operations activities (as defined in section 167(j) of this title) and low intensity conflict activities of the Department of Defense. The Assistant Secretary is the principal civilian adviser to the Secretary of Defense on special operations and low intensity conflict matters and (after the Secretary and Deputy Secretary) is the principal special operations and low intensity conflict official within the senior management of the Department of Defense.

(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Legislative Affairs. He shall have as his principal duty the overall supervision of legislative affairs of the Department of Defense.

(c) Except as otherwise specifically provided by law, an Assistant Secretary may not issue an order to a military department unless—

(1) the Secretary of Defense has specifically delegated that authority to the Assistant Secretary in writing; and

(2) the order is issued through the Secretary of the military department concerned.

(d) The Assistant Secretaries take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of De-

fense Research and Engineering. The Assistant Secretaries take precedence among themselves in the order prescribed by the Secretary of Defense.

(Added as § 136 by P.L. 87-651, § 202, Sept. 7, 1962, 76 Stat. 518; amended P.L. 90-168, § 2(1), (2), Dec. 1, 1967, 81 Stat. 521; P.L. 91-121, § 404(a), Nov. 19, 1969, 83 Stat. 207; P.L. 92-215, § 1, Dec. 22, 1971, 85 Stat. 777; P.L. 92-596, § 4(2), Oct. 27, 1972, 86 Stat. 1318; P.L. 95-140, § 3(a), Oct. 21, 1977, 91 Stat. 1173; P.L. 96-107, § 820(a), Nov. 9, 1979, 93 Stat. 819; P.L. 98-94, § 1212(a), Sept. 24, 1983, 97 Stat. 686; P.L. 99-433, §§ 106, 110(d)(9), Oct. 1, 1986, 100 Stat. 997, 1003; amended identically P.L. 99-500, 99-591, 99-661, § 101(c) [§ 9115(a)], § 101(c) [§ 9115(a)], § 1311(a), Oct. 18, Oct. 30, Nov. 14, 1986, 100 Stat. 1783-122, 3341-122, 3983; P.L. 100-180, § 1211(a)(1), Dec. 4, 1987, 101 Stat. 1154; P.L. 100-453, § 702, Sept. 29, 1988, 102 Stat. 1912; P.L. 100-456, § 701, Sept. 29, 1988, 102 Stat. 1992; redesignated § 138 and amended P.L. 103-160, §§ 901(a)(1), (c), 903(c)(1), 905, Nov. 30, 1993, 107 Stat. 1726, 1727, 1729 [former § 138 redesignated § 139]; P.L. 103-337, §§ 901(a), 903 (b)(2), Oct. 5, 1994, 108 Stat. 2822, 2823; P.L. 104-106, § 902(a), Feb. 10, 1996, 110 Stat. 401; P.L. 105-261, §§ 901(a), 902, Oct. 17, 1998, 112 Stat. 2091; P.L. 106-398, § 1[§ 901], Oct. 30, 2000, 114 Stat. 1654, 1654A-223; P.L. 107-107, § 901(c)(1), Dec. 28, 2001, 115 Stat. 1194; P.L. 107-314, § 902(a), (c), (d), Dec. 2, 2002, 116 Stat. 2620, 2621.)

§ 139. Director of Operational Test and Evaluation

(a)(1) There is a Director of Operational Test and Evaluation in the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(2) In this section:

(A) The term “operational test and evaluation” means—

(i) the field test, under realistic combat conditions, of any item of (or key component of) weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users; and

(ii) the evaluation of the results of such test.

(B) The term “major defense acquisition program” means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title or that is designated as such a program by the Director for purposes of this section.

(b) The Director is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on operational test and evaluation in the Department of Defense and the principal operational test and evaluation official within the senior management of the Department of Defense. The Director shall—

(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of operational test and evaluation in the Department of Defense;

(2) provide guidance to and consult with the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretaries of the military departments with respect to operational test and evaluation in the Department of Defense in general and with respect to specific

operational test and evaluation to be conducted in connection with a major defense acquisition program;

(3) monitor and review all operational test and evaluation in the Department of Defense;

(4) coordinate operational testing conducted jointly by more than one military department or defense agency;

(5) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational test and evaluation, including operational test facilities and equipment, in the Department of Defense; and

(6) monitor and review the live fire testing activities of the Department of Defense provided for under section 2366 of this title.

(c) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense. The Director shall consult closely with, but the Director and the Director's staff are independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics and all other officers and entities of the Department of Defense responsible for acquisition.

(d) The Director may not be assigned any responsibility for developmental test and evaluation, other than the provision of advice to officials responsible for such testing.

(e)(1) The Secretary of a military department shall report promptly to the Director the results of all operational test and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational test and evaluation in the military department.

(2) The Director may require that such observers as he designates be present during the preparation for and the conduct of the test part of any operational test and evaluation conducted in the Department of Defense.

(3) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out his duties under this section.

(f) The Director shall ensure that safety concerns developed during the operational test and evaluation of a weapon system under a major defense acquisition program are communicated in a timely manner to the program manager for that program for consideration in the acquisition decisionmaking process.

(g)(1) The Director shall prepare an annual report summarizing the operational test and evaluation activities (including live fire testing activities) of the Department of Defense during the preceding fiscal year.

(2) Each such report shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31.

(3) If the Director submits the report to Congress in a classified form, the Director shall concurrently submit an unclassified version of the report to Congress.

(4) The report shall include such comments and recommendations as the Director considers appropriate, including comments and recommendations on resources and facilities available for operational test and evaluation and levels of funding made available for operational test and evaluation activities. The report for a fiscal year shall also include an assessment of the waivers of and deviations from requirements in test and evaluation master plans and other testing requirements that occurred during the fiscal year, any concerns raised by the waivers or deviations, and the actions that have been taken or are planned to be taken to address the concerns.

(5) The Secretary may comment on any report of the Director to Congress under this subsection.

(h) The Director shall comply with requests from Congress (or any committee of either House of Congress) for information relating to operational test and evaluation in the Department of Defense.

(i) The President shall include in the Budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the activities of the Director of Operational Test and Evaluation in carrying out the duties and responsibilities of the Director under this section.

(j) The Director shall have sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director prescribed by law.

(Added as § 136a by P.L. 98-94, § 1211(a)(1), Sept. 24, 1983, 97 Stat. 684; amended P.L. 99-348, § 501(c), July 1, 1986, 100 Stat. 708; redesignated § 138 and amended P.L. 99-433, §§ 101(a)(7), 110(d)(10), (g)(1), Oct. 1, 1986, 100 Stat. 995, 1003, 1004; [former § 138 transferred to §§ 114-116]; amended identically P.L. 99-500, 99-591, 99-661, § 101(c) [§§ 903(c), 910(c)], § 101(c) [§§ 903(c), 910(c)], §§ 903(c), 910(c), Oct. 18, Oct. 30, Nov. 14, 1986, 100 Stat. 1783-132, 1783-145, 3341-132, 3341-145, 3912, 3924; amended P.L. 100-26, § 7(a)(1), (c)(2), April 21, 1987, 101 Stat. 275, 280; P.L. 100-180, §801, Dec. 4, 1987, 101 Stat. 1123; P.L. 101-189, §§ 802(b), 1622(e)(1), 103 Stat. 1486, 1605; P.L. 101-510, § 1484(k)(1), Nov. 5, 1990, 104 Stat. 1719; redesignated § 139 and amended P.L. 103-160, §§901(a)(1), 904(d)(1), 907, Nov. 30, 1993, 107 Stat. 1726, 1728, 1730 [former § 139 redesignated § 140]; P.L. 103-355, §§ 3011, 3012, 3013, Oct. 13, 1994, 108 Stat. 3331, 3332; P.L. 106-65, § 911(d)(1), Oct. 5, 1999, 113 Stat. 719; P.L. 107-107, §§ 263, 1048(b)(2), Dec. 28, 2001, 115 Stat. 1044, 1225; P.L. 107-314, § 235(a), (b), Dec. 2, 2002, 116 Stat. 2491.)

§ 139a. Director of Defense Research and Engineering

(a) There is a Director of Defense Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Except as otherwise prescribed by the Secretary of Defense, the Director of Defense Research and Engineering shall perform such duties relating to research and engineering as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

(Added as § 135 by P.L. 87-651, § 202, Sept. 7, 1962, 76 Stat. 518; amended P.L. 92-596, § 4(2), Oct. 27, 1972, 86 Stat. 1318; P.L. 95-140, § 2(a), Oct. 21, 1977, 91 Stat. 1172; P.L. 99-348, § 501 (b), (e), July 1, 1986, 100 Stat. 707, 708; P.L. 99-433, § 105(2), Oct. 1, 1986, 100 Stat. 997; amended identically P.L. 99-500, 99-591, 99-661, § 101(c) [§ 903(a)], § 101(c) [§ 903(a)], § 903(a), Oct. 18, Oct. 30, Nov. 14, 1986, 100 Stat. 1783-132, 3341-132, 3911; redesignated § 137 and amended P.L. 103-160,

§§ 901(a)(1), 904(d)(1), Nov. 30, 1993, 107 Stat. 1726, 1728 [former § 137 transferred to § 135]; P.L. 106-65, §911(d)(1), Oct. 5, 1999, 113 Stat. 719; redesignated § 139a P.L. 107-314, § 901(a)(1), Dec. 2, 2002, 116 Stat. 2619.)

[§§ 139a, 139b, 139c. Transferred to §§ 2432, 2433, 2434]

§140. General Counsel

(a) There is a General Counsel of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The General Counsel is the chief legal officer of the Department of Defense. He shall perform such functions as the Secretary of Defense may prescribe.

(Added as § 137 by P.L. 87-651, § 202, Sept. 7, 1962, 76 Stat. 519; amended P.L. 88-426, § 305(9), Aug. 14, 1964, 78 Stat. 423; redesignated § 139 and amended P.L. 99-433, § 101(a)(7), 110(d)(11), Oct. 1, 1986, 100 Stat. 995, 1003 [former § 139 transferred to § 2431]; redesignated § 140 and amended P.L. 103-160, § 901(a)(1), Nov. 30, 1993, 107 Stat. 1726 [former § 140 redesignated § 141].)

[§ 140a. Transferred to § 128, then to § 421]

[§ 140b. Transferred to § 129]

[§ 140c. Transferred to § 130]

§ 141. Inspector General

(a) There is an Inspector General of the Department of Defense, who is appointed as provided in section 3 of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App. 3).

(b) The Inspector General performs the duties, has the responsibilities, and exercises the powers specified in the Inspector General Act of 1978.

(Added as § 140 by P.L. 99-433; § 108, Oct. 1, 1986, 100 Stat. 998 [former § 140 transferred to § 127]; redesignated § 141 P.L. 103-160, § 901(a)(1), Nov. 30, 1993, 107 Stat. 1726 [former § 141 redesignated § 142].)

§ 142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs

(a) There is an Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, appointed by the President, by and with the advice and consent of the Senate.

(b) The Assistant to the Secretary shall—

(1) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;

(2) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and

(3) perform such additional duties as the Secretary may prescribe.

(Added as § 141 by P.L. 100-180, § 1245(a)(1), Dec. 4, 1987, 101 Stat. 1165; redesignated § 142 P.L. 103-160, § 901(a)(1), Nov. 30, 1993, 107 Stat. 1726; amended P.L. 104-106, § 904(a)(1), Feb. 10, 1996, 110 Stat. 403.)

§ 143. Office of the Secretary of Defense personnel: limitation

(a) **PERMANENT LIMITATION ON OSD PERSONNEL.**—The number of OSD personnel may not exceed 3,767.

(b) **OSD PERSONNEL DEFINED.**—For purposes of this section, the term “OSD personnel” means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(c) **LIMITATION ON REASSIGNMENT OF FUNCTIONS.**—In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Secretary of Defense in order to comply with this section, the Secretary of Defense may not reassign functions solely in order to evade the requirements contained in this section.

(Added P.L. 105-85, § 911(d)(1), Nov. 18, 1997, 111 Stat. 1859; amended P.L. 106-65, § 921(c), Oct. 5, 1999, 113 Stat. 723.)

CHAPTER 5—JOINT CHIEFS OF STAFF

Sec.

151. Joint Chiefs of Staff: composition; functions.

152. Chairman: appointment; grade and rank.

153. Chairman: functions.

154. Vice Chairman.

155. Joint Staff.

§ 151. Joint Chiefs of Staff: composition; functions

(a) **COMPOSITION.**—There are in the Department of Defense the Joint Chiefs of Staff, headed by the Chairman of the Joint Chiefs of Staff. The Joint Chiefs of Staff consist of the following:

- (1) The Chairman.
- (2) The Vice Chairman.
- (3) The Chief of Staff of the Army.
- (4) The Chief of Naval Operations.
- (5) The Chief of Staff of the Air Force.
- (6) The Commandant of the Marine Corps.

(b) **FUNCTION AS MILITARY ADVISERS.**—(1) The Chairman of the Joint Chiefs of Staff is the principal military adviser to the President, the National Security Council, and the Secretary of Defense.

(2) The other members of the Joint Chiefs of Staff are military advisers to the President, the National Security Council, and the Secretary of Defense as specified in subsections (d) and (e).

(c) **CONSULTATION BY CHAIRMAN.**—(1) In carrying out his functions, duties, and responsibilities, the Chairman shall, as he considers appropriate, consult with and seek the advice of—

- (A) the other members of the Joint Chiefs of Staff; and
- (B) the commanders of the unified and specified combatant commands.

(2) Subject to subsection (d), in presenting advice with respect to any matter to the President, the National Security Council, or the Secretary of Defense, the

Chairman shall, as he considers appropriate, inform the President, the National Security Council, or the Secretary of Defense, as the case may be, of the range of military advice and opinion with respect to that matter.

(d) **ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.**—(1) A member of the Joint Chiefs of Staff (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the Chairman to the President, the National Security Council, or the Secretary of Defense. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time he presents his own advice to the President, the National Security Council, or the Secretary of Defense, as the case may be.

(2) The Chairman shall establish procedures to ensure that the presentation of his own advice to the President, the National Security Council, or the Secretary of Defense is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Joint Chiefs of Staff.

(e) **ADVICE ON REQUEST.**—The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to the President, the National Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, or the Secretary requests such advice.

(f) **RECOMMENDATIONS TO CONGRESS.**—After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

(g) **MEETINGS OF JCS.**—(1) The Chairman shall convene regular meetings of the Joint Chiefs of Staff.

(2) Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman shall—

(A) preside over the Joint Chiefs of Staff;

(B) provide agenda for the meetings of the Joint Chiefs of Staff (including, as the Chairman considers appropriate, any subject for the agenda recommended by any other member of the Joint Chiefs of Staff);

(C) assist the Joint Chiefs of Staff in carrying on their business as promptly as practicable; and

(D) determine when issues under consideration by the Joint Chiefs of Staff shall be decided.

(Aug. 10, 1956, § 141, ch. 1041, 70A Stat. 6; Aug. 6, 1958, P.L. 85-599, § 7, 72 Stat. 519; Sept. 7, 1962, P.L. 87-651, § 204, 76 Stat. 519; Oct. 20, 1978, P.L. 95-485, § 807, 92 Stat. 1622; redesignated § 151 and revised in its entirety, P.L. 99-433, § 201, Oct. 1, 1986, 100 Stat. 1005; amended P.L. 102-484, § 911(a), Oct. 23, 1992, 106 Stat. 2473.)

§ 152. Chairman: appointment; grade and rank

(a) **APPOINTMENT; TERM OF OFFICE.**—(1) There is a Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman serves at the pleasure of the President for a term of two years, beginning on October 1 of odd-numbered years. Subject to paragraph (3), an officer serving as Chairman

may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

(2) In the event of the death, retirement, resignation, or reassignment of the officer serving as Chairman before the end of the term for which the officer was appointed, an officer appointed to fill the vacancy shall serve as Chairman only for the remainder of the original term, but may be reappointed as provided in paragraph (1).

(3) An officer may not serve as Chairman or Vice Chairman of the Joint Chiefs of Staff if the combined period of service of such officer in such positions exceeds six years. However, the President may extend to eight years the combined period of service an officer may serve in such positions if he determines such action is in the national interest. The limitations of this paragraph do not apply in time of war.

(b) REQUIREMENT FOR APPOINTMENT.—(1) The President may appoint an officer as Chairman of the Joint Chiefs of Staff only if the officer has served as—

(A) the Vice Chairman of the Joint Chiefs of Staff;

(B) the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps; or

(C) the commander of a unified or specified combatant command.

(2) The President may waive paragraph (1) in the case of an officer if the President determines such action is necessary in the national interest.

(c) GRADE AND RANK.—The Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces. However, he may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

(Aug. 10, 1956, §142, ch. 1041, 70A Stat. 7; Sept. 7, 1962, P.L. 87-649, § 14c(1), 76 Stat. 501; P.L. 98-525, § 1301(b), Oct. 19, 1984, 98 Stat. 2611; redesignated § 152 and revised in its entirety, P.L. 99-433, § 201, Oct. 1, 1986, 100 Stat. 1006; amended P.L. 100-180, § 1314(b)(1)(A), Dec. 4, 1987, 101 Stat. 1175.)

§ 153. Chairman: functions

(a) PLANNING; ADVICE; POLICY FORMULATION.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall be responsible for the following:

(1) STRATEGIC DIRECTION.—Assisting the President and the Secretary of Defense in providing for the strategic direction of the armed forces.

(2) STRATEGIC PLANNING.—(A) Preparing strategic plans, including plans which conform with resource levels projected by the Secretary of Defense to be available for the period of time for which the plans are to be effective.

(B) Preparing joint logistic and mobility plans to support those strategic plans and recommending the assignment of logistic and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

(C) Performing net assessments to determine the capabilities of the armed forces of the United States and its allies as compared with those of their potential adversaries.

(3) CONTINGENCY PLANNING; PREPAREDNESS.—(A) Providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense.

(B) Preparing joint logistic and mobility plans to support those contingency plans and recommending the assignment of logistic and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

(C) Advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

(D) Establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command to carry out missions assigned to the command.

(4) ADVICE ON REQUIREMENTS, PROGRAMS, AND BUDGET.— (A) Advising the Secretary, under section 163(b)(2) of this title, on the priorities of the requirements identified by the commanders of the unified and specified combatant commands.

(B) Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in strategic plans and with the priorities established for the requirements of the unified and specified combatant commands.

(C) Submitting to the Secretary alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in clause (B).

(D) Recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command.

(E) Advising the Secretary on the extent to which the major programs and policies of the armed forces in the area of manpower conform with strategic plans.

(F) Assessing military requirements for defense acquisition programs.

(5) DOCTRINE, TRAINING, AND EDUCATION.—(A) Developing doctrine for the joint employment of the armed forces.

(B) Formulating policies for the joint training of the armed forces.

(C) Formulating policies for coordinating the military education and training of members of the armed forces.

(6) OTHER MATTERS.—(A) Providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.

(B) Performing such other duties as may be prescribed by law or by the President or the Secretary of Defense.

(b) **RISKS UNDER NATIONAL MILITARY STRATEGY.**—(1) Not later than January 1 of each odd-numbered year, the Chairman shall submit to the Secretary of Defense a report providing the Chairman's assessment of the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy.

(2) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary's comments thereon (if any), to Congress with the Secretary's next transmission to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year. If the Chairman's assessment in such report in any year is that risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to Congress the Secretary's plan for mitigating that risk.

(c) **ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.**—(1) At or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31, the Chairman shall submit to the congressional defense committees a report on the requirements of the combatant commands established under section 161 of this title.

(2) Each report under paragraph (1) shall contain the following:

(A) A consolidation of the integrated priority lists of requirements of the combatant commands.

(B) The Chairman's views on the consolidated lists.

(C) A description of the extent to which the most recent future-years defense program (under section 221 of this title) addresses the requirements on the consolidated lists.

(D) A description of the funding proposed in the President's budget for the next fiscal year, and for the subsequent fiscal years covered by the most recent future-years defense program, to address each deficiency in readiness identified during the joint readiness review conducted under section 117 of this title for the first quarter of the current fiscal year.

(d) **BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY.**—(1) Not later than February 15 of each even-numbered year, the Chairman shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of a comprehensive examination of the national military strategy. Each such examination shall be conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified commands.

(2) Each report on the examination of the national military strategy under paragraph (1) shall include the following:

(A) Delineation of a national military strategy consistent with—

(i) the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(ii) the most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title; and

(iii) the most recent Quadrennial Defense Review conducted by the Secretary of Defense pursuant to section 118 of this title.

(B) A description of the strategic environment and the opportunities and challenges that affect United States national interests and United States national security.

(C) A description of the regional threats to United States national interests and United States national security.

(D) A description of the international threats posed by terrorism, weapons of mass destruction, and asymmetric challenges to United States national security.

(E) Identification of United States national military objectives and the relationship of those objectives to the strategic environment, regional, and international threats.

(F) Identification of the strategy, underlying concepts, and component elements that contribute to the achievement of United States national military objectives.

(G) Assessment of the capabilities and adequacy of United States forces (including both active and reserve components) to successfully execute the national military strategy.

(H) Assessment of the capabilities, adequacy, and interoperability of regional allies of the United States and or other friendly nations to support United States forces in combat operations and other operations for extended periods of time.

(3)(A) As part of the assessment under this subsection, the Chairman, in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified commands, shall undertake an assessment of the nature and magnitude of the strategic and military risks associated with successfully executing the missions called for under the current National Military Strategy.

(B) In preparing the assessment of risk, the Chairman should make assumptions pertaining to the readiness of United States forces (in both the active and reserve components), the length of conflict and the level of intensity of combat operations, and the levels of support from allies and other friendly nations.

(4) Before submitting a report under this subsection to the Committees on Armed Services of the Senate and House of Representatives, the Chairman shall provide the report to the Secretary of Defense. The Secretary's assessment and comments thereon (if any) shall be included with the report. If the Chairman's assessment in such report in any year is that the risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to those committees the Secretary's plan for mitigating the risk.

(Added P.L. 99-433, § 201, Oct. 1, 1986, 100 Stat. 1007; amended P.L. 106-65, § 1033, Oct. 5, 1999, 113 Stat. 751; P.L. 106-398, § 1[§ 905], Oct. 30, 2000, 114 Stat. 1654, 1654A-226; P.L. 107-107, § 921(b), Dec. 28, 2001, 115 Stat. 1198; P.L. 107-314, § 1062(a)(1), Dec. 2, 2002, 116 Stat. 2649; P.L. 108-136, §§ 903, 1043(b)(2), Nov. 24, 2003, 117 Stat. 1558, 1610.)

§ 154. Vice Chairman

(a) APPOINTMENT.—(1) There is a Vice Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces.

(2) The Chairman and Vice Chairman may not be members of the same armed force. However, the President may waive the restriction in the preceding sentence for a limited period of time in order to provide for the orderly transition of officers appointed to serve in the positions of Chairman and Vice Chairman.

(3) The Vice Chairman serves at the pleasure of the President for a term of two years and may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

(b) REQUIREMENT FOR APPOINTMENT.—(1) The President may appoint an officer as Vice Chairman of the Joint Chiefs of Staff only if the officer—

(A) has the joint specialty under section 661 of this title; and

(B) has completed a full tour of duty in a joint duty assignment (as defined in section 664(f) of this title) as a general or flag officer.

(2) The President may waive paragraph (1) in the case of an officer if the President determines such action is necessary in the national interest.

(c) DUTIES.—The Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff and such other duties as may be prescribed by the Chairman with the approval of the Secretary of Defense.

(d) FUNCTION AS ACTING CHAIRMAN.—When there is a vacancy in the office of Chairman or in the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

(e) SUCCESSION AFTER CHAIRMAN AND VICE CHAIRMAN.—When there is a vacancy in the offices of both Chairman and Vice Chairman or in the absence or disability of both the Chairman and the Vice Chairman, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the President shall designate a member of the Joint Chiefs of Staff to act as and perform the duties of the Chairman until a successor to the Chairman or Vice Chairman is appointed or the absence or disability of the Chairman or Vice Chairman ceases.

(f) GRADE AND RANK.—The Vice Chairman, while so serving, holds the grade of general or, in the case of an officer of the Navy, admiral and outranks all other officers of the armed forces except the Chairman. The Vice Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

(Added P.L. 99-433, § 201, Oct. 1, 1986, 100 Stat. 1008; amended P.L. 100-456, § 519(a)(1), Sept. 29, 1988, 102 Stat. 1972; P.L. 102-484, § 911(b)(1), Oct. 23, 1992, 106 Stat. 2473.)

§ 155. Joint Staff¹

(a) APPOINTMENT OF OFFICERS TO JOINT STAFF.—(1) There is a Joint Staff under the Chairman of the Joint Chiefs of Staff. The Joint Staff assists the Chairman and,

¹ Section 901 of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105-85; 111 Stat. 1853) provides:

SEC. 901. ASSISTANTS TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR NATIONAL GUARD MATTERS AND FOR RESERVE MATTERS.

(a) **ESTABLISHMENT OF POSITIONS.**—The Secretary of Defense shall establish the following positions within the Joint Staff:

(1) Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters.

(2) Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.

(b) **SELECTION.**—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters shall be selected by the Chairman from officers of the Army National Guard of the United States or the Air Guard of the United States who—

(A) are recommended for such selection by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

(B) have had at least 10 years of federally recognized commissioned service in the National Guard; and

(C) are in a grade above the grade of colonel.

(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters shall be selected by the Chairman from officers of the Army Reserve, the Naval Reserve, the Marine Corps Reserve, or the Air Force Reserve who—

(A) are recommended for such selection by the Secretary of the military department concerned;

(B) have had at least 10 years of commissioned service in their reserve component; and

(C) are in a grade above the grade of colonel or, in the case of the Naval Reserve, captain.

(c) **TERM OF OFFICE.**—Each Assistant to the Chairman under subsection (a) serves at the pleasure of the Chairman for a term of two years and may be continued in that assignment in the same manner for one additional term. However, in time of war there is no limit on the number of terms.

(d) **GRADE.**—Each Assistant to the Chairman, while so serving, holds the grade of major general or, in the case of the Naval Reserve, rear admiral. Each such officer shall be considered to be serving in a position external to that officer's Armed Force for purposes of section 721 of title 10, United States Code, as added by section 501(a).

(e) **DUTIES.**—The Assistant to the Chairman for National Guard Matters is an adviser to the Chairman on matters relating to the National Guard and performs the duties prescribed for that position by the Chairman. The Assistant to the Chairman for Reserve Matters is an adviser to the Chairman on matters relating to the reserves and performs the duties prescribed for that position by the Chairman.

(f) **OTHER RESERVE COMPONENT REPRESENTATION ON JOINT STAFF.**—(1) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs, shall develop appropriate policy guidance to ensure that, to the maximum extent practicable, the level of reserve component officer representation within the Joint Staff is commensurate with the significant role of the reserve components within the Total Force.

(2) [obsolete report requirement omitted]

(g) **EFFECTIVE DATE.**—[omitted]

subject to the authority, direction, and control of the Chairman, the other members of the Joint Chiefs of Staff in carrying out their responsibilities.

(2) Officers of the armed forces (other than the Coast Guard) assigned to serve on the Joint Staff shall be selected by the Chairman in approximately equal numbers from—

- (A) the Army;
- (B) the Navy and the Marine Corps; and
- (C) the Air Force.

(3) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by the Secretary of the military department having jurisdiction over that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

(b) DIRECTOR.—The Chairman of the Joint Chiefs of Staff, after consultation with the other members of the Joint Chiefs of Staff and with the approval of the Secretary of Defense, may select an officer to serve as Director of the Joint Staff.

(c) MANAGEMENT OF JOINT STAFF.—The Chairman of the Joint Chiefs of Staff manages the Joint Staff and the Director of the Joint Staff. The Joint Staff shall perform such duties as the Chairman prescribes and shall perform such duties under such procedures as the Chairman prescribes.

(d) OPERATION OF JOINT STAFF.—The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff supports the Chairman of the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide—

- (1) for the unified strategic direction of the combatant forces;
- (2) for their operation under unified command; and
- (3) for their integration into an efficient team of land, naval, and air forces.

(e) PROHIBITION OF FUNCTION AS ARMED FORCES GENERAL STAFF.—The Joint Staff shall not operate or be organized as an overall Armed Forces General Staff and shall have no executive authority. The Joint Staff may be organized and may operate along conventional staff lines.

(f) TOUR OF DUTY OF JOINT STAFF OFFICERS.—(1) An officer who is assigned or detailed to permanent duty on the Joint Staff may not serve for a tour of duty of more than four years. However, such a tour of duty may be extended with the approval of the Secretary of Defense.

(2) In accordance with procedures established by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff may suspend from duty and recommend the reassignment of any officer assigned to the Joint Staff. Upon receipt of such a recommendation, the Secretary concerned shall promptly reassign the officer.

(3) An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to permanent duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary.

(4) Paragraphs (1) and (3) do not apply—

- (A) in time of war; or
- (B) during a national emergency declared by the President or Congress.

(g) COMPOSITION OF JOINT STAFF.—(1) The Joint Staff is composed of all members of the armed forces and civilian employees assigned or detailed to permanent duty in the executive part of the Department of Defense to perform the functions and duties prescribed under subsections (a) and (c).

(2) The Joint Staff does not include members of the armed forces or civilian employees assigned or detailed to permanent duty in a military department.

(Aug. 10, 1956, § 143, ch. 1041, 70A Stat. 7; Aug. 6, 1958, P.L. 85-599, § 5(a), 72 Stat. 517; P.L. 98-525, § 1301(c), Oct. 19, 1984, 98 Stat. 2611; redesignated § 155 and revised in entirety, P.L. 99-433, § 201, Oct. 1, 1986, 100 Stat. 1009; amended P.L. 100-180, § 1314(b)(2), Dec. 4, 1987, 101 Stat. 1175; P.L. 101-510, § 902, Nov. 5, 1990, 104 Stat. 1620; P.L. 102-484, § 911(b)(2), 106 Stat. 2473.)

Appendix III

Secretaries of Defense, 1947-2003

James V. Forrestal	17 September 1947-28 March 1949
Louis A. Johnson	28 March 1949-19 September 1950
George C. Marshall	21 September 1950-12 September 1951
Robert A. Lovett	17 September 1951-20 January 1953
Charles E. Wilson	28 January 1953-8 October 1957
Neil H. McElroy	9 October 1957-1 December 1959
Thomas S. Gates, Jr.	2 December 1959-20 January 1961
Robert S. McNamara	21 January 1961-29 February 1968
Clark M. Clifford	1 March 1968-20 January 1969
Melvin R. Laird	22 January 1969-29 January 1973
Elliot L. Richardson	30 January 1973-24 May 1973
James R. Schlesinger	2 July 1973-19 November 1975
Donald H. Rumsfeld	20 November 1975-20 January 1977
Harold Brown	21 January 1977-20 January 1981
Caspar W. Weinberger	21 January 1981-23 November 1987
Frank C. Carlucci III	23 November 1987-20 January 1989
Richard B. Cheney	21 March 1989-20 January 1993
Leslie Aspin	20 January 1993-3 February 1994
William J. Perry	3 February 1994-24 January 1997
William S. Cohen	24 January 1997-20 January 2001
Donald H. Rumsfeld	20 January 2001-18 December 2006

Deputy Secretaries of Defense, 1949-2003

Stephen T. Early	10 August 1949-30 September 1950
Robert A. Lovett	4 October 1950-16 September 1951
William C. Foster	24 September 1951-20 January 1953
Roger M. Kyes	2 February 1953-1 May 1954
Robert B. Anderson	3 May 1954-4 August 1955
Reuben B. Robertson, Jr.	5 August 1955-25 April 1957
Donald A. Quarles	1 May 1957-8 May 1959

Thomas S. Gates, Jr.	8 June 1959-1 December 1959
James H. Douglas, Jr.	11 December 1959-24 January 1961
Roswell L. Gilpatric	24 January 1961-20 January 1964
Cyrus R. Vance	28 January 1964-30 June 1967
Paul H. Nitze	1 July 1967-20 January 1969
David Packard	24 January 1969-13 December 1971
Kenneth Rush	23 February 1972-29 January 1973
William P. Clements, Jr.	30 January 1973-20 January 1977
Robert F. Ellsworth	23 December 1975-10 January 1977
(Ellsworth held the second Deputy Secretary of Defense position)	
Charles W. Duncan, Jr.	31 January 1977-26 July 1979
W. Graham Claytor, Jr.	24 August 1979-16 January 1981
Frank C. Carlucci III	4 February 1981-31 December 1982
Paul W. Thayer	12 January 1983-4 January 1984
William H. Taft IV	3 February 1984-22 April 1989
Donald J. Atwood, Jr.	24 April 1989-20 January 1993
William J. Perry	5 March 1993-3 February 1994
John M. Deutch	11 March 1994-10 May 1995
John P. White	22 June 1995-15 July 1997
John J. Hamre	29 July 1997-31 March 2000
Rudy de Leon	31 March 2000-1 March 2001
Paul D. Wolfowitz	2 March 2001-30 April 2005

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