

PUBLIC LAW 99-433—OCT. 1, 1986

**GOLDWATER-NICHOLS DEPARTMENT OF
DEFENSE REORGANIZATION ACT OF 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.

Oct. 1, 1986

[H.R. 3622]

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.

Goldwater-Nichols Department of Defense Reorganization Act of 1986. Armed Forces. Defense and national security.
10 USC 111 note.

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

10 USC 111 note.

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:

10 USC 101 et seq.

10 USC 131 et seq.

10 USC 121 et seq.

10 USC 2201 et seq.

“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

10 USC 134.

“(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:

10 USC 137.

“§ 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.”.

5 USC app.

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

10 USC 131 note.

(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).

Reports.

(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).

Reports.

(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:

10 USC 711 *et seq.*

10 USC 114.

“§ 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) to 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

10 USC 151.

“(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

10 USC 153.

“(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

10 USC 155.

“(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. 10 USC 153 note.

(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. 10 USC 153 note.

(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. 10 USC 154 note.

(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: 10 USC 101 et seq.

“CHAPTER 6—COMBATANT COMMANDS

“Sec.

“161. Combatant commands: establishment.

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

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

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

“165. Combatant commands: administration and support.

“166. Combatant commands: budget proposals.

10 USC 161.

“§ 161. Combatant commands: establishment

President of U.S.

“(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.

President of U.S.

“(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

10 USC 163.

“(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 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—

10 USC 601.

“(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—

10 USC 822.

(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

10 USC 161 note.

(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.

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.

Middle East.

(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.

Central
America.

Alaska.

(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.

Reports.

(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.

10 USC 133 note.

10 USC 162 note.

10 USC 164 note.

(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.

Effective date.
10 USC 164 note.

(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.

Effective date.
10 USC 166 note.

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 DEFENSE 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 10 USC 191.

“(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.

10 USC 192.

“§ 192. Defense Agencies and Department of Defense Field Activities: oversight 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.

Reports.

“(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.

Reports.

“(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

10 USC 194.

“(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.”

Ante, p. 996.

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

Ante, p. 996; *post*, p. 1075.

(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

Ante, p. 703.

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 10 USC 191 note.

(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).

Reports.

(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 reports 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)).

10 USC 193 note.

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:

10 USC 501 *et seq.*

“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

10 USC 661.

“(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 pro-

motion 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

10 USC 663.

“(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.

10 USC 664.

“§ 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 any 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

10 USC 667.

“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):

Ante, p. 1022.

“(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.

Regulations.

“(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

10 USC 612.

(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 redesignating 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”;

- (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):

Reports.

“(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

Ante, p. 1030.

“(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);

10 USC 611.

“(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 perform-

ance 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

10 USC 619.

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.

Regulations.

"(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."

10 USC 113 note.

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.

Effective date.
10 USC 661 note.

(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.—

10 USC 661 note.

(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.

Education.

(3) **SUNSET.**—The authority provided by paragraph (1) shall expire two years after the date of the enactment of this Act.

Termination date.

(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.

10 USC 661 note.

(d) EDUCATION.—

10 USC 663 note.

(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.

Reports.

(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.

Effective date.

(B) Such subsections shall be implemented so that the revised curricula take effect with respect to courses beginning after July 1987.

Effective date.

(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.

10 USC 664 note.

(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.

Effective date.

10 USC 612 note.

(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.

10 USC 113 note.

(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

10 USC 3010 *et seq.*

(a) **AMENDMENTS TO CHAPTER 303.**—(1) Section 3015 is transferred to the end of chapter 305 and redesignated as section 3040.

10 USC 3031 *et seq.*

(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: