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SENATE COMMITTEE PRINT

GOVERNMENT

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NATIONAL SECURITY ACT OF 1947

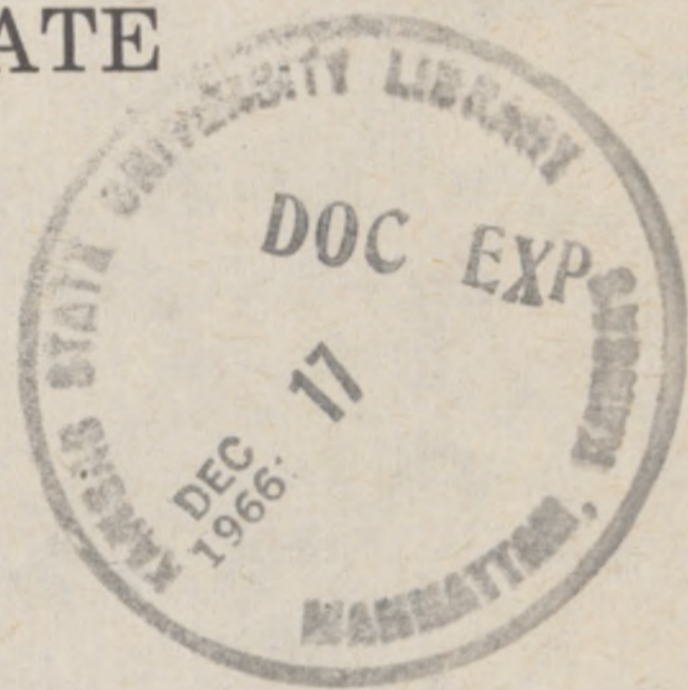
(Public Law 253, 80th Congress, July 26, 1947)
(61 Stat. 495)

AS AMENDED THROUGH SEPTEMBER 20, 1966

PREPARED FOR THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

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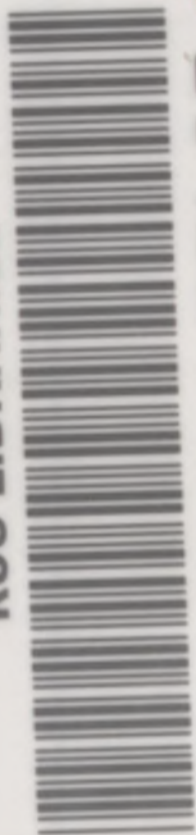
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NATIONAL SECURITY ACT OF 1947

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

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947". [This statement of the short title is part of the first section of the Act of July 26, 1947, ch. 343, 61 Stat. 495. The remainder of that section is the table of contents, which is omitted as covered by the table of contents set forth at the beginning of this committee print.]

DECLARATION OF POLICY

SEC. 2. In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military Departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff. [Section 2, Act of July 26, 1947, ch. 343, 61 Stat. 496, as amended by section 2, Department of Defense Reorganization Act of 1958, 72 Stat. 514; 50 U.S.C. 401.]

TITLE I—COORDINATION FOR NATIONAL SECURITY

NATIONAL SECURITY COUNCIL

SEC. 101. (a) There is hereby established a council to be known as the National Security Council (hereinafter in this section referred to as the "Council", [The National Security Council was incorporated

into the Executive Office of the President by Reorganization Plan No. 4 of 1949, 63 Stat. 1067.]

The President of the United States shall preside over meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

The Council shall be composed of—

- (1) the President;
- (2) the Vice President;
- (3) the Secretary of State;
- (4) the Secretary of Defense;

(5) [Formerly the Director for Mutual Security. All the functions of the Director for Mutual Security, including his functions as a member of the National Security Council, were transferred to the Director of the Foreign Operations Administration by section 2(a), Reorganization Plan No. 7 of 1953, 67 Stat. 640. The office of Director of the Foreign Operations Administration and the functions of the Director in his capacity as a member of the National Security Council were abolished by section 303, Executive Order No. 10610, May 9, 1955, implementing section 525, Mutual Security Act of 1954, 68 Stat. 856.]

(6) [Formerly the Chairman of the National Security Resources Board. Most functions of the Chairman, including his functions as a member of the National Security Council, were transferred to the Director of the Office of Defense Mobilization by section 2(a), Reorganization Plan No. 3 of 1953, 67 Stat. 634. The functions of the Director of the Office of Defense Mobilization as a member of the National Security Council were transferred to the Director of the Office of Defense and Civilian Mobilization by section 4, Reorganization Plan No. 1 of 1958, 72 Stat. 1800. The title of this office became Director of the Office of Emergency Planning by the first section of the Act of September 22, 1961, Public Law 87-296, 75 Stat. 630.]; and

(7) the Secretaries and Under Secretaries of other executive departments and of the military departments, when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure. [The former memberships of the Chairman of the Munitions Board and of the Chairman of the Research and Development Board terminated when those offices were abolished by section 2(b), Reorganization Plan No. 6 of 1953, 67 Stat. 638.]

(b) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the policies and functions of the departments and agencies of the Government relating to the national security, it shall, subject to the direction of the President, be the duty of the Council—

- (1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose

of making recommendations to the President in connection therewith; and

(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith.

(c) The Council shall have a staff to be headed by a civilian executive secretary who shall be appointed by the President, and who shall receive compensation at the rate of \$———— a year. [The compensation of the Executive Secretary of the National Security Council is now governed by section 105 of title 3, United States Code, which authorizes the President to fix rate of basic compensation of the Executive Secretary at a rate not to exceed that of level II of the Federal Executive Salary Schedule (\$30,000). See section 5313 of title 5, United States Code.] The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1949, as amended, to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it deemed appropriate or as the President may require. [Section 101, Act of July 26, 1947, ch. 343, 61 Stat. 496, as amended by section 3, National Security Act Amendments of 1949, 63 Stat. 579, and section 501(e)(1), Mutual Security Act of 1951, 65 Stat. 378; 50 U.S.C. 402.]

CENTRAL INTELLIGENCE AGENCY

SEC. 102. (a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence who shall be the head thereof, and with a Deputy Director of Central Intelligence who shall act for, and exercise the powers of, the Director during his absence or disability. The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate, from among the commissioned officers of the armed services, whether in an active or retired status, or from among individuals in civilian life: *Provided, however,* That at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by commissioned officers of the armed services, whether in an active or retired status.

(b)(1) If a commissioned officer of the armed services is appointed as Director, or Deputy Director, then—

(A) in the performance of his duties as Director, or Deputy Director, he shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be operative with respect to him if he were a civilian in no way connected with the Department of the Army, the Department of the Navy, the Department of the Air Force, or the armed services or any component thereof; and

(B) he shall not possess or exercise any supervision, control, powers, or functions (other than such as he possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the armed services or any component

thereof, the Department of the Army, the Department of the Navy, or the Department of the Air Force, or any branch, bureau, unit, or division thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in paragraph (1), the appointment to the office of Director, or Deputy Director, of a commissioned officer of the armed services, and his acceptance of and service in such office, shall in no way affect any status, office, rank, or grade he may occupy or hold in the armed services, or any emolument, prerequisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer shall, while serving in the office of Director, or Deputy Director, continue to hold rank and grade not lower than that in which serving at the time of his appointment and to receive the military pay and allowances (active or retired, as the case may be, including personal money allowance) payable to a commissioned officer of his grade and length of service for which the appropriate department shall be reimbursed from any funds available to defray the expenses of the Central Intelligence Agency. He also shall be paid by the Central Intelligence Agency from such funds an annual compensation at a rate equal to the amount by which the compensation established for such position exceeds the amount of his annual military pay and allowances. [The compensation of the Director of Central Intelligence is \$30,000 (5 U.S.C. 5313(15)) and the compensation of the Deputy Director of Central Intelligence is \$28,500 (5 U.S.C. 5314(36)).]

(3) The rank or grade of any such commissioned officer shall, during the period in which such commissioned officer occupies the office of Director of Central Intelligence, or Deputy Director of Central Intelligence, be in addition to the numbers and percentages otherwise authorized and appropriated for the armed service of which he is a member.

(c) Notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission.

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council—

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination

of such intelligence within the Government using where appropriate existing agencies and facilities:

Provided, That the agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: *Provided further*, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: *And provided further*, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more effectively accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

(e) To the extent recommended by the National Security Council and approved by the President, such intelligence of the departments and agencies of the Government, except as hereinafter provided, relating to the national security shall be open to the inspection of the Director of Central Intelligence, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, except as hereinafter provided, shall be made available to the Director of Central Intelligence for correlation, evaluation, and dissemination: *Provided, however*, That upon the written request of the Director of Central Intelligence, the Director of the Federal Bureau of Investigation shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security.

(f) Effective when the Director first appointed under subsection (a) has taken office—

(1) the National Intelligence Authority (11 Fed. Reg. 1337, 1339, February 5, 1946) shall cease to exist; and

(2) the personnel, property, and records of the Central Intelligence Group are transferred to the Central Intelligence Agency, and such group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency. [Section 102, Act of July 26, 1947, ch. 343, 61 Stat. 497, as amended by section 4, Act of October 15, 1949, ch. 695, 63 Stat. 880, and the Act of April 4, 1953, ch. 16, 67 Stat. 19; 50 U.S.C. 403.]

OFFICE OF EMERGENCY PLANNING

[Section 103 of the National Security Act of 1947, 61 Stat. 499, provided for a National Security Resources Board. The functions of the National Security Resources Board were transferred to the Chairman of the National Security Resources Board by section 1, Reorganization Plan No. 25 of 1950, 64 Stat. 1280. Reorganization Plan No. 3 of 1953, 67 Stat. 634, abolished the National Security Resources Board, created the Office of Defense Mobilization, and transferred all

functions of the Chairman of the National Security Resources Board (excluding certain functions abolished by section 5), as well as certain additional functions, to the Director of the Office of Defense Mobilization. Reorganization Plan No. 1 of 1958, 72 Stat. 1799, as amended by the act of August 26, 1958, Public Law 85-763, 72 Stat. 861, abolished the Office of Defense Mobilization and transferred its functions to the President and established the Office of Civil and Defense Mobilization. The Act of September 22, 1961, Public Law 87-296, 75 Stat. 630, further amended Reorganization Plan No. 1 of 1958, *supra*, by deleting "Office of Civil and Defense Mobilization" and inserting "Office of Emergency Planning" in place thereof and provided that any reference in any other law to the Office of Civil and Defense Mobilization would be deemed to refer to the Office of Emergency Planning.]

SEC. 103. (a) The Director of the Office of Emergency Planning, subject to the direction of the President, is authorized, subject to the civil-service laws and the Classification Act of 1949, to appoint and fix the compensation of such personnel as may be necessary to assist the Director in carrying out his functions.

(b) It shall be the function of the Director of the Office of Emergency Planning to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war;

(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security.

(c) In performing his functions, the Director of the Office of Emergency Planning shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government. [Section 103, Act of July 26, 1947, ch. 343, 61 Stat. 499, as amended by section 3, Act of October 15, 1949, ch. 695, 63 Stat. 880, and section 50, Act of September 3, 1954, ch. 1263, 68 Stat. 1244; 50 U.S.C. 404.]

TITLE II—THE DEPARTMENT OF DEFENSE

ESTABLISHMENT OF THE DEPARTMENT OF DEFENSE

SEC. 201. (a) [Repealed and restated in sections 131 and 133 of title 10, United States Code. The language of section 133 appears under section 202, below.]

[§ 131. *Executive department.*

[The Department of Defense is an executive department of the United States.]

(b) [Repealed by section 307, Act of September 7, 1962, Public Law 87-652, 76 Stat. 526.]

(c) Section 158 of the Revised Statutes, as amended, is amended to read as follows:

“SEC. 158. The provisions of this title shall apply to the following Executive Departments:

“First. The Department of State.

“Second. The Department of Defense.

“Third. The Department of the Treasury.

“Fourth. The Department of Justice.

“Fifth. The Post Office Department.

“Sixth. The Department of the Interior.

“Seventh. The Department of Agriculture.

“Eighth. The Department of Commerce.

“Ninth. The Department of Labor.” [Section 201(c), Act of July 26, 1947, ch. 343, as added by section 4, National Security Act Amendments of 1949, 63 Stat. 579.]

(d) Except to the extent inconsistent with the provisions of this Act, the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense. [Section 201(d), Act of July 26, 1947, ch. 343, as added by section 4, National Security Act Amendments of 1949, 63 Stat. 579.]

SECRETARY OF DEFENSE

SEC. 202. (a) [Repealed and restated, along with subsections (b), (d), and (f), in section 133 of title 10, United States Code.]

[§133. *Secretary of Defense: appointment; powers and duties; delegation by*

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

[(b) The Secretary is the principal assistant to the President in all matters relating to the Department of Defense. Subject to the direction of the President and to this title and section 401 of title 50, he has authority, direction, and control over the Department of Defense.]

[(c) The Secretary shall report annually in writing to the President and the Congress on the expenditures, work, and accomplishments of

the Department of Defense during the period covered by the report, together with—

[(1) a report from each military department on the expenditures, work, and accomplishments of that department;

[(2) itemized statements showing the savings of public funds, and the eliminations of unnecessary duplications, made under section 125 of this title;

[(3) a report from the Reserve Forces Policy Board on the reserve programs of the Department of Defense, including a review of the effectiveness of chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers; and

[(4) such recommendations as he considers appropriate.

[(d) Unless specifically prohibited by law, the Secretary may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Department of Defense as he may designate.]

(b) [Repealed and restated in section 133 of title 10, United States Code. See subsection (a), above.]

(c)(1) [Repealed and restated, along with clauses (2), (4), (5), and (6), in section 125 of title 10, United States Code.

[§125. Functions, powers, and duties: transfer, reassignment, consolidation, or abolition

[(a) Subject to section 401 of title 50, the Secretary of Defense shall take appropriate action (including the transfer, reassignment, consolidation, or abolition of any function, power, or duty) to provide more effective, efficient, and economical administration and operation, and to eliminate duplication, in the Department of Defense. However, except as provided by subsections (b) and (c), a function, power, or duty vested in the Department of Defense, or an officer, official, or agency thereof, by law may not be substantially transferred, reassigned, consolidated, or abolished unless the Secretary reports the details of the proposed transfer, reassignment, consolidation, or abolition to the Committees on Armed Services of the Senate and House of Representatives. The transfer, reassignment, consolidation, or abolition concerned takes effect on the first day after the expiration of the first 30 days that Congress is in continuous session after the Secretary so reports, unless either of those Committees, within that period, reports a resolution recommending that the proposed transfer, reassignment, consolidation, or abolition be rejected by the Senate or the House of Representatives, as the case may be, because it—

[(1) proposes to transfer, reassign, consolidate, or abolish a major combatant function, power, or duty assigned to the Army, Navy, Air Force, or Marine Corps by section 3062(b), 5012, 5013, or 8062(c) of this title; and

[(2) would, in its judgment, tend to impair the defense of the United States.

If either of those Committees, within that period, reports such a resolution and it is not adopted by the Senate or the House of Representatives, as the case may be, within the first 40 days that Congress is in continuous session after that resolution is so reported, the transfer, reassignment, consolidation, or abolition concerned takes effect on the

first day after the expiration of that forty-day period. For the purposes of this subsection, a session may be considered as not continuous only if broken by an adjournment of Congress sine die. However, in computing the period that Congress is in continuous session, days that the Senate or the House of Representatives is not in session because of an adjournment of more than three days to a day certain are not counted. [Clause (3) of section 202(c) was repealed and restated in section 303, Act of September 7, 1962, Public Law 87-652, 76 Stat. 525.]

[SEC. 303. (a) For the purposes of this section, any resolution reported to the Senate or the House of Representatives pursuant to the provisions of section 125 of title 10, United States Code, shall be treated for the purpose of consideration by either House, in the same manner as a resolution with respect to a reorganization plan reported by a committee within the meaning of the Reorganization Act of 1949 as in effect on July 1, 1958 (5 U.S.C. 133z and the following), and shall be governed by the provisions applicable to the consideration of any such resolution by either House of the Congress as provided by sections 205 and 206 of that Act.

[(b) The provisions of this section are enacted by the Congress—

[(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively and as such they shall be considered as part of the rules of each House, respectively, and supersede other rules only to the extent that they are inconsistent therewith; and

[(2) with full recognition of the constitutional right of either House to change the rules (as far as relating to the procedure in that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.)

[(b) Notwithstanding subsection (a), if the President determines it to be necessary because of hostilities or an imminent threat of hostilities, any function, power, or duty, including one assigned to the Army, Navy, Air Force, or Marine Corps by section 3062(b), 5012, 5013, or 8062(c) of this title, may be transferred, reassigned, or consolidated. The transfer, reassignment, or consolidation remains in effect until the President determines that hostilities have terminated or that there is no longer an imminent threat of hostilities, as the case may be.

[(c) Notwithstanding subsection (a), the Secretary of Defense may assign or reassign the development and operational use of new weapons or weapons systems to one or more of the military departments or one or more of the armed forces. However, notwithstanding any other provision of this title or any other law, the Secretary of Defense shall not direct or approve a plan to initiate or effect a substantial reduction or elimination of a major weapons system until the Secretary of Defense has reported all the pertinent details of the proposed action to the Congress of the United States while the Congress is in session.

[(d) In subsection (a)(1), "major combatant function, power, or duty" does not include a supply or service activity common to more than one military department. The Secretary of Defense shall whenever he determines it will be more effective, economical, or efficient, provide for the performance of such an activity by one agency or such other organizations as he considers appropriate.]

(2) [Repealed and restated in section 125 of title 10, United States Code. See clause (1), above.]

(3) [Repealed and restated in section 303, Act of September 7, 1962, Public Law 87-652, 76 Stat. 525. See clause (1), above.]

(4) [Repealed and restated in section 125 of title 10, United States Code. See clause (1), above.]

(5) [Repealed and restated in section 125 of title 10, United States Code. See clause (1), above.]

(6) [Repealed and restated in section 125 of title 10, United States Code. See clause (1), above.]

(7) [Repealed and restated in sections 136(c) and (d), 3010, 3012(b) (third sentence), 5011 (first two sentences), 5031(a) (third sentence), 8010, and 8012(b) (third sentence) of title 10, United States Code.

[Section 3010, title 10, United States Code:

[§ 3010. Organization.

[The Department of the Army is separately organized under the Secretary of the Army. It operates under the authority, direction, and control of the Secretary of Defense.

[Section 3012(b) (third sentence), title 10, United States Code:

[The Secretary [of the Army] is responsible to the Secretary of Defense for the operation and efficiency of the Department.

[Section 5011 (first two sentences), title 10, United States Code:

[The Department of the Navy is separately organized under the Secretary of the Navy. It operates under the authority, direction, and control of the Secretary of Defense.

[Section 5031(a) (third sentence), title 10, United States Code:

[The Secretary [of the Navy] is responsible to the Secretary of Defense for the operation and efficiency of the Department.

[Section 8010, title 10, United States Code:

§ 8010. Organization

[The Department of the Air Force is separately organized under the Secretary of the Air Force. It operates under the authority, direction, and control of the Secretary of Defense.

[Section 8012(b) (third sentence), title 10, United States Code:

[The Secretary [of the Air Force] is responsible to the Secretary of Defense for the operation and efficiency of the Department.

[Section 136 (c) and (d), title 10, United States Code:

[(c) Except as otherwise specifically provided by law, an Assistant Secretary may not issue an order to a military department unless—

[(1) the Secretary of Defense has specifically delegated that authority to him in writing; and

[(2) the order is issued through the Secretary of the military department concerned, or his designee.

[(d) In carrying out subsection (c) and sections 3010, 3012(b) (last two sentences), 5011 (first two sentences), 5031(a) (last two sentences), 8010, and 8012(b) (last two sentences) of this title, the Secretary of each military department, his civilian assistants, and members of the armed forces under the jurisdiction of his department 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.]

(8) [Repealed and restated in sections 141(e), 3012(b) (last sentence), 5031(a) (last sentence), and 8012(b) (last sentence) of title 10, United States Code.

[Section 3012(b) (last sentence), title 10, United States Code:

[After first informing the Secretary of Defense, the Secretary [of the Army] may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate.

[Section 5031(a) (last sentence), title 10, United States Code:

[After first informing the Secretary of Defense, the Secretary [of the Navy] may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate.

[Section 8012(b) (last sentence), title 10, United States Code:

[After first informing the Secretary of Defense, the Secretary [of the Air Force] may make such recommendations to Congress relating to the Department of Defense as he may consider appropriate.

[Section 141(e), title 10, United States Code:

[(e) 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 may consider appropriate.]

(d) [Repealed and restated in section 133 of title 10, United States Code. See subsection (a), above.]

(e) [Repealed and restated in section 132 of title 10, United States Code.

[§ 132. Seal

[The Secretary of Defense shall have a seal for the Department of Defense. The design of the seal is subject to approval by the President. Judicial notice shall be taken of the seal.]

(f) [Repealed and restated in section 133 of title 10, United States Code. See subsection (a), above.]

(g) Under such regulations as he shall prescribe, the Secretary of Defense with the approval of the President is authorized to transfer between the armed services, within the authorized commissioned strength of the respective services, officers holding commissions in the medical services or corps including the reserve components thereof. No officer shall be so transferred without (1) his consent, (2) the consent of the service from which the transfer is to be made, and (3) the consent of the service to which the transfer is to be made. [Section 202(g), Act of July 26, 1947, ch. 343, as added by section 3, Act of September 9, 1950, ch. 939, 64 Stat. 828. This provision is temporary law and will expire on July 1, 1967, unless otherwise extended. See (1) section 7, Act of September 9, 1950, ch. 939, 64 Stat. 828, as amended by section 8, Act of June 27, 1957, Public Law 85-62, 71 Stat. 208, and (2) section 9, Act of June 27, 1957, Public Law 85-62, 71 Stat. 208, as amended by section 4, Act of March 23, 1959, Public Law 86-4, 73 Stat. 13, and section 4, Act of March 28, 1963, Public Law 88-2, 77 Stat. 4.]

(h) Officers transferred hereunder shall be appointed by the President alone to such commissioned grade, permanent and temporary, in the armed service to which transferred and be given such place on the applicable promotion list of such service as he shall determine. Federal service previously rendered by any such officer shall be credited for promotion, seniority, and retirement purposes as if served in the

armed service to which transferred according to the provisions of law governing promotion, seniority, and retirement therein. No officer upon a transfer to any service from which previously transferred shall be given a higher grade, or place on the applicable promotion list, than that which he could have attained had he remained continuously in the service to which retransferred. [Section 202(h), Act of July 26, 1947, ch. 343, as added by section 3, Act of September 9, 1950, ch. 939, 64 Stat. 828. This provision is temporary law and will expire on July 1, 1967, unless otherwise extended. See note following subsection (g), above.]

(i) Any officer transferred hereunder shall be credited with the unused leave to which he was entitled at the time of transfer. [Section 202(i), Act of July 26, 1947, ch. 343, as added by section 3, Act of September 9, 1950, ch. 939, 64 Stat. 828. This provision is temporary law and will expire on July 1, 1967, unless otherwise extended. See note following subsection (g), above.]

(j) [Repealed and restated in section 124 of title 10, United States Code.

[§ 124. Combatant commands: establishment, composition; functions; administration and support

[(a) With the advice and assistance of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall—

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

[(2) shall prescribe the force structure of those commands.

[(b) The military departments shall assign forces to combatant commands established under this section to perform the missions of those commands. A force so assigned is under the full operational command of the commander of the command to which it is assigned. It may be transferred from the command to which it is assigned only by authority of the Secretary and under procedures prescribed by the Secretary with the approval of the President. A force not so assigned, remains, for all purposes, in the military department concerned.

[(c) Combatant commands established under this section are responsible to the President and to the Secretary for such military missions as may be assigned to them by the Secretary with the approval of the President.

[(d) Subject to the authority, direction, and control of the Secretary, each military department is responsible for the administration of forces assigned by that department to combatant commands established under this section. The Secretary shall assign the responsibility for the support of forces assigned to those commands to one or more of the military departments.]

DEPUTY SECRETARY OF DEFENSE; ASSISTANT SECRETARIES OF DEFENSE;
MILITARY ASSISTANTS

SEC. 203. (a) [Repealed and restated in section 134 of title 10, United States Code.

[§ 134. Deputy Secretary of Defense: appointment; powers and duties; precedence

[(a) There is a Deputy Secretary of Defense, appointed from civilian life by the President, by and with the advice and consent of the

Senate. A person may not be appointed as Deputy Secretary of Defense within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

[(b) The Deputy Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. The Deputy Secretary shall act for, and exercise the powers of, the Secretary when the Secretary is absent or disabled.]

[(c) The Deputy Secretary takes precedence in the Department of Defense immediately after the Secretary.]

(b) (1) [Repealed and restated in section 135 of title 10, United States Code. However, the last sentence of section 203(b)(1), relating to the compensation of the Director of Defense Research and Engineering, which was omitted from section 135, was repealed by section 305(23), Federal Employees Salary Act of 1964, 78 Stat. 425. The annual rate of basic pay of the Director is fixed at \$28,500 by section 5314(33) of title 5, United States Code.]

[§ 135. Director of Defense Research and Engineering: appointment; powers and duties; precedence]

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

[(b) The Director performs such duties relating to research and engineering as the Secretary of Defense may prescribe, including—

[(1) being the principal adviser to the Secretary on scientific and technical matters;

[(2) supervising all research and engineering activities in the Department of Defense; and

[(3) directing, controlling, assigning, and reassigning research and engineering activities that the Secretary considers need centralized management.]

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

(2) [Repealed and restated in section 2358 of title 10, United States Code.]

[§ 2358. Research projects]

[Subject to approval by the President, the Secretary of Defense or his designee may engage in basic and applied research projects that are necessary to the responsibilities of the Department of Defense in the field of basic and applied research and development and that relate to weapons systems and other military needs. Subject to approval by the President, the Secretary or his designee may perform assigned research and development projects—

[(1) by contract with educational or research institutions, private businesses, or other agencies of the United States;

[(2) through one or more of the military departments; or

[(3) by using employees and consultants of the Department of Defense.]

(3) [Repealed by section 307, Act of September 7, 1962, Public Law 87-652, 76 Stat. 526.]

(c) [Repealed and restated in section 136 (a), (b), and (e) of title 10, United States Code.]

[§ 136. Assistant Secretaries of Defense: appointment; powers and duties; precedence

[(a) There are seven Assistant Secretaries of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

[(b) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe. In addition, one of the Assistant Secretaries shall be the Comptroller of the Department of Defense and shall, subject to the authority, direction, and control of the Secretary—

[(1) advise and assist the Secretary 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) supervise and direct the preparation of budget estimates of the Department of Defense;

[(3) establish and supervise 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;

[(C) progress and statistical reporting; and

[(D) internal audit;

[(4) establish and supervise the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

[(5) establish uniform terminologies, classifications, and procedures concerning matters covered by clauses (1)–(4).

* * * * *

[(e) The Assistant Secretaries take precedence in the Department of Defense after the Secretary, the Deputy Secretary of Defense, the Secretaries of the military departments and the Director of Defense Research and Engineering.]

[Section 4 of Reorganization Plan No. 6 of 1953, 67 Stat. 639, provided for a General Counsel, Department of Defense. This provision has been repealed and restated in section 137, title 10, United States Code.

[§ 137. General Counsel: appointment; powers and duties

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

[(b) The General Counsel is the chief legal officer of the Department of Defense. He shall perform such functions as the Secretary of Defense may prescribe.]

(d) [Repealed and restated in section 718 of title 10, United States Code.

[§ 718. Secretary of Defense: detail of officers to assist

[Officers of the armed forces may be detailed for duty as assistants or personal aides to the Secretary of Defense. However, the Secretary may not establish a military staff other than that established by section 141(a) of this title.]

CIVILIAN PERSONNEL

SEC. 204. [Repealed and restated in section 1580 of title 10, United States Code. Section 1580 was repealed by section 8(c), Act of September 6, 1966, Public Law 89-554, 80 Stat. 632, 663.]

DEPARTMENT OF THE ARMY

SEC. 205. (a) [Repealed and restated in section 3012(f) of title 10, United States Code.

[(f) The Secretary may change the title of any other officer, or of any activity, of the Department of the Army.]

(b) All laws, orders, regulations, and other actions relating to the Department of War or to any officer or activity whose title is changed under this section shall, insofar as they are not inconsistent with the provisions of this Act, be deemed to relate to the Department of the Army within the Department of Defense or to such officer or activity designated by his or its new title. [Section 205(b), Act of July 26, 1947, ch. 343, 61 Stat. 501, as amended by section 12(a), National Security Act Amendments of 1949, 63 Stat. 591.]

(c) The term "Department of the Army" as used in this Act shall be construed to mean the Department of the Army at the seat of government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Army. [Section 205(c), Act of July 26, 1947, ch. 343, 61 Stat. 501.]

(d) [Repealed and restated in section 3011 of title 10, United States Code.

[§ 3011. Department of the Army: seal

[The Secretary of the Army shall have a seal for the Department of the Army. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.]

(e) [Repealed and restated in section 3062(b) of title 10, United States Code.

[(b) In general, the Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein. It shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations on land. It is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.]

DEPARTMENT OF THE NAVY

SEC. 206. (a) The term "Department of the Navy" as used in this Act shall be construed to mean the Department of the Navy at the seat of government; the headquarters, United States Marine Corps; the entire operating forces of the United States Navy, including naval aviation, and of the United States Marine Corps, including the reserve components of such forces; all field activities, headquarters, forces, bases, installations, activities, and functions under the control

or supervision of the Department of the Navy; and the United States Coast Guard when operating as a part of the Navy pursuant to law. [Section 206(a), Act of July 26, 1947, ch. 343, 61 Stat. 501.]

(b) [Repealed and restated in section 5012 of title 10, United States Code.

[§ 5012. United States Navy: composition; functions

[(a) The Navy, within the Department of the Navy, includes, in general, naval combat and service forces and such aviation as may be organic therein. The Navy shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea. It is responsible for the preparation of naval forces necessary for the effective prosecution of war except as otherwise assigned and is generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping.

[(b) All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy. Naval aviation consists of combat and service and training forces, and includes land-based naval aviation, air transport essential for naval operations, all air weapons and air techniques involved in the operations and activities of the Navy, and the entire remainder of the Aeronautical organization of the Navy, together with the personnel necessary therefor.

[(c) The Navy shall develop aircraft, weapons, tactics, technique, organization, and equipment of naval combat and service elements. Matters of joint concern as to these functions shall be coordinated between the Army, the Air Force, and the Navy.

[(d) The Navy is responsible, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.]

(c) [Repealed and restated in sections 5013 and 5402(a) (first sentence) of title 10, United States Code.

[Section 5013, title 10, United States Code:

[§ 5013. United States Marine Corps: composition; functions

[(a) The Marine Corps, within the Department of the Navy, shall be so organized as to include not less than three combat divisions and three air wings, and such other land combat, aviation, and other services as may be organic therein. The Marine Corps shall be organized, trained, and equipped to provide fleet marine forces of combined arms, together with supporting air components, for service with the fleet in the seizure or defense of advanced naval bases and for the conduct of such land operations as may be essential to the prosecution of a naval campaign. In addition, the Marine Corps shall provide detachments and organizations for service on armed vessels of the Navy, shall provide security detachments for the protection of naval property at naval stations and bases, and shall perform such other duties as the President may direct. However, these additional duties may not detract from or interfere with the operations for which the Marine Corps is primarily organized.

[(b) The Marine Corps shall develop, in coordination with the Army and the Air Force, those phases of amphibious operations that pertain to the tactics, technique, and equipment used by landing forces.

[(c) The Marine Corps is responsible, in accordance with integrated joint mobilization plans, for the expansion of peacetime components of the Marine Corps to meet the needs of war.

[Section 5402(a) (first sentence), title 10, United States Code:

[Except in time of war or national emergency declared by Congress after June 28, 1952, the authorized strength of the Regular Marine Corps, excluding retired members, is 400,000.]

DEPARTMENT OF THE AIR FORCE

SEC. 207. (a) [Repealed and restated in section 8012(a) of title 10, United States Code.

[(a) There is a Secretary of the Air Force appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Air Force.]

(b) [Repealed by section 12(c), National Security Act Amendments of 1949, 63 Stat. 591.]

(c) The term "Department of the Air Force" as used in this Act shall be construed to mean the Department of the Air Force at the seat of government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Air Force. [Section 207(c), Act of July 26, 1947, ch. 343, 61 Stat. 502.]

(d) [Repealed and restated in section 8013(a) of title 10, United States Code.

[(a) There are an Under Secretary of the Air Force and three Assistant Secretaries of the Air Force in the Department of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.]

(e) [Repealed and restated in section 8012(e) of title 10, United States Code.

[(e) The Secretary, as he considers appropriate, may assign, detail, and prescribe the duties of the members of the Air Force and civilian personnel of the Department of the Air Force.]

(f) [Repealed and restated in section 8033(g) of title 10, United States Code.

[(g) In addition to the functions and duties performed by it for the Department of the Army, the National Guard Bureau shall perform similar functions and duties for the Department of the Air Force, and shall be the channel of communication between the Department of the Air Force and the States and Territories, Puerto Rico, the Canal Zone, and the District of Columbia on all matters affecting the Air National Guard.]

(g) [Repealed and restated in section 8011 of title 10, United States Code.

[§ 8011. Department of the Air Force: seal

[The Secretary of the Air Force shall have a seal for the Department of the Air Force. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.]

UNITED STATES AIR FORCE

SEC. 208. (a) [Repealed and restated in section 8062(b) of title 10, United States Code.]

[(b) There is a United States Air Force within the Department of the Air Force.]

(b) [Repealed and restated in section 743 of title 10, United States Code.]

[§ 743. Rank: Chief of Staff of the Army; Chief of Naval Operations; Chief of Staff of the Air Force]

[The Chief of Staff of the Army, the Chief of Naval Operations, and the Chief of Staff of the Air Force rank among themselves according to dates of appointment to those offices, and rank above all other officers on the active list of the Army, Navy, Air Force, and Marine Corps, except the Chairman of the Joint Chiefs of Staff.]

(c) [Repealed by section 8(c), Act of September 6, 1966, Public Law 89-554, 80 Stat. 632, 654.]

(d) [Repealed by section 53, Act of August 10, 1956, ch. 1041, 70A Stat. 641, 676.]

(e) [Repealed by section 53, Act of August 10, 1956, ch. 1041, 70A Stat. 641, 676.]

(f) [Repealed and restated in section 8062(c) of title 10, United States Code.]

[(c) In general, the Air Force includes aviation forces both combat and service not otherwise assigned. It shall be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air operations. It is responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.]

EFFECTIVE DATE OF TRANSFERS

SEC. 209. [Repealed by section 53, Act of August 10, 1956, ch. 1041, 70A Stat. 641, 676.]

ARMED FORCES POLICY COUNCIL

SEC. 210. [Repealed and restated in section 171 of title 10, United States Code.]

[§ 171. Armed Forces Policy Council]

[(a) There is in the Department of Defense an Armed Forces Policy Council consisting of—

[(1) the Secretary of Defense, as Chairman, with the power of decision;

[(2) the Deputy Secretary of Defense;

[(3) the Secretary of the Army;

[(4) the Secretary of the Navy;

[(5) the Secretary of the Air Force;

[(6) the Director of Defense Research and Engineering;

[(7) the Chairman of the Joint Chiefs of Staff;

[(8) the Chief of Staff of the Army;

- [(9) the Chief of Naval Operations; and
- [(10) the Chief of Staff of the Air Force.

[(b) The Armed Forces Policy Council shall advise the Secretary of Defense on matters of broad policy relating to the armed forces and shall consider and report on such other matters as the Secretary of Defense may direct.]

JOINT CHIEFS OF STAFF

SEC. 211. [Repealed and restated in sections 141 (a)-(d) and 142 of title 10, United States Code.

[§ 141. Composition: functions

[(a) There are in the Department of Defense the Joint Chiefs of Staff consisting of—

- [(1) a Chairman;
- [(2) the Chief of Staff of the Army;
- [(3) the Chief of Naval Operations; and
- [(4) the Chief of Staff of the Air Force.

[(b) The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense.

[(c) The Commandant of the Marine Corps shall indicate to the Chairman any matter scheduled for consideration by the Joint Chiefs that directly concerns the Marine Corps. Unless, upon request of the Chairman for a determination, the Secretary of Defense determines that such a matter does not concern the Marine Corps, the Commandant shall meet with the Joint Chiefs of Staff when that matter is under consideration and with respect to it, the Commandant has co-equal status with the members of the Joint Chiefs of Staff.

[(d) Subject to the authority and direction of the President and the Secretary of Defense, the Joint Chiefs of Staff shall—

- [(1) prepare strategic plans and provide for the strategic direction of the armed forces;
- [(2) prepare joint logistic plans and assign logistic responsibilities to the armed forces in accordance with those plans;
- [(3) establish unified commands in strategic areas;
- [(4) review the major material and personnel requirements of the armed forces in accordance with strategic and logistic plans;
- [(5) formulate policies for the joint training of the armed forces;
- [(6) formulate policies for coordinating the military education of members of the armed forces;
- [(7) provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and
- [(8) perform such other duties as the President or the Secretary of Defense may prescribe.

[§ 142. Chairman

[(a) The Chairman of the Joint Chiefs of Staff shall be 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. He serves at the pleasure of the President for a term of two years, and may be reappointed in the same manner for one additional term. However, in time of war declared by Congress there is no limit on the number of reappointments.

[(b) In addition to his other duties as a member of the Joint Chiefs of Staff, the Chairman shall, subject to the authority and direction of the President and the Secretary of Defense—

- [(1) preside over the Joint Chiefs of Staff;
- [(2) provide agenda for the meetings of the Joint Chiefs of Staff and assist them in carrying on their business as promptly as practicable; and
- [(3) inform the Secretary of Defense, and, when the President or the Secretary of Defense considers it appropriate, the President, of those issues upon which the Joint Chiefs of Staff have not agreed.

[(c) While holding office, the Chairman 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.]

JOINT STAFF

SEC. 212. [Repealed and restated in section 143 of title 10, United States Code.

[§ 143. Joint Staff

[(a) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than 400 officers selected by the Joint Chiefs of Staff with the approval of the Chairman. The Joint Staff shall be selected in approximately equal numbers from—

- [(1) the Army;
- [(2) the Navy and the Marine Corps; and
- [(3) the Air Force.

The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff, and except in time of war, no such tenure of duty may be more than three years. Except in time of war, officers completing a tour of duty with the Joint Staff may not be reassigned to the Joint Staff for a period of not less than three years following their previous tour of duty on the Joint Staff, except that selected officers may be recalled to Joint Staff duty in less than three years with the approval of the Secretary of Defense in each case. The number of such officers recalled to Joint Staff duty in less than three years shall not exceed 30 serving on the Joint Staff at any one time.

[(b) The Chairman of the Joint Chiefs of Staff in consultation with the Joint Chiefs of Staff, and with the approval of the Secretary of Defense, shall select the Director of the Joint Staff. Except in time of war, the tour of duty of the Director may not exceed three years. Upon the completion of a tour of duty as Director of the Joint Staff, the Director, except in time of war, may not be reassigned to the Joint Staff. The Director must be an officer junior in grade to each member of the Joint Chiefs of Staff.

[(c) The Joint Staff shall perform such duties as the Joint Chiefs of Staff or the Chairman prescribes. The Chairman of the Joint Chiefs of Staff manages the Joint Staff and its Director, on behalf of the Joint Chiefs of Staff.

[(d) 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 to support the Joint Chiefs of Staff in discharging their assigned responsibilities.]

MUNITIONS BOARD

SEC. 213. [Repealed by section 53, Act of August 10, 1956, ch. 1041, 70A Stat. 641, 676. However, subsection (c) was restated in section 2201 of title 10, United States Code, which was repealed by section 3(c), Department of Defense Reorganization Act of 1958, 72 Stat. 516.]

RESEARCH AND DEVELOPMENT BOARD

SEC. 214. [Repealed by section 53, Act of August 10, 1956, ch. 1041, 70A Stat. 641, 676. However, subsections (a) and (b) were restated in section 2351 of title 10, United States Code, which was repealed by section 3(d), Department of Defense Reorganization Act of 1958, 72 Stat. 516.]

TITLE III—MISCELLANEOUS

COMPENSATION OF SECRETARIES

SEC. 301. [Repealed by section 8(c), Act of September 6, 1966, Public Law 89-554, 80 Stat. 632, 654. The compensation of the various statutory officials of the Department of Defense is now covered by sections 5311-5316 of title 5, United States Code, as follows:

[Secretary of Defense—\$35,000; 5 U.S.C. 5312(3).

[Deputy Secretary of Defense, Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force—\$30,000; 5 U.S.C. 5313 (1), (17), (18), and (16).

[Director of Defense Research and Engineering—\$28,500; 5 U.S.C. 5314(33).

[Assistant Secretaries of Defense, Under Secretary of the Army, Under Secretary of the Navy, Under Secretary of the Air Force, Assistant Secretaries of the Army, Assistant Secretaries of the Navy, Assistant Secretaries of the Air Force, Director of Civil Defense (Department of the Army), and General Counsel (Department of Defense)—\$27,000; 5 U.S.C. 5315 (13), (8), (9), (7), (15), (16), (14), (29), and (40).

[Director, Advanced Research Projects Agency, Deputy General Counsel (Department of Defense), General Counsel of the Army, General Counsel of the Navy, General Counsel of the Air Force, Deputy Directors of Defense Research and Engineering, and Special Assistant to the Secretary of Defense—\$26,000; 5 U.S.C. 5316 (54), (68), (80), (84), (79), (96), and (113).]

UNDER SECRETARIES AND ASSISTANT SECRETARIES

SEC. 302. [Repealed by section 53, Act of August 10, 1956, ch. 1041, 70A Stat. 641, 676. The compensation of the officials concerned is now covered by the provisions cited in the note to section 301, above.]

ADVISORY COMMITTEES AND PERSONNEL

SEC. 303. (a) The Director of the Office of Emergency Planning, the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary, are authorized to appoint such advisory committees and to employ, consistent with other provisions of this Act, such part-time advisory personnel as they may deem necessary in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$50 for each day of service, as determined by the appointing authority.

(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of section 281, 283, or 284 of Title 18, United States Code, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested. [Section 303, Act of July 26, 1947, ch. 343, 61 Stat. 507, as amended by section 10(c), National Security Act Amendments of 1949, 63 Stat. 585, section 8, Act of September 3, 1954, ch. 1263, 68 Stat. 1228, and section 53, Act of August 10, 1956, ch. 1041, 70A Stat. 641, 676; 50 U.S.C. 405.]

[Section 303(b) was impliedly repealed by section 2, Act of October 23, 1962, Public Law 87-849, 76 Stat. 1126. The application of section 303 to the Secretary of Defense was repealed by section 53, Act of August 10, 1956, and restated in section 173 of title 10, United States Code.

[§ 173. Advisory personnel

[(a) The Secretary of Defense may establish such advisory committees and employ such part-time advisers as he considers necessary for the performance of his functions and those of the agencies under his control.

[(b) A person who serves as a member of a committee may not be paid for that service while holding another position or office under the United States for which he receives compensation. Other members and part-time advisers may serve without compensation or may be paid not more than \$50 for each day of service, as the Secretary determines.]

STATUS OF TRANSFERRED CIVILIAN PERSONNEL

SEC. 304. [Repealed by section 8(c), Act of September 6, 1966, Public Law 89-554, 80 Stat. 632, 654.]

SAVING PROVISIONS

SEC. 305. [Repealed by section 8(c), Act of September 6, 1966, Public Law 89-554, 80 Stat. 632, 654.]

TRANSFER OF FUNDS

SEC. 306. [Repealed by section 8(c), Act of September 6, 1966, Public Law 89-554, 80 Stat. 632, 654.]

AUTHORIZATION FOR APPROPRIATIONS

SEC. 307. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

DEFINITIONS

SEC. 308. (a) As used in this Act, the term "function" includes functions, powers, and duties.

(b) As used in this Act, the term "Department of Defense" shall be deemed to include the military departments of the Army, the Navy, and the Air Force, and all agencies created under title II of this Act. [Section 308, Act of July 26, 1947, ch. 343, 61 Stat. 509, as amended by section 12(e), National Security Act Amendments of 1949, 63 Stat. 591.]

SEPARABILITY

SEC. 309. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. [Section 309, Act of July 26, 1947, ch. 343, 61 Stat. 509.]

EFFECTIVE DATE

SEC. 310. (a) The first sentence of section 202(a) and sections 1, 2, 307, 308, 309, and 310 shall take effect immediately upon the enactment of this Act.

(b) Except as provided in subsection (a), the provisions of this Act shall take effect on whichever of the following days is the earlier: The day after the day upon which the Secretary of Defense first appointed takes office, or the sixtieth day after the date of the enactment of this Act. [Section 310, Act of July 26, 1947, ch. 343, 61 Stat. 509.]

SUCCESSION TO THE PRESIDENCY

SEC. 311. [Repealed by section 3, Act of June 25, 1948, ch. 644, 62 Stat. 681, 682. Provisions relating to succession to the Presidency are now contained in section 19 of title 3, United States Code.]

TITLE IV—PROMOTION OF ECONOMY AND EFFICIENCY
THROUGH ESTABLISHMENT OF UNIFORM BUDGETARY
AND FISCAL PROCEDURES AND ORGANIZATIONS

COMPTROLLER OF DEPARTMENT OF DEFENSE

SEC. 401. [Repealed and retated in section 136(b) of title 10, United States Code, set forth under section 203(c), above.]

MILITARY DEPARTMENT BUDGET AND FISCAL ORGANIZATION—DEPARTMENTAL COMPTROLLERS

SEC. 402. [Repealed and restated in sections 3014, 5061, and 8014 of title 10, United States Code.

[§ 3014. **Comptroller of the Army: appointment; function**]

[(a) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Army shall have the following matters in the Department of the Army organized and conducted consistently with the operations of the Office of the Comptroller of the Department of Defense:

[(1) Budgeting.

[(2) Accounting.

[(3) Progress and statistical reporting.

[(4) Internal audit.

[(5) Administrative organization structure, and managerial procedures, relating to the matters covered by clauses (1)–(4).

[(b) There are a Comptroller of the Army and a Deputy Comptroller of the Army in the Department of the Army. They shall be appointed by the Secretary of the Army. The Secretary may appoint either civilian or military personnel to these offices. If either the Comptroller or the Deputy Comptroller is not a civilian, the other must be a civilian.

[(c) Subject to the authority of the Secretary of the Army, the Comptroller is responsible for the matters in the Department of the Army named in subsection (a)(1)–(5).

[(d) The Comptroller is under the direction and supervision of, and is directly responsible to, either the Secretary of the Army, the Under Secretary, or an Assistant Secretary. However, this subsection does not prevent the Comptroller from having concurrent responsibility to the Chief of Staff, the Vice Chief of Staff, or a Deputy Chief of Staff, if the Secretary so prescribes.

[§ 5061. **Comptroller of the Navy: appointment; functions**

[(a) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Navy shall have the following matters in the Department of the Navy organized and conducted consistently with the operations of the Office of the Comptroller of the Department of Defense:

[(1) Budgeting.

[(2) Accounting.

[(3) Progress and statistical reporting.

[(4) Internal audit.

[(5) Administrative organization structure, and managerial procedures, relating to the matters covered by clauses (1)–(4).

[(b) There are a Comptroller of the Navy and a Deputy Comptroller of the Navy in the Department of the Navy. They shall be appointed by the Secretary of the Navy. The Secretary may appoint either civilian or military personnel to these offices. If either the Comptroller or the Deputy Comptroller is not a civilian, the other must be a civilian.]

[(c) Subject to the authority of the Secretary of the Navy, the Comptroller is responsible for the matters in the Department of the Navy named in subsection (a) (1)-(5).]

[(d) The Comptroller is under the direction and supervision of, and is directly responsible to, either the Secretary of the Navy, the Under Secretary, or an Assistant Secretary. However, this subsection does not prevent the Comptroller from having concurrent responsibility to the Chief of Naval Operations, the Vice Chief of Naval Operations, or a Deputy Chief of Naval Operations, if the Secretary so prescribes.]

[§ 8014. Comptroller of the Air Force: appointment; function]s

[(a) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Air Force shall have the following matters in the Department of the Air Force organized and conducted consistently with the operations of the Office of the Comptroller of the Department of Defense:

[(1) Budgeting.

[(2) Accounting.

[(3) Progress and statistical reporting.

[(4) Internal audit.

[(5) Administrative organization structure, and managerial procedures, relating to the matters covered by clauses (1)-(4).]

[(b) There are a Comptroller of the Air Force and a Deputy Comptroller of the Air Force in the Department of the Air Force. They shall be appointed by the Secretary of the Air Force. The Secretary may appoint either civilian or military personnel to these offices. If either the Comptroller or the Deputy Comptroller is not a civilian, the other must be a civilian.]

[(c) Subject to the authority of the Secretary of the Air Force, the Comptroller is responsible for the matters in the Department of the Air Force named in subsection (a)(1)-(5).]

[(d) The Comptroller is under the direction and supervision of, and is directly responsible to, either the Secretary of the Air Force, the Under Secretary, or an Assistant Secretary. However, this subsection does not prevent the Comptroller from having concurrent responsibility to the Chief of Staff, the Vice Chief of Staff, or a Deputy Chief of Staff, if the Secretary so prescribes.]

PERFORMANCE BUDGET

SEC. 403. [Repealed and restated in section 2203 of title 10, United States Code.]

[§ 2203. Budget estimates

[To account for, and report, the cost of performance of readily identifiable functional programs and activities, with segregation of operating and capital programs, budget estimates of the Department of Defense shall be prepared, presented, and justified, where practi-

cable, and authorized programs shall be administered, in such form and manner as the Secretary of Defense, subject to the authority and direction of the President, may prescribe. As far as practicable, budget estimates and authorized programs of the military departments shall be uniform and in readily comparable form.]

OBLIGATION OF APPROPRIATIONS

SEC. 404. [Repealed and restated in section 2204 of title 10, United States Code.

[§ 2204. **Obligation of appropriations**

[To prevent overdrafts and deficiencies in the fiscal year for which appropriations are made, appropriations made to the Department of Defense or to a military department, and reimbursements thereto, are available for obligation and expenditure only under scheduled rates of obligation, or changes thereto, that have been approved by the Secretary of Defense. This section does not prohibit the Department of Defense from incurring a deficiency that it has been authorized by law to incur.]

WORKING-CAPITAL FUNDS

SEC. 405. [Repealed and restated in section 2208 of title 10, United States Code.

[§ 2208. **Working-capital funds**

[(a) To control and account more effectively for the cost of programs and work performed in the Department of Defense, the Secretary of Defense may require the establishment of working-capital funds in the Department of Defense to—

[(1) finance inventories of such supplies as he may designate; and

[(2) provide working capital for such industrial-type activities, and such commercial-type activities that provide common services within or among departments and agencies of the Department of Defense, as he may designate.

[(b) Upon the request of the Secretary of Defense, the Secretary of the Treasury shall establish working-capital funds established under this section on the books of the Department of the Treasury.

[(c) Working-capital funds shall be charged, when appropriate, with the cost of—

[(1) supplies that are procured or otherwise acquired, manufactured, repaired, issued, or used; and

[(2) services or work performed;

including applicable administrative expenses, and be reimbursed from available appropriations or otherwise credited for those costs, including applicable administrative expenses and costs of using equipment.

[(d) The Secretary of Defense may provide capital for working-capital funds by capitalizing inventories. If this method does not, in the determination of the Secretary of Defense, provide adequate amounts of working capital, such amounts as may be necessary may be appropriated for that purpose.

[(e) Subject to the authority and direction of the Secretary of Defense, the Secretary of each military department shall allocate responsibility for its functions, powers, and duties to accomplish the

most economical and efficient organization and operation of the activities, and the most economical and efficient use of the inventories, for which working-capital funds are authorized by this section.

[(f) The requisitioning agency may not incur a cost for supplies drawn from inventories, or services or work performed by industrial-type or commercial-type activities for which working-capital funds may be established under this section, that is more than the amount of appropriations or other funds available for those purposes.

[(g) The appraised value of supplies returned to working-capital funds by a department, activity, or agency may be charged to that fund. The proceeds thereof shall be credited to current applicable appropriations and are available for expenditure for the same purposes that those appropriations are so available. Credits may not be made to appropriations under this subsection as the result of capitalization of inventories under subsection (d).

[(h) The Secretary of Defense shall prescribe regulations governing the operation of activities and use of inventories authorized by this section. The regulations may, if the needs of the Department of Defense require it and it is otherwise authorized by law, authorize supplies to be sold to, or services to be rendered or work performed for, persons outside the Department of Defense. Working-capital funds shall be reimbursed for supplies so sold, services so rendered, or work so performed by charges to applicable appropriations or payments received in cash.

[(i) Reports annually shall be made to the President and to Congress on the condition and operation of working-capital funds established under this section.]

MANAGEMENT FUNDS

SEC. 406. [Repealed and restated in section 2209 of title 10, United States Code.

[§ 2209. Management funds

[(a) To conduct economically and efficiently the operations of the Department of Defense that are financed by at least two appropriations but whose costs cannot be immediately distributed and charged to those appropriations, there is the Army Management Fund, the Navy Management Fund, and the Air Force Management Fund, each within its respective department and under the direction of the Secretary of that department. Each such fund shall consist of a corpus of \$1,000,000 and such amounts as may be appropriated thereto from time to time. An account for an operation that is to be financed by such a fund may be established only with the approval of the Secretary of Defense.

[(b) Under such regulations as the Secretary of Defense may prescribe, expenditures may be made from a management fund for material (other than for stock), personal services, and services under contract. However, obligation may not be incurred against that fund if it is not chargeable to funds available under an appropriation of the department concerned or funds of another department or agency of the Department of Defense. The fund shall be promptly reimbursed from those funds for expenditures made from it.

[(c) Notwithstanding any other provision of law, advances, by check or warrant, or reimbursements, may be made from available appropriations to a management fund on the basis of the estimated

cost of a project. As adequate data becomes available, the estimated cost shall be revised and necessary adjustments made. Final adjustment shall be made with the appropriate funds for the fiscal year in which the advances or reimbursements are made. Except as otherwise provided by law, amounts advanced to management funds are available for obligation only during the fiscal year in which they are advanced.]

ADJUSTMENT OF ACCOUNTS

SEC. 407. [Repealed and restated in section 126 of title 10, United States Code.

[§ 126. Transfer of funds and employees

[(a) When a function, power, or duty or an activity of a department or agency of the Department of Defense is transferred or assigned to another department or agency of that department, balances of appropriations that the Secretary of Defense determines are available and needed to finance or discharge that function, power, duty, or activity, as the case may be, may, with the approval of the President, be transferred to the department or agency to which that function, power, duty, or activity, as the case may be, is transferred, and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

[(1) be credited to any applicable appropriation account of the receiving department or agency; or

[(2) be credited to a new account that may be established on the books of the Department of the Treasury;

and be merged with the funds already credited to that account and accounted for as one fund. Balances of appropriations credited to an account under clause (1) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under clause (2) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

[(b) When a function, power, or duty or an activity of a department or agency of the Department of Defense is transferred to another department or agency of that department, those civilian employees of the department or agency from which the transfer is made that the Secretary of Defense determines are needed to perform that function, power, or duty, or for that activity, as the case may be, may, with the approval of the Director of the Bureau of the Budget, be transferred to the department or agency to which that function, power, duty, or activity, as the case may be, is transferred. The authorized strength in civilian employees of a department or agency from which employees are transferred under this section is reduced by the number of employees so transferred. The authorized strength in civilian employees of a department or agency to which employees are transferred under this section is increased by the number of employees so transferred.]

AVAILABILITY OF REIMBURSEMENTS

SEC. 408. [Repealed and restated in section 2205 of title 10, United States Code.]

[§ 2205. Availability of reimbursements]

[Reimbursements made to appropriations of the Department of Defense or a department or agency thereof under section 686 of title 31, or other amounts paid by or on behalf of a department or agency of the Department of Defense to another department or agency of the Department of Defense, or by or on behalf of personnel of any department or organization, for services rendered or supplies furnished, may be credited to authorized accounts. Funds so credited are available for obligation for the same period as the funds in the account so credited. Such an account shall be accounted for as one fund on the books of the Department of the Treasury.]

COMMON USE OF DISBURSING FACILITIES

SEC. 409. [Repealed and restated in section 2206 of title 10, United States Code.]

[§ 2206. Disbursement of funds of military department to cover obligation of another agency of Department of Defense]

[As far as authorized by the Secretary of Defense, a disbursing officer of a military department may, out of available advances, make disbursements to cover obligations in connection with any function, power, or duty of another department or agency of the Department of Defense and charge those disbursements on vouchers, to the appropriate appropriation of that department or agency. Disbursements so made shall be adjusted in settling the accounts of the disbursing officer.]

REPORTS OF PROPERTY

SEC. 410. [Repealed and restated in section 2701 of title 10, United States Code.]

[§ 2701. Basis: reports]

[(a) Under regulations prescribed by him, the Secretary of Defense shall have the records of the fixed property, installations, major equipment, items, and stored supplies of the military departments maintained on both a quantitative and a monetary basis, so far as practicable.]

[(b) The Secretary shall report once a year to Congress and the President on property records maintained under this section.]

REPEALING AND SAVING PROVISIONS

SEC. 411. All laws, orders, and regulations inconsistent with the provisions of this title are repealed insofar as they are inconsistent with the powers, duties, and responsibilities enacted hereby: *Provided*, That the powers, duties, and responsibilities of the Secretary of Defense under this title shall be administered in conformance with the policy and requirements for administration of budgetary and fiscal matters in the Government generally, including accounting and financial reporting, and that nothing in this title shall be construed as

eliminating or modifying the powers, duties, and responsibilities of any other department, agency, or officer of the Government in connection with such matters, but no such department, agency, or officer shall exercise any such powers, duties, or responsibilities in a manner that will render ineffective the provisions of this title. [Section 411, Act of July 26, 1947, ch. 343, as added by section 11, National Security Act Amendments of 1949, 63 Stat. 585, 590.]

APPENDIXES

APPENDIX I

REORGANIZATION PLAN NO. 3 OF 1953

(Effective June 12, 1953, 18 FR 3375, 67 Stat. 634)

OFFICE OF DEFENSE MOBILIZATION

SECTION 1. *Establishment of Office.*—(a) There is hereby established in the Executive Office of the President a new agency which shall be known as the Office of Defense Mobilization, hereinafter referred to as the "Office."

(b) There shall be at the head of the Office a Director of the Office of Defense Mobilization, hereinafter referred to as the "Director," who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of \$22,500 per annum.

(c) There shall be in the Office a Deputy Director of the Office of Defense Mobilization, who shall be appointed by the President, by and with the advice and consent of the Senate, shall receive compensation at the rate of \$17,500 per annum, shall perform such functions as the Director shall designate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

SEC. 2. *Transfer of functions.*—There are hereby transferred to the Director—

(a) All functions of the Chairman of the National Security Resources Board, including his functions as a member of the National Security Council, but excluding the functions abolished by section 5 (a) of this reorganization plan.

(b) All functions under the Strategic and Critical Materials Stock Piling Act, as amended (50 U. S. C. 98 et seq.), vested in the Secretaries of the Army, Navy, Air Force, and Interior or in any of them or in any combination of them, including the functions which were vested in the Army and Navy Munitions Board by the item numbered (2) in section 6 (a) of the said Act (60 Stat. 598), but excluding functions vested in the Secretary of the Interior by section 7 of the said Act.

(c) The functions vested in the Munitions Board by section 4 (h) of the Commodity Credit Corporation Charter Act, as amended (15 U. S. C. 714b (h)), and by section 204 (e) of the Federal Property and Administrative Services Act of 1949 (40 U. S. C. 485 (e)).

(d) All functions now vested by any statute in the Director of Defense Mobilization or in the Office of Defense Mobilization provided for in Executive Order Numbered 10193 (15 F. R. 9031).

SEC. 3. *Performance of transferred functions.*—(a) The Director may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Office, of any function of the Director, exclusive of the function of being a member of the National Security Council.

(b) When authorized by the Director, any function transferred to him by the provisions of this reorganization plan (exclusive of the function of being a member of the National Security Council) may be performed by the head of any agency of the executive branch of the Government or, subject to the direction and control of any such agency head, by such officers, employees, and organizational units under the jurisdiction of such agency head as such agency head may designate.

(c) In addition to the representatives who by virtue of the last sentence of section 2 (a) of the Strategic and Critical Materials Stock Piling Act, as amended (50 U. S. C. 98a (a)), and section 2 of this reorganization plan are designated to cooperate with the Director, the Secretary of Defense, the Secretary of the Interior, and the heads of such other agencies having functions regarding strategic or critical materials as the Director shall from time to time designate, shall each designate representatives who shall similarly cooperate with the Director.

SEC. 4. *Records, property, personnel, and funds.*—There shall be transferred with the functions transferred by this reorganization plan from the Chairman of the National Security Resources Board and the Department of Defense, respectively, so much of the records, property, personnel, and unexpended balances of appropriations, allocations, and other funds, used, held, employed, available, or to be made available in connection with the said functions, as the Director shall determine to be required for the performance of the transferred functions by the Office, but all transfers from the Department of Defense under the foregoing provisions of this section shall be subject to the approval of the Secretary of Defense.

SEC. 5. *Abolition of functions.*—(a) The functions of the Chairman of the National Security Resources Board under section 18 of the Universal Military Training and Service Act (50 U. S. C. App. 468), as affected by Reorganization Plan numbered 25 of 1950 (64 Stat. 1280), with respect to being consulted by and furnishing advice to the President as required by that section, are hereby abolished.

(b) So much of the functions of the Secretary of Defense under section 202 (b) of the National Security Act of 1947, as amended, as consists of direction, authority, and control over functions transferred by this reorganization plan is hereby abolished.

(c) Any functions which were vested in the Army and Navy Munitions Board or which are vested in the Munitions Board with respect to serving as agent through which the Secretaries of the Army, Navy, Air Force, and Interior jointly act, under section 2

(a) of the Strategic and Critical Materials Stock Piling Act, as amended, are hereby abolished.

SEC. 6. *Abolition of National Security Resources Board.*—The National Security Resources Board (established by the National Security Act of 1947, 61 Stat. 499), including the offices of Chairman and Vice Chairman of the National Security Resources Board is hereby abolished, and the Director shall provide for winding up any outstanding affairs of the said Board or offices not otherwise provided for in this reorganization plan.

APPENDIX II

REORGANIZATION PLAN NO. 6 OF 1953, AS AMENDED

(Effective June 30, 1953, 18 F. R. 3743, 67 Stat. 638)

DEPARTMENT OF DEFENSE

SECTION 1. *Transfers of functions.*—(a) All functions of the Munitions Board, the Research and Development Board, the Defense Supply Management Agency, and the Director of Installations are hereby transferred to the Secretary of Defense.

(b) The selection of the Director of the Joint Staff by the Joint Chiefs of Staff, and his tenure, shall be subject to the approval of the Secretary of Defense.

(c) The selection of the members of the Joint Staff of the Joint Chiefs of Staff, and their tenure, shall be subject to the approval of the Chairman of the Joint Chiefs of Staff.

(d) The functions of the Joint Chiefs of Staff with respect to managing the Joint Staff and the Director thereof are hereby transferred to the Chairman of the Joint Chiefs of Staff.

SEC. 2. *Abolition of agencies and functions.*—(a) There are hereby abolished the Munitions Board, the Research and Development Board, and the Defense Supply Management Agency.

(b) The offices of Chairman of the Munitions Board, Chairman of the Research and Development Board, Director of the Defense Supply Management Agency, Deputy Director of the Defense Supply Management Agency, and Director of Installations are hereby abolished.

(c) The Secretary of Defense shall provide for winding up any outstanding affairs of the said abolished agency, boards, and offices, not otherwise provided for in this reorganization plan.

(d) The function of guidance to the Munitions Board in connection with strategic and logistic plans as required by section 213 (c) of the National Security Act of 1947, as amended, is hereby abolished.

SEC. 3.* [Repealed].

SEC. 4. *General Counsel.*—The President may appoint from civilian life, by and with the advice and consent of the Senate, a General Coun-

*Repealed by section 10 (b) of the Act of August 6, 1958 (72 Stat. 521). Effective February 6, 1959, per section 13 (72 Stat. 522).

sel of the Department of Defense, who shall be the chief legal officer of the Department, and who shall perform such functions as the Secretary of Defense may from time to time prescribe. He shall receive compensation at the rate prescribed by law for assistant secretaries of executive departments.

SEC. 5. *Performance of functions.*—The Secretary of Defense may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Defense of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SEC. 6. *Miscellaneous provisions.*—(a) The Secretary of Defense may from time to time effect such transfers within the Department of Defense of any of the records, property, and personnel affected by this reorganization plan, and such transfers of unexpended balances (available or to be made available for use in connection with any affected function or agency) of appropriations, allocations, and other funds of such Department, as he deems necessary to carry out the provisions of this reorganization plan.

(b) Nothing herein shall affect the compensation of the Chairman of the Military Liaison Committee (63 Stat. 762).

APPENDIX III

PUBLIC LAW 562—83D CONGRESS

CHAPTER 652—2D SESSION

S. 3466

AN ACT, To provide for two additional Assistant Secretaries of the Army, Navy, and Air Force, respectively

Armed Forces.
Assistant
Secretaries.
5 U. S. C.
181-5.
Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 (a) of the Army Organization Act of 1950 (64 Stat. 264), is hereby amended to read as follows:

“There shall be in the Department of the Army an Under Secretary of the Army and four Assistant Secretaries of the Army, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and who shall receive the compensation prescribed by law. One of the Assistant Secretaries authorized herein shall be designated Assistant Secretary of the Army for Financial Management, and may also act as Comptroller of the Army, if so designated by the Secretary of the Army.”

5 U S. C. 181-4.

(b) Subsections (b) and (c) of section 101 of the Army Organization Act of 1950 (64 Stat. 264), are amended by deleting the word “either”, wherever appearing, and inserting in lieu thereof the word “an”.

SEC. 2. Two Assistant Secretaries of the Navy may be appointed from civilian life by the President by and with the advice and consent of the Senate. Such Assistant Secretaries shall be in addition to the Assistant Secretary of the Navy authorized under section 1 of the Act of July 11, 1890 (26 Stat. 254), as amended, and the Assistant Secretary of the Navy for Air authorized under section 4 of the Act of June 24, 1926 (44 Stat. 767), as amended, making a total of four Assistant Secretaries. Each such additional Assistant Secretary shall perform such functions as the Secretary of the Navy may from time to time prescribe and each shall receive compensation at the rate prescribed by law for Assistant Secretaries of military departments. One of the Assistant Secretaries authorized herein shall be designated as the Assistant Secretary of the Navy for Financial Management, and may also act as Comptroller of the Navy, if so designated by the Secretary of the Navy. The Assistant Secretaries of the Navy shall succeed to the Office of the Secretary of the Navy during his temporary absence in the position provided for the Assistant Secretary of the Navy and the Assistant Secretary of the Navy for Air by section 10 of the Act of March 5, 1948 (62 Stat. 66), and the Assistant Secretaries of the Navy shall take order among themselves in the order prescribed by the Secretary of the Navy or if no order is prescribed by the Secretary of the Navy then in the order in which the several Assistant Secretaries of the Navy took office as such.

Navy.

5 U. S. C. 420.

5 U. S. C. 421a.

62 Stat. 69.
5 U. S. C. 423j.

SEC. 3. (a) Subsection (a) of section 102 of the Air Force Organization Act of 1951 (65 Stat. 327), is hereby amended to read as follows:

5 U. S. C. 626-1.

“There shall be in the Department of the Air Force an Under Secretary of the Air Force and four Assistant Secretaries of the Air Force, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and who shall receive the compensation prescribed by law. One of the Assistant Secretaries authorized herein shall be designated Assistant Secretary of the Air Force for Financial Management, and may also act as Comptroller of the Air Force, if so designated by the Secretary of the Air Force.”

Air Force.
68 Stat. 649.

(b) Subsection (d) of section 207 of the National Security Act of 1947 (61 Stat. 495), is hereby amended by deleting the word “two” and inserting in lieu thereof the word “four”.

68 Stat. 650.
61 Stat. 502.

(c) Subsections (b) and (c) of section 101 of the Air Force Organization Act of 1951 (65 Stat. 327), are amended by deleting the word “either”, wherever appearing, and inserting in lieu thereof the word “an”.

5 U. S. C. 626.
5 U. S. C. 626-2.

Approved August 3, 1954.

APPENDIX IV

REPORT OF THE ROCKEFELLER COMMITTEE ON
DEPARTMENT OF DEFENSE ORGANIZATION

LETTER OF TRANSMITTAL

OFFICE OF THE SECRETARY OF DEFENSE,
Washington 25, D. C., April 11, 1953.

HON. CHARLES E. WILSON,
Secretary of Defense, Washington, D. C.

DEAR MR. SECRETARY: The Committee on Department of Defense Organization has the honor to submit herewith its report, as you requested on February 19. It is pleased that its members have come to unanimous agreement on the recommendations contained herein.

The Committee wishes to acknowledge with gratitude the important contribution made to its study by its three senior military consultants, Gen. George C. Marshall, Adm. Chester W. Nimitz, and Gen. Carl Spaatz, who brought to the Committee the benefit of their wisdom and experience.

The Committee has discussed the major problems of organization and procedure in the Department of Defense with the former Secretaries of the military departments, with the military chiefs of the services, with civilians who have held high office in the Department of Defense, and with a number of eminent private citizens who have had close relations with problems of defense organization. In addition, it has had the benefit of formal statements, informal memoranda, and personal testimony from principal officers in the Office of the Secretary of Defense and the military departments.

It has studied the legislative history of the National Security Act, and has analyzed the reports and recommendations of previous surveys which bear on this problem. The recommendations embodied in the report submitted herewith are consistent with the basic principles of the reports of the Commission on Organization of the Executive Branch (the Hoover Commission) and its Task Force on National Security Organization, and the Citizens Advisory Commission on Manpower Utilization in the Armed Services (the Sarnoff Commission). The Committee believes that its recommendations would further the objectives indicated in such earlier studies.

The Committee, as you requested, has concentrated its attention on the basic organization and procedures of the Department of Defense, especially with respect to the position of the Secretary of Defense and his relationships with his principal civilian and military officials.

The Committee believes that the form of organization recommended in this report will establish a framework within which the Department of Defense can operate more effectively to attain the broad objectives toward which you and the President are working—to provide the Nation with maximum security at minimum cost, and without danger to our free institutions. We believe that it will be suitable not only for the present period of localized war, but also in time of transition to either full war or relatively secure peace. The organization of the Department of Defense must be adjusted from time to time to meet

the needs of changing conditions. We believe that the organization recommended by this report is appropriate at the present time.

In submitting this report on the top structure of the Department of Defense, we are convinced that you should provide through the Secretaries of the three Departments for a thorough analysis and possible revision of the organization and procedures of the military departments.

With the submission of this report, the Committee requests that it be discharged, and it wishes you every success in the important tasks which you have undertaken.

Respectfully,

NELSON A. ROCKEFELLER,

Chairman, Committee on Department of Defense Organization.

INTRODUCTION

The United States is faced with the continuing challenge of providing adequate national defense without wrecking the national economy.

Since the National Security Act was enacted in 1947, the invasion of Korea and the repeated evidence of Communist hostility throughout the world has made it unmistakably clear that our Nation must maintain a strong military position or risk destruction by potential enemies—enemies whose progress in the modern arts of war now match the ruthlessness of their political principles.

Under these circumstances, we believe that the American people will support the President and the Secretary of Defense in establishing an organization in the Department of Defense which is capable of providing the Nation with maximum security at minimum cost and without danger to our free institutions, based on the fundamental principle of civilian control of the Military Establishment.

A major step in this direction was taken with the passage of the National Security Act, which was intended to (1) provide through the Secretary of Defense a central organization for the exercise of direction, authority, and control over the entire Department of Defense, in order to establish policies and to assist the President in carrying out his responsibilities and functions as Commander in Chief; and (2) set up a decentralized organization for administration through the three military departments.

It was not expected in 1947 when the National Security Act was adopted, or in 1949 when it was amended, that the national security organization should be closed to further improvement. While its fundamental principles are still sound, experience indicates that it needs to be amended, and that the organization and procedures of the Department of Defense need to be improved in order to attain four compelling objectives:

(1) The lines of authority and responsibility within the Department must be made clear and unmistakable.

(2) The Secretary of Defense must be able to clarify the roles and missions of the services.

(3) Planning must be based on the most effective use of our modern scientific and industrial resources.

(4) The organization of the Department must be able to effect maximum economies without injuring military strength and its necessary productive support.

The Department of Defense cannot now attain these four objectives in full. They can be attained only if, by the necessary statutory amendments and necessary changes in organization and procedures, the Secretary of Defense is given the following tools of sound management:

(1) Clear and effective authority over the entire defense organization, and control over the principal personnel, civilian and military, in the Department of Defense;

(2) A system to provide him with complete, accurate, and understandable information on which to base decisions; and

(3) An independent audit of programs and of efficiency of performance, by physical inspections where necessary.

With the aid of such tools and with the support of the President and the Congress, the Secretary can carry out the recommendations below.

The purposes of these recommendations are, in summary, as follows:

(1) To clarify the authority of the Secretary of Defense;

(2) To clarify the command channels within the Department, especially to strengthen the status of the Secretaries of the military departments;

(3) To increase the ability of the Joint Chiefs of Staff to serve as the top military planning and advisory group by—

(a) Clarifying the role of their Chairman;

(b) Enabling their other members better to discharge their obligation to the Department as a whole;

(c) Improving the subordinate staff structure;

(d) Clarifying executive responsibility for unified commands.

(4) To abolish those statutory boards in the Office of the Secretary of Defense which have proved too unwieldy and rigid for their task, and to give the Secretary of Defense instead an adequate number of Assistant Secretaries to perform his essential staff functions;

(5) To enable the Secretary of Defense to safeguard the promotional prospects of officers who serve in his Office.

1. AUTHORITY OF THE SECRETARY OF DEFENSE

The direction, authority, and control of the Secretary over all agencies of the Department, including the three military departments, which should continue to be separately organized for effective administration, should be confirmed by decisive administrative action, and if necessary by statutory amendment.

Of all those who submitted statements or gave advice to the committee, not one disagreed with the view that the Secretary of Defense should have complete and effective authority over the entire Department of Defense. (In this report the Deputy Secretary of Defense is assumed to be the alter ego of the Secretary.) There is, nevertheless, a long record of challenges based on a legalistic argument that the phrase in the National Security Act which requires that the three military departments be "separately administered" is a limitation on the authority of the Secretary of Defense, especially with

respect to functions assigned directly to the military departments by statute. These arguments have been intensified by statutes, enacted since the passage of the National Security Act, which vests powers directly in the military departments. Some officials have contended that such powers are to be administered independently of the Secretary of Defense.

This committee has received an opinion from its counsel and the General Counsel and Assistant General Counsel of the Department of Defense, which states that such challenges have no basis in either the language of the laws in question, or in their legislative history. The committee believes that this interpretation is correct. The committee further believes that the intent, purpose, and requirements of the National Security Act are fulfilled provided that the three military departments continue to be separately organized and administered by their respective Secretaries subject to the direction, authority, and control of the Secretary of Defense.

The Secretary of Defense exercises his authority under the National Security Act subject to the overriding authority of the President as Chief Executive and Commander in Chief. The President, as Commander in Chief and as head of the executive branch, is free to deal directly with subordinates of the Secretary of Defense, including the military chiefs of the services. In time of war the President as Commander in Chief can be expected to assume much more active command over strategic operations, but this is not in any way inconsistent with the National Security Act provision "that the Secretary of Defense shall be the principal assistant to the President in all matters relating to the Department of Defense."

2. THE SECRETARIES OF THE MILITARY DEPARTMENTS

The Secretaries of the military departments, subject to the direction, authority, and control of the Secretary of Defense, should be the operating heads of their respective departments in all aspects, military and civilian alike.

The Secretaries of the military departments occupy positions which carry enormous responsibilities for the security of the Nation. Each military department is far larger than the War and Navy Departments combined in the days before World War II. The administrative operations with which each is charged are more extensive than those of any Cabinet department outside Defense. In addition, the Secretaries are the principal civilian advisers to the Secretary of Defense on the entire range of problems within the Department.

The Secretary of each military department carries full responsibility for the administration of his department. No witness disagreed with the principle that the military chief of each service should be completely subject to the direction of civilian authority.

The Committee believes that, to provide the proper method of enforcing responsibility, it is essential to have a single channel of command or line of administrative responsibility within the Department of Defense and each of the military departments. It does not believe that it is possible (for administrative purposes) to make a sufficiently clear distinction between military affairs, on the one hand, and on the other hand civilian affairs (such a political, economic, and industrial affairs) to serve as a practicable basis for dividing responsibility be-

tween military and civilian officers, or for establishing two parallel lines of command.

Except in emergency, the President and Secretary of Defense can be expected to give orders to military officers through the channels of their civilian secretaries. But even in emergency cases, when orders or instructions are sent directly to military officers, such a channel of communication does in no sense take the military chief of a service out from under his responsibility to the Secretary of his military department, or relieve him of the obligation to keep his service Secretary fully informed.

If the Secretaries of the military departments are to discharge fully their responsibilities, it will be necessary to apply to each military department some of the principles recommended in this report regarding the Department of Defense as a whole. The limitations of time have made it impossible for the Committee to deal with the internal problems of the three military departments, but it is vital for the efficient operation of the Department of Defense as a whole that the organization of the military departments be thoroughly reviewed and adjusted in the light of the recommendations of the Committee.

The Joint Secretaries

The meetings of the Secretaries of the three military departments, which were instituted informally under the title "the Joint Secretaries," and were followed by the practice of having meetings of the three Secretaries with either the Secretary or Deputy Secretary of Defense presiding, should be continued. The past Secretary of Defense found such meetings useful to help decide policy matters in which all the service Secretaries were concerned.

The Joint Secretaries, under the guidance of the Secretary of Defense, should be in effect a meeting of the general managers of the Department of Defense and the military departments. In these meetings the Secretary of Defense may set policy for the Department as a whole, with particular emphasis on problems relating to improvement in the organization of the Department and simplification of its procedures. Such meetings—to which the Secretary could, of course, invite such other advisers as he might wish—should help to provide the Secretary of Defense with the support he requires in solving the administrative problems of the Department, and should enable the service Secretaries to coordinate their thinking with that of the Secretary of Defense.

3. THE JOINT CHIEFS OF STAFF

The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense. The country looks to the Joint Chiefs of Staff to see that the military plans of the United States are fully adequate to cope with the challenge of any enemy. While such plans must be based primarily on military factors, they should also take into account a wide range of political and economic factors and should incorporate the most advanced developments of modern science and technology.

JCS plans must provide for the defense of the Nation as a whole. The members of the Joint Chiefs of Staff, although they are also the military chiefs of their services, must rise above the particular views

of their respective services and provide the Secretary of Defense with advice which is based on the broadest conception of the national interest. It should be explicitly acknowledged that the members of the Joint Chiefs of Staff, in the performance of their duties as such must not be restricted by service positions or instructions.

It has been proposed that the difficulties inherent in the dual role of the service members of the Joint Chiefs of Staff should be removed by the creation of a single Chief of Staff, or a single General Staff, or by giving the present Chairman of the Joint Chiefs of Staff authority to vote or to settle disagreements. These proposals are advanced particularly by those who believe that the present definition of the roles and missions of the services lacks clarity and invites competition among them. The Committee has considered these proposals carefully. It recognizes the difficulties which are inherent in the present arrangement. Nevertheless, it believes that present conditions do not justify the adoption of any of these proposals. It believes that its own recommendations will provide an effective solution to the current problem.

It is essential to keep in mind that the Joint Chiefs of Staff were established as a planning and advisory group, not to exercise command. The National Security Act emphasized their planning and advisory role. The Committee considers it unfortunate that this concept of the National Security Act has always been obscured in actual practice, even before the meetings in 1948 at Key West and Newport, at which the Secretary of Defense delegated certain command functions to the Joint Chiefs of Staff.

To clarify the role of the Joint Chiefs of Staff in accord with the basic purposes of the National Security Act, this Committee recommends below that the Key West agreement be revised to remove the command function from the Joint Chiefs of Staff, in order to enable them to work more effectively as a unified planning agency.

The Committee believes that the Secretary of Defense has much to gain from receiving the various views of the military chiefs of the services, and that it is desirable for the top planning body to continue to include the responsible military chiefs, who will thus have a voice in the JCS planning as well as implementing such planning in their respective military departments.

If this system is to be made to work effectively, the Chairman of the Joint Chiefs of Staff, without detracting from the function of the Joint Chiefs of Staff as a group to serve as the principal military advisers to the Secretary of Defense, should be given the authority and responsibility for organizing the subordinate structure of the Joint Chiefs of Staff and Joint Staff in such a way as to help the Secretary of Defense discharge his total responsibilities. This will enable him to bring into Joint Chiefs of Staff planning at all levels a variety of points of view, including those based on scientific and technical background and knowledge.

The Committee emphasizes that it is of the utmost importance that military planning should be strengthened by the consideration, in the early stages of staff work, of the independent points of view of other parts of the Office of the Secretary of Defense and of those of various specialists, and that the Secretary of Defense, when making decisions, should have a thorough knowledge of the background of each issue.

By the principles recommended above, the civilian control of the Department of Defense can be made increasingly effective without detracting from the professional status of the military chiefs or from their ability to carry out the assigned roles and missions of their respective services.

(a) *The importance of a close relationship between the Secretary of Defense and the Joint Chiefs of Staff cannot be overemphasized*

The Secretary of Defense, in order to carry out his responsibility effectively, should be kept fully informed of the deliberations of the Joint Chiefs of Staff and of their respective opinions on major issues. This is necessary in order that he and the President may make major operational and command decisions with the fullest possible understanding of the issues involved. It is also necessary so that the Secretary and the President may, within the framework of the National Security Act, clarify and revise from time to time the assignment of roles and missions to the several services, and thus make the most effective adjustment of our defense organization to new developments in strategy and in weapons and to take maximum advantage of opportunities for economy. This direct relation between the Secretary of Defense and the Joint Chiefs of Staff does not take the individual military Chiefs out from under the authority of the Secretaries of their respective departments, or relieve them of the obligation to keep those Secretaries fully informed, as explained in section 2 above.

While the purpose of the chiefs should be to reach an agreement on what is right and best to do in the national interest, their primary joint role is that of advisers to the Secretary of Defense and the President, and, to both, knowledge of the full reasoning behind unanimous recommendations is as essential as knowledge of the reasoning behind issues on which there may be disagreement.

The primary function of the Joint Chiefs of Staff is to give advice and to make recommendations. In their deliberations they do not vote, but attempt through a review of the facts to come to agreement regarding their recommendations. Even a unanimous agreement among them on an important matter is subject to review by the Secretary of Defense and the President.

The Committee recommends that the Secretary continue the present practice of attending meetings of the Joint Chiefs of Staff from time to time, alone or with his principal assistants. In addition, the Chairman of the Joint Chiefs of Staff has the responsibility for bringing to the attention of the Secretary the varying points of view of all members of the Joint Chiefs of Staff.

While the Secretary of Defense and the Secretary of State meet in the National Security Council, it facilitates the work of the National Security Council on major policies to have the State and Defense Departments cooperate closely on current operational problems. For this reason, the present practice of frequent meetings between the Joint Chiefs of Staff and the appropriate Assistant Secretaries of State should be continued, and from time to time it may be appropriate for the Secretaries of State and Defense themselves to take part in those meetings.

(b) *In order to devote more of their time to their primary duties, the members of the Joint Chiefs of Staff should be encouraged to delegate their less important duties both (1) as chiefs of the services, to their deputies in their respective services, and (2) as the Joint Chiefs of Staff, to subordinate committees*

The tremendous burdens of the military chiefs, both in their respective services and as members of the Joint Chiefs of Staff, can be carried only if they delegate freely to their subordinates. A superior officer who delegates authority to subordinates to execute the duties for which he is responsible does not lessen, by the act of delegation, his own responsibility for the proper exercise of that authority. Only by adequate delegation can such authority be effectively exercised. This commonly accepted principle should be applied within the Joint Chiefs of Staff organization as well as in the service chain of command.

The heavy administrative pressure on the chiefs within the military services seriously restricts the time and thought that they can devote as individuals to their deliberations in the Joint Chiefs of Staff. Personal visits to strategic areas and domestic installations, testimony before congressional committees, the normal administrative activities pertaining to their offices—all these are heavy demands on the time of a responsible Chief of Staff. These duties should be delegated insofar as possible.

The principal responsibility of the members of the Joint Chiefs of Staff must be to the President and the Secretary of Defense. Their planning and advisory work as members of the Joint Chiefs of Staff constitutes their primary duty. For this purpose, the Secretary of Defense can require of each of them whatever time is necessary.

The Joint Chiefs of Staff should establish a top-level subcommittee of the Joint Chiefs of Staff, along the lines of a Deputy JCS. Insofar as possible authority to act on those matters which do not warrant review and action by the Joint Chiefs of Staff should be delegated to this subcommittee.

(c) *The Chairman of the Joint Chiefs of Staff, without detracting from the function of the Joint Chiefs of Staff as a group to serve as the principal military advisers to the Secretary of Defense, should be given the authority and responsibility for organizing the subordinate structure of the Joint Chiefs of Staff and the Joint Staff in such a way as to help the Secretary of Defense to discharge his total responsibilities*

The selection of the Director of the Joint Staff by the Joint Chiefs should be subject to approval by the Secretary of Defense. The members of the committees of the Joint Chiefs and the members of the Joint Staff should all serve in such positions subject to the approval of the Chairman of the Joint Chiefs. The Director of the Joint Staff, under the direction of the Chairman of the Joint Chiefs of Staff, should be fully responsible for managing all aspects of the JCS subordinate structure, including its secretary, secretariat, committees, and staff groups. The Chairman, under the authority of the Secretary of Defense, should have the authority necessary to appoint consultants to the Joint Chiefs of Staff from outside the Department of Defense, and to set up such ad hoc committees as he may consider necessary to advise the Joint Chiefs.

The National Security Act gives the Chairman of the Joint Chiefs of Staff the duty to "provide agenda for meetings of the Joint Chiefs of Staff and assist the Joint Chiefs of Staff to prosecute their business as promptly as practicable." One purpose of this provision was to enable the Chairman to help the Joint Chiefs to concentrate on their all-important responsibility for strategic planning by relieving them from dealing with many detailed matters.

The Committee therefore recommends that the Chairman of the Joint Chiefs of Staff should feel free, if a matter is referred to the Joint Chiefs of Staff which he believes could be more appropriately handled by a military department, to refer it to the Office of the Secretary of Defense with a recommendation that it be assigned to a military department for consideration or action. With respect to any matter which is to be considered by the Joint Chiefs of Staff organization, the Chairman of the Joint Chiefs of Staff (or on his behalf the Director of the Joint Staff) should determine which matters merit the attention of the Joint Chiefs, and which are not of sufficient importance to come before the Joint Chiefs and can either be delegated to the Deputy Joint Chiefs of Staff, or can be handled by the Joint Staff.

The Committee believes that the Chairman of the Joint Chiefs of Staff and the Director of the Joint Staff should be given the responsibility for arranging, and should be directed to arrange, for the cooperation of committees and staff groups of the Joint Chiefs of Staff with other parts of the Office of the Secretary of Defense in the early stages of staff work on any major problem. To carry this additional burden the Director of the Joint Staff should be given appropriate staff assistance, perhaps in the form of a Deputy Director of Assistant Director of the Joint Staff.

The development of the basis of facts on which decisions are made, and the preparation of both military advice from the Joint Chiefs of Staff and advice from other parts of the Office of the Secretary—such as budgetary advice from the Comptroller, scientific and technical advice from research and engineering experts—would greatly benefit by the exchange of ideas in the early stages of work on each major problem. Such interchange should not only help the staff work of the Joint Chiefs of Staff but should also make it possible for the Joint Chiefs to be of greater assistance to other parts of the Office of the Secretary of Defense—for example, by enabling the Secretary to bring to bear on an important budgetary decision relating to an important weapons system the points of view of all three services, instead of only that of the single service most immediately concerned.

(d) The Joint Strategic Survey Committee, as the senior advisory group to the Joint Chiefs of Staff in regard to overall strategy, should be strengthened for the all-important function of strategic planning

Strategic planning for modern warfare requires not only military knowledge and experience, but a wide range of scientific information, a knowledge of fundamental cost factors, and similar technical information. For this and other reasons, the Joint Strategic Survey Committee, and the other committees and staff groups of the Joint Chiefs of Staff which are assigned duties in connection with strategic planning, should be strengthened.

The officers to be assigned to the Joint Strategic Survey Committee should be selected for their grasp of strategic problems, both with regard to overall strategy in its relation to international policy and with respect to the effect on strategy of the development of new weapons. They should be chosen, moreover, for their appreciation of the unified point of view of the Department of Defense and of the need for integration of the plans of the several services.

The Joint Strategic Survey Committee (a) should be reinforced with outstanding civilian scientists and perhaps representatives of other professions, (b) should be the agency to work out the integration of new weapons into established weapons systems, and (c) should make recommendations with respect to the use of completely new weapons systems in the plans for future war. Consideration should also be given to utilizing on this Committee from time to time the experience of some of our outstanding retired officers.

This Committee should be composed of members of such stature and prestige that they can be of the greatest possible assistance to the Joint Chiefs of Staff. When they report on a matter which they regard as of major importance, their views should be promptly transmitted by the Joint Chiefs to the Secretary of Defense, together with any comments which the Chiefs themselves might wish to add. The Secretary of Defense might also find it desirable to discuss important issues directly with this Committee as well as with the Joint Chiefs in order to get the benefit of their individual views.

This Committee, and the other committees and staff groups of the Joint Chiefs of Staff dealing with strategic planning, should work closely with the Assistant Secretaries of Defense (particularly those for Research and Development, Applications, Engineering, Supply and Logistics, International Security Affairs, and the Comptroller). These committees and groups should make maximum use of the various operations analyses and operations research agencies of the Department of Defense.

(e) With respect to each unified command, the Secretary of Defense should assign the executive responsibility for such command to a military department

The Joint Chiefs of Staff, by memorandum from the Secretary of Defense, dated April 21, 1948, commonly known as the Key West agreement, were assigned responsibility for designating one of their members as their executive agent for a unified command. This arrangement is undesirable in that it permits the assignment of important executive functions within the Department of Defense independently of the Secretary, confuses the lines of command and responsibility, and thereby weakens the traditional principle of civilian control. It also leads to the assignment to the individual military chiefs of certain administrative and other responsibilities which should be assigned by the Secretary of Defense to the individual Secretaries of the military departments. Moreover, it confuses the responsibility of the individual military chief of a service to the Secretary of his military department, when the military chief is operating as executive agent of the Joint Chiefs of Staff.

Therefore, the committee recommends that the Secretary of Defense, with the approval of the President, should revise the memorandum in question. This revision should provide that the Secretary

of Defense, after a unified command is established and its mission defined, should designate a military department as the executive agency for that command. All orders transmitted to a unified command should specify that they are issued by direction of the Secretary of Defense.

The Secretary of Defense, in designating a military department as an executive agency, should do so with an important proviso, to wit: That, for the strategic direction and operational control of forces and for the conduct of combat operations, the military chief of that department should be empowered to receive and transmit orders and to act for that department in its executive agency capacity. This arrangement will make it always possible to deal promptly with emergency or wartime situations. The Committee believes that an executive agency should consult as necessary on important matters affecting the unified command with the Secretaries or the military chiefs of the other services, either individually or sitting as Joint Chiefs. This arrangement does, however, leave responsibility clearly in the executive agency.

The Secretary of Defense should select an executive agency for a unified command only after receiving the advice of the Joint Chiefs of Staff, as at present. He should also receive the advice of the Secretaries of the military departments and other appropriate civilian officers. In designating an executive agency, the Secretary is acting for the President as Commander in Chief and in accordance with the policies which the President has established with the advice of the National Security Council, and he may therefore need to consult the President or the heads of other departments in connection with the designation of an executive agency.

The Secretary of Defense, after approval by the President, should appoint the commanders in chief of unified commands. Any changes in the mission of a unified command should be effected by the same authority as its original assignment.

4. THE ARMED FORCES POLICY COUNCILS

The Secretary of Defense should use the Armed Forces Policy Council (augmented as he may desire) as his principal advisory group on major problems of policy in which he requires both civilian and military advice.

As the Secretaries of the military departments are the principal civilian advisers to the Secretary of Defense, and the Joint Chiefs of Staff are his principal military advisers, the Armed Forces Policy Council is the group in which the Secretary may obtain combined civilian and military advice on major problems.

This Council is the principal consultative body created by the National Security Act to advise the Secretary of Defense on matters of broad policy relating to the Armed Forces. Its statutory membership includes the Secretary and Deputy Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the three military chiefs. It is the group to which the Secretary of Defense may normally turn on issues—for example, those which may arise in the National Security Council—on which he is not willing to rely exclusively on the advice of either the Joint Secretaries or the Joint Chiefs of Staff.

The Committee emphasizes, however, that the Secretary of Defense should always be free to consult with any group which can be most useful to him. The Committee does not believe that the statutory language regarding the membership of the Armed Forces Policy Council should be interpreted so as to restrict the freedom of consultation of the Secretary of Defense, or that any traditions or customs should be permitted to develop which would hamper the Secretary in his flexible and informal relations with his subordinates.

5. OTHER AGENCIES IN THE OFFICE OF THE SECRETARY OF DEFENSE

In order to attain the most efficient organization possible, to clarify the assignment of responsibilities, and to avoid duplication of effort, certain statutory agencies within the Department of Defense should be abolished and their functions transferred to the Secretary.

Such action, which should result in a considerable saving of personnel, will necessitate the creation of additional Assistant Secretary positions, to which the Secretary may assign the functions of the abolished agencies and other staff functions which may be required.

As a general principle, the Committee believes that boards and agencies should not be set up by statute in the Office of the Secretary of Defense, and that the Secretary of Defense should be left free to adjust from time to time the assignment of staff functions within his own office in a flexible and expeditious manner. It finds in particular that the board form of organization of the Munitions Board and the Research and Development Board is rigid and unwieldy. It recommends that these two Boards should be abolished and their functions transferred to the Secretary of Defense. It recommends, moreover, that the Congress should be requested to authorize the establishment of additional Assistant Secretary positions within his Office—3 to take the place of the 2 Boards (based on a redistribution of staff functions), 2 to replace individual officials who presently hold other titles, and 1 to be assigned to a position formerly filled by an Assistant Secretary. The Committee believes that with the recruitment of individual executives of appropriate stature to the Assistant Secretary positions, it will be possible to obtain better results with a substantial reduction in the total number of employees.

The three present Assistant Secretaries of Defense deal with the following fields:

- (1) Assistant Secretary (Comptroller).
- (2) Assistant Secretary (International Security Affairs).
- (3) Assistant Secretary (Manpower and Personnel).

The Committee believes that these three Assistant Secretary positions should be retained. It believes that it is desirable for the Secretary to have the flexibility now given him by law (except in the case of the Comptroller) to assign to these officials such functions and duties as he may choose, and that the same principle should be followed in setting up additional Assistant Secretary positions.

The Committee recommends that the Secretary should consider assigning to other Assistant Secretaries functions as noted below. The Committee also suggests below that certain other staff functions may be discharged by officers with other titles, but it has not endeavored to make detailed recommendations to the Secretary of Defense regarding the complete organization of his office.

The various Assistant Secretaries should function as staff heads within their respective fields, in addition to carrying out such special duties and responsibilities as may be assigned to them from time to time by the Secretary. They should not be in the direct line of administrative authority between him and the three military departments, but instead should assist in developing policies, prescribing standards, and bringing to the Secretary of Defense information on which he may base his decisions.

One of the greatest problems in administering the Department of Defense comes from the difficulty of obtaining complete, accurate, and understandable information on which to base decisions. A conspicuous example is the lack of adequate inventory and accounting systems in the military departments. Studies initiated last year seeking a solution to this problem should be vigorously pursued. The Assistant Secretaries of Defense have important responsibilities in their respective fields to help the Secretary develop more adequate systems for bringing information to him in a form which can serve as an adequate basis of policy and operating decisions.

In addition, each of the Assistant Secretaries should be responsible for helping the Secretary of Defense to carry on a continuous examination and audit of the effectiveness and efficiency with which policies and programs are being carried out in their particular fields. Policies cannot be reviewed entirely on paper at headquarters. Only by visits to bases, camps, and other physical installations can representatives of the Office of the Secretary of Defense keep the Secretary thoroughly informed on the actual results of the program for which he is responsible.

(a) Assistant Secretary (Research and Development)

The Research and Development Board, established by the National Security Act, was given the responsibility for preparing a complete and integrated program of research and development for military purposes, and for advising the Joint Chiefs of Staff regarding the trends in scientific research relating to national security and regarding the interaction of research and development and strategy. The Board has been handicapped in carrying out its functions by the rigidity of its membership and the complicated administrative mechanism inherent in the board-type structure.

The Committee recommends the dissolution of the Board, the transfer of its functions to the Secretary of Defense, and the appointment of an Assistant Secretary (Research and Development) to whom the Secretary may assign such of the functions of the present Board as he may determine. These steps should make it possible to establish a more flexible organization and, by developing a more selective and integrated program of research in those fields that can contribute most to the security of the Nation, should effect considerable savings and accomplish more effective results.

In making this change, the Secretary of Defense should not sacrifice such parts of the present functions of the Research and Development Board as are now operating satisfactorily.

(b) Assistant Secretary (Applications Engineering)

This official should perform such duties as the Secretary may assign to him in the broad field which lies between research and development, on the one hand, and the quantity production of weapons, on the other.

He should examine into and make recommendations concerning new developments as to their suitability for the purposes intended; their reliability, simplicity, and economy of production, especially with respect to their suitability for production by existing machine tools and other facilities; and their ability to fit into a complete weapons system. Some of these functions have been within the scope of the Research and Development Board.

He should also be assigned certain functions which have been within the scope of the Munitions Board, such as engineering policies and standardization problems.

This Assistant Secretary would not relieve the services of their responsibility for taking initiative in the development or use of new weapons. Instead, he should work closely with the responsible officers of the three services who are concerned with such problems, to point out unnecessary duplication and obsolete programs that can be eliminated, to check on the progress being made, and to assist the Secretary of Defense in evaluating such programs in the broad interest of national security. He should also consult with the Joint Strategic Survey Committee.

It is desirable for the Weapons Systems Evaluation Group to be made responsible, for administrative purposes, to the Secretary of Defense through the Assistant Secretary (Applications Engineering). Its primary duty should be to respond to calls for service and assistance from the Joint Chiefs of Staff or from the Secretary of Defense.

In addition to the military members, this Group should include a small staff of outstanding scientists and engineers to make studies of our present and future weapons systems and those of other countries, their relations to strategy and tactics, and their comparative effectiveness and cost. It would rely for a great part of its data on the studies prepared in the operations research and operations evaluation groups attached to the three military departments. At the same time the Weapons Systems Evaluation Group should be enabled to make use of the contract method to obtain operations research studies from outside the Government, as the three military departments now do. The Weapons Systems Evaluation Group should be at least as strong an organization as the operations research agencies now maintained by contract by the three military departments.

The Assistant Secretary (Applications Engineering), working with the assistance of this Group, should attempt to establish the greatest standardization of weapons consistent with the prompt introduction of advanced weapons and techniques.

(c) Assistant Secretary (Supply and Logistics)

This official should have responsibility for the formulation of overall policy and for the supervision and review of programs in the fields of procurement, production planning, distribution, transportation, stockpiling, and warehousing.

He should take over, by delegation from the Secretary, such of the functions presently performed by the Munitions Board as the Secretary may assign, for example:

- (1) Appraising the feasibility of Joint Chiefs of Staff plans in terms of the availability of materials, end items, components, and supporting services.

(2) Developing systems for production programing, production scheduling, and expediting.

(3) Developing recommendations on requirements for strategic materials that should be stockpiled to meet military needs.

(4) Developing policies and programs for the maintenance of industrial facilities required for the production of military end items and components in the event of mobilization.

The change from the board-type operation should make possible considerable savings in the numbers of personnel required to do the job and should effect even greater dollar savings through more effective inventory and stock control and improved accountability for equipment and supplies.

The Defense Supply Management Agency should be abolished and its functions transferred to the Secretary of Defense. The Secretary may wish to delegate them to the Assistant Secretary (Supply and Logistics).

As part of the general review of the organization of the military departments, recommended above, the Secretary of Defense should direct the Secretaries of the military departments to undertake the reorganization of those parts of the various services concerned with procurement, production, distribution, and supply matters. If, in order to carry through such reorganization, further statutory authority is required, the committee recommends that it be requested.

The Secretary may wish to consider placing the Military Traffic Service under the supervision of the Assistant Secretary (Supply and Logistics).

(d) Assistant Secretary (Properties and Installations)

In view of the size and importance of the facilities, installations, properties, and public-works programs of the Department of Defense, it is the committee's opinion that the statutory position of Director of Installations should be abolished, and the Secretary should assign such of its duties as he may deem appropriate to an Assistant Secretary (Properties and Installations). Such an Assistant Secretary would be responsible, for example, for reviewing the plans and construction of all public-works projects; maintaining a complete inventory of facilities and their utilization; developing policies and procedures on public-works requirements; and developing uniform design criteria and construction standards.

This Assistant Secretary should also undertake such duties as the Secretary of Defense may specify in connection with the physical maintenance of Government owned and operated facilities. He should be responsible for the review of idle properties and their use or possible disposition. He should supervise the Armed Forces Housing Agency and he should cooperate closely with the Assistant Secretary (Supply and Logistics) on policies on standby facilities when such facilities are owned by the Government.

(e) Assistant Secretary (Legislative Affairs)

Until recently, an Assistant Secretary was assigned to deal with legislative and legal affairs. In view of the increased importance of international security affairs and in view of the fact that only three Assistant Secretary positions were available, this assistant secretary position was assigned to international security affairs. In the opin-

ion of the Committee, the importance of defense legislation to the national security and economy fully justifies the assignment of the legislative affairs function to an Assistant Secretary of Defense.

This official should be responsible for the effective coordination of the legislative recommendations originating in the military departments before submission to Congress. These recommendations cover a wide variety of programs and, in support of the effort to achieve maximum security at minimum cost, it is essential that they be as closely coordinated as possible. In addition, the Congress and its committees require information on defense matters promptly in order to carry out their responsibilities. The Secretary may wish to assign to this official other duties in related areas.

(f) Assistant Secretary (Health and Medical)

The Armed Forces Medical Policy Council has recently been abolished and its place has been taken by a special assistant to the Secretary. In view of the recognized importance of maintaining high health standards among the personnel of the Armed Forces, and of providing and managing hospitals and other medical installations at the smallest possible cost in dollars and professional personnel, an Assistant Secretary position is justified and necessary, in the opinion of the Committee, to provide adequate staff assistance in this field to the Secretary.

This Assistant Secretary should be charged particularly with making studies and recommendations leading toward the development of a more unified system of hospitals and training programs for military medical personnel, especially in the zone of the interior. As several previous studies have pointed out, considerable economies are possible in this area.

(g) General Counsel

The legal work of the Secretary of Defense should be carried on by an office under the direction of a General Counsel of the Department of Defense, who should have a rank substantially equivalent to that of an Assistant Secretary. Authoritative legal opinions and interpretations, when approved by the Secretary of Defense, should be followed throughout the entire Department. It is particularly important that the Office of the General Counsel should set up close liaison relations with the chief legal officers in the three military departments, so that the legal work of the entire Department of Defense may be supervised and coordinated effectively. Such coordination is particularly necessary in order to eliminate and prevent confusion which has been caused within the Department of Defense and in industry by inconsistent opinions, interpretations, and approaches in various departments and agencies in the Department of Defense.

(h) Military Liaison Committee (Atomic Energy)

The significance of atomic energy to the development of military strategy and weapons systems can hardly be overstated. The determination of requirements and specifications for atomic weapons is an important key to the security of the United States and to the development of future roles and missions of the three services.

The Atomic Energy Act of 1946, as amended in 1949, established the position of the Chairman of the Military Liaison Committee within the Department of Defense and outlined the statutory duties of the

Committee. The position of Chairman has developed in practice a somewhat broader function. The Committee believes that the Secretary should continue to use this position to provide him with a principal staff assistant to help him review the general policies of the military departments with respect to atomic energy, and to keep him informed of all aspects of atomic energy development and uses. In addition, the Chairman might be given the duty of reviewing the programs of the Armed Forces special weapons project.

The Chairman of the Military Liaison Committee, besides maintaining close liaison with the Atomic Energy Commission, should work closely with the proposed Assistant Secretaries for Research and Development, Applications Engineering, and Supply and Logistics.

6. PERSONNEL

The effective functioning of the Office of the Secretary of Defense requires that the military departments make highly qualified officers available for duty in this Office and that proper performance of such duty, as judged by the Secretary of Defense, will be beneficial to the future career of these officers in their own services.

The Office of the Secretary of Defense necessarily depends to a considerable extent for its staff on the assignment of officers from the military services. It is of the utmost importance that these officers in serving the Secretary in the broad interest of national defense do not lose standing in their respective services through a lack of appreciation of the importance of this assignment or of the accomplishments of the individual officer while on such duty. At the present time, many officers feel that assignment in the Office of the Secretary of Defense isolates them from their service and deprives them of an equal opportunity for promotion with other officers of the same age and rank.

This attitude is reenforced by various procedural handicaps that are placed on the submission of efficiency reports by civilian supervisors. It is the present policy of the Office of the Secretary of Defense that only military officers may execute an officer's formal efficiency report, and that civilian supervisors submit reports in letter form on officers who serve under them. This is not believed to be sound practice. Such letters often fail to receive equal consideration with reports submitted in the usual form by military officers.

The present system of promotion by selection boards has been proved sound. One of the duties of the Secretaries of the military departments is to see that the selection boards are established and operate on a high plane of competence. It is important to seek a solution to the problems noted above without damage to the present professional and nonpolitical system for promoting officers in the military services.

In the opinion of the Committee, the Secretary of Defense should:

(a) Receive the full cooperation of the military departments in assigning highly qualified officers to the various agencies working for the Secretary of Defense, and in assuring these officers that such assignment may afford an opportunity for an important advance in their careers.

(b) Authorize civilian officials, by whatever changes in directives may be required, to fill out formal efficiency reports for military personnel, and require that no other reports be filed on these officers

for the period they have served full-time in the Office of the Secretary of Defense.

(c) Instruct the Secretaries of the military departments to direct their selection boards to give the same weight to service in the Office of the Secretary of Defense and the efficiency reports from that Office, as to service in the military department staff and to efficiency reports by departmental officers. In the light of the relationship of the military services to the Department of Defense as established by the National Security Act, the form of the oath taken by members of selection boards should be amended to see that it gives adequate recognition to the need for operating in the interest of the Department of Defense as a whole, as well as in that of a particular military service.

(d) Reexamine the Officer Personnel Act of 1947 and its practical administration in the three services, to see what further changes need to be made in the present system to assure that service in the Office of the Secretary of Defense will receive equal consideration with that in the military services.

(e) Review the statutes governing officer retirement to determine how to correct the defects in the law which at times force the retirement at the peak of their usefulness of officers largely because they were promoted for outstanding ability at a younger than normal age.

This Committee believes that the organization and procedures recommended in this report will neither operate to best advantage nor produce effectiveness and economy unless the Department continues to be staffed with competent men and women, military and civilian, especially selected and trained for their important duties.

We feel that the problem of attracting and holding career personnel needs restudy and prompt action. While the assignment of this Committee was limited to the organization and procedures of the Department of Defense, it was, on several occasions, brought to our attention that the inducements and rewards of the civilian and military career services may not have kept pace with the attractions of private enterprise. In the opinion of this Committee, this other phase of the administrative problem cannot be overemphasized.

NELSON A. ROCKEFELLER,
Chairman.

OMAR N. BRADLEY,
General of the Army.

VANNEVAR BUSH.

MILTON S. EISENHOWER.

ARTHUR S. FLEMMING.

ROBERT A. LOVETT.

DAVID SARNOFF.

APRIL 11, 1953.

APPENDIX IV A

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D. C., March 27, 1953.

LEGAL OPINION RE THE POWER AND AUTHORITY OF THE SECRETARY OF DEFENSE

At your request, we have considered the scope, quality and degree of the power and authority of the Secretary of Defense with respect to all officers, organizations and agencies of the Department of Defense, including the respective Secretaries of the military departments, the Joint Chiefs of Staff and all other officials, officers and personnel of the Department as a whole and of all constituent parts thereof.

We have examined all pertinent statutes, the legislative hearings, debates and reports leading up to the enactment of the National Security Act and to the subsequent amendments thereof, basic documents in the delineation of responsibilities within the Department, such as the Key West and Newport papers, numerous studies, opinions, reports and commentaries on the subject matter and various views on the operation of the Department by individuals familiar therewith, including the letter to the President by Secretary Lovett of November 18, 1952.

CONCLUSION

In our opinion, the Secretary of Defense now has by statute full and complete authority, subject only to the President and certain specific restrictions subsequently herein listed, over the Department of Defense, all its agencies, subdivisions, and personnel. To make this statement perfectly plain, there are no separately administered preserves in the Department of Defense. The Secretaries of the military departments, the Joint Chiefs of Staff, all officers and agencies and all other personnel of the Department are "under" the Secretary of Defense. Congress has delegated to the Secretary of Defense not only all the authority and power normally given the head of an executive department, but Congress has, in addition, expressly given the Secretary of Defense even greater power when it made the Secretary of Defense "the principal Assistant to the President in all matters relating to the Department of Defense."

To repeat, subject to the President and certain express prohibitions against specifically described actions on the part of the Secretary as contained in the National Security Act, as amended, the power and authority of the Secretary of Defense is complete and supreme. It blankets all agencies and all organizations within the Department; it is superior to the power of all other officers thereof; it extends to all affairs and all activities of the Department; and all other authorities and responsibilities must be exercised in consonance therewith.

DISCUSSION

It is always possible for individuals who do not agree with the purposes and intent of a statute to engage in semantic sophistry and to try to squeeze unintended meanings out of words. Many have done so in connection with the power and authority of the Secretary of Defense. Statutory interpretation is not an esoteric pursuit reserved for word-splitters. It is not a game of words. It involves nothing more than a straightforward and direct effort to ascertain the intent of the lawmakers. With respect to the National Security Act, the congressional intent is clear and unmistakable. Nothing more is necessary.

Since this congressional intent is clear, word splitting should be stopped. It is most difficult, perhaps impossible, to write laws so as to preclude the possibility of some individual bent upon intellectual gymnastics from raising some semantic argument. The courts have repeatedly disregarded that approach and sought the statutory intent.

The National Security Act clearly establishes and determines that the power of the Secretary of Defense is of the highest order of magnitude in the Department of Defense. The law does this in such manner and with such finality as to eliminate any reasonable doubt. The statute accomplishes this in three ways.

First, the law designates the Secretary of Defense as the "head of an executive department of the Government." This phrase "head of an executive department of the Government" was not a chance expression. It is a phrase of "legal art." Since July 28, 1789, this terminology has always been used by Congress in the statutes defining the responsibility and authority of the chief officer of each executive department. The phrase "head of an executive department of the Government" describes the highest order of authority and responsibility in an

executive department. In the vernacular, this phrase means "boss." For instance, the complete authority of the Attorney General of the United States over the Department of Justice depends on this phrase alone.

The phrase "head of the department" carries with it in tradition and in law certain well-recognized connotations. By custom and by usage the "head of the executive department" is a member of the Cabinet of the President, and as such, is the officer of the department most closely associated with the source of supreme power. In law, the "head of the executive department," is the one, among all officers in the entire establishment, who may prescribe regulations for the governance of the whole department. The basic statute of 1789 provides that the "head of the department" (and this refers to all departments) has the power to: "prescribe regulations for the government of the department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use and preservation of the records, papers, and property appertaining to it."

Such regulations, when not contrary to a specific prohibition of law, of themselves have the force and effect of law. Therefore, the regulations of the head of the department legally bind under oath all officers and employees of the department of whatsoever authority, rank, or station. This right to govern the department appertains to no other officer save the one designated as the "head." In the Department of Defense only the Secretary of Defense by law is "the head thereof" and has the general right to govern the Department of Defense.

Second, the National Security Act, as amended, specifically states that the Secretary of Defense shall have "direction, authority and control over the Department of Defense." Originally, the statute contained the word "general" in front of these three words of command. In the period 1947-49, this word "general" was seized upon by some to argue that the drafters of the statute had intended to limit the authority of the Secretary of Defense. Such argument was obviously without substance, but to make their intent doubly clear, Congress in 1949 struck out the word "general." The words "direction, authority and control" are clear enough by themselves, but to make doubt impossible, Chairman Vinson, of the House Armed Services Committee, stated in the congressional debates as follows:

"This sentence giving the Secretary direction, authority and control is the heart of this legislation. * * * In order that there can be no doubt as to what direction, authority and control mean, I want to give you their meaning.

"Direction means the act of governing, management, superintends.

"Authority means legal power; a right to command; the right and power of a public officer to require obedience to his order lawfully issued in the scope of his public duties.

"Control means power or authority to manage, to direct, superintend, regulate, direct, govern, administer, or oversee.

"So under this law the Secretary of Defense is to have clear-cut authority to run the Department of Defense."

After such legislative history, can anyone honestly doubt the congressional intent? If the Secretary of Defense has the power to "govern, manage and superintend"; if he has the "legal power to command and to require obedience to his lawful commands"; if he has the power to "regulate, to administer and to oversee"; and if this power is specifically by its terms extended throughout the Department of Defense, as it is, then, the Secretary of Defense has supreme authority in the Department of Defense and his power is of the highest order of magnitude therein.

Third, Congress in the National Security Act made the Secretary of Defense "the principal assistant to the President in all matters relating to the Department of Defense." These are words of potent authority, for, the President under the Constitution is the Commander in Chief. And, the Secretary of Defense is thus made the Commander in Chief's deputy in all matters relating to the Department. The legislative history of this provision also shows beyond the possibility of challenge that Congress was well aware of the distinctive constitutional command relationships between the President and certain officers in the Department of Defense. Under this power, then, the Secretary of Defense is the highest military officer of the Department.

The fact that statutes have been passed subsequent to the 1949 amendments to the National Security Act which statutes confer specific authorities on a Secretary of a particular military department or other subordinate officer of the Department does not detract from the supreme authority of the Secretary of Defense. Once supreme authority is established it need not be repeatedly men-

tioned. On the contrary, it would require a most specific and emphatic statement to restrict or detract from the supreme authority conferred on the Secretary of Defense in the basic statute, the National Security Act, as amended.

Limitations on the supreme power of the Secretary of Defense are few and are specifically cataloged in the National Security Act. They are—

(1) The Secretary of Defense may not exercise his power so as to transfer, reassign, abolish, or consolidate the combatant functions of the military services. The scope and definition of what is meant by "combatant function" are carefully spelled out in the law. Congress did not intend that such scope be enlarged or diminished by reading into the statute what is not specifically there.

(2) The Secretary of Defense may not indirectly accomplish what is directly forbidden in the first paragraph by either:

(a) detailing or assigning personnel, or

(b) directing the expenditure of funds.

(3) The Secretary of Defense cannot merge the three military departments or deprive the Secretaries of those departments of their legal right to administer their organizations, subject to his power and authority.

This prohibition is reinforced by the affirmative provision that "the Departments of the Army, Navy, and Air Force shall be separately administered by their respective Secretaries under the direction, authority and control of the Secretary of Defense." The argument that the words "separately administered" detract from the "direction, authority, and control" of the Secretary of Defense is without substance on its face and obviously is contrary to congressional intent. "Separately administered" simply means that the Secretary of Defense cannot exercise his supreme power so as to destroy the separate entities of the three military departments, or deny them the right to operate in the spheres assigned to them by the law, or deprive their respective Secretaries of their top administrative position over their respective departments.

(4) The Secretary of Defense cannot use his legal power to establish a single commander of all the Armed Forces; an operating military supreme command over the Armed Forces; or a supreme Armed Forces general staff. This prohibition on the exercise of the Secretary's power and authority is expressed in two places in the National Security Act. It is provided for in the preamble to the statute and in a phrase to the effect that the Secretary may not "establish a military staff."

The legislative history of the statute shows unmistakably that the prohibition "he shall not establish a military staff" was never intended by the Congress to operate as a limitation on the power of the Secretary of Defense to establish in his own office such staff units or agencies as he felt might be necessary to assist him in carrying out any responsibilities to him under law. The Secretary of Defense has full power, expressly granted in the law, to set up such units and to staff them with either civilian or military personnel as he chooses. Everyone familiar with the background and legislative history of the National Security Act knows just what Congress meant by the term "military staff." The general staff type of military control, as it existed in Germany, has been explained, defined, and attacked in Congress often enough. That form of military staff is completely different from the employment by the Secretary of assistants, either as individuals or grouped into organized units, to advise and assist him. There is no limitation upon the type of problem or subject matter which the Secretary may assign to such assistants or units. Such problems, in the Secretary's discretion, may involve engineering, standardization, weapons evaluation, program review, physical audits and inspections, or whatever else the Secretary may choose.

(5) The Secretary of Defense may not transfer, reassign, abolish, or consolidate a specific function assigned by the National Security Act or some other law to another officer or organizational segment of the Department, unless he first reports his intended action to the Armed Services Committees of the Congress. It should be noted that only a report, not prior approval, is required.

This language clearly presupposes that the Secretary of Defense, as head of the Department of Defense, has the authority to transfer, reassign, abolish, or consolidate functions within the Department, as long as the Secretary does not violate one of the above specified limitations upon his general power.

(6) The following provision of the law is not really a limitation on the power of the Secretary of Defense, namely the provision that nothing in the statute shall be construed: "to prevent a Secretary of a military department or a member of the Joint Chiefs of Staff from presenting to the Congress, on his own initiative, after first so informing the Secretary of Defense, any recommendation relating to the Department of Defense that he may deem proper."

This provision needs no further elaboration.

The six foregoing limitations are all the specific restrictions placed upon the supreme power of the Secretary of Defense to exercise full and complete control over the Department of Defense.

There remains for discussion only one further question, Does the fact that various laws, some passed after the enactment of the National Security Act, vest specific statutory authorities in subordinate officers of the Department in any way impair the supreme authority of the Secretary of Defense.

These laws vesting specific statutory authorities in subordinate officers of the Department in no way impair the supreme authority of the Secretary over the Department. This is true irrespective of the time of passage of such laws.

General provisions of supreme authority do not have to be repeated. As each executive department of the Federal Government has its own statutory head, its own internal administrative command structure, its separate statutory authorities, duties, and responsibilities and its individual traditions, customs, and usages, so also has the Department of Defense been cut from the same cloth. Presidential executive power flows over the separate independent departments and establishments of the Federal Government, is superior to, yet permeates the whole. So also the executive authority, direction, and control of the Secretary of Defense flows over the agencies and organizations of the Department of Defense. No one at this date in our constitutional history would seriously advance the argument that because specific laws vest particular duties and responsibilities in the heads of executive departments, therefore the President does not have and cannot exercise supreme executive power over the entire fabric. The power of the Secretary of Defense is in the same relative position.

In the study of the theory of executive power in the Government, it is quite normal and customary to find that powers of different magnitude are frequently exercised in the same area at the same time. This is true even though the power of one order of magnitude is derived from a specific law, whereas the power of the higher order of magnitude relies upon the words of general import or even upon the structure of the organization itself. There is nothing inherently strange, alien, or difficult in the concept of orders of magnitude in executive power in the Federal Government. Such orders do not mutually exclude each other nor do they operate in specific corners or tiny segments. They operate together. The higher order, however, when it is exercised in a given area, is supreme and overrides the lower order. Insofar as the power of the Secretary of Defense is concerned, there is no legal significance in the fact that various laws have been enacted from time to time vesting specific authorities in subordinate officers of the Department. The time of passage of these laws is of no importance.

SUMMARY

To summarize, we are of the opinion that the National Security Act, as amended, grants to the Secretary of Defense supreme power and authority to run the affairs of the Department of Defense and all its organizations and agencies. We believe that the power of the Secretary of Defense extends to all matters arising in the Department of whatsoever kind or nature; that the statute provides that the power and authority of the Secretary are superior to the authorities possessed by any other official, officer, or member of the Department; that the Secretary's power in the Department is the superior power irrespective of when or how any other individual's power was derived. The limitations on the exercise of the Secretary's power are only six and they are specifically defined. These limitations have been discussed in detail herein. We do not believe they were intended by the Congress to go beyond what we have outlined.

H. STRUVE HENSEL,
Counsel for the Committee on Department of Defense Organization.

ROGER KENT,
General Counsel.

FRANK X. BROWN,
Assistant General Counsel (Departmental Programs).

APPENDIX IV B

LIST OF THOSE INVITED TO PRESENT THEIR VIEWS TO THE COMMITTEE ON
DEPARTMENT OF DEFENSE ORGANIZATION

Persons who met with the Committee:

Robert B. Anderson, Secretary of the Navy
 Gen. J. Lawton Collins, Chief of Staff, United States Army
 Charles A. Coolidge, former Assistant Secretary of Defense (Legal and
 Legislative Affairs)
 Ferdinand Eberstadt, Chairman, Hoover Commission Task Force on National
 Military Establishment.
 Adm. William M. Fechteler, Chief of Naval Operations, United State Navy
 Thomas K. Finletter, former Secretary of the Air Force
 John F. Floberg, Assistant Secretary of Navy for Air
 Gen. Alfred M. Gruenther, United States Army, Chief of Staff, SHAPE
 John C. Houston, Jr., Acting Chairman, Munitions Board
 Dan A. Kimball, former Secretary of the Navy
 Frederick J. Lawton, special assistant to the Director, Bureau of the Budget
 John J. McCloy, former Assistant Secretary of War
 W. J. McNeil, Assistant Secretary of Defense (Comptroller)
 Adm. I. M. McQuiston, executive officer, Reserve Forces Policy Board, Office
 of Secretary of Defense
 Frank C. Nash, Assistant Secretary of Defense (International Security
 Affairs)
 Frank Pace, Jr., former Secretary of the Army
 Gen L. C. Shepherd, Jr., Commandant, Marine Corps
 Robert T. Stevens, Secretary of the Army
 Lewis L. Strauss, special assistant to the President of the United States for
 atomic energy
 Harold E. Talbott, Secretary of the Air Force
 Gen. Hoyt S. Vandenberg, Chief of Staff, United States Air Force
 Walter G. Whitman, chairman, Research and Development Board

Invited, but unable to attend:

Douglas MacArthur, general of the Army, United States Army
 James A. Van Fleet, general, United States Army (retired)

APPENDIX IV C

LIST OF STATEMENTS AND COMMUNICATIONS REVIEWED BY THE COMMITTEE

Letter from Congressman Ellsworth to Secretary Wilson on management in
 Department of Defense, February 3, 1953
 Letter from Senator Flanders to Secretary Wilson on unification, February 15,
 1953
 Letter from Lt. Gen. H. S. Aurand to Dr. Milton Eisenhower enclosing speech on
 military requirements to support foreign policy, March 7, 1953.
 Letter from Robert W. Johnson to Mr. Rockefeller on organization of Depart-
 ment of Defense, March 10, 1953
 Letter from Henry N. Sachs to Secretary Wilson on reorganization of Department
 of Defense, March 10, 1953
 Letter from Congressman Riehlman to Mr. Rockefeller, on unified chaplains'
 service, March 10, 1953
 Letter from Senator Symington to Secretary Wilson on Secretary Lovett's letter
 to the President, March 14, 1953
 Letter from the Reserve Officer Association of the United States to Mr. Rocke-
 feller, on organization of Department of Defense, March 23, 1953
 Letter from Mr. T. T. Teague to Mr. Rockefeller on equal promotions for all
 services, March 28, 1953
 Letter from the National Guard Association of the United States to Mr. Rocke-
 feller, on organization of Department of Defense, April 8, 1953
 Letter from the Marine Corps Reserve Officers Association to Mr. Rockefeller,
 on organization of Department of Defense, April 10, 1953

APPENDIX IV D

LIST OF PUBLISHED DOCUMENTS CONSIDERED BY THE COMMITTEE AND ITS STAFF

I. LEGISLATION

National Security Act of 1947, as amended to January 8, 1952
 Atomic Energy Act of 1946, as amended to November 1952
 Mutual Security legislation and related documents to November 1952
 Universal Military Training and Service Act as amended to June 1951
 General Services Administration, Federal Property and Administrative Services Act of 1949, as amended to July 1952

80th Congress

Officer Personnel Act of 1947, Public Law 381
 Armed Services Procurement Act of 1947, Public Law 413
 Navy Organization Act, 1948, Public Law 432
 Women's Armed Services Integration Act of 1948, Public Law 625
 Army and Air Force Vitalization and Retirement Equalization Act of 1948, Public Law 810

81st Congress

National Housing Act, amended, Public Law 211
 Career Compensation Act of 1949, Public Law 351
 Uniform Code of Military Justice, Public Law 506
 Army Organization Act of 1950, Public Law 581
 Army and Air Force Authorization Act of 1949, Public Law 604
 Armories Construction Act of 1950, Public Law 783

82d Congress

Renegotiation Act of 1951, Public Law 9
 Air Force Organization Act of 1951, Public Law 150
 Marine Corps strength and Joint Chiefs of Staff relationship, Public Law 416
 Defense Cataloging and Standardization Act, Public Law 436
 Armed Forces Reserve Act of 1952, Public Law 476
 Defense Department Appropriation Act of 1953, Public Law 488
 Military Public Works authorization, Public Law 534

II. PRESIDENTIAL MESSAGES AND CONGRESSIONAL HEARINGS AND REPORTS

Hearings before House Select Committee on Postwar Military Policy (Woodrum committee), single Department of Armed Forces, 78th Congress, 2d session, April-May 1944
 Hearings before Senate Committee on Military Affairs, S. 84, Department of Armed Forces, and S. 1482, Department of Military Security, 79th Congress, 1st session, October-December 1945
 Message from the President to Congress requesting unification of the Armed Forces of the United States, December 19, 1945 (H. Doc. No. 392, 79th Cong.)
 Hearings before Senate Committee on Naval Affairs, S. 2044, unifying the departments and agencies relating to common defense, 79th Congress, 2d session, April, May, July 1946
 Report of Committee on Military Affairs (Thomas report) on Department of Common Defense, May 13, 1946 (S. Rept. No. 1328, 79th Cong.)
 Communication from the President transmitting basic elements of the unification of the War and Navy Departments, January 20, 1947 (H. Doc. No. 56, 80th Cong.)
 Hearings before the Senate Committee on Armed Services, S. 758, unification of the armed services, 80th Congress, 1st session, March-May 1947
 Hearings before the House Committee on Expenditures in Executive Departments, H. R. 2319, provision of a National Defense Establishment, 80th Congress, 1st session, April-July 1947
 Report of Senate Committee on Armed Services (Gurney report) on National Security Act of 1947, June 5, 1947 (S. Rept. No. 239, 80th Cong.)
 Report of House Committee on Expenditures (Hoffman report) on National Security Act, July 16, 1947 (H. Rept. No. 961, 80th Cong.)
 Conference report (Hoffman report) on National Security Act, July 24, 1947 (H. Rept. No. 1051, 80th Cong.)

- Hearing before House Committee on Armed Services, amendment to National Security Act to provide for an Under Secretary, 81st Congress, 1st session, February 16, 1949
- Hearings before Senate and House Committees on Armed Services, amendments to National Security Act, 81st Congress, 1st session, March–July 1949
- Message from the President transmitting recommendations relating to the transfer of certain authority within the National Security Organization to the Secretary of Defense, March 7, 1949 (H. Doc. No. 99, 81st Cong.)
- Report of Committee on Armed Services (Tydings report) on National Security Act Amendments of 1949, May 12, 1949 (S. Rept. No. 366, 81st Cong.)
- Report of Committee on Armed Services (Vinson report) on reorganizing fiscal management in National Military Establishment, July 14, 1949 (H. Rept. No. 1064, 81st Cong.)
- Conference report on National Security Act Amendments of 1949, July 29, 1949 (H. Rept. No. 1142, 81st Cong.)
- Hearing before House Committee on Armed Services, conference report on amendments to National Security Act, 81st Congress, 1st session, August 2, 1949
- Hearings before House Committee on Armed Services, the national defense program, unification and strategy, 81st Congress, 1st session, October 6–21, 1949
- Report of investigation by Committee on Armed Services on unification and strategy (B-36 hearings) March 1, 1950 (H. Doc. 600, 81st Cong.)
- Hearings before Senate Committee on Armed Services, S. 677, Marine Corps bill, 82d Congress, 2d session, April 1951
- Hearings before House Committee on Armed Services, Marine Corps bill—82d Congress, 2d session, August 7, 1951
- Reports on Marine Corps bill, May 2, 1951, June 30, 1951, June 19, 1952 (S. Rept. 308, H. Repts. 666 and 2100, 82d Cong.)
- Report of Hébert Special Subcommittee on Procurement of the House Committee on Armed Services, April 20, 1952 (H. Rept. 2489, 82d Cong.)
- Hearings and reports of Bonner, Hardy, and Lanham subcommittees of the House Committee on Expenditures in the Executive Departments, 1951–52
- Reports of the Preparedness Subcommittee (Johnson committee) of the Senate Committee on Armed Services, 1951–53

III. REPORTS AND STATEMENTS ON ORGANIZATION OF DEPARTMENT OF DEFENSE

- Report of Joint Chiefs of Staff Special Committee for Reorganization of National Defense, April 1945
- Report by Ferdinand Eberstadt to Secretary of Navy Forrestal on unification, 1945 (Senate Committee on Naval Affairs, 79th Cong., Oct 22, 1945)
- Report by Committee on National Security Organization (Eberstadt task force) to Commission on Organization of Executive Branch of the Government (Hoover Commission), 4 volumes, Nov. 15, 1948
- Report of Commission on Organization of the Executive Branch of the Government (Hoover Commission) on National Security Organization, 1949 (H. Doc. 86, 81st Cong.)
- Report of the Chairman (Stuart Symington) of the National Security Resources Board, March 31, 1951
- Statements by Dr. Vannevar Bush: (a) Speech at Mayo Clinic, Rochester, Minn., September 26, 1952; (b) speech at Tufts College, Medford, Mass., October 11, 1952; (c) article in Collier's magazine, December 27, 1952
- Letter from Secretary of Defense Lovett to the President, November 18, 1952
- Final report of the Citizens Advisory Commission on Manpower Utilization in the Armed Services (Sarnoff Commission), February 17, 1953 (committee print, Senate Committee on Armed Services, 83d Cong.)

IV. DEPARTMENT OF DEFENSE DIRECTIVES AND REPORTS

- Functions of the Armed Forces and the Joint Chiefs of Staff—Key West and Newport Agreements, 1948 (Department of Navy, OPNav Instruction 5410.1, August 15, 1951)
- Annual and semiannual reports of the Secretary of Defense
- Organization Manual, Office of the Secretary of Defense
- Army Regulations, AR-10 and SR-10 Series
- Organization Manual of the Department of the Navy
- Department of the Air Force, Organization and Functions
- Department of Defense Directory of Boards and Committees
- Charters of offices within the Office of the Secretary of Defense

V. MISCELLANEOUS

- Senator Stuart Symington, speech in Philadelphia, Pa., March 11, 1953
 Congressman Paul W. Shafer, remarks in House of Representatives regarding the Committee on Organization, Congressional Record, March 11, 1953, page 1943
 Congressman James E. Van Zandt, speech in House of Representatives regarding the Committee on Organization, Congressional Record, March 25, 1953, page A1580
 Congressman Overton Brooks, remarks in House of Representatives regarding proposed changes in military organization affecting Reserve forces, Congressional Record, March 26, 1953, page 2439
 Congressman Paul W. Shafer, remarks in House of Representatives, including letter and statement of Robert W. Johnson, regarding the Committee on Organization, Congressional Record, March 26, 1953, page A1655
 Senator R. C. Hendrickson, remarks in Senate, including letter and statement by Robert W. Johnson, regarding the Committee on Organization, Congressional Record, March 30, 1953, page 2539
 Congressman B. W. Kearney, remarks in House of Representatives regarding centralization of military power, Congressional Record, March 30, 1953, page A1762
 Senator Leverett Saltonstall, remarks in Senate inviting attention to correspondence with the President regarding military security in relation to the national budget, Congressional Record, April 2, 1953, page 2780

APPENDIX IV E

LIST OF MEMBERS, SENIOR MILITARY CONSULTANTS, AND STAFF OF THE
COMMITTEE

COMMITTEE ON DEPARTMENT OF DEFENSE ORGANIZATION

Nelson A. Rockefeller, *Chairman*

Omar N. Bradley, General of the Army, United States Army	Arthur S. Flemming Robert A. Lovett
Vannevar Bush	David Sarnoff
Milton S. Eisenhower	

SENIOR MILITARY CONSULTANTS

George C. Marshall, General of the Army, United States Army	Chester W. Nimitz, Fleet Admiral, United States Navy
Carl Spaatz, general, United States Air Force (retired)	

H. Struve Hensel, *Counsel*
 Ralph O. Moore, *Secretary*

STAFF

Don K. Price, *Staff Director*

Carl H. Pfuntner
 R. A. Winnacker

George A. Wyeth, Jr.
 John D. Young

APPENDIX V

(The following is the language as originally enacted in Public Law 253, 80th Congress, as amended by Public Law 216, 81st Congress:)

MUNITIONS BOARD*

Munitions Board.
Establishment.

SEC. 213. (a) There is hereby established in the Department of Defense a Munitions Board (hereinafter in this section referred to as the "Board").

Composition.

(b) The Board shall be composed of a Chairman, who shall be the head thereof and who shall, subject to the authority of the Secretary of Defense and in respect to such matters authorized by him, have the power of decision upon matters falling within the jurisdiction of the Board, and an Under Secretary or Assistant Secretary from each of the three military departments, to be designated in each case by the Secretaries of their respective departments. The Chairman shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$14,000 a year.

Chairman, appointment and compensation of.

Duties.

(c) Subject to the authority and direction of the Secretary of Defense, the Board shall perform the following duties in support of strategic and logistic plans and in consonance with guidance in those fields provided by the Joint Chiefs of Staff, and such other duties as the Secretary of Defense may prescribe:

(1) coordination of the appropriate activities with regard to industrial matters, including the procurement, production, and distribution plans of the Department of Defense;

(2) planning for the military aspects of industrial mobilization;

(3) assignment of procurement responsibilities among the several military departments and planning for standardization of specifications and for greatest practicable allocation of purchase authority of technical equipment and common use items on the basis of single procurement;

(4) preparation of estimates of potential production, procurement, and personnel for use in evaluation of the logistic feasibility of strategic operations;

(5) determination of relative priorities of the various segments of the military procurement programs;

(6) supervision of such subordinate agencies as are or may be created to consider the subjects falling within the scope of the Board's responsibilities;

(7) regrouping, combining, or dissolving of existing interservice agencies operating in the fields of procurement, production, and distribution in such manner as to promote efficiency and economy;

*Abolished by Reorganization Plan 6 of 1953.

(8) maintenance of liaison with other departments and agencies for the proper correlation of military requirements with the civilian economy, particularly in regard to the procurement or disposition of strategic and critical material and the maintenance of adequate reserves of such material, and making of recommendations as to policies in connection therewith; and

(9) assembly and review of material and personnel requirements presented by the Joint Chiefs of Staff and by the production, procurement, and distribution agencies assigned to meet military needs, and making of recommendations thereon to the Secretary of Defense.

(d) When the Chairman of the Board first appointed has taken office, the Joint Army and Navy Munitions Board shall cease to exist and all its records and personnel shall be transferred to the Munitions Board.

Joint Army and Navy Munitions Board, termination of.

(e) The Secretary of Defense shall provide the Board with such personnel and facilities as the Secretary may determine to be required by the Board for the performance of its functions.

Personnel and facilities.

APPENDIX VI

(The following is the language as originally enacted in Public Law 253, 80th Congress, as amended by Public Law 216, 81st Congress:)

RESEARCH AND DEVELOPMENT BOARD*

SEC. 214. (a) There is hereby established in the Department of Defense a Research and Development Board (hereinafter in this section referred to as the "Board"). The Board shall be composed of a Chairman, who shall be the head thereof and who shall, subject to the authority of the Secretary of Defense and in respect to such matters authorized by him, have the power of decision on matters falling within the jurisdiction of the Board, and two representatives from each of the Departments of the Army, Navy, and Air Force, to be designated by the Secretaries of their respective Departments. The Chairman shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$14,000 a year. The purpose of the Board shall be to advise the Secretary of Defense as to the status of scientific research relative to the national security, and to assist him in assuring adequate provision for research and development on scientific problems relating to the national security.

Research and Development Board. Establishment. Composition.

Chairman, appointment and compensation of.

Purpose of Board.

*Abolished by Reorganization Plan 6 of 1953.

Duties.

(b) Subject to the authority and direction of the Secretary of Defense, the Board shall perform the following duties and such other duties as the Secretary of Defense may prescribe:

(1) preparation of a complete and integrated program of research and development for military purposes;

(2) advising with regard to trends in scientific research relating to national security and the measures necessary to assure continued and increasing progress;

(3) coordination of research and development among the military departments, and allocation among them of responsibilities for specific programs;

(4) formulation of policy for the Department of Defense in connection with research and development matters involving agencies outside the Department of Defense; and

(5) consideration of the interaction of research and development and strategy, and advising the Joint Chiefs of Staff in connection therewith.

Joint Research and Development Board, termination of.

(c) When the Chairman of the Board first appointed has taken office, the Joint Research and Development Board shall cease to exist and all its records and personnel shall be transferred to the Research and Development Board.

Personnel and facilities.

(d) The Secretary of Defense shall provide the Board with such personnel and facilities as the Secretary may determine to be required by the Board for the performance of its functions.

 APPENDIX VII

(The following is the language of sec. 212 as originally enacted in the National Security Act of 1947 (Public Law 253, 80th Cong.):)

JOINT STAFF

SEC. 212. There shall be, under the Joint Chiefs of Staff, a Joint Staff to consist of not to exceed one hundred officers and to be composed of approximately equal numbers of officers from each of the three armed services. The Joint Staff, operating under a Director thereof appointed by the Joint Chiefs of Staff, shall perform such duties as may be directed by the Joint Chiefs of Staff. The Director shall be an officer junior in grade to all members of the Joint Chiefs of Staff.

APPENDIX VIII

(The following is the language of sec. 212 of the National Security Act of 1947 (Public Law 253, 80th Cong.) as originally codified in sec. 143 (a), (b), and (c) of Title 10, United States Code:)

§ 143. JOINT STAFF

(a) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than 210 officers selected by the Joint Chiefs of Staff with the approval of the Chairman. The Joint Staff shall be selected in approximately equal numbers from—

- (1) the Army;
- (2) the Navy and the Marine Corps; and
- (3) the Air Force.

The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff.

(b) The Joint Chiefs of Staff, with the approval of the Secretary of Defense, shall select the Director of the Joint Staff. The tenure of the Director is subject to the Secretary's approval. The Director must be an officer junior in grade to each member of the Joint Chiefs of Staff.

(c) The Joint Staff, operating under the Director, shall perform such duties as the Joint Chiefs of Staff direct. The Chairman of the Joint Chiefs of Staff manages the Joint Staff and its director.

APPENDIX IX

DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1958

PUBLIC LAW 85-599

85TH CONGRESS, H. R. 12541

August 6, 1958

AN ACT To promote the national defense by providing for Reorganizations of the Department of Defense, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Reorganization Act of 1958".

Department of
Defense
Reorganization
Act of 1958.

AMENDING THE DECLARATION OF POLICY

SEC. 2. Section 2 of the National Security Act of 1947, as amended (50 U. S. C. 401), is further amended to read as follows: 63 Stat. 579.

"SEC. 2. In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for

the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military Departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff."

STRENGTHENING THE DIRECTION, AUTHORITY, AND CONTROL
OF THE SECRETARY OF DEFENSE

63 Stat. 580.

Transfer of
functions, etc.

SEC. 3. (a) Section 202 (c) of the National Security Act of 1947, as amended (5 U. S. C. 171a (c)), is amended to read as follows:

"(c) (1) Within the policy enunciated in section 2, the Secretary of Defense shall take appropriate steps (including the transfer, reassignment, abolition, and consolidation of functions) to provide in the Department of Defense for more effective, efficient, and economical administration and operation and to eliminate duplication. However, except as otherwise provided in this subsection, no function which has been established by law to be performed by the Department of Defense, or any officer or agency thereof, shall be substantially transferred, reassigned, abolished, or consolidated until the expiration of the first period of thirty calendar days of continuous session of the Congress following the date on which the Secretary of Defense reports the pertinent details of the action to be taken to the Armed Services Committees of the Senate and of the House of Representatives. If during such period a resolution is reported by either of the said committees stating that the proposed action with respect to the transfer, reassignment, abolition, or consolidation of any function should be rejected by the resolving House because (1) it contemplates the

Combatant
function.

transfer, reassignment, abolition, or consolidation of a major combatant function now or hereafter assigned to the military services by section 3062 (b), 5012, 5013, or 8062 (c) of title 10 of the United States Code, and (2) if carried out it would in the judgment of the said resolving House tend to impair the defense of the United States, such transfer, reassignment, abolition, or consolidation shall take effect after the expiration of the first period of forty calendar days of continuous session of the Congress following the date on which such resolution is reported; but only if, between the date of such reporting in either House and the expiration of such forty-day period such resolution has not been passed by such House.

70A Stat. 166,
277, 278, 493.

Effective date.

“(2) For the purposes of paragraph (1)—

“(A) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

“(B) in the computation of the thirty-day period or the forty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

“(3) (A) The provisions of this paragraph are enacted by the Congress—

“(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(ii) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

“(B) For the purposes of this paragraph, any resolution reported to either House pursuant to the provisions of paragraph (1) hereof, shall for the purpose of the consideration of such resolution by either House be treated in the same manner as a resolution with respect to a reorganization plan reported by a committee within the meaning of the Reorganization Act of 1949 as in effect on July 1, 1958 (5 U. S. C. 133z et seq.) and shall be governed by the provisions applicable to the consideration of any such resolution by either House of the Congress as provided by sections 205 and 206 of such Act.

63 Stat. 203.

“(4) Notwithstanding the provisions of paragraph (1) hereof, the Secretary of Defense has the authority to assign, or reassign, to one or more departments or services, the development and operational use of new weapons or weapons systems.

Weapons and
weapons
systems.

“(5) Notwithstanding other provisions of this subsection, if the President determines that it is necessary be-

cause of hostilities or imminent threat of hostilities, any function, including those assigned to the military services by sections 3062 (b), 5012, 5013, and 8062 (c) of title 10 of the United States Code, may be transferred, reassigned, or consolidated and subject to the determination of the President shall remain so transferred, reassigned, or consolidated until the termination of such hostilities or threat of hostilities.

Supply service activity.

“(6) Whenever the Secretary of Defense determines it will be advantageous to the Government in terms of effectiveness, economy, or efficiency, he shall provide for the carrying out of any supply or service activity common to more than one military department by a single agency or such other organizational entities as he deems appropriate. For the purposes of this paragraph, any supply or service activity common to more than one military department shall not be considered a ‘major combatant function’ within the meaning of paragraph (1) hereof.

“Major combatant function”.

Military department organization.

“(7) Each military department (the Department of the Navy to include naval aviation and the United States Marine Corps) shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense. The Secretary of a military department shall be responsible to the Secretary of Defense for the operation of such department as well as its efficiency. Except as otherwise specifically provided by law, no Assistant Secretary of Defense shall have authority to issue orders to a military department unless (1) the Secretary of Defense has specifically delegated in writing to such an Assistant Secretary the authority to issue such orders with respect to a specific subject area, and (2) such orders are issued through the Secretary of such military department or his designee. In the implementation of this paragraph it shall be the duty of each such Secretary, his civilian assistants, and the military personnel in such department to cooperate fully with personnel of the Office of the Secretary of Defense in a continuous effort to achieve efficient administration of the Department of Defense and effectively to carry out the direction, authority, and control of the Secretary of Defense.

Exceptions.

Recommendations to Congress.

“(8) No provision of this Act shall be so construed as to prevent a Secretary of a military department or a member of the Joint Chiefs of Staff from presenting to the Congress, on his own initiative, after first so informing the Secretary of Defense, any recommendations relating to the Department of Defense that he may deem proper.”

63 Stat. 580.

(b) Section 202 (d) of the National Security Act of 1947, as amended (5 U. S. C. 171a (d)), is further amended to read as follows:

Reports to President and Congress.

“(d) The Secretary of Defense shall annually submit a written report to the President and the Congress cover-

ing expenditures, work and accomplishments of the Department of Defense, accompanied by (1) such recommendations as he shall deem appropriate, (2) separate reports from the military departments covering their expenditures, work, and accomplishments, and (3) itemized statements showing the savings of public funds and the eliminations of unnecessary duplications and overlappings that have been accomplished pursuant to the provisions of this Act."

(c) Section 2201 of title 10, United States Code, is repealed and the analysis of chapter 131 of title 10 is amended by striking out the following item:

Repeal.
70A Stat. 119.

"2201. General functions of Secretary of Defense."

(d) Section 2351 of title 10, United States Code, is repealed and the analysis of chapter 139 of title 10 is amended by striking out the following item:

Repeal.
70A Stat. 133.

"2351. Policy, plans, and coordination."

CLARIFYING THE CHAIN OF COMMAND OVER MILITARY OPERATIONS

SEC. 4. (a) Section 3034 (d) (4) of title 10, United States Code, is amended to read as follows:

70A Stat. 162.

"(4) exercise supervision over such of the members and organizations of the Army as the Secretary of the Army determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202 (j) of the National Security Act of 1947, as amended."

Army.
Chief of Staff.

Post, p. 518.

(b) Section 5081 (c) of title 10, United States Code, is amended to read as follows:

70A Stat. 281.

"(c) Under the direction of the Secretary of the Navy, the Chief of Naval Operations shall exercise supervision over such of the members and organizations of the Navy and the Marine Corps as the Secretary of the Navy determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202 (j) of the National Security Act of 1947, as amended."

Chief of Naval Operations.

Post, p. 518.

(c) Section 5201 of title 10, United States Code, is amended by adding at the end thereof a new subsection (d) to read as follows:

70A Stat. 292.

"(d) Under the direction of the Secretary of the Navy, the Commandant of the Marine Corps shall exercise supervision over such of the members and organizations of the Marine Corps and Navy as the Secretary of the Navy determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202 (j) of the National Security Act of 1947, as amended."

Marine Corps.
Commandant.

Post, p. 518.

70A Stat. 492.

(d) Clause (5) of section 8034 (d) of title 10, United States Code, is renumbered "(4)" and amended to read as follows:

Air Force.
Chief of Staff.

"(4) exercise supervision over such of the members and organizations of the Air Force as the Secretary of the Air Force determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202 (j) of the National Security Act of 1947, as amended."

Post, p. 518.

(e) Section 8034 (d) is amended by striking out clause (4) and by renumbering clauses (6) and (7) as clauses "(5)" and "(6)", respectively.

70A Stat. 495.

(f) (1) Section 8074 (a) of title 10 United States Code, is amended to read as follows:

Commands.

"(a) The Air Force shall be divided into such organizations as the Secretary of the Air Force may prescribe.

(2) Subsections (b) and (c) of section 8074 of title 10, United States Code, are repealed, and subsection (d) is redesignated as subsection "(b)".

70A Stat. 490.

(g) Section 3032 (b) (1) of title 10, United States Code, is amended to read as follows:

General duties.
Army Staff.

"(1) prepare for such employment of the Army, and for such recruiting, organizing, supplying, equipping, training, serving, mobilizing, and demobilizing of the Army, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;"

70A Stat. 161.

(h) Section 8032 (b) (1) of title 10, United States Code, is amended to read as follows:

Air Staff.

"(1) prepare for such employment of the Air Force, and for such recruiting, organizing, supplying, equipping, training, serving, mobilizing, and demobilizing of the Air Force, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;"

CLARIFYING THE ORGANIZATION AND DUTIES OF THE JOINT STAFF

70A Stat. 7.

SEC. 5. (a) Section 143 of title 10, United States Code, is amended to read as follows:

"§ 143. Joint Staff

"(a) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than 400 officers selected by the Joint Chiefs of Staff with the approval of the Chairman. The Joint Staff shall be selected in approximately equal numbers from—

"(1) the Army;

"(2) the Navy and the Marine Corps; and

"(3) the Air Force.

The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff, and except in time of war, no such tenure of duty may be more than three years. Except in time of war, officers completing a tour of duty with the Joint Staff may not be reassigned to the Joint Staff for a period of not less than three years following their previous tour of duty on the Joint Staff, except that selected officers may be recalled to Joint Staff duty in less than three years with the approval of the Secretary of Defense in each case. The number of such officers recalled to Joint Staff duty in less than three years shall not exceed 30 serving on the Joint Staff at any one time.

Tenure.

“(b) The Chairman of the Joint Chiefs of Staff in consultation with the Joint Chiefs of Staff, and with the approval of the Secretary of Defense, shall select the Director of the Joint Staff. Except in time of war, the tour of duty of the Director may not exceed three years. Upon the completion of a tour of duty as Director of the Joint Staff, the Director, except in time of war, may not be reassigned to the Joint Staff. The Director must be an officer junior in grade to each member of the Joint Chiefs of Staff.

Director of the Joint Staff.

“(c) The Joint Staff shall perform such duties as the Joint Chiefs of Staff or the Chairman prescribes. The Chairman of the Joint Chiefs of Staff manages the Joint Staff and its Director, on behalf of the Joint Chiefs of Staff.

Duties.

“(d) 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 to support the Joint Chiefs of Staff in discharging their assigned responsibilities.”

Organization.

(b) Section 202 of the National Security Act of 1947, as amended, is amended by adding at the end thereof the following new subsection:

5 U. S. C. 171a.

“(j) With the advice and assistance of the Joint Chiefs of Staff the President, through the Secretary of Defense, shall establish unified or specified combatant commands for the performance of military missions, and shall determine the force structure of such combatant commands to be composed of forces of the Department of the Army, the Department of the Navy, the Department of the Air Force, which shall then be assigned to such combatant commands by the departments concerned for the performance of such military missions. Such combatant commands are responsible to the President and the Secretary of Defense for such military missions as may be assigned to them by the Secretary of Defense, with the approval of the President. Forces assigned to such unified combatant commands or specified combatant commands shall

Combatant commands.**Responsibility.**

be under the full operational command of the commander of the unified combatant command or the commander of the specified combatant command. All forces not so assigned remain for all purposes in their respective departments. Under the direction, authority, and control of the Secretary of Defense each military department shall be responsible for the administration of the forces assigned from its department to such combatant commands. The responsibility for the support of forces assigned to combatant commands shall be vested in one or more of the military departments as may be directed by the Secretary of Defense. Forces assigned to such unified or specified combatant commands shall be transferred therefrom only by authority of and under procedures established by the Secretary of Defense, with the approval of the President."

AUTHORIZING THE DELEGATION OF DUTIES BY THE MILITARY
SERVICE CHIEFS

70A Stat. 162.

SEC. 6. (a) Section 3035 of title 10, United States Code, is amended by adding at the end thereof a new subsection (c) to read as follows:

Vice Chief of
Staff.

"(c) The Vice Chief of Staff has such authority and duties with respect to the Department of the Army as the Chief of Staff, with the approval of the Secretary of the Army, may delegate to or prescribe for him. Orders issued by the Vice Chief of Staff in performing such duties have the same effect as those issued by the Chief of Staff."

70A Stat. 283.

(b) Section 5085 (b) of title 10, United States Code, is amended to read as follows:

Vice Chief of
Naval Operations.

"(b) The Vice Chief of Naval Operations has such authority and duties with respect to the Department of the Navy as the Chief of Naval Operations, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Vice Chief of Naval Operations in performing such duties have the same effect as those issued by the Chief of Naval Operations."

70A Stat. 292.

(c) Section 5202 of title 10, United States Code, is amended by adding at the end thereof a new subsection (c) to read as follows:

Assistant
Commandant.

"(c) The Assistant Commandant has such authority and duties with respect to the Marine Corps as the Commandant, with the approval of the Secretary of the Navy, may delegate to or prescribe for him. Orders issued by the Assistant Commandant in performing such duties have the same effect as those issued by the Commandant."

70A Stat. 492.

(d) Section 8035 of title 10, United States Code, is amended by adding at the end thereof a new subsection (d) to read as follows:

"(d) The Vice Chief of Staff has such authority and duties with respect to the Department of the Air Force

as the Chief of Staff, with the approval of the Secretary of the Air Force, may delegate to or prescribe for him. Orders issued by the Vice Chief of Staff in performing such duties have the same effect as those issued by the Chief of Staff."

CLARIFYING THE ROLE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SEC. 7. Section 141 (a) of title 10, United States Code, is amended by striking out the words ", who has no vote". 70A Stat. 6.

REDUCING THE NUMBER OF ASSISTANT SECRETARIES OF MILITARY DEPARTMENTS

SEC. 8. (a) Section 3013 (a) of title 10, United States Code, is amended to read as follows: 70A Stat. 158.

"(a) There are an Under Secretary of the Army and three Assistant Secretaries of the Army in the Department of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate."

(b) (1) Section 5034 of title 10, United States Code, is amended to read as follows: 70A Stat. 279.

"§ 5034. Assistant Secretaries of the Navy: appointment; duties

"(a) There are three Assistant Secretaries of the Navy in the Department of the Navy. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Assistant Secretaries shall perform such duties as the Secretary of the Navy prescribes."

(2) Section 5035 of title 10, United States Code, is repealed. Repeal.
70A Stat. 279.

(3) The analysis of chapter 505 of title 10, United States Code, is amended by striking out the following items: 70A Stat. 278-280.

"5034. Assistant Secretaries of the Navy: appointment; duties; compensation.

"5035. Assistant Secretary of the Navy for Air: appointment; duties; compensation."

and by inserting the following in lieu thereof:

"5034. Assistant Secretaries of the Navy; appointment; duties."

(c) Section 8013 (a) of title 10, United States Code, is amended to read as follows: 70A Stat. 489.

"(a) There are an Under Secretary of the Air Force and three Assistant Secretaries of the Air Force in the Department of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate."

ESTABLISHING THE DIRECTOR OF DEFENSE RESEARCH AND
ENGINEERING

5 U. S. C. 171c.

SEC. 9. (a) Section 203 of the National Security Act of 1947, as amended, is amended by redesignating subsections "(b)" and "(c)" as subsection "(c)" and "(d)", respectively, and by inserting a new subsection "(b)" as follows:

"(b) (1) There shall be a Director of Defense Research and Engineering who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, who shall take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force. The Director performs such duties with respect to research and engineering as the Secretary of Defense may prescribe, including, but not limited to, the following: (i) to be the principal adviser to the Secretary of Defense on scientific and technical matters; (ii) to supervise all research and engineering activities in the Department of Defense; and (iii) to direct and control (including their assignment or reassignment) research and engineering activities that the Secretary of Defense deems to require centralized management. The compensation of the Director is that prescribed by law for the Secretaries of the military departments.

Research
projects.

"(2) The Secretary of Defense or his designee, subject to the approval of the President, is authorized to engage in basic and applied research projects essential to the responsibilities of the Department of Defense in the field of basic and applied research and development which pertain to weapons systems and other military requirements. The Secretary or his designee, subject to the approval of the President, is authorized to perform assigned research and development projects: by contract with private business entities, educational or research institutions, or other agencies of the Government, through one or more of the military departments, or by utilizing employees and consultants of the Department of Defense.

Appropriations.

"(3) There is authorized to be appropriated such sums as may be necessary for the purposes of paragraph (2) of this subsection."

Ante, p. 11.

(b) Section 7 of Public Law 85-325, dated February 12, 1958, is amended to read as follows:

Advanced proj-
ects, etc.

"SEC. 7. The Secretary of Defense or his designee is authorized to engage in such advanced projects essential to the Defense Department's responsibilities in the field of basic and applied research and development which pertain to weapons systems and military requirements as the Secretary of Defense may determine after consultation with the Joint Chiefs of Staff; and for a period

of one year from the effective date of this Act, the Secretary of Defense or his designee is further authorized to engage in such advanced space projects as may be designated by the President.

"Nothing in this provision of law shall preclude the Secretary of Defense from assigning to the military departments the duty of engaging in research and development of weapons systems necessary to fulfill the combatant functions assigned by law to such military departments.

"The Secretary of Defense shall assign any weapons systems developed to such military department or departments for production and operational control as he may determine."

(c) Section 171 (a) of title 10, United States Code, is amended by renumbering clauses "(6)", "(7)", "(8)", and "(9)" as clauses "(7)", "(8)", "(9)", and "(10)", respectively, and inserting the following new clause (6) after clause (5):

"the Director of Defense Research and Engineering;"

70A Stat. 8.
Armed Forces
Policy Council.

REDUCTION THE NUMBER OF ASSISTANT SECRETARIES OF DEFENSE

SEC. 10. (a) Subsection (c) of section 203 of the National Security Act of 1947, as amended (5 U. S. C. 171c), as redesignated by section 9 (a) of this Act, is amended as follows:

(1) By striking out the word "three" and inserting the word "seven" in place thereof.

(2) By striking out the word "and" after the word "Navy,".

(3) By inserting the words ", and the Director of Defense Research and Engineering" after the words "Air Force".

(b) Section 3 of Reorganization Plan No. 6 of 1953 (67 Stat. 638) is repealed.

AUTHORIZING THE TRANSFER OF OFFICERS BETWEEN THE ARMED FORCES

SEC. 11. Chapter 41 of title 10, United States Code, is amended as follows:

(1) By adding the following new item at the end of the analysis:

"716. Commissioned officers: transfers between Army, Navy, Air Force, and Marine Corps."

(2) By adding the following new section at the end:

"§ 716. Commissioned officers: transfers between Army, Navy, Air Force, and Marine Corps

"Notwithstanding any other provision of law, the President may, within authorized strengths, transfer

70A Stat.
32, 33.

any commissioned officer with his consent from the Army, Navy, Air Force, or Marine Corps to, and appoint him in, any other of those armed forces. The Secretary of Defense shall establish, by regulations approved by the President, policies and procedures for such transfers and appointments. No officer transferred pursuant to this authority shall be assigned precedence or relative rank higher than that which he held on the day prior to such transfer."

NATIONAL GUARD BUREAU

70A Stat. 159.

SEC. 12. Section 3015 of title 10, United States Code, is amended by redesignating subsections "(a)", "(b)", and "(c)" as subsections "(b)", "(c)", and "(d)", respectively, and by inserting a new subsection (a) to read as follows:

Chief of National Guard Bureau.

"(a) There is a National Guard Bureau, which is a Joint Bureau of the Department of the Army and the Department of the Air Force, headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, the Canal Zone, and the District of Columbia on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States."

EFFECTIVE DATE

SEC. 13. Sections 8 and 10 of this Act shall become effective six months after the date of enactment of this Act.

Approved August 6, 1958.