

2011—Subsec. (a)(7). Pub. L. 112-81 added par. (7).

2006—Subsecs. (b), (c)(2), (d), (e). Pub. L. 109-163 inserted “the Homeland Security Council,” after “the National Security Council,” wherever appearing.

1992—Subsec. (a)(2) to (6). Pub. L. 102-484 added par. (2) and redesignated former pars. (2) to (5) as (3) to (6), respectively.

§ 152. Chairman: appointment; grade and rank

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

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

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

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

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

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

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

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

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

(Added Pub. L. 99-433, title II, §201, Oct. 1, 1986, 100 Stat. 1006; amended Pub. L. 100-180, div. A, title XIII, §1314(b)(1)(A), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 114-328, div. A, title IX, §921(b)(1), Dec. 23, 2016, 130 Stat. 2351.)

AMENDMENT OF SUBSECTION (a)

Pub. L. 114-328, div. A, title IX, §921(b), Dec. 23, 2016, 130 Stat. 2351, provided that, effective Jan. 1, 2019, and applicable to individuals appointed as Chairman of the Joint Chiefs of Staff

on or after that date, subsection (a) of this section is amended as follows:

(1) in paragraph (1), by striking “two years, beginning on October 1 of odd-numbered years” and all that follows and inserting “four years, beginning on October 1 of an odd-numbered year. The limitation does not apply in time of war.”; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) The President may extend to eight years the combined period of service of an officer as Chairman and Vice Chairman if the President determines that such action is in the national interest. The limitation in this paragraph does not apply in time of war.”

See 2016 Amendment notes below.

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114-328, §921(b)(1)(A), substituted “four years, beginning on October 1 of an odd-numbered year. The limitation does not apply in time of war.” for “two years, beginning on October 1 of odd-numbered years. Subject to paragraph (3), an officer serving as Chairman may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.”

Subsec. (a)(3). Pub. L. 114-328, §921(b)(1)(B), added par. (3) and struck out former par. (3) which read as follows: “An officer may not serve as Chairman or Vice Chairman of the Joint Chiefs of Staff if the combined period of service of such officer in such positions exceeds six years. However, the President may extend to eight years the combined period of service an officer may serve in such positions if he determines such action is in the national interest. The limitations of this paragraph do not apply in time of war.”

1987—Pub. L. 100-180 substituted “grade and rank” for “rank” in section catchline.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title IX, §921(b)(2), Dec. 23, 2016, 130 Stat. 2351, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on January 1, 2019, and shall apply to individuals appointed as Chairman of the Joint Chiefs of Staff on or after that date.”

§ 153. Chairman: functions

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

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

(2) STRATEGIC AND CONTINGENCY PLANNING.—In matters relating to strategic and contingency planning—

(A) developing strategic frameworks and preparing strategic plans, as required, to guide the use and employment of military force and related activities across all geographic regions and military functions and domains, and to sustain military efforts over different durations of time, as necessary;

(B) advising the Secretary on the production of the national defense strategy required by section 113(g) of this title and the national security strategy required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

(C) preparing military analysis, options, and plans, as the Chairman considers appropriate, to recommend to the President and the Secretary;

(D) providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary; and

(E) preparing joint logistic and mobility plans to support national defense strategies and recommending the assignment of responsibilities to the armed forces in accordance with such plans.

(3) GLOBAL MILITARY INTEGRATION.—In matters relating to global military strategic and operational integration—

(A) providing advice to the President and the Secretary on ongoing military operations; and

(B) advising the Secretary on the allocation and transfer of forces among geographic and functional combatant commands, as necessary, to address transregional, multi-domain, and multifunctional threats.

(4) COMPREHENSIVE JOINT READINESS.—In matters relating to comprehensive joint readiness—

(A) evaluating the overall preparedness of the joint force to perform the responsibilities of that force under national defense strategies and to respond to significant contingencies worldwide;

(B) assessing the risks to United States missions, strategies, and military personnel that stem from shortfalls in military readiness across the armed forces, and developing risk mitigation options;

(C) advising the Secretary on critical deficiencies and strengths in joint force capabilities (including manpower, logistics, and mobility support) identified during the preparation and review of national defense strategies and contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans;

(D) advising the Secretary on the missions and functions that are likely to require contractor or other external support to meet national security objectives and policy and strategy, and the risks associated with such support; and

(E) establishing and maintaining, after consultation with the commanders of the unified and specified combatant commands, a uniform system of evaluating the preparedness of each such command, and groups of commands collectively, to carry out missions assigned to the command or commands.

(5) JOINT CAPABILITY DEVELOPMENT.—In matters relating to joint capability development—

(A) identifying new joint military capabilities based on advances in technology and concepts of operation needed to maintain the technological and operational superiority of the armed forces, and recommending investments and experiments in such capabilities to the Secretary;

(B) performing military net assessments of the joint capabilities of the armed forces of

the United States and its allies in comparison with the capabilities of potential adversaries;

(C) advising the Secretary under section 163(b)(2) of this title on the priorities of the requirements identified by the commanders of the unified and specified combatant commands;

(D) advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in national defense strategies and with the priorities established for the requirements of the unified and specified combatant commands;

(E) advising the Secretary on new and alternative joint military capabilities, and alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in subparagraph (D);

(F) assessing joint military capabilities and identifying, approving, and prioritizing gaps in such capabilities to meet national defense strategies, pursuant to section 181 of this title; and

(G) recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, performance, and procurement quantity objectives in the acquisition of materiel and equipment to support the strategic and contingency plans required by this paragraph in the most effective and efficient manner.

(6) JOINT FORCE DEVELOPMENT ACTIVITIES.—In matters relating to joint force development activities—

(A) developing doctrine for the joint employment of the armed forces;

(B) formulating policies and technical standards, and executing actions, for the joint training of the armed forces;

(C) formulating policies for coordinating the military education of members of the armed forces;

(D) formulating policies for concept development and experimentation for the joint employment of the armed forces;

(E) formulating policies for gathering, developing, and disseminating joint lessons learned for the armed forces; and

(F) advising the Secretary on development of joint command, control, communications, and cybercapability, including integration and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.

(7) OTHER MATTERS.—In other matters—

(A) recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command;

(B) providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

(C) performing such other duties as may be prescribed by law or by the President or the Secretary.

(b) NATIONAL MILITARY STRATEGY.—

(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this paragraph or to update a strategy previously prepared in accordance with this paragraph. The Chairman shall provide such National Military Strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report of the Secretary of Defense, if any, under paragraph (4).

(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of the review, that a modification is needed.

(C) Each National Military Strategy (or update) submitted under this paragraph shall describe how the military will support the objectives of the United States as articulated in—

(i) the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

(ii) the most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title;

(iii) the most recent national defense strategy presented by the Secretary of Defense pursuant to section 113 of this title;

(iv) the most recent policy guidance provided by the Secretary of Defense pursuant to section 113(g) of this title; and

(v) any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

(D) At a minimum, each National Military Strategy (or update) submitted under this paragraph shall—

(i) assess the strategic environment, threats, opportunities, and challenges that affect the national security of the United States;

(ii) assess military ends, ways, and means to support the objectives referred to in subparagraph (C);

(iii) provide the framework for the assessment by the Chairman of military strategic and operational risks, and for the development of risk mitigation options;

(iv) develop military options to address threats and opportunities;

(v) assess joint force capabilities, capacities, and resources; and

(vi) establish military guidance for the development of the joint force and the total force building on guidance by the President and the Secretary of Defense as referred to in subparagraph (C).

(2) RISK ASSESSMENT.—(A) The Chairman shall prepare each year an assessment of the risks associated with the most current National Military Strategy (or update) under paragraph (1). The risk assessment shall be known as the ‘Risk Assessment of the Chairman of the Joint Chiefs of Staff’. The Chairman shall complete preparation of the Risk Assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report of the Secretary of Defense, if any, under paragraph (4).

(B) The Risk Assessment shall do the following:

(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions that informed the National Military Strategy (or update) required by this section.

(ii) Identify and define the military strategic and operational risks to United States interests and the military strategic and operational risks in executing the National Military Strategy (or update).

(iii) Identify and define levels of risk, including an identification of what constitutes ‘significant’ risk in the judgment of the Chairman.

(iv)(I) Identify and assess risk in the National Military Strategy (or update) by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time; and

(II) for each category of risk, assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the current future-years defense program under section 221 of this title.

(v) Identify and assess risk associated with the assumptions or plans of the National Military Strategy (or update) about the contributions of external support, as appropriate.

(vi) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the National Military Strategy (or update).

(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—(A) Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the National Military Strategy or update, if any, prepared under paragraph (1) in such year.

(B) Not later than February 15 each year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Rep-

representatives the Risk Assessment prepared under paragraph (2) in such year.

(C) The National Military Strategy (or update) and Risk Assessment submitted under this subsection shall be classified in form, but shall include an unclassified summary.

(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—(A) In transmitting a National Military Strategy (or update) or Risk Assessment to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

(B) If the Risk Assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the National Military Strategy (or update) are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vi), the Secretary shall include in the transmittal of the Risk Assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—

(i) address the risk assumed in the National Military Strategy (or update) concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.

(c) ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.—(1) Not later than 25 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, the Chairman shall submit to the congressional defense committees a report on the requirements of the combatant commands established under section 161 of this title.

(2) Each report under paragraph (1) shall contain the following:

(A) A consolidation of the integrated priority lists of requirements of the combatant commands.

(B) The Chairman's views on the consolidated lists.

(C) A description of the extent to which the most recent future-years defense program (under section 221 of this title) addresses the requirements on the consolidated lists.

(D) A description of the funding proposed in the President's budget for the next fiscal year, and for the subsequent fiscal years covered by the most recent future-years defense program, to address each deficiency in readiness identified during the joint readiness review conducted under section 117 of this title for the first quarter of the current fiscal year.

(Added Pub. L. 99-433, title II, §201, Oct. 1, 1986, 100 Stat. 1007; amended Pub. L. 106-65, div. A, title X, §1033, Oct. 5, 1999, 113 Stat. 751; Pub. L. 106-398, §1 [div. A], title IX, §905, Oct. 30, 2000, 114 Stat. 1654, 1654A-226; Pub. L. 107-107, div. A,

title IX, §921(b), Dec. 28, 2001, 115 Stat. 1198; Pub. L. 107-314, div. A, title X, §1062(a)(1), Dec. 2, 2002, 116 Stat. 2649; Pub. L. 108-136, div. A, title IX, §903, title X, §1043(b)(2), Nov. 24, 2003, 117 Stat. 1558, 1610; Pub. L. 112-81, div. A, title VIII, §820(b), title IX, §941, Dec. 31, 2011, 125 Stat. 1501, 1548; Pub. L. 112-239, div. A, title VIII, §845(b), title IX, §§951(a), 952, Jan. 2, 2013, 126 Stat. 1848, 1891, 1892; Pub. L. 113-66, div. A, title IX, §905, Dec. 26, 2013, 127 Stat. 817; Pub. L. 113-291, div. A, title X, §1071(c)(2), (g)(3), Dec. 19, 2014, 128 Stat. 3508, 3511; Pub. L. 114-92, div. A, title IX, §901, title X, §1081(a)(3), Nov. 25, 2015, 129 Stat. 956, 1000; Pub. L. 114-328, div. A, title IX, §§921(c), 943, title X, §1064(c), Dec. 23, 2016, 130 Stat. 2351, 2369, 2409; Pub. L. 115-91, div. A, title X, §1081(a)(8), (d)(10), Dec. 12, 2017, 131 Stat. 1594, 1600.)

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-91, §1081(d)(10), made technical amendment to directory language of Pub. L. 114-328, §921(c). See 2016 Amendment note below.

Pub. L. 115-91, §1081(a)(8), in introductory provisions, inserted colon after “the following”.

2016—Subsec. (a). Pub. L. 114-328, §921(c), as amended by Pub. L. 115-91, §1081(d)(10), amended the text of subsec. (a) generally. Prior to amendment, subsec. (a) related to Chairman's functions of planning, advice, and policy formulation.

Subsec. (b)(1). Pub. L. 114-328, §943(a), amended par. (1) generally. Prior to amendment, par. (1) consisted of subpars. (A) to (F) and related to national military strategy.

Subsec. (b)(2)(A). Pub. L. 114-328, §943(b)(1), substituted “in the report” for “of the report” in third sentence.

Subsec. (b)(2)(B). Pub. L. 114-328, §943(b)(2)(A), inserted “(or update)” after “National Military Strategy” wherever appearing.

Subsec. (b)(2)(B)(ii). Pub. L. 114-328, §943(b)(2)(B), substituted “military strategic and operational risks to United States interests and the military strategic and operational risks in executing the National Military Strategy (or update).” for “strategic risks to United States interests and the military risks in executing the missions of the National Military Strategy (or update).”

Subsec. (b)(2)(B)(iii). Pub. L. 114-328, §943(b)(2)(C), struck out “distinguishing between the concepts of probability and consequences” after “levels of risk”.

Subsec. (b)(2)(B)(iv)(II). Pub. L. 114-328, §943(b)(2)(D), struck out “most” before “current future-years defense program”.

Subsec. (b)(2)(B)(v). Pub. L. 114-328, §943(b)(2)(E), substituted “of external support, as appropriate.” for “or support of—

“(I) other departments and agencies of the United States Government (including their capabilities and availability);

“(II) alliances, allies, and other friendly nations (including their capabilities, availability, and interoperability); and

“(III) contractors.”

Subsec. (b)(3)(C). Pub. L. 114-328, §943(c), added subpar. (C).

Subsec. (c)(1). Pub. L. 114-328, §1064(c), substituted “Not later than 25 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31” for “At or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31”.

2015—Subsec. (a)(5). Pub. L. 114-92, §1081(a)(3), substituted “Joint Force Development Activities” for “Joint force development activities” in heading.

Subsec. (a)(5)(F). Pub. L. 114-92, §901, added subpar. (F).

2014—Subsec. (a)(5). Pub. L. 113-291, §1071(g)(3), amended Pub. L. 113-66, §905(b). See 2013 Amendment note below.

Subsec. (b)(1)(C)(i). Pub. L. 113-291, §1071(c)(2), substituted “(50 U.S.C. 3043)” for “(50 U.S.C. 404a)”.

2013—Subsec. (a)(3)(F). Pub. L. 112-239, §845(b), added subpar. (F).

Subsec. (a)(4)(F), (G). Pub. L. 112-239, §951(a), added subpars. (F) and (G) and struck out former subpar. (F) which read as follows: “Assessing military requirements for defense acquisition programs.”

Subsec. (a)(5). Pub. L. 113-66, §905(b), as amended by Pub. L. 113-291, §1071(g)(3), which directed substitution of “JOINT FORCE DEVELOPMENT ACTIVITIES” for “DOCTRINE, TRAINING, AND EDUCATION” in heading, was executed by making the substitution for “DOCTRINE, TRAINING, AND EDUCATION” to reflect the probable intent of Congress.

Subsec. (a)(5)(B). Pub. L. 113-66, §905(a)(1), inserted “and technical standards, and executing actions,” after “policies”.

Subsec. (a)(5)(C). Pub. L. 113-66, §905(a)(2), struck out “and training” after “education”.

Subsec. (a)(5)(D), (E). Pub. L. 113-66, §905(a)(3), added subpars. (D) and (E).

Subsec. (b). Pub. L. 112-239, §952(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) related to risks under National Military Strategy.

Subsec. (d). Pub. L. 112-239, §952(b), struck out subsec. (d) which related to biennial review of National Military Strategy.

2011—Subsec. (a)(3)(C) to (E). Pub. L. 112-81, §820(b)(1), added subpar. (C) and redesignated former subpars. (C) and (D) as (D) and (E), respectively.

Subsec. (a)(4)(E). Pub. L. 112-81, §820(b)(2), inserted “and contractor support” after “area of manpower”.

Subsec. (b)(1). Pub. L. 112-81, §941(1), substituted “assessment of—” for “assessment of the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy.” and added subpars. (A) and (B).

Subsec. (b)(2). Pub. L. 112-81, §941(2), inserted “or that critical deficiencies in force capabilities exist for a contingency plan,” after “National Military Strategy is significant,” and “or deficiency” before period at end.

Subsec. (d)(2)(I). Pub. L. 112-81, §820(b)(3)(A), added subpar. (I).

Subsec. (d)(3)(B). Pub. L. 112-81, §820(b)(3)(B), substituted “the levels of support from allies and other friendly nations, and the levels of contractor support” for “and the levels of support from allies and other friendly nations”.

2003—Subsec. (b)(1). Pub. L. 108-136, §903(b), substituted “of each odd-numbered year” for “each year”.

Subsec. (c). Pub. L. 108-136, §1043(b)(2), in par. (1), substituted “congressional defense committees” for “committees of Congress named in paragraph (2)”, designated the second sentence of par. (1) as par. (2), in par. (2), substituted “Each report under paragraph (1)” for “The report”, and struck out former par. (2) which read as follows: “The committees of Congress referred to in paragraph (1) are the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.”

Subsec. (d). Pub. L. 108-136, §903(a), added subsec. (d).

2002—Pub. L. 107-314 inserted subsec. (a) heading and redesignated subsecs. (c) and (d) as (b) and (c), respectively.

2001—Subsec. (a). Pub. L. 107-107, §921(b)(1), struck out “(a) PLANNING; ADVICE; POLICY FORMULATION.—” before “Subject to the authority”.

Subsec. (b). Pub. L. 107-107, §921(b)(2), struck out heading and text of subsec. (b) which read as follows:

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

man shall consider (among other matters) the following:

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

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

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

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

2000—Subsec. (d)(1). Pub. L. 106-398, §1 [[div. A], title IX, §905(b)], substituted “At or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31,” for “Not later than August 15 of each year,” in introductory provisions.

Subsec. (d)(1)(C), (D). Pub. L. 106-398, §1 [[div. A], title IX, §905(a)], added subpars. (C) and (D).

1999—Subsecs. (c), (d). Pub. L. 106-65 added subsecs. (c) and (d).

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title X, §1081(d), Dec. 12, 2017, 131 Stat. 1599, provided that the amendment made by section 1081(d)(10) is effective as of Dec. 23, 2016, and as if included in Pub. L. 114-328 as enacted.

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-291, div. A, title X, §1071(g), Dec. 19, 2014, 128 Stat. 3511, provided that the amendment made by section 1071(g)(3) is effective as of Dec. 26, 2013, and as if included in Pub. L. 113-66 as enacted.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (c) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

INCLUSION OF ASSESSMENT OF JOINT MILITARY TRAINING AND FORCE ALLOCATIONS IN QUADRENNIAL DEFENSE REVIEW AND NATIONAL MILITARY STRATEGY

Pub. L. 112-81, div. A, title III, §348, Dec. 31, 2011, 125 Stat. 1375, provided that: “The assessments of the National Military Strategy conducted by the Chairman of the Joint Chiefs of Staff under section 153(b) of this title [sic; probably means Title 10, Armed Forces], and the quadrennial roles and missions review pursuant to [former] section 118b of this title [sic], shall include an assessment of joint military training and force allocations to determine—

“(1) the compliance of the military departments with the joint training, doctrine, and resource allocation recommendations promulgated by the Joint Chiefs of Staff; and

“(2) the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by Joint Forces Command.”

COMMON MEASUREMENT OF OPERATIONS TEMPO AND PERSONNEL TEMPO

Pub. L. 105-85, div. A, title III, §326, Nov. 18, 1997, 111 Stat. 1679, provided that:

“(a) MEANS FOR MEASUREMENT.—The Chairman of the Joint Chiefs of Staff shall, to the maximum extent practicable, develop (1) a common means of measuring the operations tempo (OPTEMPO) of each of the Armed Forces, and (2) a common means of measuring the personnel tempo (PERSTEMPO) of each of the Armed Forces. The Chairman shall consult with the other members of the Joint Chiefs of Staff in developing those common means of measurement.

“(b) PERSTEMPO MEASUREMENT.—The measurement of personnel tempo developed by the Chairman shall include a means of identifying the rate of deployment for individual members of the Armed Forces in addition to the rate of deployment for units.”

ANNUAL ASSESSMENT OF FORCE READINESS

Pub. L. 103-160, div. A, title III, § 376, Nov. 30, 1993, 107 Stat. 1637, provided for an annual assessment of readiness and capability of the Armed Forces by the Chairman of the Joint Chiefs of Staff to be submitted to Congress not later than March 1 of each of 1994, 1995, and 1996 and for interim assessments between annual submissions in the event of a significant change in readiness or capability of the Armed Forces.

REPORT OF CHAIRMAN OF JOINT CHIEFS OF STAFF ON ROLES AND MISSIONS OF ARMED FORCES

Pub. L. 102-484, div. A, title IX, § 901, Oct. 23, 1992, 106 Stat. 2469, provided for the Secretary of Defense to transmit to Congress a copy of the first report relating to the roles and missions of the Armed Forces that was submitted by the Chairman of the Joint Chiefs of Staff under subsec. (b) of this section after Jan. 1, 1992, and directed the Chairman to include in the report comments and recommendations.

TRANSITION PROVISIONS

Pub. L. 99-433, title II, § 204(a), (b), Oct. 1, 1986, 100 Stat. 1011, provided dates for establishment of the uniform system of evaluating the preparedness of each unified and specified combatant command and for submission of the first report.

§ 154. Vice Chairman

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

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

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

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

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

(B) has completed a full tour of duty in a joint duty assignment (as defined in section 664(f)¹ of this title) as a general or flag officer.

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

(c) DUTIES.—The Vice Chairman performs the duties prescribed for him as a member of the Joint Chiefs of Staff and such other duties as may be prescribed by the Chairman with the approval of the Secretary of Defense.

(d) FUNCTION AS ACTING CHAIRMAN.—When there is a vacancy in the office of Chairman or in the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

(e) SUCCESSION AFTER CHAIRMAN AND VICE CHAIRMAN.—When there is a vacancy in the of-

fices of both Chairman and Vice Chairman or in the absence or disability of both the Chairman and the Vice Chairman, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the President shall designate a member of the Joint Chiefs of Staff to act as and perform the duties of the Chairman until a successor to the Chairman or Vice Chairman is appointed or the absence or disability of the Chairman or Vice Chairman ceases.

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

(Added Pub. L. 99-433, title II, § 201, Oct. 1, 1986, 100 Stat. 1008; amended Pub. L. 100-456, div. A, title V, § 519(a)(1), Sept. 29, 1988, 102 Stat. 1972; Pub. L. 102-484, div. A, title IX, § 911(b)(1), Oct. 23, 1992, 106 Stat. 2473; Pub. L. 114-328, div. A, title IX, § 921(d)(1), (2), Dec. 23, 2016, 130 Stat. 2354.)

AMENDMENT OF SUBSECTION (a)

Pub. L. 114-328, div. A, title IX, § 921(d), Dec. 23, 2016, 130 Stat. 2354, provided that, effective on Jan. 1, 2021, and applicable to individuals appointed as Vice Chairman of the Joint Chiefs of Staff on or after that date, subsection (a) of this section is amended as follows:

(1) in paragraph (3), by striking “for a term of two years” and all that follows and inserting “for a single term of four years, beginning on October 1 of an odd-numbered year, except that the term may not begin in the same year as the term of a Chairman. In time of war, there is no limit on the number of reappointments.”; and

(2) by adding at the end the following new paragraph:

“(4)(A) The Vice Chairman shall not be eligible for promotion to the position of Chairman or any other position in the armed forces.

“(B) The President may waive subparagraph (A) if the President determines such action is necessary in the national interest.”

See 2016 Amendment notes below.

REFERENCES IN TEXT

Section 664(f) of this title, referred to in subsec. (b)(1)(B), was redesignated as section 664(d) of this title by Pub. L. 114-328, div. A, title V, § 510(g)(1), Dec. 23, 2016, 130 Stat. 2111.

AMENDMENTS

2016—Subsec. (a)(3). Pub. L. 114-328, § 921(d)(1), substituted “for a single term of four years, beginning on October 1 of an odd-numbered year, except that the term may not begin in the same year as the term of a Chairman. In time of war, there is no limit on the number of reappointments.” for “for a term of two years and may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.”

Subsec. (a)(4). Pub. L. 114-328, § 921(d)(2), added par. (4).

1992—Subsec. (c). Pub. L. 102-484, § 911(b)(1)(A), substituted “the duties prescribed for him as a member of the Joint Chiefs of Staff and such other” for “such”.

Subsecs. (f), (g). Pub. L. 102-484, § 911(b)(1)(B), (C), redesignated subsec. (g) as (f) and struck out former sub-

¹ See References in Text note below.