

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

1988—Subsec. (b)(1)(B). Pub. L. 100-456 substituted “completed a full tour of duty in a joint duty assignment (as defined in section 664(f) of this title)” for “served in at least one joint duty assignment (as defined under section 668(b) of this title)”.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title IX, §921(d)(3), Dec. 23, 2016, 130 Stat. 2354, provided that: “The amendments

made by this subsection [amending this section] shall take effect on January 1, 2021, and shall apply to individuals appointed as Vice Chairman of the Joint Chiefs of Staff on or after that date.”

EXTENSION OF TERM OF OFFICE OF VICE CHAIRMAN OF JOINT CHIEFS OF STAFF

Pub. L. 100-526, title I, §107, Oct. 24, 1988, 102 Stat. 2625, authorized President to extend until June 1, 1989, term of office of officer serving as Vice Chairman of Joint Chiefs of Staff for term which began on Feb. 6, 1987.

WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS VICE CHAIRMAN OF JOINT CHIEFS OF STAFF

Pub. L. 99-433, title II, §204(c), Oct. 1, 1986, 100 Stat. 1011, authorized President, until Oct. 1, 1990, to waive certain requirements otherwise applicable for appointment of an officer as Vice Chairman of Joint Chiefs of Staff.

§ 155. Joint Staff

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

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

- (A) the Army;
- (B) the Navy and the Marine Corps; and
- (C) the Air Force.

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

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

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

(d) OPERATION OF JOINT STAFF.—The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff supports the Chairman of the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 3002) to provide—

- (1) for the unified strategic direction of the combatant forces;
- (2) for their operation under unified command; and
- (3) for their integration into an efficient team of land, naval, and air forces.

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

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

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

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

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

(A) in time of war; or

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

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

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

(h) PERSONNEL LIMITATIONS.—(1) The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty for the Joint Staff may not exceed 2,250.

(2) Not more than 1,500 members of the armed forces on the active-duty list may be assigned or detailed to permanent duty for the Joint Staff.

(3) The limitations in paragraphs (1) and (2) do not apply in time of war.

(4) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.

(Added Pub. L. 99-433, title II, §201, Oct. 1, 1986, 100 Stat. 1009; amended Pub. L. 100-180, div. A, title XIII, §1314(b)(2), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 101-510, div. A, title IX, §902, Nov. 5, 1990, 104 Stat. 1620; Pub. L. 102-484, div. A, title IX, §911(b)(2), Oct. 23, 1992, 106 Stat. 2473; Pub. L. 103-35, title II, §202(a)(8), May 31, 1993, 107 Stat. 101; Pub. L. 113-291, div. A, title X, §1071(c)(1), Dec. 19, 2014, 128 Stat. 3508; Pub. L. 114-328, div. A, title IX, §903(b)(1), Dec. 23, 2016, 130 Stat. 2344; Pub. L. 116-92, div. A, title IX, §901(a)(2)(A), Dec. 20, 2019, 133 Stat. 1541.)

AMENDMENTS

2019—Subsec. (h)(1). Pub. L. 116-92 substituted “2,250” for “2,069”.

2016—Subsec. (h). Pub. L. 114-328 added subsec. (h).

2014—Subsec. (d). Pub. L. 113-291 substituted “(50 U.S.C. 3002)” for “(50 U.S.C. 401)” in introductory provisions.

1993—Subsec. (a)(1). Pub. L. 103-35 made technical amendment to directory language of Pub. L. 102-484. See 1992 Amendment note below.

1992—Subsec. (a)(1). Pub. L. 102-484, as amended by Pub. L. 103-35, struck out “and the Vice Chairman” before “in carrying out”.

1990—Subsecs. (g), (h). Pub. L. 101-510 redesignated subsec. (h) as (g) and struck out former subsec. (g) which read as follows: “LIMITATION ON SIZE OF JOINT STAFF.—(1) Effective on October 1, 1988, the total number of members of the armed forces and civilian personnel assigned or detailed to permanent duty on the Joint Staff may not exceed 1,627.

“(2) Paragraph (1) does not apply—

“(A) in time of war; or

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

1987—Subsec. (f)(4)(B). Pub. L. 100-180, §1314(b)(2)(A), inserted “or Congress” after “by the President”.

Subsec. (g)(2)(B). Pub. L. 100-180, §1314(b)(2)(B), inserted “the President or” after “declared by”.

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. A, title IX, §901(a)(2)(B), Dec. 20, 2019, 133 Stat. 1541, provided that: “The amendment made by subparagraph (A) [amending this section] shall take effect on December 31, 2019, immediately after the coming into effect of the amendment made by section 903(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2344) [amending this section], to which such amendments relate[.]”

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-328, div. A, title IX, §903(b)(2), Dec. 23, 2016, 130 Stat. 2344, provided that: “The amendment made by paragraph (1) [amending this section] shall take effect on December 31, 2019.”

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-35, title II, §202(b), May 31, 1993, 107 Stat. 102, provided that: “The amendments made by this section [amending this section, sections 1079, 1086a, 1174a, 1463, 2323, 2347, 2391, and 2410d of this title, and sections 5013 and 5113 of former Title 36, Patriotic Societies and Observances, and amending provisions set out as notes under sections 664, 2350a, 2431, 2501, 2505, 10105, and 12681 of this title and section 5611 of Title 15, Commerce and Trade] shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ESTABLISHMENT OF CHAIRMAN'S CONTROLLED ACTIVITY WITHIN JOINT STAFF FOR INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE

Pub. L. 115-91, div. A, title XVI, §1627, Dec. 12, 2017, 131 Stat. 1734, provided that:

“(a) CHAIRMAN'S CONTROLLED ACTIVITY.—The Chairman of the Joint Chiefs of Staff shall—

“(1) undertake the roles, missions, and responsibilities of, and preserve an equal or greater number of personnel billets than the amount of such billets previously prescribed for, the Joint Functional Component Command for Intelligence, Surveillance, and Reconnaissance of the United States Strategic Command; and

“(2) not later than 30 days after the date of the enactment of this Act [Dec. 12, 2017], establish an organization within the Joint Staff—

“(A) that is designated as the Joint Staff Intelligence, Surveillance, and Reconnaissance Directorate and Supporting Chairman’s Controlled Activity;

“(B) for which the Chairman of the Joint Chiefs of Staff shall serve as the joint functional manager; and

“(C) that shall synchronize cross-combatant command intelligence, surveillance, and reconnaissance plans and develop strategies integrating all intelligence, surveillance, and reconnaissance capabilities provided by joint services, the National Reconnaissance Office, combat support intelligence agencies of the Department of Defense, and allies, to satisfy the intelligence needs of the combatant commands for the Department of Defense.

“(b) LEAD AGENT.—The Secretary of Defense shall designate the Secretary of the Air Force as the lead agent and sponsor for funding for the organization established under subsection (a)(2).

“(c) DATA COLLECTION AND ANALYSIS TO SUPPORT ISR ALLOCATION AND SYNCHRONIZATION PROCESSES.—In coordination with the Director of Cost Analysis and Program Evaluation, the Chairman of the Joint Chiefs of Staff shall issue guidance to the commanders of the geographical combatant commands that requires the commanders to collect sufficient and relevant data regarding the effectiveness of intelligence, surveillance, and reconnaissance measures in a manner that will—

“(1) enable the standardized, objective evaluation and analysis of that data with respect to the use and effectiveness of the intelligence, surveillance, and reconnaissance capabilities provided to the commanders; and

“(2) support recommendations made by the organization established under subsection (a)(2) to the Secretary of Defense regarding the allocation of intelligence, surveillance, and reconnaissance resources of the Department of Defense.”

INCREASED FLEXIBILITY IN USE OF FUNDS FOR JOINT STAFF EXERCISES

Pub. L. 109-364, div. A, title X, §1052, Oct. 17, 2006, 120 Stat. 2396, provided that:

“(a) IN GENERAL.—Amounts available to the Chairman of the Joint Chiefs of Staff for joint staff exercises may be available for any expenses as follows:

“(1) Expenses of the Armed Forces in connection with such exercises, including expense relating to self-deploying watercraft under the jurisdiction of a military department.

“(2) Expenses relating to the costs of port support activities in connection with such exercises, including transportation and port handling.

“(3) Expenses relating to the breakout and operation of prepositioned watercraft and lighterage for joint logistics and over the shore exercises in connection with such exercises.

“(b) SUPPLEMENT NOT SUPPLANT.—Any amounts made available by the Chairman of the Joint Chiefs of Staff under subsection (a) for expenses covered by that subsection are in addition to any other amounts available under law for such expenses.”

ASSISTANTS TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF FOR NATIONAL GUARD MATTERS AND FOR RESERVE MATTERS

Pub. L. 105-85, div. A, title IX, §901, Nov. 18, 1997, 111 Stat. 1853, as amended by Pub. L. 109-163, div. A, title V, §515(h), Jan. 6, 2006, 119 Stat. 3237, which established the positions of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters and Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters within the Joint Staff, was repealed and restated as former section 155a of this title by Pub. L. 112-239, §511(a), (c), Jan. 2, 2013, 126 Stat. 1717, 1718.

[§ 155a. Repealed. Pub. L. 114-328, div. A, title V, § 502(a)(1), Dec. 23, 2016, 130 Stat. 2102]

Section, added Pub. L. 112-239, div. A, title V, §511(a), Jan. 2, 2013, 126 Stat. 1717, related to Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and Reserve matters.

PRIOR PROVISIONS

Provisions similar to those formerly contained in this section were contained in Pub. L. 105-85, div. A, title IX, §901, Nov. 18, 1997, 111 Stat. 1853, which was set out as a note under section 155 of this title, prior to repeal by Pub. L. 112-239, §511(c).

RETENTION OF GRADE OF INCUMBENTS IN POSITIONS ON EFFECTIVE DATE

Pub. L. 114-328, div. A, title V, §502(tt), as added by Pub. L. 115-91, div. A, title V, §506(a)(1), Dec. 12, 2017, 131 Stat. 1374, provided that: “The grade of service of an officer serving as of the date of the enactment of this Act [Dec. 23, 2016, see below] in a position whose statutory grade is affected by an amendment made by this section [see Tables for classification] may not be reduced after that date by reason of such amendment as long as the officer remains in continuous service in such position after that date.”

[Pub. L. 115-91, div. A, title V, §506(a)(2), Dec. 12, 2017, 131 Stat. 1374, provided that: “The amendment made by paragraph (1) [enacting section 502(tt) of Pub. L. 114-328, set out above] shall take effect as of December 23, 2016, and be treated as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).”]

§ 156. Legal Counsel to the Chairman of the Joint Chiefs of Staff

(a) IN GENERAL.—There is a Legal Counsel to the Chairman of the Joint Chiefs of Staff.

(b) SELECTION FOR APPOINTMENT.—Under regulations prescribed by the Secretary of Defense, the officer selected for appointment to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be recommended by a board of officers convened by the Secretary of Defense that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

(c) DUTIES.—(1) The Legal Counsel of the Chairman of the Joint Chiefs of Staff shall perform such legal duties in support of the responsibilities of the Chairman of the Joint Chiefs of Staff as the Chairman may prescribe.

(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.

(Added Pub. L. 110-181, div. A, title V, §543(e)(1), Jan. 28, 2008, 122 Stat. 115; amended Pub. L. 110-417, [div. A], title V, §591, Oct. 14, 2008, 122 Stat. 4474; Pub. L. 111-84, div. A, title V, §501(a), Oct. 28, 2009, 123 Stat. 2272; Pub. L. 114-328, div. A, title V, §502(b), Dec. 23, 2016, 130 Stat. 2102.)

AMENDMENTS

2016—Subsecs. (c), (d). Pub. L. 114-328 redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be appointed in the regular grade of brigadier general or rear admiral (lower half).”

2009—Subsec. (c). Pub. L. 111-84 substituted “be appointed in the regular” for “, while so serving, hold the”.