DECLASSIFIED
Authority NSC ltr 4/21/77
By mng, NARS, Date 5/4/77

10

April 25, 1961

~~SECRET~~

NATIONAL SECURITY COUNCIL

AGENDA

For the Meeting to be held in the
Cabinet Room of The White House
on Thursday, April 27, 1961
at 10:00 a.m.

In addition to the Statutory Members and Advisers, the following are being invited to attend this meeting: The U. S. Representative to the United Nations; the Secretary of the Treasury; the Attorney General; the Director, Bureau of the Budget; the Director, U. S. Information Agency; the Under Secretary of State; the Deputy Secretary of Defense; the Secretaries of the Army, the Navy, and the Air Force; the Special Assistants to the President for National Security Affairs and for Science and Technology; the Counselor, Department of State; Assistant Secretary of Defense (ISA); the Deputy Under Secretary of State; the Deputy Director (Plans), Central Intelligence Agency; and the Military Aide to the President.

ITEM 1 -- U. S. POLICY TOWARD CUBA
(NSC Action No. 2406)

The Department of State will present further recommendations with respect to U. S. policy following recent events in Cuba. It is hoped that preliminary papers on the subject will be available for distribution to the members of the Council on Wednesday, April 26, 1961.

ITEM 2 -- EMERGENCY FREEDOM FUND
(NSC Action No. 2407-c)

The Department of State will report on plans for an Emergency Freedom Fund.

ITEM 3 -- U. S. POLICY IN SOUTH VIET NAM
(NSC 6012)

The Deputy Secretary of Defense will present a report on future policy in South Viet Nam.

Col. Burris

NATIONAL SECURITY COUNCIL ~~SECRET~~ 11

October 6, 1961

MEMORANDUM TO THE STAFF

SUBJECT: List of Subjects of Interest to Staff

NSC Information Liaison has compiled the following list of subjects of continuing interest to the staff, for use in distributing cables and other material. It will be mutually helpful if you will continue to inform IL (Ext. 2237) of any changes as they occur.

Neilson C. Debevoise

Neilson C. Debevoise

ROSTOW

NATO - Germany - Berlin
Algeria - France
Southeast Asia
Latin America
DAG - Underdeveloped Countries
Economic Foreign Policy
ECOSOC (Inter-American Economic & Social Council)

TAYLOR

Col. Ewell:
General Military Policy and Strategy

Mr. Parrott:
Liaison with the Intelligence Community
General Intelligence Matters
Special Operations
Sensitive Intelligence
Cuba

Col. Legere:
Berlin
NATO

Lt. Cdr. Bagley:
Southeast Asia
Cold War Programs
Counter-insurgency Programs

Maj. Smith:
Congo (Military aspects)
Iran
Disarmament
Nuclear Matters
Missile Programs
Strategic Air Planning

DECLASSIFIED
Authority NLJ 037-004-4-2
By QP, NARA, Date 8/15/02

~~SECRET~~

TAYLOR (Cont.)
Maj. Dingeman:
Status of the Military Build-up (Berlin)
Adequacy of Materiel (equipment and ammo.)

BELK
Africa South of the Sahara
Portugal
Student Exchange Program

COL. BURRIS (VP Aide)
Cables (in Book only) on ominous situations such as Berlin, Brazil, Laos and Pakistan.

GOODWIN
Latin America - (especially)
Brazil
Cuba and Caribbean, including British Guiana
Mexico
Panama
Peru
Dominican Republic
Haiti
Micronesia (UN Trusteeships)

GILDNER (WH Press Office)
Berlin - (Top material only - through Miss Yates)

JOHNSON, R.
Far East (except China) - especially
Japan
Korea
Philippines
Southeast Asia - especially
Indonesia - West Irian
Laos
Vietnam
South Asia - only
India - (Komer has Kashmir and Pushtunistan)
SEATO

KAYSEN

Basic Military Policy
Civil and Passive Defense
Nth Country Problem
Non-Nuclear posture needed to deal with local aggression
Allied participation in control of nuclear weapons committed in Europe, or elsewhere
Command and control
Delineation of desired central war posture
Economic Foreign Policy
North-South Trade (possible research project)
Japanese-Okinawa situation
Ryukyus
Berlin

KISSINGER

Germany - especially
Berlin - UN re Berlin
NATO
Disarmament

KOMER

CENTO
Disarmament - Nuclear Test Issue
Guerrilla Warfare and Subversion
High level conferences
MAP - especially Greece, Turkey, Iran, Pakistan, Korea, GRC
NATO and European Affairs - (Incl. Spain)
Overseas Bases - (especially Morocco and Spain)
Near East - (including UAR)
North Africa - Horn of Africa - Sudan
China - especially
Sino-Soviet Dispute (include Albania)
UN - (China and Outer Mongolia)
Offshore Island Crises
China Food
South Asia - only
Afghanistan
Kashmir
Pushtunistan
Pakistan

RASKIN
- Disarmament
- UN
- Congressional material

SCHLESINGER
- Western Europe (Internal Affairs) - especially
  - France
  - French-Algerian Relations
  - Italy
  - Spain (country developments)
- Latin America (Alternate to Goodwin) - especially
  - Brazil
  - British Guiana
  - Dominican Republic
  - Haiti
  - Peru
- US Image Abroad - (including Test Ban)
- UN

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~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL

August 14, 1961

MEMORANDUM FOR THE PROFESSIONAL STAFF

SUBJECT: Publications Received by NSC

133

Attached is a list of publications received by the NSC. Where appropriate, they are routed to the staff either by Mail and Records, or by Information Liaison (IL). Copies are available for your use in the IL reading room (Room 373).

Neilson C. Debevoise

Neilson C. Debevoise

Attachment:
Publications List

DECLASSIFIED
Authority NSC ltr 4/21/77
By bmg, NARS, Date 5/4/77

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~~CONFIDENTIAL~~

PUBLICATIONS RECEIVED BY NSC (IL)

STATE

TITLE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
American Opinion	OUO	1	Weekly	IL
American Universities Field Staff Reports	U	2	As published	1-Smith 1-IL
Biographic Briefs	Per context	2	As published	1-IL Routes 1-IL
Biographic Reports	Per context	2	As published	1-IL Routes 1-IL
Bulletin	U	2	Weekly	1-Smith-Johnson 1-IL
Congressional Items of Interest to State	U	1	Weekly	1-IL Routes
Current Economic Developments	S	4	Weekly	3-M/R Routes 1-IL
Current Foreign Relations	S	5	Weekly	4-M/R Routes 1-IL
Daily Opinion Summary	U	1	Daily	IL
Daily Summary	S	1	Daily	IL
External Research				
Government-sponsored Research	S	1	Quarterly	IL
Policy Briefs	OUO	2	As issued	1-IL Routes 1-IL
Reports on Scholarly Meetings	U	1	As issued	1-IL Routes 1-IL

~~CONFIDENTIAL~~

TITLE	CLASS.	NO. COPIES	FREQUENCY	
External Research (Cont'd)				
Studies in Progress	U	1	As issued	1-IL Routes 1-IL
Studies Completed on Foreign Areas	S	1	Annually	1-IL Routes 1-IL
Foreign Service Journal	U	1	Monthly	IL
Intelligence Analyst	S	5	Monthly	4-M/R Routes 1-IL
Intelligence Information Briefs	Per context	2	As published	1-IL Routes 1-IL
Intelligence Reports	Per context	2	As published	1-IL Routes 1-IL
International Communism	S	1	Monthly	IL
International Conferences and Meetings	U	2	Quarterly	1-Smith 1-IL
International Politics (Selective Bibliography)	U	1	Monthly	IL
Press Releases	U	1	As published	IL
Sino-Soviet Affairs	S	1	Monthly	IL
Soviet Affairs Notes (SAN)	U	2	As published	1-IL Routes 1-IL

TITLE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
Arab-Israeli Situation Report	S	2	As published	1-IL routes 1-IL
Calendar of Scheduled and Tentative Forthcoming Events	S	1	Monthly	IL
CR-Information Reports on Forthcoming Scientific and Technical Meetings	C	2	As published	IL
Current Intelligence Digest	S	5	Daily	3-M/R routes 1-IL clips and routes 1-IL
Current Intelligence Weekly	S	5	Weekly	3-M/R routes 1-IL clips and routes 1-IL
Economic Intelligence Memorandum	S	1	As published	1-IL routes 1-IL
Economic Intelligence Report	C	1	As published	1-IL
Film Presentation Notices	S & C	1	As scheduled	IL routes
FBIS				
FBIS Ticker	U	2	Daily (24 hours)	1-IL clips & routes 1-IL
Daily Report Supplement (Yellow)	U	10	As published	IL routes and files
Daily Report Supplement (White) World Reaction	U	10	As published	IL routes and files
Trends and Highlights of Communist Bloc Broadcasts	C	2	Weekly	IL
Radio Propaganda Reports	C	2	As published	1-IL routes 1-IL

TITLE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
Geographic Intelligence Memorandum	S	1	As published	IL routes and files
Intelligence Publications Index	S	1	Monthly	IL
National Intelligence Estimates				
NIE's - Reports	Per context	5	As published	3 - M/R Routes 2 - IL
NIE's - Advance Conclusions	Per context	3	As published	2 - M/R Routes 1 - IL
SNIE's - Reports	Per context	5	As published	3 - M/R Routes 2 - IL
SNIE's - Advance Conclusions	Per context	3	As published	2 - M/R Routes 1 - IL
National Intelligence Surveys				
Chapter I - Brief	S & C	1	As published	IL
Quarterly Production Report	C	1	Quarterly	IL
OCI Handbooks	S	1	As published	IL
OCI Reports	Per context	1	As requested	IL Routes and files
ORR Quarterly Production Report	S	1	Quarterly	IL
Research Program of the Economic Research Area	S	1	Annually	IL
Scientific Intelligence Digest	S	2	Bi-Weekly	IL
Senior Research Papers	S	4	As published	3 - IL routes 1 - IL

TITLE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
Sino-Soviet Bloc Economic Activities in Underdeveloped Areas	S	4	Bi-weekly and Bi-Annually	3 - M/R Routes 1 - IL
Status of Estimates in Process	S	4	Weekly	3 - M/R Routes 1 - IL
Studies in Intelligence	S	4	Quarterly	3 - M/R Routes 1 - IL
INTERNATIONAL COOPERATION ADMINISTRATION				
Congressional Presentation Books - Objectives and Proposed Programs	S	1	As published	IL
Daily Cable Summary	S	1	Daily	Smith-IL
ICA Digest	U	1	Bi-weekly	Smith-IL
UNITED STATES INFORMATION AGENCY				
Al-Hayat	U	1	Bi-monthly	IL
Library Acquisition List	U	3	Weekly	IL
News Policy Notes (Infoguide)	C	1	Daily	IL Routes and files
Office of Research and Analysis Reports	Per context	3	As published	2-IL Routes 1-IL
Checklist of Reports	OUO	1	Monthly	IL
People-to-People Activity Report	U	1	Monthly	IL
Problems of Communism	U	2	Bi-weekly	IL

~~CONFIDENTIAL~~

TITLE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
AIR FORCE				
Air Intelligence Digest	S	1	Monthly	IL
SIRAB (Selected Intelligence Reports and Briefs	S and TS	1	Daily	IL
Watch Report (USIB)	TS	1	Weekly	IL
ARMY				
Project 4831	S	1	Quarterly	IL
DEFENSE				
Congressional Presentation Book on Military Assistance	S	1	As published	IL
Joint Chiefs of Staff				
Situation Reports	Per context	1	As published	C.E. Johnson - IL
National War College				
Syllabus by Courses	U	5	Annually	4-M/R routes 1-IL
Lecture Schedule	U	5	Weekly	4-M/R routes 1-IL

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TITLE	SOURCE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
List of International and Foreign Scientific Meetings		U	1	Quarterly	IL
MISCELLANEOUS					
ACEN News (Assembly of Captive European Nations)	Press Bureau ACEN	U	1	Bi-monthly	IL
Africa Special Report	African-American Institute	U	1	Monthly	IL
America					
Russian	USIA	U	1	Monthly	IL
Polish	USIA	U	1	Monthly	IL
American Journal of International Law	Am. Soc. of Int. Law	U	1	Quarterly	IL
Arab Review	UAR Welfare Institute	U	1	Monthly	IL
Arab World	Arab Info. Center	U	1	Monthly	IL
Army-Navy-Air Force Journal	Pubs. Office Wash. D.C.	U	1	Weekly	IL
Associated Press Ticker (AP)	-	U	4	Daily	IL clips & routes 1-Smith-Bundy 1-Rostow 1-Taylor 1-IL

TITLE	SOURCE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
British-International Organizations (Communist Front)		U	1	Monthly	IL
British-Important Speeches in Parliament and elsewhere in Britain		U	1	As issued	IL routes
CED Booklets	Committee for Economic Development	U	1	As published	IL
CENIS Reports (Center for International Studies)	MIT	Per context	1	As issued	IL routes & files
Christian Century	C.C. Foundation Chicago	U	1	Weekly	IL
Commentary	Am. Jewish Committee	U	1	Monthly	IL
Congressional Record	GPO	U	1	Daily	IL
Commonweal	-	U	1	Weekly	IL
Current	Pub. Office N.Y.C.	U	1	Monthly	IL
Current Thoughts on Peace and War		U	1	Quarterly	IL
Daedalus	Am. Academy of Arts and Sciences	U	1	Quarterly	IL
Dissent	Pub. Co. N.Y.C.	U	1	Quarterly	IL

TITLE	SOURCE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
Economist	London	U	3	Weekly	2 - M/R Routes 1 - IL
Economist Foreign Report	London	U	3	Weekly	2 - M/R Routes 1 - IL
Foreign Affairs	Council on For. Relations	U	2	Quarterly	1 - IL Routes 1 - IL
Foreign Commerce Weekly	Commerce	U	1	Weekly	IL
International Affairs	-	U	1	-	IL
Items	Social Science Research Council	U	1	Monthly	IL
Journal of Conflict Resolution	U. of Michigan	U	1	Quarterly	IL
Journal of History of Ideas	City College of N.Y.	U	1	Quarterly	IL
Modern Age	-	U	1	Quarterly	IL
Nation, The	The Nation Associates	U	1	Weekly	IL
National Advisory Council	Treasury	U	1	As issued	IL - Routes
National Review		U	1	Weekly	IL
NATO Letter	Sec. Gen. NATO	U	1	Monthly	IL

TITLE	SOURCE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
New Republic	Pub. Office Wash. D.C.	U	1	Weekly	IL
New Statesman	-	U	1	Weekly	IL
Newspapers					
New York Times		U	16	Daily and Sunday	15-M/R routes 1-IL
N.Y. Herald Tribune		U	1	Daily and Sunday	IL
Washington Post		U	1	Daily and Sunday	IL
Washington Star		U	1	Daily and Sunday	IL
Wall Street Journal		U	1	Daily	IL
ORBIS	Univ. of Penna.	U	1	Quarterly	IL
Partisan Review	-	U	1	Bi-Monthly	IL
Poland	Select Mags.Inc.	U	1	Monthly	IL
RAND Reports	RAND, Corp.	Per Context	1	As requested	IL-Routes & files
Reporter, The	The Reporter Mag. Inc. N.Y.C.	U	1	Bi-weekly	IL
SAIS Review	School of Advanced International Studies	U	1	Quarterly	IL
Scientific American	-	U	1	Monthly	IL

TITLE	SOURCE	CLASS.	NO. COPIES	FREQUENCY	DISPOSITION
Science	Am. Assn. for Advancement of Science	U	1	Weekly	IL
SRI papers	Stanford Research Institute	Per context	1	As requested	IL - routes & files
Survival	London	U	1	Bi-monthly	IL
Technical Military Planning Operation (TEMPO)	General Electric	S	1	As requested	IL
U.S. News and World Report	-	U	1	Weekly	IL
USSR	USSR Embassy	U	1	Monthly	IL
World Politics	Princeton U. Press	U	1	Quarterly	IL
World List of Future International Meetings, Parts I and II	Library of Congress	U	1	Monthly	IL
Yale Review	Yale U. Press	U	1	Quarterly	IL
White House					
Legislative Notes		U	6	Daily	3-M/R routes 3-IL
Legislative Items Recommended by the President		U	6	Weekly	3-M/R routes 3-IL
Notes from Congressional Record		U	6	Daily	3-M/R Routes 3-IL
Press Releases		U	2	As published	1-IL routes 1-IL ~~CONFIDENTIAL~~

~~TOP SECRET~~

EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL SECURITY COUNCIL
WASHINGTON

13

Copy No. 1

May 22, 1961

MEMORANDUM FOR THE NATIONAL SECURITY COUNCIL

SUBJECT: Draft Record of Actions, 484th NSC Meeting
(May 19, 1961)

Enclosed herewith is a draft Record of Actions taken at the May 19 meeting.

It will be appreciated if agency comments on this draft could be received in writing by close of business Tuesday, May 23. Please address these comments to Mr. Bromley Smith, Room 368, Executive Office Building.

McGeorge Bundy
Special Assistant to the President
for National Security Affairs

When detached from the enclosure
this memorandum becomes UNCLASSIFIED

~~TOP SECRET~~

DECLASSIFIED
E.O. 12356, Sec. 3.4
NLJ 92-64
By ___, NARA, Date 6-25-93

13a

~~TOP SECRET~~

COPY NO. 1

DRAFT RECORD OF ACTIONS
484th NSC Meeting
5/19/61

1. MILITARY CONSIDERATIONS INVOLVED IN THE RESUMPTION OF NUCLEAR TESTING

Noted and discussed a presentation by Dr. Harold Brown, Director of Defense Research and Engineering, based on a paper circulated to the members of the National Security Council on May 15 which reflects the views of the Joint Chiefs of Staff and the Department of Defense.

2. U.S. POLICY TOWARD IRAN
(NSC Action No. 2420; Report of the Task Force on Iran dated May 15, 1961, entitled "A Review of Problems in Iran and Recommendations for the National Security Council")

a. Discussed the report of the Task Force on Iran, dated May 15, and revised the report's recommendations to read as follows:

" II. Recommendations for Immediate Action

1. That the U.S. make a major effort to back the new Government in Iran as the best instrument in sight for promoting orderly political, economic and social evolution in Iran, and for averting serious and damaging political developments.

2. That to this end the U.S. encourage Amini positively but discreetly in any serious efforts to solve Iran's immediate poltical and economic problems and to

construct a broad political synthesis. This encouragement should be given in such a manner to avoid so far as possible arousing the Shah's active opposition. The U.S. should be prepared to tolerate certain seemingly anti-American actions by Amini which do not really damage any major American interest.

3. That the U.S. should not favor any military coup against the Amini Regime.

4. That the U.S. reorient its foreign aid program in Iran to put more emphasis on long range economic development as envisaged in the report of the Presidential Task Force on Foreign Economic Assistance, and in addition:

a. Inform the Government of Iran immediately of our intention to make a cash grant of $15 million payable at an early date, but no later than the beginning of FY 1962.

b. Be prepared to make a $5 million grant of FY 1962 funds to the Government of Iran for general budgetary purposes if, at a later date, the situation in Iran requires such action.

c. Modify U.S. executive procedures in order to assure the timely flow of development loan funds.

5. That the Departments of State and Defense, as a means of providing more substantial assurance to Iran and in an attempt to reduce Iranian pressure for military assistance, urgently examine:

a. The feasibility and political-military implications of deploying earmarked U.S. forces to locations that would permit more rapid assistance to Iran in the event of Soviet or Soviet-supported attack;

b. The desirability of informing the Government of Iran more specifically of U.S. unilateral plans for military action in Iran's support or of any deployments determined to be feasible.

III. Recommendations for Further Action

The actions proposed above can do no more than help the new Iranian regime to grapple with the country's more urgent problems. These actions will have meaning only to the extent that the government moves effectively on political, economic, social, psychological, and military issues. We too must have a follow-through program for long range developments to strengthen the fabric of Iranian society. To this end, the Task Force recommends further:

6. That the U.S., while supporting the Monarchy as the symbol of unity and a stabilizing influence in Iran, more

actively encourage the Shah to move toward a more constitutional role.

7. That the U.S. encourage the formation and growth of broadly based political parties in Iran.

8. That the U.S., in keeping before responsible Iranian officials the risks which may be involved in an Iranian rapprochment with the Soviet Union, avoid giving the impression that the continuance of present tensions between Iran and the USSR is a U.S. goal.

9. That the U.S. continue for the present to support currently existing Iranian military forces up to the approximate level of 200,000 men. In this connection, we should adhere to those aspects of the 1958 Presidential letter to the Shah stressing the operational proficiency of existing forces but deferring consideration of the activation of additional units.

10. That the Departments of State and Defense comprehensively study the potentialities of advancing U.S. interest through CENTO.

11. That the U.S. make no present decision whether or how it would react militarily to Soviet attack on Iran, but as a means for identifying the key military and political considerations in reaching such a decision illustrative military plans

should be developed for such action on the basis of at least the following alternatives (a) the prompt introduction of U.S. conventional forces in a strength up to two divisions, and (b) the prompt deployment of nuclear striking power so that it could be brought to bear in the Soviet border areas of Iran. The military planning called for by this paragraph, and the joint State/Defense study called for under paragraph 5-a above, should include an assessment of the effect of such deployments or other action on the general war posture of the U.S., weighing such effects against an estimate of the likelihood that Soviet action against Iran would in fact lead to a general war on many fronts."

b. Agreed that NSC 6010, "U.S. Policy Toward Iran," should be considered in suspense pending completion of the study of how the U.S. would react militarily to Soviet attack on Iran.

3. U.S. POLICY IN VIET-NAM

(Memo for the President from the Deputy Secretary of Defense, subject: "Program of Action for Viet-Nam," dated April 27, 1961; NSC Action No. 2416; National Security Action Memorandum No. 52, dated May 11, 1961)

Noted that National Security Action Memorandum No. 52 required no revision.

The President presided at this meeting. The Secretary of the Treasury and the Director, Bureau of the Budget participated in the Council actions above. The Attorney General; the Deputy Secretary of Defense; The Chairman, Joint Chiefs of Staff; the Acting Chief of Staff, U.S. Army; the Chief of Naval Operations; the Acting Chief of Staff, U.S. Air Force; the Acting Commandant, U.S. Marine Corps; the Director of Central Intelligence; the Director, U.S. Information Agency; the Counselor, Department of State; the Deputy Under Secretary of State; the Special Counsel to the President; the Special Assistant to the President for National Security Affairs; the Special Assistant to the President for Science and Technology; the Deputy Assistant Secretary of Defense (ISA); the Military Aide to the President; and Bromley Smith, NSC Staff, attended the meeting. The Chairman, Atomic Energy Commission; the Acting Secretary of the Army; the Acting Secretary of the Navy; the Acting Secretary of the Air Force; the Director of Defense Research and Engineering; the Adviser to the President on Disarmament; the Deputy Adviser to the President on Disarmament; and the Deputy Director, U.S. Disarmament Administration, attended the meeting for Item 1. The Assistant Secretary of State for Near Eastern and South Asian Affairs; the U.S. Ambassador to Iran; and Robert W. Komer, NSC Staff, attended the meeting for Item 2. The Director, Task Force on Viet-Nam attended the meeting for Item 3.

~~TOP SECRET~~

14

EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL SECURITY COUNCIL
WASHINGTON

Copy No. 19

May 22, 1961

MEMORANDUM FOR THE NATIONAL SECURITY COUNCIL

SUBJECT: Draft Record of Actions, 484th NSC Meeting
(May 19, 1961)

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for National Security Affairs

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TOP SECRET

DECLASSIFIED
E.O. 12356, Sec. 3.4
NLJ 92-64
By ng, NARA, Date 6-25-93

14a

~~TOP SECRET~~

COPY NO. 19

DRAFT RECORD OF ACTIONS
484th NSC Meeting
5/19/61

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b. Be prepared to make a $5 million grant of FY 1962 funds to the Government of Iran for general budgetary purposes if, at a later date, the situation in Iran requires such action.

c. Modify U.S. executive procedures in order to assure the timely flow of development loan funds.

5. That the Departments of State and Defense, as a means of providing more substantial assurance to Iran and in an attempt to reduce Iranian pressure for military assistance, urgently examine:

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11. That the U.S. make no present decision whether or how it would react militarily to Soviet attack on Iran, but as a means for identifying the key military and political considerations in reaching such a decision illustrative military plans

should be developed for such action on the basis of at least the following alternatives (a) the prompt introduction of U.S. conventional forces in a strength up to two divisions, and (b) the prompt deployment of nuclear striking power so that it could be brought to bear in the Soviet border areas of Iran. The military planning called for by this paragraph, and the joint State/Defense study called for under paragraph 5-a above, should include an assessment of the effect of such deployments or other action on the general war posture of the U.S., weighing such effects against an estimate of the likelihood that Soviet action against Iran would in fact lead to a general war on many fronts."

b. Agreed that NSC 6010, "U.S. Policy Toward Iran," should be considered in suspense pending completion of the study of how the U.S. would react militarily to Soviet attack on Iran.

3. U.S. POLICY IN VIET-NAM

(Memo for the President from the Deputy Secretary of Defense, subject: "Program of Action for Viet-Nam," dated April 27, 1961; NSC Action No. 2416; National Security Action Memorandum No. 52, dated May 11, 1961)

Noted that National Security Action Memorandum No. 52 required no revision.

The President presided at this meeting. The Secretary of the Treasury and the Director, Bureau of the Budget participated in the Council actions above. The Attorney General; the Deputy Secretary of Defense; The Chairman, Joint Chiefs of Staff; the Acting Chief of Staff, U.S. Army; the Chief of Naval Operations; the Acting Chief of Staff, U.S. Air Force; the Acting Commandant, U.S. Marine Corps; the Director of Central Intelligence; the Director, U.S. Information Agency; the Counselor, Department of State; the Deputy Under Secretary of State; the Special Counsel to the President; the Special Assistant to the President for National Security Affairs; the Special Assistant to the President for Science and Technology; the Deputy Assistant Secretary of Defense (ISA); the Military Aide to the President; and Bromley Smith, NSC Staff, attended the meeting. The Chairman, Atomic Energy Commission; the Acting Secretary of the Army; the Acting Secretary of the Navy; the Acting Secretary of the Air Force; the Director of Defense Research and Engineering; the Adviser to the President on Disarmament; the Deputy Adviser to the President on Disarmament; and the Deputy Director, U.S. Disarmament Administration, attended the meeting for Item 1. The Assistant Secretary of State for Near Eastern and South Asian Affairs; the U.S. Ambassador to Iran; and Robert W. Komer, NSC Staff, attended the meeting for Item 2. The Director, Task Force on Viet-Nam attended the meeting for Item 3.

15

MEMORANDUM

Subject: Laos

DECLASSIFIED
Authority State Ltr 12/15/77
By JK Lang, NARS, Date 12/30/77

PROBLEM

The Pathet Lao, stiffened, supported, and aided by the Vietminh and by a massive Soviet airlift, are now positioned to threaten the main centers of population in Laos lying along the Mekong (Luang Prabang, Vientiane, Paksane, Thakhek, Savannakhet). The morale of the Royal Army is considered on the whole broken and the Army is not believed able to make a stand against a determined Pathet Lao onslaught at any point. Lao leaders no longer consider the fighting a civil war but an international affair brought on by the intervention of the Vietminh and Soviets. It is reported that representatives of the Royal Lao Government and of the Pathet Lao are meeting today under a flag of truce to discuss a cease-fire. The Communists may have decided that their troops have gone about as far as they can without provoking a Free World military reaction and that they should now proceed toward their objectives by negotiation, recognizing that they are in a decisively strong bargaining position. In this event we might shortly expect a cease-fire agreement of some kind.

However, they may not resist the temptation to make further military gains. While in this event we should first attempt recourse to the UN, if this is not successful we could very quickly face the question of whether the U.S. should oppose the continuing Communist advance by force in Laos or seek to position forces elsewhere in the area. What then are the political consequences of U.S. military intervention in Laos?

OBJECTIVES OF MILITARY ACTION

Our objectives in taking military action should be made clear:

1. To stabilize a military situation to allow political discussions to reach a settlement.

2. Military action is not designed to "reconquer" Laos.

3. Military

3. Military activities will not threaten sensitive areas, endangering reaction from another "approach to a Yalu".

4. Appeal to the UN will be made before any military action.

5. If SEATO or US-Thai forces enter Laos, they will withdraw from Lao territory after a cease-fire has been verified either by ICC or UN pacification teams.

6. Military action is defensive in character and offensive action will not be taken unless attached.

7. It is made crystal clear that, if the right to take military action to fulfill SEATO security obligations for the area either by SEATO or U.S. is challenged, the challenge will be met by military action of whatever magnitude required to fulfill that obligation.

DISCUSSION

Introduction

Laos has become the focal point in Asia on which the countries concerned (including the Communist bloc) are judging U. S. intentions. However the situation may have developed, the fact is that the Communists are extending their control over the entire hinterland of the country, by direct aggression of Viet Minh forces supplied by Soviets overtly in contravention of every legal position or international treaty commitment, that they are now in a position to threaten the principal centers of population which are located on the Mekong, and that if they reach the river they will have for the first time a common frontier with Thailand and will pose a potential threat to Cambodia and further menace South Viet Nam. It is a further fact that the U. S. is recognized as the only power of the Free World that can stem the Communist push.

Historical Background - U.S. Commitments

The war in Indochina lasted from 1946 to 1954. It became clear that this war could not be considered in the narrow framework of another colonial war, but rather in the broader context of Communist strategy aiming at the conquest of Asia. There was a natural barrier, the Red River Basin, which if held could

have formed

have formed a new boundary between the Communist bloc and the Free World. It was not held and the Geneva Conference permitted the Communists to take over North Viet-Nam down to the 17th parallel.

We are now witnessing the second phase of the Communist attempt at the conquest of Southeast Asia. They have breached the Annamite chain which forms a natural frontier between Viet-Nam and Laos. The next barrier is the Mekong. After the Mekong the way is open to the entire area. But the Mekong itself is a frontier impossible to police. Between Thailand and Laos it flows for some 600 miles, and people on both banks freely go back and forth.

SEATO

It was in recognition of the potential threat to the area arising out of the Geneva settlement that eight powers -- U.S., UK, France, Pakistan, Thailand, the Phillippines, Australia, and New Zealand--met to form the Southeast Asia Treaty Organization in 1954. The operative paragraph of the Treaty reads as follows:

ARTICLE IV.

1. Each Party recognizes that aggression by means of armed attack in the Treaty Area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty of political independence of any Party in the Treaty Area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Laos was

Laos was incorporated as a "protocol state" describe as follows:

"The Parties to the South-East Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty of the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam."

In SEATO, the U.S. has been the main driving force. While the resolution approved at the Ministers' meeting last March was not as strong as we would have desired, it did include the following:

"6. If those efforts fail, however, and there continues to be an active military attempt to obtain control of Laos, members of SEATO are prepared, within the terms of the Treaty, to take whatever action may be appropriate in the circumstances."

ASSURANCES TO THE LAO

The Lao early realized their exposed position on the edge of the bloc and recognized that only the U.S. could protect them. Thus, despite the protection afforded by the Treaty, they have constantly sought reassurances from the U.S. Without undertaking new obligations beyond our Treaty commitments, we have given them these assurances (Tab A).

Beyond these specific commitments, the U.S. has a clear moral obligation toward Laos. Ever since January 1955 when the first USOM was set up in Vietiane, we have financed the entire military budget and three forths of the civil budget. Laos more than any other country has depended on U.S. aid. But not only have the Lao looked to us for material support but also, since 1958, their governments have sought our guidance and advice. A uniquely close relationship thus developed between the Royal Government and the U.S. from August 1958 until August 1960 when the coup of Captain Kong Le broke the unity of the nationalists the present government of Prince Boum Oum is internationally considered to be wholly dependent on the U.S. In describing our policy toward Laos over the last few years, it has been explicitly stated that we considered Laos the keystone of Southeast Asia and that its fall to Communism would create a serious threat to the area. In fact our policy has been predicated on the assumption that we would react militarily to a military challenge in Laos.

This Administration's Posture Involved

This administration admittedly inherited a thoroughly confused and almost insoluble Laos problem, albiet explosive. Whatever the last administration hesitated to do as a "last act" with respect to Laos was equally difficult for the new administrationto take on as first act. It is most unlikely that the communists have not sensed this and exploited it. It should, however, be observed that the very first statements of this administration stressed the desire to reduce tensions between the United States and the Soviets with respect to such problems as Laos, reiterated our willingness to solve this particular problem by peaceful negotiation and our desire that it not be made a bone of contention. It is significant that the Soviets did not choose to let a settlement of the Lao situation serve this purpose but continued their overt intervention and their recalcitrance.

In succeeding days the President's public statements, our approaches to the Soviets through our Ambassador, the Secretary's discussion with Gromyko on March 18 and the President's discussion with Gromyko on March 27 were all designed to reemphasize our desire for a reasonable settlement but that the United States as a great power could not renege on its commitments. The President's statement on March 23 plainly stating that if our efforts toward a peaceful settlement failed we should seek other measures to reestablish the situation gave fair warning to the communists that we would not capitulate in the face of threatened use of force. If, in fact it appears to the Soviets we have capitulated in Laos, it will have profound effects on their estimate of our possible reactions to Soviet moves elsewhere.

World reaction has largely interpreted our posture as one of standing firm in the face of threat. Illustrative of this belief was Prime Minister U Nu's remark to the effect that he had previously expected direct American intervention to forestall the communists.

Adverse Effects of Non-intervention

1. In general friend, foe and neutralist will interpret our lack of action as evidence of a weakening resolve to stand firmly against communism and as a confirmation of the growing and dangerous belief that the tide has turned against us.

2. Suspicion

2. Suspicion will grow that the United States is an undependable ally.

3. This general notion will have specific adverse effect on our alliances such as NATO, CENTO and SEATO. Some of the members of these alliances have felt that their treaty commitments in such organizations expose them politically and militarily but that it is worth it because it provides them with the unshakable backing of the United States in their precarious exposed areas. But by our unwillingness to act in conformity with our obligations the effect on Iran might be very marked. It could have a very pronounced effect on the Berlin situation. Within the SEATO treaty area itself the effect on Thailand and Viet-Nam could be almost devastating.

4. Inaction will strengthen the hard thesis expounded by the Chinese Communists that the cause of communism must be advanced by violence and the threat of the use of force. It will encourage further risks and adventures on their part which will require us to contemplate the use of superior force to meet the next one. It will be correspondingly more difficult for the Soviets to restrain the Chicoms in exploiting this thesis.

5. There is a thesis in neutral Asia that no matter how much they may dislike Communist China their hope of survival is based upon "feeding the tiger." Our capitulation in the face of our first real threat to SEATO could further confirm this attitude on the part of shaky neutralists in Asia.

6. Other than neutralists even some of our allies are not incapable of adjusting their policy to one of neutrality and submission if they feel unsupported. A recent message from Bangkok states "that if Laos is lost to communists Thailand will be forced to make fundamental review its policies and orientations".

7. While it will be possible to draw another line at which freedom in Asia will be defended, it will be much more difficult to convince Asians that we mean it after successive withdrawals.

8. The argument that Laos is the wrong place to make a stand militarily may not bear up under close scrutiny, for any conceivable position in Southeast Asia where we would have to meet the next challenge might very well be just as difficult militarily surrounded by the same political conditions but requiring a much heavier military investment in order to stop the mounting tide.

9. Much

9. The questions of counterintervention by the Chinese Communist in large part dependent upon the manner and the circumstances under which SEATO forces are introduced in Laos. The introduction of SEATO forces on a massive scale with a declared or apparent objective of taking all of Laos up to the borders with Communist China and North Viet-Nam, would, as in Korea, in all probability, trigger a massive Chinese Communist response. On the other hand it is felt that the introduction of ~~about~~ SMALL SEATO forces under the circumstances, conditions and very limited objective proposed herein, is not likely to produce a massive Chinese Communist response. If, under these conditions, the Communists do respond by the introduction of additional outside forces they are more likely to do so with North Vietnamese.

In any event, military posture such as is proposed in this paper would place us in a more favorable bargaining position at the conference table in Geneva then if their military forces are in place and we have nother effective on the ground with which to oppose them.

Arguments Against Any Military Action in Laos

1. The confusion in the minds of so many Asians and others, including many in the United States, leaves an unclear picture of what we are defending in Laos.

2. The Laotians have demonstrated little desire, willingness or ability to defend themselves.

3. Laos is a most disadvantageous place in which to attempt to bring our military power to bear against the Communist bloc.

4. If the Chinese Communists are seeking a pretext to expand into Southeast Asia which presents a tempting target to them, SEATO intervention into Laos will give them such a pretext and very favorable conditions for a major military confrontation with the United States.

5. If we are to face a major conflict with Communist China, it will be preferable to do so later when there has been additional time and opportunity to engage the support and sympathy of a broader base in Asia, and particularly the manpower and industrial resources of India and Japan.

6. Further

6. Further restraint in the use of force might favorably impress such neutrals as India, enhancing their belief in our willingness to go to any lengths rather than precipitate a conflict.

7. It will avoid a short-term exacerbation of our relations with the British and French.

8. If SEATO action is invoked too soon, it may hold us u½ to the charge that we sabotaged the cease-f9re and conference solutions.

9. Our political course of action and security alliance guarantees may have been basked on unsound military estimates or our own capabilities thus far. This can only be accurately assessed by our defense establishment.

~~TOP SECRET~~

EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL SECURITY COUNCIL
WASHINGTON

16

COPY NO. 2

May 18, 1961

MEMORANDUM FOR THE NATIONAL SECURITY COUNCIL

SUBJECT: A Review of Problems in Iran and Recommendations for the National Security Council

REFERENCE: Task Force Report dated May 15, 1961

At the request of the Department of Defense, the enclosed views of the Joint Chiefs of Staff on the above subject are circulated for the information of the National Security Council.

McGeorge Bundy

cc: U. S. Representative to the United Nations
Attorney General
Secretary of the Treasury
Director, Bureau of the Budget
Chairman, Joint Chiefs of Staff
Director of Central Intelligence
Director, United States Information Agency
Adviser to the President for Para-Military Affairs
Special Assistant to the President for Science and Technology

DECLASSIFIED
Authority NSC ltr 4/21/77
By NNG, NARS, Date 5/4/77

~~TOP SECRET~~

~~TOP SECRET~~

EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL SECURITY COUNCIL
WASHINGTON

17

DECLASSIFIED
Authority NSC ltr 4/24/97
By bmg, NARS, Date 5/4/97

COPY NO. 2

May 10, 1961

MEMORANDUM FOR THE NATIONAL SECURITY COUNCIL

SUBJECT: Program of Action to Prevent Communist Domination of South Viet Nam

REFERENCE: Memo for NSC, same subject, May 9, 1961

At the request of the Department of Defense, the enclosed views of the Joint Chiefs of Staff on the report transmitted by the reference memorandum of May 9, 1961, are circulated for the information of the National Security Council.

Marion W. Boggs
Acting Executive Secretary

cc: Secretary of the Treasury
Attorney General
Director, Bureau of the Budget
Chairman, Joint Chiefs of Staff
Director of Central Intelligence

~~TOP SECRET~~

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17a

THE JOINT CHIEFS OF STAFF
Washington 25, D. C.

COPY

May 9, 1961

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: Program of Action for Vietnam (U)

1. Reference is made to the memorandum by the Deputy Secretary of Defense, dated 8 May 1961, subject as above.

2. The Joint Chiefs of Staff have considered the Draft Program of Action, dated 6 May 1961, submitted in the foregoing memorandum, and in its detailed supporting annexes. The Joint Chiefs of Staff concur with the military actions set forth therein, subject to later revisions in detailed implementation that may prove desirable or necessary after CINCPAC and Chief, MAAG Vietnam have had an opportunity to comment and advise as to their implementing action. Details regarding Army troop deployments and training detachments should be decided after recommendations have been received from CINCPAC.

3. The Joint Chiefs of Staff concur with Chief, MAAG Vietnam and CINCPAC that direct participation by third countries in meeting the Communist guerrilla threat in Vietnam be limited to those contributions clearly in the US interest. Therefore, they recommend that paragraph II c (1) on page 11 of the Program of Action be deleted.

For the Joint Chiefs of Staff:

(SIGNED)

ARLEIGH BURKE
Chief of Naval Operations

DECLASSIFIED
E.O. 13292, Sec. 3.4
By chw/jc, NARA, Date 2-27-09

~~TOP SECRET~~

18

May 8, 1961 SECRET

NATIONAL SECURITY COUNCIL

AGENDA

For the Meeting to be held in the
Cabinet Room of The White House
on Friday, May 12, 1961
at 10:00 a.m.

U. S. POLICY IN VIET NAM

(Memo for the President from the Deputy Secretary of Defense, subject: "Program of Action for Viet Nam", dated April 27, 1961; Draft Record of Action, 480th NSC Meeting, April 29, 1961, Item 2)

A revision of the April 27 report on the subject will be discussed. The revised report, prepared by the Task Force, will be circulated in advance of the meeting.

DECLASSIFIED
Authority NSC ltr 4/24/79
By MNG, NARS, Date 5/4/79

19

~~TOP SECRET~~

COPY NO. 1

DRAFT RECORD OF ACTIONS
483rd NSC Meeting
(5/5/61)

1. U. S. POLICY TOWARD IRAN

Agreed that a Task Force should be established under the Assistant Secretary of State for Near Eastern Affairs to prepare and circulate a report on the subject by May 15 for discussion by the Council on May 19.

2. U. S. POLICY TOWARD KOREA

Agreed that a Task Force under the Assistant Secretary of State for Far Eastern Affairs should be established to prepare and circulate a report on the subject by May 15 for discussion by the Council on May 19.

3. U. S. POLICY TOWARD CUBA
(NSC Action No. 2413-c; Memo for NSC, same subject, dated May 4, 1961)

a. Agreed that U. S. policy toward Cuba should aim at the downfall of Castro, and that since the measures agreed below are not likely to achieve this end, the matter should be reviewed at intervals with a view to further action.

b. Agreed that the United States should not undertake military intervention in Cuba now, but should do nothing that would foreclose the possibility of military intervention in the future.

DECLASSIFIED
E.O. 13526, Sec. 3.5
NLJ / RAC 13-48
By LCB NARA, Date 08-20-2013

3. U.S. POLICY TOWARD CUBA (Continued)

c. Agreed that the United States should not impose a naval blockade or attempt an air war against Cuba; it was noted that neither course had the support of the Department of Defense or the Joint Chiefs of Staff.

d. Noted the importance the President attaches to obtaining timely and adequate intelligence as to Cuban military capabilities, especially the enhancement of such capabilities by Sino-Soviet bloc military assistance, so that U. S. capabilities for possible intervention may be maintained at an adequate level.

e. Noted the importance the President attaches to publication in the Free World press of the terroristic actions of the Castro regime, and to possible political action to end the current terror.

f. Noted the President's direction that the Central Intelligence Agency, with other departments, should make a detailed study of possible weaknesses and vulnerabilities in the elements which exert control in Cuba today.

g. Agreed that relations with the Revolutionary Council should be improved and made more open, and while it cannot be recognized as a government-in-exile, support should be given to it insofar as it continues to represent substantial Cuban sentiment.

h. Agreed that no separate Cuban military force should be organized in the United States, but that Cuban nationals would be encouraged to enlist in the U. S. armed forces under plans to be developed by the Secretary of Defense.

3. U. S. POLICY TOWARD CUBA (Continued)

i. Agreed that Cuban nationals now holding U. S. visitors' visas will be given refugee status and assisted, under a program to be developed and directed by the Secretary of Health, Education and Welfare, in carrying on their former occupations. Refugees now in Miami will be encouraged to locate in other areas. Cuban nationals entering the United States will be given refugee status. All refugees will be eligible to apply for travel privileges, and it was understood that they would also be eligible for citizenship.

j. Agreed not to impose an immediate trade embargo on Cuba. The Secretary of State agreed to send to the President an analysis of the effects of a U. S. embargo on trade with Cuba in relation to the Battle Act. It was agreed that when an embargo is imposed, it should be as complete as possible, with certain exceptions for Canada and with Red Cross distribution of drugs.

k. Agreed that the United States should at once initiate negotiation to enlarge the willingness of other American states to join in bilateral, multilateral and OAS arrangements against Castro, such as (1) breaking diplomatic relations with Cuba; (2) controlling subversive activities of Cuban agents; (3) preventing arms shipments to Castro; (4) limiting economic relations with Cuba; (5) creating a Caribbean security force; (6) initiating a naval patrol to prevent Cuban invasion of other states in the Caribbean; and (7) denunciation of Castro as an agent of international communism by all nations of this hemisphere.

3. U. S. POLICY TOWARD CUBA (Continued)

l. Agreed that the Alliance For Progress should be strengthened by such measures as (1) rapid implementation of selected social development projects; (2) acceleration of the implementation of other Latin American aid; and (3) provision of additional resources for Latin American economic and social development, including consideration of a supplemental appropriation for development loans of the order of $200-$400 million.

m. Agreed that the U. S. Information Agency would expand its existing program in Latin America, but not initiate electronic warfare against the Castro regime; means of propaganda should be made available to non-U. S. groups.

n. Agreed that U. S. military officers, under general guidance to be prepared by the Department of State, would discuss the Castro threat to all Latin America with Latin American officers.

o. Agreed that the Secretary of State should prepare a report on a possible new juridical basis for effective anti-communist action.

p. Agreed that pending appointment of an Assistant Secretary of State for Latin American Affairs, the Task Force on Cuba should be continued under the chairmanship of Richard N. Goodwin, Assistant to the Special Counsel to the President.

4. U. S. POLICY TOWARD THE DOMINICAN REPUBLIC AND HAITI

Agreed that the Task Force on Cuba would prepare promptly both emergency and long-range plans for anti-communist intervention in the event of crises in Haiti or the Dominican Republic. Noted the President's view that the United States should not initiate the overthrow of Trujillo before we knew what government would succeed him, and that any action against Trujillo should be multilateral.

5. U. S. POLICY TOWARD BRITISH GUIANA

Agreed that the Task Force on Cuba would consider what can be done in cooperation with the British to forestall a communist take-over in that country.

6. U. S. POLICY IN MAINLAND SOUTHEAST ASIA

a. Noted that efforts should be made to reassure Sarit and Diem that we are not abandoning Southeast Asia.

b. Noted the President's view that Sarit could be told that we are considering inclusion of U. S. troops in SEATO forces to be stationed in Thailand, the timing to be dependent on developments during or after the forthcoming 14-nation Geneva Conference.

c. Noted that the Secretaries of State and Defense would be sending recommendations to the President promptly on the number of U. S. training troops ~~to be stationed in Thailand~~ in Viet Nam.

change called in by NSC ofc — 9 May 61

~~TOP SECRET~~

DECLASSIFIED
Authority State ltr 11/8/77
By smg NARS, Date 6/7/77

ANNEX V

A DOCTRINE TO PRESERVE THE INDEPENDENCE OF THE LATIN AMERICAN REVOLUTION

Latin America stands today on the threshold of a decisive phase of a great revolution. Some of its component societies are already astride that threshold; the rest are drawn inexorably toward it.

Peoples and governments throughout the Americas are being caught up in the adventure of creating in this Hemisphere modern societies -- their citizens increasingly literate, their families increasingly well-fed, well-clothed and well-housed; their economies absorbing increasingly what modern science and technology can provide; their political leadership increasingly responsive to the will of an informed and responsible electorate; their relations with each other and with the United States marked by growing mutual respect, dignity, and that sense of partnership appropriate among sovereign states bound by ties of propinquity, history, and a common devotion to the Christian heritage.

Each nation's rate and pattern of modernization is unique. It is determined by factors peculiar to its own culture, tradition, economy, leadership and propensity for progress. Revolutions move forward irregularly and unevenly. The revolutionary currents prevalent throughout Latin America are quickening, however, and no man nor government is likely long to contain them. Those who would survive and guide them into constructive

into constructive channels must be prepared to work with the tide rather than try to stand against it.

Significant constructive change has occurred in the past fifteen years. It can be measured in the rise of literacy, the rise of income, in the declining number of Latin American dictators. These cumulative results provide the stage from which to launch a decade of development. The 1960's must and shall be the crucial decade when most of the states of Latin America demonstrate decisively that economic growth, political democracy, social equity, and stalwart national independence can be built and made mutually reinforcing throughout the Western Hemisphere.

This is our common task.

The Alliance for Progress -- born out of the Declaration of Bogota, and the earlier Brazilian initiative for Operation Pan-America -- is our common instrument. The United States commitment to that Alliance is rooted in, and springs from, the earliest and most fundamental commitments of our national life and political system. The basic truths enunciated at the time our nation was born are not limited to any single nation or group of men. They are universal. We are everywhere committed to the cause of independence, freedom, and progress. We, therefore, recognize and support the efforts of men throughout the rest

of the

of the Americas to progress towards their versions of these goals.

The independence of the Latin American revolution is now clearly threatened.

Intruding on this Hemisphere is a foreign force, a foreign ideology, and a foreign apparatus of conspiracy. Its objective has been clearly and candidly enunciated by Mr. Khrushchev in his speech of January 6, 1960. Those who do not take that statement of policy seriously in the 1960's incur the same risk as those who failed to take Mein Kampf seriously in the 1930's.

The objective of international Communism, as enunciated by Mr. Khrushchev, is to capture and exploit the revolutionary aspirations at work in Latin America, as elsewhere, to seize one nation after another and bring it under Communist control, within the international Communist apparatus. Each Communist Party is a Trojan Horse within the limits of a target nation. Political, economic and cultural instruments are ruthlessly yet skillfully employed for the progressive subversion of non-Communist institutions and political groups. Military tactics range from organized urban disorder to guerrilla warfare encouraged, guided, supplied, and sometimes even led from outside the nation under attack.

Within the

Within the Western Hemisphere there now exists a Communist state -- Cuba. What might have been its legitimate political, economic and social revolution has been successfully seized and subverted by international Communism. Step by step in the precise pattern used by the Communists in Eastern Europe after World War II, the whole machinery of political power in Cuba has been brought under control of the Communist apparatus. The military and economic destinies of Cuba have been made so dependent upon the Communist bloc that any exercise of independent or sovereign will by the Cuban government (or the Cuban people) is by now virtually impossible.

The Castro regime poses quite particular threats to Latin America. Before we can deal together with those threats, we must be clear what they are and what they are not. Those threats do not arise from Castro's domestic economic and social policies, although these are not in the interests of a progressive and equitable Cuban society. Those threats do not arise even from the fact that Castro's rule is a police dictatorship -- although its methods are abhorrent and it is in the common interest of this Hemisphere that the recent trend toward democratic government continue in Cuba as elsewhere. The special dangers that justify urgent common action are twofold: (1) the military presence in the Hemisphere

of force

of force under the control of international Communism, which could be turned against the direct security interests of the several states of the American community; (2) the unremitting campaign of political aggression against other Latin American states, mounted from Cuba.

It is the potential military danger and the real and present danger of political aggression that justify urgent common action.

There are other dangers to be considered. As the character and objectives of the Castro regime have become clear, its hostility toward and corrosive effect upon the inter-American system have been unmistakable. Decades of constructive endeavor represented by the OAS and other inter-American institutions are today threatened as never before. For their own purposes, Castro and his Communist allies seek to render impotent and to discredit the entire regional system of the Hemisphere. This frontal assault upon the very concept of Pan Americanism can neither be ignored nor avoided.

We must find afresh the common ground on which we stand and build upon it a common program, rooted in our common hopes and common dangers.

Further, by the naked fact of its existence, the Castro regime confuses and jeopardizes the creative aspirations and prospects of the rest of the Hemisphere. Economic development is slowed by political instability. Social development and overdue institutional reform are retarded by an

unwillingness

unwillingness to shake the status quo in the presence of so clear, unpalatable and dangerous an alternative.

Militarily, politically, and economically, Castro's Cuba thus threatens the prospects for progress in the Hemisphere and the old communal heritage we have built. From its present threshold, Latin America's revolution can move forward decisively, along democratic paths; or it can plunge into chao. Our own actions -- individually and severally in this Hemisphere -- now and throughout the 1960's will determine the outcome.

To preserve the independence of the revolutionary process in Latin America, as well as to defend the national independence of the several states of Latin America, we propose the following courses of action.

Note: This statement is designed to provide not only the foundation for specific propaganda themes set out below, but also a rationale for such programs of common action as we may prove able to generate in the Hemisphere.

ANNEX V A

ANNEX V A

BASIC AND CONTINUING SPECIFIC THEMES
ON CUBA FOR LATIN AMERICA AND THE WORLD AT LARGE

1. THE ALLIANCE FOR PROGRESS IS THE LINK BETWEEN THE AUTHENTIC REVOLUTION IN THE LATIN AMERICAN NATIONS AND THE UNITED STATES.

The Alliance for Progress program grew out of the specific suggestions and proposals developed by progressive Latin American leaders, which they incorporated in the Act of Bogota in September 1960. The United States has already appropriated $500,000,000 as the first step in carrying out the program. All aspects of the program should be publicized as the major concern of the United States in its policy towards Latin America. It should be emphasized that the reforms planned in this program all can be achieved in the framework of democratic societies without the loss of freedom required by the Communist model, and that, unfortunately, Castro has chosen to isolate Cuba from the cooperative development plans the Alliance will undertake.

2. LATIN AMERICA HAS MADE GREAT PROGRESS WITHOUT COMMUNISM:

The social and economic problems in Latin America are being solved today in many states in the area. Argentina, Venezuela, Costa Rica, Mexico, Colombia, Uruguay, to mention some specific examples, are making and have made economic, social, and political progress. The Mexican revolution is an example of the great revolutionary transformation in Latin

in Latin America. In Mexico, landless peasants have become landowners, a national industry has been developed, and political democracy is rapidly developing. Uruguay's multiple executive and sub-party system, which enables proportional representation to work without the political chaos that often attends it, is one of the world's outstanding experiments in democratic government. Venezuelan land reform, now in progress, is far more successful than Castro's. These, and other examples, should be publicized as fully as possible to demonstrate that Castro's communism is not only not wanted but not needed in Latin America.

3. CASTRO IS ENGAGED IN WAR ON THE IDEALS AND TRADITIONS OF LATIN AMERICAN LIFE.

Castro's speeches, as well as the pronouncements of his principal lieutenants and the decrees and actions of his regime, show that Castro explicitly renounces the ideals and traditions long cherished by the peoples of Latin America. At the same time, he actively propagates an alien ideology which affronts and violates these cultural, social and political ideals. His contempt for democracy puts him in direct conflict with great Latin American reformers, like Jose Enrique Rodo, who wrote: "the spirit of democracy is for our civilization a principle of life against which it is useless to rebel." In addition, Castro has not only denounced religion

denounced religion, but, in his brutal treatment of political prisoners, has shown contempt for the fundamental humanist traditions of civilization in Latin America.

4. CUBA HAS BECOME MILITARILY AND ECONOMICALLY DEPENDENT ON THE SINO-SOVIET BLOC; AND HAS LOST ITS INDEPENDENT SOVEREIGNTY.

The transformation of Cuba from a country friendly towards the Bloc, to a client state, to an integral unit of the Communist military and economic system should be emphasized. Cuba has received more Communist armament than any other non-Bloc country, in the process of this transformation. In this process, also, Cuba appears about to become the chief non-Bloc trading partner of the Soviet Union. Not only has Cuba become completely dependent on Bloc military and economic assistance, but hundreds of Bloc technicians have come to Cuba to supervise the use to which this aid is put. Cuban sugar is bought by the Bloc at a lower price than in the past and dumped on the world market. Using the most current available statistics on Bloc military and economic assistance, not only the nature of this transformation but also its significance for the Western Hemisphere and the world can be demonstrated. Castro's military forces are now an adjunct of Communist military power that threatens all the republics of Latin America, but especially, the small and nearby states of the Caribbean area. Cuba's total economic dependence on

dependence on the Bloc makes Cuba a potentially disruptive element in the integrated economic development programs planned by the American States.

5. CASTRO'S GOVERNMENT IS A TOTALITARIAN TYRANNY.

Castro is not a dictator in the conventional Latin American sense. All aspects of society in Cuba are now effectively controlled by totalitarian tyranny and terror, as dramatically revealed by the way the system of neighborhood police informers was used to round up en masse entire families and whole communities during the recent invasion. In addition to reiterating the examples of repression, terror, thought control, disregard for justice, and other manifestations of totalitarian control in Cuba by a disciplined Communist cadre, the Castro dictatorship should be linked to the methods employed by Communists in Eastern Europe, in Russia, and in Communist China. Excepting Trujillo, he should not be linked to Latin American dictators.

6. A SMALL COMMUNIST PARTY APPARATUS HAS SEIZED COMPLETE POLITICAL CONTROL IN CUBA.

The Popular Socialist Party (the Cuban Communist Party) is the only legal political party in Cuba. This small disciplined group, augmented by non-Cuban Communist cadremen, controls all aspects of state power

state power in Cuba. This includes, in addition to the departments of government, the army and the police, the labor unions, the press, radio and television, the schools and even the movie industry. The revolution of Castro, in other words, has been captured by Communism. For some time, efforts were made to conceal this capture, but on 1 May 1961, it was officially proclaimed throughout the country that "Cuba marches under the banner of socialism" -- the political slogan of Communism.

7. CUBA IS INTEGRATED INTO THE COMMUNIST INTERNATIONAL APPARATUS.

Cuba has an important role in the plans of the Sino-Soviet Bloc for the Western Hemisphere. Communist front conferences, such as the youth congress of July 1960, and the subsequent women's conference, agrarian conference and similar planned future events, indicate that Havana is now the Communist conference capital of the Western Hemisphere. Soviet officials, from Khrushchev down, have gone to great lengths to demonstrate their closeness to Cuba. Cuban officials received major attention in Moscow at such functions as the meeting of the eighty-one Communist parties in November 1960. Havana, also, is the center of organization, as well as distribution, for Communist propaganda, international Communist espionage, and for the documentation of illegal travellers to Latin American countries that forbid legal Communist party activity.

8. CUBA

8. CUBA IS ENGAGED IN THE SUBVERSION OF LATIN AMERICA.

Castro began "filibustering" adventures in Haiti, the Dominican Republic, Nicaragua and elsewhere in the Caribbean area at the outset of his rule in 1959. In the final weeks of April 1961, landings of Cuban saboteurs were reported in Venezuela and Haiti, and there are copious examples of Cuban subversion in Latin America between these dates. Moreover, Cuba has become a Communist military entity in the Western Hemisphere. Cuba's armament exceeds that of any other state in Latin America. This, combined with the examples of sabotage, espionage, and propaganda activity of Cuban agents, and the training in Cuba of guerrilla forces comprised of nationals of other Latin American countries, demonstrates the dimensions of the threat Castro poses to Hemisphere security.

9. CASTRO HAS FAILED TO SOLVE CUBA'S ECONOMIC PROBLEMS.

Castro has failed to carry out his promise to give land to the landless. In July 1960, after a year and a half of publicizing the program by every means of mass communication, only 6,000 land titles had actually been transferred to landless peasants. Subsequently, Castro has emphasized Chinese commune style agrarian measures. Real wages of urban workers and sugar mill hands have fallen, not only because of inflation but

inflation but because of the deliberate action of the government, which now controls and pays the wages of these nationalized workers. For example, the incentive pay of sugar mill workers was recently cut forty-five percent. Castro and his propagandists admit to large-scale shortages of basic goods in their frequent exhortations to the Cuban people. The acuteness of this problem is illustrated by the 7 April broadcast whichdenounced "those who complain of standing in queues" (because of shortages) as "enemies of the regime." These and all other examples of evidence of Castro's failure to make good his promises to the Cuban people should be used to demonstrate that Castro's Communism provides no solution to the economic problems of the developing nations of Latin America. As in the case of Soviet Russia and Communist China, Castro-Communism concentrates primarily on enhancing the economic power of the state to engage in international aggression and adventure rather than on improving the lives of its citizens.

10. THE UNITED STATES HAS TRADITIONALLY SUPPORTED THE MOVEMENT FOR FREEDOM AND COOPERATIVE ACTION IN LATIN AMERICA.

The United States has historically been sympathetic to movements for freedom in Latin America, as elsewhere. The United States has also long

has also long been the haven for groups of exiles from oppressive regimes. At the same time, the United States has accepted the principle of cooperative action in hemisphere relations, and the principle of non-intervention. Thus, the people of the United States have given sympathetic support to the activities of the Cuban Revolutionary Council, but the United States Government has refrained from direct military action, despite the provocations of the Castro regime. It should be noted, however, that the United States cannot and will not neglect its duty to play a leading role in collective hemispheric defense, as recognized in various inter-American treaties, and it will act forcefully in the face of a direct security threat to the United States.

ANNEX V B

ANNEX V B

ADDITIONAL THEMES FOR THE AUDIENCE IN CUBA

1. RESISTANCE FORCES CONTINUE THE STRUGGLE INSIDE AND OUTSIDE OF CUBA.

Although it is not desirable at this time to incite Cubans to para-military action, it is important that hope be maintained among those who are opposed to Castro. Therefore, measured publicity should be given to all stories that appear, or can be developed, which indicate that a significant resistance force exists in the Escambray Mountains, and elsewhere in Cuba.

2. THE FACTS OF CUBAN LIFE MUST BE GIVEN TO CUBA FROM OUTSIDE THE COUNTRY.

The Castro regime controls all media of information within Cuba. Therefore, friends of the Cuban people, outside the country, are obliged to make every effort to ensure that the Cubans are aware of those things the regime wishes to conceal. They should be given specific information concerning the large numbers of Soviet and Chinese technicians that are in Cuba, and told that the role of these technicians is to supervise the Castro government and all its programs. They should be told of the failures in Castro programs, be reminded of shortages in basic commodities,

of atrocities

of atrocities committed by the regime, and of the examples of particular economic hardships in specific areas or among specific groups of Cuban society. They should also be informed of constructive developments in the rest of the Hemisphere.

3. CUBA IS ISOLATED IN LATIN AMERICA.

All statements and other evidence of disapproval of the Castro government emanating from Latin American leaders and governments should be brought to the attention of the Cuban people. They should also be made aware of all evidence that their economic relationships with the Sino-Soviet system operate to the advantage of the Communist Bloc and not to their own; for example, instances of Soviet dumping of Cuban sugar. They should be convinced that Castro has not only severed their ties with their fellow Latin Americans, with whom they share a common cultural background, but that the new alignment with the Communist Bloc makes this isolation increasingly more complete.

4. ALTHOUGH THE CUBAN REVOLUTION HAS BEEN BETRAYED REFORMA CON LIBERTAD WILL TRIUMPH IN CUBA.

The promised reforms of Castro, before he attained power, should be repeatedly mentioned and his abandonment of these promised programs emphasized as the betrayal of the revolutionary hopes of Cubans and others in Latin America. Cubans who advocate democratic reforms should

reforms should be given every opportunity to present their views to the Cuban people. They should advocate a program of reform with freedom. Castro's failure to make good his promise of land for the landless should be an essential ingredient of any such proposals. It should be emphasized that a change from Castro would not mean a return to Batista, but a new Cuba, dedicated to democratic reform and progress.

5. CUBAN REFUGEES IN THE UNITED STATES ARE WELL TREATED, AND THEIR SKILLS ARE BEING DEVELOPED FOR A CONSTRUCTIVE ROLE IN A FREE CUBA.

In these terms, the United States program for Cuban refugees -- whatever it turns out to be -- should be projected.

ANNEX V C

MEANS OF DISSEMINATION

1. Two general observations on the projection of the suggested themes:

a) Actions will speak louder than words -- notably actions designed to support the Alliance for Progress and common actions in the Hemisphere generated to deal with Communist aggression.

b) The themes will, in general, be effective to the extent that they are projected -- or appear to be projected -- by Latin America rather than North Americans. The resources for using Latin American means of communication should be vigorously exploited.

2. Public opinion in four areas must be considered in operations against Castro.

a) The U.S.

b) Cuba

c) The rest of Latin America

d) The rest of the world.

3. The task of communicating -- directly or indirectly -- the rationale behind the operations must be chiefly entrusted to four divisions of the U.S. Government:

a) The White

a) The White House

b) The Department of State

c) The United States Information Agency

d) Central Intelligence Agency

(Other departments and agencies of the Executive Branch may be useful on an ad hoc basis; e.g., Defense, Commerce, Agriculture, the Export-Import Bank. So, from time to time, may Congress, or individual members thereof.)

Additionally, international organizations offer avenues of communication -- the United Nations, the OAS, the Inter-American Bank, NATO.

Something may also be done through the domestic news services and the diplomatic establishments of friendly governments; e.g., Secretary's background briefing of Latin American (and other) diplomats; Embassy officers' explorations to Foreign Ministries; etc.

4. U.S. opinion. The White House and the State Department will be primarily responsible for influencing U.S. opinion about Cuba. (USIA is debarred by statute from operating in the U.S.) At home, and abroad, the President's words carry greatest weight: major pronouncements should be his. After the President, the Secretary of State has most authority.

In addition

In addition, background briefings for press (and other media), domestic and foreign, may be used.

c. Cuba. Cuba today presents an "iron curtain" situation: Castro controls completely all domestic communications media.

VOA short-wave broadcasts (as of April 30, six hours daily: three of originations, three of repeats) do reach Cuba: USIA has evidence that listnership is extensive. A Mexico-originated USIA radio news show, El Mundo en Marcha, has some Cuban listeners: we do not know how many. U.S. medium-wave commercial stations are spottily heard, but atmospheric conditions and the plethora of Cuban stations jamming the dial limit their audience. The signal of Radio Swan is fairly strong outside Habana, but recently there has been interference, which may or may not be conventional jamming. Stations in other Caribbean countries are audible to some extent: the inter-American Broadcasters' Association has plans afoot to increase their Cuban audience. The Guantanamo AFRS station is heard in extreme eastern Cuba.

A plan to televise programs into Cuba from an airplane flying above Key West has been considered by USIA; but no action has thus far been taken because of technical difficulties, treaty obligations, and cost. The

cost. The nature of the crisis may warrant reconsideration.

A few U.S. publications still reach Cuba, but their readers among pro-Castro Cubans are presumably few. Aerial pamphlet raids are possible. Cuban newspapers still receive U.S. wire services, and print some factual material (i.e., U.S. Government pronouncements).

6. The Rest of Latin America. With rare exceptions, responsible Latin American communications media are basically friendly (albeit often critical) to the U.S. and her purposes: their reaction to recent events so proves. Thus USIA, operating overtly (and occasionally on an unattributed basis), and CIA, operating covertly as required, have good access to most Latin American media.

Radio Swan is heard throughout the Caribbean.

In addition, these themes can be projected through various non-governmental units: youth and student groups, labor unions, business and fraternal organizations, etc.

Cuban exiles can also be encouraged to tell their story, through appropriate channels, to key target groups in Latin America.

Latin American audiences may also be reached indirectly: most major outlets receive U.S. wire services; ABC, NBC, and CBA have affiliations with many television stations; most movies shown in

Latin America

Latin America are U.S.; Latin American newsreel companies buy U.S. footage; American publications -- TIME, Newsweek, Vision, LIFE and Life en Espanol, the New York TIMES, The Miami HERALD -- are widely read.

Additionally, USIA reaches millions of Latin Americans directly through its own apparatus: short-wave broadcasts, pamphlets and publications, mobile units, lectures, binational centers, etc. Radio Swan is also being heard throughout the Caribbean.

7. The Rest of the World. The greatest American weakness in dealing with Cuban policy lies outside this Hemisphere. Here a major effort is required.

Except for the Communist world and certain non-Communist countries whose governments are hostile or intensely neutral, foreign audiences may be reached through the direct and indirect channels of communication described above. Placement is, however, more difficult: closer-to-home events normally preoccupy most peoples.

(A greater effort with foreign correspondents stationed in the U.S. is evidently required: their on-the-spot reports during the week of the landings were among the most damaging.)

21

May 4, 1961 SECRET

NATIONAL SECURITY COUNCIL

AGENDA

For the Meeting to be held in the
Cabinet Room of The White House
on Friday, May 5, 1961,
at 10:00 a.m.

U. S. POLICY TOWARD CUBA
(NSC Action No. 2413-c; Memo for NSC, same subject, dated May 4, 1961)

The papers on the subject prepared pursuant to NSC Action No. 2413-c and transmitted by the reference memorandum will be discussed.

DECLASSIFIED
Authority NSC ltr. 4/21/77
By NNG, NARS, Date 5/4/77

MEMORANDUM

22

DATE: 2 May 1961

TO: Mr. Johnson

FROM: Colonel Burris

RE: National Security Council

The National Security Council was created by the National Security Act of 1947, copy attached. The creation of the Council, while stated in brief terms, was obviously considered the element of first priority in the establishment of national security procedures. In fact, the intent of Congress is given as "to provide for the establishment of integrated policies and procedures for the departments, agencies and functions of the Government relating to national security."

For the reason that there would seem to be a certain deviation from this expressed intent of Congress did I address the previous memorandum to you on national policy-making procedure.

Attachment

LEGISLATIVE RESEARCH
SAFLL-2
Room 5D 934

220

85th Congress
2d Session

COMMITTEE PRINT

(Supersedes Committee Print Published in 1956)

NATIONAL SECURITY ACT OF 1947

(Public Law 253, 80th Congress, July 26, 1947)

(61 Stat. 495)

AS AMENDED THROUGH DECEMBER 31, 1958, AND INCLUDING THE NATIONAL SECURITY ACT AMENDMENTS OF 1949, PUBLIC LAW 216, 81ST CONGRESS, AUGUST 10, 1949 (63 STAT. 578); PUBLIC LAW 416, 82D CONGRESS, JUNE 28, 1952, REORGANIZATION PLAN 3 OF 1953; REORGANIZATION PLAN 6 OF 1953; AND AS IN PART REPEALED AND CODIFIED IN TITLE 10 OF THE UNITED STATES CODE, BY PUBLIC LAW 1028, 84TH CONGRESS, AUGUST 10, 1956 (70A STAT. 1), AND DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1958, PUBLIC LAW 85-599, AUGUST 6, 1958 (72 STAT. 514)

DECEMBER 31, 1958

Printed for the use of the Senate Committee on Armed Services

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33778 WASHINGTON : 1959

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NATIONAL SECURITY ACT OF 1947

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

(With amendments through December 31, 1958)

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947."

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The matter within heavy brackets in this publication are portions of the text of Reorganization Plans Nos. 6 of 1953, and 1 of 1958, printed in their entirety as appendixes II and III.

DECLARATION OF POLICY

Intent of Congress.

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.[1]

TITLE I—COORDINATION FOR NATIONAL SECURITY

NATIONAL SECURITY COUNCIL

National Security Council. Establishment.

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").

[1] Amended by section 2, Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578), further amended to read as indicated by section 2 of Department of Defense Reorganization Act of 1958, August 6, 1958 (72 Stat. 514); 50 U. S. C. 401.

President to preside.

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

Function.

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) [2]

(6) the Director of the Office of Civil and Defense Mobilization;[3]

(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.[4]

Duties.

(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] Reorganization Plan 7 of 1953, effective August 6, 1953, abolished the Mutual Security Administration and established the Foreign Operations Administration.

"SEC. 2. TRANSFER OF FUNCTIONS TO THE DIRECTOR.—There are hereby transferred to the Director:

"(a) All functions vested by the Mutual Security Act of 1951, as amended, or by any other statute in the Director for Mutual Security provided for in section 501 of that Act, or in the Mutual Security Agency created by that Act, or in any official or office of that Agency, including the functions of the Director for Mutual Security as a member of the National Security Council." Pursuant to the provisions of sections 521 and 525 of the Mutual Security Act of 1954, Public Law 665, 83d Congress (68 Stat. 855, 856), and Executive Order 10610 of June 30, 1955, all functions (with certain specified exceptions) of the Director of the Foreign Operations Administration, and the Foreign Operations Administration, were transferred to the International Cooperation Administration in the State Department, to be headed by a Director. Pursuant to section 303 (a) and (b) of the Executive Order, the office of the Director of the Foreign Operations Administration and the membership of the Director of the Foreign Operations Administration together with the functions of the Director in his capacity as a member of the National Security Council were abolished.

[3] Reorganization Plan 3 (sec. 6) abolished the National Security Resources Board. Section 2 transferred to the Director of the Office of Defense Mobilization all functions of the Chairman of the National Security Resources Board (excluding those abolished by sec. 5), including his functions as a member of the National Security Council. Section 4 of Reorganization Plan 1 of 1958, effective July 1, 1958 (see Appendix 1), as amended by Public Law 85-763, transferred the functions with respect to being a member of the National Security Council to the Director of the Office of Civil Defense and Defense Mobilization.

[4] Reference to Chairman of Munitions Board, and Chairman of Research and Development Board deleted by Reorganization Plan 6, 1953 (sec. 2 (b)) which abolished the offices of the Chairman of the Munitions Board and Chairman of the Research and Development Board (see appendix IV) and transferred their functions to the Secretary of Defense.

(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.

Staff and Executive Secretary.

(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 [$10,000] [$15,000] $20,000 a year.[5] The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1923, 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.

Recommendations and Reports.

(d) The Council shall, from time to time, make such recommendations, and such other reports to the President as it deems apropriate or as the President may require.

CENTRAL INTELLIGENCE AGENCY [6]

National Security Act of 1947, amendment.

Central Intelligence Agency Director and Deputy Director.

67 Stat. 19.

67 Stat. 20.

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.

Commissioned officer as Director or Deputy Director.

(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

[5] Subsection (a) amended by section 3, Public Law 216, August 10, 1949 (63 Stat. 578), as amended by section 501 (e), Public Law 165, 82d Congress, October 10, 1951; subsection (c) supplemented by section 2 (a), Public Law 359, 81st Congress, October 15, 1949 (63 Stat. 880), under which authority the President fixed the salary of the Executive Secretary at $15,000 per annum; subsections (b) and (d) from section 101, Public Law 253, July 26, 1947 (61 Stat. 495). Pursuant to section 109, Public Law 854, 84th Congress, the President fixed the salary of the Executive Secretary at $20,000 per annum effective July 1, 1956.

[6] Section 102 (a) and (b) amended by Public Law 15, 83d Congress (67 Stat. 19, 20).

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.

Military status, etc.

(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, perquisite, 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 such status, office, rank, or grade. Any such comtral 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.[7]

(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.[8]

Termination of employment.

(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

[7] *Civilian Compensation.*—Subsections (a) and (b) supplemented by section 4, Public Law 359, 81st Congress, October 15, 1949 (63 Stat. 880), increased annual compensation to $16,000 and $14,000, for the Director and Deputy Director, respectively, per annum; subsections (c), (d), (e), and (f) from section 102, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495). Sections 104 (a) (2) and 105 (26), Public Law 854, 84th Congress, July 31, 1956, increased the annual compensation to $21,000 and $20,500 respectively, for the Director and Deputy Director.

[8] As amended by Public Law 15, 83d Congress (67 Stat. 20).

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.

Duties.

(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, subpena, 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 efficiently 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.

Intelligence of other Departments and Agencies of Government.

(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.

National Intelligence Authority, Termination of.

(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

Central Intelligence Group, Transfer of.

(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 or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

[SECTION 1. *Transfer of functions to the President.*—(a) There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the following: The Office of Defense Mobilization, the Director of the Office of Defense Mobilization, the Federal Civil Defense Administration, and the Federal Civil Defense Administrator.

(b) The President may from time to time delegate any of the functions transferred to him by subsection (a) of this section to any officer, agency, or employee of the executive branch of the Government, and may authorize such officer, agency, or employee to redelgate any of such functions delegated to him.

SEC. 2. *Office of Defense and Civilian Mobilization.*—(a) Subject to the provisions of this reorganization plan, the Office of Defense Mobilization and the Federal Civil Defense Administration are hereby consolidated to form a new agency in the Executive Office of the President which shall be known as the Office of Defense and Civilian Mobilization, hereinafter referred to as the "Office".

(b) There shall be at the head of the Office a Director of the Office of Defense and Civilian Mobilization, who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments.

(c) There shall be in the Office a Deputy Director of the Office of Defense and Civilian Mobilization, who shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate now or hereafter prescribed by law for the under secretaries referred to in section 104 of the Federal Executive Pay Act of 1956 (5 U. S. C. 2203),* shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

(d) There shall be in the Office three Assistant Directors of the Office of Defense and Civilian Mobilization, each of whom shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate now or hereafter prescribed by law for assistant secretaries of executive departments, and shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan.

(e) The Office and the Director thereof shall perform such functions as the President may from time to time delegate or assign thereto. The said Director may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, or by any agency or employee, of the Office of any function delegated or assigned to the Office or to the Director.]

*Section 104, Public Law 854, 84th Congress, increased the annual compensation of the Deputy Director to $20,500.

SEC. 103.

(The functions of the Director of the Office of Defense Mobilization provided for in this section were transferred to the President by Reorganization Plan No. 1 of 1958, and the Office of Defense Mobilization was changed to the Office of Civil and Defense Mobilization.)

(a) The Director of the Office of Defense Mobilization, 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 Defense Mobilization 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 Defense Mobilization shall utilize to the maxi-

mum extent the facilities and resources of the departments and agencies of the Government.[9]

TITLE II—THE DEPARTMENT OF DEFENSE

Department of Defense. Establishment. Head.

SEC. 201. (a) There is hereby established, as an Executive Department of the Government, the Department of Defense, and the Secretary of Defense shall be the head thereof.

Army, Navy, Air Force—military departments.

(b) There shall be within the Department of Defense (1) the Department of the Army, the Department of the Navy, and the Department of the Air Force, and each such department shall on and after the date of enactment of the National Security Act Amendments of 1949 be military departments in lieu of their prior status as Executive Departments, and (2) all other agencies created under title II of this Act.

Other Agencies

Department of Defense—Executive Department.

(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.

Applicability of title IV.

(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.[10]

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[9] Reorganization Plan No. 3, effective June 12, 1953, 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 to the Director of Defense Mobilization (excluding certain functions abolished by sec. 5), as well as certain additional functions including those vested by any statute in the Director of Defense Mobilization or in the Office of Defense Mobilization provided for in Executive Order 10193 of December 16, 1950, as superseded by Executive Order 10480 of August 14, 1953, as amended. Section 50 of Public Law 779, 83d Congress, approved September 3, 1954, was enacted to conform this section with Reorganization Plan No. 3. It amends former section 103 by striking out subsection (a) and by redesignating subsection (b), (c), and (d) as (a), (b), and (c), respectively, and by striking out in subsection (a) as so redesignated "Chairman of the Board" and in lieu thereof inserting "Director of the Office of Defense Mobilization," and making certain other technical changes so as to amend the entire section to read as indicated. Pursuant to Reorganization Plan No. 1, 1958, effective July 1, 1958, 23 F. R. 4991 (see Appendix 1), as amended by Public Law 85–763, August 26, 1958 (72 Stat. 861), and Executive Order 10773, July 3 1958, 23 F. R. 5061, as amended by Executive Order 10782, September 10, 1958, 23 F. R. 6971, the Director of the Office of Defense Mobilization was abolished and all functions vested in him by law or reorganization plan were transferred to the President (see sec. 1 of the Plan). Section 2 (a) of the Plan consolidated the Office of Defense Mobilization and the Federal Civil Defense Administration to form a new agency in the Executive Office of the President to be known as the "Office of Defense and Civilian Mobilization". Public Law 85–763 amended the title to "Office of Civil and Defense Mobilization". Section 2 (b) of the Plan established a "Director of the Office of Civil and Defense Mobilization". Section 2 of Executive Order 10773 delegated to the Director all functions transferred to the President by the provisions of Reorganization Plan No. 1.

[10] Subsections (a) and (b) amended by section 4, Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578); subsections (c) and (d) added by section 4 above.

THE SECRETARY OF DEFENSE

Secretary of Defense. Appointment. Eligibility.

SEC. 202. (a) There shall be a Secretary of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate: *Provided*, That a person who has within ten years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

Principal Assistant to President on Defense.

(b) The Secretary of Defense shall be the principal assistant to the President in all matters relating to the Department of Defense. Under the direction of the President, and subject to the provisions of this Act, he shall have direction, authority, and control over the Department of Defense.[11]

Transfer of functions, etc.

(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 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.

Combatant function.

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

Effective date.

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[11] Reorganization Plan 3 of 1953, effective June 12, 1953, abolished the National Security Resources Board and also:

SEC. 5. "(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."

(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.

Weapons and weapons systems.

(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.

(5) Notwithstanding other provisions of this subsection, if the President determines that it is necessary because 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.[12]

Reports to President and Congress.

(d) The Secretary of Defense shall annually submit a written report to the President and the Congress covering 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 eleminations of unnecessary duplications and overlappings that have been accomplished pursuant to the provisions of this Act.[13]

Seal

(e) The Secretary of Defense shall cause a seal of office to be made for the Department of Defense, of such design as the President shall approve, and judicial notice shall be taken thereof.

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[12] This subsection was amended by section 5 of Public Law 216 of the 81st Congress, August 10, 1949 (63 Stat. 578); further amended by section 3 (a) of the Department of Defense Reorganization Act of 1958 (72 Stat. 514–516) (5 U. S. C. 171a (c)).

[13] This subsection was amended by section 5 of Public Law 216 of the 81st Congress, August 10, 1949 (63 Stat. 578); further amended by section 3 (b) of the Department of Defense Reorganization Act of 1958 (72 Stat. 516) (5 U. S. C. 171a (d)).

Delegation by Secretary of Defense.

(f) The Secretary of Defense may, without being relieved of his responsibility therefor, and unless prohibited by some specific provision of this Act or other specific provision of law, perform any function vested in him through or with the aid of such officials or organizational entities of the Department of Defense as he may designate.

Interservice transfer of medical or medical service officers.

(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.

Appointment to grade by President.

(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.

Place on promotion list.

Credit for unused leave.

(i) Any officer transferred hereunder shall be credited with the unused leave to which he was entitled at the time of transfer.[14]

Combatant commands.

(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

Responsibility.

[14] Subsections (e) and (f) added by section 5 of Public Law 216 of the 81st Congress, August 10, 1949 (63 Stat. 578); subsections (g), (h), and (i) added by section 3, Public Law 779, 81st Congress, September 9, 1950 (64 Stat. 828).
The latter subsections (g), (h), and (i) were extended by various provisions including the latest, Public Law 85-62. Subsection 8 thereof extends (g), (h), and (i) to June 30, 1959.

shall 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.[15]

[*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. (This language is from sec. 5 of Reorganization Plan No. 6, effective June 30, 1953 (67 Stat. 639).)]

[CERTAIN ADDITIONAL FUNCTIONS OF THE SECRETARY OF DEFENSE]

Pursuant to section 1 of Reorganization Plan No. 6, effective June 30, 1953 (Appendix II), all functions of the Munitions Board, the Research and Development Board, the Defense Supply Management Agency, and the Director of Installations were transferred to the Secretary of Defense. As transferred and codified in sections 2201 and 2351 of Title 10, United States Code, the functions relating to the Munitions Board and Research and Development Board were repealed by section 3c and d of the "Department of Defense Reorganization Act 1958", approved August 6, 1958. (See appendix VI.) Section 2 (a) of Reorganization Plan No. 6, abolished the Munitions Board, the Research and Development Board, and 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 Defense Supply Management Agency, and Director of Installations. The language of these sections represents the functions transferred from the Defense Supply Management Agency and, the functions of the Director of Installations, to the Secretary of Defense by Reorganization Plan No. 6. The text of the language of the respective sections is that contained in Public Law 1028, 84th Congress, approved August 10, 1956, an Act to revise and codify certain laws relating to the Armed Forces. Inasmuch as Public Law 1028 is but a restatement of existing law it is considered appropriate to insert in this compilation the pertinent sections of the law codifying those functions transferred to the Secretary of Defense by Reorganization Plan No. 6.

[15] Subsection (j) was added by section 5 (b) of the Department of Defense Reorganization Act of 1958 (72 Stat. 518) (5 U. S. C. 171a).

The following sections are codified in title 10, United States Code, Public Law 1028, 84th Congress:

CATALOGING AND STANDARDIZATION

*Sec. 2451. Defense supply management

(a) The Secretary of Defense shall develop a single catalog system and related program of standardizing supplies for the Department of Defense.

(b) In cataloging, the Secretary shall name, describe, classify, and number each item recurrently used, bought, stocked, or distributed by the Department of Defense, so that only one distinctive combination of letters or numerals, or both, identifies the same item throughout the Department of Defense. Only one identification may be used for each item for all supply functions from purchase to final disposal in the field or other area. The catalog may consist of a number of volumes, sections, or supplements. It shall include all items of supply and, for each item, information needed for supply operations, such as descriptive and performance data, size, weight, cubage, packaging and packing data, a standard quantitative unit of measurement, and other related data that the Secretary determines to be desirable.

(c) In standardizing supplies the Secretary shall, to the highest degree practicable—

(1) standardize items used throughout the Department of Defense by developing and using single specifications, eliminating overlapping and duplicate specifications, and reducing the number of sizes and kinds of items that are generally similar;

(2) standardize the methods of packing, packaging, and preserving standardized items; and

(3) make efficient use of the services and facilities for inspecting, testing and accepting those items.

Sec. 2452. Duties of Secretary of Defense

The Secretary of Defense shall—

(1) develop and maintain the supply catalog, and the standardization program, described in section 2451 of this title;

(2) direct and coordinate progressive use of the supply catalog in all supply functions within the Department of Defense from the determination of requirements through final disposal;

(3) direct, review, and approve—

(A) the naming, description, and pattern of description of all items;

(B) the screening, consolidation, classification, and numbering of descriptions of all items; and

(C) the publication and distribution of the supply catalog;

(4) maintain liaison with industry advisory groups to coordinate the development of the supply catalog and the standardization program with the best practices of industry and to obtain the fullest practicable cooperation and participation of industry in developing the supply catalog and the standardization program;

(5) establish, publish, review, and revise, within the Department of Defense, military specifications, standards, and lists of qualified products, and resolve differences between the military departments, bureaus, and services with respect to them;

*Prior to Reorganization Plan 6, June 30, 1953 (67 Stat. 638) these functions were contained in the Act of July 1, 1952, Public Law 436, 82d Congress (66 Stat. 318), which established the Defense Supply Management Agency within the Department of Defense for the purpose of developing a single catalog system and related supply standardization program. Section 2 (a) of Reorganization Plan 6, abolished the Defense Management Supply agency and section 1 transferred all functions to the Secretary of Defense. This section codified in Public Law 1028, 84th Congress.

(6) assign responsibility for parts of the cataloging and the standardization programs to the military departments, bureaus, and services within the Department of Defense, when practical and consistent with their capacity and interest in those supplies;

(7) establish time schedules for assignments made under clause (6); and

(8) make final decisions in all matters concerned with the cataloging and standardization programs.

Sec. 2453. Supply catalog distribution and use

The Secretary of Defense shall distribute the parts of the supply catalog described in section 2451 of this title as they are completed. Existing catalogs shall be replaced according to schedules established by the Secretary. After replacement no other supply catalog may be used within the Department of Defense with respect to the kinds of items covered by that part. All property reports and records shall use the nomenclature, item numbers, and descriptive data of the supply catalog.

Sec. 2454. Supply catalog: new or obsolete items

(a) After any part of the supply catalog described in section 2451 of this title is distributed, and with respect to the kinds of items covered by that part, only the items listed in it may be procured for recurrent use in the Department of Defense. However, a military department may acquire any new item that is necessary to carry out its mission. As soon as such an item is acquired, it shall be submitted to the Secretary for inclusion in the catalog and the standardization program.

(b) Obsolete items may be deleted from the catalog at any time.

Sec. 2455. Reports to Congress

(a) The Secretary of Defense shall send to the Committees on Armed Services of the Senate and the House of Representatives, on January 31 and July 31 of each year, a progress report on cataloging under this chapter from each military department. Each report shall cover the six-month period ending with the preceding June 30 or December 31, whichever was later. The report shall contain—

(1) the number of sections or parts of the supply catalog that have been published, and their titles;

(2) the number of item identification numbers in the catalog that have replaced, for all supply purposes, former item identifications or stock or catalog numbers;

(3) the reduction in the number of separate item identifications; and

(4) any other information that the Secretary considers will best inform Congress of the status of the cataloging program.

(b) The Secretary shall report to the Committees on Armed Services of the Senate and the House of Representatives, on January 31 and July 31 of each year, on the progress of the standardization program within the military departments. Each report shall cover the six-month period ending with the preceding June 30 or December 31, whichever was later. The report shall contain—

(1) the number of separate specifications that have been consolidated into single specifications for use throughout the Department of Defense;

(2) the reduction in the number of sizes or kinds of items that are generally similar;

(3) the duplications eliminated in services, space, and facilities; and

(4) any other information that the Secretary considers will best inform Congress of the progress of the standardization program.

(c) The Secretary may combine the reports required by subsections (a) and (b).

Sec. 2456. Coordination with General Services Administration

To avoid unnecessary duplication, the Administrator of General Services and the Secretary of Defense shall coordinate the cataloging and standardization activities of the General Services Administration and the Department of Defense.

REAL PROPERTY

***Sec. 2661. Planning and construction of public works projects by military departments**

The Secretary of Defense shall maintain direct surveillance over the planning and construction of public works projects by the military departments. The Secretary shall keep currently and fully informed of the status, progress, and cost of, and other pertinent matters concerning, those projects.

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

SEC. 203. (a) There shall be a Deputy Secretary of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate: *Provided*, That a person who has within ten years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Deputy Secretary of Defense. The Deputy Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe and shall take precedence in the Department of Defense next after the Secretary of Defense. The Deputy Secretary shall act for, and exercise the powers of, the Secretary of Defense during his absence or disability.

(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.

(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.

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

(c) There shall be seven Assistant Secretaries of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. The Assistant Secretaries shall perform such duties and exercise such powers as the Secretaries of Defense may prescribe and 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, the Secretary of the Air Force, and the Director of Defense Research and Engineering.

(d) Officers of the armed services may be detailed to duty as assistants and personal aides to the Secretary of Defense, but he shall not establish a military staff other than that provided for by section 211 (a) of this act.[16]

GENERAL COUNSEL

[The President may appoint from civilian life, by and with the advice and consent of the Senate, a General Counsel of the Department of Defense, who shall be the chief legal officer of the

*Prior to Reorganization Plan 6, June 30, 1953 (67 Stat. 638), these functions were contained in section 408 of Public Law 534, 82d Congress (66 Stat. 625), which provided that the Secretary of Defense maintain direct surveillance over the planning and construction by the military departments of all public works projects through a civilian official of the Department of Defense to be known as the Director of Installations. Section 2 (a) of Reorganization Plan No. 6 abolished the Office of Director of Installations, and section 1 transferred all functions to the Secretary of Defense. This section codified in Public Law 1028 84th Congress.

[16] Subsection (a) is former section 202 (d), Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495), as added by section 1, Public Law 36, 81st Congress, April 2, 1949 (63 Stat. 30), amended by section 6 (a), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578); subsection (b) was added by section 9 (a) of the Department of Defense Reorganization Act of 1958, Public Law 85-599, August 6, 1958 (72 Stat. 520); subsection (c) is former section 204 (a) of Public Law 253 of the 80th Congress, July 26, 1947 (61 Stat. 495), as amended by section 6 (a), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578), further amended by sections 9 (a) and 10 (a) of the Department of Defense Reorganization Act of 1958, Public Law 85-599, August 6, 1958, by redesignating the section from "(b)" to "(c)" and by changing "three" to "seven" Assistant Secretaries of Defense, and adding "and the Director of Defense Research and Engineering", establishing his rank above the Assistant Secretaries of Defense, but below the Secretaries of the military departments; subsection (d) is former section 203 (c), Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495), as amended by section 6 (a), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578), redesignated "(d)" by section 9 (a) of Department of Defense Reorganization Act of 1958, Public Law 85-599.

Section 13 of the Department of Defense Reorganization Act of 1958, August 6, 1958, provides that the provisions of subsection (c) shall become effective six months after the date of the enactment of this law.

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.] ** (This language is from section 4 of Reorganization Plan No. 6 (see appendix II), effective June 30, 1953 (67 Stat. 639); while not a specific amendment, it supplements this section.)

CIVILIAN PERSONNEL

SEC. 204. The Secretary of Defense is authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such civilian personnel as may be necessary for the performance of the functions of the Department of Defense other than those of the Departments of the Army, Navy, and Air Force.[17]

DEPARTMENT OF THE ARMY *

SEC. 205. (a)[18] [Repealed. Codified in section 3012 (a) of title 10, United States Code, as follows:

"§ 3012. (a) There is a Secretary of the Army, who is head of the Department of the Army."] [19]

ADDITIONAL PROVISIONS CONTAINED IN SECTION 3012 ARE AS FOLLOWS:

(b) The Secretary is responsible for and has the authority necessary to conduct all affairs of the Department of the Army, including—

(1) functions necessary or appropriate for the training, operations, administration, logistical support and maintenance, welfare, preparedness, and effectiveness of the Army, including research and development; and

(2) such other activities as may be prescribed by the President or the Secretary of Defense as authorized by law.

He shall perform such other duties relating to Army affairs, and conduct the business of the Department in such manner, as the President or the Secretary of Defense may prescribe.

(c) The Secretary may assign such of his duties as he considers appropriate to the Under Secretary of the Army and to the Assistant Secretaries of the Army. Officers of the Army shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or an Assistant Secretary.

(d) The Secretary or, as he may prescribe, the Under Secretary or an Assistant Secretary shall supervise all matters relating to—

(1) the procurement activities of the Department of the Army; and

*Section 6 (a) of Department of Defense Reorganization Act of 1958 (see Appendix VI) authorizes the delegation of duties by the military service chiefs.

**In this connection see Sec. 314, Public Law 85-170.

[17] Former section 204 (b), Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495), as amended by section 6 (b), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578).

[18] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676).

[19] By section 8 (a) of the Department of Defense Reorganization Act of 1958 (72 Stat. 519), section 3013 (a) of title 10, U. S. C., relating to the Under Secretary and Assistant Secretaries was amended by reducing the number of Assistant Secretaries from four to three and eliminating the requirement for designating one of them as an Assistant Secretary for Financial Management.

(2) planning for the mobilization of materials and industrial organizations essential to the wartime needs of the Army.

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

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

(g) The Secretary may prescribe regulations to carry out his functions, powers, and duties under this title.

(h) The compensation of the Secretary is $22,000 [20] a year.

Applicability of laws, orders, regulations and other actions of Department of War.

(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.[21]

Definition.

(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.[21]

Seal.

(d)[21] [Repealed. Codified in section 3011 of title 10, United States Code, as follows:

"§ 3011. 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) [21] [Repealed. Codified in section 3062 (b) of title 10, United States Code, as follows:

"§ 3062. (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

Department of the Navy Definition

SEC. 206. (a) The term "Department of the Navy" as used in this Act shall be construed to mean the De-

[20] The amount was changed from "$18,000" to "$22,000" by section 57 of Public Law 85-861.

[21] Subsection (b) amended by section 12 (a), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578); subsection (c) from section 205, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495). Subsections (d) and (e) repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676).

partment 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.[22]

SECTION 5031 OF TITLE 10, UNITED STATES CODE, PROVIDES AS FOLLOWS:

§ 5031. Secretary of the Navy: responsibilities; compensation.

(a) There is a Secretary of the Navy, who is the head of the Department of the Navy. He shall administer the Department of the Navy under the direction, authority, and control of the Secretary of Defense.

(b) The Secretary of the Navy shall execute such orders as he receives from the President relative to—

(1) the procurement of naval stores and material;

(2) the construction, armament, equipment, and employment of naval vessels; and

(3) all matters connected with the Department of the Navy.

(c) The Secretary of the Navy has custody and charge of all books, records and other property of the Department.

(d) The compensation of the Secretary of the Navy is $22,000 [23] a year.

United States Navy. Composition and organization.

(b).[24] [Repealed. Codified in section 5012 of title 10, United States Code, as follows:

"§ 5012. (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.

[22] By section 8 (b) (1) Department of Defense Reorganization Act of 1958, August 6, 1958 (72 Stat. 519), section 5034 (a) and (b) of Title 10, U. S. C., relating to Assistant Secretaries, was amended by reducing the number of Assistant Secretaries from four to three and eliminating the requirement for designating one as an Assistant Secretary for Financial Management.

Section 8 (b) (2) repeals section 5035 of Title 10, U. S. C., relating to the establishment of an Assistant Secretary for Air and his duties.

[23] The figure "$18,000" was changed to "$22,000" by section 107 of Public Law 85-861.

(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."]

United States Marine Corps. Composition and organization.

(c).[24] [Repealed. Codified in sections 5013 (a), (b), and (c) and 5402 (a) and (b) of title 10, United States Code, as follows:

"§ 5013. (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."

"§ 85402. (a) 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. However, this strength may be temporarily exceeded at any time in a fiscal year if the daily average number in that year does not exceed it.

(b) Except in time of war or national emergency declared by Congress after June 28, 1952, the authorized strength of the Regular Marine Corps in enlisted members, excluding retired enlisted members, is 400,000 less the actual strength of the Marine Corps in permanent regular officers other than retired regular officers. However, this strength may be temporarily exceeded at any

[24] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676).

time in a fiscal year if the daily average number in that year does not exceed it."]

DEPARTMENT OF THE AIR FORCE

Department of the Air Force. Secretary, appointment of.

SEC. 207. (a).[25] [Repealed. Codified in section 8012 (a) of title 10, United States Code, as follows:

"§ 8012. (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."]

ADDITIONAL PROVISIONS CONTAINED IN SECTION 8012 ARE AS FOLLOWS:

(b) The Secretary is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force, including—

(1) functions necessary or appropriate for the training, operations, administration, logistical support and maintenance, welfare, preparedness, and effectiveness of the Air Force, including research and development; and

(2) such other activities as may be prescribed by the President or the Secretary of Defense as authorized by law.

He shall perform such other duties relating to Air Force affairs, and conduct the business of the Department in such manner, as the President or the Secretary of Defense may prescribe.

(c) The Secretary may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Air Force and to the Assistant Secretaries of the Air Force. Officers of the Air Force shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or an Assistant Secretary.

(d) The Secretary or, as he may prescribe, the Under Secretary or an Assistant Secretary shall supervise all matters relating to—

(1) the procurement activities of the Department of the Air Force;

(2) planning for the mobilization of materials and industrial organizations essential to the wartime needs of the Air Force; and

(3) activities of the reserve components of the Air Force.

(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) The Secretary may prescribe regulations to carry out his functions, powers, and duties under this title.

(g) The compensation of the Secretary is $22,000[26] a year.

(b) Repealed.[27]

(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.

(d).[28] [Repealed. Codified in sections 8013 (a) and (b) of title 10, United States Code, as follows:

"§ 8013. (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.

"(b) The compensation of the Under Secretary and of the Assistant Secretaries is that prescribed by law for assistant secretaries of executive departments."] (See sec. 302, and its footnotes, of this print, p. 29.)

(e).[28] [Repealed. Codified in section 8012 (e) of title 10, United States Code, as follows:

"§ 8012. (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).[28] [Repealed. Codified in section 8033 (g) of title 10, United States Code, as follows:

"§ 8033. (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).[28] [Repealed]. Codified in section 8011 of title 10, United States Code, as follows:

"§ 8011. 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).[28] [Repealed. Codified in section 8062 (b) of title 10, United States Code, as follows:

"§ 8062. (b) There is a United States Air Force within the Department of the Air Force."]

(b).[28] [Repealed. Codified in section 743 of title 10, United States Code, as follows:

"§ 743. 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 ap-

[25] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676).
[26] The amount was changed from "$18,000" to "$22,000" by section 152 of Public Law 85–861.
[27] Repealed by section 12 (c), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578).
[28] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676); further amended to read as indicated by section 8 (c) of Department of Defense Reorganization Act of 1958, August 6, 1958 (72 Stat. 520). The amendment reduces the number of Assistant Secretaries from four to three and eliminates the requirement of designating one of them as an Assistant Secretary for Financial Management.

pointment 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."]

Transfer of military personnel.

(c) All commissioned officers, warrant officers, and enlisted men, commissioned, holding warrants, or enlisted, in the Air Corps, United States Army, or the Army Air Forces, shall be transferred in branch to the United States Air Force. All other commissioned officers, warrant officers, and enlisted men, who are commissioned, hold warrants, or are enlisted, in any component of the Army of the United States and who are under the authority or command of the Commanding General, Army Air Forces, shall be continued under the authority or command of the Chief of Staff, United States Air Force, and under the jurisdiction of the Department of the Air Force. Personnel whose status is affected by this subsection shall retain their existing commissions, warrants, or enlisted status in existing components of the armed forces unless otherwise altered or terminated in accordance with existing law; and they shall not be deemed to have been appointed to a new or different office or grade, or to have vacated their permanent or temporary appointments in an existing component of the armed forces, solely by virtue of any change in status under this subsection. No such change in status shall alter or prejudice the status of any individual so assigned, so as to deprive him of any right, benefit, or privilege to which he may be entitled under existing law.

(d).[29] [Repealed.]

(e).[29] [Repealed.]

(f).[29] [Repealed. Codified in section 8062 (c) of title 10, United States Code, as follows:

"§ 8062. (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.[29] [Repealed.]

ARMED FORCES POLICY COUNCIL

SEC. 210.[29] [Repealed. Codified in section 171 (a) and (b) of title 10, United States Code, as follows:

[29] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676). Section 210 as repealed and codified was further amended by section 9 (c) of Department of Defense Reorganization Act of 1958, by adding the Director of Defense Research and Engineering, and redesignating "(6), (7), (8), (9)," as "(7), (8), (9), (10)."

"§ 171. (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

Joint Chiefs of Staff.

SEC. 211 (a).[30] [Repealed. Codified in sections 141 (a), (b), and (c) of title 10, United States Code, as follows:

"§ 141. (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.

Establishment. Composition.

"(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. While the matter is under consideration and with respect to it, the Commandant has co-equal status with the members of the Joint Chiefs of Staff."]*

(b).[30] [Repealed. Codified in section 141 (d) of title

*It might be noted that under Reorganization Plan 6, June 30, 1953, section 1 (d), 67 Stat. 638), the functions of the Joint Chiefs of Staff with respect to managing the Joint Staff, and the Director thereof, were transferred to the Chairman of the Joint Chiefs of Staff. (See appendix II.) Under section 7 of Department of Defense Reorganization Act of 1958, (a) (1) of this section was amended by striking out the words "who has no vote."

[30] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676).

10, United States Code, as follows:

"§ 141. (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."]

(c).[31] [Repealed. Codified in sections 142 (a) and 142 (d) of title 10, United States Code, as follows:

"§ 142. (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.

"(d) The Chairman is entitled to the pay and allowances provided by law for the Chief of Staff of the Army."]

(d).[31] [Repealed. Codified in section 142 (c) of title 10, United States Code, as follows:

"§ 142. (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."]

(e).[31] [Repealed. Codified in section 142 (b) of title 10, United States Code, as follows:

"§ 142. (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

[31] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676).

(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."]

JOINT STAFF

Joint Staff. Composition.

SEC. 212.[32] [Repealed. Codified in section 143 (a), (b), (c), and (d) of title 10, United States Code, 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.

Tenure.

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.

Director of the Joint Staff.

"(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.

Duties.

"(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.

[32] Repealed by section 53 of the Act of August 10, 1956 (70A 676).

Organization.

"(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." [33]

MUNITIONS BOARD [REPEALED]

SEC. 213. (See appendix IV.)

This section is initially enacted in Public Law 253, 80th Congress, provided for the establishment of a Munitions Board in the Department of Defense. Section 2 (a) and (b) of Reorganization Plan 6, effective June 30, 1953 (67 Stat. 638), (see appendix II), abolished the Munitions Board and the Office of the Chairman of the Munitions Board, section 1 of Plan 6 transferred all functions of the Munitions Board to the Secretary of Defense. This section was repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676), and codified in section 2201 of title 10, United States Code, as codified in section 2201 of title 10, United States Code. It was repealed by section 3 (c) of the Department of Defense Reorganization Act of 1958 (Public Law 85-599) (72 Stat. 516).

RESEARCH AND DEVELOPMENT BOARD [REPEALED]

SEC. 214. (See appendix IV.)

This section as initially enacted in Public Law 253, 80th Congress, provided for the establishment of a Research and Development Board in the Department of Defense. Section 2 (a) and (b) of Reorganization Plan 6, effective June 30, 1953 (67 Stat. 638) (see appendix II), abolished the Research and Development Board and the Office of Chairman of the Research and Development Board, section 1 of Plan 6 transferred all functions to the Secretary of Defense. This section was repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676), and codified in section 2351 of title 10, United States Code, as codified in section 2201 of title 10, United States Code. It was repealed by section 3 (d) of the Department of Defense Reorganization Act of 1958 (Public Law 85-599) (72 Stat. 516).

[33] The language of section 212 as originally enacted in the National Security Act of 1947 (Public Law 253, 80th Congress) is set forth in appendix IV at the end of this print. Pursuant to section 1 (b), (c), and (d) of Reorganization Plan No. 6, effective June 30, 1953 (see appendix II), the following changes were effected with respect to this section as originally enacted in the National Security Act and as amended by section 7 (c) of Public Law 216, 81st Congress (63 Stat. 578). Section 1 (b) of the plan provided for the selection of the Director of the Joint Staff and his tenure to be subject to the approval of the Secretary of Defense. By section 1 (c) the selection of members of the Joint Staff and their tenure is made subject to the approval of the Chairman of the Joint Chiefs of Staff. By section 1 (d) the function of managing the Joint Staff and Director was transferred to the Chairman of the Joint Chiefs of Staff. Section 212 as amended was repealed and, together with the changes contained in Reorganization Plan No. 6, was codified in Title 10, United States Code. Section 5 (a) of Department of Defense Reorganization Act of 1958 further amended this section to read as indicated.

TITLE III—MISCELLANEOUS

COMPENSATION OF SECRETARIES AND DEPUTY SECRETARY

Secretary of Defense, Compensation of.

SEC. 301. (a) The Secretary of Defense shall receive the compensation prescribed by law for heads of executive departments.[34]

Deputy Secretary of Defense and Secretaries of Army, Navy, and Air Force, Compensation of.

(b) The Deputy Secretary of Defense shall receive compensation at the rate of [$14,500] [$20,000] $22,500 [36] a year, or such other compensation plus $500 a year as may hereafter be provided by law for under secretaries of executive departments. (This section was amended by section 53 of the Act of August 10, 1956 (70A Stat. 676), by deleting the second sentence relating to compensation of the Secretaries of the Military Departments, and is codified in title 10 of the United States Code for the Secretaries of the Army, Navy, and Air Force as follows:

(*Army*)

"§ 3012 (h). The compensation of the Secretary is [$18,000] $22,000 [35] a year."

(*Navy*)

"§ 5031 (d). The compensation of the Secretary is [$18,000] $22,000 [35] a year."

(*Air Force*)

"§ 8012 (g). The compensation of the Secretary is [$18,000] $22,000 [35] a year.")

Assistant Secretaries of Defense and Under and Assistant Secretaries of Army, Navy, and Air Force, Compensation of.

SEC. 302. The compensation of the Assistant Secretaries of Defense is that prescribed by law for assistant secretaries of executive departments.[36] The Assistant Secretaries shall perform such duties as the Secretary of Defense may prescribe.[37]

(This section was amended by section 21 of the Act of August 10, 1956 (70A Stat. 629). References therein to compensation of the Under Secretaries and Assistant Secretaries of the military departments are codified in title 10 of the United States Code for the Army, Navy, and Air Force as follows:

(*Army*)

"§ 3013 (b). Compensation of the Under Secretary and of the Assistant Secretaries is that prescribed by law for assistant secretaries of executive departments." [38]

[34] Subsection (a) amended by section 2, Public Law 36, 81st Congress, April 2, 1949 (63 Stat. 30), further amended by section 10 (a), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578), and supplemented by section 102 (3), Public Law 854, 84th Congress, July 31, 1956 (70 Stat. 736), which provided for a salary of $25,000 per annum; subsection (b) amended by section 10 (a), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578), and supplemented by Public Law 359, 81st Congress, which provided for a salary of $20,000 per annum, and further supplemented by section 103 (a) (5), Public Law 854, 84th Congress, July 31, 1956 (70 Stat. 736), which increased basic compensation per annum to $22,500 for Deputy Secretary.

[35] Fixed by section 102 (b), Public Law 854, 84th Congress, July 31, 1956 (70 Stat. 738), at $22,000 per annum.

[36] Fixed by section 106 (a), (13) Public Law 854, 84th Congress, July 31, 1956 (70 Stat. 738), at $20,000 per annum.

[37] Amended by section 21 of the Act of August 10, 1956 (70A Stat. 629).

[38] Compensation for Under Secretaries fixed by section 106 (a) (42) (43) (44), Public Law 854, 84th Congress, July 31, 1956 (70 Stat. 738), at $20,000 per annum. Compensation for Assistant Secretaries of the military departments fixed by section 106 (a) (19), (20), and (21), Public Law 854, 84th Congress, July 31, 1956 (70 Stat. 738), at $20,000 per annum.

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(*Navy*)

"§ 5033 (c). Compensation of the Under Secretary is that prescribed by law for assistant secretaries of executive departments." [38]

"§ 5034 (d). Compensation of the Assistant Secretaries is that prescribed by law for assistant secretaries of executive departments." [38]

(*Air Force*)

"§ 8013 (b). Compensation of the Under Secretary and of the Assistant Secretaries is that prescribed by law for assistant secretaries of executive departments.")[38]

*SEC. 303. (a) The Director of the Office of Civil, and Defense Mobilization,[39] 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.

Definition of service.

(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.

*Subsection (a) amended by section 10 (c), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578) and section 53 of the act of August 10, 1956 (70A Stat. 676), subsection (b) from section 303 (b), Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495). Reorganization Plan No. 3, effective June 12, 1953, 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 to the Director of Defense Mobilization (excluding certain functions abolished by sec. 5), as well as certain additional functions including those vested by any statute in the Director of Defense Mobilization or in the Office of Defense Mobilization provided for in Executive Order 10193 of December 16, 1950, as superseded by Executive Order 10480 of August 14, 1953, as amended. Section 8 of Public Law 779, 83d Congress, approved September 3, 1954, was enacted to conform this section with Reorganization Plan No. 3 substituting "the Director of the Office of Defense Mobilization" for "the Chairman of the National Security Resources Board." It further amended subsection (b) by inserting the correct reference to Title 18 of the United States Code.

[38] The name "The Director of the Office of Defense Mobilization" was changed to "The Director of the Office of Civil and Defense Mobilization" by section 2 of Reorganization Plan No. 1, 1958, effective July 1, 1958 (23 F. R. 4991) as amended by Public Law 85–763, August 26, 1958 (72 Stat. 861).

[The foregoing section was amended by section 53 of the Act of August 10, 1956 (70A Stat. 676) by deleting the reference therein to the Secretary of Defense. As applicable to the Secretary of Defense, the provisions of this section are codified in section 173 of title 10, United States Code as follows:

"§ 173. (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.

(c) Sections 281, 283, and 284 of title 18 do not apply to a person because of his service on a committee, or as a part-time adviser, under subsection (a), unless he performs an act which is unlawful under one of those sections and which relates to a matter directly involving a department or agency which he is advising or to a matter in which that department or agency is directly interested."]

STATUS OF TRANSFERRED CIVILIAN PERSONNEL

Transferred personnel, Status of.

SEC. 304. All transfers of civilian personnel under this Act shall be without change in classification or compensation, but the head of any department or agency to which such a transfer is made is authorized to make such changes in the titles and designations and prescribe such changes in the duties of such personnel commensurate with their classification as he may deem necessary and appropriate.[40]

SAVING PROVISIONS

Applicability of laws, orders, regulations, and other actions.

SEC. 305. (a) All laws, orders, regulations, and other actions applicable with respect to any function, activity, personnel, property, records, or other thing transferred under this Act, or with respect to any officer, department, or agency, from which such transfer is made, shall, except to the extent rescinded, modified, superseded, terminated, or made inapplicable by or under authority of law, have the same effect as if such transfer had not been made; but, after any such transfer, any such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or agency from which such transfer was made shall, insofar as applicable with respect to the function, activity, personnel, property, records or other thing transferred and to

[40] From section 304, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495).

the extent not inconsistent with other provisions of this Act, be deemed to have vested such function in or relate to the officer, department, or agency to which the transfer was made.

Nonabatement of suits or other proceedings.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any department or agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any transfer or change in title under the provisions of this Act; and, in the case of any such transfer, such suit, action, or other proceeding may be maintained by or against the successor of such head or other officer under the transfer, but only if the court shall allow the same to be maintained on motion or supplemental petition filed within twelve months after such transfer takes effect, showing a necessity for the survival of such suit, action, or other proceeding to obtain settlement of the questions involved.

Applicability of existing laws and regulations.

(c) Notwithstanding the provisions of the second paragraph of section 5 of title I of the First War Powers Act, 1941, the existing organization of the War Department under the provisions of Executive Order Numbered 9082 of February 28, 1942, as modified by Executive Order Numbered 9722 of May 13, 1946, and the existing organization of the Department of the Navy under the provisions of Executive Order Numbered 9635 of September 29, 1945, including the assignment of functions to organizational units within the War and Navy Departments, may, to the extent determined by the Secretary of Defense, continue in force for two years following the date of enactment of this Act except to the extent modified by the provisions of this Act or under the authority of law.[41]

TRANSFER OF FUNDS

Transfer of funds to the Department of the Air Force.

SEC. 306. All unexpended balances of appropriations, allocations, nonappropriated funds, or other funds available or hereafter made available for use by or on behalf of the Army Air Forces or officers thereof, shall be transferred to the Department of the Air Force for use in connection with the exercise of its functions. Such other unexpended balances of appropriations, allocations, nonappropriated funds, or other funds available or hereafter made available for use by the Department of War or the Department of the Army in exercise of functions transferred to the Department of the Air Force under this Act, as the Secretary of Defense shall determine, shall be transferred to the Department of the Air Force for use in connection with the exercise of its functions. Unexpended balances transferred under this section may be used for the purposes for which the appropriations, allocations, or other funds were originally made available, or for new expenditures occasioned by the enactment of this Act. The transfers herein authorized may be made with or without warrant action as may be appropriate from time to time from any appropriation covered by this section to any other such appropriation or to such new accounts established on the books of the Treasury as may be determined to be necessary to carry into effect provisions of this Act.[42]

[41] From section 305, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495).

AUTHORIZATION FOR APPROPRIATIONS

Appropriations authorization.

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.[43]

DEFINITIONS

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.[44]

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.[45]

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.[46]

SUCCESSION TO THE PRESIDENCY

Secretary of Defense. Succession to the Presidency.

SEC. 311. Paragraph (1) of the subsection (d) of section 1 of the Act entitled "An Act to provide for the performance of the duties of the office of President in case

[42] From section 306, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495).
[43] From section 307, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495).
[44] Subsection (a) from section 308 (a), Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495); subsection (b) amended by section 12 (e), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578).
[45] From section 309, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495).
[46] From section 310, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495).

of the removal, resignation, death, or inability both of the President and Vice President", approved July 18, 1947, is amended by striking out "Secretary of War" and inserting in lieu thereof "Secretary of Defense", and by striking out "Secretary of the Navy,".[47]

(NOTE.—The following provisions of Public Law 216, Eighty-first Congress although not amendments to any particular sections of the National Security Act of 1947, are pertinent:)

The titles of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Under Secretaries and the Assistant Secretaries of the Departments of the Army, Navy, and Air Force, shall not be changed by virtue of this Act, and the reappointment of the officials holding such titles on the effective date of this Act shall not be required. It is hereby declared to be the intention of Congress that section 203 (a) of the National Security Act of 1947, as amended by section 6 of this Act, shall not be deemed to have created a new office of Deputy Secretary of Defense but shall be deemed to have continued in existence under a new title, the Office of Under Secretary of Defense which was established by the Act entitled "An Act to amend the National Security Act of 1947 to provide for an Under Secretary of Defense", approved April 2, 1949 (Public Law 36, Eighty-first Congress). The title of the official holding the Office of Under Secretary of Defense on the effective date of this Act shall be changed to Deputy Secretary of Defense and the reappointment of such official shall not be required.[48]

All laws, orders, regulations, and other actions relating to the National Military Establishment, the Departments of the Army, the Navy, or the Air Force, or to any officer or activity of such establishment, or such departments, shall, except to the extent inconsistent with the provisions of this Act, have the same effect as if this Act had not been enacted; but, after the effective date of this Act, any such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or establishment, shall be deemed to have vested such function in or relate to the officer or department, executive or military, succeeding the officer, department, or establishment in which such function was vested. For purposes of this subsection the Department of Defense shall be deemed the department succeeding the National Military Establishment, and the military departments of Army, Navy, and Air Force shall be deemed the departments succeeding the Executive Departments of Army, Navy, and Air Force.[49]

Reorganization Plan Numbered 8 of 1949, which was transmitted to the Congress by the President on July 18, 1949, pursuant to the provisions of the Reorganization Act of 1949, shall not take effect, notwithstanding the provisions of section 6 of such Reorganization Act of 1949.[50]

[47] From section 311, Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495).
[48] From section 12 (f), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578). Reference to "the Chairman of the Munitions Board, and the Chairman of the Research and Development Board", contained in the text as originally enacted has been deleted, these offices were abolished by section 2 (b) of Reorganization Plan 6 (67 Stat. 638) (see appendix II).
[49] From section 12 (g), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578).
[50] From section 12 (i), Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578).

TITLE IV[51]

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

COMPTROLLER OF DEPARTMENT OF DEFENSE

SEC. 401. (a) There is hereby established in the Department of Defense the Comptroller of the Department of Defense, who shall be one of the Assistant Secretaries of Defense. Comptroller of Department of Defense. Establishment.

(b) The Comptroller shall advise and assist the Secretary of Defense in performing such budgetary and fiscal functions as may be required to carry out the powers conferred upon the Secretary of Defense by this Act, including but not limited to those specified in this subsection. Subject to the authority, direction, and control of the Secretary of Defense, the Comptroller shall— Duties.

(1) supervise and direct the preparation of the budget estimates of the Department of Defense; and

(2) establish, and supervise the execution of—

(A) principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

(i) the preparation and execution of the budgets,

(ii) fiscal, cost, operating, and capital property accounting,

(iii) progress and statistical reporting,

(iv) internal audit, and

(B) policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

(3) establish uniform terminologies, classifications, and procedures in all such matters.

MILITARY DEPARTMENT BUDGET AND FISCAL ORGANIZATION—DEPARTMENTAL COMPTROLLERS

SEC. 402.[52] [Repealed. Codified in identical sections of title 10, United States Code, relating separately to the Army, Navy, and Air Force; for purposes of brevity only that provision relating to the Army which is codified in section 3014 of title 10, United States Code, is repeated below:

"§ 3014. (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 Depart-

[51] Title and section thereof added by section 11, Public Law 216, 81st Congress, August 10, 1949 (63 Stat. 578). No comparable title or sections in Public Law 253, 80th Congress, July 26, 1947 (61 Stat. 495).
[52] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676).

ment 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."] [50]

Performance Budget

Performance budget.

Sec. 403. (a) The budget estimates of the Department of Defense shall be prepared, presented, and justified, where practicable, 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 determine, so as to account for, and report, the cost of performance of readily identifiable functional programs and activities, with segregation of operating and capital programs. So far as practicable, the budget estimates and authorized programs of the military departments shall be set forth in readily comparable form and shall follow a uniform pattern.

Authority to make transfers and adjustments of military departments' appropriations.

(b) In order to expedite the conversion from present budget and accounting methods to the cost-of-performance method prescribed in this title, the Secretary of each military department, with the approval of the President and the Secretary of Defense, is authorized and directed, until the end of the second year following the date of enactment of this Act, to make such transfers and adjustments within the military department of

[50] Corresponding Navy and Air Force provisions are contained in title 10, United States Code, sections 5061 and 8014, respectively.

which he is the head between appropriations available for obligation by such department in such manner as he deems necessary to cause the obligation and administration of funds and the reports of expenditures to reflect the cost of performance of such programs and activities. Reports of transfers and adjustments made pursuant to the authority of this subsection shall be made currently by the Secretary of Defense to the President and the Congress.

Reports to the President and Congress.

Obligation of Appropriations

Sec. 404. In order to prevent overdrafts and deficiencies in any fiscal year for which appropriations are made, on and after the beginning of the next fiscal year following the date of enactment of this Act appropriations made to the Department of Defense or to the military departments, and reimbursements thereto, shall be available for obligation and expenditure only after the Secretary of Defense shall approve scheduled rates of obligation, or modifications thereof: *Provided*, That nothing in this section shall affect the right of the Department of Defense to incur such deficiencies as may be now or hereafter authorized by law to be incurred.

Deficiencies.

Working-Capital Funds*

Working-capital funds.

Sec. 405. (a) In order more effectively to control and account for the cost of programs and work performed in the Department of Defense, the Secretary of Defense is authorized to require the establishment of working-capital funds in the Department of Defense for the purpose of—

(1) financing inventories of such stores, supplies, materials, and equipment as he may designate; and
(2) providing working capital for such industrial-type activities, and for such commercial-type activities as provide common services within or among the departments and agencies of the Department of Defense, as he may designate.

Working-Capital Funds, Designation on books of Treasury Department.

(b) The Secretary of the Treasury is authorized and directed to establish on the books of the Treasury Department at the request of the Secretary of Defense the working-capital funds established pursuant to the authority of this section.

*Section 645, Department of Defense Appropriation Act, 1954 (Act of August 1, 1953, Public Law 179 (67 Stat. 357)) provides in part as follows:
"That current applicable appropriations of the Department of Defense may be credited with moneys arising from the disposition of such supplies, goods, and materiel as are not financed under stock funds pursuant to section 405 of the National Security Act, as amended: *Provided further*, That obligations may be incurred against anticipated reimbursements to stock funds in such amounts and for such periods determined by the Secretary of Defense, with the approval of the Director of the Bureau of the Budget, to be necessary to maintain required stock levels not inconsistent with planned operations for the succeeding fiscal year, without regard to fiscal year limitations."

(c) Such funds shall be—

(1) charged, when appropriate, with the cost of stores, supplies, materials, and equipment procured or otherwise acquired, manufactured, repaired, issued, and consumed and of services rendered or work performed, including applicable administrative expenses; and

(2) reimbursed from available appropriations or otherwise credited for the cost of stores, supplies, materials, or equipment furnished and of services rendered or work performed, including applicable administrative expenses.

Reports to the President and Congress.

Reports of the condition and operations of such funds shall be made annually to the President and to the Congress.

Working-Capital Funds, Capital for.

(d) The Secretary of Defense is authorized to provide capital for such working-capital fund by capitalizing inventories on hand and, with the approval of the President, by transfer, until December 31, 1954, from unexpended balances of any appropriations of the military departments not carried to the surplus fund of the Treasury: *Provided*, That no deficiency shall be incurred in any such appropriation as a result of any such transfer. To the extent that such methods do not, in the determination of the Secretary of Defense, provide adequate amounts of working capital, there is hereby authorized to be appropriated, out of any moneys in the Treasury not appropriated for other purposes, such sums as may be necessary to provide adequate working capital.

Limitation on deficiencies.

Allocation of responsibility.

(e) Subject to the authority and direction of the Secretary of Defense, the Secretaries of the military departments shall allocate responsibility within their respective military departments for the execution of functions which each military department is authorized by law to perform in such a manner as to effect the most economical and efficient organization and operation of the activities and use of the inventories for which working-capital funds are authorized by this section.

Cost limitation.

(f) No greater cost shall be incurred by the requisitioning agency for stores, supplies, materials, or equipment drawn from inventories, and for services rendered or work performed by the industrial-type or commercial-type activities for which working-capital funds are authorized by this section, than the amount of appropriations or funds available for such purposes.

Cost limitation. Authority of Secretary of Defense to govern activities.

(g) The Secretary of Defense is authorized to issue regulations to govern the operation of activities and use of inventories authorized by this section, which regulations may, whenever he determines the measures set forth in this subsection to be required by the needs of the Department of Defense, and when such measures are authorized by law, permit, stores, supplies, materials, and equipment to be sold to, and services to be rendered

or work performed for, purchasers or users outside the Department of Defense. In such cases, the working-capital funds involved may be reimbursed by charges against appropriate appropriations or by payments received in cash.

(h) The appraised value of all stores, supplies, materials, and equipment returned to such working-capital funds from any department, activity, or agency, may be charged to the working-capital fund concerned and the proceeds thereof shall be credited to the current appropriations concerned; the amount so credited shall be available for expenditures for the same purposes as the appropriations credited: *Provided*, That the provisions of this subsection shall not permit credits to appropriations as the result of capitalization of inventories authorized by subsection (d) of this section.

Management Funds

Sec. 406. The Act of July 3, 1942 (56 Stat. 645, c. 484), as amended, is hereby further amended to read as follows:

"(a) For the purpose of facilitating the economical and efficient conduct of operations in the Department of Defense which are financed by two or more appropriations where the costs of the operations are not susceptible of immediate distribution as charges to such appropriations, there are hereby established the Navy Management Fund, the Army Management Fund, and the Air Force Management Fund, each within, and under the direction of the respective Secretaries of, the Departments of the Navy, Army, or Air Force, as the case may be. There are authorized to be appropriated from time to time such funds as may be necessary to accomplish the purposes of the funds.

"(b) The corpus of the Navy Management Fund shall consist of the sum of $1,000,000 heretofore transferred to the Naval Procurement Fund from the Naval Emergency Fund (17X0300), which amount, and all balances in, and obligations against, any accounts in the Naval Procurement Fund, are hereby transferred to the Navy Management Fund; the corpus of the Army Management Fund shall consist of the sum of $1,000,000, which shall be transferred thereto from any unobligated balance of any appropriation available to the Department of the Army; the corpus of the Air Force Management Fund shall consist of the sum of $1,000,000, which shall be transferred thereto from any unobligated balance of any appropriation available to the Department of the Air Force; in each case together with such additional funds as may from time to time be appropriated to any of said funds. Accounts for the individual operations to be financed under the respective management funds shall be established only upon approval by the Secretary of Defense.

Credit for returned supplies and equipment. Management funds, Army, Navy, and Air Force. Establishment. Composition.

Expenditures from funds.

"(c) Expenditures may be made from said management funds from time to time for material (other than material for stock) and for personal and contractual services under such regulations as may be prescribed by the Secretary of Defense: *Provided*, (1) That no obligation shall be incurred against any such fund which is not properly chargeable to available funds under an appropriation of the department within which the fund is established or, whenever necessary to effectuate purposes authorized by this Act to funds of another department or agency within the Department of Defense, and (2) that each fund shall be promptly reimbursed from the appropriate appropriations of such department for all expenditures properly chargeable thereto. Nothing herein or in any other provision of law shall be construed to prevent advances by check or warrant, or reimbursements to any of said management funds from appropriations of said departments on the basis of the estimated cost of a project, such estimated cost to be revised and necessary appropriation adjustments made when adequate data become available.

Restrictions, of funds.

Availability

"(d) Except as otherwise provided by law, amounts advanced to the management funds under the provisions of this Act shall be available for obligation only during the fiscal year in which they are advanced: *Provided*, That nothing contained in this Act shall alter or limit the authorized period of availability of the funds from which such advances are made. Final adjustments of advances in accordance with actual costs shall be effected with the appropriate funds for the fiscal year in which such funds are advanced.

"(e) The portion of the Naval Appropriation Act, 1945 (58 Stat. 301, 310), relating to the Naval Procurement Fund is hereby repealed."

Adjustment of Accounts

Adjustment of accounts.

SEC. 407. (a) When under authority of law a function or an activity is transferred or assigned from one department or agency within the Department of Defense to another such department or agency, the balances of appropriations which are determined by the Secretary of Defense to be available and necessary to finance or discharge the function or activity so transferred or assigned may, with the approval of the President, be transferred to, and be available for use by, the department or agency to which said function or activity is transferred or assigned for any purpose for which said funds were originally available. Balances so transferred shall be credited to any applicable existing appropriation account or accounts, or to any new appropriation account or accounts, which are hereby authorized to be established on the books of the Treasury Department, of the department

or organization to which such function or activity is transferred, and shall be merged with funds in the applicable existing or newly established appropriation account or accounts and thereafter accounted for as one fund. Balances transferred to existing accounts shall be subject only to such limitations as are specifically applicable to such accounts and those transferred to new accounts shall be subject only to such limitations as are applicable to the appropriations from which they are transferred.

Transfer of personnel, Accounting for.

(b) The number of employees which in the opinion of the Secretary of Defense is required for such transferred functions or activities may, with the approval of the Director of the Bureau of the Budget, be deducted from any personnel maximum or limitation of the department or agency within the Department of Defense from which such function or activity is transferred, and added to any such personnel maximum or limitation of the department or agency to which such function or activity is transferred.

["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)."]

Availability of Reimbursements

Reimbursements.

SEC. 408. To carry out the purposes of this Act, reimbursements made under the authority of the Economy Act (31 U. S. C. 686), and sums paid by or on behalf of personnel of any department or organization for services rendered or supplies furnished, may be credited to authorized replacing or other accounts. Funds credited to such accounts shall remain available for obligation for the same period as the funds in the account so credited and each such account shall constitute one fund on the books of the Treasury Department.

Common Use of Disbursing Facilities

Disbursing facilities.

SEC. 409. To the extent authorized by the Secretary of Defense, disbursing officers of the Departments of the Army, Navy, and Air Force may, out of accounts of advances available to them, make disbursements covering obligations arising in connection with any function or activity of any other department or organization within the Department of Defense and charge upon

*Section 6 of Reorganization Plan 6 of 1953 (67 Stat. 639) (see appendix II).

vouchers the proper appropriation or appropriations of the other department or organization: *Provided*, That all said expenditures shall subsequently be adjusted in settlement of disbursing officers' accounts.

Reports of Property

Property records.

Sec. 410.[51] [Repealed. Codified in section 2701 of title 10, United States Code, as follows:

"§ 2701. (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.

Reports to the President and the Congress.

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

Repealing and Saving Provisions

Repeal of inconsistent laws, orders, and regulations.

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.

[51] Repealed by section 53 of the Act of August 10, 1956 (70A Stat. 676).

APPENDIXES

APPENDIX I

Reorganization Plan No. 1 of 1958

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 24, 1958, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended

CIVILIAN MOBILIZATION

Section 1. *Transfer of functions to the President.*—(a) There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the following: The Office of Defense Mobilization, the Director of the Office of Defense Mobilization, the Federal Civil Defense Administration, and the Federal Civil Defense Administrator.

(b) The President may from time to time delegate any of the functions transferred to him by subsection (a) of this section to any officer, agency, or employee of the executive branch of the Government, and may authorize such officer, agency, or employee to redelegate any of such functions delegated to him.

Sec. 2. *Office of Defense and Civilian Mobilization.*—(a) Subject to the provisions of this reorganization plan, the Office of Defense Mobilization and the Federal Civil Defense Administration are hereby consolidated to form a new agency in the Executive Office of the President which shall be known as the Office of Defense and Civilian Mobilization, hereinafter referred to as the "Office".

(b) There shall be at the head of the Office a Director of the Office of Defense and Civilian Mobilization, who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate now or hereafter prescribed by law for the heads of executive departments.

(c) There shall be in the Office a Deputy Director of the Office of Defense and Civilian Mobilization, who shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate now or hereafter prescribed by law for the under secretaries referred to in section 104 of the Federal Executive Pay Act of 1956 (5 U. S. C. 2203), shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganiaztion plan, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

(d) There shall be in the Office three Assistant Directors of the Office of Defense and Civilian Mobilization, each of whom shall be appointed by the President by and with the advice and consent of

the Senate, shall receive compensation at the rate now or hereafter prescribed by law for assistant secretaries of executive departments, and shall perform such functions as shall be delegated or assigned to him pursuant to the provisions of this reorganization plan.

(e) The Office and the Director thereof shall perform such functions as the President may from time to time delegate or assign thereto. The said Director may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, or by any agency or employee, of the Office of any function delegated or assigned to the Office or to the Director.

SEC. 3. *Regional directors.*—There are hereby established in the Office so many new positions, not in excess of ten existing at any one time, with the title "Regional Director", as the Director of the Office shall from time to time determine. Each Regional Director shall be appointed under the classified civil service, shall be the head of a regional office of the Office of Defense and Civilian Mobilization, shall perform such functions appropriate to such regional office as may be delegated or assigned to him pursuant to the provisions of this reorganization plan, and shall receive compensation which shall be fixed from time to time pursuant to the classification laws as now or hereafter amended except that the compensation may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended (5 U. S. C. 1105).

SEC. 4. *Membership on National Security Council.*—The functions of the Director of the Office of Defense Mobilization with respect to being a member of the National Security Council are excluded from the scope of the provisions of section 1 (a) of this reorganization plan and are hereby transferred to the Director of the Office of Defense and Civilian Mobilization.

SEC. 5. *Civil Defense Advisory Council.*—The Civil Defense Advisory Council, created by section 102 (a) of the Federal Civil Defense Act (50 U. S. C. App. 2272 (a)), together with its functions, is hereby transferred to the Office of Defense and Civilian Mobilization.

SEC. 6. *Abolitions.*—The offices of Federal Civil Defense Administrator and Deputy Administrator provided for in section 101 of the Federal Civil Defense Act (50 U. S. C. App. 2271) and the offices of the Director of the Office of Defense Mobilization and Deputy Director of the Office of Defense Mobilization provided for in section 1 of Reorganization Plan Numbered 3 of 1953 (67 Stat. 634) are hereby abolished. The Director of the Office of Defense and Civilian Mobilization shall make such provisions as may be necessary in order to wind up any outstanding affairs of the offices abolished by this section which are not otherwise provided for in this reorganization plan.

SEC. 7. *Records, property, personnel, and funds.*—(a) The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Office of Defense Mobilization and of the Federal Civil Defense Administration shall, upon the taking effect of the provisions of this reorganization plan, become records, property, personnel, and unexpended balances of the Office of Defense and Civilian Mobilization .

(b) Records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of any agency (including the Office of Defense and Civilian Mobilization), relating to functions vested in or delegated or assigned to the Office of Defense Mobilization or the Federal Civil Defense Administration immediately prior to the taking effect of the provisions of this reorganization plan, may be transferred from time to time to any other agency of the Government by the Director of the Bureau of the Budget under authority of this subsection for use, subject to the provisions of the Reorganization Act of 1949, as amended, in connection with any of the said functions authorized at time of transfer under this subsection to be performed by the transferee agency.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in connection with the provisions of subsections (a) and (b) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 8. *Interim provisions.*—The President may authorize any person who immediately prior to the effective date of this reorganization plan holds an office abolished by section 6 hereof to hold any office established by section 2 of this reorganization plan until the latter office is filled pursuant to the said section 2 or by recess appointment, as the case may be, but in no event for any period extending more than one-hundred-and-twenty days after the said effective date.

SEC. 9. *Effective date.*—The provisions of this reorganization plan shall take effect at the time determined under the provisions of section 6 (a) of the Reorganization Act of 1949, as amended, or on July 1, 1958, whichever is later.

APPENDIX II

REORGANIZATION PLAN NO. 6 OF 1953

(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. *Assistant Secretaries of Defense.*—Six additional Assistant Secretaries of Defense may be appointed from civilian life by the President, by and with the advice and consent of the Senate. Each such Assistant Secretary shall perform such functions as the Secretary of Defense may from time to time prescribe and each shall receive compensation at the rate prescribed by law for assistant secretaries of executive departments.

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

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 pertient 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 reserve 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 mentioned. 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, autority 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 Committee 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, 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

[PUBLIC LAW 253—80TH CONGRESS]

[CHAPTER 343—1ST SESSION]

[S. 758]

AN ACT

To promote the national security by providing for a Secretary of Defense; for a National Military Establishment; for a Department of the Army, a Department of the Navy, and a Department of the Air Force; and for the coordination of the activities of the National Military Establishment with other departments and agencies of the Government concerned with the national security.

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".

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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 three military departments for the operation and administration of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force, with their assigned combat and service components; to provide for their authoritative coordination and unified direction under civilian control but not to merge them; to provide for the effective strategic direction of the armed forces and for their operation under unified control and for their integration into an efficient team of land, naval, and air forces.

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 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 the President; the Secretary of State; the Secretary of Defense, appointed under section 202; the Secretary of the Army, referred to in section 205; the Secretary of the Navy; the Secretary of the Air Force, appointed under section 207; the Chairman of the National Security Resources Board, appointed under section 103; and such of the following named officers as the President may designate from time to time: The Secretaries of the executive departments, the Chairman of the Munitions Board appointed under section 213, and the Chairman of the Research and Development Board appointed under section 214; but no such additional member shall be designated until the advice and consent of the Senate has been given to his appointment to the office the holding of which authorizes his designation as a member of the Council.

(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 $10,000 a year. The executive secretary, subject to the direction of the Council, is hereby authorized, subject to the civil-service laws and the Classification Act of 1923, 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 deems appropriate or as the President may require.

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. The 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 or from among individuals in civilian life. The Director shall receive compensation at the rate of $14,000 a year.

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

(A) in the performance of his duties as 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) 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 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, perquisite, 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, receive the military pay and allowances (active or retired, as the case may be) payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which $14,000 exceeds the amount of his annual military pay and allowances.

(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, subpena, law enforcement powers, or inter-

nal-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 efficiently 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 or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

NATIONAL SECURITY RESOURCES BOARD

SEC. 103. (a) There is hereby established a National Security Resources Board (hereinafter in this section referred to as the "Board") to be composed of the Chairman of the Board and such heads or representatives of the various executive departments and independent agencies as may from time to time be designated by the President to be members of the Board. The Chairman of the Board 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.

(b) The Chairman of the Board, subject to the direction of the President, is authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such personnel as may be necessary to assist the Board in carrying out its functions.

(c) It shall be the function of the Board 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.

(d) In performing its functions, the Board shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government.

TITLE II—THE NATIONAL MILITARY ESTABLISHMENT

ESTABLISHMENT OF THE NATIONAL MILITARY ESTABLISHMENT

SEC. 201. (a) There is hereby established the National Military Establishment, and the Secretary of Defense shall be the head thereof.

(b) The National Military Establishment shall consist of the Department of the Army, the Department of the Navy, and the Department of the Air Force, together with all other agencies created under title II of this Act.

SECRETARY OF DEFENSE

SEC. 202. (a) There shall be a Secretary of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate: *Provided*, That a person who has within ten years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Secretary of Defense. The Secretary of Defense shall be the principal assistant to the President in all matters relating to the national security. Under the direction of the President and subject to the provisions of this Act he shall perform the following duties:

(1) Establish general policies and programs for the National Military Establishment and for all of the departments and agencies therein;

(2) Exercise general direction, authority, and control over such departments and agencies;

(3) Take appropriate steps to eliminate unnecessary duplication or overlapping in the fields of procurement, supply, transportation, storage, health, and research;

(4) Supervise and coordinate the preparation of the budget estimates of the departments and agencies comprising the National Military Establishment; formulate and determine the budget estimates for submittal to the Bureau of the Budget; and supervise the budget programs of such departments and agencies under the applicable appropriation act:

Provided, That nothing herein contained shall prevent the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force from presenting to the President or to the Director of the Budget, after first so informing the Secretary of Defense, any report or recommendation relating to his department which he may deem necessary: *And provided further*, That the Department of the Army, the Department of the Navy, and the Department of the Air Force shall be administered as individual executive departments by their respective Secretaries and all powers and duties relating to such departments not specifically conferred upon the Secretary of Defense by this Act shall be retained by each of their respective Secretaries.

(b) The Secretary of Defense shall submit annual written reports to the President and the Congress covering expenditures, work, and accomplishments of the National Military Establishment, together with such recommendations as he shall deem appropriate.

(c) The Secretary of Defense shall cause a seal of office to be made for the National Military Establishment, of such design as the President shall approve, and judicial notice shall be taken thereof.

MILITARY ASSISTANTS TO THE SECRETARY

SEC. 203. Officers of the armed services may be detailed to duty as assistants and personal aides to the Secretary of Defense, but he shall not establish a military staff.

CIVILIAN PERSONNEL

SEC. 204. (a) The Secretary of Defense is authorized to appoint from civilian life not to exceed three special assistants to advise and assist him in the performance of his duties. Each such special assistant shall receive compensation at the rate of $10,000 a year.

(b) The Secretary of Defense is authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such other civilian personnel as may be necessary for the performance of the functions of the National Military Establishment other than those of the Departments of the Army, Navy, and Air Force.

DEPARTMENT OF THE ARMY

SEC. 205. (a) The Department of War shall hereafter be designated the Department of the Army, and the title of the Secretary of War shall be changed to Secretary of the Army. Changes shall be made in the titles of other officers and activities of the Department of the Army as the Secretary of the Army may determine.

(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 National Military Establishment or to such officer or activity designated by his or its new title.

(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.

(d) The Secretary of the Army shall cause a seal of office to be made for the Department of the Army, of such design as the President may approve, and judicial notice shall be taken thereof.

(e) In general the United States Army, within the Department of the Army, shall include 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 shall be 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 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 the 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.

(b) In general the United States Navy, within the Department of the Navy, shall include naval combat and service forces and such aviation as may be organic therein. It shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea. It shall be responsible for the preparation of naval 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 Navy to meet the needs of war.

All naval aviation shall be integrated with the naval service as part thereof within the Department of the Navy. Naval aviation shall consist of combat and service and training forces, and shall include land-based naval aviation, air transport essential for naval operations, all air weapons and air techniques involved in the operations and activities of the United States Navy, and the entire remainder of the aeronautical organization of the United States Navy, together with the personnel necessary therefor.

The Navy shall be generally responsible for naval reconnaissance, antisubmarine warfare, and protection of shipping.

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.

(c) The United States Marine Corps, within the Department of the Navy, shall include land combat and service forces and such aviation 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. It shall be the duty of the Marine Corps to develop, in coordination with the Army and the Air Force, those phases of amphibious operations which pertain to the tactics, technique, and equipment employed by landing forces. 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: *Provided*, That such additional duties shall not detract from or interfere with the operations for which the Marine Corps is primarily organized. The Marine Corps shall be responsible, in accordance with integrated joint mobilization plans, for the expansion of peacetime components of the Marine Corps to meet the needs of war.

DEPARTMENT OF THE AIR FORCE

SEC. 207. (a) Within the National Military Establishment there is hereby established an executive department to be known as the Department of the Air Force, and a Secretary of the Air Force, who shall be the head thereof. The Secretary of the Air Force shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) Section 158 of the Revised Statutes is amended to include the Department of the Air Force and the provisions of so much of title IV of the Revised Statutes as now or hereafter amended as is not inconsistent with this Act shall be applicable to the Department of the Air Force.

(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.

(d) There shall be in the Department of the Air Force an Under Secretary of the Air Force and two 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.

(e) The several officers of the Department of the Air Force shall perform such functions as the Secretary of the Air Force may prescribe.

(f) So much of the functions of the Secretary of the Army and of the Department of the Army, including those of any officer of such Department, as are assigned to or under the control of the Commanding General, Army Air Forces, or as are deemed by the Secretary of Defense to be necessary or desirable for the operations of the Department of the Air Force or the United States Air Force, shall be transferred to and vested in the Secretary of the Air Force and the Department of the Air Force: *Provided*, That the National Guard Bureau shall, in addition to the functions and duties performed by it for the Department of the Army, be charged with 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 several States on all matters pertaining to the Air National Guard: *And provided further*, That, in order to permit an orderly transfer, the Secretary of Defense may, during the transfer period hereinafter prescribed, direct that the Department of the Army shall continue for appropriate periods to exercise any of such functions, insofar as they relate to the Department of the Air Force, or the United States Air Force or their property and personnel. Such of the property, personnel, and records of the Department of the Army used in the exercise of functions transferred under this subsection as the Secretary of Defense shall determine shall be transferred or assigned to the Department of the Air Force.

(g) The Secretary of the Air Force shall cause a seal of office to be made for the Department of the Air Force, of such device as the President shall approve, and judicial notice shall be taken thereof.

UNITED STATES AIR FORCE

SEC. 208. (a) The United States Air Force is hereby established under the Department of the Air Force. The Army Air Forces, the Air Corps, United States Army, and the General Headquarters Air Force (Air Force Combat Command), shall be transferred to the United States Air Force.

(b) There shall be a Chief of Staff, United States Air Force, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years from among the officers of general rank who are assigned to or commissioned in the United States Air Force. Under the direction of the Secretary of the Air Force, the Chief of Staff, United States Air Force, shall exercise command over the United States Air Force and shall be charged with the duty of carrying into execution all lawful orders and directions which may be transmitted to him. The functions of the Commanding General, General Headquarters Air Force (Air Force Combat Command), and of the Chief of the Air Corps and of the Commanding General, Army Air Forces, shall be transferred to the Chief of Staff, United States Air Force. When such transfer becomes effective, the offices of the Chief of the Air Corps, United States Army, and Assistants to the Chief of the Air Corps, United States Army, provided for by the Act of June 4, 1920, as amended (41 Stat. 768), and Commanding General, General Headquarters Air Force, provided for by section 5 of the Act of June 16, 1936 (49 Stat. 1525), shall cease to exist. While holding office as Chief of Staff, United States Air Force, the incumbent shall hold a grade and receive allowances equivalent to those prescribed by law for the Chief of Staff, United States Army.

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The Chief of Staff, United States Army, the Chief of Naval Operations, and the Chief of Staff, United States Air Force, shall take rank among themselves according to their relative dates of appointment as such, and shall each take rank above all other officers on the active list of the Army, Navy, and Air Force: *Provided*, That nothing in this Act shall have the effect of changing the relative rank of the present Chief of Staff, United States Army, and the present Chief of Naval Operations.

(c) All commissioned officers, warrant officers, and enlisted men, commissioned, holding warrants, or enlisted, in the Air Corps, United States Army, or the Army Air Forces, shall be transferred in branch to the United States Air Force. All other commissioned officers, warrant officers, and enlisted men, who are commissioned, hold warrants, or are enlisted, in any component of the Army of the United States and who are under the authority or command of the Commanding General, Army Air Forces, shall be continued under the authority or comand of the Chief of Staff, United States Air Force, and under the jurisdiction of the Department of the Air Force. Personnel whose status is affected by this subsection shall retain their existing commissions, warrants, or enlisted status in existing components of the armed forces unless otherwise altered or terminated in accordance with existing law; and they shall not be deemed to have been appointed to a new or different office or grade, or to have vacated their permanent or temporary appointments in an existing component of the armed forces, solely by virtue of any change in status under this subsection. No such change in status shall alter or prejudice the status of any individual so assigned, so as to deprive him of any right, benefit, or privilege to which he may be entitled under existing law.

(d) Except as otherwise directed by the Secretary of the Air Force, all property, records, installations, agencies, activities, projects, and civilian personnel under the jurisdiction, control, authority, or command of the Commanding General, Army Air Forces, shall be continued to the same extent under the jurisdiction, control, authority, or command, respectively, of the Chief of Staff, United States Air Force, in the Department of the Air Force.

(e) For a period of two years from the date of enactment of this Act, personnel (both military and civilian), property, records, installations, agencies, activities, and projects may be transferred between the Department of the Army and the Department of the Air Force by direction of the Secretary of Defense.

(f) In general the United States Air Force shall include 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. The Air Force shall be 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. Each transfer, assignment, or change in status under section 207 or section 208 shall take effect upon such date or dates as may be prescribed by the Secretary of Defense.

WAR COUNCIL

SEC. 210. There shall be within the National Military Establishment a War Council composed of the Secretary of Defense, as Chairman, who shall have power of decision; the Secretary of the Army; the Secretary of the Navy; the Secretary of the Air Force; the Chief of Staff, United States Army; the Chief of Naval Operations; and the Chief of Staff, United States Air Force. The War 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. (a) There is hereby established within the National Military Establishment the Joint Chiefs of Staff, which shall consist of the Chief of Staff, United States Army; the Chief of Naval Operations; the Chief of Staff, United States Air Force; and the Chief of Staff to the Commander in Chief, if there be one.

(b) Subject to the authority and direction of the President and the Secretary of Defense, it shall be the duty of the Joint Chiefs of Staff—

(1) to prepare strategic plans and to provide for the strategic direction of the military forces;

(2) to prepare joint logistic plans and to assign to the military services logistic responsibilities in acordance with such plans;

(3) to establish unified commands in strategic areas when such unified commands are in the interest of national security;

(4) to formulate policies for joint training of the military forces;

(5) to formulate policies for coordinating the education of members of the military forces;

(6) to review major material and personnel requirements of the military forces, in accordance with strategic and logistic plans; and

(7) to provide United States representation on the Military Staff Committee of the United Nations in accordance with the provisions of the Charter of the United Nations.

(c) The Joint Chiefs of Staff shall act as the principal military advisers to the President and the Secretary of Defense and shall perform such other duties as the President and the Secretary of Defense may direct or as may be prescribed by law.

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.

MUNITIONS BOARD

SEC. 213. (a) There is hereby established in the National Militar Establishments a Munitions Board (hereinafter in this section referre to as the "Board").

(b) The Board shall be composed of a Chairman, who shall be th head thereof, and an Under Secretary or Assistant Secretary fro each of the three military departments, to be designated in each case b the Secretaries of their respective departments. The Chairman sha be appointed from civilian life by the President, by and with the advic and consent of the Senate, and shall receive compensation at the rat of $14,000 a year.

(c) It shall be the duty of the Board under the direction of th Secretary of Defense and in support of strategic and logistic plan prepared by the Joint Chiefs of Staff—

(1) to coordinate the appropriate activities within the Nation Military Establishment with regard to industrial matters, includ ing the procurement, production, and distribution plans of th departments and agencies comprising the Establishment;

(2) to plan for the military aspects of industrial mobilization

(3) to recommend assignment of procurement responsibilitie among the several military services and to plan for standardiza tion of specifications and for the greatest practicable allocatio of purchase authority of technical equipment and common us items on the basis of single procurement;

(4) to prepare estimates of potential production, procuremen and personnel for use in evaluation of the logistic feasibility o strategic operations;

(5) to determine relative priorities of the various segments o the military procurement programs;

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

(7) to make recommendations to regroup, combine, or dissolv existing interservice agencies operating in the fields of procure ment, production, and distribution in such manner as to promot efficiency and economy;

(8) to maintain liaison with other departments and agencie for the proper correlation of military requirements with the civil ian economy, particularly in regard to the procurement or dis position of strategic and critical material and the maintenance o adequate reserves of such material, and to make recommendation as to policies in connection therewith;

(9) to assemble and review material and personnel require ments presented by the Joint Chiefs of Staff and those presented by the production, procurement, and distribution agencies assigned to meet military needs, and to make recommendations thereon to the Secretary of Defense; and

(10) to perform such other duties as the Secretary of Defens may direct.

(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.

(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.

RESEARCH AND DEVELOPMENT BOARD

SEC. 214. (a) There is hereby established in the National Military Establishment 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 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.

(b) It shall be the duty of the Board, under the direction of the Secretary of Defense—

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

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

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

(4) to formulate policy for the National Military Establishment in connection with research and development matters involving agencies outside the National Military Establishment;

(5) to consider the interaction of research and development and strategy and to advise the Joint Chiefs of Staff in connection therewith; and

(6) to perform such other duties as the Secretary of Defense may direct.

(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.

(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.

TITLE III—MISCELLANEOUS

COMPENSATION OF SECRETARIES

SEC. 301. (a) The Secretary of Defense shall receive the compensation prescribed by law for heads of executive departments.

(b) The Secretary of the Army, the Secretary of the Navy, and the Secertary of the Air Force shall each receive the compensation prescribed by law for heads of executive departments.

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UNDER SECRETARIES AND ASSISTANT SECRETARIES

SEC. 302. The Under Secretaries and Assistant Secretaries of the Army, the Navy, and the Air Force shall each receive compensation at the rate of $10,000 a year and shall perform such duties as the Secretaries of thier respective departments may prescribe.

ADVISORY COMMITTEES AND PERSONNEL

SEC. 303. (a) The Secretary of Defense, the Chairman of the National Security Resources Board, and the Director of Central Intelligence 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 $35 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 109 or 113 of the Criminal Code (U. S. C., 1940 edition, title 18, secs. 198 and 203), or section 10 (e) of the Contract Settlement Act of 1944, 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.

STATUS OF TRANSFERRED CIVILIAN PERSONNEL

SEC. 304. All transfers of civilian personnel under this Act shall be without change in classification or compensation, but the head of any department or agency to which such a transfer is made is authorized to make such changes in the titles and designations and prescribe such changes in the duties of such personnel commensurate with their classification as he may deem necessary and appropriate.

SAVING PROVISIONS

SEC. 305. (a) All laws, orders, regulations, and other actions applicable with respect to any function, activity, personnel, property, records, or other things transferred under this Act, or with respect to any officer, department, or agency, from which such transfer is made, shall, except to the extent rescinded, modified, superseded, terminated, or made inapplicable by or under authority of law, have the same effect as if such transfer had not been made; but, after any such transfer, any such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or agency from

which such transfer was made shall, insofar as applicable with respect to the function, activity, personnel, property, records or other thing transferred and to the extent not inconsistent with other provisions of this Act, be deemed to have vested such function in or relate to the officer, department, or agency to which the transfer was made.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any department or agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any transfer or change in title under the provisions of this Act; and, in the case of any such transfer, such suit, action, or other proceeding may be maintained by or against the successor of such head or other officer under the transfer, but only if the court shall allow the same to be maintained on motion or supplemental petition filed within twelve months after such transfer takes effect, showing a necessity for the survival of such suit, action, or other proceeding to obtain settlement of the questions involved.

(c) Notwithstanding the provisions of the second paragraph of section 5 of title I of the First War Powers Act, 1941, the existing organization of the War Department under the provisions of Executive Order Numbered 9082 of February 28, 1942, as modified by Executive Order Numbered 9722 of May 13, 1946, and the existing organization of the Department of the Navy under the provisions of Executive Order Numbered 9635 of September 29, 1945, including the assignment of functions to organizational units within the War and Navy Departments, may, to the extent determined by the Secretary of Defense, continue in force for two years following the date of enactment of this Act except to the extent modified by the provisions of this Act or under the authority of law.

TRANSFER OF FUNDS

SEC. 306. All unexpended balances of appropriations, allocations, nonappropriated funds, or other funds available or hereafter made available for use by or on behalf of the Army Air Forces or officers thereof, shall be transferred to the Department of the Air Force for use in connection with the exercise of its functions. Such other unexpended balances of appropriations, allocations, nonappropriated funds, or other funds available or hereafter made available for use by the Department of War or the Department of the Army in exercise of functions transferred to the Department of the Air Force under this Act, as the Secretary of Defense shall determine, shall be transferred to the Department of the Air Force for use in connection with the exercise of its functions. Unexpended balances transferred under this section may be used for the purposes for which the appropriations, allocations, or other funds were originally made available, or for new expenditures occasioned by the enactment of this Act. The transfers herein authorized may be made with or without warrant action as may be appropriate from time to time from any appropriation covered by this section to any other such appropriation or to such new accounts established on the books of the Treasury as may be determined to be necessary to carry into effect provisions of this Act.

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 "budget program" refers to recommendations as to the apportionment, to the allocation and to the review of allotments of appropriated funds.

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.

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.

SUCCESSION TO THE PRESIDENCY

SEC. 311. Paragraph (1) of subsection (d) of section 1 of the Act entitled "An Act to provide for the performance of the duties of the office of President in case of the removal, resignation, death, or inability both of the President and Vice President", approved July 18, 1947, is amended by striking out "Secretary of War" and inserting in lieu thereof "Secretary of Defense", and by striking out "Secretary of the Navy,".

Approved July 26, 1947.

APPENDIX V

[PUBLIC LAW 216—81ST CONGRESS]

[CHAPTER 412—1ST SESSION]

[H. R. 5632]

AN ACT

To reorganize fiscal management in the National Military Establishment to promote economy and efficiency, and for other purposes.

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

SHORT TITLE

SECTION 1. This Act may be cited as the "National Security Act Amendments of 1949".

SEC. 2. Section 2 of the National Security Act of 1947 is amended to read as follows:

"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 department, agencies, and functions of the Government relating to the national security; to provide three military departments, separately administered, for the operation and administration of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force, with their assigned combat and service components; to provide for their authoritative coordination and unified direction under civilian control of the Secretary of Defense but not to merge them; to provide for the effective strategic direction of the armed forces and for their operation under unified control 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 armed forces general staff (but this is not to be interpreted as applying to the Joint Chiefs of Staff or Joint Staff)."

CHANGE IN COMPOSITION OF THE NATIONAL SECURITY COUNCIL

SEC. 3. The fourth paragraph of section 101 (a) of the National Security Act of 1947 is amended to read as follows:

"The Council shall be composed of—

"(1) the President;

"(2) the Vice President;

"(3) the Secretary of State;

"(4) the Secretary of Defense;

"(5) the Chairman of the National Security Resources Board; and

"(6) The Secretaries and Under Secretaries of other executive departments and of the military departments, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, when appointed by the President by and with the advice and consent of the Senate, to serve at his pleasure."

CONVERSION OF THE NATIONAL MILITARY ESTABLISHMENT INTO AN EXECUTIVE DEPARTMENT

SEC. 4. Section 201 of the National Security Act of 1947 is amended to read as follows:

"SEC. 201. (a) There is hereby established, as an Executive Department of the Government, the Department of Defense, and the Secretary of Defense shall be the head thereof.

"(b) There shall be within the Department of Defense (1) the Department of the Army, the Department of the Navy, and the Department of the Air Force, and each such department shall on and after the date of enactment of the National Security Act Amendments of 1949 be military departments in lieu of their prior status as Executive Departments, and (2) all other agencies created under title II of this Act.

"(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.'

"(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."

THE SECRETARY OF DEFENSE

SEC. 5. Section 202 of the National Security Act of 1947, as amended, is further amended to read as follows:

"SEC. 202. (a) There shall be a Secretary of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate: *Provided*, That a person who has within ten years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Secretary of Defense.

"(b) The Secretary of Defense shall be the principal assistant to the President in all matters relating to the Department of Defense. Under the direction of the President, and subject to the provisions of this Act, he shall have direction, authority, and control over the Department of Defense.

"(c) (1) Notwithstanding any other provision of this Act, the combatant functions assigned to the military services by sections 205 (e), 206 (b), 206 (c), and 208 (f) hereof shall not be transferred, reassigned, abolished, or consolidated.

"(2) Military personnel shall not be so detailed or assigned as to impair such combatant functions.

"(3) The Secretary of Defense shall not direct the use and expenditure of funds of the Department of Defense in such manner as to effect the results prohibited by paragraphs (1) and (2) of this subsection.

"(4) 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.

"(5) Subject to the provisions of paragraph (1) of this subsection no function which has been or is hereafter authorized by law to be performed by the Department of Defense shall be substantially transferred, reassigned, abolished or consolidated until after a report in regard to all pertinent details shall have been made by the Secretary of Defense to the Committees on Armed Services of the Congress.

"(6) 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 recommendation relating to the Department of Defense that he may deem proper.

"(d) The Secretary of Defense shall not less often than semi-annually submit written reports to the President and the Congress covering 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.

"(e) The Secretary of Defense shall cause a seal of office to be made for the Department of Defense, of such design as the President shall approve, and judicial notice shall be taken thereof.

"(f) The Secretary of Defense may, without being relieved of his responsibility therefor, and unless prohibited by some specific provision of this Act or other specific provision of law, perform any function vested in him through or with the aid of such officials or organizational entities of the Department of Defense as he may designate."

DEPUTY SECRETARY OF DEFENSE; ASSISTANT SECRETARIES OF DEFENSE; MILITARY ASSISTANTS; AND CIVILIAN PERSONNEL

SEC. 6. (a) Section 203 of the National Security Act of 1947 is amended to read as follows:

"SEC. 203. (a) There shall be a Deputy Secretary of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate: *Provided*, That a person who has within ten years been on active duty as a commissioned officer in a Regular component of the armed services shall not be eligible for appointment as Deputy Secretary of Defense. The Deputy Secretary shall perform such duties and exercise such powers as the Secretary of Defense may prescribe and shall take precedence in the Department of Defense next after the Secretary of Defense. The Deputy Secretary shall act for, and exercise the powers of, the Secretary of Defense during his absence or disability.

"(b) There shall be three Assistant Secretaries of Defense, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. The Assistant Secretaries shall

perform such duties and exercise such powers as the Secretary of Defense may prescribe and 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.

"(c) Officers of the armed services may be detailed to duty as assistants and personal aides to the Secretary of Defense, but he shall not establish a military staff other than that provided for by section 211 (a) of this Act."

(b) Section 204 of the National Security Act of 1947 is amended to read as follows:

"SEC. 204. The Secretary of Defense is authorized, subject to the civil-service laws and the Classification Act of 1923, as amended, to appoint and fix the compensation of such civilian personnel as may be necessary for the performance of the functions of the Department of Defense other than those of the Departments of the Army, Navy, and Air Force."

CREATING THE POSITION OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND PRESCRIBING HIS POWERS AND DUTIES

SEC. 7. (a) Section 210 of the National Security Act of 1947 is amended to read as follows:

"SEC. 210. There shall be within the Department of Defense an Armed Forces Policy Council composed of the Secretary of Defense, as Chairman, who shall have power of decision; the Deputy Secretary of Defense; the Secretary of the Army; the Secretary of the Navy; the Secretary of the Air Force; the Chairman of the Joint Chiefs of Staff; the Chief of Staff, United States Army; the Chief of Naval Operations; and the Chief of Staff, United States Air Force. 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."

(b) Section 211 of the National Security Act of 1947 is amended to read as follows:

"SEC. 211. (a) There is hereby established within the Department of Defense the Joint Chiefs of Staff, which shall consist of the Chairman, who shall be the presiding officer thereof but who shall have no vote; the Chief of Staff, United States Army, the Chief of Naval Operations; and the Chief of Staff, United States Air Force. The Joint Chiefs of Staff shall be the principal military advisers to the President, the National Security Council, and the Secretary of Defense.

"(b) Subject to the authority and direction of the President and the Secretary of Defense, the Joint Chiefs of Staff shall perform the following duties, in addition to such other duties as the President or the Secretary of Defense may direct:

"(1) preparation of strategic plans and provision for the strategic direction of the military forces;

"(2) preparation of joint logistic plans and assignment to the military services of logistic responsibilities in accordance with such plans;

"(3) establishment of unified commands in strategic areas;

"(4) review of major material and personnel requirements of the military forces in accordance with strategic and logistic plans;

"(5) formulation of policies for joint training of the military forces;

"(6) formulation of policies for coordinating the military education of members of the military forces; and

"(7) providing United States representation on the Military Staff Committee of the United Nations in accordance with the provisions of the Charter of the United Nations.

"(c) The Chairman of the Joint Chiefs of Staff (hereinafter referred to as the 'Chairman') shall be appointed by the President, by and with the advice and consent of the Senate, from among the Regular officers of the armed services to serve at the pleasure of the President for a term of two years and shall be eligible for one reappointment, by and with the advice and consent of the Senate, except in time of war hereafter declared by the Congress when there shall be no limitation on the number of such reappointments. The Chairman shall receive the basic pay and basic and personal money allowances prescribed by law for the Chief of Staff, United States Army, and such special pays and hazardous duty pays to which he may be entitled under other provisions of law.

"(d) The Chairman, if in the grade of general, shall be additional to the number of officers in the grade of general provided in the third proviso of section 504 (b) of the Officer Personnel Act of 1947 (Public Law 381, Eightieth Congress) or, if in the rank of admiral, shall be additional to the number of officers having the rank of admiral provided in section 413 (a) of such Act. While holding such office he shall take precedence over all other officers of the armed services: *Provided*, That the Chairman shall not exercise military command over the Joint Chiefs of Staff or over any of the military services.

"(e) In addition to participating as a member of the Joint Chiefs of Staff in the performance of the duties assigned in subsection (b) of this section, the Chairman shall, subject to the authority and direction of the President and the Secretary of Defense, perform the following duties:

"(1) serve as the presiding officer of the Joint Chiefs of Staff;

"(2) 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; and

"(3) inform the Secretary of Defense and, when appropriate as determined by the President or the Secretary of Defense, the President, of those issues upon which agreement among the Joint Chiefs of Staff has not been reached."

(c) Section 212 of the National Security Act of 1947 is amended to read as follows:

"SEC. 212. There shall be, under the Joint Chiefs of Staff, a Joint Staff to consist of not to exceed two hundred and ten officers and to be composed of approximately equal numbers of officers appointed by the Joint Chiefs of Staff 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."

CHANGING THE RELATIONSHIP OF THE SECRETARY OF DEFENSE TO THE MUNITIONS BOARD

SEC. 8. Section 213 of the National Security Act of 1947 is amended to read as follows:

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

"(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.

"(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 the 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;

"(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 recommendatons 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.

"(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."

CHANGING THE RELATIONSHIP OF THE SECRETARY OF DEFENSE TO THE RESEARCH AND DEVELOPMENT BOARD

SEC. 9. Section 214 of the National Security Act of 1947 is amended to read as follows:

"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.

"(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.

"(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.

"(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."

COMPENSATION OF SECRETARY OF DEFENSE, DEPUTY SECRETARY OF DEFENSE, SECRETARIES OF MILITARY DEPARTMENTS, AND CONSULTANTS

SEC. 10. (a) Section 301 of the National Security Act of 1947 is amended to read as follows:

"SEC. 301. (a) The Secretary of Defense shall receive the compensation prescribed by law for heads of executive departments.

"(b) The Deputy Secretary of Defense shall receive compensation at the rate of $14,500 a year, or such other compensation plus $500 a year as may hereafter be provided by law for under secretaries of executive departments. The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each receive compensation at the rate of $14,000 a year, or such other compensation as may hereafter be provided by law for under secretaries of executive departments."

(b) Section 302 of the National Security Act of 1947 is amended to read as follows:

"SEC. 302. The Assistant Secretaries of Defense and the Under Secretaries and Assistant Secretaries of the Army, the Navy, nad the Air Force shall each receive compensation at the rate of $10,330 a year or at the rate hereafter prescribed by law for assistant secretaries of executive departments and shall perform such duties as the respective Secretaries may prescribe."

(c) Section 303 (a) of the National Security Act of 1947 is amended to read as follows:

"(a) The Secretary of Defense, the Chairman of the National Security Resources Board, the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary, are authorized to apopint 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."

REORGANIZATION OF FISCAL MANAGEMENT TO PROMOTE ECONOMY AND EFFICIENCY

SEC. 11. The National Security Act of 1947 is amended by inserting at the end thereof the following new title:

"TITLE IV

"PROMOTION OF ECONOMY AND EFFICIENCY THROUGH ESTABLISHMENT OF UNIFORM BUDGETARY AND FISCAL PROCEDURES AND ORGANIZATIONS

"COMPTROLLER OF DEPARTMENT OF DEFENSE

"SEC. 401. (a) There is hereby established in the Department of Defense the Comptroller of the Department of Defense, who shall be one of the Assistant Secretaries of Defense.

"(b) The Comptroller shall advise and assist the Secretary of Defense in performing such budgetary and fiscal functions as may be required to carry out the powers conferred upon the Secretary of Defense by this Act, including but not limited to those specified in this subsection. Subject to the authority, direction, and control of the Secretary of Defense, the Comptroller shall—

"(1) supervise and direct the preparation of the budget estimates of the Department of Defense; and

"(2) establish, and supervise the execution of—

"(A) principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

"(i) the preparation and execution of the budgets,

"(ii) fiscal, cost, operating, and capital property accounting,

"(iii) progress and statistical reporting,

"(iv) internal audit, and

"(B) policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

"(3) establish uniform terminologies, classifications, and procedures in all such matters.

"MILITARY DEPARTMENT BUDGET AND FISCAL ORGANIZATION—DEPARTMENTAL COMPTROLLERS

"SEC. 402. (a) The Secretary of each military department, subject to the authority, direction, and control of the Secretary of Defense, shall cause budgeting, accounting, progress and statistical reporting, internal audit and administrative organization structure and managerial procedures relating thereto in the department of which he is the head to be organized and conducted in a manner consistent with the operations of the Office of the Comptroller of the Department of Defense.

"(b) There is hereby established in each of the three military departments a Comptroller of the Army, a Comptroller of the Navy, or a Comptroller of the Air Force, as appropriate in the department

concerned. There shall, in each military department, also be a Deputy Comptroller. Subject to the authority of the respective departmental Secretaries, the comptrollers of the military departments shall be responsible for all budgeting, accounting, progress and statistical reporting, and internal audit in their respective departments and for the administrative organization structure and managerial procedures relating thereto. The Secretaries of the military departments may in their discretion appoint either civilian or military personnel as comptrollers of the military departments. Departmental comptrollers shall be under the direction and supervision of, and directly responsible to, either the Secretary, the Under Secretary, or an Assistant Secretary of the respective military departments: *Provided*, That nothing herein shall preclude the comptroller from having concurrent responsibility to a Chief of Staff or a Chief of Naval Operations, a Vice Chief of Staff or a Vice Chief of Naval Operations, or a Deputy Chief of Staff or a Deputy Chief of Naval Operations, if the Secretary of the military department concerned should so prescribe. Where the departmental comptroller is not a civilian, the Secretary of the department concerned shall appoint a civilian as Deputy Comptroller.

"PERFORMANCE BUDGET

"SEC. 403. (a) The budget estimates of the Department of Defense shall be prepared, presented, and justified, where practicable, 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 determine, so as to account for, and report, the cost of performance of readily identifiable functional programs and activities, with segregation of operating and capital programs. So far as practicable, the budget estimates and authorized programs of the military departments shall be set forth in readily comparable form and shall follow a uniform pattern.

"(b) In order to expedite the conversion from present budget and accounting methods to the cost-of-performance method prescribed in this title, the Secretary of each military department, with the approval of the President and the Secretary of Defense, is authorized and directed, until the end of the second year following the date of enactment of this Act, to make such transfers and adjustments within the military department of which he is the head between appropriations available for obligation by such department in such manner as he deems necessary to cause the obligation and administration of funds and the reports of expenditures to reflect the cost of performance of such programs and activities. Reports of transfers and adjustments made pursuant to the authority of this subsection shall be made currently by the Secretary of Defense to the President and the Congress.

"OBLIGATION OF APPROPRIATIONS

"SEC. 404. In order to prevent overdrafts and deficiencies in any fiscal year for which appropriations are made, on and after the beginning of the next fiscal year following the date of enactment of this Act appropriations made to the Department of Defense or to the military departments, and reimbursements thereto, shall be available for obligation and expenditure only after the Secretary of Defense shall approve scheduled rates of obligation, or modifications thereof: *Provided*, That nothing in this section shall affect the right of the Department of Defense to incur such deficiencies as may be now or hereafter authorized by law to be incurred.

"WORKING-CAPITAL FUNDS

"SEC. 405. (a) In order more effectively to control and account for the cost of programs and work performed in the Department of Defense, the Secretary of Defense is authorized to require the establishment of working-capital funds in the Department of Defense for the purpose of—

"(1) financing inventories of such stores, supplies, materials, and equipment as he may designate; and

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

"(b) The Secretary of the Treasury is authorized and directed to establish on the books of the Treasury Department at the request of the Secretary of Defense the working-capital funds established pursuant to the authority of this section.

"(c) Such funds shall be—

"(1) charged, when appropriate, with the cost of stores, supplies, materials, and equipment procured or otherwise acquired, manufactured, repaired, issued, and consumed and of services rendered or work performed, including applicable administrative expenses; and

"(2) reimbured from available appropriations or otherwise credited for the cost of stores, supplies, materials, or equipment furnished and of services rendered or work performed, including applicable administrative expenses.

Reports of the condition and operations of such funds shall be made annually to the President and to the Congress.

"(d) The Secretary of Defense is authorized to provide capital for such working-capital funds by capitalizing inventories on hand and, with the approval of the President, by transfer, until December 31, 1954, from unexpended balances of any appropriations of the military departments not carried to the surplus fund of the Treasury: *Provided*, That no deficiency shall be incurred in any such appropriation as a result of any such transfer. To the extent that such methods do not, in the determination of the Secretary of Defense, provide adequate amounts of working capital, there is hereby authorized to be appropriated, out of any moneys in the Treasury not appropriated for other purposes, such sums as may be necessary to provide adequate working capital.

"(e) Subject to the authority and direction of the Secretary of Defense, the Secretaries of the military departments shall allocate responsibility within their respective military departments for the execution of functions which each military departments is authorized by law to perform in such a manner as to effect the most economical and efficient organization and operation of the activities and use of the inventories for which working-capital funds are authorized by this section.

"(f) No greater cost shall be incurred by the requisitioning agency for stores, supplies, materials, or equipment drawn from inventories, and for services rendered or work performed by the industrial-type or commercial-type activities for which working-capital funds are authorized by this section, than the amount of appropriations or funds available for such purposes.

"(g) The Secretary of Defense is authorized to issue regulations to govern the operation of activities and use of inventories authorized by this section, which regulations may, whenever he determines the measures set forth in this subsection to be required by the needs of the Department of Defense, and when such measures are authorized by law, permit stores, supplies, materials, and equipment to be sold to, and services to be rendered or work performed for, purchasers or users outside the Department of Defense. In such cases, the working-capital funds involved may be reimbursed by charges against appropriate appropriations or by payments received in cash.

"(h) The appraised value of all stores, supplies, materials, and equipment returned to such working-capital funds from any department, activity, or agency, may be charged to the working-capital fund concerned and the proceeds thereof shall be credited to the current appropriations concerned; the amounts so credited shall be available for expenditures for the same purposes as the appropriations credited: *Provided*, That the provisions of this subsection shall not permit credits to appropriations as the result of capitalization of inventories authorized by subsection (d) of this section.

"MANAGEMENT FUNDS

"SEC. 406. The Act of July 3, 1942 (56 Stat. 645, c. 484), as amended, is hereby further amended to read as follows:

"'(a) For the purpose of facilitating the economical and efficient conduct of operations in the Department of Defense which are financed by two or more appropriations where the costs of the operations are not susceptible of immediate distribution as charges to such appropriations, there are hereby established the Navy Management Fund, the Army Management Fund, and the Air Force Management Fund, each within, and under the direction of the respective Secretaries of the Departments of the Navy, Army, or Air Force, as the case may be. There are authorized to be appropriated from time to time such funds as may be necessary to accomplish the purposes of the funds.

"'(b) The corpus of the Navy Management Fund shall consist of the sum of $1,000,000 heretofore transferred to the Naval Procurement Fund from the Naval Emergency Fund (17X0300), which amount, and all balances in, and obligations against, any accounts in the Naval Procurement Fund, are hereby transferred to the Navy Management Fund; the corpus of the Army Management Fund shall consist of the sum of $1,000,000, which shall be transferred thereto from any unobligated balance of any appropriation available to the Department of the Army; the corpus of the Air Force Management Fund shall consist of the sum of $1,000,000, which shall be transferred thereto from any unobligated balance of any appropriation available to the Department of the Air Force; in each case together with such additional funds as may from time to time be appropriated to any of said funds. Accounts for the individual operations to be financed under the respective management funds shall be established only upon approval by the Secretary of Defense.

"'(c) Expenditures may be made from said management funds from time to time for material (other than material for stock) and for personal and contractual services under such regulations as may be prescribed by the Secretary of Defense: *Provided*, (1) That no obligation shall be incurred against any such fund which is not properly chargeable to available funds under an appropriation of the department within which the fund is established or, whenever necessary to effectuate purposes authorized by this Act to funds of another department or agency within the Department of Defense, and (2) that each fund shall be promptly reimbursed from the appropriate appropriations of such department for all expenditures properly chargeable thereto. Nothing herein or in any other provision of law shall be construed to prevent advances by check or warrant, or reimbursements to any of said management funds from appropriations of said departments on the basis of the estimated cost of a project, such estimated cost to be revised and necessary appropriation adjustments made when adequate data become available.

"'(d) Except as otherwise provided by law, amounts advanced to the management funds under the provisions of this Act shall be available for obligation only during the fiscal year in which they are advanced: *Provided*, That nothing contained in this Act shall alter or limit the authorized period of availability of the funds from which such advances are made. Final adjustments of advances in accordance with actual costs shall be effected with the appropriate funds for the fiscal year in which such funds are advanced.

"'(e) The portion of the Naval Appropriation Act, 1945 (58 Stat. 301, 310), relating to the Naval Procurement Fund is hereby repealed.'

"ADJUSTMENT OF ACCOUNTS

"SEC. 407. (a) When under authority of law a function or an activity is transferred or assigned from one department or agency within the Department of Defense to another such department or agency, the balances of appropriations which are determined by the Secretary of Defense to be available and necessary to finance or discharge the function or activity so transferred or assigned may, with the approval of the President, be transferred to, and be available for use by, the department or agency to which said function or activity is transferred or assigned for any purpose for which said funds were originally available. Balances so transferred shall be credited to any applicable existing appropriation account or accounts, or to any new appropriation account or accounts, which are hereby authorized to be established on the books of the Treasury Department, of the department or organization to which such function or activity is transferred, and shall be merged with funds in the applicable existing or newly established appropriation account or accounts and thereafter accounted for as one fund. Balances transferred to existing accounts shall be subject only to such limitations as are specifically applicable to such accounts and those transferred to new accounts shall be subject only to such limitations as are applicable to the appropriations from which they are transferred.

"(b) The number of employees which in the opinion of the Secretary of Defense is required for such transferred functions or activities may, with the approval of the Director of the Bureau of the Budget, be deducted from any personnel maximum or limitation of the department or agency within the Department of Defense from which such function or activity is transferred, and added to any such personnel maximum or limitation of the department or agency to which such function or activity is transferred.

"AVAILABILITY OF REIMBURSEMENTS

"SEC. 408. To carry out the purposes of this Act, reimbursements made under the authority of the Economy Act (31 U. S. C. 686), and sums paid by or on behalf of personnel of any department or organization for services rendered or supplies furnished, may be credited to authorize replacing or other accounts. Funds credited to such accounts shall remain available for obligation for the same period as the funds in the account so credited and each such account shall constitute one fund on the books of the Treasury Department.

"COMMON USE OF DISBURSING FACILITIES

"SEC. 409. To the extent authorized by the Secretary of Defense, disbursing officers of the Departments of the Army, Navy, and Air Force may, out of accounts of advances available to them, make disbursements covering obligations arising in connection with any function or activity of any other department or organization within the Department of Defense and charge upon vouchers the proper appropriation or appropriations of the other department or organization: *Provided*, That all said expenditures shall subsequently be adjusted in settlement of disbursing officers' accounts.

"REPORTS OF PROPERTY

"SEC. 410. The Secretary of Defense shall cause property records to be maintained in the three military departments, so far as practicable, on both a quantitative and monetary basis, under regulations which he shall prescribe. Such property records shall include the fixed property, installations, and major items of equipment as well as the supplies, materials, and equipment held in store by the armed services. The Secretary shall report annually thereon to the President and to the Congress.

"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."

MISCELLANEOUS AND TECHNICAL AMENDMENTS AND SAVING PROVISIONS

SEC. 12. (a) The National Security Act of 1947 is amended by striking out the term "National Military Establishment", wherever it appears in such Act, and inserting in lieu thereof "Department of Defense".

(b) Section 207 (a) of the National Security Act of 1947 is amended to read as follows:

"SEC. 207. (a) Within the Department of Defense there is hereby established a military department to be known as the Department of the Air Force, and the Secretary of the Air Force who shall be the head thereof. The Secretary of the Air Force shall be appointed from civilian life by the President by and with the advice and consent of the Senate."

(c) Section 207 (b) of the National Security Act of 1947 is repealed.

(d) The first sentence of section 208 (a) of the National Security Act of 1947 is amended by striking out the word "under" and inserting in lieu thereof the word "within".

(e) Section 308 (b) of the National Security Act of 1947 is amended to read as follows:

"(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."

(f) The titles of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Under Secretaries and the Assistant Secretaries of the Departments of the Army, Navy, and Air Force, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, shall not be changed by virtue of this Act, and the reappointment of the officials holding such titles on the effective date of this Act shall not be required. It is hereby declared to be the intention of Congress that section 203 (a) of the National Security Act of 1947, as amended by section 6 of this Act, shall not be deemed to have created a new office of Deputy Secretary of Defense but shall be deemed to have continued in existence, under a new title, the Office of Under Secretary of Defense which was established by the Act entitled "An Act to amend the National Security Act of 1947 to provide for an Under Secretary of Defense", approved April 2, 1949 (Public Law 36, Eighty-first Congress). The title of the official holding the Office of Under Secretary of Defense on the effective date of this Act shall be changed to Deputy Secretary of Defense and the reappointment of such official shall not be required.

(g) All laws, orders, regulations, and other actions relating to the National Military Establishment, the Departments of the Army, the Navy, or the Air Force, or to any officer or activity of such establishment or such departments, shall, except to the extent inconsistent with the provisions of this Act, have the same effect as if this Act had not been enacted; but, after the effective date of this Act, any such law, order, regulation, or other action which vested functions in or otherwise related to any officer, department, or establishment, shall be

deemed to have vested such function in or relate to the officer or department, executive or military, succeeding the officer, department, or establishment in which such function was vested. For purposes of this subsection the Department of Defense shall be deemed the department succeeding the National Military Establishment, and the military departments of Army, Navy, and Air Force shall be deemed the departments succeeding the Executive Departments of Army, Navy, and Air Force.

(h) Section 208 (e) of the National Security Act of 1947 is amended by substituting the word "three" for the word "two" appearing therein.

(i) Reorganization Plan Numbered 8 of 1949, which was transmitted to the Congress by the President on July 18, 1949, pursuant to the provisions of the Reorganization Act of 1949, shall not take effect, notwithstanding the provisions of section 6 of such Reorganization Act of 1949.

Approved August 10, 1949.

APPENDIX VI

PUBLIC LAW 85-599
85th Congress, H. R. 12541
August 6, 1958

AN ACT

To promote the national defense by providing for reorganization of the Department of Defense, and for other purposes.

Department of Defense Reorganization Act of 1958. 72 Stat. 579.

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".

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:

"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

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: 63 Stat. 580.

"(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 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, be-

Transfer of functions, etc.

Combatant function.

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

Effective date.

tween 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.

"(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.

Weapons and weapons systems.

"(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.

"(5) Notwithstanding other provisions of this subsection, if the President determines that it is necessary because 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".

"(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.

Military department organization.

Exceptions.

"(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."

Recommendations to Congress.

(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:

63 Stat. 580.

"(d) The Secretary of Defense shall annually submit a written report to the President and the Congress covering 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."

Reports to President and Congress.

Repeal. 70A Stat. 119.

(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:

"2201. General functions of Secretary of Defense."

Repeal. 70A Stat. 133.

(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:

"2351. Policy, plans, and coordination."

CLARIFYING THE CHAIN OF COMMAND OVER MILITARY OPERATIONS

70A Stat. 162.

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

Army. Chief of Staff.

"(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."

Post, p. 518.

70A Stat. 281.

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

Chief of Naval Operations.

"(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."

Post, p. 518.

70A Stat. 292.

(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:

Marine Corps. Commandant.

"(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."

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."

70A Stat. 490.

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

General duties, Army Staff.

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

"(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 3032 (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.

Tenure.

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.

Director of the Joint Staff.

"(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.

Duties.

"(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.

Organization.

"(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."

5 USC 171a.

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

Combatant commands.

"(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 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."

Responsibility.

AUTHORIZING THE DELEGATION OF DUTIES BY THE MILITARY SERVICE CHIEFS

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:

70A Stat. 162.

"(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."

Vice Chief of Staff.

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

70A Stat. 283.

"(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 Operation."

Vice Chief of Naval Operations.

(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:

70A Stat. 292.

"(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."

Assistant Commandant.

(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:

70A Stat. 492.

"(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) (1) 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

70A Stat. 158.

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

"(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."

70A Stat. 279.

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

"§ 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."

Repeal. 70A Stat. 279.

(2) Section 5035 of title 10, United States Code, is repealed.

70A Stat. 278–280.

(3) The analysis of chapter 505 of title 10, United States Code, is amended by striking out the following items:

"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;

70A Stat. 489.

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

"(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 USC 171c.

SEC. 9. (a) Section 203 of the National Security Act of 1947, as amended, is amended by redesignating subsections "(b)" and "(c)" as subsections "(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 projects, 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 oy 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."

70A Stat. 8. Armed Forces Policy Council.

(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):

"(6) the Director of Defense Research and Engineering;".

REDUCING 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

70A Stat. 32, 33.

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 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

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: 70A Stat. 159.

"(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." Chief of National Guard Bureau.

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.

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File
Jackson Committee

86th Congress } COMMITTEE PRINT
2d Session }

ORGANIZING FOR NATIONAL SECURITY

THE NATIONAL SECURITY COUNCIL

STUDY

SUBMITTED TO THE

COMMITTEE ON GOVERNMENT OPERATIONS
UNITED STATES SENATE

BY ITS

SUBCOMMITTEE ON NATIONAL POLICY MACHINERY
(Pursuant to S. Res. 248, 86th Cong.)

Printed for the use of the Committee on Government Operations

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FOREWORD

The Subcommittee on National Policy Machinery has been making a scholarly and nonpartisan study of how our Government can best organize to formulate and execute national security policy. This is the first full-scale examination of this problem since the discussion and debate preceding the passage of the National Security Act of 1947.

The most important questions facing the new President are in the area of national security. If free institutions are to survive and prosper, the Nation must have a strategy for peace which will command wide support, at home and abroad, and which will effectively marshal and use our resources and guide our efforts in the cause of peace with justice.

The National Security Council, composed of the Government's ranking officials in the fields of foreign and defense policy, was established in 1947 to advise the President "with respect to the integration of domestic, foreign, and military policies relating to the national security." It can be of major assistance to the President in helping him devise a long-term national strategy and direct the Nation's efforts in the field of national security. The Council and its subordinate machinery have therefore been a central subject of the subcommittee's inquiries and hearings.

The subcommittee has released detailed testimony on the National Security Council given by Robert A. Lovett, James A. Perkins, Sidney W. Souers, Robert Cutler, Dillon Anderson, Adm. Arthur W. Radford, Secretary of State Herter, Secretary of Defense Gates, Gen. Maxwell D. Taylor, George F. Kennan, Paul H. Nitze, Robert Bowie, and Gov. Nelson A. Rockefeller. It has also secured the views of many other present and former Government officials and students of the policy process.

Earlier this year the subcommittee published "Selected Materials," a compilation of official documents and articles relating to the NSC, and also issued as a subcommittee print a study entitled "Organizational History of the National Security Council," prepared by Mr. James S. Lay, Jr. and Mr. Robert H. Johnson of the NSC staff.

This staff report is intended to make available to the incoming administration certain findings about the role of the Council in assisting the President in developing and carrying out national security policy.

HENRY M. JACKSON,
Chairman, Subcommittee on National Policy Machinery.

DECEMBER 12, 1960.

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ORGANIZING FOR NATIONAL SECURITY

THE NATIONAL SECURITY COUNCIL

INTRODUCTION

This is the second of a series of staff reports being issued by the Subcommittee on National Policy Machinery. These studies, which draw upon the large body of testimony and counsel given the subcommittee since it was established over a year ago, make suggestions for improving the national security policymaking process.

By law and practice, the President has the prime role in guarding the Nation's safety. He is responsible for the conduct of foreign relations. He commands the Armed Forces. He has the initiative in budgetmaking. He, and he alone, must finally weigh all the factors—domestic, foreign, military—which affect our position in the world and by which we seek to influence the world environment.

The National Security Council was created by statute in 1947 to assist the President in fulfilling his responsibilities. The Council is charged with advising 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 NSC was one of the answers to the frustrations met by World War II policymakers in trying to coordinate military and foreign policy. It is a descendant of such wartime groups as the State-War-Navy Coordinating Committee (SWNCC).

The Council is not a decisionmaking body; it does not itself make policy. It serves only in an *advisory* capacity to the President, helping him arrive at decisions which he alone can make.

Although the NSC was created by statute, each successive President has great latitude in deciding how he will employ the Council to meet his particular needs. He can use the Council as little, or as much, as he wishes. He is solely responsible for determining what policy matters will be handled within the Council framework, and how they will be handled.

An important question facing the new President, therefore, is how he will use the Council to suit his own style of decision and action.

This study, drawing upon the experience of the past 13 years, places at the service of the incoming administration certain observations concerning the role of the Council in the formulation and execution of national security policy.

THE COUNCIL AND THE SYSTEM

When he takes office in January, the new President will find in being a *National Security Council* and an *NSC system.*

The Council itself is a forum where the President and his chief lieutenants can discuss and resolve problems of national security. It brings together as statutory members the President, the Vice President, the Secretaries of State and Defense, the Director of the Office of Civil and Defense Mobilization, and as statutory advisers the Director of Central Intelligence and the Chairman of the Joint Chiefs of Staff. The President can also ask other key aides to take part in Council deliberations. The Secretary of the Treasury, for example, has attended regularly by Presidential invitation.

But there is also in being today an NSC system, which has evolved since 1947. This system consists of highly institutionalized procedures and staff arrangements, and a complex interdepartmental committee substructure. These are intended to undergird the activities of the Council. Two interagency committees—the Planning Board and the Operations Coordinating Board—comprise the major pieces of this substructure. The former prepares so-called "policy papers" for consideration by the Council; the latter is expected to help follow through on the execution of presidentially approved NSC papers.

The new President will have to decide how he wishes to use the Council and the NSC system. His approach to the first meetings of the Council under his administration will be important. These early sessions will set precedents. Action taken or not taken, assignments given or not given, invitations to attend extended or not extended, will make it subsequently easier or harder for the President to shape the Council and the system to his needs and habits of work.

He faces questions like these: What principals and advisers should be invited to attend the first Council meetings? What part should Presidential staff assistants play? What should the participants be told about the planned role and use of the NSC system? Who will prepare the agenda? What items will be placed on the agenda? Should the Council meet regularly or as need arises?

THE NEW PRESIDENT'S CHOICE

The new President has two broad choices in his approach to the National Security Council.

First: He can use the Council as an intimate forum where he joins with his chief advisers in searching discussion and debate of a limited number of critical problems involving major long-term strategic choices or demanding immediate action.

Mr. Robert Lovett has described this concept of the Council in terms of "a kind of 'Court of Domestic and Foreign Relations'":

> The National Security Council process, as originally envisaged—perhaps "dreamed of" is more accurate—contemplated the devotion of whatever number of hours were necessary in order to exhaust a subject and not just exhaust the listeners.

> * * * The purpose was to insure that the President was in possession of all the available facts, that he got firsthand a chance to evaluate an alternative course of action disclosed by the dissenting views, and that all implications in either course of action were explored before he was asked to take the heavy responsibility of the final decision.

Second: The President can look upon the Council differently. He can view it as the apex of a comprehensive and highly institutionalized system for generating policy proposals and following through on presidentially approved decisions.

Seen in this light, the Council itself sits at the top of what has been called "policy hill." Policy papers are supposed to travel through interdepartmental committees up one side of the hill. They are considered in the Council. If approved by the President, they travel down the opposite side of the hill, through other interdepartmental mechanisms, to the operating departments and agencies.

THE COUNCIL'S SPAN OF CONCERN

The voluminous record of meetings held, and papers produced, makes it clear that the Council and its subordinate machinery are now very busy and active. A long list of questions always awaits entry on the NSC agenda.

Presidential orders now in force provide that all decisions on national security policy, except for special emergencies, will be made within the Council framework. In theory, the embrace of the NSC over such matters is total.

Yet many of the most critical questions affecting national security are not really handled within the NSC framework.

The main work of the NSC has centered largely around the consideration of *foreign policy* questions, rather than *national security* problems in their full contemporary sense. A high proportion of the Council's time has been devoted to the production and study of so-called "country papers"—statements of our national position toward this or that foreign nation.

The Council, indeed, appears to be only marginally involved in helping resolve many of the most important problems which affect the future course of national security policy. For example, the Council seems to have only a peripheral or *pro forma* concern with such matters as the key decisions on the size and composition of the total national security budget, the strength and makeup of the armed services, the scale and scope of many major agency programs in such fields as foreign economic policy and atomic energy, the translation of policy goals into concrete plans and programs through the budgetary process, and many critical operational decisions with great long-term policy consequences.

The fact is that the departments and agencies often work actively and successfully to keep critical policy issues outside the NSC system. When policy stakes are high and departmental differences deep, agency heads are loath to submit problems to the scrutiny of coordinating committees or councils. They aim in such cases to bypass the committees while keeping them occupied with less important matters. They try to settle important questions in dispute through "out

of court" informal interagency negotiations, when they are doubtful of the President's position. Or else they try "end runs" to the President himself when they think this might be advantageous.

Despite the vigorous activity of the NSC system, it is not at all clear that the system now concerns itself with many of the most important questions determining our long-term national strategy or with many of the critical operational decisions which have fateful and enduring impact on future policy.

THE PLANNING BOARD

As the NSC system operates today, most of the matters which appear on the Council agenda are the product of a highly formalized and complex "policy paper production" system. The heart of this system is the NSC Planning Board, an interagency committee whose membership parallels that of the Council at the Assistant Secretary level. The initial drafts of policy papers are normally written by the departments and agencies, acting individually or in concert. But the Planning Board is responsible for the final content and language of most papers which reach the Council table. As Governor Rockefeller told the subcommittee:

> I think the public does not recognize the degree to which the Planning Board really does 95 percent of the work, and it is not very often that a paper is changed by the Security Council.

The Planning Board is an interdepartmental committee, chaired by the Special Assistant to the President for National Security Affairs. Although formally appointed by the President, who has admonished them to act in their individual capacities in seeking "statesmanlike" solutions, the departmental members are oriented to the problems and perspectives of their own agencies. They can be expected to try to guard departmental interests.

From the outset, the drafting of a Planning Board paper is an involved process of negotiation, barter, offer, and counteroffer among the many departments involved. Governor Rockefeller has described the Planning Board process in these words:

> A major question is presented to the Planning Board and the various parties at interest, namely, the departments, each with its own role in relation to the area under discussion, work pretty carefully with highly skilled representatives to get language into the position paper which, while it does not violate the objective, protects their own position and their own special—I don't say interest—responsibility in this field. * * * So you get a watered-down version before it comes to the NSC and * * * permissive language which is not too obvious in the phraseology. This is quite an art, this business.

Many papers going from the Planning Board to the Council do indeed contain "splits"—statements of different departmental viewpoints.

But it is not at all clear that the "splits" actually help the Council understand the real policy alternatives and the true policy options available on some issue under debate. They may crystallize minor points of difference between competing agency views. The alternatives the "splits" normally reflect, in any case, represent differences in departmental or agency viewpoint. Such differences do not necessarily define or illuminate the real policy choices available. Moreover, "splits" are themselves a product of interagency bargaining. Their phrasing is adjusted to what the traffic can bear and shaped in the interest of winning allies for particular points of view.

Furthermore, the Planning Board papers are not "costed" except in the most general way. The budgetary consequences of proposed courses of action are set forth only in order of magnitude terms. As a result, Council members are little assisted in weighing the benefits of alternative policy courses against the costs.

Finally, the Planning Board, by its very nature, is not a creative instrument for developing and bringing forward imaginative and sharply defined choices, particularly in uncharted areas of policy. Interagency committees of this kind have a built-in drive toward lowest common denominator solutions. They can comment, review, and adjust. But they are not good instruments of innovation.

The limitation of the Planning Board itself in developing new responses to new problems is in part demonstrated by the employment for this purpose of outside consultants and "distinguished citizens committees," such as the Killian and Gaither Committees on defense and the Draper Committee on military and economic assistance.

The main source of policy innovations is the contribution of an individual. He may be found outside, or anywhere within, the Government. But normally he will be found working in a department or agency, grappling day in and day out with some pressing national security problem.

Given imaginative proposals from such individuals, interagency committees like the Planning Board can be helpful in criticizing and commenting. But if, in the interest of "agreed solutions," such committees blur the edges and destroy the coherence of these proposals, they do the President a disservice. There is strong reason to believe this is now the case.

THE COUNCIL ITSELF

The National Security Council now holds regular weekly meetings. The meetings vary in size. Sometimes the President meets with only a handful of principals in conducting important business. On other occasions, 30 or 40 people may attend. A typical session, however, may have two dozen people present. Some 15 people may sit at the Council table, with perhaps another 10 looking on as observers and aides.

Mr. James Perkins has made this comment on the size of Council meetings:

> * * * I think that the more one uses the NSC as a system of interagency coordination and the legitimatizing of decisions already arrived at, the growth in numbers is inevitable, because people left out of it and not at the meetings whose concurrence is required have a prima facie case for attending.

But if one views the Council primarily as a Presidential advisory body, the point quickly comes when the sheer numbers of participants

and observers at a meeting limits the depth and dilutes the quality of the discussion. The present size of most Council meetings appears to have reached and passed this point.

There are different kinds of Council meetings. Some are briefing sessions designed to acquaint the participants with, for example, an important advance in weapons technology. Other meetings center around so-called "discussion papers," which aim not at proposing a solution to some policy problem but at clarifying its nature and outlining possible alternative courses of action.

The more typical Council session, however, follows a precise agenda and focuses upon the consideration of Planning Board policy papers. These papers have a routine format. As Robert Cutler has described them:

> For convenience, a routine format for policy statements was developed. Thus, the busy reader would always know where to find the covering letter, the general considerations, the objectives, the courses of action to carry out the objectives, the financial appendixes, the supporting staff study; for they invariably appeared in this sequence in the final document.
>
> * * * The standardization of these techniques made it possible for the Council to transact, week in and week out, an enormously heavy load of work.

The main work of the Council, thus, now consists of discussion and a search for consensus, centering around Planning Board papers.

The normal end product of Council discussion is a presidentially approved paper setting forth the recommendations of the Planning Board paper, with such amendments, if any, as are adopted after Council deliberations. This paper is transmitted through the Operations Coordinating Board to the operating departments and agencies.

But one point is fundamental: Policy *papers* and actual *policy* are not necessarily the same.

Pieces of paper are important only as steps in a process leading to action—as minutes of decisions to do or not do certain things.

Papers which do not affect the course of governmental action are not policy: they are mere statements of aspiration. NSC papers are policy only if they result in *action*. They are policy only if they cause the Government to adopt one course of conduct and to reject another, with one group of advocates "winning" and the other "losing."

It appears that many of the papers now emerging from the Council do not meet the test of policy in this sense.

THE OPERATIONS COORDINATING BOARD

The job of helping follow through on policies emerging from the Council and approved by the President is entrusted to the Council's Operations Coordinating Board. In terms of the NSC system, the OCB is to policy followup what the Planning Board is to policy development. It is an interdepartmental committee on the Under Secretary level, chaired, like the Planning Board, by the Special Assistant to the President for National Security Affairs.

The OCB, assisted by an elaborate system of interagency working groups, prepares plans for carrying out the intent of NSC policies, transmits them to the departments and agencies, secures information on the status of programs underway, and reports back through the NSC to the President on progress.

In theory, the OCB does not *make* policy. Its mandate extends only to helping *carry out* policy. But this limitation is not and cannot be observed in practice.

When it receives an NSC policy paper, the initial job of the OCB is to determine the real meaning of the document in hand. It must often translate general statements, susceptible of varying interpretations, into tangible objectives together with plans for achieving them.

Departmental aims and interests are at stake in this determination. The process of translating an NSC paper into an action-oriented program therefore involves the same kind of interagency bartering and negotiating which takes place earlier in the Planning Board.

The OCB is an interagency committee which lacks command authority. It can advise, but not direct, the operating agencies.

Many of the most important decisions affecting the course of programs under OCB surveillance are made outside the framework of the Board. Programmatic budgetary decisions are a notable example. Also, the departments often bypass the OCB, pursuing their own interpretations of policy or engaging in "bootleg" coordination through extramural means.

The formal machinery of the OCB includes a large number of working groups which turn out detailed followup studies and papers. The significance of much of this work has been strongly questioned. Secretary of State Herter made this comment before the subcommittee:

> I was Chairman of OCB for 2 years. The feeling of utility varied an awful lot. At times you felt that you were being very useful. At other times you felt you were fanning the air or spending a lot of time reviewing minutiae. * * * When you get into the formal sessions, you again apply yourself to paperwork. Sometimes you get yourself so bogged down in the editing of a word or a sentence that you say, "My God, why am I spending so much time on this?"

The nature of the danger seems clear. Actually, the OCB has little impact on the real coordination of policy execution. Yet, at the same time, the existence of this elaborate machinery creates a false sense of security by inviting the conclusion that the problem of teamwork in the execution of policy is well in hand.

Recently, the Board has abandoned or relaxed many of the rigid reporting requirements which governed its work when it was established, and has focused its attention upon a smaller number of important problems rather than spreading its efforts across the board. These steps have reportedly been helpful.

But there is a more fundamental question at issue: Can an interdepartmental committee, like the OCB, be counted on to discharge effectively major responsibilities for followthrough? The evidence points to the contrary.

NEW DIRECTIONS

Two main conclusions about the National Security Council emerge:

First: The real worth of the Council to a President lies in being an accustomed forum where he and a small number of his top advisers can gain that intellectual intimacy and mutual understanding on which true coordination depends. Viewed thus, the Council is a place where the President can receive from his department and agency heads a full exposition of policy alternatives available to him, and, in turn, give them clear-cut guidance for action.

Second: The effectiveness of the Council in this primary role has been diminished by the working of the NSC system. The root causes of difficulty are found in overly crowded agenda, overly elaborate and stylized procedures, excessive reliance on subordinate interdepartmental mechanisms, and the use of the NSC system for comprehensive coordinating and followthrough responsibilities it is ill suited to discharge.

The philosophy of the suggestions which follow can be summed up in this way—to "deinstitutionalize" and to "humanize" the NSC process.

The President's instrument

The Council exists only to serve the President. It should meet when he wishes advice on some matter, or when his chief foreign and defense policy advisers require Presidential guidance on an issue which cannot be resolved without his intervention.

There are disadvantages in regularly scheduled meetings. The necessity of having to present and to discuss something at such meetings may generate business not really demanding Presidential consideration. Council meetings and the Council agenda should never become ritualistic.

The purpose of Council discussion

The true goal of "completed staff work" is not to spare the President the necessity of choice. It is to make his choices more meaningful by defining the essential issues which he alone must decide and by sharpening the precise positions on the opposing sides.

Meetings of the Council should be regarded as vehicles for clarifying differences of view on major policy departures or new courses of action advocated by department heads or contemplated by the President himself.

The aim of the discussion should be a full airing of divergent views, so that all implications of possible courses of action stand out in bold relief. Even a major issue may not belong on the Council agenda if not yet ripe for sharp and informed discussion.

Attendance at Council meetings

The Secretaries of State and Defense share the main responsibility of advising the President on national security problems. They are the key members of the Council. Whom the President invites to Council sessions will, of course, depend on the issue under discussion. However, mere "need to know," or marginal involvement with the matter at hand, should not justify attendance.

Council meetings should be kept small. When the President turns for advice to his top foreign policy and defense officials, he is concerned with what *they themselves* think.

The meetings should, therefore, be considered gatherings of principals, not staff aides. Staff attendance should be tightly controlled.

As a corollary to the strict limitation of attendance, a written record of decisions should be maintained and given necessary distribution.

The Planning Board

The NSC Planning Board now tends to overshadow in importance, though not in prestige, the Council itself. However, some group akin to the present Board, playing a rather different role than it now does, can be of continuing help to the Council in the future.

Such a Board would be used mainly to criticize and comment upon policy initiatives developed by the departments or stimulated by the President. It would not be used as an instrument for negotiating "agreed positions" and securing departmental concurrences.

More reliance could also be placed on informal working groups. They could be profitably employed both to prepare matters for Council discussion and to study problems which the Council decides need further examination. The make-up and life of these groups would depend on the problem involved.

So, too, intermittent outside consultants or "distinguished citizens committees," such as the Gaither Committee, could on occasion be highly useful in introducing fresh perspectives on critical problems.

The role of the Secretary of State

The Secretary of State is crucial to the successful operation of the Council. Other officials, particularly the Secretary of Defense, play important parts. But the President must rely mainly upon the Secretary of State for the initial synthesis of the political, military, economic, and other elements which go into the making of a coherent national strategy. He must also be mainly responsible for bringing to the President proposals for major new departures in national policy.

To do his job properly the Secretary must draw upon the resources of a Department of State staffed broadly and competently enough with generalists, economists, and military and scientific experts to assist him in all areas falling within his full concern. He and the President need unhurried opportunities to consider the basic directions of American policy.

The Operations Coordinating Board

The case for abolishing the OCB is strong. An interdepartmental committee like the OCB has inherent limitations as an instrument for assisting with the problem of policy followthrough. If formal interagency machinery is subsequently found to be needed, it can be established later.

Responsibility for implementation of policies cutting across departmental lines should, wherever possible, be assigned to a particular department or to a particular action officer, possibly assisted by an informal interdepartmental group.

In addition, the President must continue to rely heavily on the budgetary process, and on his own personal assistants in performance auditing.

Problems of staff

The President should at all times have the help and protection of a small personal staff whose members work "outside the system," who are sensitive to the President's own information needs, and who can assist him in asking relevant questions of his departmental chiefs, in making suggestions for policy initiatives not emerging from the operating departments and agencies, and in spotting gaps in policy execution.

The Council will continue to require a staff of its own, including a key official in charge. This staff should consist of a limited number of highly able aides who can help prepare the work of the Council, record its decisions, and troubleshoot on spot assignments.

The NSC system now contains several staff components. These might well be more closely integrated. Also, various special project staffs on foreign policy matters have been established in recent years at the White House. Consideration could be given to bringing them within the NSC framework.

A special problem

The National Security Act intended that one Council member regularly bring to the NSC perspectives on our domestic economy and domestic resources.

The Director of the Office of Civil and Defense Mobilization is the present heir of that role. But the concern of the OCDM focuses upon civil defense and mobilization problems of wartime emergencies. The Council of Economic Advisers, among other agencies, is now much more concerned than the OCDM with the kind of domestic perspectives relevant to the problems of a protracted conflict which stops short of major war.

The new President and the Congress may therefore wish to ask whether the Director of OCDM should have continued statutory membership on the Council.

The NSC and the budgetary process

Today, there is often little resemblance between a policy statement emerging from the NSC and programs finally carried out by the operating departments and agencies. The actual scale and scope of these programs is determined largely by budgetary decisions made outside the Council.

An attempt to use the Council for the details of resource allocation would be no more feasible than trying to use the Cabinet for this purpose. Yet the search for ways and means of relating the Council's advice more closely to the budget process must be pursued.

The problem is not to make the Council manager or czar of budget preparation. Rather it is to insure that the perspectives of the Secretaries of State and Defense are brought to bear on an ordering of national priorities at the target-setting stage of the annual budget preparation.

The National Security Council is the appropriate body for helping the President define such priorities.

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6. Memorandum on possible courses of action relating to negotiations with the Soviets on test ban negotiations.

Sleeve D-Dr
However from a military viewpoint the defense of Laos south of the Ca Dinh River is essential to preserve the integrity of the Northern flanks of Thailand & S. Viet Nam.
After weighing the pros & Cons set forth above we favor the Intervention Course —

" original to handwriting file"

DECLASSIFIED
E.O. 13292, Sec. 3.4
NSC Memo, 1/30/95, State Guidelines
By chw/jc, NARA, Date 2-27-09

TOP SECRET

DECLASSIFIED
Authority NSC ltr 4/21/77
By NRG, NARS, Date 5/4/77

COPY NO. 1

DRAFT RECORD OF ACTIONS
482nd NSC Meeting
(5/2/61)

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1. U. S. POLICY WITH RESPECT TO LAOS
(Draft Record of Actions of the 480th NSC Meeting on April 29, 1961, Item 1, and of the 481st NSC Meeting on May 1, 1961)

a. Noted and discussed a briefing by the Acting Chairman, Joint Chiefs of Staff, on the military implications of possible courses of action in Laos.

b. Noted the President's directive that contingency military planning for Southeast Asia should be continued in the light of the rapidly developing situation, and should be discussed with the United Kingdom.

c. Noted that the Secretaries of State and Defense would send to the President promptly a joint recommendation on U. S. action with respect to Laos.

2. THE GENEVA TEST BAN NEGOTIATIONS
(NSC Action No. 2408)

a. Noted and discussed a report by the Adviser to the President on Disarmament and the U. S. Representative, Conference on Discontinuance of Nuclear Weapons Tests, on the progress of the negotiations in Geneva for a nuclear test ban.

TOP SECRET

2. THE GENEVA TEST BAN NEGOTIATIONS (Continued)

b. Agreed that the Adviser to the President on Disarmament, with the assistance of an interdepartmental group, should prepare recommendations on future U. S. policy with respect to nuclear testing.

c. Noted that the Department of Defense would make a presentation to the President on the military factors involved in the resumption of nuclear weapons testing.

May 2, 1961

DECLASSIFIED
Authority NSC ltr 4/21/77
By pmg, NARS, Date 5/4/77

~~SECRET~~

NATIONAL SECURITY COUNCIL

AGENDA

For the Meeting to be held in the Cabinet Room of The White House on Tuesday, May 2, 1961 at 4:00 p.m.

1. **U. S. POLICY WITH RESPECT TO LAOS**
(Draft Record of Actions of the 480th NSC Meeting on April 29, 1961, Item 1, and of the 481st NSC Meeting on May 1, 1961)

The subject will be discussed in the light of current developments and the discussion at the 481st NSC Meeting, including the military appreciation by the Joint Chiefs of Staff called for by that meeting.

2. **THE GENEVA TEST BAN NEGOTIATIONS**
(NSC Action No. 2408)

The current status of the negotiations in Geneva for a nuclear weapons test ban and future U. S. policy with respect to these negotiations will be discussed.

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May 1, 1961 — SECRET

NATIONAL SECURITY COUNCIL

AGENDA

For the Meeting to be held in the
Cabinet Room of The White House
on Monday, May 1, 1961,
at 4:00 p. m.

In addition to the Statutory Members and Advisers, the following are being invited to attend this meeting: The U. S. Representative to the United Nations; the Secretary of the Treasury; the Attorney General; the Director, Bureau of the Budget; the Deputy Secretary of Defense; the Secretaries of the Army, the Navy, and the Air Force; the Joint Chiefs of Staff; the Director, U. S. Information Agency; the Under Secretary of State; the Under Secretary of State (Economic Affairs); the Deputy Under Secretary of State; the Special Assistants to the President for National Security Affairs and for Science and Technology; the Counselor, Department of State; the Assistant Secretary of State (UN Affairs); the Special Assistant to the Secretary of State; the Assistant Secretary of Defense (ISA); the Military Aide to the President. The following are being invited to attend the meeting for Item 1 only: The Assistant Secretary of State (Far Eastern Affairs); the Deputy Director, J-3 (Operations), Joint Chiefs of Staff. The following are being invited to attend the meeting for Item 2 only: The Chairman, Atomic Energy Commission; The Adviser to the President on Disarmament; the Deputy to the Adviser to the President on Disarmament; the U. S. Representative, Conference on Discontinuance of Nuclear Weapons Tests; the Deputy Director, U. S. Disarmament Administration.

1. U. S. POLICY WITH RESPECT TO LAOS
(Draft Record of Actions of the 480th NSC Meeting, April 29, 1961, Item 1)

The subject will be discussed in the light of current developments.

2. THE GENEVA TEST BAN NEGOTIATIONS
(NSC Action No. 2408)

The current state of the negotiations in Geneva for a nuclear test ban and future U. S. policy with respect to these negotiations will be discussed.

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Authority NSC Ltr. 4/21/77
By mmg, NARS, Date 6/4/77

27

DECLASSIFIED
Authority NSC ltr 4/21/77
By dmg, NARS, Date 5/4/77

~~TOP SECRET~~

COPY NO. 1

DRAFT RECORD OF ACTIONS
481st NSC Meeting
(5/1/61)

U. S. POLICY WITH RESPECT TO LAOS
(Draft Record of Actions of the 480th NSC Meeting, April 29, 1961, Item 1)

a. Discussed the current situation in Laos and agreed that no final decisions as to U. S. courses of action with respect to that situation should be taken at this meeting, pending further developments in the cease-fire negotiations.

b. Noted that the President would be prepared under certain conditions to deploy U. S. forces to Thailand.

c. Agreed that the Joint Chiefs of Staff should prepare, for presentation at a meeting of the National Security Council to be held on Tuesday, May 2, 1961, at 4:00 p.m., an appreciation of the military implications of various measures that might be taken in Laos, Thailand, and other countries of Southeast Asia.

INCOMING TELEGRAM *Department of State*

28

34-L

~~TOP SECRET~~

Action
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Control: 17001
Rec'd: APRIL 26, 1961
12:26 PM

FROM: VIENTIANE

TO: Secretary of State

LD

NO: 1943, APRIL 26, 9 PM

S/S

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NIACT

SENT DEPARTMENT 1943, REPEATED INFORMATION BANGKOK NIACT 578, LONDON NIACT 334, PARIS NIACT 346, CINCPAC NIACT UNNUMBERED, CANBERRA NIACT 94, MOSCOW NIACT 59.

CINCPAC FOR POLAD

DECLASSIFIED
Authority State La 12/15/77
By JKlimey, NARS, Date 12/30/77

REF: DEPTEL 1153

MUONG SAI HAS FALLEN. MAAG REPRESENTATIVES REPORT SIHO FORCES NORTH OF NAM LIK HAVE BAD MORALE AND LIKELY DISSOLVE IF STRUCK HARD. THEY HAVE RECEIVED SOME ARTILLERY FIRE. THEIR DISSOLUTION WOULD LEAVE CLEAR WAY OPEN TO VIENTIANE.

I DO NOT SEE HOW WE CAN AFFORD TO LET ENEMY CONTINUE HIS FORWARD MOVEMENT TOWARD KEY CENTERS OF LAOS BEYOND A CERTAIN POINT. SEE NO WAY TO STOP HIM EXCEPT BY USE B-26'S, PROBABLY FOLLOWED UP BY US OR SEATO TROOPS. THEREFORE, I REQUEST AUTHORITY WITH ADVICE CHIEF MAAG AND ARMA TO EMPLOY B-26'S AGAINST SUCH ENEMY MOVEMENTS IF 1) ENEMY MOVES SOUTH OF NAM LIK, 2) OR IN CASE OF (A) LUANG PRABANG, (B) THAKHEK, (C) PAKSANE, (D) SAVANNAKHET OR OTHER MAJOR CENTER NEAR MEKONG VALLEY IF ENEMY THREATENS OCCUPY TERRAIN WHICH COMMANDS CITY.

I REALIZE THAT SUCH ACTION WOULD BLOW WHOLE CEASE-FIRE NEGOTIATION WIDE OPEN: TORPEDO CONFERENCE AND MOST LIKELY INVOLVE IMMEDIATE INTERVENTION US/SEATO FORCES, BUT SEE NO ALTERNATIVE IF ENEMY PRESSES BEYOND LIMITS INDICATED ABOVE.

~~TOP SECRET~~

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~~TOP SECRET~~

-2- 1943, APRIL 26, 9 PM, FROM VIENTIANE

I SUGGEST THESE FACTS AND GRAVITY SITUATION BE BROUGHT IMMEDIATELY TO ATTENTION OUR SEATO ALLIES AND ALSO THAT WE ADVISE SOVIETS THAT WHILE U.S. EARNESTLY DESIRES CEASE-FIRE AND PEACEFUL SOLUTION, IT WILL NOT STAND BY AWAITING AGREEMENT CEASE-FIRE WHILE ENEMY FORCES CONTINUE PRESSURE RLG FORCES TO SUCH DEGREE AND SHOULD SUCH ACTIONS CONTINUE STEPS AS NECESSARY WILL BE TAKEN. ROBERTS REPORTS PUSHKIN SAID HE ALSO AGAINST FURTHER TROOP MOVEMENTS NOW.

SUGGEST SEATO NOW BEGIN PREPARATION RESPOND IMMEDIATELY TO APPEAL FROM RLG IF ENEMY MOVES SOUTH NAM LIK IN ANY FORCE OR IF WE HAVE TO USE B-26'S ELSEWHERE. PHOUMI HAS NOT MADE SUCH REQUEST NOR WILL I YET SUGGEST TO HIM, BUT WE SHOULD BE READY TO ACT ON IT.

SUGGEST BANGKOK BE INSTRUCTED CLEAR THIS ASAP WITH SARIT.

YOU MAY WISH ALERT BRITISH, AUSTRALIANS AND FRENCH TO POSSIBLE USE B-26'S.

BROWN

RJT

NOTE: ADVANCE COPIES (FE), (SS), (SO) 2:00PM, 4/26/61. CWO-JRL

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CIA CABLE BRANCH

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MESSAGE

DEPARTMENT OF THE ARMY
STAFF COMMUNICATIONS OFFICE

29

SECRET
OPERATIONAL IMMEDIATE

DECLASSIFIED
Authority Army ltr 10/26/76
By bmg, NARS, Date 4/13/77

FROM: CHMAAG VIENTIANE LAOS

TO: CINCPAC

INFO: JCS, OSD/ISA WASH DC, CHJUSMAG BANGKOK THAILAND

NR: ML 1722 260500Z APR 61

OSD/ISA PASS TO STATE.

Just returned from meeting with Phoumi during which he expressed his concern over the deteriorating military situation and his belief that the enemy has as his objective the capture of such key areas as Luang Prabang, Vientiane, Thakhek and Paksane prior to setting actual cease fire hour and date. States they are stalling now that the military situation is to their advantage and will advance to seize as much territory as possible prior to cease fire. Enemy has launched a major attack against Muong Sai and a large portion of the town has been burned as a result of mortar and artillery fire. It appears likely Muong Sai will be lost to enemy.

Phoumi yesterday lost another T-6 with one of his best pilots and again was emphatic in plea for bombs which he feels would make appreciable difference and also give his pilots better chance of survival. Cited near loss of three T6's from 20MM fire this AM South of Vang Vieng in support of Siho force. Again made urgent plea for B-26 strike saying we must take strongest action in stopping enemy who is advancing and reinforcing to maximum extent possible during negotiations prior to cease fire. Said they will stall on cease fire and advance until their offensive is blunted. My estimate of situation is that FAL is on the ropes and that enemy has capability on taking any of the major population centers now held by the FAL. If the enemy should decide to exploit this capability, it would take the employment of B-26's and US or SEATO intervention to stop him.

NOTE: Adv cys sent DCSOP, ACSI, and JCS at 260747Z Apr 61.

ACTION: ACSI

INFO: OCS, DCSOP, DCSLOG, DCSPER, OSD, JCS, AF NAVY, CMC
ACSI (STATE, CIA)

DA IN 107565 (26 Apr 61) gc/10

SCO FORM 35-3 6 JUN 66 REPLACES OCS FORM 375-3, 1 AUG. 51, WHICH MAY BE USED.

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EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL SECURITY COUNCIL
WASHINGTON

DECLASSIFIED
Authority NSC ltr 4/21/77
By DMG, NARS, Date 5/4/77

April 24, 1961

MEMORANDUM FOR THE NATIONAL SECURITY COUNCIL

SUBJECT: NATO and the Atlantic Nations

REFERENCES:
A. "A Review of North Atlantic Problems for the Future", Report to the President on the subject, March 1961, prepared by Mr. Dean Acheson assisted by a Working Group which included Ambassador Finletter and representatives of the Departments of State, Defense and the Treasury, the Joint Chiefs of Staff and the Special Assistant to the President for National Security Affairs
B. NSC Action No. 2405
C. Memo for NSC from Acting Executive Secretary, same subject, dated April 3, 1961

The enclosed revised policy directive on the subject, as approved by the President on April 21, 1961, is transmitted herewith for appropriate implementation by all Executive departments and agencies.

Marion W Boggs

MARION W. BOGGS
Acting Executive Secretary

cc: The Secretary of the Treasury
The Director, Bureau of the Budget
The Director of Central Intelligence
The Chairman, Joint Chiefs of Staff

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April 20, 1961

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Policy Directive

Regarding NATO and The Atlantic Nations

I. Political

1. Basic Political Policy: The political nexus between North America and Western Europe--i.e., the Atlantic Community--is and must continue to be the foundation of U. S. foreign policy. The purpose of that policy is to maintain an environment in which free societies may flourish. The U. S. alone is not strong enough to maintain that environment, by holding Soviet military power in check and by making possible the development of the less developed countries within a free and open system.

NATO is the principal form which this coalition takes. It is of first importance to the U. S. to maintain its coherence and strength. To the Soviet Union first importance is given to disrupting it.

On the political side coherence is achieved through seeking a consensus among the allies on major policies. This means consulting frankly about policies which are still in a formative stage, and being willing to alter policies, if warranted, in the light of the discussion.

At the optimum a consensus should be agreement on common action in the best interests of the alliance as a whole; at the minimum it should be an understanding on how to handle a disagreement so as to cause the minimum damage to the coalition.

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Authority NSC ltr 4/25/77, State ltr 1/11/77
By amg, NARS, Date 4/19/77

2. Particular Working Principles and Policies. To a large extent, the miseries of colonial disengagement are behind us. Where colonial problems remain, however, they can become a fertile source of disagreement between the U. S. and its NATO allies. These problems usually arise publicly in the United Nations. All differences cannot be removed but their disruptive consequences can be reduced if the U. S. will:

a. associate cooperatively with its allies in preparing remaining dependent areas politically, socially, and economically for their independence;

b. aid any ally or its emerging dependent area in preparing for economic adjustments which may be necessary as their political relation changes;

c. In the United Nations, the U. S. should continue to make clear that it believes in and looks forward to the independence of peoples now under colonial rule. In deciding on when and how to vote in the United Nations, a primary U. S. purpose should be to take action which will advance constructive solutions. The U. S. should seek allied agreement to the maximum extent feasible and, where such agreement cannot be obtained, at least assure that any U. S. action is preceded by full and frank consultation.

The U. S. should seek allied agreement on a sustained effort to remedy--in both dependent and newly independent areas--the deficiencies

in civil and military competence, education, and economic development which are among the principal obstacles to successful independence. In pressing this effort, problems will sometimes arise out of special interests that some of our allies have in specific less developed areas. We should make a concerted effort, through consultative machinery, to reach agreements which will subordinate such special interests to the larger goal of denying these areas to chaos or Communism.

In thus leading the Atlantic nations in common action to meet the needs of the less developed world as a whole, the U. S. can help the Atlantic Community to see its task in larger terms, which will transcend differences on specific colonial issues, and which will enable its colonial or ex-colonial members to cease to regard the only alternatives as being to hang on to historic footholds to the bitter end or return to a limited European status.

One purpose of such genuine--and often abrasive--consultation in NATO should be to bring about this change in perspective and policy by our allies, by convincing them of our understanding of their problems. Other purposes are described in the Discussion of this paper, which should serve as a general guide to U. S. action in this field.

3. European Integration and Beyond. The U. S. should make clear its support for the movement toward European integration.

The U. K. should not be encouraged to oppose or stay apart from that movement by doubts as to the U. S. attitude or by hopes of a "special" relation with the U. S. The Six should be encouraged to welcome U. K. association with the Community and not to set the price too high for such association, providing that there is to be no weakening of essential ties among the Six.

The ultimate goal of the Atlantic nations should be to develop a genuine community, in which common institutions are increasingly developed to address common problems. Opportunities for moving in this direction may arise over time, and the Atlantic nations will be in a better position to exploit these opportunities if they are clear beforehand that this is the general direction in which they want to move. Such a Community should be capable of embracing Japan, at least in the economic sphere, at the earliest possible time. Over the long run, it might be open to other countries willing and able to share its responsibilities.

4. Organization and Method. The principal organ for consultation should be the North Atlantic Council. Two subordinate instruments may be helpful:

a. NAC Committees. The U. S. should encourage the Council to set up informal committees to address regional and functional problems. These committees' membership should be on the basis of

national involvement, and their task should be to make policy recommendations--not necessarily based on unanimity--to the Council.

b. NATO Policy Advisory Committee. The U. S. should propose that the Council establish a Policy Advisory Committee to meet once or twice a year to seek a consensus on basic objectives and tasks, and to report that consensus and its appraisal of movement toward or away from those ends to the Council. This Committee might consist of 3-5 men of broad repute, who would not be national representatives.

II. Military

5. A Pragmatic Doctrine. The U. S. should urge that:

a. First priority be given, in NATO programs for the European area, to preparing for the more likely contingencies, i.e., those short of nuclear or massive non-nuclear attack.

b. NATO continue, under this pragmatic doctrine, to prepare to meet nuclear or massive non-nuclear attack in the theater--but not to a degree that would divert needed resources from non-nuclear theater programs to meet lesser threats or from programs to assure an ample and protected U. S. strategic power.

The U. S. should urge that this view be given effect by a constructive interpretation of existing doctrine, and that this doctrine only be rewritten if needed European energies and resources cannot be mobilized in any other way, and if it is clear that NATO agreement can be reached on a revision.

6. Non-nuclear Forces.

a. The U. S. should announce that the U. S. means to maintain its own divisions and supporting units in Europe. While these forces have as their primary objective the defense of the NATO area, certain of these forces may be required, temporarily and in exceptional cases, to meet limited military situations short of general war outside the NATO area.

b. The U. S. should propose that the objective of improving NATO's non-nuclear forces should be to create a capability for halting Soviet forces now in or rapidly deployable to Central Europe for a sufficient period to allow the Soviets to appreciate the wider risks of the course on which they are embarked. This program should emphasize raising the manning levels, modernizing the equipment, and improving the mobility of presently projected NATO non-nuclear forces. The U.S. should then press strongly for NATO execution of this program, as a matter of the highest priority. The U. S. should urge rapid progress toward building up a mobile task force to deal with threats to NATO flanks, as part of this program.

c. The U. S. should press for greater NATO research and development regarding non-nuclear weaponry, and for coordinated alliance-wide production of major military materiel. The U. S. should lead toward further coordination and integration of defense arrangements. It is particularly important to be responsive to strong German desires in this regard.

7. Nuclear Forces.

a. The President should state that an effective nuclear capability will be maintained in the European area and that nuclear weapons will not be withdrawn without adequate replacement. Nuclear weapons in NATO Europe may be regrouped as further studies may indicate.

b. Additional resources should be used to strengthen the nuclear capability now in Europe only where (i) going programs are so far underway that they could not be changed without serious adverse political effects, or (ii) the increase will not divert needed resources from non-nuclear tasks and is clearly required to cover needs either for replacement or expansion that cannot be met from outside the theater. The 1963 MC-70 goals, as well as the proposed 1966 goals, should be reviewed by the State and Defense Departments from this standpoint.

c. The Secretary of Defense should undertake a study of the extent to which nuclear weapons in NATO Europe could be made more secure against unauthorized use. Consideration should be given, in this study, to the problem of control after initial use of nuclear weapons, as well as before. Some possible safeguards to be considered in such a study are discussed in the body of this report. These include making SACEUR headquarters and communications more secure against wartime disruption.

d. SACEUR procedures for ordering use of nuclear weapons, once he has been given political direction, should be clarified and made more explicit.

e. It is vital that the major part of U. S. nuclear power not be subject to veto. It is not essential that the part of that

power deployed in Europe be veto-free. It is, however, most important to the U. S. that use of nuclear weapons by the forces of other powers in Europe should be subject to U. S. veto and control. Therefore, the concept of a veto by another than ourselves in Europe is not contrary to our interests.

f. The U. S. should suggest that the NATO Council try to work out general guide lines regarding the use of nuclear weapons or a political method for determining such use. The U. S. should undertake to observe any agreed guide lines or political method, insofar as feasible. Until some other indication of desire reaches him, the President should make entirely clear his intention to direct use of nuclear weapons if European NATO forces have been subjected to an unmistakeable nuclear attack or are about to be overwhelmed by non-nuclear forces.

g. The U. S. should announce its intention to commit, say, five Polaris submarines to NATO for the life of the alliance, for use by the President in accordance with the procedures outlined above, except that the U. S. would remain free to use them in self-defense. The U. S. should commit additional sea-borne missiles deployed in the Atlantic or the Mediterranean to NATO, as they become available. The deployment and targetting of these missiles should be worked out jointly by NATO commands and the U. S., with appropriate participation by the Standing Group, so as to cover military targets in Europe in the degree that this could be done without change in projected U.S. military programs.

h. The U. S. should urge the U. K. to commit its strategic forces to NATO, in the same manner as suggested above for U. S. forces. Since the U. K. probably would be reluctant to do so unless the U. S. also committed such B-47 SAC forces as it decides to station in the U. K. to NATO, we should seriously consider the possibility of taking such action in a manner which would maintain the essential mission and U. S. control of these forces.

i. Over the long run, it would be desirable if the British decided to phase out of the nuclear deterrent business. If the development of Skybolt is not warranted for U. S. purposes alone, the U. S. should not prolong the life of the V-Bomber force by this or other means.

j. The U. S. should not assist the French to attain a nuclear weapons capability, but should seek to respond to the French interest in matters nuclear in the other ways indicated above.

k. If the European NATO countries wish to expand the NATO seaborne missile force, after completion of the 1962-66 non-nuclear buildup, the U. S. should then be willing to discuss the possibility of some multilateral contribution by them. The U. S. should insist, in any such discussion, on the need to avoid (i) national ownership or control of MRBM forces; (ii) any weakening of centralized command and control over these forces; (iii) any diversion of required resources from non-nuclear programs. The U. S. should not facilitate

European production of MRBMs or procurement of MRBMs for European national forces, whether or not these forces are committed to SACEUR.

8. Procedures. The U. S. should lay before the NAC the general guidelines that it believes should govern future NATO military programs, based on the pragmatic doctrine suggested in this report.

If allied agreement to these guidelines can be secured, the NATO military commanders should be asked by the Council to design alternative programs that would be consistent with these guidelines and with two levels of resource availabilities: one corresponding to present levels of military spending, and one projecting as significant an increase as seems realistically feasible, in order to elicit increased NATO effort. (As part of such an increased NATO effort, U. S. military aid would probably need to be increased and should include provision of advanced non-nuclear weapons -- instead of emphasizing nuclear weapons as heavily as at present.) On the basis of the NATO commanders' replies, a decision could be made as to the size and nature of future NATO programs that would be designed to fulfill the strategy outlined in this report.

III. Economic

Conclusions

9. Purpose. The OECD should be the principal means of achieving needed coordination between the financial, aid, and trade policies of Europe and North America and, eventually, of Japan. Its object should be to achieve higher rates of growth in some Atlantic countries and a larger allocation of resources to important tasks facing the Atlantic Community. This will require that the OECD develop organs which are capable not only of serving as forums for discussion but also of developing joint decisions and, in some cases, joint programs.

10. Fiscal and Monetary Policy. In the fiscal field, the U. S. and other Atlantic nations should be prepared to discuss and coordinate their most sensitive internal economic policies, e.g., interest rates. Some of this coordination should be achieved within smaller groupings of the OECD. An OECD Monetary Committee might be set up for this purpose.

11. Aid to Less Developed Areas. The U. S. should urge the OECD to undertake specific functions to promote modernization of less developed areas through three subsidiary organs:

a. The Development Assistance Group should seek both to recommend the increased levels of aid that various donor countries

should provide and to ensure that the most urgent needs of specific less developed areas are taken care of in a coordinated fashion.

b. An Atlantic program -- possibly involving establishment of an Atlantic Development Center -- should be mounted under OECD auspices, on a mixed public-private basis, to promote (i) assistance to less developed countries in their development planning; (ii) certain kinds of technical aid to and exchanges with less developed countries; (iii) the training and recruiting of qualified young people from other Atlantic nations (to match the U.S. Peace Corps) for service in these countries; (iv) research in both Atlantic and less developed nations on key development problems.

c. A multilateral program of aid to the less developed countries of the Atlantic Community -- Greece, Turkey, Cyprus, Spain, and Portugal -- be mounted under OECD auspices, either by using the European Fund of the EMA or by establishing a new OECD fund for this purpose.

12. Trade. The U. S. should maintain high level representation at meetings of the Trade Committee of the OECD. Without impinging on the functions of the GATT, the U.S. should encourage wide-ranging discussion within this Committee.

13. The Common Burden. The costs of the military programs and the economic aid discussed under II and III, above, should be shared equitably by the members of the alliance.

a. The amount of these shares should reflect the differing resource capacities of these members. NATO and the OECD both offer forums in which this can be discussed.

b. The form of these shares should reflect these countries' balance of payments positions. For example, countries with favorable balance of payments might try to buy military equipment from countries less well situated and might, where appropriate, make joint military facilities and services available to the forces of such countries on especially advantageous terms.

The [illegible]e President

31

THE WHITE HOUSE
WASHINGTON

~~CONFIDENTIAL~~

April 24, 1961

NATIONAL SECURITY MEMORANDUM NO. 40

TO: Members of the National Security Council

SUBJECT: Policy Directive Regarding NATO and the Atlantic Nations

It is requested that the members of the National Security Council having responsibilities in connection with the implementation of the policy directive on the above subject, which was approved by the President on April 21, should report their progress to the President from time to time through this office. Similarly, any questions about the implementation of the directive should be referred to me.

I have designated Mr. Henry Owen of my staff to be the initial point of contact on all matters relating to this policy directive.

McGeorge Bundy

DECLASSIFIED
Authority NSC Ltr. 4/21/77
By NNG, NARS, Date 5/4/07

~~CONFIDENTIAL~~