

§ 368.3

and to carry out effectively the authority, direction, and control of the Secretary of Defense.

(ii) The Secretary of Defense shall keep the Secretaries of the Military Departments informed with respect to military operations and activities of the Department of Defense that directly affect their respective responsibilities.

(3) The Commanders of the Unified and Specified Combatant Commands are responsible to the President and the Secretary of Defense for accomplishing the military missions assigned to them and shall exercise command authority over forces assigned to them as directed by the Secretary of Defense pursuant to section 10 U.S.C. 164. The operational chain of command runs from the President to the Secretary of Defense to the Commanders of the Unified and Specified Combatant Commands. The Chairman, JCS functions within the chain of command by transmitting to the Commanders of the Unified and Specified Combatant Commands the orders of the President or the Secretary of Defense.

(i) Orders to such commanders shall be issued by the President or the Secretary of Defense or by the Chairman, JCS with the authority and direction of the President or the Secretary of Defense.

(ii) Communications from the President or the Secretary of Defense to the Commanders of the Unified and Specified Combatant Commands, shall be transmitted through the Chairman, JCS. Communications from the Commanders of the Unified and Specified Combatant Commands to the President and/or the Secretary of Defense shall be transmitted through the Chairman, JCS.

(iii) Communications in matters of joint interest, addressed to the Commanders of the Unified and Specified Combatant Commands by other authority, shall, unless urgent circumstances do not permit, be coordinated with the Chairman, JCS. Information copies of all communications in matters of joint interest between Washington level offices, agencies, activities and commands and the Unified and Specified Combatant Commands

32 CFR Ch. I (7-1-99 Edition)

shall be provided to the Chairman, JCS.

(iv) Subject to the authority, direction, and control of the Secretary of Defense, the Chairman acts as the spokesman for Commanders of the Unified and Specified Commands, especially on the operational requirements of their commands and shall be responsible for overseeing the activities of the combatant commands. The President and the Secretary of Defense may assign other duties to the Chairman to assist the President and the Secretary of Defense in performing their command functions.

§ 368.3 Functions of the Department of Defense.

As prescribed by higher authority, the Department of Defense shall maintain and employ armed forces to:

(a) Support and defend the Constitution of the United States against all enemies, foreign and domestic.

(b) Ensure, by timely and effective military action, the security of the United States, its possessions, and areas vital to its interest.

(c) Uphold and advance the national policies and interests of the United States.

§ 368.4 Functions of the Joint Chiefs of Staff.

The Joint Chiefs of Staff, consisting of the Chairman; the Chief of Staff, U.S. Army; the Chief of Naval Operations; the Chief of Staff, U.S. Air Force; and the Commandant of the Marine Corps, and supported by the Joint Staff, constitute the immediate military staff of the Secretary of Defense.

(a) The Chairman of the Joint Chiefs of Staff is the principal military advisor to the President, the National Security Council, and the Secretary of Defense. Subject to the authority, direction, and control of the President and the Secretary of Defense, the Chairman shall be responsible for the following principal functions:

(1) Advise and assist the Secretary of Defense of the preparation of annual policy guidance for the heads of Department of Defense components for the preparation and review of program recommendations and budget proposals.

(2) Advise the Secretary of Defense on the preparation of policy guidance for the preparation and review of contingency plans.

(3) Assist the President and the Secretary of Defense in providing for the strategic direction of the armed forces, including the direction of operations conducted by the Commanders of Unified and Specified Combatant Commands.

(4) Prepare strategic plans, including plans which conform with resource levels projected by the Secretary of Defense to be available for the period of time for which the plans are to be effective.

(5) Prepare joint logistic and mobility plans to support those strategic plans and recommend the assignment of logistics and mobility responsibilities to the armed forces in accordance with those logistic and mobility plans.

(6) Prepare military strategy and assessments of the associated risks. These will include the following:

(i) A military strategy to support national objectives within policy and resource level guidance provided by the Secretary of Defense. Such strategy will include broad military option prepared by the Chairman with the advice of the Joint Chiefs of Staff and the Commanders of the Unified and Specified Combatant Commands.

(ii) Net assessments to determine the capabilities of the Armed Forces of the United States and its allies as compared to those of possible adversaries.

(7) Provide for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense.

(8) Prepare joint logistics and mobility plans to support those contingency plans and recommend the assignment of logistic and mobility responsibilities to the Armed Forces in accordance with those logistic and mobility plans.

(9) Advise the Secretary of Defense on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of contingency plans, and assess the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

(10) After consultation with the Commanders of the Unified and Specified Combatant Commands, establish and maintain a uniform system for evaluating the preparedness of each unified and specified combatant command to carry out missions assigned to the command.

(11) Advise the Secretary of Defense on the priorities of the requirements, especially operational requirements, identified by the Commanders of the Unified and Specified Combatant Commands.

(12) Advise the Secretary of Defense on the extent to which the program recommendations and budget proposals of the Military Departments and other components of the Department of Defense conform with the priorities established in strategic plans and with the priorities established for requirements of the Commanders of the Unified and Specified Combatant Commands.

(13) If deemed necessary, submit to the Secretary of Defense alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary of Defense, to achieve greater conformance with the priorities established in strategic plans and with the priorities for the requirements of the Commanders of the Unified and Specified Combatant Commands.

(14) In accordance with guidance of the Secretary of Defense, recommend budget proposals for activities of each unified and specified combatant command, as appropriate. Activities for which funding may be requested include:

(i) Joint Exercises.

(ii) Force Training.

(iii) Contingencies.

(iv) Selected Operations.

(15) Advise the Secretary of Defense on the extent to which the major programs and policies of the armed forces in the area of manpower conform with strategic plans.

(16) Assess military requirements for defense acquisition programs.

(17) Develop and establish doctrine for all aspects of the joint employment of the Armed Forces.

(18) Formulate policies for coordinating the military education and

§ 368.4

32 CFR Ch. I (7-1-99 Edition)

training of members of the Armed Forces.

(19) 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.

(20) Submit to the Secretary of Defense, not less than once every three years, a report containing such recommendations for changes in the assignment of functions (roles and missions) to the Armed Forces as the Chairman considers necessary to achieve maximum effectiveness of the Armed Forces.

(21) Prescribe the duties and functions of the Vice Chairman, JCS, subject to approval of the Secretary of Defense.

(22) Exercise exclusive direction of the Joint Staff.

(23) Subject to the direction of the President, attend and participate in meetings of the National Security Council.

(24) Advise and assist the President and the Secretary of Defense on establishing unified and specified combatant commands to perform military missions and on prescribing the force structure of those commands.

(25) Periodically, not less than every two years, review the missions, responsibilities (including geographic boundaries), and force structure of each unified and specified combatant command; and recommend to the President through the Secretary of Defense, any changes to missions, responsibilities, and force structure, as may be necessary.

(26) Transmit communications between the President or the Secretary of Defense and the Commanders of the Unified and Specified Combatant Commands, as directed by the President.

(27) Perform duties, as assigned by the President or the Secretary of Defense, to assist the President and the Secretary of Defense in performing their command function.

(28) Oversee the activities of the unified and specified combatant commands.

(29) Advise the Secretary of Defense on whether a Commander of a Unified or Specified Combatant Command has sufficient authority, direction, and

control over the commands and forces assigned to the command to exercise effective command of those commands and forces.

(30) Advise and assist the Secretary of Defense on measures to provide for the administration and support of forces assigned to each unified and specified combatant command.

(31) Advise the Secretary of Defense on whether aspects of the administration and support necessary for the accomplishment of missions should be assigned to the Commander of a Unified or Specified Combatant Command.

(32) Serve as the spokesman for Commanders of the Unified and Specified Combatant Commands, especially on the operational requirements of their commands.

(33) Provide overall supervision of those Defense Agencies and Department of Defense Field Activities for which the Chairman, JCS has been designated by the Secretary of Defense to oversee. Perform such other functions with respect to the Defense Agencies and Department of Defense Field Activities as may be assigned by the Secretary of Defense.

(34) Periodically, not less than every two years, report to the Secretary of Defense on the responsiveness and readiness of designated combat support agencies.

(35) Provide for the participation of combat support agencies in joint training exercises, assess their performance, and take steps to provide for changes to improve their performance.

(36) Develop, in consultation with the director of each combat support agency, and maintain a uniform readiness reporting system for combat support agencies.

(37) Advise and assist the Secretary of Defense on the periodic review and revision of the curriculum of each professional military education school to enhance the education and training of officers in joint matters.

(38) Review the reports of selection boards that consider for promotion officers serving, or having served, in joint duty assignments in accordance

with guidelines furnished by the Secretary of Defense and return the reports with determinations and comments to the Secretary of the appropriate Military Department.

(39) Advise the Secretary of Defense on the establishment of career guidelines for officers with the joint specialty.

(40) Submit to the Secretary of Defense an evaluation of the joint duty performance of officers recommended for an initial appointment to the grade of lieutenant general or vice admiral, or initial appointment as general or admiral.

(41) Promulgate Joint Chiefs of Staff publications (JCS Pubs) to provide military guidance for joint activities of the Armed Forces.

(42) Review the plans and programs of the Commanders of Unified and Specified Combatant Commands to determine their adequacy and feasibility for the performance of assigned missions.

(43) Provide military guidance for use by the Military Departments, the Military Services, and the Defense Agencies in the preparation of their respective detailed plans.

(44) Participate, as directed, in the preparation of combined plans for military action in conjunction with the armed forces of other nations.

(45) Determine the headquarters support, such as facilities, personnel, and communications, required by unified and specified combatant commands, and recommend the assignment to the Military Departments of the responsibilities for providing such support.

(46) Prepare and submit to the Secretary of Defense, for information and consideration, general strategic guidance for the development of industrial and manpower mobilization programs.

(47) Prepare and submit to the Secretary of Defense military guidance for use in the development of military aid programs and other actions relating to foreign military forces.

(48) Formulate policies for the joint training of the Armed Forces.

(49) Assess joint military requirements for command, control and communications, recommend improvements, and provide guidance on aspects that relate to the conduct of joint operations.

(50) Prepare and submit to the Secretary of Defense, for information and consideration in connection with the preparation of budgets, statements of military requirements based upon U.S. strategic war plans. These statements of requirements shall include tasks, priority of tasks, force requirements, and general strategic guidance for developing military installations and bases, and for equipping and maintaining military forces.

(51) In carrying out his functions, duties, and responsibilities, the Chairman, JCS shall, as he considers appropriate, consult with and seek the advice of the other members of the Joint Chiefs of Staff and the Commanders of the Unified and Specified Combatant Commands.

(52) Perform such other duties as the President or the Secretary of Defense may prescribe.

(b) The other members of the Joint Chiefs of Staff are military advisers to the President, the National Security Council, and the Secretary of Defense as specified below:

(1) A member of the Joint Chiefs of Staff may submit to the Chairman advice or an opinion in disagreement with, or in addition to the advice or opinion presented by the Chairman. If a member submits such advice or opinion, the Chairman shall present that advice or opinion to the President, Secretary of Defense, or National Security Council, at the same time that he presents his own advice. The Chairman will also, as he considers appropriate, inform the President, the National Security Council, or the Secretary of Defense of the range of military advice and opinion with respect to any matter.

(2) The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, will provide advice to the President, the National Security Council, or the Secretary of Defense on a particular matter when the President, the National Security Council, or the Secretary of Defense requests such advice.

(c) The Vice Chairman of the Joint Chiefs of Staff shall perform such duties as may be prescribed by the Chairman with the approval of the Secretary of Defense. When there is a vacancy in

§ 368.5

the Office of the Chairman or in the absence or disability of the Chairman, the Vice Chairman acts as Chairman and performs the duties of the Chairman until a successor is appointed or the absence or disability ceases.

§ 368.5 Functions of the Unified and Specified Combatant Commanders.

(a) Unless otherwise directed by the President or the Secretary of Defense, the authority, direction, and control of the Commander of a Unified or Specified Combatant Command with respect to the commands and forces assigned to that command include the command functions of:

(1) Giving authoritative directions to subordinate commands and forces necessary to carry out missions assigned to the command, including authoritative direction over all aspects of military operations, joint training, and logistics;

(2) Prescribing the chain of command to the commands and forces within the command;

(3) Organizing commands and forces within that command as he considers necessary to carry out missions assigned to the command;

(4) Employing forces within that command as he considers necessary to carry out missions assigned to the command;

(5) Assigning command functions to subordinate commanders;

(6) Coordinating and approving those aspects of administration and support (including control of resources and equipment, internal organization, and training), and discipline necessary to carry out missions assigned to the command; and

(7) Exercising the authority with respect to selecting subordinate commanders, selecting combatant command staff, suspending subordinates, and convening courts-martial, as provided in 10 U.S.C.

(b) If a commander of a combatant command at any time considers his authority, direction, or control with respect to any of the commands or forces assigned to the command to be insufficient to command effectively, the commander shall promptly inform the Secretary of Defense.

32 CFR Ch. I (7-1-99 Edition)

(c) Unless otherwise directed by the President or the Secretary of the Defense, Commanders of Unified and Specified Combatant Commands exercise authority over subordinate commanders as follows:

(1) Commanders of commands and forces assigned to a unified or specified combatant command are under the authority, direction, and control of, and are responsible to, the Commander of the Unified or Specified Combatant Command on all matters for which the Commander of the Unified or Specified Combatant Command has been assigned authority under § 386.5(a);

(2) The commander of a command or force referred to in § 386.5(c)(1) shall communicate with other elements of the Department of Defense on any matter for which the Commander of the Unified or Specified Combatant Command has been assigned authority under § 386.5(a) in accordance with procedures, if any, established by the Commander of the Unified or Specified Combatant Command;

(3) Other elements of the Department of Defense shall communicate, with the commander of a command or force referred to in § 386.5(c)(1) on any matter for which the Commander of the Unified or Specified Combatant Command has been assigned authority under § 386.5(a) in accordance with procedures, if any, established by the Commander of the Unified or Specified Combatant Command; and

(4) If directed by the Commander of the Unified or Specified Combatant Command, the commander of a command or force referred to in § 386.5(c)(1) shall advise the Commander of the Unified or Specified Combatant Command of all communications to and from other elements of the Department of Defense on any matter for which the Commander of the Unified or Specified Combatant Command has not been assigned authority under § 386.5(a).

§ 368.6 Functions of the Military Departments.

(a) The chain of command for purposes other than the operational direction of unified and specified combatant commands runs from the President to