



DEPARTMENT OF THE NAVY
OFFICE OF LEGISLATIVE AFFAIRS
WASHINGTON, D. C. 20350

IN REPLY REFER TO

LA-62:sw
LCDR Erickson
Ext. 76196

6 JAN 1976

MEMORANDUM

For: The General Counsel, Department of Defense
Attn: Director, Legislative Reference Service

Subj: H.R. 10693, 94th Congress, a bill "To amend section 141 of title 10, United States Code, to require that the Secretaries of the military departments be kept fully and currently informed regarding all matters considered and acted upon by the Joint Chiefs of Staff."

1. Reference is made to your memorandum, dated 5 December 1975, requesting comments on the proposed report on subject bill.
2. It is believed that the views of the Department of Defense as expressed in the draft response should be amended to reflect that DOD Directive 5100.1 adequately covers the concern which prompted subject legislation and, therefore, subject legislation is unnecessary. Accordingly, it is recommended that the draft be rewritten as follows:

"Dear Mr. Chairman:

This is in response to your letter of November 17, 1975 requesting the Department of Defense views on H.R. 10693, a bill "To amend section 141 of title 10, United States Code, to require that the Secretaries of the military departments be kept fully and currently informed regarding all matters considered and acted upon by the Joint Chiefs of Staff.

Although the Service Secretaries are not in the operational chain of command, the Department recognizes that they nevertheless need access to information in order to carry out their duties. Accordingly, language similar to that contained in H.R. 10693 has been prescribed by paragraph II. 2. a. (2) of DOD Directive 5100.1 (Dec. 31, 1958) ever since 1958, as follows:

'(2) The Joint Chiefs of Staff, as a group, are directly responsible to the Secretary of Defense for the functions assigned to them. Each member of the



Joint Chiefs of Staff, other than the Chairman, is responsible for keeping the Secretary of his military department fully informed on matters considered or acted upon by the Joint Chiefs of Staff.'

The Department of Defense fully supports the principle that each Service Chief should keep the Secretary of his military department fully and promptly informed on all matters considered by the Joint Chiefs of Staff. The Department considers the referenced Directive sufficient to accomplish this purpose, and believes the proposed legislation is unnecessary."

J. F. Hairston

J. F. HAIRSTON

Captain, USN, U. S. Navy

Director, Legislation

Copy to:

Chief OLL, Dept/Army

Dir. , LL. Dept/AF

