

Appendix

A. Overview of Goldwater-Nichols

This appendix provides an overview of the personnel provisions of the Goldwater-Nichols legislation. It describes the concerns that led to Title IV, highlights the general features of the personnel portion of the law, and defines some of the terms used throughout the report. The section also describes the DoD implementation of Goldwater-Nichols and shows the size and distribution of the current Joint Duty Assignment List (JDAL).

Background to Goldwater-Nichols: Concerns About Officers

Barry Goldwater states in his autobiography¹ that military experiences in World War II showed him that the military services did not work well together. More recent problems with joint operations, such as the failed hostage rescue mission in Iran and the invasion of Grenada, led him to seriously examine joint service capabilities. The common perception of the time, supported by the testimony of numerous witnesses in the hearings that led to the passage of Goldwater-Nichols,² was that the military services had little respect for joint service or for assignments outside their individual service organizations. The services typically sent second-rate officers to such assignments and removed them as quickly as possible. Joint assignments were not desired by military officers, who viewed them as a hindrance in their career progression.

The authors of Goldwater-Nichols felt that military officers, especially the general and flag officers,³ had little understanding or appreciation of the policies, procedures, operations, or capabilities of the other services. As a result, they had little experience in or knowledge of the conduct of joint operations. Realizing that future contingencies would almost always involve two or more military services acting together, the authors of Goldwater-Nichols felt strongly that

¹Barry M. Goldwater and Jack Casserly, *Goldwater*, Doubleday, New York, 1988 (especially Chapter 11, Duty-Honor-Country, pp. 334–361).

²99th Congress—1st Session, *Defense Organization: The Need for Change*, Senate Print 99-86, Committee on Armed Services, United States Senate, October 16, 1985 and 99th Congress, 2nd Session, *Reorganization of the Department of Defense, Hearings Before the Investigations Subcommittee on Armed Services*, HASC No. 99-53, House of Representatives, 1987.

³The officer corps is typically divided into three groups by pay grade: company grade (O-1 [lieutenants and ensigns] to O-3 [captains and Navy lieutenants]), field grade (O-4 [majors and lieutenant commanders] to O-6 [colonels and Navy captains]), and general/flag (O-7 to O-10).

something had to be done to instill a joint culture (i.e., attitudes, values, and beliefs about joint service) among the officer corps, a culture that would lead to an appreciation and understanding of how the services could and should operate together in future conflicts. To us, this is the main intent of Goldwater-Nichols and guides much of our analysis on determining which positions should be designated as Joint Duty Assignments. It is significant that, eight years after the passage of Goldwater-Nichols, individual officers have accepted the reality of a joint culture and the need for certain joint assignments as a necessity for the most successful careers.⁴

Personnel Provisions of Goldwater-Nichols

The personnel provisions of the DoD Reorganization Act of 1986⁵ can be described as a reaction to existing concerns, and an effort to

- Increase the quality of officers in joint assignments;
- Enhance the stability and increase the joint experience of officers in joint assignments;
- Enhance the education and training of officers in joint matters and strengthen the focus of professional military education in preparing officers for Joint Duty Assignment positions;
- Ensure that general/flag officers are well-rounded in joint matters;
- Ensure that officers are not disadvantaged by joint service.

Title 10 defined *joint matters* as “matters relating to the integrated employment of land, sea, and air forces, including matters relating to national military strategy; strategic planning and contingency planning; and command and control of combat operations under unified command.”⁶ The law required that the Secretary of Defense define the term “joint duty assignment” and limit the definition to assignments in which an officer “gains a significant experience in joint matters.” It specifically excluded assignments for joint training or joint education and assignments within an officer’s own military department. Finally,

⁴This observation is based on interviews conducted during the study and on responses to opinion questions in the survey (Appendix D). In particular, only 18 percent of officer respondents and 7 percent of general/flag officer respondents did not believe their present joint assignment would contribute significantly to their performance in future service assignments.

⁵99th Congress, Second Session, *Department of Defense Reorganization Act of 1986*, P.L. 99-433, in United States Code Congressional and Administrative News, Volume 1, West Publishing Co., St. Paul, Minn., 1986, Title IV—Joint Officer Personnel Policy.

⁶Section 668(a), Chapter 38, Title 10, United States Code (as amended through December 31, 1992), April 1993, U.S. Government Printing Office, Washington, DC.

the law required the Secretary of Defense to publish a list, termed the Joint Duty Assignment List, showing the positions that qualify as Joint Duty Assignments (JDAs).

Goldwater-Nichols created a new category of officers termed Joint Specialty Officers (JSOs). These officers were to be “particularly trained in, and oriented towards, joint matters.” Prerequisites to becoming a JSO included successfully completing a program at a Joint Professional Military Education (JPME)⁷ school and then serving a full tour in a Joint Duty Assignment. Once these two prerequisites were met, the officer’s military service could “nominate” them for “selection” as a JSO. Final selection rested with the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. The law stipulated that at least half of the positions on the JDAL *above the grade of O-3* be filled by JSOs or officers nominated as JSOs (termed JSO noms).⁸

Title IV specified that the Secretary designate at least 1000 of the positions on the JDAL as Critical Joint Duty Assignments (CJDAs). These positions were to be identified by examining each joint duty position and designating those for which, considering the duties and responsibilities of the position, it was “highly important that the occupant be particularly trained in, and oriented toward, joint matters.” Initially, 80 percent of the positions were to be filled by JSOs, but by January 1, 1994, JSOs were to be assigned to all critical positions.

Title IV specified that the duration of JDA tours average at least three and one-half years for field grade officers and at least three years for general and flag officers. These tour lengths were later amended to three years for field grade officers and two years for general and flag officers.

Title IV provided special considerations for “warfighters.” It specified that the Secretary of Defense identify “critical occupational specialties” (COSs) whose officers were directly connected with combat arms (or analogous operations), and who needed to concentrate on developing, maintaining, and then passing on to others specific warfighting skills. The services had argued strongly that these skills were critical and complex, and that time away from such operational (i.e., service) billets would quickly cause those skills to deteriorate.

⁷JPME Phase I is part of intermediate- or senior-level courses at the service colleges. JPME Phase II is provided by the Armed Forces Staff College in a three-month, resident-only course. The National War College and the Industrial College of the Armed Forces provide both JPME Phase I and Phase II in their ten-month resident courses.

⁸JSO nominees have either (1) successfully completed JPME but not yet served a full JDA tour or (2) a military occupational specialty that has been designated as a critical occupational specialty involving combat operations.

Officers with a COS were allowed to leave their initial joint assignment after 24 months. That two-year assignment would fulfill the tour requirement for JSO and, as will be discussed shortly, it would fulfill the JDA tour requirement for appointment to general or flag officer. COS officers were also permitted to reverse the order of the prerequisites needed to become a JSO. That is, COS officers could first serve in a JDA and then attend a JPME school.⁹

Finally, the law specified that a prior JDA was a prerequisite for promotion to general or flag officer. It did allow, for a period of time, selected waivers to this requirement.

The law did include provisions for a phase-in period. If JDAs were just being specified, it was not reasonable to expect that 50 percent of the officers filling them could have already completed a prior tour. The transition provisions stated that the JDAL should be published within six months, and that filling half of all the critical billets by JSOs should be implemented “as rapidly as possible, and not later than two years after the date of the enactment of the act.” Congress did allow the services to select a number of “transition” JSOs based on their prior duties and experience. These transition JSOs initially filled the critical billets and still remain a large segment of all the JSOs within the individual services.

Promotion Policy Objectives of Goldwater-Nichols

Title IV contained “protections” written into the law that officers sent to joint duty would in fact be “quality” officers and that after they completed their joint duty assignments they would not be penalized in any way by their services. These protections took the form of promotion rate comparisons. The law specified that the promotion rate be as follows:

- Officers holding the designation of JSO should average at least as high as the average of officers in the same service and competitive group who were serving or had served on the service headquarters staff.
- Officers who were serving on, or had served on, the Joint Staff should meet the same standard.¹⁰

⁹Non-COS officers could also attain JSO status by first completing a joint tour and then attending JPME. Any officer could also qualify by serving two complete JDA tours. Both of these paths to becoming a JSO require a waiver by the Secretary of Defense. The educational requirement could be waived if the Secretary of Defense determined that it was impractical for the officer to complete JPME at the current stage of his or her career and that the types of JDAs completed by the officer were “of sufficient breadth to prepare the officer adequately for the joint specialty.”

¹⁰By policy, officers who were serving in or had served in the Office of the Secretary of Defense should also meet this standard.

- Officers who were serving in, or had served in, other JDAs should average at least as high as the service-wide average for officers in the same service and competitive group.

The law requires that the Secretary of Defense provide a report to Congress, on at least a semi-annual basis, on the promotion rates of officers in the various categories outlined above. If the promotion rates fail to meet the legal objectives, the Secretary must provide information on specific failures and describe actions or plans to prevent future failures.

These promotion objectives are most often mentioned by the services as the main problem they face in meeting the stipulations of Goldwater-Nichols. Furthermore, the “rules” for the promotion comparisons are complex and not well understood by the various services. The basis for comparison is not consistently applied across the services or over time in a specific service. This “supportability” issue is discussed in MR-593-JS, *How Many Can Be Joint? Supporting Joint Duty Assignments*.

DoD Implementation of Goldwater-Nichols

Most of the provisions written into Title IV were not really new. As a 1990 DoD study of its provisions stated: “Almost every provision can be traced back to specific problems, both real and perceived, noted by the Congress over the past forty years. Many provisions that became law existed in DoD policy directives prior to 1986; however, Congress was convinced that these directives were not rigorously followed”¹¹

The law required the Secretary of Defense to define the term Joint Duty Assignment and to publish a Joint Duty Assignment List of positions that qualify as JDAs. The Secretary of Defense defined a *joint duty assignment* as

an assignment to a designated position in a multi-Service or multinational command or activity that is involved in the integrated employment or support of the land, sea, and air forces of at least two of the three Military Departments. Such involvement includes, but is not limited to, matters relating to national military strategy, joint doctrine and policy, strategic planning, contingency planning, and command and control of combat operations under a unified command.¹²

¹¹Office of the Secretary of Defense (Force Management and Personnel), *Report on the Study of Joint Officer Management Initiatives*, draft, April 1990, p. 28.

¹²Joint Chiefs of Staff, *Joint Officer Management*, JCS Administrative Publication 1.2, Washington, DC, June 1989.

The original implementation of the law, and the one that is still being used today, reflects somewhat of a compromise aimed at producing a JDAL of approximately 8000 positions. Part of the problem was the degree of uncertainty and subjectivity surrounding the definitions of joint matters and JDAs. A rather broad-brush approach was taken. Joint assignments were limited to grades of O-4 (major or lieutenant commander) and higher. This limitation was a DoD policy, since the law specifically allowed O-3s (captains and Navy lieutenants) to be considered for joint duty credit.

All of the positions at the grades of O-4 and above at the Joint Staff, the Office of the Secretary of Defense, and the unified commands were placed on the JDAL. Half of the positions at each defense agency were permitted joint credit. The specific defense agency positions on the JDAL were identified by each agency. Finally, the 1000 critical billets were allocated on more or less a fair share basis to the above organizations. Each organization identified the specific billets to be considered critical.

The current JDAL has grown to more than 9000 positions. The specific billets on the list change constantly as organizations add or delete positions. Table A.1 shows the composition of the JDAL by service and grade as of November 1994. The distribution by different type activities for the same time period is shown in Table A.2.

Table A.1
Composition of the JDAL by Service and Pay Grade

Grade	USA	USN	USAF	USMC	Total
O-4	1103	679	1330	197	3309
O-5	1390	792	1416	246	3844
O-6	602	397	743	74	1716
O-7+	75	61	78	12	234
Total	3170	1929	3467	529	9103

SOURCE: JDAL 94-1, as of November 1994.

Table A.2
Critical Joint Positions by Activity

Activity	Joint Positions	Critical Joint Positions	Percent of Present Joint Positions that Are Critical
Combatant commands	4950	513	10.3
Joint staff	766	90	11.7
OSD	406	25	6.1
Defense agencies	1925	234	12.1
Other joint activities	822	50	6.1
Generals/admirals	234	97	41.4
Total	9103	1009	11.1

SOURCE: JDAL 94-1, as of November 1994.