SEC. ___. EMPLOYMENT AUTHORITY FOR CIVILIAN FACULTY AT CERTAIN MILITARY DEPARTMENT SCHOOLS.

(a) ADDITION OF ARMY UNIVERSITY AND ADDITIONAL FACULTY.—

(1) IN GENERAL.—Section 4021 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "the Army War College or the United States Army Command and General Staff College" and inserting "the Army War College, the United States Army Command and General Staff College, and the Army University"; and

(B) by striking subsection (c).

(2) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 4021. Army War College, United States Army Command and General Staff College, and Army University: civilian faculty members".

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 373 of such title is amended by striking the item relating to section 4021 and inserting the following:

"4021. Army War College, United States Army Command and General Staff College, and Army University: civilian faculty members.".

(b) AIR UNIVERSITY.—Section 9021 of such title is amended by striking subsection (c).

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would give the Army War College, the U.S. Army Command and General Staff College, Army University, and Air University the authority to hire Administratively

Determined professional academic positions across all sectors of the university. Additionally, this proposal would add Army University to section 4021 of title 10, United States Code.

Current legal reviews of section 9021 of such title restrict Air University to hiring Administratively Determined (AD) faculty only at the Air War College, Air Command and Staff College, and the School of Advanced Air and Space Studies. The same analysis applies to Army hiring under section 4021.

There are additional academic areas at Army and Air Force schools where the ability to hire AD faculty is important to sustaining the quality of force development programs through teaching, lecturing, instructing, facilitating discussions in seminars, conducting scholarly research and writing, and designing or developing curricula and learning support systems. In other words, performing duties that are commonly understood to be duties appropriate for a member of the faculty of a fully accredited post-secondary academic institution in the United States. Programs currently denied this capability include the full spectrum of enlisted professional military education, officer accessions (Reserve Officer Training Corps and Officer Training School), and civilian professional development programs.

The Administratively Determined faculty hiring process allows Army University and Air University to fill jobs on renewable contracts. This allows the universities to replace faculty and to search for individuals with special talents and qualifications needed for the development of curricula and other academic functions in specific areas in a timely fashion. Hiring a typical Government Service (GS) civil servant assumes that the person will remain in the position for a long time, perhaps a career, and that the needs of the academic institution are static. Additionally, the constraints of the GS system preclude specifying degree and skill levels required in favor of general-purpose duty descriptions that are broadly applicable. Academia requires a different approach.

Unlike the GS personnel system, the Administratively Determined authority is designed specifically to recruit and hire personnel with professional academic credentials for selected institutions such as the U.S. Army Command and General Staff College and the Air War College. The logic for allowing Administratively Determined hires at these institutions should also apply to the university systems of both military services: Air University and Army University. The Administratively Determined authority would allow the universities to recruit, develop, and retain personnel best suited to support specific Army and Air Force educational and force development requirements.

The current law authorizes the Army and Air Force to hire AD faculty only at schools which are 10 months in length or longer. The only Air University schools that meet the 10-month criterion are the Air War College, Air Command and Staff College, and School of Advanced Air and Space Studies. The remaining 13 professional military education and professional development schools and programs and associated academic support organizations do not. Similarly for the Army, the only institutions meeting the 10-month criterion are the U.S. Army War College and the U.S. Army Command and General Staff College. Army University has dozens of military education schools and professional development programs that do not meet the criterion.

This proposed change is especially important for the Barnes Center for Enlisted Education. The Air Force's enlisted force requires educational programs that are built on a foundation of leadership and relevant military theory. This requires the same standards of academic excellence that the Air Force has come to expect in officer education. Under the current authority, Air University cannot leverage the flexibility of the title 10 Administratively Determined system for enlisted education because none of its programs are 10 months long.

The Marine Corps University has expressed similar concerns, and in the past has proposed similar changes to its title 10 authority to allow use of Administratively Determined faculty across the institution. However, the Department of the Navy is not seeking a similar change for the Marine Corps University at this time. Other Department of Defense (DoD) educational institutions (the Navy War College, for example) are not consolidated as are Air University, Army University, and the Marine Corps University and, therefore, do not have this need because the educational entities are assigned to the 10-month or longer schools. The efficiencies made possible by the Air Force's and the Army's consolidation of its educational activities under a single university system are sub-optimized by restricting the hiring of Administratively Determined faculty to the services' 10-month schools.

This proposal supports the Air Force's Human Capital strategy to ensure fully qualified, ready Airmen to execute Air Force missions. That strategy is operationalized through Air Force Instruction 36-2301, *Developmental Education*, which requires officer and enlisted education programs to "*prepare Air Force personnel to anticipate and successfully meet challenges across the range of military operations and build a professional corps*." The intended outcome of this legislative change would be to provide Air University the flexibility to hire the most appropriate academic personnel to meet the Air Force's force development education requirements.

This proposal similarly supports the Army Learning Model and Army Concept for Training and Education to support sequential and progressive education along a Soldier's career and learning continuum. The intended outcome of this legislative change would also provide Army University the flexibility to hire the most appropriate academic personnel to meet the Army's force development education requirements.

The focus of this initiative is on developing military students, *the people* who are the essence of the warfighting capabilities, and on continuing to transform the force by providing the best and most up-to-date education possible. To do this effectively, DoD schools must have the capability to *re-tool themselves academically* by adapting to the current needs of the forces. With educational institutions, as with military operations, it is neither effective nor efficient to allow the institution's academic human capital to become rigid and stagnant. The current and emerging security challenges require Air University and Army University programs to field faculty and staff who have solid academic credentials and who have knowledge and skills that can be applied to preparing those Services' future leaders. The Administratively Determined faculty system affords flexibility in managing the university's human capital through 3- to 5-year renewable term appointment as opposed to the permanent structure of the career civil service system. This flexibility in faculty recruiting and development facilitates the re-tooling the university system the Air Force and Army require for their educational programs.

It is critical that military education programs be on the cutting edge and that the universities are able to hire, and remove if necessary, academic faculty with appropriate degrees to maintain the currency and effectiveness of their programs. This capability is found best in the authority embodied in the title 10 Administratively Determined academic faculty hiring practices.

In drafting a broader definition of title 10 Administratively Determined Civilian faculty to sustain the quality of the education enterprise, the Office of the Secretary of Defense General Counsel recommended including those necessary to support the "academic milieu." Without this change to the legislation, only a portion of the academic enterprise can be supported. The majority of the force development educational programs at Air University and Army University are denied the opportunity to field a faculty with a blend of military experts and highly qualified, credentialed civilian academic professionals.

Budget Implications: The table below reflects the resource requirements associated with this proposal. The FY 2019 Budget includes full funding of Army War College, United States Army Command and General Staff College, Army University, and Air University. Budget. The Air Force would hire under this authority through the attrition of its current GS faculty. As these Administratively Determined faculty will likely be more expensive than the GS faculty they will replace, there would be slight increase in the Air Force's faculty costs. The Air Force committed to absorb that additional cost within the funding requested for the Air University. Civilians hired at any of the Army schools under this authority would be filled through an internal movement of authorizations from another Army program into this one. There would be no additional authorizations granted for this effort and, therefore, no change to the Army's budget.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2019	**FY 2020**	**FY 2021**	**FY 2022**	**FY 2023**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Air Force	.127	.259	.397	.637	.649	Operation and Maintenance, Air Force	03	032C	84752F
Army	0	0	0	0	0				
Total	.127	.259	.397	.637	.649	N/A	N/A	N/A	N/A

PERSONNEL AFFECTED									
	FY 2019	**FY 2020**	**FY 2021**	**FY 2022**	**FY 2023**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Air Force	5	10	15	25	25	Operation and Maintenance, Air Force	03	032C	84752F
Army	0	12	11	11	10				
Total	5	22	26	36	35	N/A	N/A	N/A	N/A

Changes to Existing Law: This proposal would make the following changes to sections 4021 and 9021 of title 10, United States Code:

§ 4021. Army War College ~~and~~, United States Army Command and General Staff College, and Army University: civilian faculty members

(a) AUTHORITY OF SECRETARY.—The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Army War College, ~~or~~ the United States Army Command and General Staff College, and the Army University as the Secretary considers necessary.

(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

~~(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College after the end of the 90-day period beginning on November 29, 1989.~~

~~(2) This section shall not apply with respect to professors, instructors, and lecturers employed at the Army War College or the United States Army Command and General Staff College if the duration of the principal course of instruction offered at the college involved is less than 10 months.~~

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§ 9021. Air University: Civilian Faculty Members

(a) AUTHORITY OF SECRETARY.—The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Air University as the Secretary considers necessary.

(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

~~(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—~~

~~(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at a school of the Air University after February 27, 1990.~~

~~(2) This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Air University if the duration of the principal course of instruction offered at that school is less than 10 months.~~