SEC. 502. AUTHORITY TO DEFER UNTIL AGE 68 MANDATORY RETIREMENT FOR AGE OF A GENERAL OR FLAG OFFICER SERVING AS CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF THE ARMY, NAVY, OR AIR FORCE.

Section 1253 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) DEFERRED RETIREMENT OF CHAPLAINS.—The Secretary of the military department concerned may defer the retirement under subsection (a) of an officer serving in a general or flag officer grade who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer's armed force. Such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

[PLEASE NOTE: THE "CHANGES TO EXISTING LAW" SECTION BELOW SETS OUT IN RED-LINE FORMAT HOW THE LEGISLATIVE TEXT ABOVE WOULD AMEND EXISTING LAW.]

Section-by-Section Analysis

This proposal would eliminate an age barrier to chaplains, who may serve until age 68 in the grade of colonel, but must retire at age 64 if appointed to serve as the Chief of Chaplains or Deputy Chief of Chaplains.

Section 1253 of title 10, United States Code, establishes 64 as the mandatory retirement age for regular commissioned officers of the Army, Navy, Air Force or Marine Corps serving in general and flag officer grades. Section 1251 establishes 62 as the mandatory retirement age for regular commissioned officers of the Army, Navy, Air Force or Marine Corps serving in grades below general and flag officer grades. Whereas section 1251 allows for the deferred retirement of regular officers serving as chaplains to age 68, no such provision is contained in section 1253. Therefore, general and flag officers serving as the Chief or Deputy Chief of Chaplains in their respective Services must retire not later than the first day of the month following the month in which they reach 64 years of age.

Prior to 2007, section 1251 established 62 as the mandatory retirement age for all regular commissioned officers yet specifically allowed Secretaries of the military departments to defer retirement of officers serving as the Chief or Deputy Chief of Chaplains to age 68. The National Defense Authorization Act for Fiscal Year (FY) 2007 modified section 1251 by substituting provisions relating to retirement at age 62 of regular commissioned officers in grades below general and flag officer grades, and added a new section 1253 to establish 64 as the mandatory retirement age of those serving in general and flag officer grades. A provision allowing the

deferred retirement of officers serving as the Chief or Deputy Chief of Chaplains was not included in section 1253.

As a result, general and flag officers holding the senior most chaplain roles in their Services are subjected to an earlier mandatory retirement age, without possibility of relief, than are chaplains who are junior in grade and position. This effectively creates an age barrier to the promotion of chaplains whose retirements at lower grades were previously deferred to age 68 but who, at age 64 or older, are statutorily ineligible to serve as general or flag officers. Furthermore, section 1253 limits the effectiveness of the office of the Chief of Chaplains if those serving in these positions are too senior in age to complete the full term of office as prescribed in sections 3036, 5142, and 8039.

Budgetary Implications: This proposal could not result in an increase in funding. The cost of officers is based on their rank and time in service, and is not impacted by their age. The proposal only changes the potential age of the personnel. The personnel impact table reflects the chaplain positions affected by the change. The US Marine Corps does not have organic Chaplains.

RESOURCE REQUIREMENTS ($MILLION)									
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**Appropriation From**	**Budget Activity**	**Dash -1 Line Item**	**Program Element**
Army						Army does not intend to use this authority.			
Navy	$0.005	$0.005	$0.005	$0.005	$0.005	Military Personnel, Navy	BA01	05	0902398N
Marine Corps						Marine Corps does not have organic Chaplains.			
Air Force	$0.005	$0.005	$0.005	$0.005	$0.005	Military Personnel, Air Force	BA01	05	03500F
Total	$.01	$.01	$.01	$.01	$.01	N/A	N/A	N/A	N/A

NUMBER OF PERSONNEL AFFECTED									
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army						Army does not intend to use this authority.			
Navy	2	2	2	2	2	Military Personnel, Navy	BA01	05	0902398N
Marine Corps						Marine Corps does not have			

						organic Chaplains.			
Air Force	2	2	2	2	2	Military Personnel, Air Force	BA01	05	03500F
Total	4	4	4	4	4				

Changes to Existing Law: This proposal would amend section 1253 of title 10, United States Code, as follows:

§ 1253. Age 64: regular commissioned officers in general and flag officer grades; exception

(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps serving in a general or flag officer grade shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) EXCEPTION FOR OFFICERS SERVING IN O–9 AND O–10 POSITIONS.—In the case of an officer serving in a position that carries a grade above major general or rear admiral, the retirement under subsection (a) of that officer may be deferred—

(1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

(2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

(c) DEFERRED RETIREMENT OF CHAPLAINS.—The Secretary of the military department concerned may defer the retirement under subsection (a) of an officer serving in a general or flag officer grade who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer's armed force. Such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.