SEC. ___. REVISION TO REQUIREMENTS RELATING TO LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) GENERAL RULE.—Subsection (a) of section 664 of title 10, United States Code, is amended by striking "assignment—" and all that follows in that subsection and inserting "assignment shall not be less than two years.".

(b) REQUIREMENTS RELATING TO INITIAL ASSIGNMENT OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES.—Subsection (c) of such section is repealed.

(c) EXCLUSIONS FROM TOUR LENGTH.—Subsection (d) of such section is redesignated as subsection (c) and is amended—

(1) in paragraph (1)(D), by striking "assignment—" and all that follows in that paragraph and inserting "assignment as prescribed by the Secretary of Defense by regulation." ;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2) and in that paragraph by striking "subsection (f)(3) to the applicable standard" and inserting "subsection (d)(2) to the standard".

(d) AVERAGE TOUR LENGTHS.—Subsection (e) of such section is repealed.

(e) FULL TOUR OF DUTY.—Subsection (f) of such section is redesignated as subsection (d) and is amended—

(1) in paragraph (1), by striking "standards prescribed in" and inserting "standard prescribed under";

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking "subsection (g)" and inserting "subsection (e)";

(4) by redesignating paragraph (5) as paragraph (3); and

(5) by redesignating paragraph (6) as paragraph (4) and in that paragraph striking ", but not less than two years".

(f) ACCRUED JOINT EXPERIENCE.—Subsection (g) of such section is redesignated as subsection (e) and is amended by striking "subsection (f)(3)" and inserting "subsection (d)(2)".

(g) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is redesignated as subsection (f) and is amended—

(1) by striking "(1)" after "CONSTRUCTIVE CREDIT.—.";

(2) by striking "accord" and inserting "award";

(3) by striking "paragraphs (1), (2), and (4)" and inserting "paragraph (1)"; and

(4) by striking paragraph (2).

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

Section-by-Section Analysis

This proposal would modify current statutory requirements which prescribe a three-year tour length for joint duty assignments for field grade officers, reducing the joint duty assignment tour length to a minimum of two years for officers of all ranks, and remove the statutory requirement for services to maintain a tour length average. The goal of this proposal is to reduce the significant friction among the service, individual officer developmental requirements, and the Defense Officer Personnel Management timelines and to provide the Secretary of Defense with the maximum flexibility for defining and establishing joint duty assignments through policy.

The current three-year joint tour length makes it difficult for the services to fill joint positions with their best field grade officers. Service career timelines include many education and key assignment milestones in an officer's field grade years, and failure to achieve them severely handicaps an officer's potential for promotion and further service. Even when optimally executed, completion of these service career milestone requirements only leaves roughly six years, or less for especially high potential officers, across an officer's field grade years to also accomplish both joint qualification (including educational and assignment

requirements) and any other broadening assignments desired by the service (e.g., service staff, enterprise, instructor assignments.) A three-year joint tour, therefore, consumes roughly half the field grade years an officer has for non-service career milestone developmental requirements while still remaining competitive for promotion. Because the actual execution of officer careers rarely matches the optimum model, the services must pull many high potential officers from joint duty assignments early to fill command tours or defer their nomination for joint assignments in the hope of a clean three-year assignment window opening sometime in the officer's future. Furthermore, pulling an officer from a joint assignment prior to their three-year point requires SECDEF (delegated to USD (P&R)) approval, and when that happens, the service must extend other officers in joint positions, thereby inducing friction/risk to their careers, so that the average service joint tour length remains equal to or greater than three years.

Modifying the mandatory joint duty assignment tour length for all officers to a minimum of two years and removing the statutory requirement for services to maintain a tour length average will significantly reduce friction between service career timelines and joint qualification requirements while continuing to achieve fundamental Goldwater-Nichols goals of ensuring stability in joint assignments and developing officers who are well-versed in joint matters. A two-year joint tour returns over 16 percent of an officer's discretionary field grade years to the service and is appreciably easier to program in an officer's career timeline than a three-year tour, especially within high potential officers' further constricted timelines. A two-year joint tour would also mirror the two-year key milestone assignments common in service career timelines, logically providing a similar level of continuity within joint organizations as is accepted in key service billets. Similarly, *A Strategic Approach to Joint Officer Management*, Rand 2009, found a two-year tour to be the shortest that does not degrade the effectiveness of a joint organization. Maintaining a minimum two-year tour length also still provides adequate time for an officer to develop an appropriate level of joint matters experience for future success as a senior leader. Therefore, this proposal will materially increase service flexibility in officer assignments, reduce friction between joint qualification requirements and service career timelines, and protect the overarching goals of Goldwater-Nichols.

Budgetary Implications: A three-year tour drives the services to incur permanent change of station (PCS) moves costs for each joint billet twice in each six-year period. If a service opts to PCS officers out of joint billets at the minimum proposed two years, then the service would incur costs for three PCS moves in a six-year period. Historically, the services have filled a maximum of 8,000 joint positions at any given time. The services currently utilize caveats provided in legislation and policy to reassign approximately 45 percent of all officers assigned to a joint tour before fulfilling the statutory three-year tour length requirement. If the services are filling 8,000 joint positions and opt to PCS move the remaining 55 percent of officers serving in joint positions at two years vice three years, the incremental cost incurred would be those associated with one additional permanent change of station for approximately 3,700 officers across each six year period. Multiplying this population by the average officer per-move PCS cost of $12,983[i] yields a projected cost of $9.5 million annually, or $50.4 million across the FYDP, inclusive of 3% inflation per year. The resources reflected in the table below are funded within the FY 2017 President's Budget.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriations From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	3.5	3.6	3.7	3.8	4	Military Personnel, Army	05	135	-
Navy	2.2	2.3	2.3	2.4	2.5	Military Personnel, Navy	05	135	-
Marine Corps	0.666	0.686	0.706	0.727	0.758	Military Personnel, Marine Corps	05	135	-
Air Force	3.1	3.2	3.3	3.4	3.5	Military Personnel, Air Force	05	135	-
Total	9.5	9.8	10.0	10.3	10.8	--	--	--	--

NUMBER OF PERSONNEL AFFECTED					
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**
Army	271	271	271	271	271
Navy	169	169	169	169	169
Marine Corps	51	51	51	51	51
Air Force	242	242	242	242	242
Total	733	733	733	733	733

Changes to Existing Law: This proposal would make the following changes to existing law:

TITLE 10, UNITED STATES CODE

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CHAPTER 38—JOINT OFFICER MANAGEMENT

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§664. Length of joint duty assignments

(a) GENERAL RULE.— The length of a joint duty assignment shall not be less than two years.

~~(1) for general and flag officers shall be not less than two years; and~~

~~(2) for other officers shall be not less than three years.~~

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in the case of any officer.

~~(c) INITIAL ASSIGNMENT OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES.— The Secretary may for purposes of section 661(c)(1)(B) of this title authorize a joint duty assignment of less than the period prescribed by subsection (a), but not less than two years, without the requirement for a waiver under subsection (b) in the case of an officer—~~

~~(1) who has a military occupational specialty designated under section 668 (d) of this title as a critical occupational specialty; and~~

~~(2) for whom such joint duty assignment is the initial joint duty assignment.~~

(c~~d~~) EXCLUSIONS FROM TOUR LENGTH.—The Secretary of Defense may exclude the following service from the standards prescribed in subsection (a):

(1) Service in a joint duty assignment in which the full tour of duty in the assignment is not completed by the officer because of—

(A) retirement;

(B) release from active duty;

(C) suspension from duty under section 155(f)(2) or 164(g) of this title; or

(D) a qualifying reassignment from a joint duty assignment as prescribed by the Secretary of Defense by regulation. ~~—~~

~~(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or~~

~~(ii) to another joint duty assignment immediately after—~~

~~(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or~~

~~(II) the officer's position was eliminated in a reorganization.~~

~~(2) Service in a joint duty assignment outside the United States or in Alaska or Hawaii which is less than the applicable standard prescribed in subsection (a).~~

(~~3~~2) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (~~f~~d)(~~3~~2) to the ~~applicable~~ standard prescribed in subsection (a).

~~(e) AVERAGE TOUR LENGTHS.— (1) The Secretary shall ensure that the average length of joint duty assignments during any fiscal year, measured by the lengths of the joint duty assignments ending during that fiscal year, meets the standards prescribed in subsection (a).~~

~~(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:~~

~~(A) Service described in subsection (c).~~

~~(B) Service described in subsection (d).~~

~~(C) Service described in subsection (f)(6).~~

(~~f~~d) FULL TOUR OF DUTY.—An officer shall be considered to have completed a full tour of duty in a joint duty assignment upon completion of any of the following:

(1) A joint duty assignment that meets the ~~standards~~ standard prescribed ~~in~~ under subsection (a).

~~(2) A joint duty assignment under the circumstances described in subsection (c).~~

~~(3)~~ (2) Accrued joint experience in joint duty assignments as described in subsection ~~(g)~~ (e).

~~(4) A joint duty assignment outside the United States or in Alaska or Hawaii for which the normal accompanied-by-dependents tour of duty is prescribed by regulation to be at least two years in length, if the officer serves in the assignment for a period equivalent to the accompanied-by-dependents tour length~~.

(~~5~~ 3) A joint duty assignment with respect to which the Secretary of Defense has granted a waiver under subsection (b), but only in a case in which the Secretary determines that the service completed by that officer in that duty assignment shall be considered to be a full tour of duty in a joint duty assignment.

(~~6~~ 4) A second and subsequent joint duty assignment that is less than the period required under subsection (a)~~, but not less than two years~~.

(~~g~~e) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (~~f~~d)~~(3)~~(2), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.

(~~h~~f) CONSTRUCTIVE CREDIT.~~—(1)~~ The Secretary of Defense may ~~accord~~ award constructive credit in the case of an officer (other than a general or flag officer) who, for reasons of military necessity, is reassigned from a joint duty assignment within 60 days of meeting the tour length criteria prescribed in paragraph~~s~~ (1)~~, (2), and (4)~~ of subsection (~~f~~d). The amount of constructive service that may be credited to such officer shall be the amount sufficient for the completion of the applicable tour of duty requirement, but in no case more than 60 days.

~~(2) For the purpose of computing under subsection (e) the average length of joint duty assignments during a fiscal year, the amount of any constructive service credited under this subsection with respect to a joint duty assignment to be counted in that computation shall be excluded.~~

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[i] From *Military Compensation: DOD Needs More Complete and Consistent Data to Assess the Costs and Policies of Relocating Personnel*, Government Accountability Officer Report GAO-15-713, dated September 2015.