SEC. ___. CHANGE ACTIVE NAVAL SERVICE REQUIREMENT FOR PERMANENT LIMITED DUTY OFFICER APPOINTMENTS FROM 10 TO 8 YEARS.

Section 5589(d) of title 10, United States Code, is amended by striking "10 years" and inserting "8 years".

[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, if enacted, would amend section 5589(d) of title 10, United States Code, by authorizing the Secretary of the Navy (SECNAV) to offer permanent appointments to Limited Duty Officers (LDOs) who have completed at least 8 years of active naval service instead of 10 years of active naval service.

The Navy and Marine Corps Limited Duty Officer (LDO) program was instituted by the Officer Personnel Act of 1947. The Officer Personnel Act of 1947 allowed granting permanent appointments to first class petty officers, chief petty officers and warrant officers of the Navy, or technical sergeants, master sergeants or warrant officers of the Marine Corps, who had completed at least 10 years of active naval service, excluding active duty for training in a reserve component. If a Sailor or Marine selected for an LDO appointment had less than 10 years of active naval service a temporary appointment would be granted. When the Officer Personnel Act of 1947 was replaced by the Defense Officer Personnel Management Act (DOPMA) the ability to grant temporary appointments was retained.

The LDO program is the only commissioning program to authorize temporary appointments. All other officers receive permanent appointments upon commissioning. Since Sailors appointed as LDOs have at least eight years of active naval service at the time of appointment, temporary appointments offer no practical benefit and are unnecessary. Temporary appointments as LDO are tendered, annually, to approximately 16 Sailors who serve in temporary appointments for two years, while maintaining dual status as enlisted members, prior to receiving permanent appointment. Eliminating temporary appointments will establish parity across the officer corps by affording all officers the same due process protections, and will reduce unnecessary administrative workload associated with maintaining dual status for LDOs serving under temporary appointments. If enacted, the unnecessary administrative workload associated with maintaining two types of appointments (temporary and permanent), maintaining the permanent enlisted status of officers serving in temporary appointments, including officer and enlisted service records, and reappointing LDOs as permanent officers within two years of them being tendered a temporary appointment, will be eliminated.

Budget Implications: This proposal has no budgetary implications. Currently, approximately 16 LDOs per year receive temporary appointments, with associated pay and benefits, for two years until they reach 10-years' service. At that time their commissions are made permanent

with no additional change to pay and benefits. The proposal, if enacted, does not change the number of LDOs commissioned each year, or the pay and benefits entitlement, but simply changes the type of appointment they are tendered upon initial commissioning. This is funded within the FY-19 President'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**
Navy[1]	$2.3	$2.3	$2.4	$2.4	$2.5	Military Personnel, Navy	1	N/A	N/A
Marine Corps	USMC does not intend to use this authority, which would have been funded through Military Personnel, Marine Corps								
Total	$2.3	$2.3	$2.4	$2.4	$2.5	N/A	N/A	N/A	N/A

[1]Table reflects the cost of 16 officers already included in the budget. There are no additional costs as a result of this proposal.

PERSONNEL IMPACT					
	FY 2019	**FY 2020**	**FY 2021**	**FY 2022**	**FY 2023**
Navy	16	16	16	16	16
Marine Corps	0	0	0	0	0
Total	16	16	16	16	16

Changes to Existing Law: This proposal would make the following change to section 5589 of title 10, United States Code:

§ 5589. Regular Navy and Regular Marine Corps: officers designated for limited duty

(a) Original appointments as regular officers of the Navy in a grade below lieutenant commander in the line and in staff corps established by the Secretary of the Navy under section 5150(b) of this title and designated by the Secretary for the purposes of this section may be made from--

(1) warrant officers;

(2) chief petty officer; and

(3) first-class petty officers;

in the Regular Navy, for the performance of duty in the technical fields indicated by their warrants or ratings.

(b) Original appointments as regular officers of the Marine Corps in a grade below major may be made from --

(1) warrant officers;

(2) master sergeants; and

(3) technical sergeants;

in the Regular Marine Corps, for the performance of duty in the technical fields in which they are proficient.

(c) (1) An officer described in paragraph (2) may be given an original appointment as a regular officer of the Navy or the Marine corps, as the case may be, in the grade, and with the date of rank in that grade, in which the officer is serving on the day before such original appointment.

(2) This subsection applies to an officer of the Navy and Marine Corps who—

(A) is on the active-duty list;

(B) holds a permanent enlisted or warrant officer grade;

(C) is designated for limited duty under sub-section (a) of section 5596 of this title; and

(D) is serving in the grade of lieutenant commander or commander, or in the grade of major or lieutenant colonel, under a temporary appointment under subsection (d) of section 5596 of this title.

(d) To be eligible for an appointment under this section a member must have the qualifications specified in section 532(a) of this title and have completed at least ~~**10 years**~~ **8 years** of active naval service, excluding active duty for training in a reserve component.

(e) Each officer appointed under this section is known as an officer designated for limited duty. He many not suffer any reduction in the pay and allowances to which he was entitled at the time of his appointment because of his former permanent status.

(f) Any officer designated for limited duty, upon his application and upon determination by the Secretary of the Navy that he is qualified may--

(1) if he is in the line of the Navy, be designated for engineering duty, or special duty, or be assigned to unrestricted performance of duty;

(2) if he is in a staff corps of the Navy, be assigned to unrestricted performance of duty in that corps; or

(3) if he is in the Marine Corps, be assigned to unrestricted performance of duty.

When an officer is so designated or assigned, his status as an officer designate for limited duty terminates.

(g) The Secretary shall prescribe regulation for the appointments, designation, and assignment of officers under this section.