SEC. ___. 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(c) of title 10, United States Code, is amended by striking paragraph (3).

[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 the sunset clause of the 2016 change to 10 U.S.C. 1253, which allows Secretaries of the military departments to defer the retirement of an officer serving in a general officer or flag officer grade who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer's armed force to the first day of the month following the month in which the officer becomes 68 years of age.

The item to be struck – 10 U.S.C. 1253(c)(3) – was added in Public Law 114-92, the National Defense Authorization Act for Fiscal Year 2016. The item sunsets, on December 31, 2020, the authority to provide the deferments described above. In House Report 114-102, the explanation is that the sunset clause was added in order to encourage the military departments to develop a plan, within the personnel management of their chaplains, to eliminate the need for continuing age waivers. However, the military departments will continually need age waivers because of the demographics associated with the chaplain corps.

Data compiled by the Association of Theological Schools, which accredits theological institutions of higher learning in the U.S., shows that the average age of students enrolled in pursuit of the Master of Divinity degree (the standard degree earned by those seeking appointments as military chaplains) for academic year 2015-2016 was 37.3 years (https://www.ats.edu/uploads/resources/institutional-data/annual-data-tables/2016-2017-annual-data-tables.pdf). The average age of accession of first tour chaplains has risen to age 35 as of 2016 (source: Defense Manpower Data Center). Given the average age of chaplains upon accession, and the aging pool of candidates from which to draw from religious organizations, there is no way to mitigate the need for waivers using the mechanism of internal personnel management.

With normal flow points, this results in promotion to O6 at an average age of 55. The age of promotion to O6 impacts the possible promotion to O7, which would then occur, on average, between ages 58-60 and for O8 between ages 61-63. The service time as Deputy Chief of Chaplains averages 3-4 years followed by 3-4 years of service as Chief of Chaplains. Without continuing waivers, the Officers considered for promotion to Deputy Chief of Chaplains and Chief of Chaplains will face mandatory retirement at age 64, thus severely limiting the number of chaplains who could be considered for these critical positions because they would retire prior to or shortly after assuming the duties of the office.

Budgetary Implications: This proposal would not result in an increase in costs. The cost of officers is based on their rank and time in service, and is not impacted by their age. The proposal has no effect upon rank structure, nor does it increase the time in service for the officers in question. The proposal only changes the potential age of the personnel. Chaplains are typically selected for the rank of O7 (Deputy Chief of Chaplains) at year 23 of service. Given the average age of first-term chaplains of 35, a Deputy Chief of Chaplains would pin O7 at age 58. After 8 years of service at the General or Flag Officer rank (4 years as Deputy Chief of Chaplains and 4 years as Chief of Chaplains, since the Deputy Chief typically becomes the Chief of Chaplains), the officer in question would be age 66, having served for 31 years. In the event of a younger chaplain (for example, one who began service at age 30) being selected for O7 at year 23 of service, that individual would retire at age 61, but would still have 31 years of service (the same cost for retired pay as the 66-year-old officer in the example). This proposal has no budgetary impact. The personnel impact table reflects the chaplain positions affected by the change. The U.S. Marine Corps does not have its own chaplain corps.

RESOURCE REQUIREMENTS ($MILLION)									
	FY 2019	**FY 2020**	**FY 2021**	**FY 2022**	**FY 2023**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	$0.000	$0.000	$0.000	$0.000	$0.000	Military Personnel, Army	BA01	05	
Navy	$0.000	$0.000	$0.000	$0.000	$0.000	Military Personnel, Navy	BA01	05	
Marine Corps	Marine Corps does not have organic Chaplains.								
Air Force	$0.000	$0.000	$0.000	$0.000	$0.000	Military Personnel, Air Force	BA01	05	
Total	$.000	$.000	$.000	$.000	$.000	N/A	N/A	N/A	N/A

NUMBER OF PERSONNEL AFFECTED									
	FY 2019	**FY 2020**	**FY 2021**	**FY 2022**	**FY 2023**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Army	2	2	2	2	2	Military Personnel, Army	BA01	05	
Navy	2	2	2	2	2	Military Personnel, Navy	BA01	05	
Marine Corps	Marine Corps does not have organic Chaplains.								
Air Force	2	2	2	2	2	Military Personnel, Air Force	BA01	05	
Total	6	6	6	6	6				

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

TITLE 10, UNITED STATES CODE

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

(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.—(1) 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.

(2) A deferment to the retirement age of an officer referred to in paragraph (1) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

~~(3) The authority to defer the retirement of an officer referred to in paragraph (1) expires December 31, 2020. Subject to paragraph (2), a deferment granted before that date may continue on and after that date.~~

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