SEC. ___. ENHANCED FLEXIBILITY IN OFFICER PERSONNEL POLICY.

(a) CAREER-BUILDING PROGRAMS FOR OFFICERS IN CRITICAL FIELDS.—Chapter 3 of title 10, United States Code, is amended by inserting after section 123b the following new section:

§ 123c. Targeted flexibility in certain officer personnel laws to conduct programs to build capacity and enhance effectiveness in designated career fields

"(a) AUTHORITY TO ESTABLISH CAREER-BUILDING PROGRAMS.—The Secretary of Defense may authorize the Secretary of a military department to establish a program under this section to build the capability and capacity of commissioned officers in a critical career field designated by the Secretary of the military department in accordance with this section. A program under this section may include measures to enhance recruitment, retention, and training and other career-building measures for officers in the designated career field.

"(b) DESIGNATED CAREER FIELDS. – For purposes of this section, the Secretary of a military department may designate a career field as a critical career field upon a determination that --

"(1) the career field requires scientific, technical, or other specialized expertise that is critical to the mission of the military department;

"(2) attaining such expertise requires training, education, or experience that is not widely available in the military department; and

"(3) the authorities available under this section are needed to ensure the development of appropriate capability and capacity in the career field to meet mission needs.

"(c) AUTHORITIES.—

"(1) With the approval of the Secretary of Defense, the Secretary of a military department may suspend a provision of law, policy, or regulation governing officer career

development with regard to officers in a designated career field upon a determination that such suspension is necessary to achieve the objectives of a program established under this section.

(2) The Secretary of Defense may authorize the suspension of a provision of law by the Secretary of a military department under this section only if–

(A) the provision of law is a provision of law listed in subsection (d); and

(B) the Secretary of Defense determines in writing that—

(i) the suspension of the provision of law is necessary to build needed capability and capacity in a designated career field; and

(ii) the Secretary of the military department will impose alternative rules that will, in the view of the Secretary of Defense, be consistent with the provision of law to be suspended except as necessary to build capability and capacity in a designated career field, as determined necessary under paragraph (1).

(3) A determination under paragraph (2) may not be delegated below the level of the Deputy Secretary of Defense.

"(d) COVERED OFFICER PERSONNEL LAWS.—The authority in subsection (c) may be used to suspend the application of any of the following provisions of law:

"(1) Chapter 36 of this title, relating to promotion, separation, and involuntary retirement of officers on the active-duty list.

"(2) Part III of subtitle E of this title, relating to promotion, separation, and involuntary retirement of officers on the reserve active-status list.

"(3) Section 523 of this title, relating to authorized strengths in grade for officers on active duty in pay grades O-4, O-5, and O-6.

"(4) Section 12011 of this title, relating to authorized strengths in grade for reserve officers serving on full-time reserve component duty in pay grades O-4, O-5, and O-6.

"(5) Sections 533 and 12207 of this title, relating to service credit upon original appointment.

"(6) Any other provision of law described in section 123, 123a, 527, 12006, or 12305 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 123b the following new item:

"123c. Targeted flexibility in certain officer personnel laws to conduct program to build capacity and enhance effectiveness in designated fields.".

Section-by-Section Analysis

This proposal would amend chapter 3, title 10, United States Code to authorize the Secretary of Defense allow a Secretary of a Military Department to suspend officer personnel laws, policies, and regulations for the purpose of conducting pilot programs designed to build the capability and capacity of commissioned officers in career fields designated as critical by the Secretary of the military department.

This authority would only be used if a Secretary of a Military Department requests to conduct a pilot program for designated career field requiring scientific, technical, or other specialized expertise that is critical to the mission of the military department and that attaining the specialized expertise requires training, education, or experience that is not widely available in the military department. The Secretary of Defense will only authorize the suspension of any provision of law if he determines that the suspension is necessary to build needed capability and capacity in the designated career field. The Secretary of the military department will be required to impose rules and regulations that are consistent with the law to be suspended and facilitate the building of capability and capacity in the career field.

This targeted flexibility will allow the Department to test potential changes to officer personnel laws using pilot programs in an effort to improve the readiness of our military forces

and to ensure DoD remains competitive in attracting, recruiting, and retaining the most capable and talented personnel.

Budget Implications: Any pilot programs conducted under this authority would be operated within the Military Departments existing budgetary authority and therefore would not increase federal outlays.

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

TITLE 10, UNITED STATES CODE

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§ 123c. Targeted flexibility in certain officer personnel laws to conduct programs to build capacity and enhance effectiveness in designated career fields

(a) AUTHORITY TO ESTABLISH CAREER-BUILDING PROGRAMS.—The Secretary of Defense may authorize the Secretary of a military department to establish a program under this section to build the capability and capacity of commissioned officers in a critical career field designated by the Secretary of the military department in accordance with this section. A program under this section may include measures to enhance recruitment, retention, and training and other career-building measures for officers in the designated career field.

(b) DESIGNATED CAREER FIELDS. – For purposes of this section, the Secretary of a military department may designate a career field as a critical career field upon a determination that --

(1) the career field requires scientific, technical, or other specialized expertise that is critical to the mission of the military department;

(2) attaining such expertise requires training, education, or experience that is not widely available in the military department; and

(3) the authorities available under this section are needed to ensure the development of appropriate capability and capacity in the career field to meet mission needs.

(c) AUTHORITIES.—

(1) With the approval of the Secretary of Defense, the Secretary of a military department may suspend a provision of law, policy, or regulation governing officer career development with regard to officers in a designated career field upon a determination that such suspension is necessary to achieve the objectives of a program established under this section.

(2) The Secretary of Defense may authorize the suspension of a provision of law by the Secretary of a military department under this section only if–

(A) the provision of law is a provision of law listed in subsection (d); and

(B) the Secretary of Defense determines in writing that—

(i) the suspension of the provision of law is necessary to build needed capability and capacity in a designated career field; and

(ii) the Secretary of the military department will impose alternative rules that will, in the view of the Secretary of Defense, be consistent with

the provision of law to be suspended except as necessary to build capability and capacity in a designated career field, as determined necessary under paragraph (1).

(3) A determination under paragraph (2) may not be delegated below the level of the Deputy Secretary of Defense.

(d) COVERED OFFICER PERSONNEL LAWS.—The authority in subsection (c) may be used to suspend the application of any of the following provisions of law:

(1) Chapter 36 of this title, relating to promotion, separation, and involuntary retirement of officers on the active-duty list.

(2) Part III of subtitle E of this title, relating to promotion, separation, and involuntary retirement of officers on the reserve active-status list.

(3) Section 523 of this title, relating to authorized strengths in grade for officers on active duty in pay grades O-4, O-5, and O-6.

(4) Section 12011 of this title, relating to authorized strengths in grade for reserve officers serving on full-time reserve component duty in pay grades O-4, O-5, and O-6.

(5) Sections 533 and 12207 of this title, relating to service credit upon original appointment.

(6) Any other provision of law described in section 123, 123a, 527, 12006, or 12305 of this title.