

ficer in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain), especially with respect to the record of officer selection boards in meeting the objectives of paragraphs (1) and (2) of subsection (a). If such promotion rates fail to meet such objectives for any fiscal year, the Secretary shall include in the report for that fiscal year information on such failure and on what action the Secretary has taken or plans to take to prevent further failures.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1026; amended Pub. L. 100-456, div. A, title V, § 513, Sept. 29, 1988, 102 Stat. 1969; Pub. L. 101-510, div. A, title XIII, § 1311(3), Nov. 5, 1990, 104 Stat. 1669; Pub. L. 104-201, div. A, title V, § 510, Sept. 23, 1996, 110 Stat. 2514; Pub. L. 107-107, div. A, title V, § 521(b), Dec. 28, 2001, 115 Stat. 1097; Pub. L. 107-314, div. A, title X, § 1062(a)(4), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108-375, div. A, title V, § 535, Oct. 28, 2004, 118 Stat. 1901; Pub. L. 109-364, div. A, title V, § 517, Oct. 17, 2006, 120 Stat. 2190; Pub. L. 110-181, div. A, title X, § 1063(a)(3), Jan. 28, 2008, 122 Stat. 321; Pub. L. 110-417, [div. A], title V, § 523, Oct. 14, 2008, 122 Stat. 4446; Pub. L. 111-84, div. A, title X, § 1073(c)(2), Oct. 28, 2009, 123 Stat. 2474.)

AMENDMENTS

2009—Subsec. (a)(2). Pub. L. 111-84 made technical amendment to directory language of Pub. L. 110-417, § 523(1). See 2008 Amendment note below.

2008—Subsec. (a)(2). Pub. L. 110-417, § 523(1), as amended by Pub. L. 111-84, substituted “officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who have been designated as a joint qualified officer” for “officers who are serving in or have served in joint duty assignments”.

Subsec. (b). Pub. L. 110-417, § 523(2), inserted “or on the Joint Staff, and officers who have been designated as a joint qualified officer in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain)” after “joint duty assignments”.

Pub. L. 110-181 substituted “paragraphs (1) and (2) of subsection (a)” for “paragraphs (1), (2), and (3) of subsection (a)”.

2006—Subsec. (a). Pub. L. 109-364 inserted “and” at end of par. (1), added par. (2), and struck out former pars. (2) and (3) which read as follows:

“(2) officers who have the joint specialty are expected, as a group, to be promoted—

“(A) during the period beginning on December 28, 2001, and ending on December 27, 2006, at a rate not less than the rate for officers of the same armed force in the same grade and competitive category; and

“(B) after December 27, 2006, at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force; and

“(3) officers who are serving in, or have served in, joint duty assignments (other than officers covered in paragraphs (1) and (2)) are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.”

2004—Subsec. (a)(2). Pub. L. 108-375 substituted “December 27, 2006” for “December 27, 2004” in two places.

2002—Subsec. (a)(2)(A). Pub. L. 107-314, § 1062(a)(4)(A), substituted “during the period beginning on December 28, 2001, and ending on December 27, 2004,” for “during the three-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002.”

Subsec. (a)(2)(B). Pub. L. 107-314, § 1062(a)(4)(B), substituted “after December 27, 2004” for “after the end of the period specified in subparagraph (A)”.

2001—Subsec. (a)(2). Pub. L. 107-107 substituted “promoted—” for “promoted at a rate”, added subpar. (A), designated “not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on, or have served on, the headquarters staff of their armed force; and” as subpar. (B), and inserted “after the end of the period specified in subparagraph (A), at a rate” after subpar. (B) designation.

1996—Subsec. (b). Pub. L. 104-201, § 510(b), in first sentence, substituted “paragraphs” for “clauses” and, in second sentence, inserted “for any fiscal year” after “such objectives” and substituted “report for that fiscal year” for “periodic report required by this subsection”.

Pub. L. 104-201, § 510(a), substituted “Annual Report” for “Report” in heading and “Not later than January 1 of each year, the Secretary of Defense shall submit to Congress a report on the promotion rates during the preceding fiscal year” for “The Secretary of Defense shall periodically (and not less often than every six months) report to Congress on the promotion rates” in text.

1990—Subsec. (b). Pub. L. 101-510 substituted “the Secretary shall include in the periodic report required by this subsection information on such failure and on” for “the Secretary shall immediately notify Congress of such failure and of”.

1988—Subsec. (a)(1), (3). Pub. L. 100-456 inserted “to the next higher grade” after “promoted”.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title X, § 1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(2) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

§ 663. Joint duty assignments after completion of joint professional military education

(a) JOINT QUALIFIED OFFICERS.—The Secretary of Defense shall ensure that each officer designated as a joint qualified officer who graduates from a school within the National Defense University specified in subsection (c) shall be assigned to a joint duty assignment for that officer’s next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

(b) OTHER OFFICERS.—(1) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a school within the National Defense University specified in subsection (c) who are not designated as a joint qualified officer shall receive assignments to a joint duty assignment (or, as authorized by the Secretary in an individual case, to a joint assignment other than a joint duty assignment) as their next duty assignment after such graduation or, to the extent authorized in paragraph (2), as their second duty assignment after such graduation.

(2) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the assignment requirement in paragraph (1) to be assigned to such an assignment as their second (rather than first) assignment after such graduation from a school referred to in paragraph (1).

(c) COVERED SCHOOLS WITHIN THE NATIONAL DEFENSE UNIVERSITY.—For purposes of this section, a school within the National Defense Uni-

versity specified in this subsection is one of the following:

- (1) The National War College.
- (2) The Dwight D. Eisenhower School for National Security and Resource Strategy.
- (3) The Joint Forces Staff College.

(d) EXCEPTION FOR OFFICERS GRADUATING FROM OTHER-THAN-IN-RESIDENCE PROGRAMS.—(1) Subsection (a) does not apply to an officer graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.

(2) Subsection (b) does not apply with respect to any group of officers graduating from a school within the National Defense University specified in subsection (c) following pursuit of a program on an other-than-in-residence basis.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1027; amended Pub. L. 101-189, div. A, title XI, § 1123(c)(1), Nov. 29, 1989, 103 Stat. 1557; Pub. L. 102-190, div. A, title IX, § 912(a), Dec. 5, 1991, 105 Stat. 1452; Pub. L. 103-160, div. A, title IX, § 933(a), Nov. 30, 1993, 107 Stat. 1735; Pub. L. 107-107, div. A, title X, § 1048(a)(6), Dec. 28, 2001, 115 Stat. 1223; Pub. L. 107-314, div. A, title X, § 1062(a)(5), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108-375, div. A, title V, § 532(b)-(c)(2)(A), Oct. 28, 2004, 118 Stat. 1900; Pub. L. 109-364, div. A, title V, § 518, Oct. 17, 2006, 120 Stat. 2190; Pub. L. 110-417, [div. A], title V, § 522(b), Oct. 14, 2008, 122 Stat. 4445; Pub. L. 112-81, div. A, title V, § 503, div. B, title XXVIII, § 2861(c), Dec. 31, 2011, 125 Stat. 1388, 1701.)

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 112-81, § 503(a)(1), inserted “(or, as authorized by the Secretary in an individual case, to a joint assignment other than a joint duty assignment)” after “to a joint duty assignment”.

Subsec. (b)(2). Pub. L. 112-81, § 503(a)(2), substituted “the assignment” for “the joint duty assignment” and “such an assignment” for “a joint duty assignment”.

Subsec. (c)(2). Pub. L. 112-81, § 2861(c), substituted “Dwight D. Eisenhower School for National Security and Resource Strategy” for “Industrial College of the Armed Forces”.

Subsec. (d). Pub. L. 112-81, § 503(b), added subsec. (d).

2008—Subsecs. (a), (b)(1). Pub. L. 110-417, in subsec. (a), substituted “Qualified” for “Specialty” in heading and “designated as a joint qualified officer” for “with the joint specialty” in text, and, in subsec. (b)(1), substituted “are not designated as a joint qualified officer” for “do not have the joint specialty”.

2006—Subsecs. (a), (b)(1). Pub. L. 109-364, § 518(a)(1), (2)(A), substituted “a school within the National Defense University specified in subsection (c)” for “a joint professional military education school”.

Subsec. (b)(2). Pub. L. 109-364, § 518(a)(2)(B), substituted “a school referred to in paragraph (1)” for “a joint professional military education school”.

Subsec. (c). Pub. L. 109-364, § 518(b), added subsec. (c).

2004—Pub. L. 108-375, § 532(c)(2)(A), substituted “Joint duty assignments after completion of joint professional military education” for “Education” in section catchline.

Subsec. (a). Pub. L. 108-375, § 532(c)(1)(A), (B), redesignated subsec. (d)(1) as (a), inserted heading, and struck out heading and text of former subsec. (a) which related to capstone course for new general and flag officers. See section 2153 of this title.

Subsec. (b). Pub. L. 108-375, § 532(c)(1)(C)-(F), redesignated subsec. (d)(2)(A) as (b)(1) and substituted “in paragraph (2)” for “in subparagraph (B)”, redesignated

subsec. (d)(2)(B) as (b)(2) and substituted “in paragraph (1)” for “in subparagraph (A)”, and inserted subsec. heading.

Pub. L. 108-375, § 532(b), transferred subsec. (b), relating to joint military education schools, to section 2152(b) of this title.

Subsec. (c). Pub. L. 108-375, § 532(b), transferred subsec. (c), relating to other professional military education schools, to section 2152(c) of this title.

Subsec. (d). Pub. L. 108-375, § 532(c)(1)(B), (C), (E), redesignated par. (1) as subsec. (a), redesignated subpars. (A) and (B) of par. (2) as pars. (1) and (2), respectively, of subsec. (b), and struck out heading “Post-Education Joint Duty Assignments”.

Subsec. (e). Pub. L. 108-375, § 532(c)(1)(A), struck out heading and text of subsec. (e) which related to the duration of the principal course of instruction offered at the Joint Forces Staff College. See section 2156 of this title.

2002—Subsec. (e)(2). Pub. L. 107-314 substituted “Joint Forces Staff College” for “Armed Forces Staff College”.

2001—Subsec. (e). Pub. L. 107-107 substituted “Joint Forces Staff College” for “Armed Forces Staff College” in subsec. heading and in text of par. (1).

1993—Subsec. (d). Pub. L. 103-160 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “POST-EDUCATION DUTY ASSIGNMENTS.—The Secretary of Defense shall ensure that—

“(1) unless waived by the Secretary in an individual case, each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer’s next duty assignment; and

“(2) a high proportion (which shall be greater than 50 percent) of the other officers graduating from a joint professional military education school also receive assignments to a joint duty assignment as their next duty assignment.”

1991—Subsec. (e). Pub. L. 102-190 designated existing provisions as par. (1) and added par. (2).

1989—Subsec. (e). Pub. L. 101-189 added subsec. (e).

EFFECTIVE DATE OF 1993 AMENDMENT

Section 933(b) of Pub. L. 103-160 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act [Nov. 30, 1993].”

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title IX, § 912(b), Dec. 5, 1991, 105 Stat. 1452, as amended by Pub. L. 102-484, div. A, title IX, § 921, Oct. 23, 1992, 106 Stat. 2473, provided that the amendment made by section 912(a)(2) of Pub. L. 102-190 to this section was not to apply with respect to the Armed Forces Staff College until Jan. 1, 1994.

IMPLEMENTATION OF SUBSECTION (e)

Section 1123(c)(2) of Pub. L. 101-189 provided that: “Subsection (e) of such section, as added by paragraph (1), shall be implemented by the Secretary of Defense not later than two years after the date of the enactment of this Act [Nov. 29, 1989].”

EDUCATION REQUIREMENTS; JOINT OFFICER MANAGEMENT PROGRAM

Pub. L. 99-433, title IV, § 406(d), Oct. 1, 1986, 100 Stat. 1033, provided that:

“(1) CAPSTONE COURSE.—Subsection (a) of section 663 of such title [10 U.S.C. 663(a)] (as added by section 401) shall apply with respect to officers selected in reports of officer selection boards submitted to the Secretary concerned after the end of the 120-day period beginning on the date of the enactment of this Act [Oct. 1, 1986].

“(2) REVIEW OF MILITARY EDUCATION SCHOOLS.—(A) The first review under subsections (b) and (c) of such section shall be completed not later than 120 days after the date of the enactment of this Act. The Secretary of

Defense shall submit to Congress a report on the results of the review at each Department of Defense school not later than 60 days thereafter.

“(B) Such subsections shall be implemented so that the revised curricula take effect with respect to courses beginning after July 1987.

“(3) POST-EDUCATION DUTY ASSIGNMENTS.—Subsection (d) of such section shall take effect with respect to classes graduating from joint professional military education schools after January 1987.”

§ 664. Length of joint duty assignments

(a) GENERAL RULE.—The length of a joint duty assignment—

(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.

(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—

(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) 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)(3) 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) 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 prescribed in subsection (a).

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

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

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

(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), 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) CONSTRUCTIVE CREDIT.—(1) The Secretary of Defense may accord 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 paragraphs (1), (2), and (4) of subsection (f). 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.

(Added Pub. L. 99-433, title IV, §401(a), Oct. 1, 1986, 100 Stat. 1028; amended Pub. L. 100-180, div.