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HEARINGS

BEFORE THE

SUBCOMMITTEE ON
MANPOWER AND PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

S. 2424

TO AMEND TITLES 10 AND 37, UNITED STATES CODE, RELAT-
ING TO THE APPOINTMENT, PROMOTION, SEPARATION, AND
RETIREMENT OF MEMBERS OF THE ARMED FORCES, AND
FOR OTHER PURPOSES

OCTOBER 9 AND NOVEMBER 6, 1975
AUGUST 5, 1976

Printed for the use of the Committee on Armed Services



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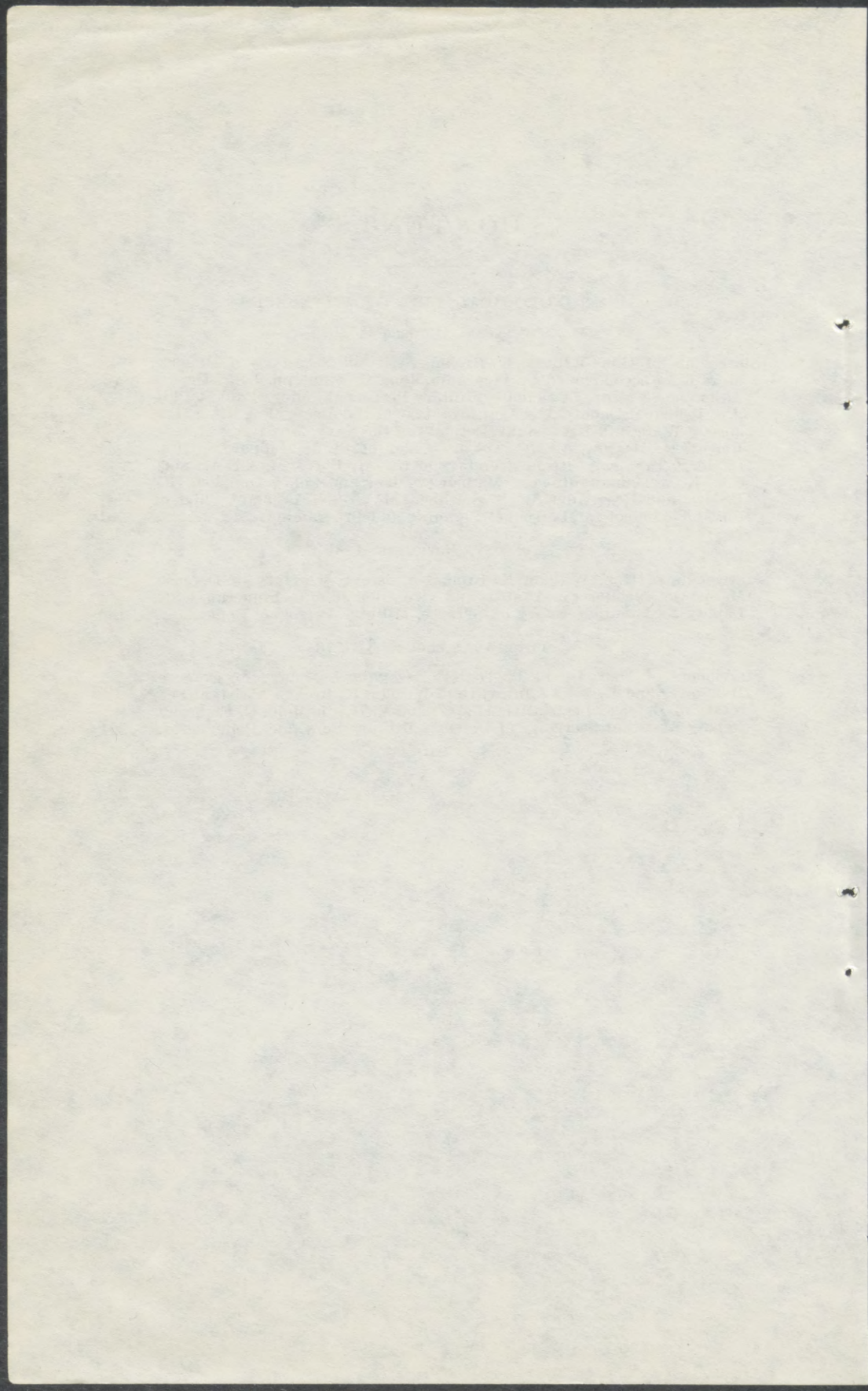
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(III)



DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

THURSDAY, OCTOBER 9, 1975

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:30 p.m., in room 212, Richard B. Russell Senate Office Building, Hon. Sam Nunn (chairman).

Present: Senators Nunn (presiding) and Culver.

Also present: Francis J. Sullivan, professional staff member; Roberta Ujakovich, research assistant; and Mary G. Ketner, clerical assistant.

Senator NUNN. Today's session marks the opening hearing by this subcommittee on S. 2424, relating to the appointment, promotion, separation, and retirement of officers of the Armed Forces. This is a legislative proposal of the Department of Defense on the Defense Officer Personnel Management System—popularly known as DOPMS. This proposal would revise most of the existing laws governing the regular commissioned officer corps in each of the military services. It would provide a grade table limiting the number of officers who may serve on active duty in the grades of major/lieutenant commander, O-4; lieutenant colonel/commander, O-5; and colonel/captain, O-6. It would continue the current authorization of general/flag officers.

It is fitting that we make a comprehensive review of military officer management. The officer corps of the military services is extremely important to the country. The current laws governing the management of these officers date back to the Officer Personnel Act of 1947 and the Officer Grade Limitation Act of 1954. I understand that both Senator Russell and Senator Stennis put a good deal of effort into this legislation. Both of these acts remain in effect with only minor modifications. Both were drawn up in the years following World War II and the beginning of the cold war. It is now 25 years later, the world situation has changed, the size and missions of the Armed Forces have changed, and it behooves us to take another look at the size, composition, and regulation of the officer corps.

The letter requesting this legislation states the following purposes:

First: To establish new, permanent statutory limitations on the number of officers in each grade from O-4 to O-6.

Second: To standardize and make uniform the laws regarding the appointment of Regular officers and the active duty service of Reserve officers.

Third: To make uniform provisions of law for officer promotions in all the services.

Fourth: To eliminate existing provisions of law which provide for temporary promotions.

Finally; To make uniform provisions of law on tenure and separation or retirement of officers in all the services.

The subcommittee will be getting into the wide range of issues raised by this proposal. We will want to focus on not only the objectives of military career opportunity, but also the issues of broad public interest raised by this legislation. We will want to examine the degree and level of congressional control of the officer corps provided under the new proposals. Any officer management system must be based on the military jobs to be done, and the subcommittee will be taking a close look at the entire requirements issue. Although the legislation is aimed primarily at officers in the grades of major through colonel, I believe we will have to examine the whole range of officer ranks, including warrant officers, lieutenants and generals. Manpower costs, which now require about 60 percent of the defense budget, are a matter of great concern to me and the subcommittee will want to explicitly consider cost implications of this proposal and any alternatives to it. I would expect the Defense Department to be able to address these costs questions thoroughly. One of the major problems we have had in the past has involved dealing with the expansion and contraction, for contingencies, of the military services and the officer corps. We will want to know specifically how the new proposal deals with such emergencies. Finally, the subcommittee will want to carefully examine the long-term and short-run implications of this proposal on the overall military personnel planning system and the officer grade and promotion objectives.

[The bill follows:]

94TH CONGRESS
1ST SESSION

S. 2424

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 11), 1975

Mr. STENNIS (for himself and Mr. THURMOND) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the armed forces, and for other purposes.

1 *Be it enacted by the Senate and the House of Representatives of*
2 *the United States of America in Congress assembled, That this Act*
3 *may be cited as the "Defense Officers Personnel Management Act."*

4 SEC. 2. Subtitle A of title 10, United States Code, is amended by:

5 (1) Inserting the following new item in the chapter analysis
6 and the chapter analysis of part II:

"30. Strength and Distribution in Grade..... 451"

7 (2) Inserting the following new chapter in part II:

8 **"Chapter 30.—STRENGTH AND DISTRIBUTION IN GRADE**

"Sec.

"451. Armed forces: members on active duty.

"452. Commissioned officers on active duty in grades below brigadier general
rear admiral.

"453. Commissioned officers on active duty in grades below brigadier general
or rear admiral: prescribed number; vacancies.

1 **"§ 451. Armed forces: members on active duty**

2 “(a) The total strength of an armed force (other than the Coast
3 Guard when it is not operating as a service in the Navy) in members
4 on active duty is as authorized annually by law. Unless otherwise
5 provided by law, that strength does not include—

6 “(1) Reserves on active duty for training;

7 “(2) members paid directly from appropriations for the reserve
8 components;

9 “(3) Reserves ordered to active duty in time of war, or of na-
10 tional emergency declared by Congress or the President after
11 January 1, 1975;

12 “(4) members in a Reserve Officers' Training Corps or other
13 officer candidate programs under which the period of active duty
14 does not exceed six months; and

15 “(5) officers on active duty for the administration of the Selec-
16 tive Service System under section 10(b) (2) of the Military Selec-
17 tive Service Act, as amended (50 U.S.C. App. 460(b) (2)).

18 “(b) Unless otherwise provided by law:

19 “(1) The Secretary of Defense may, for any armed force except
20 the Coast Guard when it is not operating as a service in the Navy,
21 prescribe the total strength in officers on active duty.

22 “(2) The Secretary of the military department concerned may
23 prescribe the numbers of any other category of members of an
24 armed force under his jurisdiction authorized to be on active duty.

25 “(3) The total strength and officer strength of the Navy shall
26 be increased by the authorized total strength and officer strength
27 of the Coast Guard when the Coast Guard is operating as a service
28 in the Navy. However, during such a period the Secretary of
29 Defense may prescribe the total strength in Navy, Coast Guard,
30 and Marine Corps officers on active duty, as the case may be. The
31 Secretary of the Navy may prescribe the total numbers of any
32 other category of members of the Navy, Coast Guard, and Marine
33 Corps authorized to be on active duty, as the case may be.

34 **"§ 452. Commissioned officers on active duty in grades below**
35 **brigadier general or rear admiral**

36 “(a) Of the total number of commissioned officers serving on active
37 duty in the Army, Navy, Air Force, or Marine Corps, as the case may
38 be, exclusive of the officers specified in subsection (d), the number of
39 commissioned officers who may serve in each of the grades named in

- 1 the table below may not, except as provided in subsections (c) and (f),
 2 exceed a number appropriate to the total as set forth in the following
 3 table:

	"Total number of commissioned officers, excluding officers specified in subsection (d), on active duty	Colonel or captain (Navy)	Lieutenant colonel or commander	Major or lieutenant commander
Army	70,000	3,821	9,530	13,396
	75,000	4,016	9,884	14,242
	80,000	4,211	10,240	15,065
	85,000	4,397	10,585	15,911
	90,000	4,593	10,941	16,766
	95,000	4,807	11,433	17,329
	100,000	5,021	11,915	17,925
Navy	45,000	2,580	6,211	9,378
	48,000	2,514	6,423	10,229
	51,000	2,949	6,635	10,721
	54,000	3,084	6,847	11,212
	57,000	3,218	7,059	11,704
	60,000	3,354	7,270	12,195
	63,000	3,430	7,508	12,642
	66,000	3,527	7,736	13,105
Marine Corps	12,500	644	1,480	2,743
	15,000	655	1,562	2,943
	17,500	667	1,644	3,142
	20,000	697	1,760	3,371
	22,500	726	1,874	3,600
	25,000	755	1,988	3,828
	27,500	784	2,102	4,056
Air Force	85,000	4,543	11,174	16,517
	90,000	4,749	11,591	17,321
	95,000	4,955	12,009	18,126
	100,000	5,162	12,427	18,930
	105,000	5,368	12,844	19,735
	110,000	5,574	13,262	20,539
	115,000	5,746	13,575	21,186
	120,000	5,930	13,929	21,893

- 4 If the number of commissioned officers serving on active duty is be-
 5 tween two of the figures listed in the first column of the table, the
 6 corresponding strengths in grade are determined by mathematical
 7 interpolation between the respective numbers of the two strengths.
 8 If it is determined that the number serving on active duty is greater
 9 or lesser than the figures listed in the first column of the table, the
 10 Secretary concerned shall fix the corresponding strengths in grade at
 11 the same proportion as reflected in the nearest limit shown in the table.

- 12 "(b) The Secretary of the military department concerned, whenever
 13 the needs of the service require but at least once each fiscal year, shall
 14 compute the number of officers authorized under subsection (a) to serve
 15 on active duty in each grade above captain (Army, Air Force, or
 16 Marine Corps) or lieutenant (Navy).

- 17 "(c) Whenever the total number of officers on active duty, exclusive
 18 of officers specified in subsection (d), is reduced by more than 7 per-
 19 cent in any one-year period, the Secretary concerned may delay by not
 20 more than one year the next computation required by subsection (b).

- 21 "(d) Officers in the following categories shall be excluded in com-
 22 puting and determining strengths under this section:

- 23 "(1) Reserve commissioned officers—
 24 "(A) on active duty for training;

“(B) on active duty under section 265, 678, 3033, 3496, 5251, 5252, 8033, or 8496 of this title, or section 708 of title 32;

“(C) on active duty to pursue special work; or

“(D) ordered to active duty (other than for training)—

“(i) under section 672(a), 673, or 674 of this title; or

“(ii) in other emergency situations.

However, reserve commissioned officers covered by clause (D) may be excluded in determining strengths for the armed force concerned for not more than 24 consecutive months after the first unit or member of that armed force enters upon that active duty.

“(2) Officers serving in grades above colonel or captain (Navy).

“(3) Medical officers.

“(4) Dental officers.

“(5) Warrant officers.

“(6) Retired officers on active duty.

“(7) Officers on active duty for the administration of the Selective Service System under section 10(b)(2) of the Military Selective Service Act, as amended (50 U.S.C. App. 460(b)(2)).

“(e) A commissioned officer may not suffer a reduction in grade, pay, or allowances because of a reduction in the number of commissioned officers computed under subsection (a) that is authorized by this section for his grade.

“(f) The authorized number for a grade computed under this section is temporarily increased, during the period between one computation and the next succeeding computation, by—

“(1) the number of officers originally appointed in that grade during that period; and

“(2) the number of officers of that grade for whom a vacancy exists in the higher grade but whose promotion has been delayed for any reason.

“(g) In time of war, or of national emergency declared by Congress or the President after January 1, 1975, the President may suspend the operation of any provision of this section.

“§ 453. Commissioned officers on active duty in grades below brigadier general or rear admiral: prescribed number; vacancies

“(a) The Secretary of the military department concerned shall, whenever the needs of the service require, prescribe the number of commissioned officers, exclusive of those specified in section 452(d)

1 of this title, that shall be maintained in each of the grades of major
2 through colonel or lieutenant commander through captain (Navy).
3 The number prescribed for each grade may be the number authorized
4 to serve in that grade as computed under section 452 of this title or a
5 lesser number. If the number prescribed for a grade is less than the
6 number authorized for that grade, the reduction may be applied as an
7 increase to the authorized number in a lower grade.

8 “(b) Except as provided in subsection (c), the actual number of
9 officers in a grade, exclusive of those specified in section 452(d) of this
10 title, may not exceed the prescribed number. Vacancies occur when-
11 ever, and to the extent that, the actual number falls below the pre-
12 scribed number.

13 “(c) The prescribed number for a grade is temporarily increased
14 during the period between one computation and the next succeeding
15 computation by—

16 “(1) the number of officers originally appointed in that grade
17 during that period; and

18 “(2) the number of officers of that grade for whom a vacancy
19 exists in the higher grade but whose promotion has been delayed
20 for any reason.

21 “(d) At the time of making the computations required by this sec-
22 tion, or whenever the needs of the service require, the Secretary con-
23 cerned shall also determine the number of officers that will be required
24 to meet the needs of the service in the grades of second lieutenant,
25 first lieutenant, or captain (Army, Air Force, or Marine Corps) or
26 ensign, lieutenant (junior grade), or lieutenant (Navy).”

27 (3) Amending chapter 33 by inserting the following new sec-
28 tions and inserting corresponding new items in the chapter
29 analysis:

30 **“§ 542. Commissioned officers: original appointment; how made**

31 “(a) Except as otherwise provided in this title, original appoint-
32 ments in commissioned grades in the Regular Army, Regular Navy,
33 Regular Air Force, or Regular Marine Corps shall be made by the
34 President, by and with the advice and consent of the Senate.

35 “(b) Original appointments in commissioned grades in the Regu-
36 lar Army, Regular Navy, Regular Air Force, or Regular Marine Corps,
37 may not be made under this chapter in warrant officer grades or in
38 grades above colonel or captain (Navy).

1 **"§ 543. Commissioned officers: original appointment; qualifica-**
2 **tions**

3 “(a) Under regulations prescribed by the Secretary of the military
4 department concerned, original appointments in commissioned grades
5 in the Regular Army, Regular Navy, Regular Air Force, or Regular
6 Marine Corps may be made from persons who—

7 “(1) are citizens of the United States;

8 “(2) are at least 18 years of age;

9 “(3) are able to complete 20 years of active commissioned serv-
10 ice before their fifty-fifth birthday;

11 “(4) are of good moral character;

12 “(5) are physically qualified for active service; and

13 “(6) have such other qualifications as the Secretary concerned
14 may, by regulation, prescribe.

15 “(b) Original appointments may not be made under this section as
16 medical or dental officers or those officers designated for limited duty.

17 “(c) Original appointments of chaplains are not subject to subsec-
18 tion (a) (3).

19 **"§ 544. Commissioned officers: original appointment; service**
20 **credit**

21 “(a) For the purposes of determining grade and position on the ac-
22 tive-duty list under section 620 of this title, a person originally ap-
23 pointed in a commissioned grade, other than a warrant officer, in the
24 Regular Army, Regular Navy, Regular Air Force, or Regular Marine
25 Corps, shall be credited, except as provided in section 620(d) of this
26 title, at the time of his appointment with the active commissioned serv-
27 ice, other than service as a commissioned warrant officer, in any armed
28 force that he performed after becoming 18 years of age and before his
29 appointment.

30 “(b) Under regulations prescribed by the Secretary of Defense, the
31 Secretary of the military department concerned shall, in addition to
32 the credit set forth in subsection (a), credit an officer with the amount
33 of service, if applicable, for the following purposes and under the
34 following conditions—

35 “(1) one year of constructive service for each year of qualifying
36 advanced education beyond the normal baccalaureate level, limited
37 to those officer categories requiring advanced education as a pre-
38 requisite for appointment as a commissioned officer (in determin-
39 ing the years of service under this clause, the Secretary concerned

1 shall grant credit for only the number of years normally required
2 to receive the advanced education or degree);

3 “(2) credit for advanced education in a health profession (other
4 than medicine and dentistry) beyond the baccalaureate degree
5 level which exceeds the basic educational criteria for appointment
6 as an officer when such advanced education will be directly used
7 by the armed force concerned;

8 “(3) additional credit for internship or similar applicable
9 training; and

10 “(4) additional credit based on a member’s experience or
11 prominence in a particular field.

12 “(c) The amount of constructive service prescribed under subsection
13 (b) shall be used for determining—

14 “(1) entry grade;

15 “(2) entry position on an active-duty list;

16 “(3) seniority in grade; and

17 “(4) time in grade for promotion eligibility.

18 “(d) Except as provided in section 205 (a) (7) and (8) of title 37,
19 the amount of service credited under subsection (b) may not be used
20 to compute the years of service for—

21 “(1) active-duty pay and allowances;

22 “(2) voluntary retirement;

23 “(3) involuntary retirement;

24 “(4) involuntary separation;

25 “(5) retired pay or transition payments; or

26 “(6) involuntary separation readjustment compensation.

27 “(e) The amount of service creditable under subsection (b) may
28 not be granted for any education, training, experience, or qualifications
29 attained while serving on active duty, except for constructive service
30 credit for board certification of medical and dental officers.

31 “(f) A cadet or midshipman at the United States Military Acad-
32 emy, the United States Naval Academy, or the United States Air Force
33 Academy who, upon graduation, is originally appointed in the Regular
34 Army, Regular Navy, Regular Air Force, or Regular Marine Corps
35 as a second lieutenant or ensign, is not entitled to any service credit
36 under subsection (a) or (b), for service performed, or education, train-
37 ing, or experience obtained, prior to graduation.”

38 (4) Inserting the following new items in the chapter analysis
39 and the chapter analysis of part II:

“35A. Temporary Appointments----- 605

"36. Promotion, Separation, Retirement of Officers on the Active-Duty List:
Second Lieutenants or Ensigns through Colonels or Captains
(Navy) ----- 611".

(5) Inserting the following new chapters in part II:

"Chapter 35A.—TEMPORARY APPOINTMENTS

"Sec.

"605. Temporary appointments in time of war or national emergency.

**"§ 605. Temporary appointments in time of war or national
emergency**

"(a) In time of war, or of national emergency declared by Congress or the President after January 1, 1975, the President may appoint any qualified person who does not hold an appointment in the Army, Navy, Air Force, or Marine Corps, in a commissioned grade below brigadier general or rear admiral, except a warrant officer grade, as a temporary commissioned officer in one of those grades in the Army, Navy, Air Force, or Marine Corps.

"(b) An officer appointed under this section is entitled to the service credit prescribed in section 544 of this title.

"(c) An officer appointed under this section may be ordered to active duty for such period as the President prescribes.

"(d) Appointments under this section shall be made by the President alone.

"(e) Appointments under this section may be vacated by the President at any time.

"(f) Appointments under this section do not change the permanent status of members of the armed forces so appointed. A person who is appointed under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment under this section.

"(g) Temporary appointments made under this section shall, if not sooner terminated, terminate not later than—

"(1) six months after the end of the war or national emergency;

or

"(2) the date the appointee is released from active duty; whichever is earlier."

**"Chapter 36.—PROMOTION, SEPARATION, RETIREMENT
OF OFFICERS ON THE ACTIVE-DUTY LIST: SECOND
LIEUTENANTS OR ENSIGNS THROUGH COLONELS OR
CAPTAINS (NAVY)**

"Sec.

"611. Commissioned officers: selection boards; promotion.

"612. Commissioned officers: selection boards; composition of boards.

"Sec

- "613. Commissioned officers: selection boards; notice of convening; communications with board.
- "614. Commissioned officers: selection boards; oath of members.
- "615. Commissioned officers: selection boards; information furnished boards.
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- "621. Commissioned officers: competitive categories for promotion.
- "622. Commissioned officers: promotion zones.
- "623. Commissioned officers: numbers to be selected for promotion.
- "624. Commissioned officers: promotions.
- "625. Commissioned officers: promotions; acceptance; oath of office.
- "626. Commissioned officers: failure of selection.
- "627. Commissioned officers: special selection boards.
- "628. Commissioned officers: removal from selection list.
- "629. Regular commissioned officers: less than five years' service or failure of promotion to first lieutenant or lieutenant (junior grade): discharge.
- "630. Regular first lieutenants and captains (Army, Air Force, Marine Corps) and lieutenants (junior grade) and lieutenants (Navy): effect of failure of selection for promotion.
- "631. Regular majors and lieutenant commanders: effect of failure of selection for promotion.
- "632. Regular lieutenant colonels and commanders: retirement for failure of selection for promotion.
- "633. Regular colonels and captains (Navy): retirement for years of service.
- "634. Regular commissioned officers: continuation on active duty.
- "635. Authority to convene selection boards to recommend certain officers for continuation on active duty.
- "636. Continuation on active duty for disciplinary action.
- "637. Computation of years of service.
- "638. Deferment of retirement or separation.
- "639. Promotion, separation, and involuntary retirement of medical and dental officers.
- "640. Officers performing professional functions: defined; discharge upon loss of qualifications.
- "641. Exclusion of certain officers.
- "642. Suspension: preceding sections.
- "643. Commissioned officers: entitlement to readjustment pay or retired pay.

1 **"§ 611. Commissioned officers: selection boards; promotion**

2 "At least once a year and at such other times as the needs of the
3 service requirement, the Secretary of the military department concerned shall convene selection boards to recommend for promotion to
4 the next higher grade officers on the active-duty list in each grade from
5 first lieutenant through lieutenant colonel in the Army, Air Force, or
6 Marine Corps, and from lieutenant (junior grade) through commander in the Navy. The Secretary concerned may convene separate
7 selection boards for each competitive category. However, the Secretary concerned is not required to convene a board to recommend officers
8 in a competitive category for promotion to a grade when no officers
9 are eligible for promotion in the promotion zone for that grade and
10 competitive category.
11
12
13

1 **“§ 612. Commissioned officers: selection boards; composition of**
 2 **boards**

3 “(a) A board convened under section 611 of this title shall consist of
 4 five or more officers serving in a grade of major, or above, or lieutenant
 5 commander, or above.

6 “(b) A board convened under section 611 of this title shall consist
 7 of officers who are serving in a grade at least equal to the grade to
 8 which the board may recommend officers for promotion.

9 “(c) Boards convened under section 611 of this title shall consist of
 10 officers on the active-duty list of the same armed force as the officers
 11 under consideration. However, if qualified officers on the active-duty
 12 list are not available in sufficient numbers to comprise a board, the
 13 Secretary of the military department concerned shall complete the
 14 membership by appointing as members of the board retired officers of
 15 the same service who have the prescribed qualifications.

16 “(d) When reserve officers of an armed force are eligible for con-
 17 sideration by a board convened under section 611 of this title, the board
 18 shall, to the extent they are available, include an appropriate number
 19 of reserve officers of that armed force.

20 “(e) No officer may be a member of two successive boards convened
 21 under section 611 of this title for the consideration of officers of the
 22 same competitive category and grade for promotion.

23 “(f) A board convened to consider officers shall, consistent with
 24 subsections (a) - (e), consist of such officers as may be determined by
 25 the Secretary concerned. A board considering officers of a competitive
 26 category for promotion shall, when possible, include at least one officer
 27 of that competitive category among its members except as provided in
 28 sections 5701, 5702, and 5703 of this title.

29 **“§ 613. Commissioned officers: selection boards; notice of conven-**
 30 **ing; communications with board**

31 “(a) Before a board is convened under section 611 of this title,
 32 notice of the convening date and the promotion zone shall be promul-
 33 gated to the officers eligible for consideration or to the armed force
 34 concerned at large.

35 “(b) Each officer in or above a promotion zone being considered by
 36 a selection board convened under section 611 of this title may send a
 37 communication through official channels to the board, to arrive not
 38 later than the date the board convenes, calling attention to any matter
 39 concerning himself that he considers important to his case. However,

1 if notice of the convening date of the board has not been promulgated
2 to the officers eligible for consideration or to the armed force concerned
3 at large, at least 10 days before the convening date, each eligible of-
4 ficer in or above the promotion zone may send a communication con-
5 cerning his record to the board through official channels, to arrive
6 not later than 10 days after the date the board convenes. A communica-
7 tion sent under this section may not criticize any other officer or reflect
8 upon the character, conduct, or motive of any other officer.

9 **“§ 614. Commissioned officers: selection boards; oath of members**

10 “Each member of a board convened under this chapter shall swear
11 that he will, without prejudice or partiality, and having in view both
12 the special fitness of officers and the efficiency of his armed force, per-
13 form the duties imposed upon him.

14 **“§ 615. Commissioned officers: selection boards; information fur-**
15 **nished boards**

16 “The Secretary of the military department concerned shall furnish
17 the appropriate board convened under section 611 of this title with—

18 “(1) the number of officers in each competitive category under
19 consideration that the board shall, subject to section 616 of this
20 title, recommend for promotion to the next higher grade;

21 “(2) the names of all officers to be considered by the board for
22 promotion to the next higher grade to which the board will recom-
23 mend officers for promotion with identification of those officers
24 who are in the promotion zone;

25 “(3) the pertinent records of all officers whose names are
26 furnished to the board; and

27 “(4) such guidance, which shall be consistent with this chapter,
28 as may be necessary to enable the board to properly fulfill its
29 functions.

30 **“§ 616. Commissioned officers: selection boards; recommenda-**
31 **tions for promotion**

32 “(a) A board convened under section 611 of this title shall recom-
33 mend only those eligible officers whom the board considers best quali-
34 fied for promotion.

35 “(b) From among those officers of the Army, Navy, Air Force, or
36 Marine Corps, who are to be considered for promotion by a selection
37 board in accordance with section 3297(f), 5706, or 8297(f) of this title,
38 and those whose position on the active-duty list is below the junior
39 officer in the appropriate promotion zone in any grade below colonel

1 or captain (Navy), a board convened under section 611 of this title
2 may, unless the Secretary of the military department concerned pre-
3 scribes a lesser number, recommend as best qualified for promotion in
4 each competitive category a number of officers that does not exceed 15
5 percent of the total number of officers in each competitive category
6 that the board is authorized to recommend for promotion to the grade
7 concerned, unless that number is less than one, in which case it may
8 recommend one such officer. Selection under this subsection shall not
9 increase the total number authorized to be recommended for promotion
10 under section 615 of this title.

11 “(c) No officer may be recommended for promotion unless—

12 “(1) the officer receives the recommendation of at least a ma-
13 jority of the members of a board; and

14 “(2) a majority of the members of the board finds that the
15 officer is also fully qualified for promotion.

16 “(d) If the board finds that the number of officers who are best
17 qualified for promotion and who are also fully qualified for promotion
18 is less than the total number authorized to be recommended for pro-
19 motion under section 615 of this title, the board shall recommend the
20 lesser number.

21 **“§ 617. Commissioned officers: selection boards; reports**

22 “(a) Each board convened under section 611 of this title shall sub-
23 mit a report in writing, signed by all the members thereof, containing
24 the names of officers recommended for promotion, and shall certify in
25 its report that the board has carefully considered the records of each
26 officer whose name was furnished to it under section 615 of this title.

27 “(b) A board convened under section 611 of this title shall certify
28 that, in the opinion of at least a majority of the members, the officers
29 recommended for promotion are best qualified for promotion.

30 “(c) A board convened under section 611 of this title may be re-
31 quired to report the name of each officer from among those officers
32 whose record, in the opinion of the board, indicates that he should be
33 required to show cause for his retention on active duty under chapter
34 60 of this title.

35 “(d) As required by section 6384 of this title, each board convened
36 under this chapter to recommend officers of the Navy or Marine Corps
37 for promotion shall report, from among those officers eligible for con-
38 sideration, the name of each Navy or Marine Corps officer with less
39 than 20 years of service whose record, in the opinion of the board,
40 indicates—

1 “(1) his unsatisfactory performance of duty in his present
2 grade; and

3 “(2) that he would not satisfactorily perform the duties of a
4 higher grade.

5 **“§ 618. Commissioned officers: selection boards; submission of**
6 **reports**

7 “(a) A board convened under section 611 of this title shall submit
8 its report to the Secretary of the military department concerned who
9 shall return the report for proceedings in revision and resubmission
10 if the board has acted contrary to law.

11 “(b) After his final review, the Secretary concerned shall submit
12 the report of the board, with his recommendations for action thereon,
13 to the Secretary of Defense for transmittal to the President for ap-
14 proval, modification, or disapproval.

15 “(c) The name of an officer may be removed from the report of the
16 board only by the President.

17 “(d) Upon approval by the President, the names of officers recom-
18 mended for promotion by a board convened under section 611 of this
19 title shall be promptly disseminated to the armed force concerned.

20 “(e) Except as required by this section, proceedings of a selection
21 board convened under section 611 of this title shall not be disclosed to
22 any person not a member of the board.

23 **“§ 619. Commissioned officers: eligibility for consideration for**
24 **promotion**

25 “(a) An officer on the active-duty list of the Army, Navy, Air
26 Force, or Marine Corps (other than a medical or dental officer) may
27 not be considered for promotion to the next higher grade by a selection
28 board convened under section 611 of this title unless he will have
29 completed the following minimum period of service in the grade in
30 which he is serving by the end of the period which is the basis for
31 determining the number of officers which the board is authorized to
32 recommend for promotion:

33 “(1) One year in the grade of first lieutenant or lieutenant
34 (junior grade).

35 “(2) Three years in the grade of captain (Army, Air Force, or
36 Marine Corps) or lieutenant (Navy).

37 “(3) Three years in the grade of major or lieutenant commander.

38 “(4) Three years in the grade of lieutenant colonel or
39 commander.

1 However, the Secretary of the military department concerned may,
2 when the needs of the service so require, increase the minimum amount
3 of service in grade for eligibility for consideration for promotion to
4 the next higher grade.

5 “(b) For the purpose of this section, service in a grade is computed
6 from an officer's date of rank except that an officer whose position on
7 the active-duty list has been adjusted for any reason while serving in
8 his current grade will be considered to have the same service in a grade
9 as the officer next junior on the active-duty list whose position on the
10 active-duty list has not been adjusted in that grade. Service in a grade
11 under a temporary appointment, which by its own terms is limited in
12 duration, shall be excluded from computation under this subsection.

13 “(c) In addition to the time-in-grade requirements set out in sub-
14 section (a), no officer may become eligible for consideration for promo-
15 tion until all officers of his grade in his competitive category on the
16 active-duty list senior to him are so eligible.

17 “(d) Each officer having once failed of selection for promotion to
18 the next higher grade remains eligible for selection for promotion to
19 that grade as long as he continues on active duty in other than a retired
20 status and is not promoted to that grade.

21 “(e) A selection board convened under section 611 of this title may
22 not consider for promotion to the next higher grade any officer whose
23 name is on the promotion list for that grade as a result of his selection
24 to that grade by an earlier board convened under that section.

25 **“§ 620. Commissioned officers: active-duty lists**

26 “(a) The Secretary of the military department concerned shall
27 maintain a single active-duty list of officers of the Army, Navy, Air
28 Force, or Marine Corps, as the case may be, on active duty in the
29 grades of second lieutenant or ensign, and above.

30 “(b) Officers shall be carried on active-duty lists in the order of
31 seniority of the grade in which they are serving on active duty. Officers
32 serving in the same grade shall be carried in the order of their senior-
33 ity in that grade.

34 “(c) Under regulations prescribed by the Secretary concerned, the
35 grade and position on the active-duty list of an officer shall be deter-
36 mined as follows:

37 “(1) Except as provided in section 2106(b) of this title, and
38 except as otherwise provided in this section, an officer who has
39 no prior commissioned service shall be placed on the active-duty
40 list in the grade of second lieutenant or ensign in a position on the

list immediately below the junior officer on that list, or if he has received constructive service credit under section 544(b) of this title or other provision of law, shall be placed immediately below the junior due-course officer whose commissioned service is the same or next longer in comparison to the service credit of the officer whose position on the list is being determined.

“(2) An officer who is placed on the active-duty list as a reserve officer or as a regular officer shall be placed on the list in the same grade and in the position he would have occupied had he been on active duty as a due-course officer if—

“(A) the period between his commissioning and placement on the active-duty list was—

“(i) less than one year; or

“(ii) one year or more, during which time he participated in an active status as a reserve commissioned officer to the extent required to maintain retirement eligibility under section 1331 of this title;

“(B) he has been on continuous active duty since he was commissioned; or

“(C) the latest period during which he has not been on active duty since he was commissioned was—

“(i) less than one year; or

“(ii) one year or more, during which time he participated in an active status as a reserve commissioned officer to the extent required to maintain retirement eligibility under section 1331 of this title.

“(3) An officer not covered by clause (2) who is placed on the active-duty list as a reserve officer or as a regular officer shall, if he is an officer who—

“(A) has not been on continuous active duty since he was commissioned; and

“(B) during those periods when he was not on active duty, was in an active status in the Reserves, but failed to participate to the extent required to maintain retirement eligibility under section 1331 of this title;

be placed on the list no higher than the grade and position he would have occupied had he been on active duty as a due-course officer, but no lower than the grade and position of the junior due-course officer who has the same or next longer period of active commissioned service.

1 “(4) An officer not covered by clause (2) who is placed on the
2 active-duty list as a reserve officer or as a regular officer shall, if he
3 is an officer who—

4 “(A) has not been on continuous active duty since he was
5 commissioned; and

6 “(B) during those periods when he was not on active duty,
7 terminated his active status, or was separated from the
8 service;

9 be placed on the list lower than the position he would have occu-
10 pied had he been on active duty as a due-course officer but no lower
11 than the grade and position of the junior due-course officer who has
12 the same or next longer period of active commissioned service.

13 “(5) When the position of an officer on the active-duty list
14 would be the same as that of any other officer, his position on the
15 list relative to the other officer shall be determined under regula-
16 tions prescribed by the Secretary concerned.

17 “(d) The Secretary of Defense shall prescribe regulations to enable
18 the Secretary of the military department concerned to credit prior
19 commissioned service to determine the grade and position which shall
20 be given to officers who are placed on the active-duty list, or originally
21 appointed as regular officers and placed on that list in the following
22 competitive categories:

23 “(1) The Army—

24 “(A) Veterinary Corps;

25 “(B) Medical Service Corps;

26 “(C) Nurse Corps;

27 “(D) Medical Specialist Corps;

28 “(E) Medical Corps; or

29 “(F) Dental Corps.

30 “(2) The Navy—

31 “(A) Medical Service Corps;

32 “(B) Medical Corps;

33 “(C) Dental Corps; or

34 “(D) Nurse Corps.

35 “(3) The Air Force—

36 “(A) officers designated as medical service officers;

37 “(B) officers designated as biomedical sciences officers;

38 “(C) officers designated as nurses;

39 “(D) officers designated as veterinary officers;

1 “(E) officers designated as medical officers; or

2 “(F) officers designated as dental officers.

3 “(e) Each officer serving in a temporary grade, or a grade held by
4 reason of his office, above colonel or captain (Navy) has, upon the ter-
5 mination of his appointment in that grade, the grade and position on
6 the active-duty list that he would have held if he had not received that
7 appointment. This subsection does not apply to an officer appointed
8 under section 3066, 5231, 5232, or 8066 of this title.

9 “(f) The Secretary concerned may correct any erroneous position
10 on an active-duty list that was caused by administrative error. Any
11 officer—

12 “(1) whose position on the active-duty list is changed;

13 “(2) whose grade is changed under this section; or

14 “(3) who is placed on the active-duty list among officers with
15 dates of rank differing from his own;

16 may be reappointed in the same, a lower, or a higher grade to reflect
17 his position, and his date of rank may be changed to conform to his
18 new position on the active-duty list. The authorized number of officers
19 in any grade may be temporarily exceeded, by the number of officers
20 whose grades were changed under this section, until the next succeed-
21 ing computation.

22 **“§ 621. Commissioned officers: competitive categories for pro-**
23 **motion**

24 “(a) Each commissioned officer whose name appears on the active-
25 duty list of the Army shall be carried in one of the following com-
26 petitive categories of officers with whom he will compete for
27 promotion:

28 “(1) Army line.

29 “(2) Chaplains.

30 “(3) Veterinary Corps.

31 “(4) Medical Service Corps.

32 “(5) Nurse Corps.

33 “(6) Medical Specialist Corps.

34 “(7) Medical Corps.

35 “(8) Dental Corps.

36 “(b) Each commissioned officer whose name appears on the active-
37 duty list of the Navy shall be carried in one of the following com-
38 petitive categories of officers with whom he will compete for
39 promotion:

1 “(1) Officers not restricted in the performance of duty in the
2 line.

3 “(2) Officers designated for each of the categories authorized
4 by section 5587(c) of this title.

5 “(3) Officers in one of the staff corps.

6 “(4) Officers designated for limited duty in the line.

7 “(5) Officers designated for limited duty in one of the staff
8 corps.

9 Officers listed in clauses (2), (3), and (5) shall compete for promotion
10 only among officers within one of the staff corps established for the
11 Navy under this title or categories as set forth in section 5587(c) of
12 this title.

13 “(c) Each commissioned officer whose name appears on the active-
14 duty list of the Air Force shall be carried in one of the following com-
15 petitive categories of officers with whom he will compete for
16 promotion:

17 “(1) Line of the Air Force.

18 “(2) Officers designated as chaplains.

19 “(3) Officers designated as medical service officers.

20 “(4) Officers designated as biomedical sciences officers.

21 “(5) Officers designated as nurses.

22 “(6) Officers designated as veterinary officers.

23 “(7) Officers designated as medical officers.

24 “(8) Officers designated as dental officers.

25 “(d) Each commissioned officer whose name appears on the active-
26 duty list of the Marine Corps shall be carried in one of the following
27 competitive categories of officers with whom he will compete for
28 promotion:

29 “(1) Officers not restricted in the performance of duty.

30 “(2) Officers designated for limited duty.

31 “(e) Additional competitive categories may be established under
32 regulations prescribed by the Secretary of the military department
33 concerned for officers performing other functions requiring special
34 training or experience.

35 **“§ 622. Commissioned officers: promotion zones**

36 “(a) Before he convenes a selection board to consider officers for
37 promotion to any grade above first lieutenant and below brigadier
38 general, or above lieutenant (junior grade) and below rear admiral,
39 the Secretary of the military department concerned shall establish a
40 promotion zone.

1 “(b) The promotion zone shall consist of the designated junior offi-
2 cer in the zone and those officers who have not previously failed of
3 selection who are senior to him.

4 “(c) The Secretary concerned shall determine the number of offi-
5 cers in each promotion zone from among officers eligible for promo-
6 tion on the basis of a consideration of—

7 “(1) the number of vacancies estimated for the next higher
8 grade in each of the next five years; and

9 “(2) the number of officers who will be placed in the promotion
10 zone in those years to assure to individuals in succeeding years
11 equality of opportunity for promotion.

12 **“§ 623. Commissioned officers: numbers to be selected for pro-**
13 **motion**

14 “(a) Before convening a board to select officers for promotion to
15 any grade below brigadier general or rear admiral, the Secretary of
16 the military department concerned shall determine the total number
17 of officers who may be selected for promotion to the grade. The num-
18 ber of officers who may be promoted to the higher grade is equal to
19 the number of vacancies in the grade plus the number of additional
20 vacancies estimated for the promotion period minus the number of
21 officers on the selection list for promotion for the grade.

22 “(b) Having determined the total number of officers to be selected
23 for promotion to any grade, the Secretary concerned shall apportion
24 that number among the competitive categories of the grade from
25 which such officers are to be selected. This apportionment shall pro-
26 vide for equality of opportunity of selection among the competitive
27 categories from which selections are made, except that the Secretary
28 concerned may adjust the number of officers to be selected in a com-
29 petitive category on the basis of a consideration of an estimate of
30 service needs and the number of anticipated losses and officers to be
31 placed in the promotion zone during the next five years in each com-
32 petitive category.

33 **“§ 624. Commissioned officers: promotions**

34 “(a) An officer serving on active duty in the grade of second lieuten-
35 ant or ensign may be promoted to the next higher grade subject to
36 regulations prescribed by the Secretary of the military department
37 concerned. An officer serving in the grade of first lieutenant or lieu-
38 tenant (junior grade), whose name is on an approved list of officers
39 recommended for promotion by a selection board convened under sec-

1 tion 611 of this title, may be promoted subject to such regulations as
2 the Secretary concerned may prescribe.

3 “(b) When the reports of all boards convened under section 611
4 of this title to select officers of all competitive categories from which
5 selections are authorized for promotion to any grade of an armed
6 force, below the grade of brigadier general or rear admiral, have been
7 approved by the President, the Secretary concerned shall place the
8 names of all officers selected and approved for promotion on a single
9 list in the order of their seniority on the active-duty list. Except in
10 the case of promotions governed by subsection (a) and except as pro-
11 vided in subsection (e), officers shall be promoted to the next higher
12 grade in accordance with subsection (c) as vacancies occur in the
13 authorized active-duty strength of that grade. Promotions shall be
14 made in the order that officers’ names appear on the promotion list,
15 and after officers previously selected have been promoted.

16 “(c) An officer appointed under subsection (a) shall have an effec-
17 tive date of promotion and date of rank in the grade to which pro-
18 moted from the date the appointment is made. An officer appointed
19 under subsection (b) shall have an effective date of promotion and
20 date of rank in the grade to which promoted from the first day of the
21 month following the date of occurrence of the vacancy he was ap-
22 pointed to fill.

23 “(d) Appointments of officers under this section shall be made by
24 the President, by and with advice and consent of the Senate, except
25 that appointments, other than an original appointment as a regular
26 officer, in the grade of first lieutenant or lieutenant (junior grade) shall
27 be made by the President alone. An appointment of a reserve officer
28 under this section shall be retained after release from active duty for
29 the purpose of promotion under any other chapter of this title.

30 “(e) An appointment under this section may be delayed under the
31 following circumstances:

32 “(1) When—

33 “(A) proceedings of a court-martial, a board of officers
34 as constituted under chapter 60 of this title, or an investiga-
35 tion incident to such court-martial or board are pending
36 against an officer; or

37 “(B) sworn charges are received by an officer exercising
38 general court-martial jurisdiction over an officer;
39 the appointment of an officer who has been selected for promotion
40 may be delayed by the Secretary concerned until completion of the

1 proceedings or investigation. If, upon completion of the proceed-
 2 ings or investigation, or upon dismissal of the charges against
 3 him, the officer is retained on the list of officers to be appointed,
 4 his date of rank, pay, and allowances, when appointed, shall be
 5 the same as he would have had if no delay had intervened.

6 “(2) In cases where the Secretary concerned finds that there
 7 is good cause to believe that an officer is mentally, physically,
 8 morally, or professionally unqualified to perform the duties of
 9 the grade for which he was selected. If the Secretary concerned
 10 subsequently determines that the officer is qualified for promo-
 11 tion, the officer's date of rank, pay, and allowances shall be the
 12 same as if no delay intervened.

13 In no case shall the date of rank, pay, and allowances of an officer
 14 whose appointment is delayed be computed from a date earlier than
 15 the date which would have been employed for such computation in
 16 accordance with section 908 of title 37 had the appointment not been
 17 delayed. In any case in which delay of the appointment of an officer
 18 is contemplated, such officer shall be given written notice of the
 19 grounds for the delay, and he shall be afforded an opportunity to
 20 make a written statement in response. That statement, if made, shall
 21 be considered by the Secretary concerned in determining whether to
 22 institute a delay. An appointment may not be delayed for more than
 23 six months after the date the officer would otherwise have been ap-
 24 pointed, unless the Secretary concerned determines delay to be neces-
 25 sary for the good of the service for a further period which he shall
 26 specify. However, an officer's promotion may not be delayed beyond
 27 18 months from the time the officer would otherwise have been ap-
 28 pointed, unless the basis for the delay is the result of—

29 “(1) a pending criminal proceeding in a State or Federal court;
 30 or

31 “(2) final action not having been taken by a board or court-
 32 martial due to a delay caused by a proceeding described in
 33 clause (1).

34 “§ 625. **Commissioned officers: promotions; acceptance; oath of**
 35 **office**

36 “(a) An officer who receives an appointment under section 624 of
 37 this title is considered to have accepted his appointment on its effec-
 38 tive date, unless he expressly declines the appointment.

1 “(b) An officer who has served continuously since he subscribed to
2 the oath of office prescribed in section 3331 of title 5 is not required
3 to take a new oath upon his appointment in a higher grade.

4 **“§ 626. Commissioned officers: failure of selection**

5 “An officer who is in or above the promotion zone established for
6 his grade under section 622 of this title, and is considered but not
7 selected for promotion, shall be considered to have failed of selection.

8 **“§ 627. Commissioned officers: special selection boards**

9 “(a) The Secretary of the military department concerned may con-
10 vene a special selection board composed in accordance with section 612
11 of this title to determine whether an officer who is in, or above, the
12 promotion zone established for his grade under section 622 of this title,
13 and otherwise eligible for promotion, should be recommended for pro-
14 motion when the Secretary concerned determines that the officer was—

15 “(1) not considered by a selection board because of administra-
16 tive error; or

17 “(2) considered by a selection board, and not selected, when the
18 board’s action was contrary to law or involved material error of
19 fact, material administrative error, or when material new evidence
20 has been discovered.

21 “(b) The special board convened under subsection (a) shall con-
22 sider the record of an officer as his record, if corrected, would have ap-
23 peared to the board that should have considered, or did consider him.
24 That record shall be compared with the records of those officers who
25 were, and who were not, selected by the board which should have con-
26 sidered, or did consider, the officer described in subsection (a).

27 “(c) In the case of an officer specified in subsection (a), if the report
28 of a special board, as approved by the President, recommends the offi-
29 cer for promotion, and he is appointed to the higher grade, he is en-
30 titled to the same date of rank, pay, and allowances of that grade, and
31 the same position on the active-duty list as he would have had if he had
32 been selected by the board which should have considered, or did con-
33 sider, him. If a special board does not recommend for promotion an
34 officer who is referred to it for consideration under subsection (a) (1),
35 that officer is considered as having failed of selection. If a special board
36 does not recommend for promotion an officer who is referred to it for
37 consideration under subsection (a) (2), that officer incurs no additional
38 failure of selection.

1 **“§ 628. Commissioned officers: removal from selection list**

2 “(a) The President may remove the name of any officer from a list
3 of selectees.

4 “(b) If the Senate does not consent to the appointment of an officer
5 whose name is on a list of selectees, that officer’s name shall be removed
6 from the list.

7 “(c) An officer whose name is removed from a list under subsection
8 (a) or (b) continues to be eligible for consideration for promotion. If
9 he is recommended for promotion by the next selection board and pro-
10 moted, he is entitled to the same position on the active-duty list, date of
11 rank in the grade, and the same pay and allowances upon promotion to
12 which he would have been entitled if his name had not been so re-
13 moved. However, if the officer is not recommended for promotion by
14 the next selection board or if his name is again removed under this sec-
15 tion from the list of officers recommended for promotion by the next
16 selection board, or if the Senate again does not consent to his appoint-
17 ment, he is considered for all purposes as having twice failed of selec-
18 tion for promotion.

19 **“§ 629. Regular commissioned officers: less than five years’ serv-**
20 **ice or failure of promotion to first lieutenant or lieuten-**
21 **ant (junior grade); discharge**

22 The Secretary of the military department concerned, under regula-
23 tions prescribed by him—

24 “(1) may discharge any regular officer on the active-duty list
25 who has less than five years of active commissioned service; and

26 “(2) shall discharge a regular officer, except one who is covered
27 by section 6383(e) of this title, serving on the active-duty list in
28 the grade of second lieutenant or ensign who is found not qualified
29 for promotion to the next higher grade.

30 **“§ 630. Regular first lieutenants and captains (Army, Air Force,**
31 **Marine Corps) and lieutenants (junior grade) and lieu-**
32 **tenants (Navy): effect of failure of selection for pro-**
33 **motion**

34 “Except as provided in section 641(c) of this title, each officer of the
35 Regular Army, Regular Air Force, or Regular Marine Corps serving
36 in the grade of first lieutenant or captain, or each officer of the Regular
37 Navy serving in the grade of lieutenant (junior grade) or lieutenant,
38 who has failed of selection for promotion to the next higher grade for

the second time, and whose name is not on a recommended list for promotion shall—

“(1) be honorably discharged on the date requested by him and approved by the Secretary of the military department concerned, but not later than the first day of the seventh calendar month after the President approves the report of the last board that considered but did not recommend him for promotion;

“(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary concerned, but not later than the first day of the seventh month after the President approves the report of the last board that considered but did not recommend him for promotion; or

“(3) unless sooner retired or separated under another provision of law, if he is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, be retained on active duty until he is qualified for retirement and then retired.

The discharge of an officer under clause (1) shall be considered an involuntary separation under any other provision of law.

“§ 631. Regular majors and lieutenant commanders (Navy): effect of failure of selection for promotion

“(a) Except as provided by section 641(c) of this title, each officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, serving in the grade of major or lieutenant commander who has failed of selection for promotion to the grade of lieutenant colonel or commander for the second time and whose name is not on a recommend list for promotion, shall—

“(1) be honorably discharged on the date requested by him and approved by the Secretary of the military department concerned, but not later than the first day of the seventh calendar month after the President approves the report of the last board that considered but did not recommend him for promotion;

“(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary of the military department concerned, but not later than the first day of the seventh month after the President approves the report of the last board that considered but did not recommend him for promotion; or

“(3) unless sooner retired or separated under another provision of law, if he is within two years of qualifying for retirement

1 under section 3911, 6323, or 8911 of this title, be retained on active
2 duty until he is qualified for retirement and then retired.

3 The discharge of an officer under clause (1) shall be considered an in-
4 voluntary separation under any other provision of law.

5 “(b) When the needs of the service require, the Secretary concerned
6 may convene selection boards to recommend officers in a competitive
7 category, except limited-duty officers of the Navy and Marine Corps,
8 for continuation on active duty. Notwithstanding subsection (a), each
9 officer described in subsection (a) who has failed of selection for pro-
10 motion to the grade of lieutenant colonel or commander for the second
11 time may be continued on active duty if selected for continuation in the
12 approved report of a board convened under section 635 of this title.
13 An officer who is selected for continuation but declines to continue on
14 active duty shall be honorably discharged, or if he is eligible for retire-
15 ment under any provision of law, be retired.

16 “(c) Each officer who—

17 “(1) has failed of selection for promotion to the grade of lieu-
18 tenant colonel or commander for the second time;

19 “(2) has been continued under subsection (b), but has not been
20 subsequently promoted; and

21 “(3) is not carried on any list of officers recommended for ap-
22 pointment to the next higher grade;

23 shall, unless sooner separated or retired under another provision of
24 law, be retired on the first day of the month following the month in
25 which that officer becomes qualified for retirement under section 3911,
26 6323, or 8911 of this title. An officer subject to retirement under this
27 subsection may, in the discretion of the Secretary concerned, be retired
28 on any earlier date on which that officer is eligible for retirement under
29 any other provision of law.

30 **“§ 632. Regular lieutenant colonels and commanders: retirement**
31 **for failure of selection for promotion**

32 “Each officer of the Regular Army, Regular Navy, Regular Air
33 Force, or Regular Marine Corps, serving in the grade of lieutenant
34 colonel or commander, except an officer designated for limited duty,
35 who is not on a list of officers recommended for promotion, and who is
36 considered as having twice failed of selection for promotion to the
37 grade of colonel or captain (Navy), shall be retired on the first day
38 of the month following the month in which he completes 26 years of
39 service as computed under section 637 of this title. However, an officer
40 whose second failure of selection for promotion occurred within six

1 months before the date he would have completed 26 years of service,
2 as computed under section 637 of this title, shall not be retired earlier
3 than the first day of the seventh calendar month after the President
4 approves the report of a board convened under section 611 of this title
5 that considered, but did not recommend, him for promotion. No officer
6 shall be retired under this section earlier than the date which would
7 qualify him for retirement under section 3911, 6323, or 8911 of this
8 title.

9 **“§ 633. Regular colonels and captains (Navy): retirement for**
10 **years of service**

11 “(a) Each officer of the Regular Navy or Regular Marine Corps
12 who is serving in the grade of captain (Navy) or colonel (Marine
13 Corps), except an officer designated for limited duty, whose name is
14 not on a recommended list for promotion to a higher grade shall, if
15 not earlier retired, be retired on the first day of the month after the
16 month in which he completes 30 years of service as computed under
17 section 637 of this title. However, an officer in a grade below rear
18 admiral or brigadier general on the active-duty list who—

19 “(1) has the rank of rear admiral or brigadier general while
20 serving in a statutory office; and

21 “(2) would be retired under this section;
22 may have his date of retirement deferred by the Secretary of the Navy
23 during the time the officer serves in the statutory office.

24 “(b) Each officer of the Regular Army or Regular Air Force who
25 has the regular grade of colonel, and who has not been recommended
26 for promotion under section 3306 or 8306 of this title, shall, if not
27 earlier retired, be retired on the first day of the month after the month
28 in which he completes 30 years of service as computed under section
29 637 of this title.

30 “(c) No officer shall be retired under this section earlier than the
31 date which would qualify him for retirement under section 3911, 6323,
32 or 8911 of this title.

33 **“§ 634. Regular commissioned officers: continuation on active**
34 **duty**

35 “(a) Notwithstanding the tenure provisions of section 632 or 633 of
36 this title, each regular officer on the active-duty list of the Army, Navy,
37 Air Force, or Marine Corps, except limited-duty officers of the Navy
38 and Marine Corps, serving in the grade of—

1 “(1) lieutenant colonel or commander who has failed of selec-
2 tion for promotion to the grade of colonel or captain (Navy) two
3 or more times and whose name is not on a recommended list for
4 promotion; or

5 “(2) colonel or captain (Navy) who has served at least four
6 years in grade and whose name is not on a recommended list for
7 promotion;

8 may be considered for continuation on active duty by boards convened
9 under section 635 of this title. The number of such officers authorized
10 by the Secretary of the military department concerned to be selected
11 for continuation on active duty may not be less than 70 percent of the
12 number in each grade of those officers considered in each of the com-
13 petitive categories.

14 “(b) An officer who is considered, but not selected, for continuation
15 under this section shall—

16 “(1) if he is eligible for retirement under any other provision
17 of law, be retired under that law on the date requested by him and
18 approved by the Secretary concerned, but not later than the first
19 day of the seventh month after the Secretary concerned approves
20 the report of the board that considered, but did not recommend,
21 him for continuation;

22 “(2) if he is not eligible for retirement under any other provi-
23 sion of law, be retained on active duty until qualified for retire-
24 ment under section 3911, 6323, or 8911 of this title, and then re-
25 tired, unless he is sooner separated or retired under some other
26 provision of law; or

27 “(3) if his name is on an approved list for promotion to a
28 higher grade than that in which he was serving at the time he
29 was considered, but not selected, for continuation under this sec-
30 tion, be retained on active duty.

31 “(c) An officer who has once been recommended for continuation
32 on active duty under this section, but has not been selected for pro-
33 motion to the next higher grade, is not eligible for consideration for
34 continuation on active duty by a subsequent board convened under
35 section 635 of this title sooner than the fifth fiscal year after the date
36 of the approval by the Secretary concerned of the report of the pre-
37 vious board that recommended him for continuation on active duty.

38 “(d) An officer continued under this section is subject to involun-
39 tary retirement under sections 632 and 633 of this title.

1 **“§ 635. Authority to convene selection boards to recommend cer-**
2 **tain officers for continuation on active duty**

3 “The Secretary concerned—

4 “(1) may, whenever the needs of the service require, convene
5 selection boards to recommend certain officers for continuation on
6 active duty under sections 631 and 634 of this title; and

7 “(2) shall prescribe regulations for administration of this sec-
8 tion and sections 631 and 634 of this title.

9 **“§ 636. Continuation on active duty for disciplinary action**

10 “In the case of an officer to be separated under section 629, 630, or 631
11 of this title, when action has commenced against him with a view to
12 trial by court-martial (as by apprehension, arrest, confinement, or
13 filing of charges) the separation of that officer may be delayed, without
14 prejudice, by the Secretary of the military department concerned until
15 the completion of the action. If the officer is not separated as a result of
16 action with a view to trial by court-martial, he shall be separated under
17 section 629, 630, or 631 of this title. However, unless the Secretary con-
18 cerned determines that a further delay is necessary for the good of the
19 service, a separation may not be delayed under this section for more
20 than one year after the date the officer would otherwise have been
21 separated.

22 **“§ 637. Computation of creditable service for involuntary retire-**
23 **ment and other purposes**

24 “The period of service which subjects an officer on the active-duty
25 list to involuntary retirement under section 632 or 633 of this title, re-
26 lease from active duty under section 687a of this title, and the period of
27 service of an officer in a grade below brigadier general or rear admiral
28 for purposes of section 1208(a)(1) of this title, shall be computed as
29 follows:

30 “(1) For an officer who has served continuously on active duty
31 since his appointment in the grade of second lieutenant or ensign,
32 his period of creditable service is his period of active commis-
33 sioned service in any armed force.

34 “(2) For any other officer, his period of creditable service shall
35 be computed by adding—

36 “(A) his commissioned service during his latest period of
37 continuous active duty; and

38 “(B) under regulations prescribed by the Secretary of the
39 military department concerned, a period of service to be deter-
40 mined at the time the officer is placed on the active-duty list

under section 620 of this title during his latest period of continuous active duty, which period—

“(i) may not, except for a medical or dental officer, be greater than the creditable service of the next senior due-course officer or less than that of the next junior due-course officer; and

“(ii) for a medical or dental officer, shall reflect the officer’s position on the active-duty list relative to other officers of his competitive category.

If an officer has received constructive service credit under section 544 (b) of this title, or any other provision of law, such credit shall be subtracted from the period of service otherwise computed under this section.

“§ 638. Deferment of retirement or separation

“The Secretary of the military department concerned may defer the retirement or separation under this title of any officer, including an officer covered by section 641 of this title, in the grade of second lieutenant or ensign, or above, if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date he would otherwise be required to retire or be separated under this title.

“§ 639. Promotion, separation, and involuntary retirement of medical and dental officers

“Notwithstanding any other provision of this title, the selection and promotion of medical and dental officers to grades below brigadier general or rear admiral shall be based on the needs of the services as determined by the Secretary of the military department concerned. The selection and promotion of those officers shall be under regulations prescribed by the Secretary of Defense and in accordance, as nearly as practicable, with the provisions of this chapter. However, a regular medical or regular dental officer shall be subject to the involuntary retirement, selective continuation, and separation provisions of this chapter.

“§ 640. Officers performing professional functions: defined; discharge upon loss of qualifications

“(a) A commissioned officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps who is appointed or designated as a medical officer, dental officer, judge advocate, veterinary officer, medi-

1 cal service officer, nurse, medical specialist, or chaplain is an officer per-
2 forming a professional function.

3 “(b) Under regulations prescribed by the Secretary of the military
4 department concerned, an officer performing a professional function
5 as set forth in subsection (a) may, if he fails to maintain the qualifi-
6 cations needed to perform his professional function—

7 “(1) be separated; or

8 “(2) if eligible under any provision of law, be retired.

9 **“§ 641. Exclusion of certain officers**

10 “(a) Officers in the following categories are not subject to this
11 chapter:

12 “(1) Reserve commissioned officers—

13 “(A) on active duty for training;

14 “(B) on active duty under section 175, 265, 678, 3015, 3019,
15 3033, 3496, 5251, 5252, 8019, 8033, or 8496 of this title, or
16 section 708 of title 32;

17 “(C) on active duty to pursue special work;

18 “(D) ordered to active duty (other than for training)—

19 “(i) under section 672(a), 673, or 674 of this title; or

20 “(ii) in other emergency situations; or

21 “(E) on active duty for the administration of the Selective
22 Service System under section 10(b) (2) of the Military Selec-
23 tive Service Act, as amended (50 U.S.C. App. 460(b) (2)).

24 However, reserve commissioned officers covered by clause (D)
25 may be excluded from the provisions of this chapter for not more
26 than 24 consecutive months after the first unit or member of that
27 armed force enters upon that active duty.

28 “(2) The registrar and permanent professors at the United
29 States Military Academy and the United States Air Force
30 Academy.

31 “(3) Warrant officers.

32 “(4) Retired officers on active duty.

33 “(b) Officers serving in grades above colonel or captain (Navy),
34 other than those officers included in subsection (a), are subject to
35 sections 620, 633, 637, 638, and 643 of this chapter only, and no other
36 provision.

37 “(c) An officer designated for limited duty in the Navy or Marine
38 Corps who fails of selection for promotion to the next higher grade
39 for the second time and is not selected for promotion is governed by
40 section 6383 of this title.

1 **"§ 642. Suspension : preceding sections**

2 "In time of war, or of national emergency declared by Congress or
3 the President after January 1, 1975, the President may suspend any
4 provision of the preceding sections of this chapter. Such a suspension
5 may not continue beyond June 30 of the fiscal year following the year
6 in which the war or national emergency ends.

7 **"§ 643. Commissioned officers: entitlement to readjustment pay or**
8 **retired pay**

9 "(a) An officer discharged under this chapter is entitled, if eligible
10 therefor, to readjustment pay under section 1173a, and either deferred
11 retired pay or a lump-sum payment in place thereof under section
12 1174(b) (1) or (2), of this title.

13 "(b) An officer retired under this chapter is entitled to retired pay
14 computed under chapter 71 of this title."

15 (6) Amending chapter 39 by inserting the following new sec-
16 tion and inserting a corresponding new item in the chapter
17 analysis:

18 **"§ 687a. Reserve commissioned officers: active duty limitation;**
19 **readjustment pay**

20 "(a) A reserved commissioned officer who has completed 11 years of
21 service computed under section 637 of this title and who is not re-
22 commended for, or who declines, an appointment as a regular officer,
23 may not be placed on, or continue on, the active-duty list as a Reserve.

24 "(b) An officer released from active duty under this section is en-
25 titled, if eligible therefor, to readjustment pay under section 1173a,
26 and either deferred retired pay or lump-sum payment in place thereof
27 under section 1174(b) (1) or (2), of this title.

28 "(c) In time of war, or of national emergency declared by Congress
29 or the President after January 1, 1975, the President may suspend the
30 operation of this section."

31 (7) Inserting the following new item in the chapter analysis
32 and the chapter analysis of part II:

"60. Separation of Regular Officers for Various Reasons..... 1181".

33 (8) Inserting the following new chapter in part II:

34 **"Chapter 60.—SEPARATION OF REGULAR OFFICERS FOR**
35 **VARIOUS REASONS**

"Sec.

"1181. Boards of officers: substandard performance of duty; authority to convene.

"1182. Boards of officers: other than substandard performance of duty; author-
ity to convene.

"1183. Boards of inquiry: composition; duties.

"1184. Boards of review: composition; duties.

"Sec.

"1185. Removal of officer: action by Secretary upon recommendation.

"1186. Rights and procedures.

"1187. Officers considered for removal: retirement or discharge.

"1188. Officers eligible to serve on boards.

1 **"§ 1181. Boards of officers: substandard performance of duty;**
2 **authority to convene**

3 "The Secretary of the military department concerned may, at any
4 time, convene a board of officers to review the record of any commis-
5 sioned warrant officer or a retired officer, of the Regular Army, Regu-
6 lar Air Force, or Regular Marine Corps, as the case may be, to
7 determine whether he shall be required, because his performance of
8 duty has fallen below standards prescribed by the Secretary concerned,
9 to show cause for his retention on active duty.

10 **"§ 1182. Boards of officers: other than substandard performance**
11 **of duty; authority to convene**

12 "The Secretary of the military department concerned may at any
13 time convene a board of officers to review the record of any commis-
14 sioned officer, other than a commissioned warrant officer or a retired
15 officer, of the Regular Army, Regular Navy, Regular Air Force, or
16 Regular Marine Corps, as the case may be, to determine whether he
17 should be required, because of misconduct, because of moral or pro-
18 fessional dereliction, or because his retention is not clearly consistent
19 with the interests of national security to show cause for his retention
20 on active duty.

21 **"§ 1183. Boards of inquiry: composition; duties**

22 "(a) Boards of inquiry, each composed of three or more officers,
23 shall be convened, at such places as the Secretary of the military de-
24 partment concerned may prescribe, to receive evidence and make find-
25 ings and recommendations whether an officer who is required to show
26 cause for retention under section 1181 or 1182 of this title should be
27 retained on active duty.

28 "(b) A fair and impartial hearing before a board of inquiry shall
29 be given to each officer required under subsection (a) to show cause for
30 retention on active duty.

31 "(c) If a board of inquiry determines that the officer has failed to
32 establish that he should be retained, it shall send the record of its pro-
33 ceedings to a board of review.

34 "(d) If a board of inquiry determines that the officer has established
35 that he should be retained on active duty, his case is closed. However—

1 “(1) at any time after one year from the date of that determi-
2 nation, an officer who is required to show cause for retention under
3 section 1181 of this title may again be required to show cause for
4 retention; or

5 “(2) an officer who is required to show cause for retention under
6 section 1182 of this title may again be required to show cause for
7 retention at any time.

8 A member who has been required to show cause as a result of pro-
9 ceedings under section 1182 of this title and thereafter retained may
10 not again be required to show cause solely for conduct which was the
11 subject of the previous proceedings, unless the findings or recom-
12 mendations of a board of officers are determined to have been obtained
13 by fraud or collusion.

14 **“§ 1184. Boards of review: composition; duties**

15 “(a) Boards of review, each composed of three or more officers, shall
16 be convened by the Secretary of the military department concerned,
17 at such times as he may prescribe, to review the records of cases of
18 regular commissioned officers recommended for removal from active
19 duty by boards of inquiry convened under section 1183 of this title.

20 “(b) If, after reviewing the record of the case, a board of review
21 determines that the officer has failed to establish that he should be re-
22 tained on active duty, it shall send its recommendation to the Secre-
23 tary concerned for his action.

24 “(c) If, after reviewing the record of the case, a board of review
25 determines that the officer has established that he should be retained
26 on active duty, his case is closed. However—

27 “(1) at any time after one year from the date of that determina-
28 tion, he may be again required to show cause for retention in
29 those cases brought under section 1181 of this title; or

30 “(2) in those cases brought under section 1182 of this title, an
31 officer may be again required to show cause for retention at any
32 future time.

33 A member who has been required to show cause as a result of proceed-
34 ings under section 1182 of this title and thereafter retained may not
35 again be required to show cause solely for conduct which was the sub-
36 ject of the previous proceedings, unless the findings or recommenda-
37 tions of a board of officers are determined to have been obtained by
38 fraud or collusion.

“§ 1185. Removal of officer: action by Secretary upon recommendation

“The Secretary of the military department concerned may remove an officer of a regular component of an armed force from active duty if his removal is recommended by a board of review under this chapter. The Secretary’s action in such a case is final and conclusive.

“§ 1186. Rights and procedures

“Under regulations prescribed by the Secretary of the military department concerned, each officer under consideration for removal from active duty under this chapter shall be—

“(1) notified in writing of the reasons, at least 30 days before the hearing of the case by a board of inquiry, for which the officer is being required to show cause for retention on active duty;

“(2) allowed reasonable time, as determined by the board of inquiry, to prepare his defense;

“(3) allowed to appear in person and be represented by counsel at proceedings before a board of inquiry; and

“(4) allowed full access to, and furnished copies of, records relevant to the case at all stages of the proceeding, except that a board shall withhold any records that the Secretary concerned determines should be withheld in the interest of national security.

When any records are withheld under clause (4), the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

“§ 1187. Officer considered for removal: retirement or discharge

“(a) At any time during proceedings under this chapter and before the removal of an officer of a regular component of an armed force from active duty, the Secretary of the military department concerned may grant a request—

“(1) for voluntary retirement, if the officer is otherwise qualified therefor;

“(2) for honorable discharge under subsection (b), in those cases brought under section 1181 of this title; or

“(3) for discharge under subsection (b), in those cases brought under section 1182 of this title.

“(b) Each officer of a regular component of an armed force removed from active duty under this chapter shall—

“(1) if he is eligible for voluntary retirement under any law on the date of his removal, be retired in the grade and with the pay for which he would be eligible, if retired at his request;

1 “(2) if he is ineligible for voluntary retirement under any law
2 on the date of his removal—

3 “(A) be honorably discharged in the grade then held, in
4 those cases brought under section 1181 of this title; or

5 “(B) be discharged in the grade then held, in those cases
6 brought under section 1182 of this title.

7 “(c) An officer discharged under this chapter is entitled, if eligible
8 therefor, to readjustment pay under section 1173a, and either deferred
9 retired pay or a lump-sum payment in place thereof under section
10 1174(b) (1) or (2), of this title. An officer retired under his chapter
11 is entitled to retired pay computed under chapter 71 of this title.

12 **“§ 1188. Officers eligible to serve on boards**

13 “(a) An officer who serves on a board convened under this chapter
14 shall be an officer of the same armed force as the officer being con-
15 sidered. No officer may serve on a board under this chapter unless he
16 is serving on active duty in a grade above lieutenant colonel or com-
17 mander, and is senior in regular grade to, and outranks, any officer of
18 his armed force considered by that board. However, if qualified officers
19 on active duty are not available in sufficient numbers to comprise a
20 board, the Secretary of the military department concerned shall com-
21 plete the membership by appointing retired officers of the same armed
22 force who have the prescribed qualifications.

23 “(b) No person may be a member of more than one board convened
24 under this chapter for the same officer.”.

25 (9) Amending chapter 1 by amending section 101 by—

26 (A) striking out “active list” and inserting in place thereof
27 “active-duty list” in clause (22);

28 (B) repealing clause (36); and

29 (C) adding the following new clauses:

30 “(37) ‘Active-duty list’ means the list maintained under section
31 620 of this title. With respect to—

32 “(A) regular officers, other than those excluded under
33 chapter 36 of this title, it is the list on which they are carried
34 while on active duty;

35 “(B) reserve officers, other than those excluded under
36 chapter 36 of this title, it is the list on which they are carried
37 along with regular officers while on active duty (other than
38 for training); and

39 “(C) officers serving under temporary appointments under
40 section 605 of this title, and officers in the Navy or Marine

1 Corps designated for limited duty who are serving under
2 temporary appointments, it is the list on which they are
3 carried while on active duty along with regular officers.

4 “(38) ‘Competitive category’ means a community of officers in
5 which officers appointed therein or so designated compete among
6 themselves for promotion.

7 “(39) ‘Medical officer’, with respect to the Army and Navy,
8 means an officer of the Medical Corps and, with respect to the Air
9 Force, means an officer designated as a medical officer.

10 “(40) ‘Dental officer’, with respect to the Army and Navy,
11 means an officer of the Dental Corps and, with respect to the Air
12 Force, means an officer designated as a dental officer.

13 “(41) ‘Due-course officer’ means an officer on the active-duty
14 list who—

15 “(A) has been on continuous active duty since the date he
16 was commissioned;

17 “(B) has not been awarded service credit under section
18 544(b) of this title;

19 “(C) has not failed to be promoted for any reason;

20 “(D) has never been selected for promotion below the zone;

21 “(E) with respect to the Navy and Marine Corps, has not
22 lost numbers or precedence; and

23 “(F) is serving in a grade below brigadier general or rear
24 admiral, except a warrant officer.”

25 (10) Amending chapter 3 by amending section 123 by striking
26 out “3571,” “5867,” “6397,” and “8571.”

27 (11) Amending chapter 43 by—

28 (A) adding the following new section and a corresponding
29 new item for that section in the chapter analysis:

30 **“§ 741a. Rank: commissioned officers on active duty**

31 “(a) Rank among officers in the Army, Navy, Air Force, or Marine
32 Corps on active duty in the same grade, is determined as follows:

33 “(1) Officers on the active-duty list rank among themselves ac-
34 cording to their position on the list, except as otherwise provided
35 by law.

36 “(2) Officers not on the active-duty list rank among themselves
37 according to their dates of rank.

38 “(3) As between two officers, one on the active-duty list and
39 one not on the active-duty list, rank depends on the date of rank.

1 “(b) The date of rank—

2 “(1) for an officer on the active-duty list, is determined under
3 regulations prescribed by the Secretary of the military depart-
4 ment concerned upon placement on the active-duty list under sec-
5 tion 620 of this title, and subsequently upon promotion under
6 other provisions of this title; and

7 “(2) for an officer who is not on the active-duty list is, unless
8 otherwise provided by law, determined under regulations pre-
9 scribed by the Secretary concerned.

10 “(c) When the dates of rank prescribed in subsection (b) are the
11 same, rank, unless otherwise provided by law, is determined under
12 regulations prescribed by the Secretary concerned.”; and

13 (B) amending section 743 by striking out “active list” and
14 inserting in place thereof “active-duty list”.

15 (12) Amending chapter 49 by amending section 973 by striking
16 out “active list” and inserting “active-duty list”, and by inserting
17 “the active list of the” before “Regular Coast Guard”, in subsec-
18 tions (a) and (b).

19 (13) Amending chapter 51 by amending section 1006(e) by
20 striking out “6397,”.

21 (14) Amending chapter 55 by amending section 1072 by—

22 (A) striking out “wife” and inserting in place thereof
23 “spouse” in clause (2) (A);

24 (B) repealing clause (2) (C); and

25 (C) by amending clause (2) (D) to read as follows:

26 “(D) the unremarried widower;”.

27 (15) Amending chapter 61 by—

28 (A) amending section 1208(a) (1) by inserting “and ac-
29 tive-duty list” before the period at the end thereof; and

30 (B) amending section 1211(a) (1) by striking out “active
31 list” and inserting in place thereof “active-duty list”.

32 (16) Amending chapter 65 by inserting the following new sec-
33 tion and a corresponding new item for that section in the chapter
34 analysis:

35 **“§ 1316. Voluntary retirement: time in grade**

36 “A regular commissioned officer is not eligible for voluntary retire-
37 ment under chapter 367, 571, or 867 of this title until he completes at
38 least six months in the grade in which he is to be retired.”

39 (17) Amending chapter 71 by amending section 1405 by strik-
40 ing out “6396(c) (2), 6398(b) (2), 6400(b) (2),”.

1 SEC. 3. Subtitles B and D of title 10, United States Code, are
2 amended by:

3 (1) Repealing chapters 359, 360, 859, and 860.

4 (2) Amending the chapter analyses and the chapter analyses
5 of part II by striking out the items relating to chapters 359, 360,
6 859, and 860.

7 (3) Amending chapters 307 and 807 by—

8 (A) amending section 3066(c) and 8066(c) by striking out
9 “active list” and inserting in place thereof “active-duty list”;

10 (B) amending section 8062(e) by striking out “chapter
11 831” and inserting in place thereof “chapters 30 and 831”;

12 (C) amending section 8067(a) by striking out “8289 or”;
13 and

14 (D) amending section 8067(e) by striking out “in con-
15 formity with section 8291 of this title”.

16 (4) Amending chapter 331 by—

17 (A) amending the language of the catchline of section 3202
18 and the corresponding item for that section in the chapter an-
19 alysis to read as follows: “Army: strength in grade; general
20 officers”;

21 (B) amending section 3202 by—

22 (i) amending subsection (a) to read as follows:

23 “(a) The authorized strength of the Army in general officers on ac-
24 tive duty on the last day of each fiscal year, exclusive of officers on ac-
25 tive duty for training only and officers serving with other depart-
26 ments or agencies on a reimbursable basis, is, except as provided
27 in subsection (f), based on the total number of officers authorized in all
28 commissioner grades as follows:

“If the total number authorized is—	The authorized strength for general officers is—
50,000	350
60,000	400
70,000	425
80,000	450
90,000	475
100,000	495
110,000	510
120,000	520
130,000	530
140,000	540
150,000	550.

29 If the total number authorized is determined to be between two of the
30 figures listed in the first column of the table, the authorized strength
31 for general officers is determined by mathematical interpolation be-

tween the respective authorized strengths listed in the table. If it is determined to be more than 150,000, the Secretary of the Army shall fix the corresponding authorized strength in general officers in general conformity with the table.”; and

(ii) by repealing subsection (e) ;

(C) amending section 3209 to read as follows:

“§ 3209. Regular Army: commissioned officers on the active-duty list; Corps of Engineers

“The strength prescribed by the Secretary of the Army under section 451(b) of this title for the Corps of Engineers may not be less than 788.”;

(D) amending the language of the item for section 3209 in the chapter analysis to read as follows: “Regular Army: commissioned officers on the active-duty list; Corps of Engineers.”;

(E) amending section 3210 by striking out “active list” wherever it appears and inserting in place thereof “active-duty list”;

(F) amending section 3212 by striking out the first sentence and inserting in place thereof “The authorized strength in any regular general officer grade or any reserve grade, as prescribed by or under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment in that grade under section 1211(a), 3036, 3365(a), or 3366 of this title.”;

(G) amending sections 3222 and 3225 by striking out “of 837,000” and “in section 3201(a) of this title”;

(H) amending section 3230 to read as follows:

“§ 3230. Personnel detailed outside Department of Defense

“Members of the Army who are detailed for duty with agencies of the United States outside the Department of Defense on a reimbursable basis—

“(1) are counted in computing strengths under section 452 of this title; and

“(2) are not counted in computing strengths under any other law.”; and

(I) repealing sections 3201, 3203, 3204, 3205, 3206, 3207, 3211, 3213, 3214, and 3215 and by striking out the corresponding items for those sections from the chapter analysis.

1 (5) Amending chapter 831 by—

2 (A) amending the language of the catchline of section
3 8202 and the corresponding item for that section in the chap-
4 ter analysis to read as follows: "Air Force: strength in grade;
5 general officers";

6 (B) amending section 8202 by—

7 (i) amending subsection (a) to read as follows:

8 "(a) The authorized strength of the Air Force in general officers on
9 active duty on the last day of each fiscal year, exclusive of officers on
10 active duty for training only and officers serving with other depart-
11 ments or agencies on a reimbursable basis, is, except as provided in
12 subsection (f), based on the actual strength in commissioned officers
13 on active duty as follows:

If the actual strength is ¹ —	The authorized strength for general officers is—
50,000	312
60,000	324
70,000	336
80,000	349
90,000	363
100,000	380
110,000	398
120,000	416
130,000	434
140,000	452
150,000	470
160,000	478
170,000	486
180,000	495

¹ As determined by the Secretary of the Air Force.

14 If the actual strength is determined to be between two of the figures
15 listed in the first column of the table, the authorized strength for gen-
16 eral officers is determined by mathematical interpolation between the
17 respective authorized strengths listed in the table. If it is determined to
18 be more than 180,000, the Secretary shall fix the corresponding author-
19 ized strength in general officers in general conformity with the table";
20 and

21 (ii) by repealing subsection (e);

22 (c) amending section 8210 (a) and (c) by striking out
23 "active list" and inserting in place thereof "active-duty list";

24 (D) amending section 8212 by striking out the first sen-
25 tence and inserting in place thereof "The authorized strength
26 in any regular general officer grade or reserve grade, as pre-
27 scribed by or under this chapter, is automatically increased
28 to the minimum extent necessary to give effect to each ap-

1 pointment made in that grade under section 1211(a), 8365 (a)
 2 and (c), 8366 (a) and (d), 8375, 8376, 8380, or 8381 of this
 3 title.”;

4 (E) amending sections 8222 and 8225 by striking out “of
 5 502,000” and “in section 8201(a) of this title”;

6 (F) amending section 8230 to read as follows:

7 **“§ 8230. Personnel detailed outside Department of Defense**

8 “Members of the Air Force who are detailed for duty with agencies
 9 of the United States outside the Department of Defense on a reim-
 10 bursable basis—

11 “(1) are counted in computing strengths under section 452 of
 12 this title; and

13 “(2) are not counted in computing strengths under any other
 14 law. “; and

15 (G) repealing sections 8201, 8203, 8204, 8205, 8206, 8207,
 16 8208, 8209, 8211, 8213, 8214, and 8215 and by striking out the
 17 corresponding items for those sections from the chapter
 18 analysis.

19 (6) Amending chapters 335, 833, and 835 by—

20 (A) amending section 8257 by striking out “male” wher-
 21 ever it appears;

22 (B) amending—

23 (i) section 3290 by striking out “3287(c)” and insert-
 24 ing in place thereof “544”; and

25 (ii) chapter 835 by inserting the following new section
 26 and a corresponding new item for that section in the
 27 chapter analysis:

28 **“§ 8290. Commissioned officers: nurses; original appointment;
 29 professional qualifications**

30 “To be eligible for original appointment in the Regular Air Force
 31 with a view to designation as an Air Force nurse, a person must be a
 32 graduate of a hospital or university school of nursing and a registered
 33 nurse.”;

34 (C) amending section 3291 by—

35 (i) amending subsection (b) by inserting “in the
 36 Regular Army” after “appointment” and by striking out
 37 “under this section”; and

38 (ii) repealing subsections (a) and (c);

39 (D) repealing sections 3294(b) and 8294(b);

(E) amending sections 3297 and 8297 by—

(i) amending subsection (a) by striking out “promotion-list officers” and inserting in place thereof “colonels”, by striking out “lieutenant colonel” after “grade above” and inserting in place thereof “colonel”, and by striking out the last sentence;

(ii) amending subsection (d) to read as follows:

“(d) Except as otherwise provided by law, regular officers may be promoted to the regular grades of brigadier general and major general only when recommended by a selection board. A recommendation for promotion must be made by the majority of the total membership of the board. Notwithstanding any other provision of law, a board that is to recommend officers for promotion under this chapter whom it considers to be the best qualified may recommend only those officers whom it also considers to be fully qualified.”; and

(iii) by adding the following new subsection:

“(f) All eligible officers who are in or above the promotion zone as established by section 622 of this title, shall be considered for promotion by a selection board convened under chapter 36 of this title. From among the officers eligible in accordance with section 619 of this title, the officers to be considered for promotion by a selection board considered from below the promotion zone under section 616 of this title may be determined under regulations prescribed by the Secretary.”;

(F) amending sections 3306(d) and 8306(d) by striking out “on any promotion list”;

(G) amending sections 3307(d) and 8307(d) by striking out “on any promotion list”;

(H) amending sections 3308 and 8308 by—

(i) striking out “promotion-list officer” and inserting in place thereof “colonel”;

(ii) striking out “promotion list” and inserting in place thereof “active-duty list”; and

(iii) striking out the last sentence;

(I) amending sections 3312(a) and 8312(a) by inserting “to a grade above colonel” after “who is promoted”;

(J) amending sections 3314 and 8314 by—

(i) striking out “a higher regular grade” and inserting in place thereof “a regular grade above colonel”; and

(ii) striking out the last sentence; and

(K) repealing sections 3285, 3286, 3287, 3288, 3289, 3295, 3296, 3298, 3299, 3300, 3302, 3303, 3305, 3309, 3311, 8285, 8286, 8287, 8288, 8289, 8295, 8296, 8298, 8299, 8300, 8301, 8302, 8303, 8305, and 8309 and by striking out the corresponding items for those sections from the chapter analyses.

(7) Amending chapters 337 and 837 by—

(A) amending chapter 337 by adding the following new section and a corresponding new item for that section in the chapter analysis:

“§ 3396. Exclusion of certain officers

“The preceding sections of this chapter, except section 3353, shall not apply to those reserve officers covered by chapter 36 of this title.”; and

(B) amending chapter 837 by adding the following new section and a corresponding new item for that section in the chapter analysis:

“§ 8396. Exclusion of certain officers

“The preceding sections of this chapter, except section 8353, shall not apply to those reserve officers covered by chapter 36 of this title.”.

(8) Amending chapters 339 and 839 by—

(A) amending section 3442 by—

(i) striking out “second lieutenant” and inserting in place thereof “colonel” in subsection (a); and

(ii) amending subsection (b) to read as follows:

“(b) Whenever, under authorization by Congress, the number of commissioned officers of the Regular Army on active duty plus the number of other commissioned officers of the Army ordered to active duty for a period of more than 30 days is more than the authorized strength of the Regular Army in commissioned officers on the active-duty list, the Secretary of the Army shall determine the additional number of officers needed in commissioned grades above colonel based upon the number of commissioned officers serving on active duty and the tasks being performed by the Army. Vacancies resulting from that determination may then be filled by the appointment of qualified officers as prescribed in subsection (c).”;

(B) amending section 8442 by—

(i) striking out “second lieutenant” and inserting in place thereof “colonel” in subsection (a); and

(ii) amending subsection (b) to read as follows:

1 “(b) Whenever, under authorization by Congress, the number of
2 commissioned officers of the Regular Air Force on active duty plus the
3 number of other commissioned officers of the Air Force ordered to
4 active duty for a period of more than 30 days is more than the author-
5 ized strength of the Regular Air Force in commissioned officers on
6 the active-duty list, the Secretary of the Air Force shall determine
7 the additional number of officers needed in the commissioned grades
8 above colonel based upon the number of commissioned officers serving
9 on active duty and the tasks being performed by the Air Force. Vacan-
10 cies resulting from that determination may then be filled by the ap-
11 pointment of qualified officers as prescribed in subsection (c).”;

12 (C) amending—

13 (i) sections 3444(a) and 8444(a) by inserting “above
14 the grade of colonel” before the period at the end;

15 (ii) section 3444(d) by striking out “a promotion list”
16 and inserting in place thereof “the active-duty list”, and
17 by striking out “3294(b)” and inserting “544” in place
18 thereof; and

19 (iii) section 8444(d) by striking out “a promotion-list”
20 and inserting in place thereof “the active-duty list”, and
21 by striking out “8294(b)” and inserting “544” in place
22 thereof;

23 (D) amending sections 3445 and 8445 by—

24 (i) amending subsection (a) by inserting “serving in
25 the grade of colonel or above” after “regular officer”;
26 and

27 (ii) amending subsection (b) by inserting “above the
28 grade of colonel” before the period at the end;

29 (E) amending sections 3447(b) and 8447(b) to read as
30 follows:

31 “(b) Temporary appointments shall be made by the President alone
32 in warrant officer grades, and by the President, by and with the advice
33 and consent of the Senate, in general officer grades.”;

34 (F) amending sections 3448(b) and 8448(b) by striking
35 out “active list” and inserting in place thereof “active-duty
36 list”;

37 (G) amending sections 3451(a) and 8451(a) by inserting
38 “above the grade of colonel” after “temporary grade”; and

1 (H) repealing sections 3446, 3452, 8446, and 8452 and by
 2 striking out the corresponding items for those sections from
 3 the chapter analyses.

4 (9) Amending chapters 341 and 841 by—

5 (A) amending section 3494 to read as follows:

6 **“§ 3494. Commissioned officers: grade in which ordered to active**
 7 **duty**

8 “A reserve commissioned officer who is ordered to active duty and—

9 “(1) is placed on the active-duty list, shall be ordered to that
 10 duty in a grade as determined under section 620 of this title; or

11 “(2) is not placed on the active-duty list, shall be ordered to
 12 that duty in his reserve grade unless the Secretary of the Army in
 13 his discretion, orders him to active duty (other than for training)
 14 in a higher grade.”; and

15 (B) amending section 8494 to read as follows:

16 **“§ 8494. Commissioned officers: grade in which ordered to active**
 17 **duty**

18 “A reserve commissioned officer who is ordered to active duty and—

19 “(1) is placed on the active-duty list, shall be ordered to that
 20 duty in a grade as determined under section 620 of this title; or

21 “(2) is not placed on the active-duty list shall be ordered to
 22 that duty in his reserve grade unless the Secretary of the Air
 23 Force, in his discretion, orders him to active duty (other than for
 24 training) in a higher grade.”.

25 (10) Amending chapter 343 by amending section 3532 by
 26 striking out “active list” and inserting in place thereof “active-
 27 duty list”.

28 (11) Amending chapters 345 and 845 by—

29 (A) repealing sections 3574(a) and (b) and 8574(a) and
 30 (b);

31 (B) amending section 3579 by—

32 (i) striking out “, other than an officer of the Army
 33 Nurse Corps or Army Medical Specialist Corps,” in sub-
 34 section (a); and

35 (ii) repealing subsection (b);

36 (C) amending section 8579 to read as follows:

1 **“§ 8579. Command: commissioned officers in certain designated**
 2 **categories**

3 “An officer designated as a medical, dental, veterinary, medical serv-
 4 ice, or biomedical sciences officer or as an Air Force nurse is not entitled
 5 to exercise command because of rank, except within the categories pre-
 6 scribed in section 8067 (a)–(f) or (i) of this title, or over persons
 7 placed under his charge.”; and

8 (D) repealing sections 3571, 3580, and 8571 and by strik-
 9 ing out the corresponding items for those sections from the
 10 chapter analyses.

11 (12) Amending chapters 361 and 861 by repealing sections 3814
 12 and 8814 and by striking out the corresponding items for those
 13 sections from the chapter analyses.

14 (13) Amending chapters 365 and 865 by—

15 (A) amending section 3882(2) by striking out “3287(a)
 16 (2) (A) or (B) or”; and

17 (B) amending section 8888(2) by—

18 (i) striking out “or (H),” and inserting in place
 19 thereof “(H), or (I)”;

20 (ii) inserting “as it existed on the day before the ef-
 21 fective date of the Act amending this clause” after “of
 22 this title” in clauses (D) and (H) (iii); and

23 (iii) adding the following new clause:

24 “(I) For an officer appointed in the Regular Air Force after the
 25 effective date of the Act adding this clause, his years of active com-
 26 missioned service.”.

27 (14) Amending chapters 367 and 867 by—

28 (A) amending sections 3919 and 8919 by—

29 (i) striking out “active list of the Regular” and in-
 30 serting in place thereof “active-duty list of the” in the
 31 first sentence;

32 (ii) striking out “active list” and inserting in place
 33 thereof “active-duty list” in the second sentence; and

34 (iii) inserting “regular” before “commissioned” in the
 35 first and second sentences;

36 (B) amending sections 3922(a) and 8922(a) by striking
 37 out “active list” and inserting in place thereof “active-duty
 38 list”;

1 (C) amending section 3927 by—

2 (i) striking out “3913, 3915, 3916, 3919, 3921, 3922, or
3 3923” in subsections (a) and (b) and inserting in place
4 thereof “3919, 3922, or 3923”;

5 (ii) amending subsection (a) (1) by inserting “544
6 (b),” before “3287(a) (2) (A) or (B)”, and by inserting
7 “as they existed on the day before the effective date of
8 the Act amending this clause” between “of this title”
9 and “or under section 506(c)”;

10 (D) amending section 8927 by—

11 (i) striking out “8913, 8915, 8916, 8919, 8921, 8922, or
12 8923” in subsections (a) and (b) and inserting in place
13 thereof “8919, 8922, or 8923”;

14 (ii) amending subsection (a) by inserting “as it ex-
15 isted on the day before the effective date of the Act
16 amending this clause” after “of this title” in clauses (4)
17 and (8) (C), and by adding the following new clause:

18 “(9) For an officer appointed in the Regular Air Force after
19 the effective date of the Act adding this clause, his years of active
20 commissioned service.”; and

21 (iii) amending subsection (b) (2) by striking out “or
22 (8)” and inserting in place thereof “(8), or (9)”;

23 (E) repealing sections 3913, 3916, 3921, 8913, 8915, 8916,
24 and 8921 and by striking out the corresponding items for those
25 sections from the chapter analyses.

26 (15) Amending chapters 369 and 869 by amending sections
27 3962(a) and 8962(a) by inserting “or on the active-duty list” be-
28 fore the period at the end.

29 (16) Amending chapters 401 and 901 by amending sections
30 4301(b) and 9301(b) by striking out “active list” and inserting in
31 place thereof “active-duty list”.

32 (17) Amending chapters 403 and 903 by—

33 (A) amending section 4333(d) by—

34 (i) striking out “applicable promotion list” and in-
35 serting in place thereof “active-duty list”; and

36 (ii) striking out “regular or temporary”; and

37 (B) amending sections 4336 and 9336 by—

38 (i) striking out “a promotion-list officer” in subsec-
39 tions (a) and (b) and inserting in place thereof “an
40 officer”;

(ii) striking out "promotion list" in subsections (a) and (b) and inserting in place thereof "active-duty list"; and

(iii) striking out "temporary" in subsection (c) and adding the following new sentences at the end thereof: "Appointment to the grade of lieutenant colonel or colonel under this subsection does not vacate the grade held by the officer under section 624 of this title, and, for the purposes of promotion, he shall be considered as serving in the grade held by him under section 624 of this title. If his appointment under this subsection terminates, he is entitled to resume any other grade that he may then be entitled to hold."

SEC. 4. Subtitle C of title 10, United States Code, is amended by:

(1) Amending chapter 501 by repealing section 5001(a) (9) and (10).

(2) Amending chapter 507 by amending section 5064 by—

(A) inserting "regular" before "officers"; and

(B) inserting "-duty" after "active".

(3) Amending chapter 509 by—

(A) amending section 5081(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active";

(B) amending section 5085(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active";

(C) amending section 5086(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active";

(D) amending section 5087(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active"; and

(E) amending section 5088(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active".

(4) Amending chapter 513 by—

(A) amending section 5133(b) by inserting "-duty" after "active";

- 1 (B) amending section 5137 by—
2 (i) inserting “regular” before “officers” and by insert-
3 ing “-duty” after “active” in subsection (a) ; and
4 (ii) striking out “An” and inserting in place thereof
5 “A regular”, and by inserting “-duty” after “active”, in
6 subsection (b) ;
7 (C) amending section 5139(a) by—
8 (i) inserting “regular” before “officers” ;
9 (i) inserting “regular” before “officers” ;
10 (iii) striking out “in the Navy” and inserting in place
11 thereof “unless otherwise entitled to a higher rank or
12 grade” ;
13 (D) amending section 5140(a) by—
14 (i) inserting “regular” before “officers” ; and
15 (ii) inserting “duty” after “active” ;
16 (E) amending section 5142 by—
17 (i) inserting “regular” before “officers” ; and
18 (ii) inserting “-duty” after “active” ;
19 (F) repealing section 5143 and striking out the correspond-
20 ing item for that section from the chapter analysis ; and
21 (G) amending section 5150 by—
22 (i) inserting “regular” before “officers” in subsection
23 (b) ;
24 (ii) striking out “An” and inserting in place thereof
25 “A regular” in subsection (d) ; and
26 (iii) inserting “-duty” after “active” in subsections
27 (b) and (d).
28 (5) Amending chapter 515 by—
29 (A) amending section 5201(a) by—
30 (i) inserting “regular” before “officers” ; and
31 (ii) inserting “-duty” after “active” ;
32 (B) amending section 5202(a) by—
33 (i) striking out “An” and inserting in place thereof
34 “A regular” ; and
35 (ii) inserting “-duty” after “active” ; and
36 (C) repealing section 5206 and striking out the corre-
37 sponding item for that section from the chapter analysis.
38 (6) Amending chapter 517 by—

- 1 (A) amending sections 5231(a) and 5232(a) by—
- 2 (i) inserting “regular” before “officers”; and
- 3 (ii) inserting “-duty” after “active”; and
- 4 (B) amending section 5233 by—
- 5 (i) striking out “An” and inserting in place thereof
- 6 “A regular”; and
- 7 (ii) inserting “-duty” after “active”.

8 (7) Amending chapter 531 by—

- 9 (A) amending section 5416 to read as follows:

10 **“§ 5416. Personnel detailed outside Department of Defense**

11 “Members of the Navy or the Marine Corps, or of the Coast Guard
12 when it is operating as a service in the Navy, who are detailed for
13 duty with agencies of the United States outside of the Department of
14 Defense on a reimbursable basis—

15 “(1) are counted in computing strengths under section 452 of
16 this title; and

17 “(2) are not counted in computing strengths under any other
18 law.”; and

19 (B) repealing sections 5401, 5402, 5403, 5404, 5405, 5406,
20 5407, 5408, 5409, 5412, 5415, and 5417 and striking out the
21 corresponding items for those sections from the chapter
22 analysis.

23 (8) Amending chapter 533 by—

24 (A) amending section 5441 by striking out “or combina-
25 tion of grades”;

26 (B) amending the language of the catchline of section 5442
27 and the corresponding item in the chapter analysis for that
28 section to read as follows: “Navy: line officers on active duty;
29 rear admiral”;

30 (C) amending section 5442 by—

31 (i) amending subsection (a) to read as follows:

32 “(a) Of the total number of officers established under section 452(b)
33 of this title in the line of the Navy in the grade of ensign and above,
34 excluding officers carried as additional numbers in grade, the number
35 of officers who may serve in the grade of rear admiral may not, except
36 as provided in subsection (b), exceed a number appropriate to the
37 total number set forth in the following table. If the total number of
38 officers established under section 452(b) of this title in the line of the
39 Navy in the grade of ensign and above, excluding officers carried as
40 additional numbers in grade, falls between two strengths shown in

- 1 the first column of the table, the number for the grade of rear admiral
 2 is determined by proportionate interpolation between the respective
 3 numbers for the two strengths.

"Total line officers serving on active duty in the grade of ensign and
 above, excluding officers carried as additional numbers in grade :

	Rear admiral
32, 000	215
40, 000	222
50, 000	228
60, 000	237
70, 000	244
80, 000	252
90, 000	259
100, 000	262
125, 000	291
150, 000	305
175, 000	323
200, 000	342
250, 000	379";

- 4 (ii) amending subsection (b) to read as follows:

5 "(b) The Secretary of the Navy, whenever the needs of the service
 6 require but at least once annually, shall compute the number of officers
 7 authorized under subsection (a). The number so computed is the num-
 8 ber of line officers on active duty, excluding officers carried as addi-
 9 tional numbers in grade, prescribed for the grade of rear admiral.
 10 However, if the Secretary determines at the time of making these
 11 computations that the number of officers required to meet the needs of
 12 the service in the grade of rear admiral is less than the prescribed
 13 number for that grade as computed, the lesser number becomes the
 14 prescribed number for that grade and the reduction may be applied as
 15 an increase in the prescribed number for any lower grade.";

16 (iii) repealing subsections (c), (d), (e), and (g); and

17 (iv) amending the last sentence of subsection (i) to
 18 read as follows: "However, each officer serving under an
 19 appointment in the grade of admiral or vice admiral,
 20 and each officer serving in the grade of rear admiral who
 21 was appointed under section 5597, or promoted under
 22 section 5787, of this title, is counted in the grade he would
 23 hold had he not been so appointed or promoted.";

24 (D) amending the language of the catchline of section 5443
 25 and the corresponding item in the chapter analysis for that
 26 section to read as follows: "Marine Corps: officers on active
 27 duty; brigadier general and major general";

28 (E) amending section 5443 by—

29 (i) amending subsection (a) to read as follows:

1 “(a) Of the total number of officers established under section 452(b)
 2 of this title in the Marine Corps in the grade of second lieutenant and
 3 above, the number of officers who may serve in each of the grades
 4 above colonel may not, except as provided in subsection (b), exceed
 5 a number appropriate to the total number as set forth in the table.
 6 If the total number of officers established under section 452(b) of this
 7 title falls between two strengths shown in the first column of the table,
 8 the number for the grades of brigadier general and major general is
 9 determined by proportionate interpolation between the respective
 10 numbers for the two strengths.

“Total officers serving on active duty in the grade of second lieutenant and above:		Brigadier general and major general
10,000	-----	58
12,500	-----	62
15,000	-----	69
17,500	-----	72
20,000	-----	75
22,500	-----	79
25,000	-----	82
27,500	-----	84
30,000	-----	85
32,500	-----	87
35,000	-----	89”;

- 11 (ii) striking out “subsection (c)” in the last sentence
 12 of subsection (b) and inserting in place thereof “section
 13 452(a) of this title”;
- 14 (iii) repealing subsections (c), (d), (e), and (f);
- 15 (iv) repealing clause (1) of subsection (g); and
- 16 (v) amending the last sentence of subsection (h) to
 17 read as follows: “However, each officer serving under an
 18 appointment in the grade of general or lieutenant gen-
 19 eral, and each officer serving in the grade of brigadier
 20 general or major general who was appointed under sec-
 21 tion 5597, or promoted under section 5787, of this title, is
 22 counted in the grade he would hold had he not been so
 23 appointed or promoted.”;
- 24 (F) amending the last sentence of section 5444(f) by strik-
 25 ing out “a grade” and inserting in place thereof “the grade
 26 of rear admiral”;
- 27 (G) amending section 5446 by—
- 28 (i) amending subsection (a) by inserting “regular”
 29 before “officers” and striking out “active list” and in-
 30 serting in place thereof “active-duty list”; and
- 31 (ii) repealing subsection (b)(1) and (2);

- 1 (H) amending section 5447 by—
- 2 (i) amending subsections (a), (c), and (f) by inserting
- 3 “regular” before “officers” and “-duty” after “active”;
- 4 (ii) striking out “excluding fleet admirals and” in
- 5 subsection (a);
- 6 (iii) repealing subsection (a) (2)–(6);
- 7 (iv) amending subsection (b) to read as follows:
- 8 “(b) The Secretary of the Navy, as of January 1 each year, shall
- 9 compute the number of officers authorized under subsection (a). The
- 10 number so computed is the number of regular line officers on the active-
- 11 duty list, excluding officers carried as additional numbers in grade,
- 12 prescribed for the grade concerned.”;
- 13 (v) repealing subsections (d), (e), and (g);
- 14 (vi) amending subsection (i) to read as follows:
- 15 “(i) For the purpose of this section, each officer is counted in his
- 16 permanent grade.”; and
- 17 (vii) amending the language of the catchline and the
- 18 corresponding item in the chapter analysis for that sec-
- 19 tion to read as follows: “Navy: line officers on the active-
- 20 duty list; permanent grade”;
- 21 (I) amending section 5448 by—
- 22 (i) amending subsections (a) and (b) by inserting
- 23 “regular” before “officers” and by inserting “-duty” after
- 24 “active”;
- 25 (ii) repealing subsection (a) (2)–(6);
- 26 (iii) repealing subsections (c), (d), and (e);
- 27 (iv) amending subsection (g) to read as follows:
- 28 “(g) For the purpose of this section, each officer is counted in his
- 29 permanent grade.”; and
- 30 (v) amending the language of the catchline and the
- 31 corresponding item in the chapter analysis for that sec-
- 32 tion to read as follows: “Marine Corps: officers on the
- 33 active-duty list; permanent grade”;
- 34 (J) amending section 5449 by—
- 35 (i) amending subsections (a) and (b) by inserting
- 36 “regular” before “officers” and by inserting “-duty” after
- 37 “active”;
- 38 (ii) amending subsection (e) to read as follows:

- 1 “(e) For the purpose of this section each officer is counted in his
- 2 permanent grade.”; and
- 3 (iii) amending the language of the catchline and the
- 4 corresponding item in the chapter analysis for that sec-
- 5 tion to read as follows: “Navy: staff corps officers on the
- 6 active-duty list; permanent grade”;
- 7 (K) amending section 5451 by striking out “relating to
- 8 officers serving in grades above lieutenant in the Navy or
- 9 captain in the Marine Corps”;
- 10 (L) amending section 5455 by—
- 11 (i) inserting “regular” before “officer”;
- 12 (ii) inserting “-duty” after “active”; and
- 13 (iii) striking out “5449 or 5452” and inserting in place
- 14 thereof “or 5449”; and
- 15 (M) repealing sections 5445 and 5452 and striking out the
- 16 corresponding items for those sections from the chapter
- 17 analysis.
- 18 (9) Amending chapter 535 by—
- 19 (A) amending section 5504 by—
- 20 (i) amending the language of the catchline and the
- 21 corresponding item in the chapter analysis for that sec-
- 22 tion to read as follows: “Active-duty list: rank and pay
- 23 of certain rear admirals and major generals”;
- 24 (ii) repealing subsections (a), (b), (c), (e), (h), (i),
- 25 and (k);
- 26 (iii) amending subsections (f) and (g) by striking
- 27 out “lineal” wherever it appears and inserting in place
- 28 thereof “active-duty”; and
- 29 (iv) amending subsection (j) to read as follows:
- 30 “(j) A reserve officer who when ordered to active duty is excluded
- 31 from the active-duty list by the operation of section 640 of this title
- 32 shall retain his grade. The grade of a reserve officer ordered to active
- 33 duty and placed on the active-duty list shall be as prescribed under
- 34 section 620 of this title.”;
- 35 (B) repealing section 5505 and striking out the correspond-
- 36 ing item for that section from the chapter analysis;
- 37 (C) amending section 5506 by striking out “When” and
- 38 inserting in place thereof “Except as provided in section 741a
- 39 of this title, when”; and

(D) amending section 5508 by—

(i) amending subsection (a) by striking out “a lineal” and inserting in place thereof “an active-duty” and by striking out the last sentence; and

(ii) amending subsection (b) by inserting “and in section 741a of this title” after “subsection (a)”.

(10) Amending chapter 539 by—

(A) repealing sections 5571 and 5572 and striking out the corresponding items for those sections from the chapter analysis;

(B) amending section 5573 by—

(i) striking out “an” before “ensign” and inserting in place thereof “a regular” in subsection (a) (1);

(ii) inserting “regular” before “second lieutenant” in subsection (a) (2); and

(iii) striking out “active list” wherever it appears and inserting in place thereof “active-duty list”;

(C) amending section 5573a by—

(i) amending subsection (a) by striking out “active list” wherever it appears and inserting in place thereof “active-duty list”, inserting “as regular officers” after “Appointments”, striking out “lieutenant” and inserting in place thereof “captain”, and striking out “captain” and inserting in place thereof “colonel”;

(ii) repealing subsection (b); and

(iii) amending subsection (d) by striking out “permanent” in the first sentence, by striking out “active list” and inserting in place thereof “active-duty list” in the first sentence, and striking out the second and third sentences;

(D) amending section 5574 by—

(i) striking out “active list” wherever it appears and inserting in place thereof “active-duty list”;

(ii) amending subsection (a) by inserting “as regular officers” after “Original appointments”, and striking out clause (I);

(iii) amending subsections (a) and (b) by striking out the last sentence; and

(iv) repealing subsection (d);

- 1 (E) amending section 5575 by—
- 2 (i) inserting “-duty” after “active”;
- 3 (ii) repealing clause (I) ;
- 4 (iii) striking out “male”; and
- 5 (iv) inserting “as regular officers” after “appoint-
- 6 ments”;
- 7 (F) amending section 5576 by—
- 8 (i) inserting “-duty” after “active”;
- 9 (ii) repealing clause (I) ;
- 10 (iii) inserting “as regular officers” after “appoint-
- 11 ments”;
- 12 (iv) striking out “male”; and
- 13 (v) striking out the last sentence;
- 14 (G) amending the text of section 5577 to read as follows:
- 15 “Original appointments to the active-duty list of the
- 16 Navy in the Civil Engineer Corps may be made under
- 17 chapter 33 of this title.”;
- 18 (H) amending section 5578 by—
- 19 (i) inserting “-duty” after “active” in subsections (a)
- 20 and (b) ;
- 21 (ii) inserting “as regular officers” after “appoint-
- 22 ments” in the first sentence of subsections (a) and (b) ;
- 23 (iii) striking out the last sentence of subsections (a)
- 24 and (b) ;
- 25 (iv) repealing clause (1) of subsection (a) ; and
- 26 (v) repealing subsection (c) ;
- 27 (I) amending section 5578a by—
- 28 (i) repealing clause (1) of subsection (a) ;
- 29 (ii) inserting “as regular officers” after “appointments”
- 30 in subsections (a) and (b) ;
- 31 (iii) inserting “-duty” after “active” in subsections (a)
- 32 and (b) ; and
- 33 (iv) striking out the last sentence of subsections (a)
- 34 and (b) ;
- 35 (J) amending section 5579 by—
- 36 (i) repealing clause (1) of subsection (a) ;
- 37 (ii) inserting “-duty” after “active” in subsection (a) ;
- 38 (iii) inserting “as regular officers” after “appoint-
- 39 ments” in subsections (a) and (b) ; and
- 40 (iv) repealing subsection (c) ;

1 (K) amending section 5580 by—

2 (i) amending subsection (a) to read as follows:

3 “(a) Original appointments as regular officers to the active-duty
4 list of the Navy in the Nurse Corps may be made from persons who
5 have physical, mental, moral, educational, and professional qualifica-
6 tions satisfactory to the Secretary of the Navy.”; and

7 (ii) repealing subsections (b) and (c);

8 (L) amending section 5582 by—

9 (i) striking out “male” and inserting in place thereof
10 “regular” in subsections (a) and (b);

11 (ii) inserting “-duty” after “active” wherever it ap-
12 pears; and

13 (iii) striking out the last sentence of subsection (a);

14 (M) amending section 5587 by—

15 (i) amending subsection (a) to read as follows:

16 “(a) Persons may be originally appointed to the active-duty list in
17 the line of the Navy as officers designated for engineering duty, aero-
18 nautical engineering duty, or special duty.”;

19 (ii) amending subsection (b) by striking out “active
20 duty” and inserting in place thereof “active-duty list”;

21 (iii) amending subsection (c) by striking out “public
22 information” and inserting in place thereof “public
23 affairs”, and by inserting “geophysics, cryptography,”
24 after “psychology,”; and

25 (iv) amending subsection (d) by striking out “are
26 additional numbers in grade. They”;

27 (N) amending section 5587a by—

28 (i) inserting “regular” before “officer” and inserting
29 “-duty” after “active” in subsection (a); and

30 (ii) repealing subsection (b);

31 (O) amending section 5589 by—

32 (i) inserting “as regular officers” after “appointments”
33 in subsections (a) and (b);

34 (ii) inserting “-duty” after “active” in subsections (a)
35 and (b);

36 (iii) striking out “male” in subsections (a) and (b);

37 (iv) striking out “the grade of ensign” and inserting
38 in place thereof “a grade not above lieutenant” in sub-
39 section (a);

(v) striking out "the grade of second lieutenant" and inserting in place thereof "a grade not above captain" in subsection (b); and

(vi) striking out "10" and inserting "five" in subsection (c);

(P) amending section 5596 by—

(i) repealing subsections (a), (b), (c), and (e);

(ii) amending subsection (d) to read as follows:

"(d) Temporary appointments in warrant officer grades and as officers designated for limited duty in grades and from sources authorized under section 5589 of this title, may be made in the Regular Navy and Regular Marine Corps by the Secretary of the Navy under such regulations as he prescribes. Such appointments shall be made by warrant if in the grade of warrant officer, W-1, and by commission if in a higher warrant officer grade or as an officer designated for limited duty."; and

(iii) repealing clause (1) of subsection (g);

(Q) amending section 5597 by—

(i) repealing subsections (b), (c), and (d); and

(ii) amending subsection (e) to read as follows:

"(e) Temporary appointments under subsections (f) and (g) may be made in grades above captain in the Navy by the President, by and with the advice and consent of the Senate. The grade of commodore is established for the purposes of subsections (f) and (g)."; and

(R) repealing sections 5581, 5583, 5584, 5585, 5586, 5590, 5591, 5592, 5593, 5594, 5595, and 5599 and striking out the corresponding items for those sections from the chapter analysis.

(11) Amending chapter 541 by—

(A) amending section 5665 by—

(i) striking out "lineal list" wherever it appears and inserting in place thereof "active-duty list";

(ii) inserting "regular" after "running mate shall be the" in subsections (a) and (b);

(iii) striking out "active duty" and inserting in place thereof "active-duty list" in subsection (b);

(iv) repealing subsection (d);

(v) striking out "Except as provided in subsection (d), the" in subsections (a) and (b), and inserting "The" in place thereof; and

1 (vi) amending subsection (c) to read as follows:

2 “(c) An officer in an active status in the Naval Reserve or the
3 Marine Corps Reserve who is assigned a running mate after the initial
4 assignment under submission (a) or (b) shall be assigned a running
5 mate in accordance with regulations prescribed by the Secretary of
6 the Navy.”; and

7 (B) repealing sections 5651, 5652, 5652a, 5652b, 5652c,
8 5653, 5654, 5655, 5656, 5657, 5658, 5659, 5660, 5661, 5662, 5663,
9 5664, and 5666 and striking out the corresponding items for
10 those sections from the chapter analysis.

11 (12) Amending chapter 543 by—

12 (A) amending section 5701 to read as follows and amend-
13 ing the item for that section in the chapter analysis to corre-
14 spond to the revised catchline:

15 **“§ 5701. Navy; line officers: promotion and continuation on the**
16 **active-duty list**

17 “(a) At least once each year, the Secretary of the Navy shall convene
18 the following selection boards under this chapter to recommend officers
19 in the line of the Navy for promotion and continuation on the active-
20 duty list:

21 “(1) A board to recommend rear admirals not restricted in the
22 performance of duty for continuation on the active-duty list, con-
23 sisting of five officers of the Regular Navy on the active-duty list
24 or the retired list senior in permanent rank to all officers under
25 consideration.

26 “(2) A board to recommend captains for promotion to the grade
27 of rear admiral, consisting of not less than nine officers serving in
28 the grade of rear admiral or above.

29 “(b) In accordance with section 611 of this title, the Secretary of
30 the Navy shall convene selection boards under chapter 36 of this title
31 to recommend officers in the line of the Navy for promotion:

32 “(1) A board to recommend commanders for promotion to the
33 grade of captain, consisting of not less than nine officers serving
34 in the grade of captain or above, except that not more than 25
35 percent of the board membership may be composed of officers
36 serving in the grade of captain.

37 “(2) A board to recommend lieutenant commanders for promo-
38 tion to the grade of commander, consisting of not less than nine
39 officers serving in the grade of commander or above, except that

1 not more than 25 percent of the board membership may be com-
2 posed of officers serving in the grade of commander.

3 “(3) A board to recommend lieutenants for promotion to the
4 grade of lieutenant commander and a board to recommend lieu-
5 tenants (junior grade) for promotion to the grade of lieutenant,
6 each consisting of not less than nine officers serving in the grade of
7 lieutenant commander or above, except that not more than 20 per-
8 cent of the board membership may be composed of officers serving
9 in the grade of lieutenant commander and not more than 25 per-
10 cent of the board membership may be composed of officers serving
11 in the grade of commander.

12 “(c) Except as provided in subsections (d) and (e), selection boards
13 convened under this chapter or chapter 36 of this title shall be com-
14 posed of regular officers on the active-duty list in the line of the Navy
15 not restricted in the performance of duty.

16 “(d) Except as provided in subsection (e), when officers designated
17 for engineering duty, aeronautical engineering duty, or special duty
18 are eligible for consideration by a selection board convened under this
19 chapter or chapter 36 of this title, the Secretary shall appoint, as alter-
20 nate members of the board, three regular officers on the active-duty
21 list of the Navy serving in the grades specified in subsection (a) or (b)
22 of the same designation and classification as any such eligible officer.
23 However, not more than one alternate member may be serving in the
24 grade immediately above the grade of the officers under consideration
25 by the board. If three such officers are not available, the Secretary
26 shall appoint as many as are available. Junior members of the board
27 who are not restricted in the performance of duty, in like number,
28 may not act upon the case of any officer designated for engineering
29 duty, aeronautical engineering duty, or special duty. No alternate
30 member may act upon the case of any officer who is not of the same
31 designation as himself. When a board convened under this chapter or
32 chapter 36 of this title consists of more than nine members, only nine
33 officers may act upon the case of any officer designated for engineering
34 duty, aeronautical engineering duty, or special duty; namely, the
35 three alternate members of the same designation as the officer under
36 consideration (or the lesser available number of such officers) plus the
37 number of the most senior members not restricted in the performance
38 of duty necessary to make a total of nine.

39 “(e) When officers of the Naval Reserve are eligible for considera-
40 tion by a selection board convened under this chapter or chapter 36 of

1 this title, the Secretary shall appoint an appropriate number of re-
 2 serve officers, otherwise qualified under this section, as members or
 3 alternate members of the board and shall appoint regular officers on
 4 the active-duty list of the Navy, qualified under this section, to com-
 5 plete the prescribed membership.

6 “(f) No officer may be a member of two successive boards for the
 7 consideration of officers for promotion to the same grade.”;

8 (B) amending section 5702 to read as follows and amend-
 9 ing the item for that section in the chapter analysis to cor-
 10 respond to the revised catchline:

11 **“§ 5702. Navy; staff corps officers: promotion**

12 “(a) The Secretary of the Navy shall convene selection boards under
 13 this chapter for each staff corps to recommend captains for promotion
 14 to the grade of rear admiral, each consisting of not less than three
 15 officers serving in the grade of rear admiral or above.

16 “(b) In accordance with section 611 of this title, the Secretary of
 17 the Navy shall convene the following selection boards under chapter
 18 36 of this title to recommend staff corps officers for promotion:

19 “(1) A board for each corps to recommend commanders for
 20 promotion to the grade of captain, consisting of not less than
 21 six officers serving in the grade of captain or above.

22 “(2) A board for each corps to recommend lieutenant com-
 23 manders for promotion to the grade of commander, consisting of
 24 not less than six officers serving in the grade of commander or
 25 above.

26 “(3) A board for each corps to recommend lieutenants for pro-
 27 motion to the grade of lieutenant commander and a board for each
 28 corps to recommend lieutenants (junior grade) for promotion to
 29 the grade of lieutenant, each consisting of not less than six officers
 30 serving in the grade of lieutenant commander or above, except that
 31 no more than one-third of the board membership may be com-
 32 posed of officers serving in the grade of lieutenant commander.

33 “(c) Each board convened under this chapter or chapter 36 of this
 34 title to consider officers in the Medical Corps, the Judge Advocate Gen-
 35 eral’s Corps, the Supply Corps, the Chaplain Corps, the Civil Engi-
 36 neer Corps, the Dental Corps, the Nurse Corps, or the Medical Service
 37 Corps shall consist of officers in the corps concerned. Each board con-
 38 vened to consider officers of the Navy designated for limited duty shall
 39 consist of officers who are not officers designated for limited duty. Ex-

cept as provided in subsections (d) and (e), each board convened under this chapter or chapter 36 of this title shall consist of officers of the regular Navy on the active-duty list or the retired list.

“(d) When there is an insufficient number of staff corps officers legally and physically qualified to serve on a board convened under this chapter or chapter 36 of this title, the Secretary shall complete the minimum required membership by appointment as members of the board regular officers on the active-duty list in the line of the Navy serving in the grades prescribed in subsections (a) and (b) of this section. However, in the case of the boards considering officers in the Nurse Corps, the Secretary may complete the minimum required membership by appointing as members of the board regular officers on the active-duty list of the Navy Medical Corps serving in the prescribed grades and in the case of the boards considering officers of the Medical Service Corps, the Secretary may complete the minimum required membership by appointing as members of the board regular officers on the active-duty list of the Navy Medical or Dental Corps serving in the prescribed grades.

“(e) When officers of the Naval Reserve are eligible for consideration by a selection board convened under this chapter or chapter 36 of this title, the Secretary shall appoint an appropriate number of reserve officers, otherwise qualified under this section, as members of the board and shall appoint officers of the Regular Navy, qualified under this section, to complete the prescribed membership.

“(f) No officer may be a member of two successive boards convened under this chapter or chapter 36 of this title for the consideration of officers for promotion to the same grade.”;

(C) amending section 5703 by—

(i) amending the first sentence of subsection (a) by striking out “male”, by striking out “and for continuation on the active list”, by striking out “and a board to recommend lieutenant colonels for promotion to the grade of colonel, each” in clause (2), and repealing clauses (3), (4), and (5);

(ii) amending subsection (b) by inserting “Each board convened under section 611 of this title to consider officers of the Marine Corps designated for limited duty shall consist of officers who are not officers designated for limited duty.” before “Except”, and by inserting “-duty” after “active”;

(iii) amending subsection (c) by striking out, "brigadier general, or colonel" and by inserting in place thereof "or brigadier general" and by inserting "-duty" after "active"; and

(iv) amending the language of the catchline and the corresponding item for that section in the chapter analysis to read as follows: "Marine Corps; officers: promotion";

(D) repealing section 5704 and striking out the corresponding item for that section from the chapter analysis;

(E) amending section 5706 by—

(i) amending the introductory language before clause (1) to read as follows:

"The Secretary of the Navy shall furnish the appropriate selection boards convened under this chapter or chapter 36 of this title with—";

(ii) amending clause (1) by inserting "and" after "aeronautical engineering duty," by striking out ", and the number of line officers designated for limited duty", and striking out "next higher grade" and inserting in place thereof "grade of rear admiral";

(iii) amending clause (2) by striking out "and the number of staff corps officers designated for limited duty" and by striking out "next higher grade" and inserting in place thereof "grade of rear admiral";

(iv) amending clause (3) to read as follows:

"(3) the number of officers of the Marine Corps not restricted in the performance of duty that the board may recommend for promotion to the grades of brigadier general or major general;";

(v) striking out "active list" and inserting in place thereof "active-duty list" wherever it appears in the section; and

(vi) repealing clauses (7), (8), and (9);

(F) amending section 5707 by—

(i) amending subsection (a) to read as follows:

"(a) Of the officers considered for promotion by a selection board convened under this chapter, the board shall recommend for promotion as appropriate—

1 “(1) those eligible officers on the active-duty list in the grade
2 of captain or above in the Navy, or colonel or above in the Marine
3 Corps, whom the board considers best fitted for promotion; or

4 “(2) those eligible officers not on the active-duty list of the
5 Navy or Marine Corps qualified for continued active duty.”;

6 (ii) repealing subsections (c) and (e);

7 (iii) amending subsection (d) by striking out “or lim-
8 ited duty, or officers of the Marine Corps designated for
9 limited duty”, and by inserting “or” before “special
10 duty”; and

11 (iv) amending subsection (i) by inserting “regular”
12 before “officer”, by inserting “-duty” after “active” in the
13 first sentence, and by striking out “an” and inserting in
14 place thereof “a regular” in the second sentence;

15 (G) amending section 5708 by—

16 (i) amending subsection (b) by striking out “any of
17 the following categories” and inserting in place thereof
18 “grades above captain (Navy) and colonel”, by striking
19 out “subject to the limitations prescribed in section 5707
20 (c) of this title,” by striking out the colon after “higher
21 grade” and inserting a period in place thereof, and by
22 repealing clauses (1)–(7):

23 (ii) amending subsection (e) by striking out “officers
24 not on the active list of the Navy or Marine Corps” and
25 inserting in place thereof “reserve officers in grades above
26 captain (Navy) and colonel on active duty”;

27 (iii) amending subsection (g) by striking out “active
28 list” and inserting in place thereof “active-duty list”;
29 and

30 (iv) repealing subsections (c) and (d);

31 (H) amending section 5709 by—

32 (i) amending the second sentence of subsection (a)
33 and the first sentence of subsection (b) by inserting “reg-
34 ular” before “officers”, and by inserting “-duty” after
35 “active” wherever it appears in those subsections; and

36 (ii) amending the language of the catchline and corre-
37 sponding item in the chapter analysis for that section
38 to read as follows: “Navy and Marine Corps: retention
39 of rear admirals and major generals on the active-duty
40 list”;

- 1 (I) amending section 5710 by—
- 2 (i) inserting “-duty” after “active” in subsections (a)
- 3 and (b);
- 4 (ii) amending subsection (b) by striking out “or 5704”,
- 5 by striking out “except as provided in subsection (c) of
- 6 this section”, by inserting “or” after “5702”, and by in-
- 7 serting “to recommend officers for promotion to grades
- 8 above captain (Navy) and colonel” after “title”; and
- 9 (iii) repealing subsection (c); and
- 10 (J) amending section 5711 by—
- 11 (i) repealing subsection (a); and
- 12 (ii) amending subsection (c) by striking out “and are
- 13 not counted as officers serving on active duty for the pur-
- 14 pose of subsection (a)”.
- 15 (13) Amending chapter 545 by—
- 16 (A) amending section 5751 by—
- 17 (i) amending the language of the catchline and the
- 18 corresponding item for that section in the chapter an-
- 19 alysis by striking out “, male line officers; Marine Corps,
- 20 male officers” and inserting in place thereof “and Marine
- 21 Corps; regular officers”;
- 22 (ii) repealing subsections (a), (b), (c), and (e); and
- 23 (iii) amending subsection (d) to read as follows:
- 24 “(d) No regular officer of the Navy or Marine Corps who has not
- 25 lost numbers or precedence may become eligible for consideration by
- 26 a selection board that is convened under chapter 543 of this title until
- 27 all officers of his grade and competitive category senior to him on the
- 28 active-duty list are so eligible.”;
- 29 (B) amending section 5756 by striking out “male” in the
- 30 catchline of the section, in the corresponding item for that
- 31 section in the chapter analysis, and wherever else it appears
- 32 in the section;
- 33 (C) amending section 5758 by—
- 34 (i) striking out “male” in the catchline of the section
- 35 and in the corresponding item for that section in the
- 36 chapter analysis; and
- 37 (ii) repealing subsection (b);
- 38 (D) amending section 5764 by—
- 39 (i) amending subsection (a) to read as follows:

1 “(a) The Secretary of the Navy shall establish a promotion zone
2 in the grade of captain for officers in the line not restricted in the
3 performance of duty when he convenes a selection board under chapter
4 543 of this title to consider officers in that grade for recommendation
5 for promotion to the grade of rear admiral. The promotion zone shall
6 be composed of the most senior such officers under consideration, who
7 are eligible for selection for promotion to the grade of rear admiral
8 and who have not previously failed of such selection, that must either
9 be selected for promotion by the particular board or be considered as
10 having failed of such selection, in order best to assure to individuals
11 in succeeding years equality of opportunity for promotion. The Secre-
12 tary shall determine the number in the zone on the basis of a considera-
13 tion of the number of vacancies estimated for the grade of rear ad-
14 miral in each of the next five years and the number of officers who will
15 be eligible for selection in each of those years.”; and

16 (ii) repealing subsections (b), (c), and (d);

17 (E) amending section 5765 by—

18 (i) amending subsection (b) to read as follows:

19 “(b) The Secretary of the Navy shall establish a promotion zone
20 in the grade of colonel for officers of the Marine Corps not restricted
21 in the performance of duty at the time he convenes a selection board
22 under chapter 543 of this title to consider officers in that grade for
23 recommendation for promotion to the grade of brigadier general. The
24 promotion zone shall be composed of the most senior such officers
25 under consideration, who are eligible for selection for promotion to
26 the grade of brigadier general and who have not previously failed of
27 such selection, that must either be selected for promotion by the
28 particular board or be considered as having failed of such selection,
29 in order best to assure to individuals in succeeding years equality of
30 opportunity for promotion. The Secretary shall determine the number
31 in the zone on the basis of a consideration of the number of vacancies
32 estimated for the grade of brigadier general in each of the next five
33 years and the number of officers who will be eligible for selection in
34 each of those years.”; and

35 (ii) repealing subsections (c) and (d);

36 (F) amending section 5766 by—

37 (i) amending subsection (a) to read as follows:

38 “(a) Officers in a staff corps who are not restricted in the perform-
39 ance of duty who have not failed of selection for promotion to the
40 grade of rear admiral are in the promotion zone for officers of their

1 grade and corps, if numbers to select are authorized for their competi-
 2 tive category, when the next junior line officer on the active-duty list
 3 who is not restricted in the performance of duty is in the promotion
 4 zone for his competitive category.”; and

5 (ii) repealing subsection (b);

6 (G) amending section 5767 by—

7 (i) amending subsection (b) by striking out the last
 8 sentence; and

9 (ii) amending subsection (c) to read as follows:

10 “(c) In competitive categories where no officers are authorized in
 11 grades above colonel in the Marine Corps, or captain in the Navy, and
 12 whenever the Secretary determines that there is a position of sufficient
 13 importance and responsibility in one of these categories to require an
 14 incumbent in the grade of rear admiral or brigadier general, the Sec-
 15 retary of the Navy may convene a selection board, to be composed and
 16 to follow procedures in general conformity with those set forth in
 17 chapter 543 of this title, to recommend for promotion an officer in the
 18 grade of captain in the Navy, or colonel in the Marine Corps, in the
 19 appropriate competitive category, who is best qualified to perform the
 20 duties of the position. An officer so designated may be appointed by the
 21 President, by and with the advice and consent of the Senate, to the
 22 grade of rear admiral or brigadier general. Such an appointment is
 23 effective on the date the officer reports for the designated duty and
 24 terminates on the date he is detached. No appointment may be made
 25 under this subsection in the competitive category of officers designated
 26 for limited duty, and in no case may more than one officer in a com-
 27 petitive category hold a grade to which he was promoted under this
 28 subsection.”;

29 (H) amending section 5769 by—

30 (i) amending the language of the catchline and the
 31 corresponding item for that section in the chapter analy-
 32 sis to read as follows: “Navy and Marine Corps officers;
 33 eligibility for promotion on the active-duty list to flag
 34 and general officer grades; date of rank”;

35 (ii) amending subsections (a) and (b) by striking out
 36 “Male officers in the line of the Navy and male” and in-
 37 serting in place thereof “Officers of the Navy and”;

38 (iii) amending subsection (a) by inserting “and com-
 39 petitive category” after “for the grade”, and by striking
 40 out “male” in the last sentence;

1 (iv) amending subsection (b) by repealing clauses (2)
2 and (4), by striking out the last sentence, and by adding
3 the following new clause:

4 “(5) Officers of a staff corps whose names appear on the promo-
5 tion list are, in the order in which their names appear, eligible
6 for promotion to the next higher grade as a vacancy occurs in the
7 corps concerned.”;

8 (v) amending subsection (c) to read as follows:

9 “(c) An officer—

10 “(1) of the line restricted in the performance of duty, when
11 promoted to the grade of rear admiral, shall be assigned the date
12 of rank of the line officer not restricted in the performance of
13 duty next junior to him on the promotion list but, if there is no
14 such officer, he shall be assigned the date of rank of the line officer
15 not restricted in the performance of duty next senior to him; or

16 “(2) of a staff corps, when promoted to the grade of rear ad-
17 miral, shall be assigned the date of rank of the line officer not
18 restricted in the performance of duty next senior to him on the
19 promotion list but, if there is no such officer, he shall be assigned
20 the date of rank of the line officer not restricted in the perform-
21 ance of duty next junior to him; however, if the staff corps officer
22 is promoted to the grade of rear admiral before the line officer
23 whose date of rank will determine his date of rank, the staff corps
24 officer shall have as his interim date of rank the date of occurrence
25 of the vacancy that he was promoted to fill.

26 Each officer, when promoted to the grade of rear admiral shall be
27 assigned the date of rank and registered number that will give him
28 rank in the order in which his name appears on the promotion list
29 for that grade.”; and

30 (vi) adding the following new subsections:

31 “(e) Notwithstanding subsection (c), if a selection board for the
32 grade of rear admiral in a staff corps is not convened between the dates
33 of convening of two or more line selection boards for that grade, a
34 staff corps officer promoted to the grade of rear admiral shall have as-
35 signed to him as his date of rank, the date assigned to the junior rear
36 admiral not restricted in the performance of duty on the active-duty
37 list who—

38 “(1) was recommended for promotion by the line selection board
39 immediately following the last selection board in the staff corps
40 concerned; and

1 “(2) was senior to the staff corps officer on the active-duty list
2 at the time that the last selection board was convened.

3 “(f) An officer of the Marine Corps when promoted to the grade
4 of brigadier general or major general, shall be assigned the date of
5 rank and registered number that will give him rank in the order in
6 which his name appeared on the promotion list for that grade.”;

7 (I) amending section 5776(b) by striking out “a male”
8 and inserting “an” in place thereof;

9 (J) amending section 5778 by striking out the first sentence
10 and by striking out “other” in the second sentence;

11 (K) amending section 5780 by—

12 (i) striking out “male” in the catchline of the section
13 and in the corresponding item for that section in the
14 chapter analysis;

15 (ii) amending subsection (a) by striking out “any
16 grade” and inserting in place thereof “the grade of rear
17 admiral”, and by inserting “-duty” after “active”;

18 (iii) amending subsection (b) by striking out “any
19 grade” and inserting in place thereof “the grade of brig-
20 adier general or major general”, and by inserting “-duty”
21 after “active”;

22 (iv) repealing subsection (c); and

23 (v) amending subsection (d) by striking out “lineal”
24 and inserting in place thereof “active-duty list”;

25 (L) amending section 5781 by—

26 (i) amending subsection (a) by inserting “regular”
27 before “officers”, and by inserting “-duty” after “active”;

28 (ii) amending subsection (b) by striking out “lineal”
29 and inserting in place thereof “active-duty list”; and

30 (iii) amending subsection (c) to read as follows:

31 “(c) Each officer permanently promoted to the grade of rear admi-
32 ral under this section shall be assigned the date of rank that will give
33 him rank in the order in which his name appeared on the promotion
34 list for that grade.”;

35 (M) amending section 5783 by—

36 (i) amending subsection (a) by amending the first
37 sentence to read as follows: “Permanent appointments
38 may be made in the grade of rear admiral in the Naval
39 Reserve from officers holding permanent appointments

1 in the grade of captain in the Naval Reserve who are on
2 active duty and who—

3 “(1) have been temporarily promoted to the grade of rear ad-
4 miral under the preceding sections of this chapter; or

5 “(2) are on the promotion list for promotion to the grade of rear
6 admiral under the preceding sections of this chapter.”; and by
7 amending the second sentence by striking out “in the line” after
8 “An officer”, by striking out “a grade” and inserting in place
9 thereof “the grade of rear admiral”, by striking out “male line”
10 before “officers”, and by inserting “-duty” after “active”;

11 (ii) amending subsection (b) by amending the first
12 sentence by striking out “any grade” and inserting in
13 place thereof “the grade of brigadier general or major
14 general” and by striking out “second lieutenant” and in-
15 serting in place thereof “colonel”; and by amending the
16 second sentence by striking out “a grade” and inserting in
17 place thereof “the grade of brigadier general or major
18 general”, by striking out “male” before “officers”, and by
19 inserting “-duty” after “active”; and

20 (iii) repealing subsection (c);

21 (N) amending section 5785 by—

22 (i) repealing subsection (a); and

23 (ii) amending subsection (b) by striking out “, other
24 than women officers appointed under section 5590 of
25 this title”;

26 (O) amending section 5786(b) by striking out “sections
27 5784 and” and inserting in place thereof “section”;

28 (P) amending section 5787 by—

29 (i) amending subsection (b) by striking out “ensign”
30 and inserting in place thereof “captain” and by striking
31 out “second lieutenant” and inserting in place thereof
32 “colonel”;

33 (ii) amending subsection (e) by striking out the sec-
34 ond sentence, and by striking out “alone” in the last
35 sentence and inserting in place thereof “, by and with
36 the advice and consent of the Senate”; and

37 (iii) amending subsection (f) by striking out “lieuten-
38 ant” and inserting in place thereof “commodore”, by
39 striking out “captain” and inserting in place thereof

1 "brigadier general", and by striking out the last sen-
2 tence;

3 (Q) amending section 5787c to read as follows and amend-
4 ing the item for that section in the chapter analysis to cor-
5 respond with the revised catchline:

6 **"§ 5787c. Navy and Marine Corps; warrant officers and officers**
7 **designated for limited duty: temporary promotions**

8 "(a) Warrant officers may be temporarily promoted to higher war-
9 rant officer grades under such regulations as the Secretary of the Navy
10 may prescribe.

11 "(b) Officers designated for limited duty may be temporarily pro-
12 moted to a higher grade under such regulations as the Secretary of
13 the Navy may prescribe.";

14 (R) amending section 5791(b) by striking out "sections
15 5787 and 5790" and inserting in place thereof "section 5787";
16 and

17 (S) repealing sections 5752, 5753, 5757, 5760, 5762, 5763,
18 5768, 5770, 5771, 5772, 5773, 5782, 5784, 5787a, 5787b, 5788,
19 5789, 5790, and 5793 and striking out the corresponding items
20 for those sections from the chapter analysis.

21 (14) Repealing chapter 547 and striking out the corresponding
22 item from the chapter analysis of subtitle C and the chapter anal-
23 ysis of part II.

24 (15) Amending chapter 549 by—

25 (A) amending section 5891 by—

26 (i) amending subsection (b) by striking out "a lineal
27 list maintained under section 5504" and inserting in place
28 thereof "the active-duty list maintained under section
29 620";

30 (ii) amending subsection (c) by striking out "chapter
31 543" and inserting in place thereof "chapter 36 or 543",
32 and by striking out "a lineal list" and inserting in place
33 thereof "the active-duty list";

34 (iii) amending subsection (d) by striking out "a lineal
35 list" wherever it appears and inserting in place thereof
36 "the active-duty list";

37 (iv) amending subsections (e) and (f) by striking
38 out "chapter 543" and inserting in place thereof "chapter
39 36 or 543", and by striking out "the lineal list" and "a

1 lineal list" wherever they appear and inserting in place
2 thereof "the active-duty list"; and

3 (v) repealing subsection (g);

4 (B) amending section 5892 by striking out "prescribed
5 for line and staff corps officers on the active list of the Navy"
6 and inserting in place thereof "established by the Secretary
7 for regular line and staff corps officers on the active-duty list
8 under other provisions of this title";

9 (C) amending section 5896 by—

10 (i) amending subsection (a) (3) by striking out "and
11 eligible women officers appointed under section 5581 of
12 this title";

13 (ii) amending subsection (a) (4) by striking out "and
14 women officers appointed under section 5581 of this
15 title,";

16 (iii) amending subsections (a) (7) and (8) by striking
17 out "and officers appointed under section 5581 of this
18 title"; and

19 (iv) amending subsection (b) by striking out "or an
20 officer appointed under section 5581 of this title";

21 (D) amending section 5897 by—

22 (i) amending subsections (b) (6) and (d) (1) by strik-
23 ing out "and officers appointed under section 5581 of this
24 title" before the period at the end thereof; and

25 (ii) amending subsection (c) (1) by striking out "
26 and women officers appointed under section 5581 of this
27 title,";

28 (E) amending section 5898(b) by striking out "or an of-
29 ficer appointed under section 5581 of this title";

30 (F) amending section 5899 by—

31 (i) amending subsection (a) by striking out ", or a
32 woman officer appointed under section 5581 of this title,";

33 (ii) amending subsection (c) by striking out "or an
34 officer appointed under section 5581 of this title";

35 (iii) amending subsections (a) and (c) by inserting
36 "622 or" before "5764";

37 (iv) amending subsections (b) and (e) by inserting
38 "622 or" before "5765", and by striking out "lineal list"
39 and inserting in place thereof "active-duty list"; and

1 (v) amending subsection (e) by inserting "611 or"
2 before "5702";

3 (G) amending section 5901 by inserting "623 and" before
4 "5756-5763";

5 (H) amending section 5902 (b) and (c) by inserting "36
6 or" before "545"; and

7 (I) amending section 5905(c) by striking out "lineal rank
8 and".

9 (16) Amending chapter 553 by striking out "active list" and
10 inserting in place thereof "active-duty list" in section 5982(c).

11 (17) Amending chapter 555 by repealing section 6018 and strik-
12 ing out the corresponding item for that section from the chapter
13 analysis.

14 (18) Amending chapter 573 by—

15 (A) amending section 6373 by striking out "total", by
16 striking out "active list" wherever it appears and inserting in
17 place thereof "active-duty list", and by amending the catch-
18 line and the corresponding item for that section in the chapter
19 analysis by striking out "active list" and inserting in place
20 thereof "active-duty list";

21 (B) amending section 6383 by—

22 (i) amending subsection (a) by striking out "active
23 list" and inserting in place thereof "active-duty list";

24 (ii) amending subsection (b) to read as follows:

25 "(b) Each regular officer on the active-duty list designated for lim-
26 ited duty whose name is not on a limited-duty officer promotion list
27 who is serving in the grade of lieutenant commander or commander
28 in the Navy or serving in the grade of major or lieutenant colonel
29 in the Marine Corps shall be retired on the first day of the seventh
30 month following the month in which he is considered as having twice
31 failed of selection for promotion to the next higher grade.";

32 (iii) repealing subsection (c);

33 (iv) amending subsection (d) to read as follows:

34 "(d) Each regular officer on the active-duty list designated for lim-
35 ited duty whose name is not on a list of officers recommended for pro-
36 motion who is serving in the grade of lieutenant in the Navy or serv-
37 ing in the grade of captain in the Marine Corps shall be honorably
38 discharged on the first day of the seventh month following the month
39 in which he is considered as having twice failed of selection for promo-
40 tion to the grade of lieutenant commander or major.";

1 (v) amending subsection (e) to read as follows:

2 “(e) Each regular officer on the active-duty list of the Navy or the
3 Marine Corps designated for limited duty whose name is not on a
4 list of officers recommended for promotion who is serving in the grade
5 of ensign or second lieutenant, or lieutenant (junior grade) or first
6 lieutenant, shall be honorably discharged on the first day of the sev-
7 enth month following the month in which he was found not qualified
8 for promotion in the case of an ensign or second lieutenant or is con-
9 sidered as having twice failed of selection for promotion to the grade
10 of lieutenant (Navy) or captain (Marine Corps).”;

11 (vi) repealing subsection (f) ;

12 (vii) amending subsection (g) by striking out “re-
13 tirement or” in the first sentence, and by striking out
14 “retired or” in the first and second sentences;

15 (viii) adding the following new subsection :

16 “(i) An officer discharged under this section is entitled, if eligible
17 therefor, to readjustment pay under section 1173a, and either de-
18 ferred retired pay or a lump-sum payment in place thereof under
19 section 1174(b) (1) or (2), of this title. An officer retired under this
20 section is entitled to retired pay computed under chapter 71 of this
21 title.”; and

22 (ix) striking out “or severance” in the catchline and
23 in the corresponding item for that section in the chapter
24 analysis;

25 (C) amending section 6384 by—

26 (i) amending subsection (a) by inserting “36 or” after
27 “chapter”;

28 (ii) amending subsection (b) to read as follows :

29 “(b) Each officer on the active-duty list of the Navy and the Marine
30 Corps whose name is reported under this section shall, subject to sub-
31 section (d), be honorably discharged from the naval service on June 30
32 of the fiscal year in which his name is reported, with, if eligible there-
33 for, readjustment pay under section 1173a, and either deferred retired
34 pay or a lump-sum payment in place thereof under section 1174(b) (1)
35 or (2), of this title.”;

36 (iii) repealing subsection (c) ; and

37 (iv) striking out “; severance pay” in the catchline
38 and in the corresponding item for that section in the
39 chapter analysis;

1 (D) amending section 6386 by repealing subsections (a)
2 and (b);

3 (E) amending section 6387 to read as follows and amend-
4 ing the corresponding item for that section in the chapter
5 analysis to correspond to the revised catchline:

6 **"§ 6387. Regular Navy and Regular Marine Corps officers: com-**
7 **putation of total commissioned service**

8 "For the purposes of computing years of service for eligibility for
9 consideration for continuation, the years of service which an officer had
10 as computed under section 637 of this title at the time he was promoted
11 to rear admiral in the Navy or brigadier general in the Marine Corps
12 shall be added to the years of active commissioned service that he has
13 served since he was promoted to rear admiral in the Navy or brigadier
14 general in the Marine Corps. Where an officer has not been on continu-
15 ous active duty since he was promoted to rear admiral or brigadier
16 general, such time as he was not on active duty shall be counted for
17 purposes of this section as shall be specified in regulations prescribed
18 by the Secretary of the Navy.";

19 (F) amending section 6389 by—

20 (i) amending the second sentence of subsection (d) to
21 read as follows: "Each other officer is considered to have
22 for this purpose as much total commissioned service as
23 the years of service computed under section 637 of any
24 officer on the active-duty list of the Navy, not restricted
25 in the performance of duty, or any officer on the active-
26 duty list of the Marine Corps, not restricted in the per-
27 formance of duty, as appropriate, who has served con-
28 tinuously since original appointment as ensign on the
29 active-duty list of the Navy or as second lieutenant on
30 the active-duty list of the Marine Corps, has not lost
31 numbers or precedence, and is, or has been after Septem-
32 ber 6, 1947, junior to that other officer."; and

33 (ii) amending subsection (e) to read as follows:

34 "(e) This section does not apply to female reserve officers or to
35 reserve officers in the Nurse Corps.";

36 (G) amending section 6390(a) to read as follows:

37 "(a) Each officer on the active-duty list of the Navy or of the
38 Marine Corps serving in the grade of admiral or below shall be retired
39 by the President when he becomes 62 years of age unless the President
40 defers his retirement.";

1 (H) amending sections 6374 and 6394 by striking out
 2 "active list" wherever it appears and inserting in place thereof
 3 "active-duty list";

4 (I) amending section 6397(a) to read as follows:

5 "(a) An officer of the Naval Reserve in any grade in the Nurse
 6 Corps may be eliminated from an active status under the conditions
 7 prescribed in this title for the separation from the active-duty list
 8 of a regular officer in the same grade.";

9 (J) amending section 6403 by—

10 (i) amending subsections (a) and (b) by inserting
 11 "or chapter 36 of this title" after "chapter", and by strik-
 12 ing out "active list" and inserting in place thereof "active-
 13 duty list"; and

14 (ii) amending subsection (a) by inserting "regular"
 15 after "woman line", and by striking out "or an officer
 16 appointed under section 5581 of this title";

17 (K) amending the first sentence of section 6407 by inserting
 18 "regular" before "officer" and by inserting "-duty" after
 19 "active";

20 (L) repealing sections 6376, 6377, 6378, 6379, 6380, 6382,
 21 6388, 6392, 6395, 6396, 6398, 6400, 6401, and 6402 and striking
 22 out the corresponding items for those sections from the
 23 chapter analysis.

24 (19) Amending chapter 601 by—

25 (A) amending section 6909 by inserting "-duty" after "ac-
 26 tive" wherever it appears, by inserting "as a regular officer"
 27 after "appointments", and by striking out "male";

28 (B) amending section 6911 by striking out "male" wherever
 29 it appears; and

30 (C) repealing section 6914 and striking out the correspond-
 31 ing item from the chapter analysis.

32 (20) Amending chapter 605 by amending section 7042(a) by
 33 striking out "an" before "officer" and inserting in place thereof "a
 34 regular", and by inserting "-duty" after "active".

35 SEC. 5. Title 32, United States Code, is amended by amending section
 36 101(12) by striking out "active list" and inserting in place thereof
 37 "active-duty list".

38 SEC. 6. Title 37, United States Code, is amended by:

39 (1) Amending section 101(18) by striking out "active list" and
 40 inserting in place thereof "active-duty list".

- 1 (2) Amending section 202 by—
 - 2 (A) striking out “active list” wherever it appears and in-
 - 3 serting in place thereof “active-duty list”;
 - 4 (B) striking out “lineal” wherever it appears and insert-
 - 5 ing in place thereof “active-duty”;
 - 6 (C) inserting “not restricted in the performance of duty”
 - 7 after “any officer” in subsection (b);
 - 8 (D) striking out “his running mate” and inserting in place
 - 9 thereof “the officer not restricted in the performance of duty
 - 10 next senior to him on the active-duty list” in subsection (c);
 - 11 and
 - 12 (E) striking out “a woman” and inserting in place thereof
 - 13 “an” in subsection (k).
- 14 (3) Amending section 904 by—
 - 15 (A) striking out “male” wherever it appears;
 - 16 (B) inserting “above the grade of captain (Navy) or
 - 17 colonel” after “an officer” in subsection (a);
 - 18 (C) inserting “above the grade of captain” after “line
 - 19 officer” in subsection (b);
 - 20 (D) repealing clauses (3), (4), (5), (9), and (10) of sub-
 - 21 section (a); and
 - 22 (E) repealing subsection (d).
- 23 (4) Amending section 905 by repealing subsections (d), (e),
- 24 and (g), and by amending subsection (b) by striking out the last
- 25 sentence thereof.
- 26 (5) Inserting the following new section and a corresponding
- 27 item for that section in the chapter analysis:
“§ 908. Officers of the Army, Navy, Air Force, or Marine Corps
promoted under chapter 36 of title 10: effective date of
beginning of pay and allowances
“An officer of the Army, Navy, Air Force, or Marine Corps who is
promoted under section 624(a) of title 10 is entitled to the pay and
allowances of the grade to which promoted from the date the promo-
tion is made. An officer promoted under section 624(b) of title 10 is
entitled to the pay and allowances of the grade to which promoted
from the first day of the month following the date of the occurrence
of the vacancy that he was promoted to fill.”.
- 38 Sec. 7. Section 6 of the Act of March 31, 1947, ch. 26 (50 U.S.C.
- 39 App. 326(d)) is amended by striking out “active” and inserting in
- 40 place thereof “active-duty list”.

1 Sec. 8. Section 10(b)(4) of the Act of June 24, 1948, ch. 625, as
2 amended (50 U.S.C. App. 460(b)(4)), is amended by striking out
3 "active" and inserting in place thereof "active-duty list".

4 Sec. 9. Notwithstanding any other provision of this Act:

5 (1) Reserve commissioned officers of the Army, Navy, Air
6 Force, or Marine Corps, and officers appointed under section 5596
7 of title 10, United States Code, except officers designated for
8 limited duty, on active duty on the effective date of this Act, other
9 than those excluded under section 641 of title 10, United States
10 Code, who have completed nine or more years of active commis-
11 sioned service, may be appointed as regular officers within two
12 years from the effective date of this Act, or by June 30, 1977,
13 whichever is later.

14 (2) Under regulations prescribed by the Secretary of the mili-
15 tary department concerned, if an officer described in clause (1)
16 of this section is not qualified, not selected for appointment as a
17 regular officer, or declines his appointment, he shall be released
18 from active duty on such date as the Secretary concerned may
19 determine, but not later than the earliest of the following dates—

20 (A) two years from the effective date of this Act;

21 (B) the date of expiration of his commitment under a
22 written agreement concluded under section 679 of title 10,
23 United States Code; or

24 (C) the date the officer requests and the Secretary
25 approves.

26 (3) Depending on the needs of the service, an officer serving
27 on active duty on the effective date of this Act, who is not qualified
28 for an appointment as a regular officer, may have any disqualifica-
29 tion waived by the Secretary of the military department con-
30 cerned and be appointed as a regular officer in the grade in which
31 serving.

32 However, unless sooner retired or separated under another provision
33 of law, an officer who is within two years of qualifying for retirement
34 under section 3911, 6323, or 8911 of title 10, United States Code, shall
35 be retained on active duty until he is qualified for retirement.

36 Sec. 10. Notwithstanding any other provision of this Act:

37 (1) An officer of the Army or Air Force serving in a regular
38 grade who has been recommended for promotion to a temporary or
39 permanent grade below brigadier general or a reserve officer who
40 has been recommended for promotion to a temporary grade below

1 brigadier general in the Army or Air Force in an approved report
2 of a board of officers convened for that purpose under laws in
3 effect on the day before the effective date of this Act, if not earlier
4 promoted to the grade for which he was recommended, shall be
5 placed on a promotion list in order of his seniority on the active-
6 duty list established by this Act, and shall be considered to have
7 been so recommended for promotion in an approved report of a
8 selection board convened under this Act.

9 (2) An officer of the Army or Air Force who has the regular
10 grade of first lieutenant, captain, or major, who was considered
11 once but not recommended for promotion to the next higher regu-
12 lar grade by a selection board convened under the laws in effect
13 on the day before the effective date of this Act, shall, within one
14 year from the effective date of this Act, be considered again by a
15 selection board for promotion to the next higher grade. If he is
16 not recommended for promotion by the board again considering
17 him, he shall be retired and entitled to retired pay or honorably
18 discharged, as the case may be, under the laws in effect on the
19 day before the effective date of this Act. However, an officer who
20 is discharged is entitled, at his election, to—

21 (A) the severance pay to which he would have been entitled
22 under the laws in effect before the effective date of this Act; or

23 (B) if qualified, the readjustment payment as provided by
24 section 1173a of title 10, United States Code.

25 If he is recommended for promotion by that board and is serving
26 in his regular grade, he shall be considered to have been so recom-
27 mended for promotion to the next higher grade in an approved
28 report of a selection board convened under this Act. However, if
29 he is recommended for promotion by the board again considering
30 him and is serving in a higher grade than his regular grade under
31 the laws in effect on the day before the effective date of this Act,
32 his status shall be as prescribed in clause (5) of this section.

33 (3) An officer of the Army or Air Force who has a regular
34 grade below colonel, or a reserve officer other than one specified in
35 section 641 of title 10, United States Code, who was considered
36 but not recommended for promotion under laws in effect on the
37 day before the effective date of this Act to a temporary grade
38 below brigadier general that is higher than the grade in which he
39 is serving, shall be considered to have once failed of selection for
40 promotion under chapter 36 of title 10, United States Code.

1 (4) An officer of the Army or Air Force who has the regular
2 grade of first lieutenant, captain, or major, who has twice failed
3 of selection for promotion to the next higher regular grade under
4 the laws in effect on the day before the effective date of this Act,
5 shall be retired and entitled to retired pay, or honorably dis-
6 charged, as the case may be, under the laws in effect on the day
7 before the effective date of this Act. However, an officer who is
8 discharged is entitled, at his election, to—

9 (A) the severance pay to which he would have been en-
10 titled under the laws in effect before the effective date of
11 this Act; or

12 (B) if qualified, the readjustment payment as provided
13 by section 1173a of title 10, United States Code.

14 (5) An officer of the Army or Air Force who, on the day before
15 the effective date of this Act, was serving in a temporary grade
16 below brigadier general which is higher than his regular grade
17 shall be considered to have been recommended for promotion to
18 that grade under chapter 36 of title 10, United States Code. How-
19 ever, such an officer who is also subject to the provisions of clause
20 (2) of this section shall be retired or discharged, as appropriate,
21 if he is not recommended for promotion under that clause.

22 (6) An officer on the active-duty list of the Navy or Marine
23 Corps who, on the effective date of this Act, is recommended for
24 or is serving under a temporary appointment in a grade below
25 rear admiral or brigadier general which is higher than his perma-
26 nent grade, shall be considered to have been so recommended for or
27 promoted to the higher grade under chapter 36 of title 10, United
28 States Code. This clause does not apply to—

29 (A) an officer serving under a temporary appointment
30 which, by its terms, is limited in duration; and

31 (B) an officer designated for limited duty in a grade to
32 which he was appointed under section 5596 of title 10, United
33 States Code, or who has been recommended for promotion or
34 promoted under section 5787 of that title.

35 (7) An officer of the Navy or Marine Corps who was considered
36 to have failed of selection for promotion to a grade below rear
37 admiral or brigadier general one or more times under laws in ef-
38 fect the day before the effective date of this Act shall be subject to
39 the provisions of this Act as if such failure or failures had occurred
40 under this Act.

1 (8) An officer of the Army, Navy, Air Force, or Marine Corps,
2 recommended for continuation on the active list under the Act of
3 August 11, 1959, Pub. L. 86-155 (73 Stat. 333), as amended (74
4 Stat. 396), or section 10 of the Act of July 12, 1960, Pub. L. 86-616
5 (74 Stat. 395), shall not be subject to the continuation provisions
6 of this Act.

7 (9) An officer of the Army or Air Force who, on the day before
8 the effective date of this Act, was serving in or recommended for
9 promotion to, the temporary grade of brigadier general or higher,
10 and held a regular grade below colonel, shall be considered to have
11 been recommended for promotion to colonel under chapter 36 of
12 title 10, United States Code.

13 (10) An officer who—

14 (A) on the effective date of this Act, is either serving in
15 the grade of lieutenant colonel or commander or colonel or
16 captain (Navy), or is on a promotion list to one of those
17 grades;

18 (B) is not recommended for promotion to a higher grade
19 after effective date of this Act; and

20 (C) is considered but not selected for continuation on ac-
21 tive duty under section 634 of this title;
22 is entitled to a lump-sum payment of \$4,000.

23 (11) The enactment of this Act does not terminate the appoint-
24 ment of any officer. For the purpose of determining the amount
25 of service that an officer has in a particular grade, there shall be
26 counted all service in that grade before, on, and after the effective
27 date of this Act that would be creditable under the provisions of
28 this Act.

29 SEC. 11. Not later than six months after the effective date of this
30 Act, an officer of the Army, Navy, Air Force, or Marine Corps shall
31 be placed on an active-duty list under regulations prescribed by the
32 Secretary of the military department concerned under section 620 of
33 title 10, United States Code, in the same relative seniority which he
34 held on the day before the effective date of this Act. However, such an
35 officer is considered to have been placed on the active-duty list as of
36 the effective date of this Act.

37 SEC. 12. Notwithstanding any other provision of this Act, except an
38 officer who is excluded under section 641 of title 10, United States Code,
39 a regular officer of the Army, Navy, Air Force, or Marine Corps on
40 active duty on the effective date of this Act shall be subject to the

1 provisions of this Act concerning promotion, selective continuation,
2 years of active commissioned service, and separation or retirement,
3 except:

4 (1) An Army or Air Force officer who is serving in, or is on a
5 recommended list of officers selected for promotion to, the regular
6 grade of major, except an officer serving in a higher temporary
7 grade, shall, unless separated or retired under another provision
8 of law, or later promoted under the provisions of this Act, be
9 retained on active duty until he completes 21 years of service as
10 computed under section 3927(a) or 8927(a) of title 10, United
11 States Code, as they existed on the day before the effective date
12 of this Act, and then retired under the provisions of section 3913
13 or 8913 of that title, as they existed on the day before the effective
14 date of this Act, on the first day of the month following the month
15 in which he completes that service.

16 (2) An Army or Air Force officer who is serving in, or is on a
17 recommended list of officers selected for promotion to, the regular
18 grade of lieutenant colonel, except an officer serving in a higher
19 temporary grade, shall, unless separated or retired under an-
20 other provision of law, or later promoted under the provisions of
21 this Act, be retained on active duty until he completes 28 years
22 of service computed under section 3927(a) or 8927(a) of title 10,
23 United States Code, as they existed on the day before the effective
24 date of this Act, and then retired under the provisions of section
25 3916 or 8916 of that title, as they existed on the day before the
26 effective date of this Act. However, such an officer shall be subject
27 to the selective continuation provisions of section 634 of title 10,
28 United States Code.

29 (3) An Army or Air Force officer who is serving in, or is on
30 a recommended list of officers selected for promotion to the regular
31 grade of colonel, including such an officer who holds a temporary
32 general officer appointment shall, unless separated or retired
33 under another provision of law, or later promoted to a higher
34 regular grade, be retained on active duty until he completes 30
35 years of service computed under section 3927(a) or 8927(a) of
36 title 10, United States Code, as they existed on the day before the
37 effective date of this Act, and then retired under the provisions of
38 section 3921 or 8921 of that title, as they existed on the day before
39 the effective date of this Act. However, such an officer, except
40 an officer serving in a temporary general officer grade or an officer

1 on a recommended list for promotion to that grade, shall be
2 subject to the selective continuation provisions of section 634 of
3 title 10, United States Code.

4 (4) A Navy officer serving in the grade of lieutenant commander
5 or recommended for promotion to the grade of lieutenant com-
6 mander, or a Marine Corps officer serving in the grade of major
7 or recommended for promotion to the grade of major, shall re-
8 tain the entitlement to the years of commissioned service specified
9 in section 6380 of title 10, United States Code, as it existed on the
10 day before the effective date of this Act.

11 (5) An officer of the Navy serving in the grade of commander
12 or captain, or a Marine Corps officer serving in the grade of lieu-
13 tenant colonel or colonel, on the effective date of this Act shall
14 be subject to the provisions of section 634 of title 10, United
15 States Code.

16 Notwithstanding any other provision of law, for the purpose of in-
17 voluntary retirement or discharge under chapter 36 of title 10, United
18 States Code, the years of service of an officer subject to this section
19 shall be computed by adding to that service creditable for involun-
20 tary retirement or discharge with which such officer is credited on the
21 day before the effective date of this Act all subsequent service as com-
22 puted under section 637 of title 10, United States Code. In the case of
23 an officer for whom no means of computing service creditable for in-
24 voluntary retirement or discharge existed under law in effect on the
25 day before the effective date of this Act, creditable service for the
26 period prior to the effective date of this Act shall be determined under
27 regulations issued by the Secretary of the military department con-
28 cerned, provided that in no case shall such an officer be credited with
29 less than his active commissioned service. Each such officer is entitled
30 to count for the purpose of computing retired pay, or the computa-
31 tion of basic pay, any service that was so creditable on the day before
32 the effective date of this Act.

33 Sec. 13. Notwithstanding any other provision of this Act:

34 (1) All officers formerly serving in any staff corps of the Navy
35 under an appointment made in accordance with section 5590 of
36 title 10, United States Code, as it existed on the day before the
37 effective date of this Act, shall be reappointed in that corps pur-
38 suant to this Act notwithstanding any limitations otherwise speci-
39 fied with regard to age, grade, or physical standards. Such of-
40 ficers shall be considered for all purposes as having been originally

1 so appointed, and all provisions of law applicable to male officers
2 previously appointed in those staff corps apply to officers reap-
3 pointed under this Act, except as otherwise specifically provided
4 in this Act. Any officer reappointed in any staff corps of the Navy
5 under this section, shall be reappointed in the grade and with
6 the date of rank held at the time of reappointment. Officers so
7 reappointed who at the time of reappointment have to their credit
8 leave accrued but not taken shall not, by reason of reappointment,
9 lose such accrued leave.

10 (2) Any officer appointed to the line of the Navy under section
11 5590 of title 10, United States Code, as it existed on the day
12 before the effective date of this Act, who possesses the requisite
13 statutory qualifications for appointment into any staff corps,
14 may be reappointed in that corps under the terms and conditions
15 specified in this section.

16 (3) All officers on the active list of the line of the Navy or the
17 Marine Corps appointed under section 5590 of title 10, United
18 States Code, as it existed on the day before the effective date of
19 this Act, shall be reappointed pursuant to this Act, notwithstand-
20 ing any limitations otherwise specified with regard to age, grade,
21 or physical standards. All provisions of law relating to male of-
22 ficers on the active list of the Navy or Marine Corps apply to
23 officers reappointed under this Act except as otherwise specifically
24 provided in this Act. Any officer so reappointed under this sec-
25 tion, shall be reappointed in the grade and with the date of rank
26 held at the time of reappointment. Officers so reappointed who
27 at the time of reappointment have to their credit leave accrued
28 but not taken shall not, by reason of reappointment, lose such
29 accrued leave.

30 (4) Notwithstanding any other provision of law, an officer of
31 the Navy or Marine Corps appointed under section 5590 of title
32 10, United States Code, as it existed on the day before the effective
33 date of this Act, who has not twice failed of selection for promo-
34 tion prior to the effective date of this Act and who is not selected
35 for promotion to a higher grade after the enactment of this Act,
36 may not be retired earlier than she would have been retired had
37 this Act not been enacted.

38 (5) Any female officer who, under section 6401, 6402, or 6396 of
39 title 10, United States Code, as it existed on the day before the

1 effective date of this Act, would have been discharged on June 30
2 of the fiscal year in which as a lieutenant in the Navy or captain
3 in the Marine Corps she is not on a promotion list and has com-
4 pleted 13 years of active commissioned service, or as a lieutenant
5 (junior grade) in the Navy or first lieutenant in the Marine Corps
6 she is not on a promotion list and has completed 7 years of active
7 commissioned service, and who, because of the enactment of this
8 Act, would be required to be discharged on June 30 following
9 enactment of this Act if twice failed of selection, shall, if she has
10 not completed 13 or 7 years of active commissioned service, re-
11 spectively, and so requests, not be discharged until June 30 of the
12 fiscal year in which she completes 13 or 7 years of active commis-
13 sioned service, respectively.

14 (6) As soon as practicable after completion of the reappoint-
15 ments provided for in clauses (1), (2), and (3) of this section, the
16 name of each officer so reappointed shall be entered on the appro-
17 priate active-duty list of the Navy or of the Marine Corps in a
18 position among officers of her grade as may be determined in
19 accordance with such regulations as the Secretary of the Navy
20 may prescribe. All officers shall be placed on the active-duty list
21 without change in their relative positions held on any list for
22 promotion established for them while they were appointed under
23 any provisions of title 10, United States Code, which are repealed
24 by this Act. Any female officer who, by virtue of her date of rank
25 and other considerations, would be placed on a promotion list
26 senior to an officer who has failed of selection for promotion one
27 or more times, and who is considered to have failed of selection
28 for promotion not more than once, shall, for purposes of deter-
29 mining her eligibility for consideration for promotion to the next
30 higher grade, be considered for promotion with those officers who
31 are considered to have failed of selection for promotion the same
32 number of times as she, or who are considered never to have failed
33 of selection for promotion, as the case may be. No female officer
34 who is considered to have failed of selection for promotion one or
35 more times and whose position on the active-duty list is junior to
36 any male officer who is considered to have failed of selection for
37 promotion a fewer number of times or not at all, as the case may
38 be, may derive any advantage in the selection process by virtue of
39 such active-duty list position.

1 (7) An officer of the Navy or Marine Corps designated for
2 limited duty before the effective date of this Act who on or after
3 the effective date of this Act—

4 (A) fails of selection for promotion to the next higher
5 grade for the second time; or

6 (B) is not promoted to a higher grade at any time, shall
7 be governed by section 6383 of title 10, United States Code,
8 as it existed on the day before the effective date of this Act.
9 An officer designated for limited duty who after the effective
10 date of this Act is promoted shall be governed by section 6383
11 of title 10, United States Code, as it existed on the effective
12 date of this Act.

13 SEC. 14. Notwithstanding any provision of this Act, crediting of
14 years of service shall not be affected by this Act for any person who
15 before the effective date of this Act was—

16 (1) credited with years of service upon an original appoint-
17 ment, or subsequently credited with years of service; or

18 (2) participating in a program leading to a commission or ap-
19 pointment which will result in the crediting of years of service.

20 SEC. 15. Notwithstanding any other provision of this Act, a reserve
21 officer of the Army or Air Force on active duty on the effective date of
22 this Act who is promoted under the provisions of chapter 36 of title
23 10, United States Code, does not vacate any higher reserve grade to
24 which he was entitled under any law in effect on the day before the
25 effective date of this Act so long as he remains a reserve officer.

26 SEC. 16. Notwithstanding any other provision of this Act, a reserve
27 officer of the Army or Air Force serving on active duty on the effective
28 date of this Act shall be subject to the provisions of chapter 36 of title
29 10, United States Code, while he continues on that tour of active duty.

30 SEC. 17. A commissioned officer of the Army or Air Force (other
31 than a commissioned officer of the Regular Army or Regular Air
32 Force or a reserve commissioned officer specified in section 641 of title
33 10, United States Code) serving on active duty on the effective date
34 of this Act shall be considered to have been recommended for promo-
35 tion under chapter 36 of title 10, United States Code, in the temporary
36 grade in which he is serving on the effective date of this Act.

37 SEC. 18. A reserve commissioned officer of the Army or Air Force,
38 other than one specified in section 641 of title 10, United States Code,
39 serving on active duty on the effective date of this Act, who has the

1 reserve grade of first lieutenant, captain, or major, who was considered
2 once and not recommended for promotion to the next higher reserve
3 grade under section 3366 or 8366 of title 10, United States Code, shall,
4 if otherwise eligible, be considered again for promotion to the next
5 higher reserve grade by a selection board convened under section 3366
6 or 8366 of that title, as appropriate. If selected, he may be retained on
7 active duty subject to the provisions of this Act or any other provision
8 of law. If he is not recommended for promotion he shall be released
9 from active duty under regulations prescribed by the Secretary of the
10 military department concerned and be treated as provided in section
11 3846 or 8846 of title 10, United States Code, as appropriate.

12 SEC. 19. A reserve commissioned officer of the Army or Air Force,
13 other than one specified in section 641 of title 10, United States Code,
14 who has the reserve grade of first lieutenant, captain, or major, who
15 on the effective date of this Act has twice failed of selection for promo-
16 tion to the next higher reserve grade under section 3366 or 8366 of that
17 title, as appropriate, shall be released from active duty under regula-
18 tions prescribed by the Secretary concerned and be treated as provided
19 in section 3846 or 8846 of that title, as appropriate.

20 SEC. 20. Notwithstanding any other provision of law, any regular
21 officer of the Army or Air Force whose retirement was deferred under
22 chapter 367 or 867 of title 10, United States Code, or suspended under
23 section 3313 or 8313 of that title, may continue to serve on active duty
24 in a deferred status for the period that his retirement was deferred or
25 suspended.

26 SEC. 21. Notwithstanding any provision of law other than section
27 634 of title 10, United States Code, a Regular Navy line officer re-
28 stricted in the performance of duty serving in the grade of captain, a
29 staff corps officer of the Regular Navy serving in the grade of captain,
30 and a Nurse Corps officer of the Regular Navy serving in the grade of
31 commander on the effective date of this Act may continue to serve on
32 active duty for the number of years prescribed by former section 6377
33 of title 10, United States Code, as it existed on the day before the
34 effective date of this Act.

35 SEC. 22. The active-duty list established by section 620 of title 10,
36 United States Code, takes the place of the active list, promotion list, or
37 lineal list of the Army, Navy, Air Force, or Marine Corps, as the case
38 may be, under the provisions of title 10, United States Code, as they
39 existed on the day before the effective date of this Act.

1 SEC. 23. Except as otherwise provided in this Act, the provisions of
2 this Act do not affect rights and duties that matured, penalties that
3 were incurred, and proceedings that were begun before the effective
4 date of this Act.

5 SEC. 24. If a part of this Act is invalid, all valid parts that are
6 severable from the invalid part remain in effect. If a part of this Act
7 is invalid in one or more of its applications, the part remains in effect
8 in all valid applications that are severable from the invalid applica-
9 tions.

10 SEC. 25. No inference of a legislative construction is to be drawn
11 from the part of title 10, United States Code, in which any section
12 enacted by this Act is placed, or from the catchline of any chapter or
13 section enacted or amended by this Act.

14 SEC. 26. If a provision of law that is in a suspended status on the day
15 before the effective date of this Act is amended by this Act, the sus-
16 pended status of that provision is not affected by that amendment.

17 SEC. 27. This Act becomes effective on -----

Senator NUNN. As we begin our consideration of this important proposal, we have with us Mr. William Brehm, Assistant Secretary of Defense for Manpower and Reserve Affairs; Vice Adm. John Finneran, Deputy Assistant Secretary of Defense for Military Personnel Policy; Mr. Paul Phillips, Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs; Mr. Joseph McCullen, Assistant Secretary of the Navy for Manpower and Reserve Affairs; Mr. David Taylor, Assistant Secretary of the Air Force for Manpower and Reserve Affairs; and Lieutenant General Robert Barrow is here representing the Marine Corps. I want to welcome you here this afternoon. As I told you a minute ago, Mr. Secretary, the likelihood of votes this afternoon, on a continuous basis is rather strong, and Senator Culver has agreed to stay for most of the hearing, as much as he can, and Senator Scott is supposed to be here. Between us we will rotate back and forth and try to keep the hearing going as they vote.

We would like for you to proceed in whatever manner you would like, so you take it from here.

STATEMENTS OF HON. WILLIAM K. BREHM, ASSISTANT SECRETARY OF DEFENSE, M. & R.A., ACCOMPANIED BY VICE ADM. JOHN G. FINNERAN, USN, DEPUTY ASSISTANT SECRETARY OF DEFENSE, MILITARY PERSONNEL POLICY; PAUL D. PHILLIPS, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE ARMY, M. & R.A.; HON. JOSEPH T. McCULLEN, ASSISTANT SECRETARY OF THE NAVY, M. & R.A.; LT. GEN. ROBERT H. BARROW, USMC, DEPUTY CHIEF OF STAFF, MANPOWER; HON. DAVID P. TAYLOR, ASSISTANT SECRETARY OF THE AIR FORCE, M. & R.A.; MAJ. GEN. K. McLENNAN, DIRECTOR, MANPOWER PLANS AND POLICY DIVISION, HQ, USMC; AND REAR ADM. W. R. SMEDBERG, IV, USN, ASSISTANT CHIEF OF NAVAL PERSONNEL FOR PERSONNEL PLANNING AND PROGRAMING

Secretary BREHM. Thank you, Mr. Chairman, Senator Culver.

It is a real pleasure to be here to testify on behalf of S. 2424, the Defense Officer Personnel Management Act which I will refer to as DOPMA as I go through my comments today.

Mr. Chairman, I have a written statement and the representatives from the services also have statements. With your permission, we will submit the statements for the record at this time rather than read them.

If you agree, I would like to begin with some informal comments on the background of officer personnel management. I would also like to summarize the basic provisions of DOPMA.

Senator NUNN. I would suggest, since this is the first hearing on DOPMA, and I don't know when we will be interrupted, if your summary is going to basically cover this material, that we go ahead and have the full thing. I know that Senator Culver and I both are going to get more and more involved in this, so I think it would be time well spent for you to go ahead and give your full statement instead of summarizing it. We are going to be on this legislation for quite awhile, and I think we need to get a thorough background on it.

Secretary BREHM. I would be happy to do that, Mr. Chairman.

I also want to deal with the policy issues which have been raised in our communications. With your permission I will do that after reading this statement, because the statement does not consider these policy issues as such.

Senator NUNN. That is fine. Normally I would like summaries, as you know, but I believe since this is the beginning it would be well to have the full statement.

Secretary BREHM. Mr. Chairman, and members of the committee, we are pleased that the committee has given time to consider this important personnel legislation.

In my statement today I would like to summarize the shortcomings of the current system and highlight the major changes we are proposing.

First of all, a few background comments. As you indicated in your opening statement, Mr. Chairman, officer personnel management today is governed by the Officer Personnel Act of 1947, OPA, and the Officer Grade Limitation Act of 1954—OGLA. On the whole, these laws have served us well, but they have certain deficiencies which have been rec-

ognized by both the Department of Defense and the Congress. The proposed Defense Officer Personnel Management Act, S. 2424, represents the culmination of several efforts over a period of many years to update and extensively revise the 1947 act.

Most recently, in 1972, the Department of Defense formed a study group to evaluate the officer personnel management systems of the four services. The group's findings and recommendations resulted in the proposal we are considering today.

Parenthetically, I might add that our effort to update this system goes back at least 13 years. In addition, legislation actually was proposed to the Congress in 1963. It was not introduced, possibly because of its complexity and because it attempted to accomplish more than Congress wanted at that particular time.

The Defense Officer Personnel Management Act, or DOPMA, contains the statutory authority needed to provide more uniform promotion systems among the services and new grade authorization tables. A companion bill—and this is an important point—is being prepared for the Reserves. The Regular and Reserve proposals together will simplify the coordinated use of Active and Reserve forces after a mobilization.

The legislative proposal before you is quite a thick document. It would overhaul or eliminate more than 300 sections of current law, and codify others. I would like to emphasize, however, that despite its size this is not, in principle, a complex piece of legislation. Nor does it represent a radical shift from the present system. It basically clears up existing inefficiencies and anachronisms in the current law and provides consistent treatment for officers in all services.

REASONS FOR CHANGE—DEFECTS IN THE CURRENT SYSTEM

Congress and the Department of Defense have identified a number of defects in the existing laws. For purposes of simplicity we can consider these defects in two major groups.

The first group consists of problems relating to management of the force and grade structure. One of the most serious faults with the present law is the fact that the Air Force has substantially lower permanent limits than the Army or Navy in the lieutenant colonel and colonel grades. This occurred because the Air Force was a new service with a young officer corps when the Officer Grade Limitation Act was passed in 1954. Adherence to these lower limits would provide Air Force officers drastically lower career progression opportunity than officers of the other services. Congress, however, has provided temporary relief by suspending the Air Force's limits seven times since 1959. The need to establish more realistic grade limitations for the Air Force has been one of the principal motivations for revising the officer management laws.

The officer grade ceilings are also inadequate to accommodate a recall of today's organized Reserve units in an emergency. They simply do not accommodate the total force policy which is now a part of defense manpower management policy.

The tables do not add authorizations for senior officers in the same proportion as they would be needed in mobilized Reserve units, so in time of mobilization, a portion of each unit's senior officer leadership might well have to be left behind. I might emphasize that it is very

difficult to predict in advance the size or mission of mobilized Reserve units or the duration of any particular contingency. So we cannot say exactly what sort of officer grade structure would be associated with a future Reserve mobilization. That is an uncertainty we simply have to deal with in our management process. Temporary exemption of Reserves from the permanent grade ceiling would solve this problem. Here is where the parallel legislation that we will be proposing for the Reserves is important and comes into play.

The final deficiency relating to force structure management concerns statutory tenure guarantees. The statutory tenure given to regular majors and lieutenant commanders has caused us to carry officers to retirement who otherwise would have been separated and replaced by more junior officers. These difficulties have limited the services' ability to achieve and maintain the most effective officer structure. They have also contributed to a lack of selectivity in the post-Vietnam drawdown.

The second major group of deficiencies in the present laws are those that result in inconsistent or inequitable treatment of officers. Most of these deficiencies result from the respective historic origins of the statutes.

Different laws controlling promotions result in Army and Air Force officers undergoing two selections to each grade, one temporary and one permanent, while Navy and Marine Corps officers undergo only one. Different provisions for mandatory separation and retirement result in different lengths of tenure for members of each service. The fact that only unrestricted line officers are subject to direct grade limitations in the Navy means that only about 60 percent of Navy officers are covered under the current limitations. Thus, there is a substantially different basis for grade control in the Navy than in the other services.

A related problem concerns the Reserves. For various reasons it has been necessary to keep large numbers of Reserve officers on active duty. Reserves, however, do not have the same statutory tenure as Regulars, and are therefore separated first during reductions in force. This practice is discriminatory, particularly for careerists.

Differentiations based on sex, particularly in the laws relating to the Navy and Marine Corps, are another example of legal requirements that can result in inequitable treatment of officers. For example, women officers in the Navy are not afforded the same legal opportunities for promotion to flag rank as male officers, nor are they subject to the same provisions for involuntary separation.

I think you will agree that some changes are needed to allow us to manage our officers properly and efficiently. DOPMA will enable us to do this by modifying and rationalizing the laws governing officer management, while retaining the concepts underlying the present system. Major changes are as follows:

GRADE LIMITATIONS

The concept of limitations in officer grades will be retained. We are proposing new statutory grade limitations for the O-6, O-5, and O-4 grades. The limitations are consistent among the services and reflect today's requirements. Other than updating the Air Force limitations, the new limitations are not radically different from the previous ones

in terms of numbers in each grades. However, the numbers of colonels will be reduced at all officer strength levels, while the number of lieutenant colonels will remain about the same except for a slight increase at the lower strength levels. This increase remedies design deficiencies in the present tables. Authorizations for majors are increased at all strength levels to correct current tables that do not provide adequate career opportunity and also to compensate for the reductions in authorizations for the higher grades.

The new statutory grade limitations cover only O-6's, O-5's, and O-4's and are, of course, related to total officer strength. The present "sliding scale" concept will be retained; this means that as total officer strength of a service decreases, the proportion of senior officers will increase, and as the total officer strength increases the proportion of senior officers will decrease.

We are not recommending statutory control over the lower grades since overall officer strength management requires greater latitude in managing this group. This is borne out by our experience over many years.

We are also proposing that recalled reservists not be counted against active duty grade limitations and not be included in the base for their determination for a period of 2 years following initial recall.

The new grade limitations standardize among the services the categories of officers not included within the limitations. This represents a particularly significant change for the Navy, since restricted line and staff corps officers, excluding physicians and dentists, would now come under direct grade control. This includes officers in such specialties as supply, civil engineering, legal, and intelligence.

The grade tables are designed to allow a selective flow of officers through the grade structure and to standardize promotion opportunities at reasonably spaced intervals.

I should emphasize that the new grade limitations are just that—upper limits which the Department of Defense will not exceed. We intend never to have a grade distribution richer than that required to meet the needs of readiness and personnel management. We view these grade limits as a mutual commitment between the Department of Defense and the Congress—the Department obligated to manage within these limits and the Congress allowing us to use the full limitations as conditions require.

ALL-REGULAR CAREER FORCE

With limited exceptions, an all-regular career force will be established under DOPMA. All active duty officers with more than 11 years of commissioned service will be Regulars. The only exceptions, other than for junior officers, are Reserves involved in organizing, training, or administering the Reserve components and those recalled to active duty in an emergency. This will eliminate the selective vulnerability of Reserve officers to reductions in force after their 11th year of service.

MANDATORY SEPARATION

This bill continues the concept of mandatory separation or retirement after specified periods of service, depending on the grade attained.

The maximum periods of service will be standardized for all services. O-6's may be permitted to remain on active duty for 30 years of commissioned service, O-5's 26 years, and O-4's 20 years. The O-3's and below will be permitted to remain until the second failure of selection to the next higher grade.

Another important feature of DOPMA is selective continuation.

SELECTIVE CONTINUATION

Although maximum periods of service will still be specified, tenure provisions will be substantially changed. The present system of tenure forces the services to rely on retarding or stopping promotions to reduce the number of officers in controlled grades during periods of force reduction. DOPMA will remove assurance of tenure for the grade of O-4 and create a selective continuation authority for the grades of O-5 and O-6. The O-4's who have twice failed selection for promotion may be continued on active duty to 20 years only through the action of a continuation board specifically convened by the service Secretary. If they are not continued, they will either be involuntarily separated or retired if eligible. In addition, the service Secretaries will have the authority to convene boards for discontinuing O-5's who have twice failed selection for promotion and for O-6's with over 4 years in grade. If not continued, they will be retired. There will, of course, be limits on the rate at which senior officers may be discontinued under this provision.

ADMINISTRATION

Personnel administration will be simplified by the DOPMA proposal. The dual temporary/permanent promotion system presently in effect will be replaced by a single promotion system for each service. Promotion will be on a permanent basis as vacancies occur, under a single set of statutory grade limitations. We expect this will help to equalize promotion opportunity among the services as well as to simplify administration. Also, under DOPMA the provisions as to appointment, promotion, accountability, and retirement will apply equally to male and female officers.

I have summarized the major features of the bill and the management system it is designed to support. I should note that the proposal contains extensive transition provisions to protect the rights of officers on active duty at the time of enactment. If the proposed changes were made too abruptly, they could adversely affect the careers of many officers.

The Defense Officer Personnel Management Act will greatly aid the rationalization of our officer management system. It will also permit greater flexibility in the management of officers, especially through the use of the selective continuation provisions. The effectiveness of the selective continuation concept, and the move to an all-regular force, is closely tied to the enactment of the Retirement Modernization Act proposal which was submitted to Congress on May 30, 1975. We do not feel we can remove the retirement eligibility assurance now enjoyed by majors and lieutenant commanders unless we have the means to compensate them for separation after long years of service.

Mr. Chairman, I would conclude this formal testimony by asking that the committee judge this legislation not on the basis of any single

aspect, but in terms of our overall objective of improving personnel management in the military services. To be successful we will need a satisfactory balance between the management interests of the Department of Defense and the personal rights of the individual officer. This bill achieves such a balance and is supported by a broad consensus within the Department of Defense. It is a bill which preserves the best features of the current system while correcting the deficiencies. It will prove invaluable in meeting the long-range leadership needs of Defense.

We believe this bill, in concert with the proposed changes in our retirement system, will produce the kind of officer force needed for our national security and will assist in arresting the rising tide of manpower costs.

Mr. Chairman, I am prepared to elaborate on two or three additional points that I think will be of interest. I would also like to deal with a number of issues that have been raised.

Senator NUNN. Fine.

Secretary BREHM. I would like to elaborate on the categories of officers that would not be covered by DOPMA. There are six such categories—reserves on active duty for training and reserve component management; flag and general officers who would remain under OGLA—who very likely, Mr. Chairman, would be treated in due course in a separate bill; medical-dental officers; warrant officers; retired officers on active duty; and those officers serving with the Selective Service Systems.

I have touched on the fact that DOPMA also would exclude mobilized reserves for a period of 2 years. We feel that this is an appropriate step to take because no matter how well we plan, there is uncertainty with respect to our ability to predict what any particular reserve mobilization might look like. We cannot predict its size, its composition or its duration, or even the underlying circumstances that would bring us to a reserve mobilization.

During the 2-year period that mobilized reserves would be excluded from DOPMA we would have two control systems operating in parallel; DOPMA for the active force, and the companion bill for the reserves which we have called ROPMA. ROPMA would cover both the nonmobilized reserves and the mobilized reserves.

An approach of this type would give us time, several months or even a year, to determine the manning requirements of the contingency we are dealing with. If it looks like the emergency is going to last longer than the 2-year period it might be necessary to come to the Congress for modifications of the active duty controls. However, the 2-year exclusion permits us to get through to that point, and therefore we believe it is a sound management approach.

It is important also to recognize that if we attempted to integrate the reserves immediately into the active force after a reserve mobilization it is quite likely that reservists would suffer in the promotion-selection process. They would be thrown into side-by-side competition with active duty officers who have had recent full-time experience in command and other positions.

Also, if the emergency turns out to be of relatively short duration—let's say something less than 2 years—the exclusion of reserve officers would make the subsequent phase down much more easily

achievable. We have been greatly handicapped because we did not use the reserves in the buildup for Vietnam. Years after the peak strength was reached, in 1969, we are still suffering the ripple effects of the substantial expansion and contraction that we had to make.

I have mentioned of course that DOPMA provides for an all-regular career force. All officers with more than 11 years of service would be regulars. This would eliminate the discrimination which I feel presently exists against career reserve officers.

I would like to talk now in somewhat more philosophical terms about the purpose of DOPMA. I would like to deal with the requirements issue, which is an important issue both to us and to the committee. I would also like to discuss the flexibility that DOPMA will give us. Finally I will discuss the congressional controls which are provided by DOPMA and by other aspects of our joint partnership in defense management.

The purpose of DOPMA is to provide a reasonable balance among four factors. The first is congressional control at a reasonable level of detail. The Congress has other controls and is given full visibility of strength and grade structure through the annual authorization and appropriation process. I will come back to this point in a few minutes but briefly the first objective is congressional control.

Second, we have to have an effective, orderly personnel management system which permits DOD to develop long-range plans for managing its officer force. We do not manage our officer force on a year-by-year basis. It is often said that it takes about 20 years to develop an O-6, and that is pretty close to the truth. We have to consider that as we look at our personnel management system.

The third objective is to provide clear expectations for the officer force itself. Any personnel management system, if it is effective, represents some kind of a compromise between the interests of the employer and the interests of the employee. If we were to approach DOPMA entirely from the standpoint of the employer, there would be a great danger that we would subordinate the interests of the personnel we are managing. We could wind up with a lopsided system that would not be effective in attracting and retaining the people we need.

The fourth objective is to have flexibility to deal with reasonable changes in the size of the Active Force.

Congressional control, orderly personnel management, a clear statement concerning the career expectations of officers, and the flexibility to deal with reasonable changes in size of the force are the four major objectives. We believe we have achieved proper balance among those four objectives. This results in a framework and a system of rules within which we can manage, all specifically approved by the Congress under our proposal.

DOPMA is not intended to be a requirements based system. Officer management never has been requirements based, and we firmly believe it should not be in the future. There are other ways to determine grade structure which I would like to outline.

Requirements fluctuate too much to tie grade structure controls precisely to them on a day-to-day, month-to-month, or even a year-to-year basis and still achieve the four objectives that I mentioned.

The development of requirements, while essential, is a highly judgmental process. It is easier for tactical organizations, and it is tougher for management activities. I would like to emphasize that management activity is just as important as combat activity in terms of requirements for officers. One cannot say that the management of a \$100 billion defense program is any less important than maintaining the peacetime readiness of the tactical units, even though it is the tactical units that we fight with if we are called upon to fight.

I will cite an example of what I am talking about. Our management of the \$9 billion R. & D. effort requires officers and project planners who have had field experience both in tactical units and within the logistics system.

If we add requirements to the other constraints which we propose to adopt, we will tend to over constrain management. Therefore I propose to handle the requirements issue in other ways which I think should fully satisfy the Congress.

First I would suggest that DOD must routinely review its unit requirements for officers. The results of this review should be reflected in the annual presentation of the defense program to the Congress. DOD must be prepared to defend its program in that context. We expect that our annual plan for total officer strength and for grade structure will not call for grade authorizations as high as the DOPMA limits. An exception would be if we shrank the overall force rapidly, in which case we might program to the limits to maintain promotion flow. That of course is what this management system is all about. This highlights the continuing compromise between management and employee.

I would like to talk a little bit about how well I believe we have done recently in dealing with this very issue. In the last 3 years, Mr. Chairman, military strength has been reduced by 6.7 percent. That is where we will be next June 30 based on the President's budget. Compared to the end of fiscal year 1973, the same 3-year period, we will have reduced total officer strength 12 percent; colonels and captains, outside of the medical activities, by 10 percent; and lieutenant colonels and commanders by 11 percent. Those three percentages all substantially exceed the overall reduction in military strength.

Senator NUNN. How about generals and admirals.

Secretary BREHM. We have reduced generals and admirals by about 8 percent, a total of 106, over this same period.

We did this in the expectation that requirements for total officer strength and senior officers would drop as a result of our headquarters and support reductions, an effort which had been ongoing before our current effort got underway in 1975, but which we gave substantial impetus to as a result of our initiatives in October 1973.

We have worked within the framework of OGLA and OPA, but with a great deal of difficulty. I would be happy to have the Services talk about these difficulties, such as the lack of flexibility with respect to tenure because we do not have a vesting program, and also the other limitations which I have already described with respect to the current laws. Overall I think we have done reasonably well, but we need DOPMA, in order to permit us to manage this kind of a charge equitably, responsibly and in a reasonable amount of time. Of course we can solve any problem with enough time.

I would like to talk for a few seconds about the flexibility that DOPMA gives us. I have made some rough calculations based on the size of our current officer force and the fact that the DOPMA grade structure percentages would cover a fluctuation of as much as 15 percent below and 25 percent over the current level of officer strength. Under DOPMA we could add about 70,000 officers to the active duty strength. This does not include reserve authorizations, it is just an expansion of the Active Force. With any add-on we could expect the officer component to be less than that of the current force, so I have made the assumption that the relationship between enlisted strength and officer strength for an add-on would be roughly 10 to 1, even though our current relationship is about 6.5 to 1.

On the basis of a ratio about 10 to 1 we could add 700,000 enlisted personnel to the active duty strength. We could do this while managing within DOPMA.

To that we could add about 900,000 personnel from the Selected Reserve Force. The total force on active duty would then be well over 3½ million, which is roughly the Vietnam peak, starting from a base which is nearly 700,000 fewer than the base we started from in 1964. In other words, we could go from roughly 2 million to over 3½ million. The Reserve officer management would be handled by the ROPMA provisions which we will propose to Congress, and DOPMA would govern the active duty strength.

With DOPMA and ROPMA we would have the instruments we would need in order to handle that very substantial augmentation of Active Forces.

Finally, the congressional controls. There would be of course the DOPMA ceiling, and with the Reserve Forces the ROPMA. Congress also has a very direct control through its review and approval of the annual budget plan. As I stated earlier, we expect to be able to defend the specific officer program that we propose in any given fiscal year.

In addition to that, the Congress has access to the details of our requirements calculations and the steps that we are continually taking to scrub out unneeded officer positions. The Congress has full access to our management approach.

Mr. Chairman, those are the additional comments I wanted to make to attempt to deal with some of the issues which have been raised in our correspondence. We would be pleased now to deal with questions that you, or Senator Culver, or the committee staff has.

Senator NUNN. Thank you very much, Mr. Secretary.

Do you want to have the Assistant Secretaries of the Navy, the Army, and the Air Force make brief statements at this time? We would be pleased to hear them. I understand Mr. McCullen is going to have to catch a plane in a few minutes.

Mr. McCULLEN. Not until 4 o'clock.

Secretary BREHM. Mr. Chairman, they do have written statements. I believe you indicated that you would like to have those for the record.

Senator NUNN. We will have those for the record. I didn't know whether they wanted to make any kind of brief summary. It is up to them.

[The statements referred to follow:]

PREPARED STATEMENT OF HON. JOSEPH T. McCULLEN, JR., ASSISTANT SECRETARY
OF THE NAVY, MANPOWER AND RESERVE AFFAIRS

Mr. Chairman, members of the subcommittee: I am pleased to have this opportunity to appear before this subcommittee in support of this important personnel legislation.

I will not take your time with a review of all the features of DOPMA. Secretary Brehm has provided you with this review. Rather, I would like to address those features which will have significant impacts on Navy and Marine Corps officer management, and the needed improvements that DOPMA will make possible.

During my 2 years in my present position, it has become increasingly clear that our existing statutes need updating to reflect both management and individual requirements of the present and the future.

The Officer Personnel Act of 1947 was designed for a relatively stable, peace time force consisting of virtually all regular officers. This force structure has never come to pass. Over this period of time, changes in the needs of the services have caused changes in the compositions and management requirements of our officer corps. As a result, various sections of the laws governing Navy and Marine Corps officer promotions, grade limitation and other areas have had to be amended by Congress or suspended by executive order over the years.

This proposed legislation is lengthy and may appear to be complex. I fully appreciate the magnitude of work and consideration that the many technical changes in these laws place on this subcommittee. However, I am convinced that the net result will be a simplification of existing statutes. It will also provide for better management and better understanding by the individual officers.

DOPMA fills three primary needs:

First, it provides a more uniform legal basis for officer personnel management among all the services.

Second, it provides controls needed to meet the challenges of managing the officer corps in the seventies and eighties.

And finally, it strikes a better balance between the needs of management and the guarantees essential to the personal aspirations of the individual officer.

Central to the entire DOPMA proposal are the grade tables and ceilings established in the proposed tables.

The Navy is currently unique in that the Officer Grade Limitation Act applies only to officers of the line not restricted in the performance of duty. These are the officers who man the ships and planes of the Navy and are eligible for command at sea. They comprise about 59 percent of the total Navy officers corps, including medical and dental officers. The Navy staff corps and restricted line are indirectly controlled by linkages to the unrestricted line through the so called "running mate" and the "line fraction" systems. The link exists to ensure equity in promotion opportunity and timing.

The new grade tables in DOPMA encompass all officers except physicians, dentists, warrant officers, and certain reserve officers. This would eliminate the running mate system for active duty officers and make all services similar in this respect.

In lieu of the "running mate" system all active duty officers are included in a single integrated "active duty list." This would permit more precise control in both planning and execution of promotions and grade strengths than afforded under the present "running mate" system.

The DOPMA grade tables are structured to permit the Secretary of the Navy to prescribe strengths in each grade according to changing requirements. They also allow for required staff support provided to the Marine Corps. For example, Navy chaplains are assigned for duty with the Marine Corps, but count against the grade limitations of the Navy, similarly, officers of the Judge Advocate Corps, Civil Engineer Corps, Nurse Corps and Medical Service Corps provide essential support for the Marine Corps even though not assigned for duty with the Marine Corps.

The DOPMA tables generally recognize that officer grades represent skills and experience closely related to years of commissioned service. Let me address briefly our approach to requirements determination. Since the skills and experience required for combat roles and military management are not directly available from the civilian population, they must be developed over time in anticipation of future requirements. Near term requirements are under constant review. We continually adjust the billet structures of the operating forces and the supporting establishment to ensure their responsiveness to mission requirements

and force sizing. Both Navy and Marine Corps have made considerable cuts and downgradings in their officer structures in the past six years. While the criteria for determining grade requirements are by no means absolute and involve value judgments, we employ valid concepts and procedures which appropriately consider span of authority, degree of responsibility and decision making, professional skills, and level of experience.

DOPMA retains the ability to separately manage the restricted line and staff corps of the Navy. This highly desirable feature enables the Navy to continue to focus proper attention to requirements for specialized skills in the support arm. It provides the Secretary with the desired degree of flexibility to adjust grade strength and promotion opportunity in those categories, within ceilings, to better meet overall requirements.

Under DOPMA, all appointments in the grades of O-1 to O-6 will be permanent. Currently, the Navy or Marine Corps officer initially receives a temporary promotion to fill a vacancy under the OGLA grade ceilings. When a vacancy occurs in the number of permanent officers authorized under the OPA ceiling, his promotion is made permanent. Under DOPMA, this dual promotion system is eliminated. Senior officers will be promoted to fill vacancies under a single grade authorization.

DOPMA would result in major changes in the statutes affecting women officers. For example, the guaranteed tenure of 7 and 13 years which is afforded women at grades O-2 and O-3 respectively, would be eliminated and tenure would be established on the same basis as for male officers. DOPMA will also include women officers in the grade tables and will provide for uniform management and promotion procedures for both male and female officers.

DOPMA provides for several modifications to involuntary separation and retirement statutes that give added control in managing grade strengths. The probationary period during which a regular officer can be discharged for unsatisfactory performance would be extended from three to five years.

DOPMA provides for the discharge of twice failed of selection for promotion officers serving in the grade of O-4 unless they are continued on active duty by a selection board convened by the service secretary "when the needs of the service require." This provision is of course predicated upon the enactment of the retirement modernization act prior to or concurrent with DOPMA, if RMA is not enacted we would need to retain current tenure guarantees for O-4's, or provide suitable compensation, similar to that contained in the RMA.

O-5 officers who twice fail selection for promotion may remain on active duty until completion of 26 years of creditable commissioned service, as under current law. Officers at the O-6 level must retire at 30 years, whether or not they have failed selection. Under DOPMA, however, the service secretary could convene continuation boards to review each O-5 after he has twice failed selection for promotion, and each O-6 with at least four years in grade, and direct involuntary retirement of up to thirty per cent of those considered. Through the combination of voluntary retirements, stimulated by the retired pay inversion anomaly and slowed promotions the Navy and Marine Corps have been able to achieve recent required force reductions without resort to separate continuation authority. However, such circumstances may not obtain should the services have to again reduce in size following some future expansion. Good management dictates the need for flexibility to apply reductions in all grades.

No provision has been made in DOPMA for severance payments for officers in the grades of O-2 and O-3 because it was envisioned that the retirement modernization act would cover the severance payments. However, if the RMA is not forthcoming, some provision will need to be made for severance pay for these officers.

The DOPMA proposal provides that a reserve officer, if he elects to remain on active duty beyond eleven years of commissioned service, must augment into the regular Navy or Marine Corps reserve officers with greater than nine years service upon enactment of DOPMA would have two years in which they may request regular status. The impact of the new rule would be minimal for the Navy and Marine Corps since there are comparatively few officers who are not regulars beyond their eleventh year. An exclusion to the all-regular officer corps after 11 years would be those reserve officers on active duty involved in the training and administration of the reserve forces.

This concludes my review of the major differences for the Navy and Marine Corps between DOPMA and current law. We fully endorse the proposed legislation as a forward step in officer management.

PREPARED STATEMENT OF PAUL D. PHILLIPS, DEPUTY ASSISTANT SECRETARY OF THE
ARMY, MANPOWER AND RESERVE AFFAIRS

Mr. Chairman and members of the committee, the Department of the Army is pleased to have the opportunity to appear before the committee to present the Army perspective of this important legislation.

The Army is pleased also to have had a major role in the development of legislation which is designed to modernize personnel management with the objective to attract and retain quality commissioned officers.

You were informed in the presentation by the Office of the Secretary of Defense on the overall philosophy and intent of the bill as it related to all Services. We will present the impacts on personnel and management within the Army.

First, I am convinced this legislation is necessary for more efficient management of the Officer Corps in the Department of the Army. It provides a more visible and more easily understood career progression pattern for individuals, and increases the equity between Reserve and Regular officers, which is especially important in our total force policy.

Second, the new grade limitations will *permit* a grade structure *which* is designed to meet both the command and staff needs of our organizations and career progression requirements. I say "permit" because the grade tables establish *ceilings* within which we have the opportunity each year to propose to the Secretary of Defense and to the Congress the number of majors, lieutenant colonels, and colonels we should have.

Third, implementation of several of the bill's provisions, notably the removal of the retirement assurance for majors, the All-Regular *career* force, and to some extent, the grade tables are dependent upon the enactment of the Retirement Modernization Act. For example, we do not propose to remove the retirement eligibility assurance now enjoyed by majors until we have the means of compensating them adequately for being severed from service.

The DOPMA provisions are important to the Army. DOPMA will enable us to update our management system so that it meets the needs of the Army, of the individual, and of Congress.

The major provisions of DOPMA result in the following changes for the Army.

The single promotion system eliminates the Army's separate management of permanent and temporary grade structures. It eliminates the individual's concern for career progression under two separate promotion systems.

The establishment of an All-Regular force by not later than the 11th year of service provides equity between the Regular and Career active duty Reserve officer and ends the anomaly of career reservists that has existed since 1947 by recognizing that we are not likely to reduce the Army to a level which would require only 50,000 officers.

The new tenure provisions change Army mandatory retirement points for majors from 21 to 20 years and for lieutenant colonels from 28 to 26 years while colonels remain at 30 years. The new tenure rules are modified by selective continuation provisions which were explained during the Department of Defense presentation. These selective continuation provisions will enable the Army to reduce the number of officers in senior grades during periods of force reduction by means other than retarding or stopping promotions, and to reduce the total number of officers by other than reducing accessions.

At the Army's budgeted officer strength for FY 76, the new field grade authorization table reduces colonel and lieutenant colonel authorizations below the numbers authorized by the Officer Grade Limitation Act (OGLA) and increases the number of majors. If the proposed grade table is approved, it will help alleviate the long standing shortage in majors which has existed under the Officer Grade Limitation Act and will provide some relief in the adverse situation which now exists with respect to promotion to major. The officer categories excluded under the proposed grade table but included in the current grade table are retired officers recalled to active duty, programmed to be 12 for the Army at the end of fiscal year 76, and statutory tour Reserve officers which are programmed to be 152. This is common to all Services and was done because such officers are not in the promotion stream for career officers. The officer categories excluded from the current table but included in the proposed table are reimbursables: these are personnel working outside the Department of Defense, engineers on civil works duties, and professors at the U.S. Military Academy. This was done because such officers are in the promotion stream for career officers. Both grade tables exclude physicians, dentists, warrant officers and officers performing selective service functions.

Several statutes are repealed by the bill to provide equal opportunities for women. The current statute prohibits Regular appointment of women to the branches in which they are serving even though we do assign women to serve in varied branch and skill jobs. The bill will permit appointment of women to the proper branches of the Regular Army. The bill also eliminates the separate promotion list for Women's Army Corps. The bill changes the definition of Service dependent to equalize treatment for dependents of male and female sponsors.

In addition, at the time DOPMA was being developed, we felt very strongly that women in the Army—both enlisted and officers—needed the continued protection of a separate corps until such time as they could be afforded the opportunities of assignment to be competitive for schooling and promotions with men. In the interim, we have taken a number of steps to make them competitive. All WAC officers are now detailed outside the WAC to one of the functional branches of the Army. Enlisted women always have been assigned in the same manner as men. They are not assigned to branches per se but rather in accordance with their military occupational skill. (In fact, women are enlisted into the United States Army, not the Women's Army Corps.) WAC officers now compete with male officers for school selections, including the War Colleges, and recently The Secretary of the Army directed that they will compete with male officers on temporary promotions. One additional point: The Director of the WAC does not now and never has controlled the recruitment, training, or assignment of WAC's. Those functions are and always have been accomplished using the same mechanisms and staff organization as for males.

One may ask, "why then must the law specify that there continue to be a WAC"? The Army is prepared, Mr. Chairman, to specify that the need no longer exists in law and has no objection to the deletion under DOPMA of Section 3071 of Title 10, USC. At the same time, we ask you to understand that our plans actually to disestablish the WAC cover a period of one to three years. During that time we still foresee the need for a full time senior female officer to act as advisor to the Secretary and Chief of Staff on WAC matters and to be a spokeswoman for women in the Army because, of course, we are still expanding our use of women. (We have such a spokesman for other minorities in the Army.) Indeed, even when the WAC is disestablished, we see the need for a senior spokeswoman for military women in the Army comparable to the Federal Women's coordinator for civilian women. We do not want to do anything that could be taken as a negation of the past contributions of women to the Army. Hence, we would see the continued use of the traditional term WAC—rather than female soldier—to differentiate men and women; just as we still have a cavalry division though without horses, we still would expect to celebrate the WAC birthday dating from 1942; we still would maintain the WAC museum; and we still would have the WAC Pallas Athena insignia for WAC's to wear until they complete initial training and earn the right to wear branch insignia. To summarize, Mr. Chairman, we have no problem in deleting in law under the DOPMA the requirement that there be a WAC and we intend to disestablish it within one to three years.

The Army does not anticipate major problems in transitioning to this new personnel system.

Mr. Chairman, in conclusion, we believe that DOPMA serves both the interests of management and the officers of the Department of the Army.

We believe the bill preserves the best features of the Army's existing management system and revises those features necessary to meet the challenges of an all-volunteer environment and long range leadership needs of the Army.

We believe that this bill will allow the Army to meet requirements for quality officers in the various grades at ages conducive to effective leadership. At the same time, the bill provides career opportunities that will attract and retain the number of high caliber officers needed.

The Department of the Army strongly urges your approval and Congressional enactment of DOPMA. Mr. Chairman, that concludes my statement.

PREPARED STATEMENT OF HON. DAVID P. TAYLOR, ASSISTANT SECRETARY OF THE
AIR FORCE, MANPOWER AND RESERVE AFFAIRS

Mr. Chairman and Members of the Committee, I appreciate having this opportunity to appear before you today to address the proposed "Defense Officer Personnel Management Act" (DOPMA) and what it means to the Air Force.

I would first like to address the requirement for this legislation—why this proposal should have high priority for Congressional consideration. The salient provisions of the current law—the Officer Personnel Act of 1947 and the Officer Grade Limitation Act of 1954—have been fully described in previous testimony. Although these laws with certain modifications have been sufficient to manage our officer force, they represent a patchwork approach. They were passed to fill immediate needs, but they do not reflect a systematic and coherent approach to officer management which is reasonably consistent for all services.

DOPMA on the other hand is a cohesive legislative package which consistently treats officers of all services with a single set of laws. It is not a radical departure from current officer management, and we do not anticipate large budgetary savings with its passage. Rather it proposes to end that labyrinth of current law—regular/reserve career systems, temporary/permanent promotion systems, different tenure for different services, inconsistencies in the bases for grade limitations, lower grade limits in permanent law for one service—the Air Force—and in two services—different promotion laws and tenure for men and women. These inexplicable features are not only confusing to the members of the force, they also make little logical sense when viewed as an entire system for the total Department of Defense. It has been over 20 years since the last major legislative review of officer management by the Congress. We believe that it is necessary to improve the current system by another such review.

The DOPMA proposal is designed to provide the services with the required numbers of officers at the age levels necessary to maintain a vigorous military force. It would accomplish this by providing a balance between the differing and often opposing objectives of management on one hand and the interests of individual officers on the other. This balance is especially critical in a closed military personnel system which provides little opportunity for lateral entry at higher management levels. Because we have a closed system—in contrast to most other career systems—it is essential for the military services to attract and retain the high caliber of officers to meet our future as well as our current needs. The career system must help to motivate these individuals to devote their careers to the military service of their country by meeting their aspirations for challenge and advancement at predictable points in their careers.

DOPMA is designed to fulfill management and individual objectives, but it is also consistent with our process for determining our officer requirements. While career progression is the long term consideration in building a professional and motivated force, the officer management system is tied closely to the shorter range immediate requirements for officers in a particular grade who are needed to accomplish specific jobs. This interaction of grade requirements with the need for career progression has been recognized by the Congress for many years. One of the best descriptions of this relationship is contained in the 1954 House Armed Services Committee Report on OGLA in which the necessary balance between requirements and career progression is well explained. In order to clarify this relationship I would like to expand on the way in which we determine our manpower requirements.

The Air Force has a structured and disciplined manpower requirements determination process which is based on work standards and guides developed from industrial engineering techniques. This process addresses both quantitative and qualitative aspects which are interrelated in the determination of the requirements. The quantitative aspect involves the determination of the total numbers of personnel needed to accomplish specified jobs. The qualitative aspect involves the specification of the skills, experience, and grade levels required to reasonably accomplish the workload generated by the mission.

The qualitative aspect of manpower requirements is a very complex matter. It deserves the emphasis which we place on it and demands the best technology that we can bring to bear. There may be occasion for certain subjective judgments in this qualitative process, but Air Force procedures are as highly developed as any similar system in government or industry. When we validate a job position for a colonel, we have systematically determined that the experience and judgment required is consistent with that expected of an Air Force colonel. Our requirements, based on job content, are modified to accommodate long range force management considerations such as quality, career progression and promotion opportunity. Thus, the grade tables in DOPMA represent a balance between the officer grades needed to meet current Air Force job requirements and those needed to sustain a closed personnel system over the long term.

Said another way, the proposed DOPMA limitations are upper limits within which the Air Force will operate while providing for adequate career progression

in a closed personnel system. This aggregated grade structure is a best estimate of our long-term grade requirements.

Our regularized manpower and grades determination process has recently been subjected to analyses which have indicated that the current system represents an effective approach to the requirement question.

For example, the GAO, in a recent review of Service procedures for validating field grade officer positions, acknowledged that the Services use consistent and formal procedures to develop and validate the number of officers required and the grade of each officer position. Further, they recognized that officer position validation is a dynamic, multifaceted process dependent upon external constraints as well as internal management considerations.

Also, comprehensive, research-based analyses have been made of the executive force structures in certain civilian industries, Federal agencies and Armed Forces of other nations. The current Air Force officer grade structure compares very favorably in these studies.

Although the present grade determination process has proven effective, the Air Force is continuing to implement management improvements to insure that this program is as comprehensive and as standardized as possible. Improvements being implemented include: (1) the establishment of the HQ USAF Colonel Requirements Board to validate O-6 positions, thereby elevating control of this vital executive resource to the highest level; (2) the implementation of research-proven benchmark job-related criteria into the grade determination process; (3) the improvement of grade accounting control procedures to insure accurate documentation of grade requirements which cannot be funded due to budgetary or statutory limitations.

As a result of our constant re-evaluation of Air Force requirements to meet changing missions and remain within established fiscal constraints, the Air Force has been reduced in active duty strength by 292,000 since 1968—a 32% reduction. Of this total reduction, 35,000 were officers—over 40% of whom were officers of field grade.

But the figures alone do not indicate the real significance of these reductions. Our 1968 Vietnam peak strength was only 5% above our pre-Vietnam (1964) level compared to 32% for the total DOD. Indeed, today's Air Force is farther below its pre-Vietnam strength levels than any other Service, and our officer strength is at its lowest level since 1950. This year we are further decreasing our active military strength by 22,000. This includes a reduction of over 5,400 officers, almost 2,200 of which are field grades.

As you can understand, it is becoming more and more difficult to manage such reductions without significant impact on mission capability, promotion flow and morale. For example, we have lacked the management tools to spread required involuntary separations equitably among both junior and senior officers. In the past two fiscal years, the bulk of our reduction in force (RIF) has been concentrated on junior Reserve officers. Of a total 2,077 officers RIF'd through 31 July 1975, 94% were lieutenants and captains. Had we had the selective retirement provision of DOPMA, a part of the forced reduction could have been distributed across the senior officer ranks through involuntary retirement, thereby shifting some of the burden of RIF from the young career oriented officers. We are facing the same kind of problems in managing the FY 76 reduction in force.

DOPMA is designed to fulfill both the needs of management and the needs of individuals. The selective continuation provision is an excellent example of the way the legislation fulfills a management need. The DOPMA grade limitations are ceilings which will meet management objectives of fulfilling officer requirements while also meeting individual objectives by providing adequate career progression. The other major DOPMA provisions of the single promotion system, single career system of all Regulars over 11 years, and consistent promotion programs have been fully explained and are essentially the same for all the Services. These provisions will act together to produce an improved and more understandable system for our officer members.

The most significant feature of this legislation for the Air Force is the stability that its passage will provide for the career planning of our officers. When OGLA was enacted in 1954, the Air Force was provided a lower proportion of officers in the field grades than the Army and Navy. This was done in the recognition that we had a young force of officers at that time and the need for field grade authorizations for career progression was initially less for the Air Force. In 1959 we received the first temporary increase in these grade limitations in order

to provide career equity for Air Force officers. We have requested and have been granted relief from the restrictions of the 1954 OGLA seven times. Without the permanent grade table provisions of the DOPMA legislation, we will once again, for an eighth time, be compelled to request temporary grade relief to be effective when our present extension expires on 30 September 1976.

We appreciate the fact that Congress has granted our requests for grade relief over the years; however, this unique problem has made long range career planning by Air Force officers extremely uncertain. It is evident to our officers that should DOPMA, or alternatively, an eighth extension of temporary grade relief fail to receive favorable consideration by the Congress, large scale involuntary reductions, demotions and forced retirements would be required in order to return the officer force to the 1954 grade limits. This is a prospect that only the Air Force must face. Passage of the DOPMA legislation would put an end to those uncertainties by providing the Air Force with adequate permanent grade tables and an attendant assurance of reasonable equity with respect to career progression vis-a-vis the other services.

In conclusion, the reasons for Air Force support for DOPMA are special among the services. We view DOPMA as the vehicle which will provide our officers with the stability essential for planning a full military career. An individual will know, within certain bounds, when he can expect to compete for promotion to these grades. We do not think it unreasonable for each career aspirant to expect that for each 100 members who enter and desire to remain for a career, less than half will become lieutenant colonels and only 18 will achieve the grade of colonel. This, in effect, is what the permanent grade tables in DOPMA will provide while concurrently placing upper limits on the aggregate grade structure authorized on unit manning documents.

Mr. Chairman, the Air Force considers that this bill is very important legislation, and we look forward to working with the subcommittee to achieve early passage. We will be happy to answer any questions that you may have.

Senator NUNN. I have a good many questions, and I know Senator Culver has a lot also, so why don't we proceed.

Mr. Secretary, as you know, some people view the officer grade structure as top heavy. I think, apart from the technical point of view, there is no chance of any legislation moving through the Senate—I don't know about the House—without the amendments dealing with generals and admirals, whether it is part of this legislation or not. What those critics are saying is that we really don't need all the high-ranking officers we have. Would you please explain to the subcommittee how the number of officers in the proposed grade tables can be justified as the rockbottom requirements?

Secretary BREHM. The grade tables, Mr. Chairman, are not the rock-bottom requirements. They represent the maximum that we could have in any instance. We will develop our requirements with the full expectation that at any given time, other than during a period of substantial reduction, our requirements, and hence our actual grade structures, would be less than the grade structure contained within DOPMA.

Senator NUNN. By what percent does your DOPMA grade structure exceed the present Active Force?

Secretary BREHM. Admiral Finneran?

Senator NUNN. Generally speaking, not specifically.

Admiral FINNERAN. In the grade of colonel they are less than the present authority in law.

In the grade of colonel, what we are proposing is less. In the grade of lieutenant colonel, it is slightly less, although for statistical purposes almost the same.

In the grade of major, there is a slight increase.

Senator NUNN. How do these grade tables relate to the number of people in the force structure, the number of units, and the administration of these units? Or do you consider that requirement?

Secretary BREHM. I believe that that is exactly right. The requirements of course are derived from the force structure itself, and as I indicated, we use those requirements in deriving our annual officer program. There is not a strict relationship except as they come together in review of the budget.

Senator NUNN. The overall number of officers in the grade O-4 to O-6 in this proposal is greater than currently authorized, I understand, that is correct?

Admiral FINNERAN. The ceilings that would be proposed in law are greater than the aggregate numbers that we have in those grades today; yes, sir.

Senator NUNN. What is your justification for that?

Admiral FINNERAN. If I may, sir, in describing the grade tables, we took into consideration primarily the issue of what characteristics do those tables need to have in order to provide a reasonable expectation for people to stay in the system. First, we need to attract and then we need to retain people in that system. The grade tables are derived, then, by a combination of subjective values which have been applied to identify, first, the rate at which we feel people should normally expect to be considered for promotion to the next higher grade, and the percentages of people who would then be eligible, and for whom it seemed reasonable and justifiable to us to provide for promotion in the system. The kinds of factors that went into this are as follows:

Looking first at the opportunity issue, what the tables under ideal operating conditions would suggest is that we would assess 50 percent opportunity at the promotion point to colonel or captain. So for every man being promoted, there would be one man identified for subsequent retirement in the lower grade. At the grade of lieutenant colonel or Navy commander, that same factor was 70 percent; at the grade of major or lieutenant commander, 80 percent; at the grade of captain or Navy lieutenant, 95 percent.

The flow points that were selected, again subjectively, are really a reflection of our experiences over the past 25 years, and a tradeoff between the need to both motivate and maintain a vigorous force that is predominantly geared to the combat unit need for youth and vigor. That combination results in a projected flow, if you will, that suggests promotion at about every 5th or 6th year within a 30-year span through the grade of colonel. And the upper limit on the system as designed was a 30-year career for people reaching the grade of colonel.

The combination in modeling this process results in a derived grade table. So that any choice that you make with respect to changing the grade table implies a requirement to change the career expectations that are designed into them in terms of either the flow points or the attrition which you exact at each one of those points.

Admittedly this is a subjective process. But we feel that experiences in the past 25 to 30 years will essentially substantiate that those points and the resulting grade tables are both reasonable and at the same time more austere in terms of the numbers of officers in the senior grades.

Senator NUNN. If you look at the table and then at those officers needed for the division or wing or ship assignments, as compared with officers needed for higher headquarters and staff activities, how would this break down percentagewise in comparison?

Admiral FINNERAN. I don't have that readily available, sir.

Senator NUNN. Could you submit that for the record and break it down for each of the services?

Admiral FINNERAN. Yes, sir.

[The information follows:]

Rather than attempt aggregating officers into the various combat and staff units cited, the following chart shows for each service and the Department of Defense composite, the percentage distribution of each officer grade by Defense Planning and Programming Category. The notes list, in general, the content of the category with respect to staff activities, headquarters, support functions and combat forces. A fuller definition of each category is contained in the Defense Manpower Requirements Report. This data is based on a special "one-time" report used by the Comptroller of the United States for their March 25, 1975, report to the House Armed Services Committee on "Development of Field Grade Officer Requirements By The Military Services." The data does not represent officer *requirements* but shows the projected distribution of the programmed numbers of officers within the levels *authorized* by the budget. For comparison purposes the proposed grade limitation percentages (adjusted to include medical and dental officers) at fiscal year 1975 strength levels would be:

	O-6	O-5	O-4
U.S. Army.....	5.6	12.7	20.3
U.S. Navy.....	6.3	12.8	22.4
U.S. Marine Corps.....	3.9	9.5	18.0
U.S. Air Force.....	5.5	12.4	19.5
Department of Defense.....	5.6	12.4	20.3

PERCENTAGE DISTRIBUTION OF COMMISSIONED OFFICERS BY GRADE WITHIN DEFENSE PLANNING AND PROGRAMING CATEGORIES:

Service	Grade distribution					Percent of total
	O-7 Above	O-6	O-5	O-4	O-3/1	
Strategic Forces:						
Army.....	2.0	12.3	25.8	27.4	32.5	0.3
Navy.....	.2	2.2	10.8	24.0	62.8	2.4
Marine Corps.....	0	21.4	64.3	14.3	0	.1
Air Force.....	.1	1.5	8.8	22.3	67.3	15.2
Department of Defense.....	.2	1.7	9.3	22.4	66.4	6.5
General purpose forces:						
Army.....	.3	1.3	5.0	13.0	80.4	31.1
Navy.....	0	1.4	7.1	15.1	77.4	26.9
Marine Corps.....	.2	1.3	6.1	14.0	78.4	45.4
Air Force.....	.2	2.2	8.4	13.2	76.0	14.6
Department of Defense.....	.2	1.5	6.4	13.7	78.2	24.7
Auxiliary Forces:						
Army.....	.6	13.4	27.2	22.5	36.3	5.2
Navy.....	.3	7.5	17.7	30.1	44.4	5.2
Marine Corps.....	.4	6.6	17.2	40.0	35.8	2.5
Air Force.....	.4	6.3	14.9	22.4	56.0	14.1
Department of Defense.....	.4	7.9	17.8	23.8	50.1	8.5
Mission support forces:						
Army.....	1.0	11.3	23.3	29.8	34.6	11.0
Navy.....	1.0	9.4	20.6	28.9	40.1	15.0
Marine Corps.....	.5	6.6	15.4	22.7	54.8	11.8
Air Force.....	.6	7.6	16.6	23.7	51.5	18.7
Department of Defense.....	.8	8.9	19.1	26.3	44.9	14.9
Central support forces:						
Army.....	.7	7.9	16.5	21.2	53.7	36.7
Navy.....	.8	10.4	15.7	25.9	47.2	33.0
Marine Corps.....	1.1	7.9	14.1	26.3	50.6	21.1
Air Force.....	.5	8.4	14.2	18.9	58.0	27.7
Department of Defense.....	.7	8.7	15.4	21.8	53.4	31.4
Individuals:						
Army.....	0	1.4	5.7	17.0	75.9	15.7
Navy.....	0	2.0	5.3	12.7	80.0	17.5
Marine Corps.....	0	.8	2.5	6.4	90.3	19.1
Air Force.....	0	2.0	5.5	12.3	80.2	9.7
Department of Defense.....	0	1.7	5.2	13.6	79.5	14.0

PERCENTAGE DISTRIBUTION OF COMMISSIONED OFFICERS BY GRADE WITHIN DEFENSE PLANNING AND PROGRAMING CATEGORIES¹—Continued

Service	Grade distribution					Percent of total
	0-7 Above	0-6	0-5	0-4	0-3/1	
Overall distribution:						
Army.....	.5	5.5	12.5	19.0	72.5	100.0
Navy.....	.5	5.9	12.3	21.3	60.0	100.0
Marine Corps.....	.4	3.4	8.5	16.8	70.9	100.0
Air Force.....	.4	5.4	12.3	19.3	62.6	100.0
Department of Defense.....	.4	5.4	12.1	19.5	72.6	100.0

¹ Fiscal year 1975 distribution projected as of October 1974.

NOTES

1. General purpose forces consist of: Land forces, tactical air forces, naval forces, mobility forces.
2. Auxiliary forces consist of: Intelligence and security, centrally managed communications, research and development, support to other nations, geophysical activities.
3. Mission support forces consist of: Reserve component support, base operating support (mission), crew and unit training, command (mission).
4. Central support forces consist of: Base operating support (central), medical support, personnel support, individual training, command (central), logistics, Federal agency support.
5. Individuals consist of: Transients, patients, students.

Secretary BREHM. Perhaps I should, in extending Admiral Finneran's comments, just clarify that the relationship among these variables is complex, the variables being grade structure, promotion opportunity, losses from the officer force, and total officer strength.

One has many choices in deciding which of these parameters to fix and which to allow to float. I suspect that all conceivable combinations have been tried, and certainly the study group looked at alternatives. I also know that the consultants to the committee did that.

We came out with the conclusion that the grade structure was the proper variable to control. That means that the law does not specify promotion probabilities or promotion phase points in terms of the number of years in grade for the average officer before promotion. Those are administratively controlled, and they must float as we vary officer strength.

Senator NUNN. I suppose the first question anybody would ask is, if you are not going by a requirements system—and I understand some of your comments in that regard—how can you justify this proposal against the charge that it is not based on requirements, and therefore it is not based on the needs of the country, and it doesn't have anything to do with national security, but it is rather a system to insure promotion for those who are officers?

Secretary BREHM. I would go back, Mr. Chairman, to the original four objectives, the first of which is congressional control, for the establishment of a framework for the whole officer personnel management system. DOPMA does represent a compromise between the interest of the employer and the interest of the employee, but I think that compromise is in the interest of the national security and the public.

Senator NUNN. Which group is the national security identified with, the employer or the employee?

Secretary BREHM. I would hope both.

Senator NUNN. Senator Culver, my time is up.

Senator CULVER. Thank you, Mr. Chairman.

I would like to pursue this point a little more. I don't quite understand. You are saying that you are proposing a force structure here that is not related to threat. It is not based on forces relating to threat?

Secretary BREHM. I wouldn't go that far.

Senator CULVER. I don't quite understand this compromise we are talking about. Are we running a company union? I guess you are talking about related to a perceived threat in the world concerning our security?

Secretary BREHM. Yes, sir.

Senator CULVER. What percentage is necessary to maintain an adequate structure? It isn't an in-house self-perpetuating bureaucracy without any justification at the taxpayer level?

Secretary BREHM. Not at all. For the sake of making the point, I do not want to overdramatize the situation. At any given time we fully expect that the actual requirement which we propose to Congress to fill in any given fiscal year would bear a very close relationship to the limitations that we are proposing here within DOPMA.

Senator CULVER. What concern would we have with people who leave the service, leave it at a time when it in no way represented diminution of capacity to respond to an actual perceived threat? What would you do if you got rid of excess personnel? Why would the employer care or the U.S. taxpayers?

Secretary BREHM. I think the U.S. taxpayers want the officers of our Armed Forces to consist of high quality people. It is not just a retention problem: it is also an attraction problem.

Senator CULVER. I don't think that is the problem. It seems to me that what we are concerned with is having that force structure correspond to threat, what percentage is necessary to reach that would reflect the national situation.

Secretary BREHM. It is really a matter of practicality, Senator Culver. It is cumbersome to attempt to tie a long-range management device to a requirement process that can vary significantly from day to day.

Senator CULVER. We have had a one and a half war policy for 5 years. That requirement hasn't fluctuated an awful lot in 5 years. Have you reflected that? Do you think that is the kind of vacillation in terms of variables, that make it difficult to map a more direct relationship to threat? Don't we buy weapons in anticipation of threat?

Mr. BREHM. Yes, sir. The defense program itself is based on the President's and the Congress' assessment of what the threat might be. From that assessment comes the force levels, and from the force levels come the detailed force structure, and from the detailed force structure come appropriate calculations on our requirement for officers. At any given time we do not intend to have more officers in the force than we actually need. Based on the number of officers the grade tables establish ceilings on the grades, or an umbrella of grade structure controls which accomplish the four objectives which I outlined. We want to operate under that umbrella.

Senator NUNN. Are you saying that each year you come up here your manpower requirements, that you submit to Congress to be funded and authorized, both officer and enlisted, will reflect the threat, but that you are asking Congress to authorize an umbrella that is, at this

point in time, higher than the threat because it is higher than the current level?

Secretary BREHM. Yes, sir.

Senator NUNN. Is that what you are saying?

Secretary BREHM. Yes, sir, DOPMA permits us to manage the officer force in a period of rapid decline, when it is conceivable that we could temporarily have more officers on active duty than the optimum force structure would require. That is one of the possible results. One cuts down the grade structure gradually in the interest of good personnel management. We must play the game in accordance with a set of rules that everybody understands, both management and the officer corps.

Senator CULVER. If the requirements are high now, maybe it is because they aren't well analyzed.

Secretary BREHM. We recognized 3 years ago that we had more officers in the force than we needed, and I indicated that we reduced their strength at twice the rate at which we cut enlisted strength. That is how one deals with the requirements issues, I believe, in a responsible way on a year-to-year basis. During all this time we have operated within the framework of OGLA and OPA, except that we have done it with great difficulty.

Admiral FINNERAN. Senator, if I may, I think we buy people consistent with an appraisal of the threat, just as much as we buy hardware consistent with that same proposition. What we are dealing with here is not propagating the officer corps in the sense that is being suggested. What we are saying is that within the judgments that are made at the national level as to a need for a force, these are the tools necessary to manage that force once that external decision is made. And whatever level that this Nation decides it needs in the way of standing force, the DOPMA will provide the management tools to effectively administer that force. That is about as simple as I can express it.

Now, in an extreme sense, if you suggest that the threat is so limited in terms of time and the need to make long-term investments, what you should opt for is more of a minuteman concept instead of a standing force. But if you accept the principle that we live under a level of threat that has, in terms of the recent 30 years of history, required us to make an investment in defense approximating the levels that we have today, or as in the past on occasions greater, then I think you need a cadre in that force. In this case we are talking about the officer corps. I think you also, then, need a system of management tools to provide the capability to maintain that cadre of highly qualified people in an effective, efficient way. And I would simply suggest that this is consistent with your national security question. That is the logic as I see it.

Senator NUNN. Let me ask a question, if Senator Culver will yield just a minute. This is fundamental to the whole concept, and I think the question might as well be addressed now, though it may not be solved.

Let's suppose next year you come in here and the threat in the area has changed. You are doing a study right now on that, at least on the basic structure in Asia, and let's assume that the threat in Europe is also changed. For the purpose of illustration, let's assume both have gone down, and let's assume instead of a 2-million total force you need

a million and a half, and let's assume that the 300, 350 officers—
Admiral FINNERAN. 260.

Senator NUNN. Instead of 260 you need 200. So you are going to reduce 60, or by a half million, or whatever. In other words, a substantial reduction of officers and enlisted men. Let's assume that DOPMA is law. Is anybody going to come up here and argue that this shouldn't be done because DOPMA is law and those things are authorized and would disrupt the careers of these men, and you can't disrupt these men even though the requirements have gone down by a substantial amount? That is the fundamental question. What kind of indications are there of approving an umbrella that is higher, possibly, than the threat may be in the future?

Secretary BREHM. At any given time during a strength reduction the umbrella may be higher than the threat demands. If the circumstances came about as you described we would have to make some very tough estimates as to how far and how fast the reductions would go. There is no question that there is a reduction rate which would virtually ruin the officer corps of the armed services. I do not think you want to go down at that rate even though we might save the maximum amount of money that way, at least in the short run.

Senator NUNN. Are you going to come up here with a figure for next year based on the threat and then say if you really take this threat analysis you will disrupt the officer corps? Or don't you usually just come up here with a figure and say, this is what the threat is and this is what we need, and they are the same figure?

Secretary BREHM. We have had a relatively steady state situation for a period of 3 years or so, and hopefully it will remain stable for the foreseeable future. In such a situation we would expect that the officer strength and grade structure we would propose to the Congress would be that required to meet our force structure, and hence reflect the threat assessment, and no more. It is only when we get into a period of substantial contraction that we run into the problem where we have to decide whether it is better to have more officers on active duty than the threat reflects and the force structure actually calls for. We recently worked our way through a period of contraction using OPA, and we wanted to get down to the new level of actual requirements as soon as possible. Given the steady state situation, we would not propose more officers or a richer officer grade structure than actually required by the force structure, which in turn reflects the assessments of the threat.

Senator CULVER. I wonder, Mr. Secretary, if you could tell us what relationship there is between the current threat assessment requirements and those particular numbers and ratios you have provided to us.

Secretary BREHM. We have reduced officer strength by about 39,000 over this 3-year period, which we believe puts the total officer strength into pretty good balance with the needs of the force structure. We will have, perhaps, additional reductions over the next few years, but they will be modest compared with what we have done in the past few years. I guess that means that today the number of officers we have in the structure is slightly more than the minimum we feel we can get by with and meet requirements. We want to get down to the minimum level as soon as we can, but we are reducing O-5's and O-6's as far as we can.

Senator CULVER. If the threat goes down—and I think it represents a subjective rather than an arbitrary figure—what, in your judgment, would represent an efficient level?

Secretary BREHM. I think I was talking about the rate of reduction more than any given level. I really cannot say. I think it would be necessary, Senator, to take a specific situation of reduction in numbers, and show what the results would be. That is a calculation we would make. It might be requested for the system as a whole.

Senator CULVER. I have a great deal of sympathy with you, frankly, because I feel that the real problem is not within the Department of Defense. The problem is within the foreign policy articulation of this country, and we need to have a foreign policy that is based on and reflects the real threat of the world. I think as long as we continue with the ambiguity concerning what our goal really is, and the kind of military contingency which you are going to be held responsible for, it is very difficult to get too tough with you. I think that the real question has been essentially a foreign policy one. We proceed in an incredible way around here, and have for years, where never the twain shall meet. We have proceeded independently with weapons, force structure and everything, without any realistic or rational consideration of the foreign policy of this country.

In 1969 when Nixon went into Cambodia I sympathized with you, because whatever we say on the one hand we have to turn around and say something else on the other.

I think we must get a more rational policy going between the Department of State and the President on the one hand and NSC on the other, and have our whole mission, force structure and personnel requirements more closely fitted to that policy as difficult as this is, with all the inherent problems that you probably recite.

Senator NUNN. You are pretty sure for 4 or 5 years more?

Admiral FINNERAN. If I may, sir, given those uncertainties, if you start assuming DOPMA is in place, and given the present force inventory of officers in the career force, the theoretical maximum rates at which we could generate reductions without major disruption of individual expectations, lives and the potential for need for relief from a particular set of proposals by DOPMA, approximates somewhere in the neighborhood of a 3- to 10-percent maximum rate of reduction. With something less than that, conceivably we should be able to manage. There is no question in my mind that this would be a severe disruption, and with the lack of flexibility that would be available to us within these grade limitations, within the separation and retirement provisions, within the selective separation provisions, and within the other devices we have to manage losses from the force, that it would probably be necessary for us to come back to the Congress for some form of relief for some period of time.

So in the context of considering the issues you suggest, Senator, in career force management you have to have the capability to look beyond the immediate issue and make a projection 4 or 5 or possibly even as long as 10 years as to what your expectations are for the reduced force size. If you aren't capable of doing that, there would be severe situations caused by an inability to accelerate losses from the system to allow for continuing input to and maintenance of the force. So there is a very real problem that will vary under any given scenario.

Senator NUNN. Hasn't the Air Force, during the last year or so, had people who only go through 4 years of ROTC, and then don't go into the service? How many people do you think are in that category?

Mr. TAYLOR. I can't tell you specifically the number, but I know, for example, on the undergraduate pilot training—(UPT)—the wait for people coming out of ROTC is up to 22 months to get into the training program because of the sharp decline in the undergraduate pilot training rate and the need for pilots.

Senator NUNN. In other words, they get out of college and they are in suspense for 22 months without being able to start a career or do anything?

Mr. TAYLOR. Yes, sir.

Senator NUNN. What causes that problem, and how does this proposal deal with helping to prevent that kind of thing in the future? Or does it?

Mr. TAYLOR. It does not, to the best of my knowledge.

But let me just add to what Admiral Finneran said with respect to this decline that could be programed. The point that I think should be added is that we would certainly be much better with DOPMA and the flexibility to which Secretary Brehm alluded, than with our current situation. We can much more efficiently handle that kind of a situation with DOPMA than without it.

Senator NUNN. What produced that?

Mr. TAYLOR. Our UPT problem? The projection of pilot requirements was made in 1974 and 1973. We projected a much higher requirement for pilots than actually turned out to be the case. At the time we had a terrible shortage of pilots, and so naturally everybody was telling us to increase our UPT rate. We did so by making commitments in ROTC, and, of course, people coming out of the academies.

Secretary BREHM. The officer procurement program of course has many sources. Some are long leadtime programs and some are relatively short, leadtime. Probably the shortest is the officer candidate school approach. ROTC is a long leadtime program, and therefore it is possible to overproduce graduates for service in the Active Forces. That has happened both in the Air Force and the Army. Hopefully, the officers who do not go on active duty are not lost to the system. They have a reserve obligation, and we try to get them into Reserve units. I think we have something like a 50 or 60 percent batting average in our efforts to do that. The remaining ones who do not go into units go into the Individual Ready Reserve where they are also national assets. Our objective, if we do not take them on active duty, is to get them into Reserve units.

Senator NUNN. Another subject which is also extremely important—and there is no use trying to cover everything today—is something that I haven't seen very much detailed information on. Can you identify for the subcommittee what cost factors and what part of the budget their DOPMA proposal will affect?

Secretary BREHM. There are no immediate cost changes, I believe, as a result of this legislation. If one were to cost out the officer force today, assuming that we were operating at the limits of OGLA, and compare that with the officer force we would have operating under DOPMA, including the grade restrictions, I think that the annual difference in

cost is something like \$11 million less for DOPMA than for OGLA. So there is an implied cost avoidance, except that it would only materialize if we were up against the limits in both cases. Since we are below both limits today, it is a matter of predicting the future as to what savings might be.

Senator NUNN. I think perhaps you ought to take three or four approaches and project the full authorized strength under both today's law and the DOPMA proposal. You probably ought to draw up—and I will leave it up to you—four or five different possibilities of force level structure and compare each of those alternatives for us for the record within the most likely range. I will leave it up to you to project that, but I think we need to have that cost analysis.

COST OF DOPMA

General considerations

The proposed Defense Officer Personnel Management Act was not designed as a cost reduction measure. It was designed to provide the Department of Defense a more effective and efficient system to manage the officer corps. Nonetheless, some cost savings will accrue from the reduced number of officers authorized to serve in the senior grades. These savings are somewhat theoretical, however, since measurements are taken from the grade table ceilings. The actual strength level within these ceilings will be an annual determination based upon the requirements for officers in each of the grades and a consideration of the needs of career opportunity. Other potential cost savings may be realized as long-term benefits through fewer officers being brought into the career stream and into retirement. It should be recognized that relatively large changes in grade structure are necessary to produce even small changes in costs. For example, sensitivity analyses show that a grade structure change on the order of 10% in each of the three field grades would result in cost savings of only approximately 1–2% of total officer management costs. This occurs because costs are primarily a function of the longevity distribution of the inventory with the grade distribution being a secondary factor. Reducing the structure by one colonel does not reduce costs by the compensation of a colonel, but only by the difference in compensation between a colonel and a lieutenant colonel with equal years of longevity for pay purposes.

The Congressional Budget Office has made five-year cost estimates for DOPMA based on officer promotion projections and plans provided by the Department. These estimates show there is a small implementation cost associated primarily with transitioning of the all-regular career force and use of the authority for discontinuation of colonels and lieutenant colonels. However, beyond the five-year period DOPMA is expected to operate at a slightly lower cost than the current system because of these actions. There is another increased cost which results from the need to increase the presently outdated ceiling on separation payments to officers involuntarily released from active duty. To facilitate transition to DOPMA and to insure equitable treatment of personnel, DOPMA assumes availability of the increased separation payments of the Defense-proposed Uniformed Services Retirement Modernization Act (RMA) (H.R. 7769). Defense had included a contingency item in the FY 77 budget for implementation of the RMA which has funds attributed to increased severance payments commencing in FY 77 as part of the transition costs of that legislation. Since DoD had programmed for such costs, there should be no increased budgetary requirements as far as the Department of Defense is concerned.

Long-term cost estimate

An estimate of the long-term cost impact of DOPMA was prepared by the Department of Defense. This estimate assumes a stabilized officer force level and grade structure and was performed with a "steady state" computer model. Using this technique the long-term consequences of a set of management policies can be examined. The two cases examined were: (1) officer management under existing law, and (2) officer management under DOPMA, as amended by the

Committee. The results of these simulations for a constant force size of 235,000 officers (the FY 81 position of the five-year cost comparison) are as follows:

[Millions]			
Item	Current	DOPMA	Difference
Procurement and training costs.....	\$1,051	\$1,117	+\$66
Pay and allowance costs.....	4,484	4,442	-42
Retirement costs.....	1,847	1,774	-73
Involuntary separation costs.....	34	35	+0
Other loss costs.....	78	81	+3
Total system cost.....	7,494	7,448	-46

Note: Numbers may not add due to rounding.

Assumptions

1. All dollars are in annual expenditure terms, calculated at rates consistent with the FY 77 President's Budget. However, because of different strength levels, and the computer simulation technique used, totals are not directly comparable with the FY 77 budget requests.

2. Procurement and Training costs are calculated at an average cost of \$50,000 per accession.

3. Pay and Allowance costs include base pay, subsistence and quarters allowances, and the employer's contribution to Social Security.

4. Retirement Costs are calculated in terms of annual expenditures for the total retired population produced by the system operating steadily over time.

5. Involuntary Separation Costs for the DOPMA case are calculated in accordance with the formula contained in the RMA.

6. Other Loss Costs include separation PCS costs, lump sum terminal leave payments, and death gratuities.

Many interactions occur which cause the shift in costs between the two cases. For example, higher procurement costs result due to a slightly increased accession level in the DOPMA case. This is caused by the absence of "career reserve" officers in the DOPMA structure who are replaced by more junior officers.

The increased procurement and training costs, however, are offset by reduced pay and allowance costs, because of fewer senior officers, and reduced retirement costs, because of fewer numbers of officers retiring. These kinds of interactions demonstrate the importance of viewing the officer management system as a whole.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE IMPACT OF HOW DOPMA WILL AFFECT COSTS BY APPROPRIATION

	Fiscal year—					
	1977	1978	1979	1980	1981	1977-81 ¹
Military personnel.....	+19	+19	+6	+9	+29	+82
Retirement.....	+2	+2	+1	0	+1	+6
Operations and maintenance ²	+2	+3	+10	+10	+14	+39
Total.....	+23	+24	+17	+19	+44	+127

¹ Costs reflect the following assumed percentage increases in wages (and CPI): fiscal year 1977—4.7 (3.4); fiscal year 1978—7.8 (5.2); fiscal year 1979—7.3 (4.9); fiscal year 1980—5.9 (5); fiscal year 1981—5.9 (5).

² Operations and maintenance costs are based on DOD factors, which may include small amounts from other appropriations.

Admiral FINNERAN. There are complex tradeoffs, Mr. Chairman. Under a constant strength, stable force structure over a long period of time, this DOPMA proposal will result in fewer people going into retirement, which acts as a cost savings. It will further reduce the level of seniority at which people enter retirement which in terms of relative annuities will provide a savings. This is the result of the constraints on the controlled grades. Under conditions of dynamic change

the potential is there to have immediate increases in short-term costs due to the separation provisions that are provided for in DOPMA. The management tools that are proposed in DOPMA would allow, under a contraction scenario, a mechanism for selective separation of officers earlier than the normal full term. These separation clauses, if they are fully utilized, will generate outlay increases in the year in which they are exercised. It is important to understand that under this scenario, what shows up as an immediate short term cost can also produce a long-term savings.

Senator NUNN. I think this committee is going to want to know the most likely possibilities. I know we can't anticipate them all, and I think in doing that we have to have your assurance about retirement and pay and all of those things. You can take two sets of assumptions, if you would like to, but I would like some meaningful cost data on these scenarios such as you think might be helpful. Perhaps Mr. Sullivan can work with you in submitting a detailed set of questions on cost within that general framework. I don't think there is much need in talking about costs unless we know what the assumptions are.

Secretary BREHM. Exactly. We need to set the stage—define what the scenario is, so to speak.

Senator NUNN. Senator Culver.

Senator CULVER. Thank you, Mr. Chairman.

Mr. Secretary, you have had an opportunity to review this report—that I understand has been submitted to you—the analysis of our proposal?

Secretary BREHM. Yes, I have.

Senator CULVER. I wonder if you would specifically address yourself to the problems you see with their alternative recommendation in terms of the force structure concept and its relationship to threat. It starts at the top of page 92 of the report. They really offer a different conceptual framework for the proposed officer personnel management system, corps, unit, and so forth. Would you specifically comment on the merits of that alternative approach?

Secretary BREHM. I believe I can respond in general terms, talking about the basic concept.

Senator CULVER. Incidentally, counsel, I don't know whether you have requested this, but I think it would be useful to have rebuttal critique submitted by the Department on this proposal, specifically addressing their recommendations, and why you feel they are inappropriate in terms of the implementation. I think if we could have your analysis and critique in writing it would be helpful.

Secretary BREHM. I really would prefer that approach, Senator, rather than to attempt to critique it here, because I have not read it exactly from that point of view. In terms of the basic problem involved, I believe equal emphasis should be given to determining both the requirements for management tasks and the requirement for jobs in tactical units. As I understand the concept outlined in the report, that is not the approach. It is not a matter, in the case of fulfilling pilot requirements, for example, of calculating how many cockpit seats there are and how many pilots are needed to fill those seats. Our total management task is a little more complicated than that. We have to train and educate the officers to be able to perform jobs in management just as we train them to perform tactical missions.

The second area which I have concern with is that it appears to me there is no accommodation for reserve mobilization. I could not see enough detail in the proposal as to how that would really work. I do believe that it would be a problem to attempt to have on active duty in peacetime all of the officers that are required for wartime. I think that is what the report suggests, although I am not positive. On the other hand, I think that if we did not have provision for expanding the force to go to war—for the transition to the conflict—this would also be a problem for us. My main point is, I cannot imagine that we would want to have on active duty during peacetime all the officers necessary to fight a war. I think it would make more sense to mobilize the Reserves.

Senator CULVER. I don't have that same reasoning.

I think it would be helpful to the committee, Mr. Chairman, if we could get a critique by way of rebuttal from the Department of Defense on these recommendations.

Senator NUNN. I agree with you. I have met with the people who prepared that this morning. What we plan to do is probably submit a more pinpointed analysis, based on that and based on some updated questions that come out in this hearing. I think that is what we will do.

Secretary BREHM. We would be happy to respond. And we would like to do it in a responsible way, and an informed way.

Senator CULVER. Mr. Secretary, I don't want to belabor the point, but I want to emphasize that I think there is going to be more of a consistent demand for a general relationship with mission and force structure to foreign policy. I think the extent to which our personnel structure is and the extent to which it can be, related to threat and managed with that element prominent in your calculation, I would anticipate this would be an area where many of us will have an increasing interest, given the difficulties implicit in such an approach.

Now, Mr. Secretary, is there anything inherently wrong, in your judgment, with different promotional rules in different services?

Secretary BREHM. I do not know that there is anything inherently wrong with it. I believe the laws should provide similar opportunities for advancement unless there are strong reasons to the contrary. I am not aware of any reasons that suggest that we ought to have different rules.

I think it would be good to hear from Admiral Finneran on this, and perhaps from the services as well.

Admiral FINNERAN. Senator, I think the simplest answer to that question is that as a function of criticisms from outside of the services, predominantly from segments of the Congress, we have attempted to resolve what have been categorized as unwarranted differences among the systems that are operated within the four services.

We continue to see expressions of the desirability of eliminating those unwarranted differences, not only from the Congress but from the General Accounting Office, from the Office of Management and Budget, and, to some extent, within Defense as well. The Defense Reorganization Acts have brought the four services closer through joint activities and it is becoming obvious that some of these differences are in fact unwarranted. They create perceptions of difference in career expectations from the individual point of view and that is reasonable justification.

tion to eliminate unwarranted differences. That is what DOPMA has set about to do, to standardize the rules to the extent necessary.

Senator CULVER. Could you articulate the argument for the committee to maintain the differences, the extent to which, in your judgment, certain differences on the merits are justified, and that they serve to enhance our overall strength and military capabilities? I am suggesting that we are all subject to a lot of criticism, but we don't always respond. Sometimes we do, but if it comes down to this, in your judgment, is it better to have some of those differences in terms of esprit, mission, the kind of people you want to have anyway—

Admiral FINNERAN. You have hit the nail on the head, Senator. As a naval officer in the system, and having been one for many years, I am very sensitive and probably biased toward the distinctiveness of the Navy and the Navy's role and mission. And I am sure that in terms of esprit the professional officer in each of the services would go on interminably to identify the need for select sets of rules and opportunities to express that esprit that is consistent with their mission.

We organized a Marine Corps, a Navy, an Air Force, and an Army to meet specific missions and tasks. We create a whole different set of environmental factors that control professional development and the way in which they work and live on a continuing basis through their careers. For the most part those differences are consistent with their task and their mission.

Senator CULVER. I think there is a very fundamental question here. The Secretary very candidly acknowledged that it is his managerial efficiency instinct that drives him to this conclusion, this homogenized thing, the least common denominator, obliteration of any distinction, to have this highly integrated overall military force structure. Let's hear the argument, and let's make the case for the other side. What, more specifically, do you have in mind? Do you think the Air Force would agree with you that they would like to keep their particular system in terms of promotion? Do you think the Air Force officer corps would agree that their present situation is best, that they don't want any changes?

Admiral FINNERAN. I would rather let the Air Force speak for themselves.

Mr. TAYLOR. You are doing beautifully, Admiral.

Of course the Air Force has a great concern about reduced numbers of O-5's and O-6's in its authorization and permanent legislation, we have continually come to the Congress to get relief from that because I feel if we are forced to go back to the permanent authorizations it would cause a tremendous upheaval in the officer corps of the Air Force. We believe very strongly, of course, that the mission that our officers have to perform is equal to that of the other services, and therefore their opportunities ought to be equal as well.

Senator CULVER. Does anybody from the Army or Marines want to further confuse this?

Mr. PHILLIPS. I think it is a very simple issue. I think it is equitable unless officers of all services have the same opportunity. DOPMA doesn't make it exactly the same, but it makes it very close to the same. And I think you have a differentiation when it comes to the kind of things you are talking about, Senator, in the special pays

that are provided by the Congress, flight pay, submarine pay, hazardous duty pay and the like, which provide within a service and among services especial pay for special service. But I think the basic promotion system ought to be as nearly the same at the same years of service as we can make it across all of the services.

Senator NUNN. Mr. Secretary, we have had numerous reports, both in the press and otherwise, that the condition of ships, aircraft, tanks and availability of weapon systems is relatively poor. This is attributed in large part by many people to personnel inefficiencies. This contributes to poor readiness if it is true. The DOPMA legislation seems to assume a strict "up or out" policy. This could result in only experienced people being of high rank. In other words, under this system there appears to be little opportunity for experienced personnel to remain in the service at relatively junior ranks. With Armed Forces of increasing technological complexity, I think we would need a substantial number of experienced technically qualified personnel to exercise the maintenance and care of complex systems.

I read that Admiral Rickover says that one of the reasons the naval ships are not in as good a condition as I am sure everyone would like is because they do not have technically trained people in the lower officer grades, and perhaps enlisted grades, too, that are stable in the particular situation. Would you comment on that view?

Secretary BREHM. Mr. Chairman, I would approach that somewhat generally.

Secretary NUNN. Do you want to start out by saying you either agree or disagree with Admiral Rickover?

Secretary BREHM. I think the Admiral and I are good friends, and I would like to keep it that way and not take a position on that either way.

There are many aspects to potential causes of the problems. One of them might be moving experienced people out too early. That is possible. Another is that perhaps we do not train people and educate them in the way we should for the duties that we have today. I have a feeling that we probably need some improvement in that area. Beyond that, the concept of the "up or out" approach is something I would like to pass to my military colleague here and ask him to speak to, because to a considerable extent it requires a military judgment.

Senator NUNN. I think you handled that very well. We will get back to the Rickover question later. I will reserve that one.

You know, this really goes to the heart of the proposal, I think. For a number of years, because of the very low pay of military officers and enlisted men, if you didn't move up rapidly you couldn't advance very much paywise it seemed. That situation has changed right now, and I am not sure this proposal reflects that change. That is to say, I am not sure this proposal adopts a moderation of the "up and out" policy. Maybe it shouldn't, but I don't think the "up and out" policy that applied 10 years ago, when military pay was in no way comparable to civilian pay, is necessarily the same "up and out" policy that we should have today under the changing situation. So I just really pose it to the Admiral. Then I would like to ask each of the service Secretaries to comment on it after the Admiral does. The real question is, are we moving people up so fast and making everybody generally climb the

ladder so that we don't have the technically qualified people in the ranks that can repair ships and take care of weapons systems?

Admiral FINNERAN. I think I would start this comment by saying, in the case of the Navy, we went through a period of time in the 1950's and the 1960's where our ability to control the characteristics of people from a technical education background point of view who came into the officer corps was very limited. And to the extent that Admiral Rickover has criticized this and has been one of the people who have expressed themselves pretty strongly on this subject, the Navy has made some very strict changes in procurement policy in an attempt to cure this. For example, the requirements for both entry, continuation, and graduation from the ROTC programs have been strengthened substantially on the technical side as a result of the reduced post-Vietnam officer procurement needs. The educational program at the Naval Academy has been strengthened substantially to improve the technical educational background in the curriculum of officers.

Senator NUNN. Fine, are they moving so fast—

Admiral FINNERAN. I am starting from that point, if I may sir.

So the character of the young officer who is coming into the service today, his technical background is strengthened substantially compared to what it was 10 years ago, for example.

New officers are spending a substantial portion of their first 10 years of service at sea in technically oriented positions. The issue that you are raising, I think, is that after that first 10 years of experience, about 7 of which has been spent at sea, when we bring them up to a promotion point for lieutenant commander, for example, at the 10th or 11th year, is it appropriate to exact 20 percent attrition at that point, and to preclude through the exercise of the "out" part of the "up and out" system, the opportunity for that 20 percent to continue on in service?

Senator NUNN. Well, it is not just the attrition problem, it is also the moving up and beyond problem, isn't it? Isn't it a twofold problem? When a man is promoted from say, O-4 to O-5, and he is going to move on to another function, it seems to me you have the question of attrition. If you are at the 80-percent retention or "up" policy, you have the 20 percent going "out," that is one question, but you also have the 80 percent moving up and beyond.

Admiral FINNERAN. Yes. A significant portion of that moving up continues to be utilized in technically related positions. If they are not at sea, or if there isn't an opportunity for them to be in the operating force, those officers continue in a technically related role on the managerial side of the house. The Navy's requirements for officers in the Sea Systems Command, in the Air Systems Command, and the Supply Systems Command is pretty significant. And those individuals who have demonstrated the potential by being successful at the promoting point, when they are moved, they are moved into jobs that try to retain continuity between their experience and their ability to apply it on the managerial side. There is no instant solution to putting all the pieces together to produce a successful commander of a ship at sea. He has got to go through all of that background of experience in order to be able to exercise that command diligently. The thrust of your question suggests that when we develop an officer in a broader sense, so that he has the capacity to command, that it requires a dilution of his

technical experience to some extent. That is true, there is no question about it. But when he is not in command, he is employed for the most part in a technically related skill area throughout his career. And I think that same principle would be true in the other services.

Senator NUNN. Let me get a comment from the other services on this.

Mr. TAYLOR. To the extent that the Air Force has had trouble with its weapons systems, I have not heard the allegation that those difficulties have been generated by the failure or a lack of capacity of our personnel to maintain and repair those weapons systems. I am not aware that that is a problem here.

Senator NUNN. I have heard that more with the Navy than the Air Force.

Mr. TAYLOR. So I believe the quality of our people is fully consistent with the requirements that we have to maintain and repair our systems.

Senator NUNN. In the Air Force the question would be like the high pilot costs; it is a little different aspect. I don't know what the pilot costs are, \$80,000, \$90,000 or \$100,000, but why not keep a man on for 20 years as a pilot? Most airlines would, I think. Why train him as a pilot and spend \$100,000 and force him on up the line to get out of that category as he moves up?

Mr. TAYLOR. That is a judgment call, Mr. Chairman. The judgment that has been made in the Air Force is that we need a young vigorous force at the point of combat. And the pilot is our point of combat. That is why we have opted for a system that does bring young, vigorous men into that position.

Senator NUNN. Thank you.

Mr. Phillips.

Mr. PHILLIPS. I think you are really addressing a broader question than just the maintenance question. And I guess the question really is, why can't you keep well-trained people for a fairly long time at a fairly low level, letting certain others go on to the more glamorous command jobs? Is really that the thrust of it?

Senator NUNN. I suppose that could be. It could be worded in a lot of different ways. It also could be worded in a more general sense—has the promotion structure and the grade structure changed since the pay has dramatically changed in the last 5 years? It seems to me that the two are interrelated, however, I haven't had anybody come up and say, now that we are all getting paid a lot more in certain ranks, we are going to change our grade structure. In the case of the Marine Corps, they have a grade structure of one grade less than the other services. How is it they are able to do this, and so forth? It is a general question. I think you can pick any one of them that you want.

Mr. PHILLIPS. The fact of the matter is that DOPMA promotion points are computed at ceiling, and of course since the Army will not be at ceiling, promotions will be somewhat slower than the Army has experienced over the last 24 years. That answers how fast one goes up. But when one considers that in the first 10 years of a person's service he receives just two promotions if he follows the normal course, that is through the first 10 years to captain, at which point he is eligible for major, and that he gets in all five promotions, once he is

commissioned, in a 30-year career course to O-6 or once every 6 years or so, that doesn't seem to me to be a very fast promotion schedule.

We also have in the Army some 13,000 warrant officers who are highly qualified in a very narrow field, some hundred such fields, who are not officers but at warrant-4 pay, somewhat comparable to a major's pay. And they do stay in this very narrow field for their whole career. That is how we solve the technical problems that I think you were addressing in your earlier question. It explains why we do not feel the need for a dual-track officer system.

But the implication of the basic question, it seems to me, is why not have a dual-track system of officers in which the more brilliant proceed fairly rapidly to the more desirable jobs, and the others, with more security perhaps, with no "up or out," but at lower pay levels, stay around much longer. I have thought a great deal about this, because it came up on the House side last year and again this year. I have tried to envision all the scenarios in which that would make sense. The only one that I can see it makes any sense in, then, is that we have almost no overseas deployments, we have essentially a guaranteed peace, a détente which everybody, including the other side, is very happy with. And under no other circumstance can I see how a dual-track system would work because the fact is that we rotate officers through more desirable, less desirable, and somewhat horrible assignments.

So that if everyone is going to have a chance at being separated from his family and the like, then you pretty much have got to have a single system of officer management. You can't afford, I think, to have a second group of officers who are in staff positions or instructor positions or training positions that are in very important positions, for example, in the Pentagon, and blocking all of those positions to the group of officers that are going lead the fighters. It just seems to me that war, in general, is a young man's game, whether you are leading a platoon or whether you are running a medical unit, or whether you are running a depot in the overseas theater. And with the rotation problem I don't see any feasible way of having a dual system.

Senator NUNN. Thank you very much.

What about the Navy?

Mr. McCULLEN. Mr. Chairman, I would like to go back to some of the things that Admiral Finneran was saying. I don't think that the fleets condition can be attributed to an insufficient number of officers. It may be that in some cases they are lacking sufficient technical training.

We have recently, as Admiral Finneran explained, emphasized our need for engineering and scientific skills. The CNO recently said that commanders of ships would have to have had experience in the engineering department. In the past there have been people who have advanced to senior positions without really having experience in the engineering plant. I think in time these actions will overcome our problem. I think an even more important factor in terms of the condition of our fleet is the age of ships and the amount of time that they were on the line during the Vietnam conflict, and the short, overhaul period that they had. Adding to those problems is the shortfall that we have in key petty officer ratings. This is a fundamental problem

that we are working on in the Navy. But it doesn't really speak to the officer question.

Senator NUNN. You are talking about enlisted men, not officers?

Mr. McCULLEN. I am talking about petty officers, Mr. Chairman.

And the final point I want to make is that I do not think we should change the promotion point at this time. Our exploding technology, sophisticated weapons systems call for a higher caliber of person, a smarter person, a person who has greater options than ever before and we must be able to compete with the private sector.

So those are the points that I would make in response to your original question.

Senator NUNN. Thank you, sir.

What about the Marine Corps? Why is their grade structure lower than the Navy, Army, and Air Force? Am I correct that it is?

Mr. McCULLEN. It is. The ratio of officers to enlisted in the Marine Corps is higher than any of the services. And I would think that that speaks to their mission, and also the fact that the Marine Corps receives considerable support from the Navy in the fields of medicine, civil engineering, medical service, judge advocate general corps, so that there is some input and support from the Navy that would actually, should those professions be in the Marine Corps, drive their ratio up.

Senator NUNN. You are saying that the Marine Corps has a higher officer to enlisted ratio, that is, you have more enlisted per officer in the Marine Corps; is that right?

Mr. McCULLEN. That is right. If I said the opposite, I am sorry.

Senator NUNN. Senator Culver.

Senator CULVER. Thank you, Mr. Chairman.

I feel somewhat frustrated in that you haven't responded directly to the question. If it is true that the whole complex of weapons systems becomes far more sophisticated than the whole problem of technical competence to maintain people in there with sufficient expertise to handle the nuclear Army and the nuclear services, would there not be situations where, if an option was available, people would elect to serve with benefit to the service and to the national security interest at a lower level rather than to be forced out? Isn't there a certain kind of option with limited numbers that would still be cost efficient and desirable in terms of overall service requirements, rather than just going through with the conventional promotion attitude? Doesn't this new element of sophisticated weapons and increased technology and so forth, necessitate and call forth some sort of accommodation acknowledgement in terms of the way you have traditionally viewed your promotion?

Admiral FINNERAN. If I may, sir, I will respond as to the Navy's experience as I know it.

A current provision of law that dates back to the Officer Personnel Act in 1947 for the Navy, and to a limited extent for the Marine Corps as well, provides for a group of officers called "limited-duty officers." This concept envisions that the officers so appointed would be predominantly from the enlisted forces. And it envisioned a total career expectation of 30 years that was a mix, partially enlisted and partially officer status. It had limitations in law that limited that officer's ex-

pectations to the grade of commander, and the management tools that are provided within that—

[Discussion off the record.]

Admiral FINNERAN. As a result of managing that particular group of officers under the original system of laws, they have gradually adopted the same characteristics as the rest of the force, and for all practical purposes the same limitations and expectations with respect to being able to continue in service after they have passed through a promotion point. We have found in extreme cases, for example, that certain of those officers have been subject to separation when they have had as much as 17 years of total service, short of retirement, and with tremendous impact on them as individuals in terms of their larger expectations. And yet the community as a whole has wanted to move at the same rate and wanted the same opportunities as the rest of the Navy. So that when we exacted whatever the rate was, 70 percent or 80 percent promotion opportunity, those officers expected to receive promotion opportunities at those rates, and they were willing to take the risk of success or failure at those points with the subsequent separation as a result of that process. So in summary, the Navy's experience over 28 years with that particular set of rules as they applied to the LDO group argues against the concept of a dual track that allows longer service, but at the expense of reduced opportunity and reduced promotion flow compared to the rest of the Navy.

Senator CULVER. Would it be desirable to try to devise some sort of incentive system that would break out of the conventional treatment patterns and manage to capture and retain, on a highly selective basis, those who did not elect or were unable to go through these normal competitive channels? For example, wouldn't salvaging some of them be in the national interest instead of letting them go out?

Admiral FINNERAN. Oh, yes.

Senator CULVER. I know, for example, in the Marine Corps right now, particularly in the enlisted ranks, every bright kid has to go in the air wing in order to maintain the highly sophisticated equipment we keep throwing on them. In this way the quality of young men that are in the FMF units is declining. They are trying to staff and meet those overhead requirements, and the sophistication of it, and their own mission gets weakened by it, and thus their own mission capability. It seems to me that is an example of where a very commendable effort to accommodate modern battlefield and tables of organization, or however you want to describe it, has resulted in a diminution of their capability to perform with maximum effectiveness their traditional role in our military structure.

Now, something has to give. You either weaken the one or weaken the other. You have to decide what is more important. All I am trying to get at is whether there is any acknowledgement by way of basic change, or do we just keep going forward giving ROTC kids one more course of engineering, or whether, in a more fundamental way, there is serious consideration being given to structuring the whole promotion system, personnel management, and everything else, to create this. You don't have to separate it into families in every case. There is a rotation option you can give; there is a trade-off for being in this. A lot of people, I am sure, would be very happy to be recognized as highly trained capable people. There could be certain kinds of incen-

tives and recognition so that they don't look like second-class citizens, while the regular officers go up the ladder.

Those are some of my thoughts on the problem.

I would be interested in having the Marines speak for themselves, occasionally.

General BARROW. I would have to first speak to the proposition you made that there is a diminution in our capability to perform our mission.

Senator CULVER. In the FMF how much time is devoted to dealing with the problem of discipline or morals as compared with 10 or 15 years ago?

General BARROW. More.

Senator CULVER. I mean as distinct from just a social problem, how much aggravation have you caused in the FMF units by taking more social problem kids—

General BARROW. There is no question, Senator—

Senator CULVER [continuing]. Because your best ones are forced in the air wings?

General BARROW. Not all the best ones.

Senator CULVER. But a disturbing proportion of them. I haven't heard that from any general who has testified officially yet before this committee, but I want to tell you, I have heard it from an awful lot of officers whom I have known and served with who are in the field right now.

Senator NUNN. I have heard the same thing from people.

General BARROW. Let me speak for a minute on that. It is true, because of the higher requirements inherent in the aviation skills, that we have a disproportionate number of the higher qualified people in our FMF aviation units. That is a fact. It doesn't mean that they are all there. And I am here to say that within the rest of the Fleet Marine Forces, the infantry, the artillery, the armor, the communications, the tanks, et cetera, we have a very representative share of highly qualified people.

Senator NUNN. Your statistics don't show that, General. All your statistics show is that your high quality, intelligent people are going into the air end of it and others aren't.

General BARROW. I made that distinction by saying, sir, a disproportionate number. But that doesn't mean that we have been wiped out of quality elsewhere.

Senator NUNN. I don't think Senator Culver alleged that.

Senator CULVER. I have the highest conceivable regard for what you do under those circumstances. I don't think you can do any better, but that isn't what we are here for either. We want to keep the Marine Corps what it has always been, and there is the real question now how to do that.

General BARROW. I want to add a footnote to this, that while we have our problem—and you are absolutely correct, Senator—that we have all been engaged in more of these disciplinary things than perhaps we were 15 years ago, but I don't think it is necessarily peculiar to the Marine Corps as it is to the times by and large. I think we can see some marginal improvement in our effort to upgrade quality.

Senator CULVER. Only if we continue 9 percent unemployment. I

hope we can do something about that, and that is not your fault either. That has as much to do with that factor as any new recruitment sign.

Senator NUNN. Maybe you said this a minute ago—but in our personnel subcommittee report last year we pointed this out, and General Wilson has informed us that he has undertaken a thorough review of this very problem, including the F-14, and so forth. So we are expecting a report in January on that particular point. I think it is good that he is examining it.

Senator CULVER. The thing that concerns me is—maybe we just don't communicate here very well—specifically, Mr. Brehm, that we have a more highly sophisticated force, weapons system, and so forth. Where, other than in those cosmetic ways are you evidencing any reflection of an alteration to your promotion or your incentive systems, and so forth, to get the kind of people we need over a longer term in those positions? You don't have to be a young man in a combat situation to be available in 70 or 80 percent of the situations which require O&M to have somebody there. I mean a mechanic of advanced age knows what he is doing with an engine, and he is certainly valuable. I also think we ought to take a hard look at the Air Force, at least in terms of what the cutoff age is in terms of people willing to die. When your family gets too big you get a lot of serious second thoughts about that in a combat situation, in terms of cost benefits. Admittedly we always have old men sending young men off to war, and I think we probably wouldn't go to war so fast if some of the old men went. This is true here in Congress as well as a lot of places.

Also, I wonder about some of those considerations today. Given the highly sophisticated character of weapons, where so much of it is pushbutton, you don't have to be quite as young. Instead of throwing a grenade down the hatch of a tank—that was the only way you ever knocked out a tank in the old days—now, with a tow-missile you can stand off 3,000 yards to destroy a tank.

Thank you, Mr. Chairman.

Senator NUNN. Admiral, do you wish to respond to that?

Admiral FINNERAN. Well, this is a generalization, Senator, again. But as each new weapons system has been introduced into the fleet, we have experiences in the Navy that reflect some of the things that you have just expressed in terms of imbalance in the skill mix of people. And I don't see that that is going to end so quickly as new systems come up. The one that is goldplated is the one that attracts the people who are the most proficient, or the most adaptable. If you want to look at it another way, there are people who feel that is the way to go in order to get the greatest opportunity for future success. We have had that process going on within the Navy's system for a long as I have been in the Navy. The incentive mechanisms that you spoke to are there.

There is recognition within the administrative policy rules of the system that says, there is a greater reward to go to duty such as in the nuclear submarine force than there is to serve in destroyers. And that attracts people, it attracts people of quality, it motivates them to serve under more arduous conditions in a nuclear submarine than they might be subjected to somewhere else in the Navy's system.

Relating this to DOPMA, when you examine the way in which the Navy has adjusted to those changes, you can see it expressed in terms

of the success rates of various groups of people within the Navy when they are considered for promotion. It is a statistical fact that in the last 10 years in the Navy the individual who is a nuclear qualified submariner has been more successful than people in certain other fields. The system does respond to those kinds of influences.

Whether it responds dramatically enough is a judgment that I think we have got to look into at greater depth than the discussion we are having at the moment. But there is no question that as you change the nature of weapons systems, you change the nature of the mix of skill requirements and the qualifications requirements. There are people within the system who are going to be left behind if they don't maintain pace with those systems. That is eventually going to catch up to them in a competitive promotion system such as we have in existence today, or with the modifications we are proposing in DOPMA. We don't have the capacity to project every one of those changes in detail and to reflect that detail in a legislative proposal of this nature. The DOPMA proposal provides the flexibility to recognize those kinds of changes as a function of time, and adjust to them administratively.

That doesn't mean we want to create a free ride for one individual at the expense of another. The system balances out that process. It requires officers to meet standards to retain their competitiveness when they arrive at each promotion point.

So the ability to express the explicit need of the service in terms of technical qualifications, skills and the kinds of background criteria that are necessary to qualify for promotion, is still there. And it is a very dynamic part of the process.

In the case of the Navy it is expressed explicitly in the precept that the Secretary of the Navy declares to the President of the selection board for every selection board that sits down and looks at officers.

Senator NUNN. I wanted to shift to another couple of questions. We are going to have to break in a few minutes.

One question that I wanted to ask the Secretary to comment on is the congressional control. Basically is there more congressional control in DOPMA than the present system, or is there less? If there is less, why is there less, and what are the advantages and disadvantages.

Secretary BREHM. The degree of control in concept is about the same, but actually it is greater in a numerical sense because DOPMA covers a relatively larger number of officers within the force than OGLA does.

Senator NUNN. One other question that I think is very important—and we will go into a lot of detail on it later—is the question of expansion or contraction. Maybe you ought to go back and tell us how much flexibility is built into this system for either expansion or contraction, without suffering disruptions. I believe you made mention of that a little while ago.

Secretary BREHM. A plus 25 percent or minus 15 percent variation from our current force level is accommodated by the grade tables under the DOPMA.

Senator NUNN. So you could go up—

Secretary BREHM. Seventy thousand from today's force levels.

Senator NUNN. It works either way, contraction or expansion?

Secretary BREHM. Yes.

Senator NUNN. What happens if you go above that?

Secretary BREHM. Above that level, or below that level the percentages would be frozen at that extreme point. In other words there is a sliding scale, and it goes to the plus 25 or minus 15 percentage levels.

Senator NUNN. In any kind of war situation as we have known it in the past we would have to go beyond the 25 percent expansion system, would we not?

Secretary BREHM. I am not sure that is true. As I have indicated, we could take our current force of around 2 million up to over 3 $\frac{1}{2}$ million through utilization of Reserves while still living within the plus 25 percent or minus 15 percent.

Senator NUNN. What happens to the Reserves when they are mobilized, in terms of how their promotions are treated?

Secretary BREHM. For a period of 2 years under our proposal their personnel management would be governed by the parallel legislation which is called ROPMA, or Reserve Officer Personnel Management Act.

Senator NUNN. What happens to that in 2 years?

Secretary BREHM. Well, during that 2-year period one would have to make an assessment as to the kind of situation we were really in. If it looked like it was going to be an extended thing, then sometime before the end of that 2-year period it probably might be desirable to integrate the reserves into the active force, at which time in all likelihood we would have to propose legislation to do that. There would have to be a technique to do it. The problem is that we can't predict in advance what the reserve mobilization is going to look like, so we don't know what the composition of the force would be.

Senator NUNN. Let me ask you this question. The consultant that we had in the study of this proposal pointed out that a 20-percent increase or decrease over 6 years would cause both losses and procurements to be very erratic under this proposal. Do you agree or disagree with that?

Secretary BREHM. I would have to know more precisely what changes were contemplated there on an annual basis.

Senator NUNN. I said 15 percent.

Secretary BREHM. Yes.

Senator NUNN. That is in what timeframe, 1 year? You said it would accommodate 15 percent either way. Is that within a 1-year timeframe?

Secretary BREHM. I think probably, to avoid major disruption, it might be more along the lines of 1 $\frac{1}{2}$ or 2 years to accommodate a 15 percent increase. The way we would do this, of course, is through new accessions, and that would have to be done through officer candidate schools primarily, because that is the system which produces officers most rapidly.

Senator NUNN. Mr. Secretary, have you examined the whole officer structure in the light of the change in pay that has taken place, say, in the last 6 years?

Secretary BREHM. I do not know the extent to which the relative officer pay levels we have today compared to pre-1967 were reflected in this proposal. I would be pleased to provide a response for the record.

[The information follows:]

The Defense Officer Personnel Management Study Group was aware of the significant increases in pay when they made their recommendations on the promotion parameter assumptions to be used in design of the grade tables and the management system. The maintenance of competitive pay levels achieved since 1967 was a fundamental assumption in projecting retention and loss rates used in the system design.

Senator NUNN. In other words, you have gone on as if we are in 1967 pay levels?

Secretary BREHM. As Mr. Phillips pointed out, there would be some stretching out of the promotion phase compared to historical experience over the last 20 or 30 years.

Senator NUNN. Do you think that point of consideration should be addressed and studied? I don't know what the outcome would be. I can only advocate here as to what you should be looking at. If it hasn't been looked at, it seems to me to be a rather important thing that should be looked at.

Secretary BREHM. I think it should be looked at. Maybe some of my colleagues and those who worked on this bill before I returned to the Defense Department would know more about it at this point. But I think it is a legitimate question and should be looked at, and we should have a satisfactory answer for it. I think it is a good point to make that we are demanding much more of our people today. And we have to have virtually the most highly qualified people available in the country. And we have to compete for them.

Admiral FINNERAN. If I may, sir, we do have a relatively recent report that was an analysis conducted by the Conference Board of New York, which looked into this issue. We would be pleased to make that report available to you. It attempts to compare staffing patterns of the military with those in seven large industrial firms in the private economy based upon salary levels and to make some judgments as to the relative cost and efficiency of the management structure of those companies to the officer corps of the military. One of the conclusions of that report is, that with respect to the upper grades of flag and general officers the military system is, relatively speaking, very austere. With respect to the middle management structure—

Senator NUNN. You are talking about pay and grade now, and promotion opportunity?

Admiral FINNERAN. Pay, that is relative compensation, sir.

Senator NUNN. This is a comparability study between the military and civilian?

Admiral FINNERAN. Right. And with respect to the middle grade, relatively comparable, symmetrical with respect to the experiences in industry.

Senator NUNN. What do you consider middle grade?

Admiral FINNERAN. The controlled grades that we are speaking about, O-5 and O-6.

Senator NUNN. That would be relatively comparable, and O-7 to O-10 would be under?

Admiral FINNERAN. Yes. And we are talking now about the cost to those companies for their management overhead. It takes their executive structure and their salary structure and attempts to draw parallels to the officer structure of the military services. So I would be pleased to make a report available to you.

Senator NUNN. I would like to see it.

[The report "Comparative Staffing Patterns" may be found in committee files.]

Secretary BREHM. I might observe that I think that is generally the characteristic of the civilian pay level too.

Senator CULVER. Admiral, I can assure you that we are not unsympathetic to those findings. I voted for the 8.6-percent increase. As a Member of the U.S. Senate I don't get paid as much as the average man on the Redskin bench.

Admiral FINNERAN. There is a little of that involved in our case too, Senator.

Senator CULVER. With respect to women officers, Public Law 90-130, the law that we passed in Congress in 1967, was supposed to eliminate the discriminatory features of inequities. It really was my understanding as a Member of Congress then, that it was to have done what DOPMA claims to do now and, that is, provide equal career progression and opportunity for women. What is the apparent discrepancy here?

Secretary BREHM. It is the Navy primarily or exclusively that experiences this problem. It has to do with promotion to flag rank and also separation policy, Admiral Finneran.

Admiral FINNERAN. There are a number of instances in which the law affecting promotion and appointment of women officers is different than it is for male officers.

Senator CULVER. Even since the 1967 law that was supposed to have eliminated that?

Admiral FINNERAN. Not completely, sir, no. That is an obvious misunderstanding. The purpose of the 1967 law, relatively speaking, was to eliminate differences that were obviously arbitrary and severely discriminatory with respect to the way women were treated among women. What we are proposing in this particular law is to go to the next step—

Senator CULVER. Excuse me, Admiral. The Armed Services Committee report, October 24, 1967, in reference to this law, said it was "the legislative intent to remove provisions in the law that limit the career opportunities of women officers so that on the basis of merit they may have the same promotion and career tenure opportunities as male officers in similar opportunities."

Admiral FINNERAN. Well, that law did not go far enough then. In our analysis of the situation and the development of DOPMA, there are at least five or six additional issues that had to be addressed in order to fully eliminate the differences in the way male and female officers are treated for appointment, promotion, separation, and retirement from the system.

Senator NUNN. Are you saying that this would do the complete job, so that they could assure the people who are inquiring, Senators and otherwise, that this legislation would assure equality of opportunity for female officers in the service?

Admiral FINNERAN. Yes, sir, to the best of our knowledge, we have eliminated any vestige of the compromising difference under law.

Senator NUNN. What about enlisted now? Have we got the same kind of problem in the enlisted ranks?

Admiral FINNERAN. No, sir, because you don't have the system as well articulated in the law.

Senator NUNN. Are the enlisted females now treated equally in promotion opportunity with the males?

Admiral FINNERAN. To the best of my knowledge, the system treats them comparably, and they compete within each of their respective services system on an equal footing.

One aspect of change made by DOPMA, for example, would, in the case of the Army, eliminate the separate promotion list for WAC's, and would integrate that promotion process and have women officers come forward for promotion consideration at the same time, under the same circumstances, and on an equal footing, with men. The same principles would apply in each of the other services as well.

As far as separation laws are concerned, there are a number of differences in the case of the Navy and the Marine Corps. For example, women officers in the grade of lieutenant who are twice failed of selection under the Navy-Marine Corps law today may serve until the 13th year. This proposal would eliminate that and would put women on an equal footing with the men, and they would be subject to separation after two failures of selection for promotion, irrespective of the number of years of service that they have.

Mr. Brehm mentioned the opportunity for flag rank within the Navy. Today women officers eligibility to flag rank are limited under certain sections of the law that provide for appointing women to flag rank to meet specific requirements and positions. They do not provide a general opportunity for women to compete for promotion to flag rank in the same sense that men do. It is our purpose to eliminate that difference.

Senator CULVER. What about combat? This doesn't eliminate the statutory prohibitions against women in combat?

Admiral FINNERAN. No, sir.

Senator CULVER. Doesn't that affect their promotion opportunities, as long as you have those prohibitions in law?

Admiral FINNERAN. It doesn't have to.

Senator CULVER. Take the pilot.

Admiral FINNERAN. In the case of the Air Force, women cannot be pilots today. And that is a derivative of the combat exclusion law, as well as policy on the part of the Air Force.

So they are not competing in that category. That is the simplest way to answer it.

Senator CULVER. Don't those prohibitions have an adverse effect on promotion?

Admiral FINNERAN. It is discriminatory in the same way that women can't be in combat in the Army. But to the extent that women are then competing with men who are also not pilots or in combat, they would have the same opportunities as men. The discriminatory part of it is that a woman can't be a pilot or a combat officer. But her promotion opportunities compared to those who are in the same category would be the same.

Senator CULVER. But only within that category?

Admiral FINNERAN. That is right.

Senator CULVER. What about this all-regular career force concept that after 11 years you have to go regular and be regular? That seems to be one of the principal concepts embodied in this proposal. What is the rationale for having only regular officers in the career service after the 11th commissioned year?

Admiral FINNERAN. One aspect of that, sir, is that our past experience has been that, when faced with severe force reductions, we have had to exact, administratively, fairly severe actions on reserve officers who have been on active duty for extended periods of service. And we therefore feel very strongly that this is an inequity that has to be addressed. There have been some extreme cases where the tenure provisions for regular officers have protected those officers despite the fact that their performance wasn't as efficient or effective as the reserve officer who had to be separated during a reduction in force. Because of the differential treatment of reserves in the existing system, we have been forced to separate only reserve officers when extensive RIF actions face us.

Senator CULVER. What percentage of reserve officers would you anticipate would be provided regular commissions?

Admiral FINNERAN. I think to answer that with any degree of accuracy I would have to look at each service separately, sir.

Senator CULVER. Maybe you could provide that for the record. Would you?

Admiral FINNERAN. Yes, sir.

[The information follows:]

DOPMA provides a two-year period to either augment or separate reserve officers who have over 11 years of service. The number who will be given regular commissions during this period will depend on officer strengths authorized. Should strengths remain substantially at present levels, it is anticipated that most reserve officers with 11 to 18 years of service on the date of enactment could be augmented to regular status.

Reserve officers who have 18 years of service on enactment, or who attain 18 years during the transition period, will be permitted to serve as reserves until they are eligible for retirement. As of end fiscal year 1975 there were approximately 15,000 reserve officers on active duty (not including medical and dental officers), principally in the Army and Air Force, who would have to be considered for augmentation to regular status upon enactment of DOPMA, assuming an effective date of July 1, 1976.

Senator CULVER. And what percentage of officers at the 11th year point will have to be involuntarily separated? Could you put that in?

Admiral FINNERAN. Yes, sir.

[The information follows:]

Section 687 of the proposed law would require that all reserve officers not augmented by the completion of 11 years must be released from active duty. In operation, the augmentation of reserves starts in the second or third year of service and continues through the selection for grade O-4 to the force-out point at 11 years of service. The Services will operate their own augmentation program and may achieve an all-regular force before the 11th year. Our modeling efforts in design of the system indicate that under steady-state conditions approximately 6 out of every 100 reserve officers that enter active duty would face involuntary separation. The other 94 out of the 100 reserve officers would either be augmented as regular, voluntarily leave active duty, or be separated, by virtue of being twice failed of selection for promotion.

Senator CULVER. Thank you, Mr. Chairman.

Senator NUNN. At this point we have covered only the broad ground, and we have a lot more details to cover. We are going to have several other hearings, but we will be submitting to you, Mr. Secretary, some rather detailed cost questions. I will request our counsel to work with your people, so that everybody will be in agreement on the questions themselves. I don't want to send you something that is irrelevant or that does not give you the flexibility to make your assumptions. We

will be back in touch with you about further hearings and further discussions on this.

Senator CULVER, anything further?

Senator CULVER. No, Mr. Chairman.

Senator NUNN. This is important legislation. It is very complex and complicated. We appreciate very much all of you being here today. I am approaching this subject with an open mind about the proposal; I know changes need to be made, but I hope while we are making those changes, we will do a complete job. I would rather do a complete job even if it takes longer, because in my estimation, once this reform legislation is introduced, I don't think there are going to be any significant changes for a long time.

Secretary BREHM. Mr. Chairman, we share that view. And we are ready to work with the committee and the staff. And this is, we hope, the culmination of a 13-year effort to bring about the changes that we need. So we are ready and willing to follow that approach.

Senator NUNN. Because of the security factor in Congress, Senator Culver and I have to move it along rather rapidly, at least within the next couple of years.

[Whereupon, at 4:40 p.m., the subcommittee recessed, subject to call of the Chair.]

DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

THURSDAY, NOVEMBER 6, 1975

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL
OF THE COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:33 p.m., in room 212, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Scott of Virginia, and Bartlett.

Also present: Francis J. Sullivan, Charles J. Conneely, professional staff members; Robert Ujakovich, research assistant; and Mary G. Ketner, clerical assistant.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Senator NUNN. Today's hearing is the subcommittee's second on the proposed Defense Officer Personnel Management System. In the opening hearing on October 9, 1975, we looked at the background and underlying philosophy of the proposed officer management system. Discussion touched upon many of the important issues before the subcommittee in this far-reaching legislative proposal.

In today's hearing, we will turn our attention to the structure and contents of the proposal. We have with us again this afternoon Mr. William Brehm, Assistant Secretary of Defense for Manpower and Reserve Affairs; and Vice Admiral John Finneran, Deputy Assistant Secretary of Defense for Military Personnel Policy. We are glad to have you with us as we continue consideration of this important proposal.

It is necessary in today's briefing that we distinguish the proposed statutory provisions from the implementation of those provisions. I am certain that you gentlemen will be able to assist us in this effort this afternoon.

Finally, Mr. Secretary, I wanted to ask you about the status of progress on the report on improving the Manpower Requirements Report. As you know, this is an important part of the whole manpower authorization review and the committee asked for improvements to be made with a progress report due by the end of October. We would like to ask you when we can expect that report?

Also, during the authorization hearings last year I asked for a breakdown of total manpower costs. At that time you provided a list of cost elements; however, there were no numbers associated with the list and you indicated a study was going on to develop the numbers. We want to know also when we can expect a complete breakdown of cost accounting of personnel costs?

You might want to respond to those questions and then go ahead with your presentation.

STATEMENTS OF HON. WILLIAM K. BREHM, ASSISTANT SECRETARY OF DEFENSE, MANPOWER AND RESERVE AFFAIRS; AND VICE ADM. JOHN G. FINNERAN, USN, DEPUTY ASSISTANT SECRETARY OF DEFENSE, MILITARY PERSONNEL POLICY

Mr. BREHM. Mr. Chairman, the report concerning the manpower requirements model is in coordination within the Office of the Secretary of Defense. We have basic agreement among the major offices concerned and we will have a report over here the latter part of next week.

It is also my understanding that we have informally reached basic agreement with the committee counsel. I think this will be a mutually satisfactory improvement.

Senator NUNN. What about the personnel costs breakdown?

Mr. BREHM. I assume, Mr. Chairman, you are referring to the discussion we had earlier this year during hearings, during which we displayed alternative ways of describing manpower costs in the Defense budget. Frankly, I was under the impression that we had furnished both the numbers and the cost elements. I will simply have to check up on it.

Senator NUNN. You check that out and then get back to us.

Mr. BREHM. We use different sets of costs depending on the question that is being asked. We tend to use payroll costs in most of our presentations on this matter because that generally tends to answer the questions people ask, but we also know that there are indirect manpower costs related to training, methods of support, and so on. When we add those in, it adds 5 or 6 percent to the manpower share of the budget.

I normally use both of these estimates so they, in effect, create bounds for the total estimate of manpower costs. I would be most happy to provide more detail on that. I will see that that is done.

[The information follows:]

PRELIMINARY ANALYSIS OF CONGRESSIONAL ACTION REGARDING DEFENSE MANPOWER PROGRAM COSTS, FISCAL YEAR 1976

[Fiscal years]

	1964	1973	1974	1975	1976	
					President's budget request	Current status ¹
Total, obligational authority.....	50.7	80.2	85.0	89.0	104.7	96.8
Outlays.....	50.8	73.8	78.4	84.8	92.8	89.5
Manpower payroll costs ²	22.4	42.0	43.8	47.7	50.2	50.6
Percent of outlays.....	(44.1)	(56.9)	(55.9)	(56.3)	(54.1)	(56.5)
Manpower support costs ³	2.0	3.9	3.8	4.1	5.3	5.2
Manpower payroll plus support costs.....	24.4	45.9	57.6	51.8	55.5	55.8
Percent of outlays.....	(48.0)	(62.2)	(60.7)	(61.1)	(59.8)	(62.3)

¹ Includes House Appropriations Committee actions and increases for retired military and wage board employees. Also, includes estimates of congressional status of military construction and military assistance bills.

² Includes military personnel, family housing, civilian personnel (direct and indirect hire), and military retired pay.

³ Includes nonpay portion of individual training, medical support, recruiting and examining, overseas dependent education, and half of base operating support.

Senator NUNN. Thank you. Admiral Finneran, do you want to go ahead with your presentation?

Admiral FINNERAN. Yes, sir.

Senator, it is a pleasure for me to be here today. I would like to make this presentation informally and standing up using the slides on my right. I also have a copy of the script and a copy of the slides for introduction in the record, as you permit, sir.

Senator NUNN. That will be fine. We will make that a part of the record. About how long does this take to go through, timewise?

Admiral FINNERAN. Probably 1 hour to 1 hour and 25 minutes, barring minimum side discussion, Mr. Chairman.

Senator NUNN. I think I will let you go right ahead without interruptions, because I have an amendment I have to handle personally. I also have a speech I have to make on another amendment. They are on the first amendment right now, and then I have to handle the other amendment myself. It depends on when I get a telephone call as to when I have to leave, so I will not interrupt you. I have questions that I will submit for the record.

Admiral FINNERAN. Very well, sir. As a preliminary statement, sir, I think there are two characteristics of the Officer Management System and the officer corps of the armed services that are very significant. One is the fact that we have predominantly a closed system of management. By that I mean that the vast majority of officers come into the system at the bottom, and must be trained and developed internally in order to create a hierarchy of experienced and capable people to enter the top grades.

The second characteristic that is also very significant is the objective to maintain a force that has characteristics of youth and vigor. And that is a principal objective with respect to the combat forces.

With that preliminary I would like to talk about the definitions of the principal interacting factors or variables that affect the structuring of the Officer Management System.

INTERACTING VARIABLES

ANNUAL PROCUREMENT

NORMAL ATTRITION

FORCED ATTRITION

PROMOTION POINT (TIMING)

PROMOTION OPPORTUNITY

GRADE DISTRIBUTION

The first element is annual procurement. That is simply the number of officers who must enter the system each year in order to maintain the strength of a given size force.

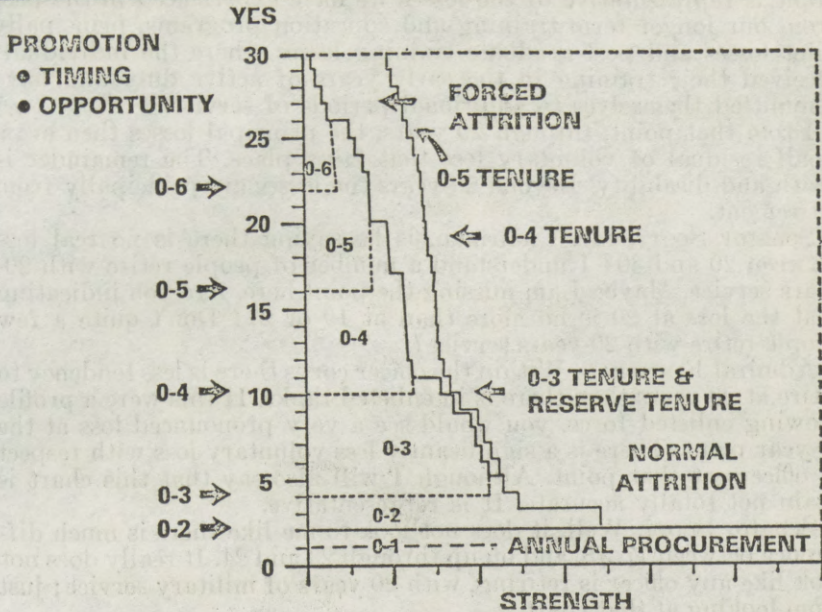
The second factor is normal attrition. Normal attrition is defined as that which occurs as a result of people leaving the system voluntarily and through death or disability.

The next element is forced attrition. That is that portion of attrition that must be derived in order to maintain either the flow of promotions at the timing and the opportunity chosen and to live with whatever grade constraints are imposed on the system. Promotion point is the timing of promotion in terms of years of commissioned service.

Promotion opportunity is that cumulative percentage that results from the application of promotion timing policy and the constraints of the grade distribution in order to reflect in percentile terms, the opportunity to be promoted that is offered to groups of officers as they proceed through the system. And finally, the grade distribution is the numerical constraints that are placed on the grade authorizations for each of the respective services.

CHART 2

CHARACTERISTICS & VARIABLES OF THE OFFICER FORCE STRUCTURE



On this slide, I am going to depict the way in which these characteristics interplay and create a hierarchy that we call the officer structure. On the left scale, vertically, is 0 to 30 years of commissioned service. Horizontally, we show strengths. There are no numbers shown for strength because this is a hypothetical exercise. I show, in the first 2 years of service, a block labeled "Annual Procurement." It is our experience that about 85 to 87 percent of the officers procured in any given year are entered into the system with promotion status in the first 2 years of a 30-year career system. The remainder is placed in at advanced levels, with promotion credit based upon the professional skills that they have acquired in civilian life, and the extent to which they have applicability within the military service. This credit applies, for example, to doctors, dentists, chaplains, and lawyers.

Now if I may put an overlay on that slide and show you an example which typifies, again hypothetically, what we would experience if only normal attrition affected the progression of officers from 0 to 30 years of service. We would see a significant amount of attrition take place at the end of normal obligation periods and the remainder

in the following years, that represents those who remain with the system for at least 1 more year.

As you can see, as you progress up the years, there are varying amounts of attrition experienced. This little blip at about the 8-year point is representative of the losses we have experienced in the past from our longer term training and education programs, principally pilot losses and post-graduate training losses where the individuals received their training in the early years of active duty and have committed themselves to additional periods of service.

From that point, through 20 years, the principal losses then are a small residual of voluntary loss that takes place. The remainder is death and disability. Beyond 20 years the losses are principally from retirement.

Senator SCOTT. Mr. Chairman, is he saying there is no real loss between 20 and 30? I understand a number of people retire with 20-years service. Maybe I am missing the point here. Are you indicating that the loss at 20 is no more than at 19 or 21? Don't quite a few people retire with 20-years service?

Admiral FINNERAN. Within the officer corps there is less tendency to retire at 20 years than there is in enlisted ranks. If this were a profile showing enlisted force, you would see a very pronounced loss at the 20-year point. There is a significantly less voluntary loss with respect to officers at that point. Although I will also say that this chart is again not totally accurate. It is representative.

Senator SCOTT. Well, it does not look to me like there is much difference between 17, 18, and on up through 23 and 24. It really does not look like any officer is retiring, with 20 years of military service; just from looking at that chart.

Would you say in that respect that the chart is accurate?

Admiral FINNERAN. The primary intent of the chart is to use it as a vehicle for explanation. It is not intended to be explicitly accurate with respect to any one of these points.

Senator SCOTT. That is the only thing that occurs to my mind. I thought there was quite a bit of retirement with 20 years service. I am sorry to have interrupted, but I thought I should explore that, Mr. Chairman.

Admiral FINNERAN. Now, if I overlay, on that profile the constraints that are imposed in the officer management system, principally the grade constraints that are expressed in law or in the budget, we see a picture like this and the entire profile is less than that which we experience as a result of normal attrition.

As you progress up the years of service scale, the difference between the two outlines represents the potential amounts of forced attrition that must be applied through the promotion system mechanisms and forced retirement. Each of the grade blocks shown are representative of, in terms of their total area, the numbers of officers that would be serving in each of those grades.

The points at which the color changes represents those points on the years of service scale at which the normal promotion of officers into those grades occurs. As an additional aid the chart shows, with a given grade distribution constraint, the principal variables that we must control in operating a promotion system, the points in terms of years of service at which promotion occurs, and the percentage opportunity for promotion into each of the grades.

A little bit of history at this point, sir.

CHART 3

OFFICER MANAGEMENT — HISTORICAL HIGHLIGHTS

- 1900 — PROMOTION A PRODUCT OF NORMAL ATTRITION**
- 1916 — FORCED ATTRITION FOR NAVY IN UP—OR—OUT**
- 1935 — VOLUNTARY RETIREMENT AT 15 YEARS FOR ARMY**
- 1947 — OFFICER PERSONNEL ACT (OPA) PASSED**

This chart attempts to depict selected changes that have occurred historically to the officer promotion system. Prior to 1900, there was a very distinct absence of management tools that allowed us the means to remove from the service those with either disability or superannuation. There are sea stories in history which relate to the 19th century problems of the day that are very significant in terms of their impact on the readiness of forces, for example, in the Civil War.

One of those favorite stories is the Winfield Scott story, all 300 pounds of him being hoisted on his horse in order to go into battle. That was not an uncharacteristic profile of a great many of the senior officers of that era. And we found, in that part of history, that it was not unusual at all for lieutenants in the Navy to be 65 years old. It was not unusual at all for lieutenants in the Navy to have served in that grade for 30 to 40 years, without promotion. It was recognized in relation to the need for readiness of those forces in times of crisis that something needed to be done.

What was done in the 19th century was very modest indeed. In Teddy Roosevelt's era, we had the first instance of a so-called plucking board that allowed the Secretary authority to remove senior officers from active duty. In 1916, just prior to World War I, the Navy was authorized promotion attrition for the first time and this is the genesis of the up-or-out philosophy.

In 1935 there were some very serious problems in managing the force, principally as a result of over age in-grade officers who had been originally commissioned in the World War I era and remained on the rolls, stagnating the flow and the motivation of junior officers. There were special provisions provided by the Congress that resulted in early voluntary retirement authority after as little as 15 years.

As we moved into the World War II era, there was a need in 1940 to 1941 for what I would call emergency legislation. We had to pro-

vide for the promotion of officers and to meet the demands of the very rapid expansion that took place in the early days of World War II.

In the post-World War II era, we had some 30 years of experience with the Navy forced attrition system and also the recent experiences of both World War II, with a massive force, and World War I's experiences. The Congress sought to preserve these lessons by creating a permanent mechanism to control the permanent promotion authority for what was then envisioned to be a relatively small peacetime force for the future.

CHART 4

FEATURES OF OFFICER PERSONNEL ACT (OPA)

- **SMALL ALL—REGULAR FORCES**
- **NO EFFECTIVE LIMITATION ON TEMPORARY GRADES**
- **DIFFERENT SYSTEMS FOR ARMY/AIR FORCE AND NAVY/MARINE CORPS**
- **GRADE DISTRIBUTION**
- **PROMOTION SYSTEMS**

The Officer Personnel Act was, therefore, designed with the expectation that we would have relatively small all-Regular Forces and there would be a relatively long transition period to accommodate to that posture. There was not, at that time, full consideration given to the problems associated with temporary grades because it was not envisioned that there would be a need for temporary grades beyond the transition period.

Also reflected in the Officer Personnel Act were differences with respect to the Army and Air Force on the one hand, and the Navy and Marine Corps on the other hand. These differences related to the traditions, customs, and experience that each of those services had with officer personnel management at that time. These differences were principally related to grade distribution and the rules of the promotion systems.

Senator NUNN. Excuse me, just a minute. I know the Secretary probably has a very busy schedule. If you need to leave just feel free to do so at any time, unless you are going to make some part of this presentation.

Mr. BREHM. This is Admiral Finneran's show this afternoon, Mr. Chairman. I do appreciate that. I do have something that I need to do a little bit later.

Thank you very much.

Senator NUNN. Go save us about \$1 billion. We have a \$74 billion deficit now by Budget Committee estimates. You could probably do that by the time the afternoon is over.

Mr. BREHM. Thank you, Mr. Chairman. I just might be able to do that.

Senator NUNN. We will excuse you with that condition preceding.

Thank you, Mr. Secretary.

Mr. BREHM. Thank you, Mr. Chairman.

Admiral FINNERAN. If Mr. Brehm has a challenge like that, this is a piece of cake, Mr. Chairman.

CHART 5

OPA CAREER PROGRESSION

	0-6	0-5	0-4	0-3	0-2/1
GRADE DISTRIBUTION					
ARMY/AIR FORCE	8%	14%	19%	23%	36%
NAVY/MARINE CORPS	6%	12%	18%	25%	39%
PROMOTION TIMING					
ARMY/AIR FORCE ^{1/}	N/S	21	14	7	3
NAVY/MARINE CORPS ^{1/}	25	18	12	6	3
PROMOTION OPPORTUNITY					
ARMY/AIR FORCE ^{3/}	N/S	80%	80%	80%	N/S
NAVY/MARINE CORPS	N/S	N/S	N/S	N/S	N/S

^{1/} N/S = NOT SPECIFIED, TIME IN YEARS — **NOT LATER THAN**

^{2/} TIME IN YEARS — **NORMAL**

^{3/} MINIMUM OPPORTUNITY

With respect to the grade distribution that was provided in the Officer Personnel Act of 1947, you can see the differences between the Army-Air Force authorizations and the Navy-Marine Corps authorizations. In each of the grades that were controlled under the permanent grade authorities of the act, it is interesting that there were also significant differences with respect to promotion timing. And I might point out here that in the case of the Army and the Air Force, the promotion times were mandatory "not-later-than" times. If an individual was not promoted to those grades by the specified point in time, he was subject to forced retirement or separation. In the case of the Navy-Marine Corps, the law states that these were the normal promotion points anticipated.

Senator NUNN. What is NS?

Admiral FINNERAN. Not specified, sir. You are one step ahead of me.

With respect to promotion opportunity, that was the variable that was allowed to float. Grade distribution, as you can see, was explicitly controlled. Timing was controlled in the case of the Army by "not later than"; and in the Navy and Marine Corps, by the "norms" for promotion timing. This left promotion opportunity as a principal variable, and it varied as a function of the cycles in sizing of the inventory, the year group distribution of the officers in the system.

It is interesting to note that in the case of 0-3's through 0-5's in the Army-Air Force law, there is a provision that says that the promotion opportunity will be not less than 80 percent. There is another provision that said in those circumstances where it would be necessary to provide less opportunity, that an increase in the grade limitations was authorized. So in the permanent law of the Army and the Air Force, they do have an override on the grade limitations.

CHART 6

FEATURES OF OFFICER GRADE LIMITATION ACT (OGLA) OF 1954

- LIMITATIONS ON TEMPORARY PROMOTIONS
- LOWER LIMITATIONS ENACTED FOR AIR FORCE
- SLIDING SCALE

As I mentioned earlier, the perspective was for a small, peacetime, All-Regular Force. In June of 1950, with Korea those expectations changed dramatically. In the 30 years since, we have never returned to that expectation. We have essentially maintained an expanded Officer Corps and an expanded force well beyond what was envisioned by the OPA.

It was recognized by the Congress in the late days of the Korean war that there was a need to have some form of temporary promotion controls. The result was the Officer Grade Limitation Act of 1954. At this point we saw two systems of grade control: one to control the permanent structure, and another to control the total Active Duty Force, or the temporary structure, which included active duty Reserve as well as the Regular officers.

There were lower limitations proportionately reflected in the Act for the United States Air Force, principally because it was recognized that the Air Force was a younger force. Its officers had average years of service significantly lower than either the Army or the Navy. This was reflected in the grade tables and I will display some related graphs later.

The principal characteristic of the temporary grade limitations is the so-called "sliding scale." This, simply stated, means that it was recognized that as the force expanded there was a proportionately lesser need for numbers of senior officers. And as the force contracted, there was a proportionately increased need for senior officers.

I will demonstrate that in a moment.

CHART 7

ARMY OGLA AUTHORIZATIONS % OF TOTAL OFFICER STRENGTH

<u>STRENGTH</u>	<u>GENERALS</u>	<u>COLONELS</u>	<u>LT COLONELS</u>	<u>MAJORS</u>
70,000	.61	5.86	13.07	17.86
80,000	.56	5.57	12.76	17.56
90,000	.53	5.28	12.51	17.33
100,000	.50	5.00	12.27	17.06
110,000	.46	4.73	12.06	16.70
120,000	.43	4.50	11.81	16.40

Here is an example of the officer grade limitation authorizations. This is the Army only. But it simply demonstrates, as a function of the strength of the active duty Officer Corps, the variation and proportionate representation of generals, colonels, lieutenant colonels, and majors, which are the control grades under the Officer Grade Limitation Act.

Senator NUNN. Let me ask a couple of questions on that. Senator Scott and Senator Bartlett may also ask questions. Is this over any particular time frame? Is this the way the strength has varied over a certain number of years?

Admiral FINNERAN. No, sir. These are the strengths provided for in the tables themselves. And it says, in effect, that you count up the total authorized number of officers in the Army, as of the first of the fiscal year. If necessary, you interpolate between two strengths, and you determine from the table itself, the actual number of generals, colonels, lieutenant colonels, and majors that you can have for any given strength.

For purposes of this display, I have converted the numbers into ratios to demonstrate the sliding scale. But the tables themselves have the raw numbers.

Senator NUNN. One more question and then I have to go to the floor for an amendment. I am going to ask Senator Scott to preside, and I will get back as soon as I can.

When the force size contracts, the need for the number of generals and so forth goes up proportionately and when it expands, it goes down. When you say "need," are you really defining what the services need, or are you defining what happens, because you do not want to interrupt their career opportunities and the promotion system?

Admiral FINNERAN. I think I am defining at least two things, sir. One is the fact that when you make a change in the strength, you have management problems with respect to being able to provide motivating opportunities for the force: a career progression philosophy, if you will.

At the same time, this principle also recognizes that the organizational structure itself has a proportionately greater need for senior officers with a smaller establishment than it does with a larger expanded establishment.

Senator NUNN. I do not in any way discount the promotion opportunity, the motivation, and all of those factors that have to be there. I think for our deliberations—particularly to be in a position on the floor to defend whatever we come out with—I am going to want to know very precisely the difference between the number of officers you have in service, because if you did not have the promotion opportunity, then the flow would be disrupted, as distinguished from the other factor. And that is: (1) Is there a specific job that must be done by an officer; and (2) that that officer has to be a general or that officer has to be an admiral, or that officer has to be a colonel?

Those things are very important, and perhaps we will not get to it today. We will have to develop that as we go along, because then we have to make some judgmental decisions in this subcommittee and the full committee about how we want to define need and what we think in terms of motivation factors and that sort of thing, as opposed to the costs involved in maintaining officers.

Do you see the point I am talking about?

Mr. BREHM. We appreciate that, Mr. Chairman. We understand exactly what you are saying.

Senator NUNN. Do you break that down? In your own analysis, do you break those factors down?

Mr. BREHM. In the annual budget preparation process we attempt to have an officer force which is no larger than that necessary to fill the jobs that are to be done, and which has the right grade structure. At the same time, we recognize that our personnel management system must be based upon long-term needs. Thus, we may have to make a compromise between immediate and long-term requirements, depending on the dynamics of the total manpower program.

Senator NUNN. Before we get through this, we want to be walked through your decision making. We do not want to see just the compromise. We want to see the ingredients which have to be compromised for that purpose, at some point.

Mr. BREHM. We understand.

Senator NUNN. I will be back as soon as I can. However, you go ahead and proceed.

Senator SCOTT [presiding]. Let me just follow that up for a moment, if I may.

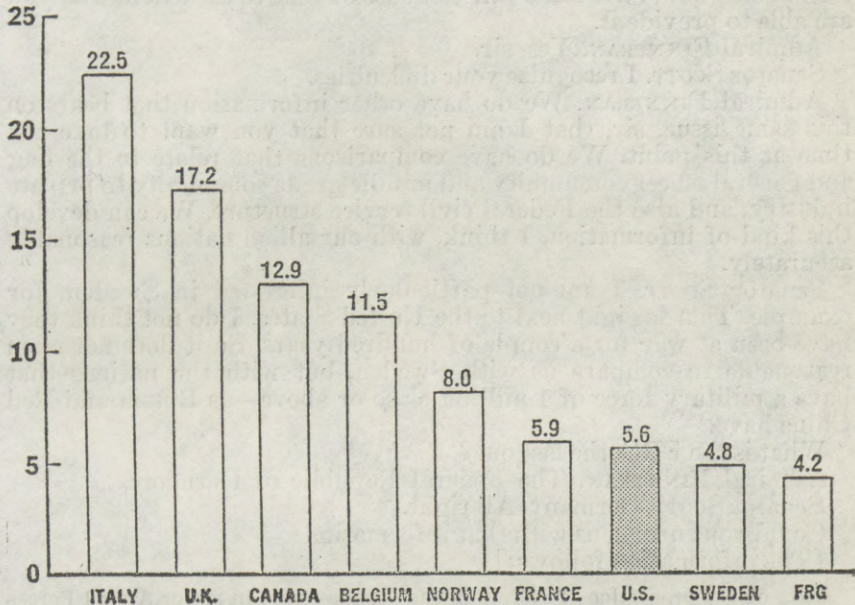
Mr. BREHM. Yes, sir.

Senator SCOTT. I am very interested in what we are talking about here, and I wonder if, for the record, the Admiral, or you, Mr. Secretary, could let us have the ratio of the various ranks of the services; how they compare with the ranks within the other major nations of the world; the number of generals compared with the colonels; and so forth. Do we have a higher ratio of generals? I think it would be

interesting if we had that, not on the most-favored-nation basis, but on a fair rationale, between all of the major countries of the world. I think it would be helpful to the committee to have this.

CHART 8

GENERAL/FLAG OFFICERS PER 10,000 SERVICEMEN



Admiral FINNERAN. This is a chart in response to your general question. This is a general flag officers per 10,000 servicemen for the different nations.

Senator SCOTT. I would like to have it for lieutenants, first lieutenants, and their counterparts in the Navy. I think we need to see the overall picture, not just the flag officers. Sometimes—you know, I tell my staff that I will give them a title rather than an increase in pay. Maybe somebody has more generals than we do, but they do not pay them as much, and they get a title rather than more money.

I would like to see the whole, overall picture; I think it would be helpful to us if you went beyond the flag officers.

Admiral FINNERAN. We will make an attempt to provide that for you, Senator.

Senator SCOTT. All right, sir, it would be very helpful to us.

Mr. Secretary, I did not mean to keep you. I think this is rather important when we are talking about the overall bill to see how we fit in. I know that we are talking about our democratic society compared with the slave world in some instances, but if we could have the whole thing.

I do not see Russia in here. Is that in here?

Admiral FINNERAN. No, sir.

Senator SCOTT. I see United Kingdom. I do not see Russia in there, and I do not see Red—

Admiral FINNERAN. Russia is somewhere in here, sir.

Senator SCOTT [continuing]. I do not see Red China in there, sir.

Admiral FINNERAN. It is difficult to get that information with a great degree of accuracy.

Senator SCOTT. Well, maybe we are making it more difficult by some of the investigations that are being conducted at this time. But I think you would have some fair estimate of this, to the extent that you are able to provide it.

Admiral FINNERAN. Yes, sir.

Senator SCOTT. I recognize your difficulties.

Admiral FINNERAN. We do have other information that bears on this same issue, sir, that I am not sure that you want to take the time at this point. We do have comparisons that relate to the flag and general officer community and middle grade community to private industry, and also the Federal civil service structure. We can develop this kind of information, I think, with our allied nations reasonably accurately.

Senator SCOTT. I am not particularly interested in Sweden, for example. That is right next to the United States. I do not think they have been at war for a couple of hundred years. So it does not seem reasonable to compare us with Sweden, but with the nations that have a military force of 1 million or so or above—as Russia and Red China have.

What is the FRG, the last one?

Admiral FINNERAN. The Federal Republic of Germany.

Senator SCOTT. Germany. All right.

Could you furnish us with that information?

[The information follows:]

Data on the proportion of officers in each grade found in major Armed Forces of the world are being collected. This will be provided as soon as it is available.

Senator SCOTT. Thank you for waiting, Mr. Secretary.

Mr. BREHM. My pleasure, Senator Scott.

Senator SCOTT. I do not want to belabor it; you may go right ahead.

Senator BARTLETT. Could I, Mr. Chairman, ask a question? On the previous chart, apparently when you get down below majors, it flips over so that as you increase in strength, there would be an increase in captains. Is that the breaking point?

Admiral FINNERAN. No, sir. The Officer Grade Limitation Act does not establish specific controls on the grades of captain, first lieutenant, and second lieutenant.

Senator BARTLETT. Oh, I see.

Admiral FINNERAN. We do have controls in the annual budget cycle, but we do not have statutory controls such as these. The principal reason is that those three lower grades are where all of the turbulence takes place, and a great deal of indecision with respect to individuals and their intentions to stay with the force. So we would find it highly inflexible, and in many cases it might be extremely difficult to live with permanent statutory controls on those three lower grades. They are controlled in your annual budget review by both the Senate and the House.

Senator BARTLETT. Do they tend to be more numerous percentage-wise with the lower strength, than a higher strength, as the other officers are?

Admiral FINNERAN. In a stable environment they tend to be much higher percentages than these.

Senator BARTLETT. Do they tend to increase in strength?

Admiral FINNERAN. In a declining strength environment, particularly if we are declining very rapidly, our greatest management flexibility is within those three junior grades. There may be momentary imbalances because of that. Senior officers all have varying degrees of guarantees in the system that reduce our flexibility to separate or retire them. So if a dramatic reduction of strength is imposed it will in fact create great pressures on senior grade limitations with the potential for severe retardation of promotion flow or possibly stagnation for significant periods of time.

Senator BARTLETT. That does not cause you that same problem with captains and lieutenants?

Admiral FINNERAN. Only because we do not have statutory limitations on junior grades, sir. It is an annual budget determination. It is a short-term process. We are able to make the assessment in view of the real issues, as opposed to the longer term issues that are implied by this process.

Senator BARTLETT. Thank you.

Senator SCOTT. Admiral, following up Senator Bartlett's comments a bit; I have added up the 70,000 and then the 120,000 and I find that at the 70,000, you have 37.4 percent of your officers that are majors or above. But then when you get to the 120,000, why, you have 33.14—you have over 4 percent more of the higher grades when you have the small force.

Now why would that be?

Admiral FINNERAN. The principle here, sir, that I am trying to depict in this graph is the way in which the sliding scale works. The purpose of the sliding scale is to recognize that with a given inventory of career officers, if you expand the force in size dramatically in an emergency, as we did in Vietnam, building up the size of the structure significantly in the lower grades, in the absence of authority to generate a major recall of Reserve and Guard, you bring into the force greater numbers of combat units with T.O. & E.'s, that represent proportionately a smaller senior officer need.

Senator SCOTT. What is T.O. & E.?

Admiral FINNERAN. This is a table of organization and equipment in each of the services, sir, for the combat units. Combat units have a slimmer need for officers in the senior grades. The support structure drives our need for senior officers in an organizational sense. What the sliding scale principle reflects is a constraint to preclude inordinate opportunity for promotion of the career force in the face of what are hopefully short expansions of the force. The result is a richer representation in the senior grades with a smaller force, and a leaner representation in the senior grades with an expanded force.

Senator SCOTT. I believe the chairman asked a few minutes ago whether that was for the convenience of the service or for the convenience of the personnel, and I am paraphrasing what he said. Could

you comment on that again? You have so many generals or so many colonels; so many of these various ranks, and you increase the total number of people in the military and you want to keep these men that you have.

Admiral FINNERAN. Yes, sir. That is exactly the point. That is a principal objective. What we are driving for is a long-term program that reflects a degree of motivation for the career force. Another objective is to balance out retention of officers with the need for youth and vigor in a force. Now that is a delicate balance. We are dealing with long-term controls that are principally directed at the career force.

If you turn that around and talk about it in terms of organizational interests, it has also been our experience that the larger the force, the lesser the need for representation in the senior ranks. To give you an extreme example, as a fleet commander, in the Atlantic fleet last year I had 180 ships under my command. If we looked at that same fleet 5 years ago, when another individual had command, with the same responsibilities, he had 400 ships in that fleet. Now, the question raised is, Does that fleet still require a vice admiral to command it? The rationale that the Navy would support to make that point, is that the responsibilities of the command and the potential for expansion in times of crisis are the same regardless of the numerical size of the force within certain reasonable limits.

Senator SCOTT. Who is that commander today?

Admiral FINNERAN. Vice Admiral Shanahan, sir.

Senator SCOTT. What is Admiral Kidd?

Admiral FINNERAN. Admiral Kidd is Commander in Chief of the Atlantic Fleet.

Admiral Shanahan is one of his subordinate commanders. He is the operational commander who goes to sea with those ships.

But that is just an attempt to give you an isolated example of the kinds of factors that are involved in structuring an organization. It is not necessarily a direct relationship between rank requirements and the total structure, including the support structure, and the operational forces that are available at any point in time.

Senator SCOTT. Thank you, sir. Go ahead in your own way.

OFFICER MANAGEMENT — HISTORICAL HIGHLIGHTS

-
- 1959 — FIRST AIR FORCE GRADE RELIEF ACT
 - 1960 — "HUMP" LEGISLATION
 - "WHITE CHARGER" LEGISLATION
 - 1963-65 — PROPOSAL TO CHANGE OPA (BOLTE) (NOT INTRODUCED)
 - 1967 — PHYSICIANS AND DENTISTS EXCLUDED FROM OGLA
 - 1972 — OSD "DOPMS" STUDY
 - 1973 — GRADE LIMITATIONS REPORT TO CONGRESS (CONGRESSIONAL DIRECTIVE)
 - 1974 — DEFENSE OFFICER PERSONNEL MANAGEMENT ACT (DOPMA) TO CONGRESS
 - SEVENTH AIR FORCE GRADE RELIEF ACT

Admiral FINNERAN. Referring again to the Officer Grade Limitation Act of 1954 you will recall that I mentioned that there was recognition by the Congress that the Air Force was a relatively younger force and therefore had lesser need for proportionate representation in the higher ranks. In 1959, the first need was established for some form of grade relief for the Air Force. Since that time there have been six additional occasions in which the Department of Defense has come to the Congress and Congress has provided specific grade relief for the officer structure of the Air Force.

In 1960, we found need to come to the the Congress for additional relief to thin out the senior grades because of imbalances with respect to both age and experience of officers that were tending to force a retardation of promotion flow for younger officers. The situation had the potential to cause overage in grade characteristics that were most undesirable.

As a result, the Congress authorized for the Navy and the Marine Corps the so-called "hump" legislation. In the 6 years in which the Navy employed that law, they retired early some 2,000 officers in the grade of captain and commander. A comparable bill that authorized involuntary early retirement for colonels and lieutenant colonels in the Air Force and in the Army was known as "white charger" It was used by the Air Force from 1961 through 1965.

During this period, the Department of Defense created a special study group which developed a legislative proposal which became known as the Bolte proposal, named after General Bolte, who chaired the study group. The study group was formed in the interest of eliminating "unwarranted" differences between the various systems for promotion in the services, and in response to the desires of the Congress.

This bill produced by the Bolte study was approved by the administration and was forwarded to the Congress, but was never introduced by either House. It was a comprehensive attempt to address not only the commissioned grades of lieutenant through captain and colonel, but also flag and general officers. Because of its tremendous complexity, the Congress was never able to give that bill serious consideration.

We have taken advantage of the work that went into that proposal as it pertained to the officer grades we are interested in, in our current proposal. They are reflected in the current proposal which you are examining, Mr. Chairman.

In 1967, with the authority of the Congress, physicians and dentists were excluded from the Officer Grade Limitation Act because of the very severe problems that the armed services were having in obtaining and retaining physicians and dentists. This special authority provided the ability to eliminate forced attrition in controlling physicians and dentists and thereby precluded the need to separate some of them earlier than was otherwise desirable.

In 1972 the Department of Defense established the Defense Officer Personnel Management Study Group. Its first product was in response to a specific reporting requirement to the Congress with a Report on Officer Grade Limitations of May 1973. This report was the basis for the development of the legislative proposal that we have before you now, which we sent to the Congress for consideration in 1974.

The 93d Congress did not consider it. It was introduced in both Houses this year, in the 94th Congress. The House has held hearings on this bill in the Armed Services Compensation Subcommittee, chaired by Congressman Stratton. They are in their final deliberation process now and developing their committee report.

I might point out that the Seventh Air Force Grade Relief Act was provided by the Congress in 1974 for 2 years, and if action is not taken on this bill between now and next September, it will be necessary for the Congress to consider an eighth proposal for grade relief for the U.S. Air Force.

CHART 10

PUBLIC LAW 92-561

92ND CONGRESS, H. R. 14542

OCTOBER 25, 1972

SEC 2. "THE SECRETARY OF DEFENSE SHALL SUBMIT TO THE CONGRESS NOT LATER THAN MAY 30, 1973, A COMPREHENSIVE WRITTEN REPORT REGARDING LIMITATIONS ON THE NUMBER OF OFFICERS WHO MAY SERVE IN VARIOUS COMMISSIONED GRADES IN THE ARMY, NAVY, MARINE CORPS, AND AIR FORCE. THE SECRETARY SHALL INCLUDE IN SUCH REPORT SUCH RECOMMENDATIONS AS HE DEEMS APPROPRIATE FOR LEGISLATION TO ESTABLISH NEW PERMANENT LIMITATIONS ON THE NUMBER OF OFFICERS WHO MAY SERVE IN SUCH COMMISSIONED GRADES."

This slide shows the reference to Public Law 92-561, which required the Secretary of Defense to submit the comprehensive report that I mentioned earlier. This paragraph expresses the interest of the Congress at that time. That requirement is the genesis for the bill before you now.

CHART 11

MAJOR FEATURES/PROVISIONS

APPOINTMENTS

SINGLE PROMOTION SYSTEM

ALL-REGULAR CAREER FORCE

TENURE

... AND ...

SEPARATION AND RETIREMENT

If I may now turn to the major considerations and features of the bill.

Senator SCOTT. Admiral, if I can just interject for a minute, we do have a roll call vote and I have asked that the staff check to see whether Senator Nunn will be back in a few minutes. I will stay here and vote late, if he is coming back. It happens to be a military bill that we are voting on. I am probably going to vote aye, so I know you would want me to go over there.

Admiral FINNERAN. I recommend a recess.

Senator SCOTT. It is a military construction bill that we are talking about, but you can go ahead for another 5 minutes or so. If Senator Nunn does not come back, I am going to have to go and vote.

Admiral FINNERAN. Very well, sir. I understand.

Senator SCOTT. Incidentally, I will not be able to come back because we have a Judiciary Committee meeting, and we are going to consider what to do about New York City, which is important too. It depends on what Senator Nunn wants to do, and we will try to find out in the next 5 minutes, but you go ahead, sir.

Admiral FINNERAN. Very well, sir.

I am turning now to the features of the bill that is before you for consideration. These features are addressed in detail in this bill and my intent is to take each of them in order, with the exception that I will address the subject of grade tables last.

So if I may, sir, I will start with the proposals for appointment authority.

CHART 12

PROPOSED NEW FEATURES FOR APPOINTMENT

• COMMON GENERAL AUTHORITY

• BY PRESIDENT W/ADVICE AND CONSENT

• TEMPORARY APPOINTMENT DURING EMERGENCY

• STANDARD BASIC QUALIFICATIONS

• DEPARTMENTAL AUTHORITY OVER CATEGORIES

• STANDARD CONSTRUCTIVE SERVICE CREDIT

We are seeking a common, general authority that would be applicable for all four services. It would repeal or modify the myriad of separate authorities that have been built into laws and title 10 U.S.C., in the past years that are specifically applicable to one service or another. The principles we would apply to appointment authority are consistent in that appointments would be by the President with the advice and consent of the Senate. During periods of emergency the President would have a temporary appointment authority that would not necessarily require the consent of the Senate.

We have standardized the basic qualifications for commissioning and have eliminated differences in basic qualifications that are somewhat archaic. We are providing a Secretarial authority to establish and maintain controls over the sizing of and to balance the needs with respect to promotion considerations for categories of officers within the total officer corps.

And finally, we are providing for a standardized uniform application of constructive service credit for entry onto the rolls with advanced standing. This is particularly applicable to doctors, dentists, chaplains and lawyers.

CHART 13

OBJECTIVES OF GRADE TABLES

- ALLOW DEFENSE TO MEET REQUIREMENTS BY GRADE AND AGE
- PROVIDE CAREER OPPORTUNITY TO ATTRACT AND RETAIN
- ALLOW REASONABLY CONSISTENT CAREER OPPORTUNITY AMONG THE SERVICES

With respect to the promotion features, we would propose to eliminate temporary promotion and have a single promotion standard that would be permanent. We would standardize the four services procedures and eliminate those differences that exist between the Army-Air Force, on the one hand, and the Navy-Marine Corps on the other. We would promote to fill vacancies under a single grade limitation control for each service, instead of having the dual authorizations complicating the system to no real advantage for the individual or management.

CHART 14

PROPOSED NEW FEATURES FOR TENURE

- STANDARDIZE FOR ALL SERVICES
- SEPARATION FOR FAILURE OF SELECTION TO 0-4 AND BELOW
- MAXIMUM LENGTH OF SERVICE FOR 0-4 AND ABOVE
 - 20 YEARS FOR 0-4
 - 26 YEARS FOR 0-5
 - 30 YEARS FOR 0-6
- CONTINUATION BOARDS

The significant principle of this proposal is the creation of an all regular force for all officers with over 11 years service. They would be regular officers as opposed to the mixed force that we have today. There are many Reserve officers on active duty, particularly in the Army and the Air Force, with more than 11 years of service.

A principal reason for adopting this policy is for equity, particularly in times of reduction in force. We have limited capability to reduce the force in the controlled grades of major and above. When we have had to reduce it has had a destabilizing effect to a greater degree on the reserve officer than it has on the regular officer because of a difference in tenure laws.

We make few exceptions to this rule. The principal one is for permanent, long-term purposes the officers on the active duty rolls who manage the training and administration of the reserve and guard programs themselves.

In times of expansion, in response to emergencies, we have provisions for Reserves and Guard officers to be recalled. But they would be precluded from consideration in the same competitive groups for promotion purposes with the Regular officers, for 2 years. If in fact we had an emergency that lasted as long as 2 years, we would come to the Congress for some adjustments to permit us to manage the force.

Senator SCOTT. Admiral, I do have to go vote, so we will recess the hearing until Senator Nunn comes back.

Admiral FINNERAN. Very well, sir.

Senator SCOTT. He is supposed to be here in just a very few minutes.

Admiral FINNERAN. Thank you, Senator.

[A brief recess was taken.]

Senator NUNN [presiding]. Admiral, do not backtrack. Just keep going. Some of the others may be able to come in, but they may not. I think I will be here for the duration.

Admiral FINNERAN. All right, sir.

At the time we recessed, Mr. Chairman, we were discussing the subject of provisions of the proposals that we have before the Senate for uniformity of treatment of the officers in all four services. On this slide, we are depicting the fact that one of the features of this proposal is that all officers on active duty after 11 years of commissioned service, would be regular officers.

That is in contrast to the situation we have today where a significant number of officers, particularly in the Army and Air Force, are in Reserve status with greater than 11 years of service. When we are faced with the requirement to reduce forces, as we have been in the past years, we find that because of the tenure of the Regular officers in the force, we have limited flexibility in being able to manage them out of the system. This results in disparate treatment of the reservists who, because of the expanded force we have had over past years, have come to be regarded as career reservists. A career reservist is not recognized in our present tenure laws which enables different treatment of those officers relative to Regulars.

There is a clause in the proposed law that would allow us 2 years to make that transition for all Reserve Officers presently in the system. The younger officers who have not arrived at the 11-year point would have a regular and gradual opportunity for transfer from Reserve status to Regular status as part of the regular operation of our man-

agement system. By the time an officer in the future arrives at the 11-year point, he would have had up to 11 years of opportunity for transfer into the Regular force.

We provide for very few exceptions. The principal exception relates to those officers who are on active duty for the administration and training of the Reserve and Guard Forces.

CHART 15

PROPOSED NEW ALL-REGULAR FEATURE

— OFFICERS WITH OVER 11 YEARS SERVICE WILL BE REGULAR

— FEW EXCEPTIONS - FOR RESERVE PROGRAMS

Another significant feature of our proposal is changes in the tenure rights, or the points at which officers would be subject to mandatory retirement or separation from the system. Our purpose here is uniformity.

The left-hand column shows the current law, in green, that applies to the Army and the Air Force. As you can see, these are "not-later-than" points at which an individual who is unsuccessful in achieving promotion to the next higher grade must be separated from the service. With respect to the Navy and the Marine Corps, we have these differences shown. It is very significant that in the lower grades, we do not have fixed periods of service in the Navy and the Marine Corps. In these services, after two promotion opportunities and upon failure after those opportunities, an individual is subject to separation on June 30 of the year of the second failure.

We would propose to standardize those rules across the four services.

This asterisk relates to 20 years of service for retirement eligibility purposes and not necessarily coincident with 20 years of commissioned service. Some people have enlisted service and some have other forms of service that count toward retirement eligibility.

A very distinctive feature of our proposal relates to the experience that we had with the so-called "Hump" and "White Charger" legislation of the 1960's which was exercised by the Navy, the Marine Corps, and the Air Force. The Army did not utilize those features at that time. The purpose of the selective continuation provisions is to provide a means through which we can, in a reasonable way, thin out the senior grades when the necessity arises. This would be in times of reduction of force principally. This law would provide management tools that we currently do not have available to us. The proposals simply are that for a major and a lieutenant commander who would normally be separated after two failures of selection for promotion to commander or lieutenant colonel, if the Secretary of the service con-

cerned convened a selection board to do so, they can be continued on active duty until completion of 20 years of service for retirement eligibility purposes.

This feature would be used in times in which it was desirable from the standpoint of force management to continue selected officers with specific skills or in the event that there was a shortage of officers and experience serving in those levels.

With respect to lieutenant colonel and commander with two promotion failures to the grade of colonel and captain, there would be a provision that would permit at least 70 percent to be continued to 26 years of service. The remaining 30 percent, if a board were convened for this purpose—and it is not mandatory that it be done every year—would be subject to earlier retirement.

With respect to the grades of captain and colonel, a similar provision would become applicable after the individual served a minimum of 4 years in those grades. It would provide for his eligibility to be considered by a continuation board, with up to 70 percent being continued to 30 years of service and the remainder being retired earlier than that.

CHART 16

PROPOSED NEW FEATURES FOR PROMOTION

- TEMPORARY PROMOTION ABOLISHED
- STANDARDIZED SERVICE PROCEDURES
- PROMOTION TO FILL VACANCIES UNDER
SINGLE LIMITATION FOR EACH SERVICE

Now, if I may, sir, I will turn to the grade tables. Listed are the principles on which we based the construction of these grade tables. Our principles were to allow Defense to meet requirements by grade and age. I mentioned earlier in this presentation that producing officers at the proper age and the proper grade becomes a very explicit objective in terms of the youth and vigor of the force.

Second, and equally important, we wanted to provide a continuing career opportunity that would attract and retain officers—a perspective that motivates officers to continue service. Third, we wanted to provide a reasonably consistent career opportunity among the four services in lieu of the disparities that exist in the system today as a result of the differences in law.

PROPOSED NEW GRADE LIMITATIONS

ONE SYSTEM REPLACES TWO

CONTROL OVER GRADES O-4 TO O-6

RECALLED RESERVES EXCLUDED FOR 2 YEARS

ALL SERVICES UNDER SIMILAR GRADE CONTROL

Turning to the characteristics of our proposed grade tables, we have one grade table for each service replacing both the permanent and temporary grade tables that exist today. We would continue controls over the grades of O-4 through O-6. I might point out at this time that in the bill we are not addressing the subject of warrant officers, and we are not addressing flag and general officers. One of the reasons for that relates to the Bolte proposal in the 1963 time frame, in which the Congress found the total package so complex that they could not deal with it efficiently.

We have limited this proposal to the grades of O-1 through O-6. If there is a need, which is not evident at this point at the Defense level, to make some major revisions or changes to the warrant officer laws, it should be addressed separately in our opinion.

With respect to the flag and general officer communities, any perceived need for change with regard to the statutes governing those officers we feel should be addressed as a separate issue.

Senator NUNN. Are you working on anything on either of those?

Admiral FINNERAN. We are commencing work on the flag and general officer community at this time, sir, in response principally to the interest generated in the House.

Senator NUNN. When will you have something ready on that?

Admiral FINNERAN. I would say it would be at least a year, sir. It is a very complex set of statutes.

Senator NUNN. If we bring this to the Senate floor, it will already have been dealt with long before you complete your study.

Admiral FINNERAN. Well, the issue of course, sir, is that in our judgment, either administratively or legislatively, there are on the

books today sufficient authorities that you can do almost anything you would like to general and flag officers.

With respect to objectives, perceptions, sizing, length of service and so forth, in an extreme sense, if you want to say "evaporate," it can happen under laws that exist today.

There are some valid reasons for addressing the flag and general officer communities. One of them is uniformity. Another is that the emergency authorities that are carried into practice as a result of the Korean proclamation create some management problems with respect to the flag and general community that do need to be addressed. But each of those is a very discrete problem, as opposed to an overall management problem for the officer corps as a whole.

A third principle is that we have provided exclusion for up to 2 years of Reserves' recalled to active duty. Our purpose in that is to avoid the possibility of placing Reserve officers in the very real competitive status for promotion purposes with Regular officers on active duty. Also, to recognize that there are structural reasons with respect to the Selected Reserve organization. We could find a situation under certain circumstances where it might be necessary, depending on the way in which Reserves were called up, for those Reserve units to selectively leave organization officers behind because they simply could not be accommodated into the grade limitations that we propose as controls on the Active Force.

And finally, we would place all services under similar grade control constraints.

CHART 18

GRADE TABLE ASSUMPTIONS (CAREER PROGRESSION PATTERN)

		AVERAGE AGES AT PROMOTION
● NORMAL PROMOTION POINTS		
1ST LIEUTENANT/LIEUTENANT (J.G.)	2 YEARS	25
CAPTAIN/LIEUTENANT	4 YEARS	27
MAJOR/LT COMMANDER	10 ± 1 YEARS	33 ± 1
LT COLONEL/COMMANDER	16 ± 1 YEARS	39 ± 1
COLONEL/CAPTAIN	22 ± 1 YEARS	45 ± 1
● PROMOTION OPPORTUNITIES		
1ST LIEUTENANT/LIEUTENANT (J.G.)	FULLY QUALIFIED	
CAPTAIN/LIEUTENANT	95%	
MAJOR/LT COMMANDER	80%	
LT COLONEL/COMMANDER	70%	
COLONEL/CAPTAIN	50%	

Taking these principles one step further, we talked earlier about three predominant variables that must be considered: the grade limitations, the promotion opportunity, and the promotion timing. These are the design parameters, or the norms if you will, that we used for modeling and final determination of the grade limitation proposals that are part of this bill.

The years of service for each of the grades are the years at which we would expect normal promotion. Shown for comparison in this table are the average ages that would pertain assuming that the average commissioning age was about 23.

These are the percentile expressions of promotion opportunity that would be available in the system if, in fact, these parameters were met exactly, and if, in fact, we had such a balanced force that we were fully utilizing the grade authorities proposed.

These are not guarantees in the law. These are simply design parameters used for arriving at the grade limitations.

CHART 19

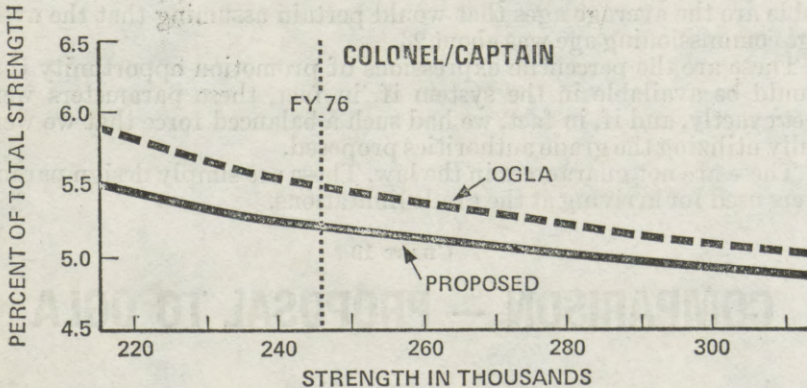
COMPARISON — PROPOSAL TO OGLA

- NO RADICAL CHANGES
- COL/CAPT - LOWER IN PROPOSAL - ALL LEVELS
- LTC/CDR - APPROXIMATELY SAME - MORE AT
LOW, LESS AT HIGH
- MAJ/LT CDR - INCREASED

The result compared to the Officer Grade Limitation Act of 1954 is on this chart. Shown in the vertical scale on the left is the ratio of officers in grade to total officer strength. Shown on the horizontal scale is the total strength of officers. This scale and these numbers are the aggregate for DOD; that is, all of our Services' grade characteristics combined.

CHART 20

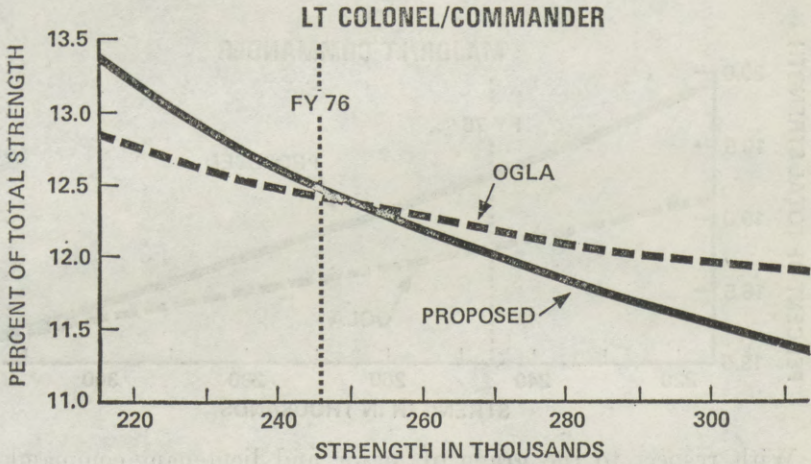
DEPARTMENT OF DEFENSE AGGREGATE EXISTING GRADE LIMITATIONS COMPARED TO PROPOSED GRADE TABLES



This particular slide shows the grade of captain or colonel. We have a strength from 215,000 to approximately 315,000 represented in the table. Across that range band of strengths, this dotted line is the present authorization in the Officer Grade Limitation Act of 1954. These are maximum ratios of colonels and captains that can be in the Services combined today. The proposed ratio for the four Services in the proposal before you now is shown by the solid line. That represents a fairly significant reduction in numbers of colonels and captains.

For comparison purposes, the vertical dotted line shows the present program strength for fiscal year 1976.

DEPARTMENT OF DEFENSE AGGREGATE EXISTING GRADE LIMITATIONS COMPARED TO PROPOSED GRADE TABLES



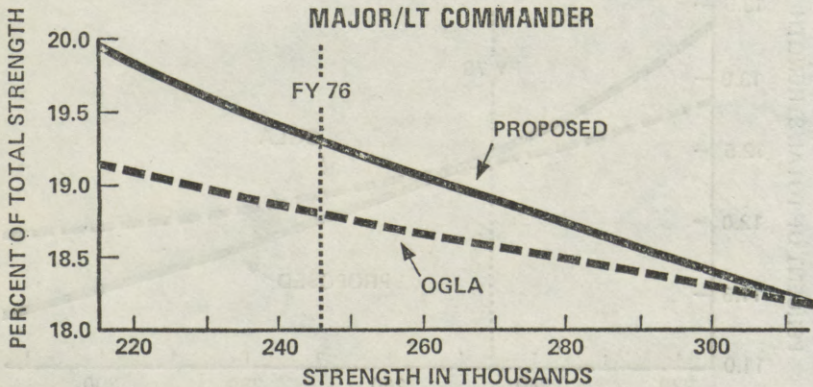
This is the comparison for lieutenant colonels and commanders.

You will note that there is a crossover compared to OGLA. This is because in applying the principles of promotion opportunity and promotion timing reflected in the table I showed earlier, with a smaller force we find a need for a greater proportionate representation in that rank. With a larger force, we find a significantly lesser need than is provided by OGLA.

This chart also has a line depicting the present program strength.

CHART 22

DEPARTMENT OF DEFENSE AGGREGATE EXISTING GRADE LIMITATIONS COMPARED TO PROPOSED GRADE TABLES



With respect to the grade of major and lieutenant commander, here we have an inversion where the present OGLA authorizations are less than what we would propose in those grades.

And again, the principle of the sliding scale is dramatically presented, with significantly lesser demand at the extreme end of the scale, the larger end, and a proportionately higher demand at the lower end of the scale.

CHART 23

OTHER FEATURES OF PROPOSAL

-
- EQUAL OPPORTUNITY FOR WOMEN
 - TRANSITION PROVISIONS
 - RELATED TO PROPOSED RETIREMENT MODERNIZATION ACT
 - NEGLIGIBLE NEAR — TERM COST IMPACT

These other features of the proposal are equally important. There are over 100 sections of law in title 10 today which have been addressed to equalize the promotion opportunities and provisions for women to those of the men.

For example, under today's law for the Navy and Marine Corps a woman who is not successfully promoted to the grade of lieutenant commander or major is separated from the service after 13 years of service. This is different from the men in that they are separated after two failures to be selected for promotion. We are eliminating that difference and making them all the same.

We are also eliminating the separate promotion lists for women that exist in the case of the Army and the Navy. Women would be integrated into the promotion list, and they will come up before the same boards considering men in the same competitive categories.

There are some very distinct transition provisions in this law. One of the principal ones is a provision to insure that we do not adversely impact on the present provisions of law with respect to either separation rights or retirement rights of individuals. This particularly applies to the grade of major and lieutenant commander where we are proposing to take away the guarantee of retirement eligibility to officers in those grades under this proposal.

The transition provision assures officers serving in those grades at the time of enactment of this proposal that they would not be adversely affected, and the new provision would only apply to those officers who subsequently became majors or lieutenant commanders.

There are a number of provisions in this law that are related to another bill, the proposed Uniformed Services Retirement Modernization Act. In its design, the bill you have before you presumed that the Retirement Modernization Act would have been addressed and enacted by the Congress first. Unfortunately, this has not happened. As a result, we have a number of technical changes that will be necessary to this bill as it is before you today in order for it to stand alone without prior enactment of the retirement proposal.

One of the principal features is the provision of vested rights to retirement after a certain amount of time in the service. The Retirement Modernization Act would extend vesting rights to an individual after he achieved 10 years of service and if he voluntarily left the service after that time, he would be entitled to a deferred annuity at age 60.

Senator NUNN. I saw an analysis of projection of military retirement pay, strictly military, between now and the year 2000. It was something like \$474 billion.

Admiral FINNERAN. I have not seen that one, sir.

Senator NUNN. That assumed a reasonable rate of inflation and a reasonable rate of pay increases.

Admiral FINNERAN. Well, of course you have got two factors driving that. One is the retirement rolls are increasing, and our estimates indicate that those rolls will go from approximately 1.1 million people today to approximately 1.4 by 1985. The longer we maintain an expanded force in this country, that is going to continue to be a major problem. And, as you suggest, depending on the assumptions you make

about inflation and the cost-of-living increases applied to retirement pay, you can come up with some pretty dramatic figures.

Senator NUNN. If you do not assume any inflation and if you do not assume any pay increases, it is about \$260 billion.

Admiral FINNERAN. Our current budget for this year is \$6.9 billion for retirement pay. We anticipate next year's budget, without change in law, being about \$7.2 billion.

Senator NUNN. I tell you, in my opinion—based on what I have seen in the Budget Committee this year—unless that retirement pay is taken out of the military category and put into another category, the Defense bill is going to be weakened every year that it goes up.

Admiral FINNERAN. I understand. Yes, sir, it is a very difficult problem.

Senator NUNN. I am concerned about the Nation's defense first and foremost. I can see it coming and I would advise you informally—I know that is a decision the administration has to make and we have to make too and I am going to be pushing up here to get it out of the Defense category.

Admiral FINNERAN. Transfer that account out of Defense?

Senator NUNN. Right. If it is not, it is going to grow astronomically, and Defense critics are going to use that figure to greatly scale down the rest of Defense.

Admiral FINNERAN. In comparison to the President's budget, the retirement account represented 7 percent of the budget as it was. Now, with the actions that have taken place on that budget within the Congress, it is going to represent a significantly greater proportion when we are done.

Senator NUNN. I hope the Soviet Union does not look at our retirement pay to see whether or not they are going to fight one day or not. We have a lot of things like that in the Defense budget that I think you should take a close look at.

Admiral FINNERAN. Yes, sir. One aspect of that is we are paying for past actions.

Senator NUNN. That is right.

Admiral FINNERAN. And the relationship is very difficult when it is folded into the Defense budget.

Senator NUNN. It sure is.

Admiral FINNERAN. Finally, with respect to cost, under the following assumptions—and this is theoretical—if you assume that given the present inventory of officers, and if we were in fact using the full limitations of authorizations under OGLA, which we are not, and you compared that then, under the assumption that we would also use the full limitations proposed in this bill, the interim cost impact is relatively small. The potential is there over the next 5 years, under that kind of a comparison, to have a modest reduction in cost on the order of \$64 million. Now that was the way in which we constructed the costs that were presented in the Department's letter forwarding the legislation, Mr. Chairman.

Senator NUNN. \$64 million a year?

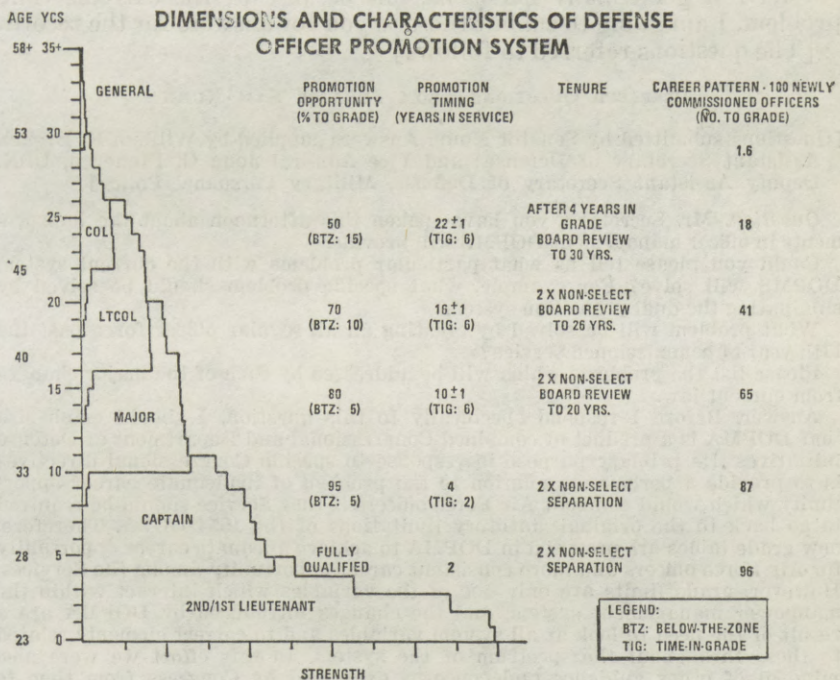
Admiral FINNERAN. \$64 million over the 5 years, sir.

Now, those are hypothetical cost developments that will not change actual budget outlays because the inventory is not at the full limits

of either the present authority or of the full limits of the proposed authority at this time.

The grade limit authority we are seeking is an authority to have available for future potential, not necessarily to use on a regular basis. And we would suggest that in the relationship you mentioned earlier of requirements, that we will be developing our requirements for officers on an annual basis and justifying those through the budget submissions each year. What we are really looking for in this bill is a long-term perspective of what limitations are needed in order to meet the two-fold goals of providing a motivating attraction and retention factor in the force, and a system that allows us to meet the requirements for age of that force.

CHART 24



This is a final, summary chart Mr. Chairman. This profile shows each of the grades as a function of 0 to 30 years of service, with: The comparable promotion opportunities that were design parameters of the system; the promotion timing, at the years of service that we would anticipate for normal advancement into each of the grades; and the proposed tenure features of the law that would separate people who are not successful with honor and with the minimum amount of stigma. Finally, the right column is a comparison in terms of ratios indicating that of every 100 officers who enter the service at 0 years of service and who stay in the system up to the point of promotion to the grade of colonel, approximately 18 of those will achieve

that grade. And looking beyond that, considering the present limitations in the Officer Grade Limitation Act that affect flag and general officers, approximately 1.6 of those 100 would have a statistical opportunity of flag or general officer rank.

That completes the presentation, Mr. Chairman.

Senator NUNN. Thank you very much. I regret that I could not be here the whole time, but I think this is an extremely helpful briefing. You have put it in a form that is much easier to understand. I assume we will have all of these charts for the record so that we can review them.

Admiral FINNERAN. Yes sir, these charts and the script that goes with them I have available for the record.

Senator NUNN. That will be fine. We will make them part of the record.

I have a good many questions, but because of the extreme time problem, I am going to submit those to you for answers for the record.

[The questions referred to follow:]

PREPARED QUESTIONS FROM SENATOR SAM NUNN

[Questions submitted by Senator Nunn. Answers supplied by William K. Brehm, Assistant Secretary of Defense; and Vice Admiral John G. Finneran, USN, Deputy Assistant Secretary of Defense, Military Personnel Policy]

Question. Mr. Secretary, you have spoken this afternoon about the improvements in officer management DOPMS will provide.

Could you please tell us what particular problems with the current system DOPMS will solve? For example, what specific problem should be solved by eliminating the dual promotion system?

What problem will be solved by creating an all-regular officer force past the 11th year of commissioned service?

Please list the problems which will be addressed by each of the major changes from current law.

Answer. Before I respond specifically to this question, I should emphasize that DOPMA is a product of combined Congressional and Department of Defense initiatives. Its primary purpose in response to specific Congressional directives is to provide a permanent solution to the problem of inadequate career opportunity which would confront Air Force officers if that Service should be required to go back to the original statutory limitations of the 1954 OGLA. Therefore, new grade tables are proposed in DOPMA to achieve adequate career opportunity for Air Force officers and more consistent career opportunity among the Services. However, grade limits are only one of the variables which interact within the manpower management system, and the changes introduced by DOPMA are a result of the need to look at all system variables and to correct elements related to these throughout the spectrum of the system. In this effort we were also mindful of other guidance and concerns expressed by Congress from time to time. DOPMA, then, represents the culmination of combined efforts over a number of years by Congress and the Department of Defense to solve jointly-perceived problems. As to their nature, my statement addressed this, as did Vice Admiral Finneran's briefing and the supplemental information he has provided. However, I would like to briefly review them:

1. THE SINGLE-STEP PROMOTION SYSTEM

Doing away with the dual promotion system will eliminate many of the unwarranted service differences that exist today, will offer a simpler and more equitable system, and will be much easier to administer. Today when an officer is promoted to a temporary grade he wears the insignia of that grade, is paid according to the scale for that grade and begins accumulating longevity for eligibility for his next promotion. In the Navy and Marine Corps the individual also gains the tenure of the new grade as well. For the Army and Air Force, tenure must await selection for the permanent promotion. Army and Air Force officers must under-

go two selections for each grade even though the individual has successfully served in the grade for one or two years at the time of the second selection. For the permanent promotion, where only regulars are competing, an officer may fail of selection who is better qualified than a non-regular who is on active duty but not considered with that group.

The two-step promotion with the temporary promotion occurring before the permanent promotion means the individual is considered for selection twice as often as he would be under a single system. This extra selection is not needed for qualitative management of the officer force. The administrative requirement to convene twice as many promotion boards as are required for effective management is also an important consideration, since selection boards are composed of senior officers who must temporarily be taken away from their primary jobs for board duty.

2. THE ALL-REGULAR CAREER FORCE

Creating an all-regular officer force past the 11th year of commissioned service will reaffirm the intent of a two-component system. The reserves will be, as the name implies, a defense potential upon which the nation draws to meet emergencies and to augment the active duty force. The contradiction of the "career reservist" will be eliminated. There will be a continuing need for junior reserve officers on active duty to fill out the active units and to obtain active duty experience that will prepare them for future utilization and responsibilities in the reserve program. For those reserve officers who aspire to a full military career, there will be opportunities for integration into the regular component.

The all-regular force will improve equity of treatment. By eliminating the "career reservist", officers will not be separated just short of retirement eligibility on the basis of component alone. Any required separations will be made from among the entire eligible population and will be based upon qualitative criteria. Over the years there have been allegations of component discrimination in such matters as promotion, schooling opportunities, and assignment policies. In the junior grades the opportunities are high enough to preclude discrimination. In the senior grades under DOPMA, with minor exceptions such as reserve administrators, all active duty officers will be of one component, thereby eliminating the potential for discrimination.

3. THE NEW GRADE LIMITATIONS AND ACCOUNTABILITY

The new statutory grade limitations proposed for the O-4, O-5 and O-6 grades will raise the substantially lower permanent limits imposed on the Air Force, as contrasted to the other Services. They also bring more categories of officers accountable in each Service. The new limitations are designed to:

- Allow the Services to meet requirements for officers in the various grades at ages conducive to effective performance;

- Provide career opportunity that will attract and retain the number of high caliber officers needed; and

- Provide reasonably consistent career opportunity among the Services.

The resultant grade tables are upper limitations which will facilitate the long-range planning essential to maintaining a viable career officer force.

4. THE EXCLUSION OF RECALLED RESERVE OFFICERS

DOPMA exempts mobilized reserves from the grade limitations for a two-year period. This will permit the recall of all the senior officers actually assigned to mobilized reserve units, and avoids the alternative of increasing the OGLA grade authorizations to accommodate them. The two-year exemption period will give the Services the time needed to bring the recalled reserves under the full control of the active-duty manpower management system or to request other appropriate Congressional action.

5. THE STANDARDIZATION OF MAXIMUM LENGTHS OF SERVICE AND SELECTIVE CONTINUATION PROVISIONS

DOPMA standardizes maximum length of service points for regular officers in the various grades of all Services with those in existence for the Navy and Marine Corps. DOPMA also proposes a revision of the tenure rights of officers in the field grades by establishing a process of selective continuation. By permitting separation or early retirement of those who have the least potential for future contributions, this will provide a new means of reducing the numbers in those

grades during strength reductions. These provisions will provide needed flexibility and selectivity in managing the officer force.

6. THE REMOVAL OF STATUTORY SEX DIFFERENTIATIONS

DOPMA eliminates legal restrictions concerning female officers by providing equality of treatment in appointment, accountability, promotion, separation, and retirement.

As I indicated earlier, the foregoing is a summary of the problems and inequities addressed by the major changes in DOPMA. The material which follows covers various aspects of these issues in greater detail.

Question. Admiral Finneran, this briefing addresses the planned implementation of DOPMA, as well as proposed legal provisions.

For each of the major changes from current law, could you please explain what is actually in the proposed law and what is planned under implementation.

Answer. My briefing covered the major features or provisions of DOPMA. I believe the briefing script and charts which appear earlier as a part of the record will answer this question as to the substance of the proposed laws which will effect the major changes. However, there are two additional provisions I did not cover which, although more minor in nature, may be considered significant. The first of these concerns changes to the law regulating accelerated (below-the-zone) promotions of exceptional officers. For the Navy and Marine Corps, existing law limits these promotions to a maximum of 5%. That is, up to 5% of the number of promotions to any one grade by any one selection board are authorized to come from officers junior to the primary promotion zone. There are no such restrictions on accelerated promotions in current Army and Air Force law. DOPMA continues the concept of restricting the numbers of those promotions, limiting the maximum to 15%. The other provision concerns the number of years of service credited to those entering the service with professional qualifications related to service needs, such as doctors and lawyers. The laws regulating the amount of service credit which the services can now grant vary from one service to another in some career fields. DOPMA standardizes these differences and, in general, provides that one year of credit may be awarded for each year of advanced education beyond the normal baccalaureate level if the education is necessary to qualify the officer for appointment in a particular category.

If the committee desires a more detailed analysis of the changes from current law made by DOPMA than I have provided, I would be happy to offer our assistance to the committee in preparing a line-by-line print displaying both existing and proposed law and an explanation of each change.

Concerning the planned implementation, although I said in my briefing that we have included extensive transition provisions in the bill to protect rights and entitlements of officers on active duty at the time of its enactment, I did not detail those provisions. They are summarized as follows:

Transition provisions

Within six months of enactment, all officers, regular and reserve, with exception of reserve officers on active duty for training and administering reserve programs, will be placed on a single seniority list of their respective Services. This "active duty list" determines future eligibility for promotion consideration under the new system.

Transition to the all-Regular career force (i.e., officers with over 11 years of service) will be accomplished over a two-year period. Within this period "active duty list" reserve officers with over nine years service on date of enactment will be integrated into the regular force or released. The number who will be given regular commissions during this period will depend on authorized officer strengths. Should strengths remain substantially at present levels, it is anticipated that most reserve officers with 9 to 18 years of service on the date of enactment could be augmented to regular status. Reserve officers who have 18 years of service on enactment could be augmented to regular status. Reserve officers who have 18 years of service on enactment of DOPMA, or who attain 18 years service during the two-year transition period, will be permitted to serve as reserves until they are eligible for retirement.

All promotions made after date of enactment will be under the new single-step promotion system. Officers serving on date of enactment in a temporary grade higher than their permanent grade will retain the higher grade under the new system. Officers recommended for promotion but not yet promoted prior to

enactment will be considered as recommended for promotion under the new system.

New service points for mandatory retirement become effective on enactment and apply to officers according to the grade in which they are serving on the date of enactment, except Regular Army and Air Force officers serving in or selected to permanent grades of major, lieutenant colonel, or colonel. These officers will retain their statutory expectation under laws existing prior to enactment of 21, 28 and 30 years respectively. Regular Army and Air Force officers serving in or selected to the temporary grade of brigadier general or higher who held a permanent grade below brigadier general on the date of enactment will be considered to have been promoted to colonel under terms of this bill for purposes of mandatory retirement.

Mandatory separation/retirement provisions become effective on enactment for officers in all grades except that:

Regular officers who are serving in or selected to the permanent grade of major (and not serving in a higher temporary grade) in the Army and Air Force as well as officers serving in or selected to the grade of lieutenant commander in the Navy and major in the Marine Corps on the date of enactment will not be subject to mandatory separation until they have completed 21 and 20 years of service respectively.

Army and Air Force officers holding a permanent grade below lieutenant colonel who have received one failure of selection for promotion to the next higher permanent grade as of date of enactment will receive a second consideration within one year. If not selected at that time they will be retired or separated in accordance with laws existing prior to enactment.

A lump sum transition payment of \$4,000, in addition to retired pay, will be authorized for officers serving in or selected to the grades of lieutenant colonel/ commander and colonel/captain on enactment who are subsequently selected for non-continuation and mandatorily retired.

Question. Secretary Brehm, in your testimony before this Subcommittee this spring, you said that other provisions in DOPMS in areas such as appointments, promotions and separations will provide necessary flexibility and controls to manage junior officers as well as senior officers. What are these specific provisions?

How is each provision better for the control of junior officers than grade authorizations?

Answer. I believe the testimony to which you refer was in response to the question: "The Defense Officer Personnel Management System proposal deals only with senior officers. What is being done to provide management flexibility at the junior officer level?" In the context of this question, my full statement was:

"The proposed Defense Officer Personnel Management Act, which is the implementing legislation for the Department of Defense's proposed new officer management system, deals with commissioned officers of all grades from second lieutenant and ensign through colonel and Navy captain. Although the new statutory grade limitations contained in the legislation do not apply to junior officers; neither do those of the existing Officer Grade Limitation Act. However, other provisions in the legislation, and of the new system, covering such areas as appointments, promotion and separation will apply to junior officers. The management system therefore will provide necessary flexibility and controls to effectively manage junior officers as well as senior officers."

Examples of the specific provisions that apply for the management of junior officers are:

The authority and general qualifications for appointment as an officer.
The procedures for crediting prior commissioned service, advanced education for professional qualifications, and placement on the active duty list for determining subsequent promotion eligibility.

The authority for promotion to grade O-2 on a "fully qualified" criteria.

The minimum time-in-grade criteria for promotion.

The limitations on the rate of early (below-the-zone) promotions.

The procedures for convening and administering selection boards.

The authority for all officers eligible for promotion to communicate with selection boards.

The authority for the Secretary to assign officers to various competitive categories for promotion.

The procedures requiring the Secretary to establish promotion zones and to make a five-year estimate of vacancies to assure to individuals in succeeding years equality of opportunity for promotion.

The requirement that the Secretary, each time he computes the number of field grade officers authorized under the grade tables shall also determine the number of officers required to meet the needs of the Service in the grades of O-1, O-2 and O-3.

The procedures for separation as an effect of failure of selection for promotion.

The entitlement to readjustment or retired pay.

The limitation on active duty service (11 years) for reserve officers.

The procedures for separation of regular officers for substandard performance.

Since most of these foregoing provisions apply generally to officers of all grades and are inherent in the operation of the promotion system, the question apparently is not between the utility of these provisions viz-a-viz statutory grade limits, but rather between having or not having statutory grade control at all over the junior officers.

Past experience with OPA and the 1952-1953 Appropriations Act Riders (Davis Amendments) shows that it is not practicable to legislate grade control over the junior grades. For this reason, Congress determined at the time OGLA was enacted in 1954 that statutory limits on the field grades provided a reasonable level of Congressional control.

Expansion and contraction of the officer force to meet changing requirements, of necessity, must be predominately in the lower grades.

To illustrate, the Army's historical distribution in the grade of second lieutenant (O-1) shows the following pattern:

Year:	Percent O-1 to total officers
1936	6.6
1943	43.4
1948	3.6
1953	21.2
1957	10.8
1967	23.0
1971	9.2
1975	10.2

From this comparison, we can see that the proportion of officers in grade O-1 is primarily a function of procurement. If total officer strength increases, procurement of new officers increases and there are many additional officers in the entry grade (O-1). If total officer strength decreases, new procurement is reduced and the relative density of grades O-2 and O-3 increases. If there were finite limitations on these grades, at the time of a strength reduction it would be necessary to arbitrarily separate officers in O-2 and O-3 grades or alternatively, to reduce many of these officers in grade and/or invoke promotion freezes. The net results of these actions would be a very unstable career prospect.

Without fixed limitations on the junior grades, management has the flexibility to meet changing officer force strength requirements while providing a visible, reasonably consistent career progression opportunity for young officers. It is necessary to provide reasonable career expectations for junior officers if the armed services are to attract and retain sufficient high quality personnel to meet their requirements for career officers and sustain the future vitality of the force.

Question. On the issue of equal career opportunity for women—specifically, what provisions in current law deny women officers equal career opportunities as compared with male officers?

Answer. Following is an analysis of the current law as it relates to regular female officers. First, there is a general analysis of how DOPMA impacts on the normal career management functions as provided in Title 10, U.S.C. Following that is a more specific examination of Title 10, by Subtitle, but with a general description of the effects of DOPMA. Finally the effects of DOPMA in detail are exhibited. This is a section by section analysis of Title 10 as it relates to female officers, showing which sections are left standing, what each section does, and the changes made by DOPMA where applicable.

SUMMARY OF DOPMA ACTIONS RELATING TO WOMEN

Tab 1: Overview of the Effect of DOPMA on Title 10 as it Relates to the Career Management of Regular Female Officers

Tab 2: Overview of the Effect of DOPMA on Subtitles of Title 10 as they Relate to the Career Management of Regular Female Officers

Tab 3: Effect of DOPMA on Sections of Title 10 as they Relate to the Career Management of Regular Female Officers

OVERVIEW OF THE EFFECT OF DOPMA ON TITLE 10 AS IT RELATES TO THE CAREER MANAGEMENT OF REGULAR FEMALE OFFICERS

DOPMA removes the separate categorization of women officers of the regular service components under the laws of Title 10, U.S. Code, as follows:

1. *General*

a. Eliminates the definition of dependent that exists under current law solely to define who may be considered dependents of women service members and removes discrimination based on sex differentiation from the definition of dependent which exists to define eligibility for medical care.

b. Eliminates provisions for all Services concerning the accounting of officers based on their sex.

c. Eliminates the position of the "Director of the WAVES" (Assistant Chief of Naval Personnel for Women) and the Director of Women Marines. The position of Director of the Women's Army Corps is retained under law; no provision exists under current law for the Director of Women in the Air Force.

2. *Procurement*

Eliminates sex distinction from the Navy, Marine Corps and Air Force provisions concerning the procurements of aviation cadets.

3. *Appointments*

a. Eliminates restrictions not existing in Air Force laws—

Army.—Eliminates restriction on appointment of women only to WAC, Medical Corps, Dental Corps, Army Nurse Corps or Medical Specialist Corps.

Navy/Marine Corps.—Eliminates sex distinctions from sections which provide for appointment to the staff corps and as engineering duty, aeronautical engineering, duty special duty and limited duty officers.

b. *Standardizes criteria.*—Eliminates separate provisions for grade determination and service credit for officers of the Army and Navy Nurse Corps, Air Force nurses and Army and Air Force medical specialists at the time of their original appointment. Under DOPMA, all officer appointments will be made under standard criteria.

4. *Promotions*

All Services.—Eliminates separate provisions relating to the promotion of WAC officers of the regular Army, women officers of the regular Marine Corps, and women officers of the regular Navy unrestricted line and staff corps. It also eliminates sex differentiations in those provisions currently applicable to men. Under DOPMA, women officers will compete for promotion to all grades with their male officer counterparts within the competitive categories established for each Service. Although the Service Secretaries may add competitive categories to these originally established by DOPMA, additions are limited to those categories requiring special training or experience.

Eliminates reference to Women's Army Corps or women officer membership on boards convened for selection of officers for promotion.

Navy/Marine Corps.—Modifies the provision (not existing in Army or Air Force law) which specified USN/USMC women could be appointed to Rear Admiral/Brigadier General to fill a position of sufficient responsibility by making the provision applicable to all officers without regard to sex. The appointment authority is limited to captain (Navy) and colonel in competitive categories not authorized officers above those grades (e.g., Nurse Corps, Judge Advocate General's Corps) and the number of such appointments is limited to one for each competitive category.

5. Authority

Eliminates the provisions that the Secretary of the Army may prescribe the authority WAC officers may exercise. No equivalent provision exists in law governing the Air Force. A similar provision exists in law governing the Navy and Marine Corps; however, it is contained in the section concerning the "combat exclusion" of women and it is not the current intent of DoD to modify this provision.

6. Command

Relating to the authority to exercise command, DOPMA provides equivalency under law (as in existing Navy law) for officers of the Army Nurse and Medical Specialist Corps and Air Force nurses and medical specialists. These officers will have the same entitlement to command as do officers of the other Army corps and Air Force officers performing medically-related professional functions under current law.

7. Separations

Accomplishes the elimination of separate provisions for separation except for those contained in the law for each Service which provide for the termination of the appointments of regular women officers. These provisions have been the basis of involuntary separation for reasons of pregnancy, dependency, etc., under Executive Order 10240 of 27 April 1951. However, since current DoD policy is that separation for pregnancy will be only on a voluntary basis, repeal of the provisions has been initiated and issuance of cancellation of the Executive Order has been requested. Because the provisions authorize, rather than require, involuntary separation for pregnancy, current DoD policy has been implemented.

8. Retirement

Eliminates separate retirement provisions, except for "savings" provisions.

OVERVIEW OF THE EFFECT OF DOPMA ON SUBTITLES OF TITLE 10 AS THEY RELATE TO THE CAREER MANAGEMENT OF REGULAR FEMALE OFFICERS

DOPMA removes the separate categorization of women officers of the regular Service components under the laws of subtitles of Title 10, U.S. Code, as follows:

Subtitle A: General Military Law

Eliminates the definition of "dependent" that exists in current law solely to define the dependents of women Service members and changes the definition of "dependent" (that exists to establish eligibility for medical care) to eliminate discrimination based on sex differentiation.

Subtitle B: Army

1. Eliminates the provision for the appointment of women which restricts them to appointments in the WAC, Medical Corps, Dental Corps, Army Nurse Corps or Medical Specialist Corps.

2. Removes the Secretary of the Army's authority to prescribe: (a) numbers of members of the WAC on active duty, and (b) the authority WAC officers may exercise.

3. Eliminates a separate promotion list for WAC officers and deletes the reference to WAC officer membership on boards convened to select officers for promotion. Under DOPMA, these officers will compete for promotion to all grades within the regular Army line competitive category. Although additional competitive categories may be added by the Secretary of the Army to those consisting of the line, the six corps and the chaplains, additions are restricted to those requiring special training or experience.

4. Provides treatment equivalent under law for the Army Nurse Corps and Medical Specialist Corps as that existing under law for all other Army Corps (except for the continued exclusion under law of the Nurse Corps and Medical Specialist Corps from the categories which are provided with the authority to call a general officer in their corps or the chaplain's branch, a general officer of that branch).

a. Eliminates separate provisions for grade determination and service credit at time of original appointment. Under DOPMA, all officer appointments will be made under standard criteria.

b. Provides officers of these corps with the same command authority within the Medical Department as now given to other officers of that Department.

5. Eliminates separate retirement provisions.

Subtitle C: Navy and Marine Corps

1. Eliminates the positions of the Assistant Chief of Naval Personnel for Women and the Director of Women Marines.
2. Eliminates the provision that certain regular women officers are not counted against authorized officer strengths.
3. Eliminates sex distinctions from sections which provide for appointment: to the staff corps; as engineering duty, aeronautical engineering duty, special duty and limited duty officers.
4. Eliminates sex distinction from provisions concerning the procurement of aviation cadets.
5. Eliminates separate provisions for grade determination and service credit for Nurse Corps officers at time of original appointment. Under DOPMA, all officer appointments will be made under standard criteria.
6. Eliminates separate provisions relating to the promotion of women line, staff corps, and Marine Corps officers and removes sex differentiation in sections currently applicable to men.
 - a. Under DOPMA, women officers will compete for promotion to all grades either within the regular Navy unrestricted line and staff corps competitive categories or within those for which future appointments or qualifications make them eligible. Although additional competitive categories may be added to those established by DOPMA on the basis of the Navy's existing officer structure, additions are limited to those categories requiring special training or experience.
 - b. Modifies the provision which specifies that women could be appointed to rear admiral/brigadier general to fill a position of sufficient responsibility by making the provision applicable to all officers (without regard to sex) in competitive categories not authorized officers above captain/colonel (e.g., Nurse Corps, Judge Advocate General's Corps); such appointments are limited to one per competitive category so eligible.
 - c. Eliminates reference to women officer membership on boards convened for selection of officers for promotion.
7. Eliminates separate provisions for separation, except for those contained in the section of law which provides for termination of appointments of regular women officers. Repeal of this provision, which has been used for involuntary separation for reasons of pregnancy under Executive Order 10240 of 27 April 1951, has been initiated as has cancellation of the Executive Order. The services have implemented the Department of Defense decision that separation for pregnancy shall be on a voluntary basis only.
8. Eliminates separate retirement provisions, except that which provides the retired pay of a Nurse Corps officer may not be less than 50% of the basic pay upon which the computation is based. ("The Uniformed Services Retirement Modernization Act" will repeal the remaining provision.)

Subtitle D: Air Force

1. Removes the Secretary of the Air Force's authority to prescribe the numbers of female warrant officers and regular commissioned officers (other than those designated to perform professional functions) on active duty.
2. Eliminates separate provisions for grade determination, service credit and age limitations for Air Force nurses and medical specialists at the time of their original appointment. Under DOPMA, all officer appointments will be made under standard criteria.
3. Eliminates the exclusion of nurses and medical specialists from the provision governing promotion to first lieutenant based on time in service.
4. Eliminates reference to female officer membership on boards convened for selection of officers for promotion.
5. Removes the restriction on Air Force nurses and medical specialists having command authority only within their own respective categories. Under DOPMA, they will exercise command on the same basis as other officers designated to perform medically-related professional functions.
6. Eliminates sex distinction from provisions concerning the procurement of aviation cadets.
7. Eliminates separate retirement provisions, except for "savings provisions".

EFFECT OF DOPMA ON SECTIONS OF TITLE 10 AS THEY RELATE TO THE CAREER MANAGEMENT OF REGULAR FEMALE OFFICERS

101(36)² *Definition: dependent.*—DOPMA repeals this subsection, which provides, with respect to a female member of an armed force, "dependent" does not include her husband, unless he is in fact dependent on her for his chief support, or her child, unless his father is dead or he is in fact dependent on her for his chief support.

651(a) *General Service requirements: 6 years.*—Provides males who become a member of an armed force before their 26th birthday must serve 6 years total in active duty and reserve affiliation.

1038 *Service credit: certain service in WAC.*—Provides service credit for active service in WAC for period after 13 May 1942 and before 30 September 1943.

1072(2)² *Definition: Dependent.*—DOPMA amends this subsection (providing a definition of "dependent" for purposes of eligibility for medical care) to remove eligibility restrictions on a members' husband or unmarried widower.

Subtitle B (Army)

3071 *Women's Army Corps: Director; Deputy Director; other positions.*—(a) Defines constitution of WAC as Director, Deputy Director, other officers prescribed by SecArmy, and enlisted members.

(b) Provides Director is appointed by SecArmy and defines Director's duties and length of tour.

(c) Provides for Deputy Director, as in (b) above.

(d) Provides SecArmy designates and fills the positions necessary for training and administration of WAC.

3209² *Strength, regular Army: authorized.*—DOPMA restates this section (relating to certain authorized officer strengths) and repeals sec. 3209(b), which provides the authorized strength of WACs on active duty is prescribed by the Secretary. Entire section as amended will refer only to Corps of Engineer minimum strength. (3209(b) repealed, as authority to prescribe authorized strength is contained in DOPMA proposed new section 451.)

3215² *Strength, Women's Army Corps: warrant officers and enlisted members on active duty.*—DOPMA repeals this section, which states active duty strength of WAC warrant officers and enlisted is prescribed by SecArmy. (Repealed, as authority to prescribe authorized strength is contained in DOPMA new section 451.)

3282 *General officers: title of office.*—This section provides that an officer holding an appointment as a general officer in the Regular Army may be called a general officer of the Regular Army. It additionally provides a general officer of the Regular Army in the Medical Corps, Dental Corps, Veterinary Corps, Judge Advocate General's Corps, or the Chaplains, may be called a general officer of that branch.

3283 *Regular appointments: without specification of branch; transfer between branches.*—Provides appointments in the Regular Army shall be without specification of branch except, to, among others, the WAC, and that those with appointments not specifying branch may be assigned, transferred and reassigned except to, among others, the WAC.

3291² *Appointments: Nurse Corps and Medical Specialist Corps.*—DOPMA amends this section (relating to the appointment of officers in the Army Nurse Corps and Medical Specialist Corps) by repealing subsections (a) and (c). These subsections relate to grade determination and service credit for promotion purposes of persons originally appointed in the Regular Army in these Corps. Subsection (b) is amended to conform to the new law and is not repealed because it prescribes additional qualifications for appointment as a nurse. (Provisions of repealed subsections are replaced by DOPMA proposed new section 544.)

3296² *Promotion lists: promotion-list officer defined; determination of placement on list.*—DOPMA repeals this section which, inter-alia, states WAC has a separate promotion-list. (Repealed, as substance contained in DOPMA proposed new Ch. 36.)

3297(a)² *Promotion: selection board convening; members.*—DOPMA amends 3297(a) by striking out the last sentence, which states boards considering promotion-list WAC, Nurse Corps or Medical Specialist Corps officers may include regular officers of those corps, respectively. (Amended, as the current section 3300, which provides for promotion of these officers, is repealed by DOPMA and replaced by Ch. 36.)

² Affected by DOPMA.

3311² *Officers: female, regular, limitations on appointment.*—DOPMA repeals this section which provides women may only be appointed as commissioned officers in the Women's Army Corps, Medical Corps, Dental Corps, Army Nurse Corps, or Medical Specialist Corps. (Repealed to conform with the equalization treatment of women in the bill.)

3504 *Retired members: ordered to active duty; grade.*—This section provides, inter alia, the following officers who have served specified times will be recalled to active duty in his retired grade: Chief of the Medical Service Corps, Chief of Army Nurse Corps or Chief/Assistant Chief of the Women's Medical Specialist Corps, Army Medical Specialist Corps, or as Director or Deputy Director of the WAC.

3579² *Command: limitations; Nurse Corps, Medical Specialist Corps.*—DOPMA amends this section (relating to authority of Army Medical Department members to command) by deleting provisions for members of the Army Nurse and Medical Specialist Corps to exercise command only within their respective branches and providing them command entitlement within the Medical Department. (Amended to conform with the equalization treatment of women in the bill.)

3580² *Command: commissioned officers of Women's Army Corps.*—DOPMA repeals this section, which states the Secretary shall prescribe the authority that WAC commissioned officers may exercise. (Repealed to conform with the equalization treatment of women in the bill.)

3683 *Service credit: certain service as a nurse, women medical specialist, or civilian employee of Army Medical Department.*—This section provides for crediting of certain active service performed during the 1940s in the computation of service credit for women in individual categories.

3818³ *Regular female members: termination of appointment or enlistment.*—This section provides that the Secretary of the Army may terminate the appointment of a female commissioned officer of the Regular Army, under regulations prescribed by the President; or the appointment of a WAC warrant officer or enlistment of a WAC enlisted member.

3888 *Computation of years of service; mandatory retirement; regular commissioned service.*—This section provides for computation of years of service for purposes of computation of retired pay of regular officers involuntarily retired on becoming 60 years of age. The computation in 3888(3)(c) applies to regular officers appointed after 31 December 1947 (except in the nurse corps, medical specialist corps, and WAC (under sec. 108 of the Women's Armed Services Integration Act of 1948)), and provides one computation to be used to determine the greatest number of his years of service to be the sum of (1) his years of active service after that appointment and (2) under an earlier appointment, his years of active commissioned service in the Army after becoming 21 years of age and after 31 December 1947. Although DOPMA amends sec. 3888, it is only to delete reference therein to a section of law repealed by DOPMA.

3916² *Retirement, regular O-5 officer: 28 years or deferred.*—DOPMA repeals section 3916, subsections (b) (2) and (3) of which permit the Secretary of the Army to defer until 30 years' service (vice 28 years) the retirement of officers in the WAC, Nurse Corps, Medical Specialist Corps, as well as any officer who is serving as WAC Director. (Repealed because promotion and retirement of O-5 officers not recommended for promotion will be provided for under DOPMA new Ch. 36.)

3921² *Thirty years or five years in grade: promotion list colonels.*—DOPMA repeals this section, which provides for: (1) the retirement of promotion list colonels for five years in grade or 30 years service, whichever is later, and (2) deferral of retirement until age 60 of such colonels in the Medical Corps, Dental

² Affected by DOPMA.

³ Used for involuntary separation for pregnancy. Legislation to repeal initiated and cancellation of pertinent Executive Order requested. Services are implementing DoD policy that pregnancy separations will be on voluntary basis.

Corps, Veterinary Corps, Medical Service Corps, or the Chaplains. (Repealed since provisions governing retirement is contained in DOPMA new Ch. 36.)

3926(d) *Computation of years of service: retirement; regular and reserve officers in the nurse corps or medical specialist corps.*—For purposes of voluntary retirement at the 20-year point, this subsection provides for treating all service of an officer in the nurse or medical specialist corps computed under section 3683 (relating to certain services in the 1940s) as if it were service as a commissioned officer.

3927² *Computation of years of service: mandatory retirement; regular commissioned officers.*—This section, in providing for years of service computation to be used in determining whether a regular officer may be mandatorily retired under certain sections of law, uses the computation as previously discussed under sec. 3888. DOPMA amends this section to limit its applicability to O-7, O-8 officers and those retiring with more than 30 years of service.

3963 *Higher grades for service during certain periods; regular and reserve commissioned officers.*—This section, as it relates to women, provides that upon retirement a regular Nurse Corps and Medical Service Corps officer who served in certain capacities in the 1940s is entitled to a retired grade equal to the highest grade in which she served during the period September 9, 1940 to June 30, 1946.

4342⁴ *Military Academy Cadets: appointment numbers, territorial distribution.*—This section prescribes regulations for appointments to the Corps of Cadets from among the sons of current or ex-service personnel, inter alia.

Subtitle C (Navy)

5143² *Bureau of Naval Personnel: Assistant Chief for Women.*—DOPMA repeals this section, which provides for an Assistant Chief for Women as an advisor to the Chief of Naval Personnel. (Repealed to conform with the equalization treatment of women in the bill.)

5206² *Director of Women Marines.*—DOPMA repeals this section, which provides for the detail and retirement grade of a woman officer to assist the Commandant of the Marine Corps in the administration of women's affairs. (Repealed to conform with the equalization treatment of women in the bill.)

5446² *Director of Women Marines.*—DOPMA repeals this section, which provides for the detail and retirement grade of a woman officer to assist the Commandant of the Marine Corps in the administration of women's affairs. (Repealed to conform with the equalization treatment of women in the bill.)

5446² *Applicability of sections relating to numbers of officers on active duty.*—DOPMA repeals subsections of sec. 5446 which provide the following women officers do not count against numerical restrictions: those appointed under sec. 5590 and reserve officers (other than those in the Nurse Corps and other than reserve Medical Corps, Dental Corps and Medical Service Corps women). (Amended to ensure inclusion of women officers in strength determinations under current sections 5442, 5443 and 5444.)

5447(1)² *Strength: grades; Navy computation.*—DOPMA amends (by restatement) this subsection to provide that each officer is counted in his permanent grade for purposes of officer grade limitation computations rather than the current provision that women officers are not so counted. (Entire section 5447 is amended to restrict its provisions only to rear admirals.)

5448(g)² *Strength: grades; Marine Corps computation.*—DOPMA amends (by restatement) similarly to 5447(1), above, for the Marine Corps. (Entire section is amended to restrict its provision only to brigadier generals.)

5449(e)(2)² *Strength: grades; Navy Staff Corps O-7, 8.*—DOPMA amends (by restatement) similar to 5447(1), above, for staff corps officers. (Subsection 5449(e)(2) is amended to reflect the repeal of sec. 5590 (relating to the appointment of women) by the bill.)

5452² *Strength: grades; Navy and Marine Corps women on active duty.*—DOPMA repeals this section, which provides that the Secretary shall prescribe the numbers of female Navy line and Marine Corps officers on active duty who may hold appointments in each grade above O-2. (Repealed to conform with the equalization treatment of women in the bill.)

² Affected by DOPMA.

⁴ This section was amended by the Department of Defense Appropriation Authorization Act, 1976, to remove sex distinctions.

5504(k) ² *Rank: lineal lists; exclusion from.*—DOPMA repeals this section, which provides in subsections (5) and (6) that the following shall be excluded from lineal lists under section 5504: women officers appointed under sec. 5590; women reserve officers, other than Nurse Corps officers and reserve officers appointed under sec. 5581. (Repealed to reflect replacement of lineal list by the active-duty list under DOPMA new section 620.)

5575 ² *Appointments: original; supply corps.*—DOPMA amends this section, as it relates to women, by striking out the word “male” in the following: “Original appointments . . . in the Supply Corps may be made from male persons who . . .”. (So amended to conform with the equalization treatment of women in the bill.)

5576 ² *Appointments: original; chaplain corps.*—DOPMA amends this section, as it relates to women, similarly to sec. 5575, above. (So amended as above.)

5577 ² *Appointments: original; civil engineer corps.*—DOPMA amends this section (which contains “male persons” as in sec. 5575, above), as it pertains to women, by restatement specifying original appointments may be made under Title 10, Ch. 33, to which DOPMA added new sections on appointments. (So amended as above.)

5580 ² *Appointments: original; Nurse Corps regular.*—DOPMA amends this section (which relates to qualification for appointment in the Nurse Corps) by: 1) giving the Secretary authority to determine qualifications, 2) deleting the minimum age requirement (21), and 3) repealing specifications regarding grades to which officers may be appointed. (Amended to give Secretarial authority to determine qualifications for appointment in the Nurse Corps and to delete age qualification which will fall under new sec. 543, and to bring Nurse Corps officers under DOPMA new sec. 544, relating to constructive service credit.)

5581 ² *Appointments: reserve original; women staff corps.*—DOPMA repeals this section, which states women may be appointed in the Naval Reserve in the following corps: Medical, Judge Advocate General's, Dental, and Medical Service. (Repealed to reflect elimination of separate provisions for women and to reflect that, with the exception of certain professional officers, DOPMA new sec. 543 contains all criteria for qualification for appointment.)

5582 ² *Appointments: transfers; line and staff corps.*—By striking out “male” in “male officer,” DOPMA amends this section which, in regard to women, extends the provision for O-1—O-4 staff corps officers to transfer to the line in their same grade to male officers only, as well as the provision for transfer to the Supply Corps and Civil Engineer Corps without regard to age. (Amended to reflect the provision of the bill which places all officers, whether line or staff and whether male or female, on a single active-duty list.)

5583 ² *Appointments: original; meritorious.*—DOPMA repeals this section, which provides for appointment to the Marine Corps active list from “meritorious male noncommissioned officers”. (Repealed to reflect: (1) elimination of separate provisions of law for women, and (2) DOPMA new section 543 which contains all criteria for qualification for appointment.)

5584 ² *Appointments: original; Marine Corps former officers.*—DOPMA repeals this section which provides criteria for appointment to the Marine Corps' active list of male former Marine Corp officers. (Repealed for same reasons sec. 5583 is repealed.)

5586 ² *Appointments: original; to warrant officers and enlisted.*—DOPMA repeals this section which provides criteria for regular appointments to male warrant officers and enlisted personnel. (Repealed for same reasons sec. 5583 is repealed.)

5587 ² *Appointments: original; to engineering duty, aeronautical engineering duty, and special duty officers.*—As it relates to women, DOPMA restates subsection (a), eliminating the restriction of appointments to males only for officers listed in the subject line. (Amended to add certain new types of special duty [geophysics and cryptography] and to delete provision for officers under sec. 5587 to be counted as additional numbers in grade.)

5589 (a), (b) ² *Appointments: original; limited duty officers.*—By striking out “male”, DOPMA amends these subsections in regard to women to effect the eligibility of women for appointment as limited duty officers. (So amended to eliminate separate provisions of law for men and women.)

5590 ² *Appointments: original Navy and Marine Corps; line and staff women.*—DOPMA repeals this section, which provides for regular appointment

² Affected by DOPMA.

of women to the line or to any staff corps of the Navy or to the Marine Corps active list. (Repealed for same reasons section 5583 is repealed.)

5596² *Appointments, temporary.*—DOPMA amends this section, in regard to women, by removing women officers from the list of members ineligible for temporary appointments under this section. (So amended to permit: (1) appointments under this section only as limited-duty officer or warrant officer; and (2) women to be appointed under this section.)

Ch 541² (§ 5651-5666) *Running Mates.*—DOPMA repeals all sections of Chapter 541 except section 5665 which relates to Reserve Active Status officers. This section is amended as it pertains to women by the repeal of subsection (d) which specifies running mates of women officers in the Naval and USMC Reserves. (So amended to delegate certain new authority to SecNav regarding assignment of running mates.)

5701² *Promotion: selection boards; active duty line.*—DOPMA restates this section which provides for the convening of selection boards for promotion of O-2/O-6 line officers. No reference to sex appears in the restated section. (Amended to: (1) increase number of officers who may serve on certain boards, (2) permit more junior officers to serve on boards for promotion to commander, (3) delete references to continuation boards for grades below rear admiral, and (4) permit selection of O-6 women active duty line officers for promotion to O-7 on the same basis as men.)

5702² *Promotion: selection boards, staff corps.*—DOPMA restates this section similarly to 5701, above, for convening of staff corps selection boards. (Amended for reasons similar to above.)

5703² *Promotion: selection board; Marine Corps.*—DOPMA amends this section by making it applicable to grades above colonel and, as it relates to women, by striking out "male" in "male officers", making the section applicable to the selection of Marine Corps women officers for promotion on the same basis as men. (So amended to: (1) reflect the elimination of distinctions between men and women, and (2) restrict provisions of the section to O-6 and above.)

5704² *Promotion: selection boards; women.*—DOPMA repeals this section, which provides for convening of boards for selection of women line and staff corps officers and Marine Corps officers for promotion to O-3—O-6. (Repealed to conform to the bill's purpose to eliminate separate provisions for women.)

5707² *Officers to be recommended for promotion or continuation.*—DOPMA restates and/or repeals subsections of this section (concerning those officers whom selection boards should recommend) to both limit its applicability to O-7 and to eliminate its applicability on the basis of sex. (Amended for reasons stated.)

5708² *Promotion: selection boards; certification.*—DOPMA amends this section, which provides for selection board certification that the best fitted are recommended for promotion in defined selection categories (based on male officers of the Marine Corps and of the Navy's line and staff corps and women Navy staff corps officers), to restrict its applicability to selection for O-7 and above and to remove sex distinction.

5710² *Promotion: selection board reports; submission to President or the Secretary of the Navy.*—This section, which provides for submission of selection board reports and removal of names from these reports, is amended by DOPMA so that it is restricted to selection above O-6 and is without sex distinction. (Amended for reasons stated.)

5711(a)² *Promotion: suspension and exceptions in preceding sections on promotion; selection boards.*—This subsection, which authorizes the President under certain conditions to suspend preceding sections of Ch. 543 relating to O-2 and O-3 male officers, is repealed by DOPMA. (Repealed to conform to a purpose of the bill eliminating separate provisions for women.)

5751² *Promotion: selection; male line/USMC eligible.*—This section, which provides promotion selection eligibility criteria for male Navy line/Marine Corps officers, is amended (as it relates to women) by DOPMA to provide applicability to all Navy line/Marine Corps officers for selection to O-7 without regard to sex. (Amended to limit provisions of sec. 5751 to O-7 selections and to repeal eligibility criteria for promotions suspended by executive order.)

5752² *Promotion: selection; women Navy line/Marine Corps officers eligible.*—DOPMA repeals this section, which provides promotion selection criteria for women Navy line/Marine Corps officers. (Repealed to reflect the fact that the subject matter is governed by provisions of law added by the bill.)

² Affected by DOPMA.

5756² *Promotion: numbers; unrestricted male officers.*—DOPMA amends this section, which provides that the Secretary will provide numbers of Navy unrestricted line/Marine Corps officers who may be recommended for promotion, to remove sex distinction. (Amended to conform to a purpose of the bill eliminating separate provisions for women.)

5757² *Promotion: numbers; male limited duty officers.*—DOPMA repeals this section, which provides that the Secretary will specify the number of male limited duty officers who may be recommended for promotion. (Repealed to reflect the fact that the subject matter is governed by provisions of law added by DOPMA.)

5758² *Promotion: numbers; male line officers designated for engineering duty, aeronautical engineering duty, and special duty.*—This section, which provides that the Secretary will specify the numbers of male officers listed in the section title, is amended (as it relates to women) to eliminate sex distinction. (Amended to conform with a purpose of the bill eliminating separate provisions for women and to reflect that promotion below O-7 is governed by new DOPMA Ch. 36.)

5762² *Promotion: numbers; women Navy line/Marine Corps officers.*—DOPMA repeals this section, which provides that the Secretary will specify the numbers of female Navy line/Marine Corps officers who may be recommended for promotion to O-3—O-6. (Repealed to reflect the fact that the subject matter is governed by provisions of law added by DOPMA.)

5762² *Promotion: numbers; staff corps.*—DOPMA repeals this section, which provides that the Secretary will specify the number of staff corps officers to be promoted below O-7, excepting women appointed under section 5590. (Repealed as subject matter is governed by provisions of law added by DOPMA).

5763² *Promotion: numbers; women staff corps appointed under sec. 5590.*—DOPMA repeals this section which provides that the Secretary will specify the number of women staff corps officers appointed under sec. 5590 to be promoted to O-4—O-6. (Repealed as subject is governed by provisions of law added by DOPMA).

5764² *Promotion: zones; male unrestricted line officers, male restricted line officers; and women line officers.*—DOPMA amends this subsection to limit it to the establishment by the Secretary of promotion zones consisting of O-6 unrestricted line officers for consideration for promotion to O-7 vice zones for male unrestricted line officers in all grades. The restatement contains no reference to sex. (Amended to reflect: 1) a purpose of the bill eliminating separate provisions for women and 2) promotion below O-7 is governed by DOPMA new Ch 36.)

5765² *Marine Corps: officers; promotion zones.*—This section provides the Secretary shall establish Marine Corps promotion zones for selection to O-8 and for: (1) all male unrestricted officers serving below O-7; (2) male limited duty officers; (3) women officers. It is amended by DOPMA to limit its provisions to zones for Marine Corps promotions to O-7 and O-8; as amended, no reference is made to sex. (Amended to conform to a purpose of DOPMA eliminating separate provisions for women and to reflect the fact that DOPMA new Ch. 36 governs promotion of officers in grades below O-7.)

5766² *Promotion zones: staff corps.*—DOPMA amends this section, which specifies when the following staff corps officer's are in promotion zones: those not restricted in performance of duty; male limited duty officers. It is amended to restrict its provisions to unrestricted staff corps officers only and to delete reference to running mates; as amended, no reference is made to sex. (Amended for reasons stated.)

5767² *Promotion to O-7, O-8; officers qualified for specific duties.*—DOPMA amends this section (providing for promotion to O-7 and O-8 of officers specially qualified for a required type of duty and which specifically includes women officers) to remove the sex (female) distinction in subsection (c). As restated, subsection (c) provides for selection of Navy and Marine Corps officers to O-7 for a position of sufficient importance and responsibility in one of the competitive categories where no officers are authorized above O-6. This provision bars limited duty officers from such appointment and restricts to one the number of officers appointed to O-7 in any competitive category. (Amended to: (1) delete references to running mates, and (2) permit appointment to O-7 when no officers are authorized to serve in those grades for the competitive category concerned.)

² Affected by DOPMA.

5768² *Promotion: eligibility time; male Navy line/Marine Corps Officers.*—DOPMA repeals this section, which provides for the normal terms of male officers' service in grades O-2—O-6. (Repealed since prescription by statute is no longer deemed necessary.)

5769² *Promotion: eligibility of Navy line/Marine Corps male officers.*—DOPMA amends this section (concerning promotion eligibility of certain male officers) to restrict its provisions to eligibility for all officers for promotion above O-6. The amended section contains no reference to sex. (Amended to conform to a purpose of the bill eliminating separate provisions for women, and to reflect the fact that promotion of officers below O-7 is governed by DOPMA new Ch. 36.)

5770² *Promotion: sea/foreign duty required above O-3.*—DOPMA repeals this section, which provides that male line or limited duty officers may not be promoted to O-4 or above until having served at least two years of sea or foreign service after last promoted. (Repealed since prescription by statute is no longer deemed necessary.)

5771² *Promotion: eligibility of female Navy line/Marine Corps officers.*—DOPMA repeals this section, which provides for the promotion of female Navy line/Marine Corps officers to the next higher grade following their selection for that grade. (Repealed to reflect the fact that the subject matter is contained in new DOPMA provisions.)

5776(b)² *Promotion: selection failure; O-6 restricted line officers.*—DOPMA amends this section (concerning failure of section) by deleting the reference to male officers. (Amended to apply to women as well as men.)

5778² *Appointments: temporary and permanent, for promotion.*—DOPMA amends this section (concerning temporary and permanent appointments) to delete the provisions that women officers selected for promotion under section 5704 will be promoted by permanent appointments. It also is amended to provide for promotion of all by temporary and permanent appointments as warranted. (Amended so provisions will apply to both women and men.)

5782² *Appointments: permanent promotion of regular staff corps officers to grades below O-7.*—DOPMA repeals this section, which provides for the permanent promotion of regular staff corps officers by reference to his male line running mate. (Repealed to reflect the utilization of a single active-duty list.)

5783(b)² *Promotion: permanent; Navy/Marine Corps Reserve officers.*—DOPMA amends this section (concerning permanent promotion of all grades of active-duty Reserve officers) by restricting the provisions to promotions to grades above O-6 and deleting references to male line officer running mates. (Amended to reflect the fact that promotions to grades below O-7 are governed by DOPMA new Ch. 36 and to delete reference to running mates.)

5784² *Appointment: temporary promotion to O-2.*—DOPMA repeals this section which provides for temporary promotions to O-2 when the number of male line officers reach certain levels. (Repealed since temporary promotions will no longer exist for grades below flag rank.)

5785² *Promotion: suspension of law in Chapter 545.*—DOPMA amends this section (concerning suspension of various promotion provisions for male officers) by restricting its provisions to promotions above O-6 and deleting the provision that suspension of law relating to promotion of women appointed under section 5590 is excepted under section 5785. (Amended to eliminate separate provisions for men and women and to reflect that promotion of officers in grades below O-7 is governed by DOPMA new Ch. 36.)

5787b² *Appointment: temporary promotion of women in grade of O-1.*—DOPMA repeals this section, which provides for the temporary promotion to O-2 of active duty women O-1 officers. (Repealed since temporary promotions under DOPMA will no longer exist except for flag ranks.)

5891(g)² *Promotion: active-duty Reserve officers; women.*—DOPMA repeals this subsection, which provides that women active-duty Reserve officers shall be considered to be on a lineal list for purposes of promotion. (Repealed to reflect that both active duty male and female Reserve officers will be placed on the active-duty list maintained under DOPMA new section 620.)

5896² *Promotion: active-duty Reserve officers to be recommended for promotion.*—DOPMA amends this section, which provides categories and criteria for selection for promotion of Reserve officers based on whether they are either

² Affected by DOPMA.

Navy line/staff corps and Marine Corps male officers or female officers other than in the Nurse Corps or appointed under section 5581. The amended section is unchanged except for deletion of female officers appointed under section 5581 (relating to women Reserve officers in the Medical, Dental, or Medical Service Corps). (Amended to reflect DOPMA's repeal of section 5581.)

5897² *Promotion: active-duty Reserve officers; selection boards; report certification required.*—DOPMA amends this section, which provides for certification by selection boards that all eligible active duty Reserve officers have been considered and the best fitted selected in categories based on whether they are male line/staff and Marine Corps officers or women officers other than in the Nurse Corps or appointed under section 5581. The section as amended is unchanged except for deletion of reference to female officers appointed under section 5581. (Amended to reflect DOPMA repeal of section 5581.)

5898(b)² *Promotion: active-duty Reserve women officers; selection board reports; removal from.*—DOPMA amends this subsection, which provides that the name of any woman Reserve officer (other than an officer in the Nurse Corps or one appointed under section 5581) on a board report recommending promotion to O-3, shall be removed from the report if unacceptable to the President and no further recommendation may be made. The section as amended is unchanged except for deletion of reference to female officers appointed under section 5581. (Amended to reflect DOPMA repeal of sec. 5581.)

5899² *Promotion: active-duty Reserve officers; eligibility, promotion zones.*—This section (concerning promotion zones for active-duty Reserve officers who are either male Navy line/staff or Marine Corps or female (except in the Nurse Corps or appointed under section 5581) is amended by DOPMA as it affects women by deleting references to officers appointed under section 5581. (So amended to reflect DOPMA repeal of section 5581.)

6015 *Women members: duty; qualifications; restrictions.*—This section provides that the Secretary may prescribe the manner in which women officers appointed under section 5590, women warrant officers, and enlisted women of the regular Navy or Marine Corps shall be trained and qualified for military duty. The Secretary may prescribe the kind of military duty members may be assigned and the military authority they may exercise, except they may not be assigned duty in aircraft engaged in combat missions or to duty on Navy vessels other than hospital ships and transports.

6018² *Assignment: shore duty; limitations.*—DOPMA repeals this section, which sets forth limitations on the assignment of male officers to shore duty. (Repealed since prescription by statute is no longer deemed necessary.)

6376(b)² *Retirement: involuntary for length of service; inapplicability of section to O-6 Navy line/Marine Corps female officers.*—This subsection provides for the inapplicability of section 6376 (relating to the involuntary retirement of Navy line/Marine Corps officers for length of service) to officers appointed under section 5590. DOPMA repeals the entire section. (Repealed to reflect: 1) the intent of the bill eliminating separate provisions for women, and 2) provisions for retirement of officers below O-7 are contained in DOPMA new Ch. 36.)

6379(b)² *Retirement: involuntary for length of service and failure for promotion selection; inapplicability of section to O-5 Navy line/Marine Corps female officers.*—This subsection provides for the inapplicability of section 6379 (relating to involuntary retirement of certain O-5 officers) to women officers appointed under section 5590. DOPMA repeals the entire section. (Repealed for same reasons as section 6376, above, is repealed.)

6380² *Retirement: involuntary; of regular O-4 officers for length of service and failure of selection for promotion.*—This section (concerning involuntary retirement of O-4 officers) contains a provision for its nonapplicability to women officers appointed under section 5590. The entire section is repealed. (Repealed for same reasons as section 6376, above, is repealed.)

6381 *Retirement: involuntary; under preceding sections; retired grade and pay.*—Subsection (c) provides that the retired pay of an officer in the Nurse Corps may not be less than 50% of the basic pay upon which the computation is based. (Retained in DOPMA since the "Uniformed Services Retirement Modernization Act" will repeal.)

² Affected by DOPMA.

6382² *Separation: involuntary; regular O-3 officers for failure of promotion.*—DOPMA repeals this section (concerning involuntary separation of O-3 officers for failure of promotion to O-4) in which subsection (d) provides for the nonapplicability of the section to women officers appointed under section 5590. (Repealed for same reason section 6376, above, is repealed.)

6384(c)² *Separation: involuntary; for unsatisfactory performance; regular officers with less than 20 years service; years of service computation.*—This subsection (concerning the years of service computation for severance payment to certain male and female officers involuntarily separated for unsatisfactory performance) is repealed. (Section 6384 is amended in its entirety to refer to new separation payment provisions of the "Uniformed Services Retirement Modernization Act.")

6386² *Separation: involuntary; suspension of law.*—DOPMA amends this section (relating to the President's authority to suspend law of preceding sections), which excepts suspension of laws for O-2, O-3 women officers appointed under section 5590. As amended, no reference to sex is made. (Amended to reflect repeal of section 5590 and other eligibility criteria under new sections of law added by DOPMA.)

6387² *Separation and retirement: involuntary; service computation for officers.*—DOPMA amends this section (relating to service computation on involuntary separation or retirement) to limit it to regular officers above O-6. As it relates to women, the amendment eliminates all references to the sex of officers.

6388² *Separation and retirement: involuntary; service computation for regular staff corps officers.*—This section (concerning computation of total commissioned service for regular staff corps officers) is repealed by DOPMA. As it relates to women, special provisions for Nurse Corps officers are eliminated, as is the provision for the nonapplicability of the section to officers appointed under section 5590. (Repealed to eliminate separate provisions for women and to reflect new provisions concerning retirement and discharge of officers governed by DOPMA new Ch. 36.)

6389² *Naval and Marine Corps Reserve officers: elimination from active status; computation of total commissioned service.*—This section (concerning computation of total commissioned service for Reserve officers) is amended to reflect a new means of computing service time for mandatory retirement of officers on the active-duty list. As it relates to women, the section's nonapplicability to female reserve officers or reserve officers in the Nurse Corps is unchanged, although the repeal of section 5581 (relating to women reserve appointments in the staff corps) is reflected.

6393⁵ *Regular Navy and Regular Marine Corps: women officers; termination of appointments.*—This section provides the Secretary of the Navy, under regulations prescribed by the President, may terminate the appointment of any woman officer in the Regular Navy or Marine Corps.

6395² *Separation: involuntary; regular officers for unsatisfactory performance in war or emergency.*—DOPMA repeals this section, which provides for the separation of regular officers for unsatisfactory performance during war or emergency. As it relates to women, separate provisions are eliminated for women officers appointed under section 5590 and Nurse Corps officers. (Repealed to eliminate separate provisions for women and to reflect that discharge of officers is governed by DOPMA new Ch. 36.)

6396² *Separation and retirement: involuntary; regular Nurse Corps officers.*—DOPMA repeals this section, which provides for the involuntary separation or retirement of Nurse Corps officers for failure of promotion and length of service. (Repealed to reflect provisions for separation and retirement are governed by DOPMA new Ch. 36.)

6397² *Naval Reserve: officers in the Nurse Corps; elimination from active status.*—DOPMA amends this section, which provides for the elimination of Nurse Corps Reserve officers from active status under the same conditions prescribed in Ch. 573 for separation of Nurse Corps officers on the active list of the Navy. No basic procedural change is made by the amendment. (Amended to reflect the substitution of the "active-duty list" for the "active list.")

² Affected by DOPMA.

⁵ Used for involuntary separation for pregnancy. Services are implementing DoD policy that pregnancy separations will be on voluntary basis only. Legislation to repeal initiated and cancellation of pertinent Executive Order requested.

6398², 6400², 6401², 6402² *Retirement or separation of women officers (O-2 through O-6 originally appointed under section 5590) for length of service and failure of selection for promotion, as applicable.*—These sections (concerning involuntary retirement or separation of O-2—O-6 women officers appointed under section 5590) are repealed by DOPMA. (Repealed to reflect purpose of equalization of law governing women and provisions of DOPMA new Ch. 36).

6405² *Naval and Marine Corps Reserve women officers: elimination from active status.*—DOPMA amends this section (concerning elimination of certain Reserve women officers from active status) without essential procedural change. (Amended to insert a reference to DOPMA new Ch. 36, since that chapter will also govern such officers in certain cases.)

6909² *Direct procurement: qualifications; retention or transfer to Reserve.*—This section (covering qualifications, etc., for appointment to O-1 from among male citizens) is amended by DOPMA, as it concerns women, to eliminate references to sex. (Amended to conform to the purpose of DOPMA eliminating separate provisions from the law for women.)

6911² *Aviation cadets: grade; procurement; transfer.*—This section (concerning the procurement of aviation cadets from among male citizens/male enlisted members) is amended by DOPMA to eliminate the word "male". (Amended to conform to the purpose of DOPMA eliminating separate provisions from the law for women.)

6954,⁶ 6956 *Naval Academy midshipmen; number; nomination and selection.*—These sections provide for the number of midshipmen who may be appointed, specifying (inter alia) numbers to be appointed from among sons of service/ex-service members (10 U.S.C. 6954), and from enlisted men (10 U.S.C. 6956).

SUBTITLED D—AIR FORCE

8206², 8207² *Regular Air Force: Commissioned officers on active list; Air Force nurses and medical specialists.*—DOPMA repeals these sections, which provide the authorized strength of active duty Air Force nurses and medical specialists are within the authorized strengths of the Regular Air Force. (Repealed since the substance of these sections is covered by DOPMA new sec. 451, concerning active duty strength.)

8208² *Regular Air Force: commissioned officers on active list; female commissioned officers, other than those designated to perform professional functions.*—DOPMA repeals this section, which provides the Secretary prescribes authorized strength in female regular commissioned officers on the active list, other than those designated under sec. 8067, to perform certain professional functions. (Repealed in view of the provisions of DOPMA new sec. 451, concerning authorized strength.)

8215² *Regular Air Force: female warrant officers on active list.*—DOPMA repeals this section, which provides the Secretary prescribes the authorized strength of female warrant officers on the active list. (Repealed since the substance is covered by DOPMA new sec. 451, concerning active duty strength.)

8257² *Enlistments: aviation cadet.*—DOPMA amends this section (regarding qualifications, etc., for enlistment of male citizens/male enlisted members as aviation cadets) by striking out "male" wherever it appears. (Amended to conform with the equalization of the treatment of women in the bill.)

8285² *Commissioned officers: original appointment; qualifications.*—This section (concerning qualifications for appointment in the Regular Air Force, except as a medical or dental officer) contains specific age and professional qualifications, as well as board selection for appointment leading to designation as an Air Force nurse, and is repealed by DOPMA. New section 8290 is added by DOPMA to restate the professional qualifications leading to such designation as "... a graduate of a hospital or university school of nursing and a registered nurse." (Repealed to reflect DOPMA new sec. 544 governing appointments; new sec. 8290 added to prescribe additional qualifications for appointment as a nurse.)

8286² *Commissioned officers: original appointment; age limitations.*—DOPMA repeals this section, which prescribes age limitations for original appointments, including those made with a view to designation as an Air Force

² Affected by DOPMA.

⁶ These sections were amended by the Department of Defense Appropriation Authorization Act, 1976, to remove sex distinctions.

nurse or medical specialist. (Repealed since substance is governed by DOPMA new sections 543 and 544.)

8287² *Commissioned officers: original appointment; service credit.*—DOPMA repeals this section, which prescribes years of service to be credited certain officers (including nurses and medical specialists) for promotion/seniority purposes at the time of their original appointment. (Repealed since substance is governed by DOPMA new section 544.)

8288² *Commissioned officers: original appointment; determination of grade.*—DOPMA repeals this section, which prescribes the grade in which certain officers (including nurses and medical specialists) are originally appointed. (Repealed since substance is governed by DOPMA new sections 543, 544.)

8296² *Promotion lists: promotion-list officers defined; determination of place upon transfer or promotion.*—DOPMA repeals this section, which defines promotion-list officer, sets forth procedures for placement of officers on promotion lists, and provides that nurses and medical specialists are carried only on separate promotion lists. (Repealed since substance is governed by DOPMA new Ch. 36.)

8297(a)² *Selection boards.*—This subsection (regarding board membership for officers considered for promotion to O-8 and below and specifying female/nurse/medical specialist officer members when officers of these categories are considered for promotion under section 8300) is amended by DOPMA. As it concerns women, it strikes out the sentence specifying female/nurse/medical specialist officer board members. (Amended to reflect repeal of sec. 8300 by DOPMA and the fact that DOPMA new Ch. 36 governs substance.)

8298² *Commissioned officers: promotion to first lieutenant; effect of failure of promotion.*—DOPMA repeals this section, which provides for 1) promotion to first lieutenant upon completion of three years of service, or with less than three years of service as prescribed by the Secretary and 2) inapplicability of the section to nurses and medical specialists. (Repealed to reflect subject matter is governed by DOPMA new Ch. 36.)

8549 *Duties: female members; limitations.*—This section provides that female members of the Air Force, except those designated under section 8067 (concerning officers designated to perform functions of medicine, nursing, medical specialists, judge advocates, etc.) or appointed with a view to designation under that section, may not be assigned to duty in aircraft engaged in combat missions.

8579² *Command: commissioned officers in certain designated categories.*—This section provides that: 1) officers designated as medical, dental, veterinary, or medical service officers are not entitled to exercise command because of rank except within the categories prescribed in section 8067, and 2) an Air Force nurse or medical specialist may exercise command only within his category, or over persons placed in his charge. The DOPMA amendment removes the restriction imposed on nurses and medical specialists, and includes them in the listing of officers designated in 1) above. (Amended since such a distinction is no longer necessary or desired in view of the equalization of treatment of women in the bill.)

8683 *Service credit: certain service as a nurse, woman medical specialist, or civilian employee of Army medical department: to be counted.*—This section provides for crediting of certain active service performed during the 1940's in the computation of service credit for women in indicated categories.

8818⁷ *Regular female members: termination of appointment or enlistment.*—This section provides the Secretary of the Air Force, under regulations prescribed by the President, may terminate the appointment (except by dismissal) or enlistment of any female member of the Regular Air Force.

8888² *Computation of years of service: mandatory retirement; regular commissioned officers.*—This section provides for computation of years of service by officer category for mandatory retirement purposes, including the following categories: and officer appointed in the Regular Air Force under sec. 308 of the Women's Armed Services Integration Act of 1948; Air Force nurse or medical specialist. It is amended by DOPMA to provide that officers currently serving on active duty will retain their years of service as computed prior to the effective date of the bill; computations for those appointed thereafter will be based on his years of active commissioned service. (Amended for reason stated.)

² Affected by DOPMA.

⁷ Used for involuntary separation for pregnancy. Services are implementing DoD policy that pregnancy separations will be on voluntary basis only. Legislation to repeal initiated and cancellation of pertinent Executive Order requested.

8915² *Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major.*—DOPMA repeals this section, which provides that the Secretary of the Air Force may defer the retirement of O-4 nurses and medical specialists until their 28-year service point. (Repealed since provisions governing retirement of these officers are contained in DOPMA new Ch. 36.)

8921² *Thirty years or five years in grades promotion-list colonels.*—DOPMA repeals this section, which provides for: (1) the retirement of promotion-list colonels for five years in grade or 30 years service, whichever is later, and (2) deferral of retirement until age 60 of such officers who are a medical, dental, veterinary, or medical service officer, or a chaplain. (Repealed since provisions governing retirement are contained in DOPMA new Ch. 36.)

8926(d) *Computation of years of service: voluntary retirement; regular and reserve Air Force nurses and medical specialists.*—For purposes of voluntary retirement at the 20-year point, this subsection provides for treating all service of an Air Force nurse or medical specialist computed under section 8683 (relating to certain service in the 1940's) as if it were service as a commissioned officer.

8927² *Computation of years of service: mandatory retirement; regular commissioned service.*—This section provides for years of service computation for purposes of the mandatory retirement of certain categories of officers, including (as it relates to women) regulars appointed under section 308 of the Women's Armed Forces Integration Act of 1948, Air Force nurses and medical specialists. The DOPMA amendment affects regular O-7, O-8 officers only, to permit them to retain the constructive service credit awarded them at the time of their original appointment, in view of DOPMA's new section on computation of constructive service. (Amended for reason stated.)

8963 *Higher grade for service during certain periods: regular and reserve commissioned officers.*—This section, as it relates to women, provides that upon retirement, certain Air Force nurses, medical specialists, dietitians, physical therapists, or other women officers are entitled to a retired grade equal to the highest grade or relative rank in which they served satisfactorily on active duty during the period September 9, 1940–June 30, 1946.

9342³ *Air Force Cadets: appointment; numbers, territorial distribution.*—

This section, inter alia, provides regulations for appointment of cadets to the Air Force Academy from among sons of current or ex-service personnel.

CONGRESSIONAL CONTROL—DOPMS VS. EXISTING LAW

Senator NUNN. Admiral, currently the Congress only authorizes total active duty military strengths. As I understand it, this procedure would be continued under DOPMA. What are your views concerning Congress authorizing annual officer strengths within the total military manpower authorization?

Admiral FINNERAN. The planned distribution between officers and enlisted is provided to the Congress each year in the budget justification and to that extent the Congress now approves the officer strengths each year. The services' requirements determination processes, which are the basis for computing the officer content, are very detailed as would be expected for a system of over two million persons involving many different skills.

With the existing demands on the Congress for authorization and appropriation actions, it does not seem reasonable to also place the burden of determining the precise officer and enlisted mix required each year on the legislative body. We believe that this is one of the functions for which the Department of Defense was established. Without the Department functioning in such matters it is believed that the Congress would be forced to use some expediency such as a predetermined or arbitrary mix ratio. We believe the defense of this nation is best served by the Department of Defense administering such details in accordance with long-range plans and the guidance which we receive from Congress during the authorization and appropriations process.

Senator NUNN. The Congress has historically authorized the maximum strengths in Regular officers. DOPMA would repeal these authorities and authorize the Secretary of each military department to prescribe Regular officers strengths.

² Affected by DOPMA.

³ This section was amended by the Department of Defense Appropriation Authorization Act, 1976, to remove sex distinctions.

What is the rationale for repealing the current legal limitations on regular officers and delegating this authority to the Secretary of each military department?

Doesn't this transfer of authority from the Congress to the Executive further erode Congressional control over the size and composition of the Regular officer structure?

How will the Secretary of each military Department carry out this authority? On what basis will he determine the size of the regular officer component? What constraints are there?

What controls will be exercised within the Office of the Secretary of Defense to regulate the size of the Regular officer structure in each Service?

Admiral FINNERAN. Achievement of an all-Regular force beyond the 11th year of service will require an increase in current regular limitations for the Army and Air Force. Additionally, the ability to adjust the Regular content of the force is essential to achievement of reasonable consistency in career opportunity between the Services.

Such control is best accomplished administratively as a continuing process by the Department of Defense. Thus, we are recommending repeal of the existing statutory limitations.

There will be no erosion of Congressional control. I believe a more practical way of looking at it would be to say that placing this responsibility on the Department of Defense would provide the capability to respond more rapidly to changes—particularly decreases—in annual authorized strengths.

The laws restricting the services' regular content have become obsolete and have proved to be either a source of trouble or ineffective. In addition, they result in the unequal treatment of officers between the Services. The regular authorizations for the Army and Air Force were amended in 1958. Nonetheless, the limitations on these Services have required them to keep many reservists on continuous active duty until retirement. These reservists, who were retained after the Korean War, have created a group of "career reservists" who serve for 20 years or more, and then go home. Many reservists were, however, separated before reaching retirement eligibility due to strength reductions. In the case of the Navy and Marine Corps, there have been few problems because authorizations for regulars were in excess of the need.

Under existing legal authorizations, the Marine Corps could increase the size of their officer corps by 50% and still have all officers as regulars. The existing law would permit the other Services to have part of their FY 1976 strength as regulars in the following proportions: Navy, 92%; Air Force, 69%; Army, 61%. The Secretary of Defense for many years has controlled regular authorizations of the Navy and Marine Corps, administratively.

Under DOPMA, the Service Secretaries will exercise control over the number of regular officers by establishing policies for the procurement of regulars and integration of reserve officers into the regular component. Regular officer strength objectives will be established in accordance with long-range plans, which will consider such factors as projected strength changes, age and experience distribution of the officers, and the existence of "humps" or "valleys" in officer distribution. Additionally, the number of regular officers will be indirectly constrained by the statutory grade limitations authorized by Congress, since nearly all of the officers in the grades subject to grade table control will be regular officers.

The Office of the Secretary of Defense will monitor the Service plans for regular content of the active duty force through the Defense Officer Management Control System, to be established in conjunction with the enactment of DOPMA. This management control system will require the Services to perform long-range planning with at least annual up-dates, and to submit their plans to the Assistant Secretary of Defense for Manpower and Reserve Affairs for review. These plans will contain the current officer inventory distribution, an objective configuration of the officer force, accession, retention and regular component objectives, and other relevant data.

Through this control system, OSD will be able to ensure that the Services do not let their regular strengths become too large in terms of forecast total strength and to maintain a reasonable degree of consistency in career progression between the Services. It will provide a capability to anticipate problems as they develop and to prevent reaction to short-range problems from upsetting the long-range objectives of personnel management.

Senator NUNN. For appointment of Regular officers, current law prescribes the types of officer specialties for which constructive service may be awarded

and the amount of such credit to be given each specialty. DOPMA would repeal these authorities and generally delegate the award of constructive service to the Secretary of Defense. However, proponents of DOPMA state that the proposal would standardize the amount of constructive service credit.

Are there differences in current law relative to the award of constructive service to Regular officers in each Service? If so, what are these differences?

Admiral FINNERAN. Each of the Services has statutory authority to award constructive service credit to specified categories of officers. In certain professional categories, the granting of such credit is a statutory requirement. However, the provisions of the existing law vary among the Services, and within each Service there are different provisions for Regular appointments as compared to temporary appointments.

For example, constructive service credit awarded to Regular Judge Advocates consists of 3 years in the Army and Air Force, not less than 3 years in the Navy, and not more than 3 years in the Marine Corps. Dental Corps officers of the Regular Army and Air Force are awarded not less than 4 years constructive service credit (with provision for not less than 5 years on the basis of completion of internship); for Reserves, the law establishes constructive credit as at least 3 years. The comparable Navy law is mute with respect to internship.

While different among the Services, the common factors seems to indicate that the Service Secretary would have greatest latitude in awarding constructive credit to non-regular officers, generally through the establishment of minimum years to be awarded, while the number of years to be constructively credited for Regular officers is specifically directed in law.

The most significant difference between the Services in the use of constructive credit is its effect on the point of service at which involuntary separation occurs.

Laws applicable to Army and Air Force do not provide for the inclusion of constructive service in calculating total commissioned service for purposes of retirement of Regular officers for length of service. The laws applicable to Navy and Marine Corps operates to involuntarily separate Regular officers with constructive credit at the point when the sum of the constructive service and actual service totals the tenure for the grade. In other words, a Regular officer in grade O-6 who has 4 years constructive service would be involuntarily retired when he has 26 years of actual commissioned service rather than 30.

Senator NUNN. What advantages are there to delegating the authority for the award of constructive service to the Secretary of Defense?

Admiral FINNERAN. The principle advantage of placing the authority for administering service credit in the hands of the Secretary of Defense is that it will facilitate updating the system and insure that it remains equitable to both those who receive constructive credit and those who do not.

There are many varied skills that are eligible for constructive credit today. One of the most difficult considerations in awarding credit to these skills is the determination of what education is required and what education is elective on the part of the individual. Programs of instruction are being streamlined and standards are continually being revised. Recognizing that if we are to keep abreast of these changes we must have the capability of making modifications administratively before the problem is of such consequence as to warrant taking the time of the Congress to amend the laws. We believe that the basic authority and guidelines for awarding service credit should be established by the Congress as we are proposing in DOPMA. However, the administration of determining, at a specific time, what specialties should receive constructive credit and how much credit they should receive should be entrusted to the Secretary of Defense to avoid future problems.

Senator NUNN. To what extent will the proposed legislation operate to insure standardized procedures for the award of constructive service to Regular officers of each Service?

Admiral FINNERAN. In the proposed legislation, Section 544, Commissioned Officers: original appointment; service credit, places responsibility and establishes guidelines for the awarding of constructive service credit. First, it establishes that only those individuals who must have education beyond the baccalaureate level to perform their military duties will be eligible for service credit. Secondly, it limits consideration to the normal amount of education above the baccalaureate required to reach the required educational plateau without regard to the actual time spent by any individual applicant. Third, it directs that one year of credit be awarded for each year of qualifying education. Fourth, it provides that education or experience beyond the basic requirement in medical

specialties may be credited when the added qualifications will be directly used by the Service concerned. Fifth, it directs that credit be used in determining entry grade; position on an active-duty list; seniority in grade; and promotion eligibility. Sixth, the proposed law forbids the use of service credit to compute the years of service for active duty pay and allowances; voluntary retirement; involuntary retirement; involuntary separation; retired pay; or involuntary separation readjustment compensation. Finally, it requires that constructive service shall be credited under regulations prescribed by the Secretary of Defense. Under this charge the Office of the Secretary of Defense will issue DoD Directives and DoD Instructions which will provide detailed procedures for awarding constructive credit and will establish reporting requirements to insure the desired results are achieved.

Senator NUNN. If the Secretary of Defense must prescribe regulations for the award of constructive service to Regular officers, why shouldn't these rules be spelled out in the proposed legislation?

Admiral FINNERAN. Those features of service credit that are necessary to insure uniformity and equity that are unlikely to change over the years have been included in the proposed laws as discussed under the previous question. Those features that have changed in the past, require change now, or are suspected to be changeable in the future are established in Department of Defense directives. Frangible items dependent upon such things as the normal program of instruction of universities, the examining procedures of the various states, or reporting formats are included in DoD Instructions. If the detail of the Instructions were established in the United States Code, the great number of such items would place unnecessary demands on the Congress in attempting to keep them current.

Senator NUNN. Has the Department prepared a regulation for service credit that this Committee can review as part of our deliberations on this bill?

Admiral FINNERAN. The Department has three documents on this subject in draft. The first is a Department of Defense Directive that assigns responsibilities and amplifies the constructive service credit stipulations in the bill. The second document is a revision of DoD Directive 1320.7, dated 7 August 1970 which prescribed temporary grades and authorized strengths in grade of Medical and Dental Corps officers. The subject of service credit has been added to this Directive in accordance with DOPMA and the draft Directive previously mentioned.

The third draft is a DoD Instruction providing implementation details for awarding service credit to all officers other than those of the Medical Departments. A fourth document will be prepared giving specifics for Medical Department officers other than doctors and dentists.

These documents are all contingent upon passage of DOPMA. They are still in draft form and two are in final stages of coordination. All documents will be made available for Committee review at any time, but we recommend they not be made a part of the record until coordination within DoD is complete and the approved version is published.

Senator NUNN. Mr. Secretary I would like to raise the question of officer requirements once again.

What procedure is used to determine the number of officers required for a given military force level? Is the officer force level derived from the overall military personnel strength?

Secretary BREHM. Officer force level is influenced by the size of the total military force but there is no simple ratio or formula for deriving officer strength as a direct function of the overall military personnel strength. As an example, not all officers are supervisors of other personnel. Some fill management and professional position requirements which do not vary with changes in personnel strength. Also, in many cases officers supervise civilian personnel.

Officer levels are developed and reevaluated on a continuing basis as part of the Planning, Programming and Budgeting System (PPBS). This decision making process is based on strategy and plans to support national security objectives and to respond to the perceived threat.

As part of this highly structured and iterative process, each Service designs its forces; establishing the number and type of units and manpower required to accomplish the military missions, tasks, and functions within stated constraints. In this process, the military unit is the essential building block of capability and resources. Each Service uses doctrinal studies, workload measurement techniques, and position criteria to validate the manpower required in each unit. Therefore the summation of the officer content of all units determines the officers required for a given military force level.

Senator NUNN. Once the size of a Service's officer force is determined, how is the number in each senior officer grade level decided? For example, in the Army's proposed grade table, an officer force of 100,000 would be authorized a maximum of 5,000 colonels. What criteria were used to arrive at this number?

Secretary BREHM. In considering this question a distinction must be made between the design of statutory grade limitations and the determination of grade distribution within the actual programmed officer force levels.

We view statutory limitations as upper limits within which the Services must operate. They have been designed for the long term recognizing they cannot have an exact relationship to the actual number of officers required in each grade for a particular force structure. Officers are procured and progress through the system in anticipation of their future employment. It will take more than two decades for an officer commissioned today to become a colonel or Navy captain. Unpredictable changes in authorized strengths, organization, and technology over a period of twenty years will cause changing demands for officers in the various grades. Therefore, requirements cannot be projected far enough into the future to be an effective basis for shaping the career officer force for the long term. Because of this limitation and the need to motivate and retain officers, statutory grade limitations to cope with varied officer strengths are based on personnel management considerations and the flow characteristics of a predominantly "closed" personnel system as the primary design criteria.

In contrast to the design of statutory limitations, determination of grade distribution within the actual programmed officer force level is an integral part of the annual process of determining the total force level which was described in my answer to the previous question. Within that process, specific officer grade requirements are developed through position analyses which consider such factors as organization level, proximity and degree of supervision, special qualifications, magnitude of authority and responsibilities, legal requirements, and significance of actions and decisions. This analysis process insures that each position is evaluated and assigned a grade commensurate with the demands of that position. These individual grade requirements are then aggregated into a total officer grade structure requirement.

The Comptroller General of the United States has submitted a report to the Committee on Armed Services, House of Representatives, entitled "Development of Field Grade Officer Requirements by the Military Services", dated March 25, 1975. This report contains a review of the officer requirements determination process of the Services which I believe this subcommittee would find relevant to the questions raised on the subject of officer requirements.

Senator NUNN. Mr. Secretary, annually each Service submits a report to the Armed Services Committees on the estimated number of officers on active duty in the upcoming fiscal year. This year, as in earlier reports, the programmed budgeted officer strengths are compared to actual grade requirements. These "requirements" are in the same category as the Army's need for 30 divisions. Nonetheless, requirements determinations for officers have been done.

How were these requirements determined?

How can requirements, based on the perceived threat, be determined to justify the numbers in the DOPMS grade tables?

Secretary BREHM. The officer grade requirements contained in the Services' annual reports to the Armed Services Committees are based on the actual force levels programmed for the planning period concerned. They are determined by the process described in the answers to the two previous questions. The programmed budgeted officer strengths (authorizations) represent the compromises made between the requirements, personnel management considerations and real world fiscal constraints.

Since the grade tables are ceilings under which we will manage the officer force on a long term basis they have been designed to operate over a range of officer strengths, not on the basis of the threat associated with any particular strength. The threat determines the type and size defense forces that we need today. These forces in turn determine the total number of officers by grade required as a product of the planning, programming and budgeting process. This process, therefore, provides the linkage between grade authorizations and mission-related requirements.

Senator NUNN. The proposed legislation would require that all officers on the *active duty list* with more than 11 years of commissioned service be in the Regular component. The proposal includes a transition provision that would require

any Reserve officer, on active duty on the effective date of the proposed Act and who has 9 or more years of commissioned service, to be released from active duty within 2 years of the effective date of the proposed Act if he is not appointed a Regular officer.

Admiral, under the all-Regular concept proposed by DOPMA, what will be its effect on Reserve officers already on active duty if DOPMA becomes law?

Admiral FINNERAN. Transition to the all-regular career force will be accomplished over a two-year period. Within this period "active duty list" reserve officers with over nine years service when DOPMA becomes effective will have the opportunity to be considered for regular status and will be either integrated into the regular force or released. The number who will be given regular commissions during this period will depend on authorized officer strengths. Should strengths remain substantially at present levels, it is anticipated that most reserve officers with 9 to 18 years of service on the date of enactment could be augmented to regular status.

Those who are found not qualified or who decline appointment as a regular will be released from active duty unless they are within two years of retirement eligibility.

Senator NUNN. What plans have been developed by the Services for our review with respect to appointing Reserve officers as Regular officers under the transition provisions contained in DOPMA?

Admiral FINNERAN. Each Service intends to temporarily expand their ongoing augmentation programs. The Army will continue to convene two boards each year to consider officers for appointment as regulars. Any reserve officer may apply for consideration by the board and the Army will encourage officers to apply.

The Navy and Marine Corps have relatively few reserve officers, other than reserve program administrators, serving beyond nine years. Existing service procedures will be able to accommodate the review of qualifications of all reservists now on active duty.

The Air Force will continue their current augmentation system for junior officers which includes automatic considerations up to and including the time of consideration for promotion to O-4. Because of the large number of reserve officers with extensive service the Air Force will convene special boards to handle the transition.

DOPMA continues the requirement contained in present law for all regular officer appointments to be made by the President by and with the advice and consent of the Senate.

Senator NUNN. Can you give this Committee any indication of the number of Reserve officers that will be released from active duty as the result of their not being appointed Regular officers under the transition provisions of DOPMA?

Admiral FINNERAN. It is difficult to predict the number that will be released. This will depend on authorized officer strengths and the result of selection boards convened to consider individual qualifications. In addition, there may be some officers who decline a regular appointment.

Should officer strengths remain at present levels the Services anticipate that most of the Reserve officers affected will be offered a Regular commission.

Senator NUNN. As I understand it, Regular officers holding the permanent grade of O-4 will be guaranteed sufficient service to qualify for retirement. Why aren't Reserve officers who are not appointed as Regular officers under the transition provisions of DOPMA afforded similar protection?

Admiral FINNERAN. The transition features of DOPMA were designed so that individuals will not lose statutory entitlements they may have under the current law. Presently, officers who have been selected for the Regular grade of major or lieutenant commander have assurance of service to 21 or 20 years, respectively, barring removal for disciplinary reasons. Reserve officers in all grades have no such assurance under the law. As reserve officers, they augment the active force in numbers required, serving at the pleasure of the President. They may be returned to reserve status at any time prior to their eighteenth year of service. Reserve officers who have 18 years of service on enactment of DOPMA, or who attain 18 years service during the two-year transition period, will be permitted to serve as reserves until they are eligible for retirement. Thus, enactment of DOPMA will not remove any statutory entitlements from these individuals that they had before enactment.

DOPMA will provide opportunities for reserve officers to become regulars not now enjoyed by these officers. For those who are found unqualified, are not needed in the active force or elect not to become regulars, DOPMA requires that

they be released to the reserve manpower pool. This feature is of course contingent upon being able to adequately compensate these individuals for the active service they have performed. DOPMA was designed and recommended to Congress under the assumption that the proposed Uniformed Services Retirement Modernization Act would be passed prior to DOPMA, and through this Act increased severance payments and a vested right to a deferred retirement annuity would be available. The Department does not believe that the all-regular officer force can be attained without greatly increasing the post-service compensation now authorized in law.

Senator NUNN. Admiral Finneran, in testimony submitted for the record following this subcommittee's opening hearing on the DOPMS proposal, you stated that under steady-state conditions about 6 out of every 100 Reserve officers that enter active duty would face involuntary separation. However, this steady-state model does not tell us what would happen to all the reserve officers on active duty today with over 11 years of service.

What portion of the current officer force at the 11-year point, by Service, is made up of reserve officers?

Admiral FINNERAN. Approximately 13% of the officers with more than 11 years of service are serving in active duty reserve status. This varies greatly between Services with the Navy having approximately 2% and the Army approximately 20% reserves.

Senator NUNN. How many of those reservists on active duty today, by Service, would face involuntary separation if DOPMS were enacted tomorrow?

Admiral FINNERAN. It is difficult to predict the numbers who will be released since they will depend on total strengths authorized by Congress and the results of selection boards. The Department of the Air Force estimates that approximately 200 out of 3,200 reserve officers serving beyond the 11th year would be involuntarily separated. I assume they are not anticipating a major strength reduction. The other Services estimate that very few reserve officers will fail board selection for augmentation. However, some will be involuntarily separated as a result of declining a regular appointment or as a result of failure of promotion selection during the transition period. The Army has a Vietnam "hump" which will reach the 11th year in a few years which could cause a temporary increase in separations.

Senator NUNN. DOPMA would exclude reserve officers involuntarily ordered to active duty during periods of war or national emergency from the proposed new grade tables for grades O-4, O-5 and O-6 for up to 24 months. This is not the case under current law. Further, recalled Reserves would not be excluded for purposes of computing statutory limitations for general and flag officers.

The rationale presented by the Department for excluding recalled reserves from the statutory limits for grades O-4, O-5 and O-6 implies that the reserve forces are top heavy in these grades. It was also stated that in the event of a recall, some reserve officers could not be ordered to active duty because their numbers would cause the Services to exceed the authorized limitations in these grades. If this is true, then we are wasting the taxpayers' money. How has this situation developed and what is the Department doing to correct it?

Admiral FINNERAN. It should be recognized that when the Officer Grade Limitation Act (OGLA) was developed and passed over 20 years ago, little or no consideration was given to the implication of a partial or total mobilization of the Guard and reserves. The tables were built by expanding and contracting in incremental adjustments upward and downward from the grade distribution of officers on active duty at that time. Today's inventory of officers in the Selected Reserve is not "top heavy" as can be seen from the following table:

OFFICER PERCENTAGE DISTRIBUTION BY GRADE

Grade	Selected reserves ¹	Active duty forces ²
O-6	3.2	5.5
O-5	10.6	12.4
O-4	22.5	20.0
O-3/O-1	63.0	61.7

¹ As of Aug. 31, 1975.

² Projected fiscal year 1976 end strength.

The reason that the OGLA grade tables will not accommodate the officers involved in a partial or total mobilization of the selected reserve is because the incremental adjustments developed 20 years ago will not accommodate today's inventory of officers. For example, if we assume a mobilization scenario in fiscal year 1976 that would involve a 40% increase in total officers, the OGLA tables would provide for every 100 officers only 2.8% colonels, 8.9% lieutenant colonels and 15% majors. Assuming that the reserve mobilization would have the same grade distribution as the total selected reserve (and it could be greater) then we could not recall all the officers serving in the selected reserve units. This would obviously have an adverse impact on readiness and morale.

In designing new grade tables the Department was faced with either asking the Congress for increased authorizations that would accommodate the reserves, but which would not be needed if reserves were not activated, or designing tables that would provide only for expansion of the active duty force. The latter was the option selected since there is no method of predetermining what units or portions of the reserve would be activated to accomplish a given expansion.

Senator NUNN. Why isn't this provision to exclude recalled reservists from the grade tables for O-4, O-5 and O-6 grades extended to the tables for general and flag officers?

Admiral FINNERAN. An in-depth flag officer requirements review had been conducted just prior to the initiation of the DOPMA effort in 1972. At that time, the review provided no evidence to justify a decrease in existing statutory limitations of flag officers.

With this in mind, and to further avoid the inherent complexity in addressing all flag officer statutory provisions, the Secretary of Defense directed that the DOPMA Study Group confine their efforts to the commissioned officer grades of O-6 and below.

Accordingly, the exclusion of recalled reserve officers from the flag officer grade tables was not examined. The Department's follow-on review of flag officer provisions will certainly evaluate this issue.

Senator NUNN. If recalled Reserve officers are included in determining the statutory limits for general and flag officers, wouldn't their numbers serve to create more vacancies for general and flag officers?

Admiral FINNERAN. Yes, the limitations on flag officers would increase if recalled reserve officers were included in the total commissioned officer strength. A portion of the increased authorizations would be needed to accommodate Reserve flag officers directly involved in any reserve recall. Whether or not additional flag officers would be needed would be determined on a case-by-case basis.

Senator NUNN. If during the two years recalled reservists are excluded from the statutory limitations for field grade officers, how will their promotions be managed in relation to the total active-duty grade requirements?

Admiral FINNERAN. National Guard and Reserve officer promotions will be administered by the Service Secretaries under separate laws governing reserve officer promotions (10 U.S.C.). Except for those reserves on the active-duty list, all Guard and Reserve officers (those mobilized and those not on active duty) will compete as a group for the number of reserve component promotions prescribed by the Service Secretary concerned. During a two-year period there will be little impact on active duty grade strengths because of reserve promotions. The importance of excluding recalled reserves from active duty grade tables and managing their promotions separately is three-fold:

- (1) It provides for mobilization of reserve resources to meet an emergency for which they have been organized and trained without creating operational or management problems caused by having to conform to grade limitations designed to control the active duty career force.

- (2) It avoids placing mobilized reserve officers in competition for promotion with other officers who have had continuous active duty. Such juxtaposition would decrease the reserve officer promotion opportunity and increase their risk of removal from an active status as a reserve asset due to promotion failure.

- (3) It precludes the active duty career force expanding into the additional grade authorization generated by a reserve add-on and creating unnecessary grade enrichment in the active duty force upon demobilization. Because of the relative competitiveness of their records, it is probable that proportionately more active duty career officers than reserves would be promoted if mobilized reserves are competing for the same promotion vacancies. The resultant grade

enrichment of the active duty force could cause management problems on demobilization.

Senator NUNN. DOPMA would revise current promotion procedures among the Services by eliminating temporary grades to *grades below* general/flag officers; all promotions to these grades would be permanent. However, promotion to general/flag officer grades would retain the current dual promotion system, i.e., temporary promotion followed by permanent promotion.

Current law provides the flexibility of temporary promotions to meet increased grade requirements during periods of temporary expansion of the officer force. Why has the Department abandoned this concept in the DOPMA proposal?

Admiral FINNERAN. While examining the differences in the current promotion systems of the Navy and Marine Corps compared to the Army and Air Force to determine if there were warranted differences, it was concluded that the burden of a dual promotion system was not warranted. There is nothing to be gained by making temporary promotions unless there is an intent to revoke the promotion at some future time. This was not necessary for Korea or Vietnam. We do not anticipate conditions that would make it necessary in the future.

Senator NUNN. If during a period of temporary expansion of the officer force all promotions to grades O-4, O-5 and O-6 are permanent, how will the Services reduce the numbers in these grades to meet lower grade requirements when the force is reduced following a contingency?

Admiral FINNERAN. First, we expect that the primary and initial expansion for an emergency will be met by mobilization of reserve units. When these units are released upon demobilization their senior officers will also be released.

Second, promotion timing is the principal means of changing grade strengths and will be closely monitored. Under mobilization conditions we anticipate implementation of a stop loss program. That is, voluntary separation and retirements would be suspended. This action would probably result initially in a slowdown in promotion timing to compensate for the numbers of senior officers retained on active duty beyond their anticipated end-of-service dates. However to sustain a buildup in the forces, promotion timing may be advanced to the early part of the 2-year "promotion windows". Conversely, during the phasedown after a buildup promotion timing will be retarded to reduce grade strengths.

Third, DOPMA includes provisions to permit the involuntary retirement of officers in the grade of O-5 who have twice failed of selection for promotion to grade O-6, and officers in the grade of O-6 who have served 4 years in that grade. When the need arises to reduce the number of senior officers abruptly, the Secretary of the Department concerned would have the authority to convene continuation boards to select up to 30% of the officers in the above categories for early retirement.

Finally, the grade tables proposed under DOPMA are designed to eliminate some of the phasedown problems previously experienced. DOPMA will authorize fewer officers than OGLA at all strength levels in grade O-6. For grade O-5, DOPMA authorizes more than OGLA at low strengths and fewer than OGLA at increased strengths. In grade O-4 DOPMA authorizes more than OGLA, but at the high end of the scale O-4 authorizations are nearly identical under DOPMA and OGLA.

We believe the mode of operation represented by the above procedures is far superior to the concept of demotion and reversion to lower grades implied by the question.

Senator NUNN. If the goal of DOPMA is to eliminate unwarranted differences, why is the dual promotion process retained for promotion to the general/flag officer force?

Admiral FINNERAN. Inasmuch as the current statutory flag officer provisions have not been examined in-depth with regard to our DOPMA proposal, a change in that community's promotion process was not considered. The Department's follow-on flag officer review effort may well show that the aspect of dual promotions to flag rank should also be eliminated. However, such a change would have to be considered within the context of the overall flag officer management system. Until our total review effort is completed for this group of officers we do not recommend changing only one of the variable elements of their system.

Senator NUNN. I note that DOPMA would authorize temporary promotions for limited duty officers in the Navy and Marine Corps. Why does DOPMA retain this exception for this class of officers?

Admiral FINNERAN. Under current law and DOPMA, limited duty officers are initially appointed as temporary officers, retaining their permanent enlisted or warrant grades. This temporary appointment permits the Secretary to revert these officers to their former status if the needs of the Service dictate. The temporary promotion system for limited duty officers in DOPMA is therefore retained to provide for the promotion of limited duty officers who are still serving under their initial temporary appointment.

Senator NUNN. Promotion Procedures—Comparability among the Services.

DoD represents that under DOPMA there would be standardized promotion procedures among the Services. However, the proposal—like current law—would delegate officer promotion management to the individual military department Secretaries.

Admiral, specifically how would the DOPMA proposal insure standardization in officer promotion procedures among the Services and how does the proposal differ with current law in this regard?

Admiral FINNERAN. Although the Officer Personnel Act of 1947 was a single act which applied to all the Services, it contained, in reality, two separate management systems—one for the Army and Air Force and one for the Navy and Marine Corps. These separate systems produce certain basic differences in officer management. For example, for permanent promotion of Regular officers, the Navy was provided a fixed grade distribution and normal terms of service for promotion which envisioned significant forced attrition. By contrast, the Army system required that promotion occur not later than specified points in service with a grade distribution not requiring as much forced attrition. Consequently, differences in career opportunity for regular officers are established in law.

Additionally, the Officer Grade Limitation Act, which was enacted in 1954 to control the number of both Regular and Reserve officers who can serve on active duty in the grades of O-4 and above, introduces further differences in career opportunity, particularly for the Air Force.

In contrast to existing law, DOPMA will provide a set of common procedures for the appointment, promotion, separation and retirement of officers. The bill would repeal over 160 sections of current law, codified in title 10, and replace them with 47 sections common to all Departments. These procedures, in conjunction with the new grade tables which are designed to provide reasonably consistent career opportunity between the Services, will form the foundation for a standardized DoD officer management system.

Senator NUNN. During the Vietnam War there was considerable variation among the Services in their officer promotion programs. Would the proposed legislation prevent this situation from recurring?

Admiral FINNERAN. During the Vietnam War promotion timing varied among the Services primarily because the expansion in the size of the officer force to meet increased mission requirements affected the Services differently. The change in officer strengths during the Vietnam War are indicated below:

Service	1964	1969	Difference	
			Number	Percent
Army.....	100,133	145,500	+45,367	+45
Navy.....	74,271	79,792	+5,521	+7
Marine Corps.....	15,249	23,035	+7,786	+51
Air Force.....	130,183	139,215	+9,032	+7
DOD total.....	319,836	387,542	+67,706	+21

The National policy decision not to provide a general call-up of reserve forces also contributed to variations in promotion timing. For example, without recourse to the experience of the reserve officer force and their attendant field grade strengths, the Army had to promote earlier to provide the middle grade leadership required for the large number of new officers brought in to expand the force.

Other factors, combined with the expansion that caused differences in promotion timing were: different bases for grade authorizations; different retention and attrition patterns; and a different distribution of officers by length of service. DOPMA will not prevent all variation in promotion timing if the Services expand at different rates, but it will control and minimize the differences. Additionally,

the Total Force policy would utilize the reserves in their planned role in the event of future emergencies. This will reduce the extent to which the active structure would have to be expanded and thus attenuate differences in promotion timing.

Senator NUNN. Does the Office of the Secretary of Defense propose to oversee the separate promotion programs of the Services? If so, to what extent and how would this be done?

Admiral FINNERAN. The Office of the Secretary of Defense will oversee the separate promotion programs of the Services. This will be done through two formal efforts:

a. Evaluation of the annual budget submits for Military Personnel (Officer); and

b. The Defense Officer Management Control System.

The budget submits for each fiscal year are monitored to insure conformity with Program Objective Memoranda (POM) and Planning and Programming Guidance Memorandum (PPGM). Service budget exhibits contain promotion program data which includes promotion phase points, promotion opportunity and an estimate of time-in-grade for promotion to each grade. The promotion data and programmed number of promotions to each grade are measured against the actual data for the previous fiscal year and the POM guidance for the fiscal year end strengths.

The Defense Officer Management Control System is a new coordinating vehicle whereby the Services are required to augment budget data with periodic status reports on their officer forces. These reports are measured against a long-range plan, designed to facilitate the achievement of stability and reasonable consistency between the Services in officer management.

Senator NUNN. What control would Congress have over Service promotion programs under the DOPMA proposal?

Admiral FINNERAN. The primary control over promotions is through grade authorizations. Congress will continue to have the capability to monitor promotions through the Reports to Congress submitted each January in accordance with 10 U.S.C., Section 686, which DOPMA does not repeal. Congress can also review projected promotion plans through the budget justification data submitted annually.

With respect to administration of promotion programs, Congressional approval of DOPMA provides that promotions shall be from selections made by boards of senior officers and that the composition of boards shall reflect the categories of officers being considered. The boards will be required to take an oath to perform their duties without prejudice or partiality. The duties and procedures of the boards are set down and any officer in the zone of consideration may communicate with the selection board. The determination of eligibility for consideration for promotion, promotion categories, procedures for determining promotion zones and the numbers to be selected, will be in accordance with DOPMA statutes approved by Congress.

Senator NUNN. What would be the DoD position if language was written into DOPMA that would require Congressional approval of the annual officer promotion programs?

Admiral FINNERAN. The Department certainly has no reservations regarding Congressional approval of the annual officer promotion programs. The Services presently submit annual reports on officer requirements, strengths, promotions, and grade distribution to the Armed Services Committees in accordance with 10 U.S.C., Section 686. DOPMA does not repeal this provision. If the formats used are inadequate or the Committee would like to revise this procedure, the Department is ready to assist in any way possible. In addition to the Report to Congress the promotion program with time of promotion, opportunity and number to be promoted is submitted annually as a part of the budget back-up information.

We do not recommend initiating a third reporting requirement for this information and do not believe it is necessary to make changes in DOPMA to accomplish any reporting requirement changes the Committee may desire.

Senator NUNN. What would be the Department's position on inserting language in the bill to limit the Services with respect to promotion service points and promotion opportunity to each grade?

Admiral FINNERAN. Placing statutory control on promotion timing and opportunity in addition to grade limitations would amount to over control. In the dynamics of officer management some factor must be allowed to vary. Finite statutory control of promotion rate could only be achieved by relinquishing grade

control if the predetermined promotion rate conditions are reached. Grade distribution then would become ultimately a function of normal attrition from the system. When attrition was low there would be too many officers in senior grades for them to be productively utilized and when attrition was high there would be fewer officers in senior grades, causing shortages and inability to fill authorized billets. In either situation, the assignment of officers to meet billet requirements would be difficult. We propose that the Congress place control on grade authorizations and permit the Department of Defense to administer the time and opportunity for promotion to remain within these grade limits.

Limited Duty Officers—Standardized Career Patterns

Senator NUNN. Under the DOPMA proposal only the Navy and Marine Corps would have a statutorily prescribed limited duty officer category. While the Secretary of the Army and Secretary of the Air Force would have the authority to authorize limited duty officers, neither Service contemplates having such officers.

Admiral, I understand that only the Navy and Marine Corps have a limited duty officer category. Isn't this an "unwarranted difference" that DOPMA is supposed to eliminate? Why couldn't the Services resolve this issue?

Admiral FINNERAN. This issue was considered in detail and was resolved. The Navy and Marine Corps have had a successful LDO program in operation since World War II. There is no obvious benefit to be gained by eliminating it. On the other hand, neither the Army nor the Air Force could see any advantage to initiating a new program. Rather than changing the law to enable the Army and Air Force to electively use the concept sometime in the future (for which they presently foresee no need), it was decided that Limited Duty Officers should stand as a warranted Service difference.

Senator NUNN. Aren't there functions in the Army and Air Force that could be performed by limited duty officers or are the Navy and Marine Corps unique in this regard?

It would seem that the limited duty officer category provides an excellent method for enlisted personnel and warrant officers to progress to the commissioned officer ranks. Why have the Army and Air Force chosen not to exploit this resource through such a program?

Admiral FINNERAN. There are certainly some jobs in both the Army and Air Force which could be performed by limited duty officers. However, both of these Services have management programs in operation to fill these position requirements. For example, these positions may be filled by specialty assignment of commissioner officers, by warrant officers or possibly in some instances by senior enlisted personnel. The LDO category in DOPMA is an extension of the Naval Services' successful wartime experiences with temporary officers and has served the Navy and Marine Corps well for many years. However, there is insufficient justification to eliminate or modify current programs in the Army and Air Force so that a new officer category can be established. These Services already have programs which provide enlisted personnel the opportunity to progress to the commissioned officer ranks.

Senator NUNN. Will limited duty officers have the same or a different career progression pattern than other officers? If there are differences, what are they?

Admiral FINNERAN. Based upon a limited duty officer's military experience he may be placed originally on the active duty list at a position other than at the bottom and it is therefore possible that he would never serve in the lowest officer grades, just as other specialist officers who receive constructive credit do not. However, the single active duty list and the specific provisions of DOPMA regarding determination of promotion zones and numbers to select will insure that limited duty officers have the same career progression as other officers and in fact will eliminate an inequity in this regard that exists under current law.

Senator NUNN. Since submission of the report on officer grade limitations, has the Department made any further study of general/flag officer requirements? If so, what were the results?

Secretary BREHM. Yes, flag officer requirements are under continuing review as part of the annual planning and budgeting process. As you know, we have placed particular emphasis on eliminating or downgrading flag officer positions, where practicable, as part of the Departments' review and realignment of headquarters staffs. The results of our efforts to date are shown below:

DEPARTMENT OF DEFENSE, GENERAL/FLAG OFFICER STRENGTHS

	Actual				Changes—Fiscal year 1973 to fiscal year 1976	
	Fiscal year 1964	Fiscal year 1968	Fiscal year 1973	Budget fiscal year 1976	Number	Percent
Amount.....	1, 294	1, 352	1, 291	1, 185	—106	—8

Senator NUNN. Mr. Secretary, the Department's report on officer grade limitations concludes and I quote, "that the existing statutory limitations on the number of active duty flag officers provide the minimum number necessary at this time to meet total Defense requirements."

a. Would you please elaborate further on this conclusion?

b. What is meant by the words "minimum number necessary at this time"? Does this mean that there have been times when the statutory limits have not been adequate? Please elaborate.

c. This conclusion seems in contradiction with an earlier statement to the effect that despite substantial increases in demands on top management, statutory limitations on general/flag officers have—except for an increase in Marine Corps general officers in 1966—remained unchanged for 20 years. Does this suggest that current statutory limitations might be inadequate?

Secretary BREHM. The report's conclusion was based on a flag officer requirements review conducted by the Office of the Secretary of Defense in 1972. The Services' requirements for flag officers at the time were greater than the DoD programmed levels or the OGLA limits for end fiscal year 1973. However, since headquarters reductions were being initiated in conjunction with the phase-down of forces it was concluded that the requirements data would not support a request for increased authorizations. Since 1972, as you know, we have intensified our efforts to reduce and realign headquarters. Also bearing on the 1972 decision not to request increased authorizations was the fact that since 1955 flag officer strengths were constrained by administrative ceilings established by the Senate Committee on Armed Services and more recently by Appropriations Act riders. Thus for the past 20 years, the OGLA limits generally have not been the lowest constraints. As of the end of fiscal year 1976 the OGLA will be the effective ceiling for for all Services. However, due to the Department's headquarters reduction efforts the total number of flag officers in DoD is projected to be 51 (4%) below the OGLA limits. The difference between OGLA and our present program is consistent with the Department's view that statutory limitations are upper ceilings within which the Department will manage the officer grade structure.

With regard to your concern about a possible contradiction expressed in the last part of the question, our report to Congress also pointed out that most of the demands for an increased number of top management positions have been met by increases in top level civilians, not military officers.

Senator NUNN. Mr. Secretary, for almost all of the 20 years that the Officer Grade Limitation Act of 1954 (OGLA) has been in existence, the Committee directly controlled the numbers of officers permitted in the general/flag officer grades (the Committee limits have not been in force for approximately the past four years because declining military strengths have brought the statutory ceilings below the Committee limitations and the Committee has not imposed further lower limitations). What would be the position of the Department of the statutory limits on general/flag officers were repealed and this Committee authorized the numbers in these grades?

Secretary BREHM. We do not favor repeal of statutory limitations on general/flag officer strengths. While not actually controlling active duty strengths at all times in the past, the statutory limitations have served as a standard for both Service planning and Congressional constraints. The number of generals and admirals is programmed each year in the budget. The Committee has further control over the number of generals and admirals by confirming all promotions to those grades. Long range planning and programming functions are best served by the retention of fixed statutory references within which actual programs may be developed.

Senator NUNN. DOPMA would provide permanent authority for the Secretary of each military department to "early retire," subject to a recommendation by a selection board, officers in grades O-5 and O-6 prior to completing the maximum years of service authorized for their grades (i.e., O-5's, 26 years; O-6's, 30 years). In the past Congress has provided this authority only on a temporary basis (e.g., White Charger (Air Force), Navy "hump" law).

What are the specific circumstances for which the Services would select O-5's and O-6's for early retirement?

Secretary BREHM. There are two conditions under which the Services may find it desirable to select officers for early retirement. The first is during periods of rapid strength decline where this authority would be used to reduce the senior grades to help keep the structure in balance.

The second condition would be where loss patterns unpredictably change to the extent that the Services would have to promote later than the promotion timing parameters on which the grade tables are based. In other words, forced attrition would be used when normal attrition was inadequate to maintain adequate promotion flow.

Senator NUNN. Why does the DoD believe the O-5/O-6 Selective Continuation authorization should be made a matter of permanent law? If the authority is intended for limited application, why not request such authority on an "as needed" basis?

Secretary BREHM. The purpose of the selective continuation provision is to provide the Services with greater personnel management flexibility: (1) during periods of force reductions, (2) to facilitate maintenance of a desirable grade balance, and (3) to complement the Services' efforts to maintain a high quality officer force. The previously cited legislative examples, i.e., Air Force "White Charger" and the Navy "Hump" bill, although temporary legislation, were in effect for periods of 5 and 11 years respectively. Our current proposal is considered to be a long-range permanent measure that would contribute to achieving DoD management objectives in the career regular officer force.

Manpower plans and programs are often subjected to rapid change. Having the selective continuation authority in permanent law will provide an immediately responsive management feature without the need for a piecemeal emergency legislative measure.

Senator NUNN. Do any of the Services have immediate plans to use this authority if DOPMA is enacted with this provision?

Secretary BREHM. Had DOPMA been enacted in time to use the selective continuation authority to reduce the size of the Army and Air Force RIF occurring in FY 76 there would have been immediate implementation. Presently there are no planned officer reductions of sufficient magnitude to warrant the use of the early retirement authority by any Service.

Senator NUNN. I understand that the transition provisions of DOPMA would provide a \$4,000 "transition" payment to each officer who is in the grade of O-5 or O-6 on the effective date of the proposed Act and who is subsequently selected for early retirement. What is the rationale for the "transition" payment and how was this figure arrived at?

Secretary BREHM. The selective continuation provisions of DOPMA provide for a \$4,000 "transition" payment to colonels/captains and lieutenant colonels/commanders involuntarily retired under those provisions. Only those officers discontinued from a grade in which they are serving on the date of enactment will be eligible for a "transition" payment. After the transition period such payments will not be authorized.

The legislation is unexpectedly altering the normal retirement points which officers in these grades today had a right to expect. After more than 20 years of primarily military related experience officers discontinued will be required to make an adjustment to civilian life with little prior notice. A transition payment was considered appropriate to help make up the difference between the retirement annuity and their active duty pay while they are making this change to civilian life. The \$4,000 will provide for an additional 3 to 4 months to make the necessary adjustments.

It was not reasonable to make the payment large enough to compensate an officer for the entire amount he would lose in future active duty and retired pay because of his early retirement. The sum of \$4,000 is less than today's equivalent of the payment provided in the Navy/Marine Corps "hump" bill (P.L. 86-155). The payment provided by this previous law was \$2,000. In terms of increased pay since 1959, the amount would be over \$5,000 today. The \$4,000 payment is con-

sidered to be the minimum amount appropriate and necessary in the event that officers should be required to make this unscheduled change in their careers.

Senator NUNN. Mr. Secretary, in your testimony in our opening hearing you indicated that the Services have been forced to carry regular majors and lieutenant commanders to retirement who would have otherwise been separated.

1. For what reasons would these officers be separated?
2. Are these officers unqualified to serve in their present grades?
3. How many years of service do these officers have?

Mr. BREHM. My statement described, generally, a situation that might have been avoided had the Department had the post-service compensation and management system changes we are now proposing.

If DOPMA and the equity and readjustment features of the proposed Uniformed Services Retirement Modernization Act had been in effect during the phasedown from Vietnam there is little doubt in my mind that some regular majors and lieutenant commanders with between 12 and 18 years service would have been separated and highly qualified junior officers retained in their place. This is not to say that these officers were unqualified, rather they were not the best qualified when in competition with their peers. Their separation and the retention of outstanding junior officers would have enhanced the overall quality of the officer corps.

I have addressed some of the important personnel and management considerations regarding this problem in my responses to the following two questions.

Senator NUNN. If the Services separate otherwise qualified officers so close to reaching retirement, won't this have an adverse affect on young officers and cause the Services problems in retaining high caliber officers?

Secretary BREHM. There are several factors that influenced the decision to remove the guarantee of retirement from grade O-4, while still making the possibility of retirement very real.

First, it was assumed that passage of the Retirement Modernization Act would provide an equitable settlement for officers separated short of retirement eligibility. This would be in the form of both a cash readjustment payment and a deferred retirement annuity upon reaching age 60.

Secondly, DOPMA was designed to provide a 70 percent opportunity for being promoted to grade O-5. We do not believe that most officers will regard themselves as being in the bottom one-third of their peers, so they will not feel particularly threatened by failure of non-selection at this point.

Third, DOPMA provides for O-4's who are passed over because they are not best qualified, but who are still qualified, to make important contributions. These officers may be continued on active duty in grade until eligible for an immediate retirement annuity. There will be only about 30 percent passed over, and of those, all can be continued selectively by board action depending upon their qualifications and the needs of the service.

Finally, DOPMA was designed this way to provide a continuing incentive for maximum performance and efficiency. It was not considered reasonable for the government to insure retirement payments for the remainder of an individual's life based upon his reaching the grade of O-4 at 10 or 11 years of service.

It should be noted that DOPMA does provide a two-year "sanctuary zone" similar to provisions of the present law for reserve officers. An officer who reaches 18 years of service will be permitted to serve until retirement. At this point we believe the individual has a sufficient investment in his career that he should be continued until eligible for an immediate annuity.

For an officer who attains grade O-4, DOPMA provides a reasonable opportunity for reaching retirement, but not an absolute guarantee. We do not expect the kind of high caliber young officers we want and need to shy away from this challenge.

Senator NUNN. If these discontinued officers in grade O-4 are performing well in their present grades why must they be separated and lose the many years of experience they have gained? Is this a means of saving retirement costs and maintaining promotion flow?

Secretary BREHM. The provision for discontinuation of officers in the grade of O-4 who have twice failed of selection to O-5 serves several purposes.

First, it provides a means of reducing the number in the grade of O-4 during force reductions. Since there will be no reserves to release beyond the 11th year of service, non-continuation of officers who have reached the limits of their potential becomes an important means of strength control.

Second, it provides a continuing performance incentive after an officer is selected to the grade of O-4.

Third, it will help maintain the career opportunity for younger officers, and will thereby preserve the youth and vitality of the force during demobilization periods or if retention patterns in a service should cause excessively late promotions.

If, as the question states, an individual is performing well and there is a need for his services on active duty, DOPMA would permit these individuals to be continued to retirement eligibility. The new proposed management system is designed to provide a selection rate of 70 percent from major to lieutenant colonel under normal circumstances. This represents a reasonable opportunity for advancement and, in conjunction with the continuation provisions, for continued service to retirement eligibility.

Separation of officers prior to their becoming eligible for an immediate retirement annuity would of course help reduce long range retirement costs. For this reason the Government should not be obligated to carry officers on to full retirement who may be excess to the needs of the service.

Nonetheless, the Department does not propose that the retirement assurance now provided O-4's be removed unless a means of compensating them adequately for their years of service is available. These improved means are provided by the proposed Retirement Modernization Act which contains both an improved severance pay provision and retirement vesting in the form of a deferred retirement annuity beginning at age 60. These new benefits would be available for all non-continued O-4's.

Senator NUNN. Do you have any other particular comments today?

Admiral FINNERAN. Not at this time, sir, no.

Senator NUNN. Thank you very much.

Admiral FINNERAN. Thank you, sir.

[Whereupon, at 4:10 p.m., the subcommittee adjourned, subject to the call of the Chair.]

DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

THURSDAY, AUGUST 5, 1976

U.S. SENATE,
SUBCOMMITTEE ON MANPOWER AND PERSONNEL OF THE
COMMITTEE ON ARMED SERVICES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 3:30 p.m., in room 212, Russell Senate Office Building, the Honorable Sam Nunn, chairman, presiding.

Present: Senators Nunn, Culver, and Bartlett.

Also present: Francis J. Sullivan; Charles J. Conneely; Edward B. Kenney, George F. Travers, professional staff members; Phyllis A. Bacon, assistant chief clerk; Roberta Ujakovich, research assistant; Mary A. Shields, clerical assistant; Peter Hughes, assistant to Senator Byrd; Charles Stevenson, assistant to Senator Culver; Ron Lehman, assistant to Senator Scott; Fred Ruth, assistant to Senator Bartlett; Hugh Evans, Senate legislative counsel; and Al Farlow, national defense consultant from Library of Congress.

Senator NUNN. Mr. Secretary, we have called this meeting to give the members who haven't had a chance to go into detail on the DOPMS legislation a chance to talk to you and Secretary Brehm and the Admiral about their questions.

We started the markup on Wednesday and ran into a considerable amount of difficulty because of the many complex, complicated issues some of the members of the subcommittee felt had not been adequately explained by DOD; such as the reasons, background and so forth, and that is the reason for this meeting. Because of that, we might as well wait until the other members get here.

When the other members arrive, I think the most helpful thing would be for you to outline to us, as an introduction, why it is important for DOPMS to become law this year and why it is urgent, as you have explained to me personally, for this subcommittee, the full committee, and the Senate to move on it rapidly.

Mr. Secretary, I believe we have everybody here that is probably coming. It would be helpful if you would lead off with a short statement.

I don't know if you have one, because we didn't ask you to prepare a statement.

Mr. TAYLOR. No, sir, I don't.

Senator NUNN. If you will give a short statement, and if Secretary Brehm and Admiral Finneran want to make short statements, without going into the details—which I would rather do by question and answer—of the proposal, except as you need to talk about the urgency of it.

Would you give the subcommittee your views as to whether this bill needs to be passed this year, and if so, why?

STATEMENTS OF HON. DAVID P. TAYLOR, ASSISTANT SECRETARY OF DEFENSE, MANPOWER AND RESERVE AFFAIRS; HON. WILLIAM K. BREHM, ASSISTANT SECRETARY OF DEFENSE, LEGISLATIVE AFFAIRS; AND VICE ADM. JOHN G. FINNERAN, DEPUTY ASSISTANT SECRETARY OF DEFENSE, MILITARY PERSONNEL POLICY

Mr. TAYLOR. Thank you, Mr. Chairman. I appreciate this opportunity to participate in this hearing and underline our great concern with the need for action on this legislative package. We have lived with the current system, and by that I mean both defense management and our officers which is not consistent across the services, and it doesn't give the officers a firm understanding of what their career opportunities are. It limits management freedom in several ways, and has a confusing and unfair dual track which requires one group of officers, the active duty reservist, to take the burden when there must be a reduction in force.

It is an evolutionary approach to officer management, but it has been worked on over several years. As I explained to you earlier, I feel a responsibility to the Department of Defense to do everything I can to assure Senate action on DOPMA this year, simply based on the tremendous effort and investment that our staff has put into the bill over the last 2 years. I wouldn't be fulfilling my responsibility to the Department if I didn't do everything that I could to insure consideration by the Senate of this proposal.

Similarly, I believe I have an obligation to the House of Representatives which did act on the bill, and we understand it is scheduled soon after the current recess for consideration on the floor. It represents a tremendous amount of effort on our part, and in order for this investment to have some return accrue to it, we urge the Senate to act as quickly as possible on the bill. We of course are fully behind the original DOD version, but the House version is not all that different from our proposal and we could, of course, live with that version.

Senator NUNN. Mr. Brehm, do you want to make a statement?

Mr. BREHM. Mr. Chairman, I can only underline what Secretary Taylor has said. There are tremendous management benefits to be gained by the passage of this legislation, and it does represent a very significant long-term effort which we would like very much to come to fruition. I think Mr. Taylor outlined the reasons very well.

Senator NUNN. Thank you.

Admiral?

Admiral FINNERAN. I only have one additional comment that I might offer, Senator, without going into a lot of details. We believe this bill responds to a history of some 13 years of criticisms and

critiques of the officer management systems that have been offered not only by the Congress, but by others, both external and internal, and it therefore represents the best effort we could put forth to modernize this system.

Senator NUNN. Thank you, sir.

I think we may be interrupted by votes. I'm not going to ask any questions. I'm going to leave most of my time, unless I need to get something at some unforeseen point, to Senator Culver and Senator Bartlett. I am going to submit a number of questions, if they are not covered here today, for the record, which we would like to get an answer on as soon as possible.

I think, rather than have a time limit perhaps Senator Culver could lead off, and Dewey, if you have any questions you want to ask, you can just go back and forth when you want, but if you prefer a time limit you can have 10 minutes each.

Senator BARTLETT. No, that would be fine.

Senator CULVER. I prefer 10 minutes arbitrarily, and rigidly and fairly enforced. This other practice just doesn't seem to work all that well from my experience.

Senator NUNN. When the second hand gets to 12, your time will start.

Senator CULVER. I don't have any questions, Mr. Chairman. [Laughter.]

Senator NUNN. Senator Bartlett?

Senator BARTLETT. How much civilian input has there been?

Mr. TAYLOR. Well, I think there has been considerable civilian input. Roger T. Kelley was the Assistant Secretary for Manpower and Reserve Affairs in the Department of Defense. As this bill was developed, there was civilian leadership involved as well as military from each of the services. The Assistant Service Secretaries for Manpower and Reserves Affairs participated in every decision. There was also other civilian input.

I don't want to overstate that, Senator. The expertise in the management of the military personnel system is largely in the military, and so while there was civilian involvement, I would say that the predominant role was played by the military experts in the field.

Is that fair, Bill?

Mr. BREHM. I believe that's right.

Senator BARTLETT. What input has there been that was nonmilitary and nonmilitary connected civilians, if you follow me?

Mr. TAYLOR. Well, the leadership of the—

Senator BARTLETT. I'm getting at the kind of input that would come from professionals in personnel matters, management matters, business management, this kind of thing, but who are connected with people, motivation, incentives, retirement programs and so on, but at the same time completely disconnected from the military.

Mr. TAYLOR. Well, I would say that Roger Kelley, who is currently the senior vice president for personnel, with Caterpillar Corporation—is the one who initiated this study when he was Assistant Secretary of Defense for Manpower and Reserve Affairs. My predecessor in the Air Force, Richard J. Borda, is a personnel man out of the banking industry, Wells Fargo. I really can't recite all of them. I could provide

for the record a list of people who participated, who came into the Defense Department from the private sector, and what their background was in the private sector, if that will assist you, Senator.

Senator BARTLETT. Do you feel that there has been adequate input from the nonservice connected people?

Mr. TAYLOR. Yes, sir, I do.

Senator BARTLETT. It doesn't sound to me like you are listing many people. You have named two. I am not trying to quibble, but I just feel that when it comes to a very complicated undertaking that also is going to have quite an impact, I believe, on military personnel, particularly those who are involved in the changes that the private sector has had quite an experience also with personnel and with management practices on a much more varied basis than has the military. The military has been sort of consistent and constant. There hasn't been as much variation or innovation, and therefore, to get fresh ideas or changes to be made, I think it would require quite an input from the nonmilitary and civilians.

Naturally I think the military should have the main input, but nonetheless, I think the others should be heard.

I'm just wondering if there has been, in your mind, adequate input from that sector.

I'll ask each of you that.

Mr. TAYLOR. In my view there has been adequate input from that sector, but let me ask Bill to address that from a longer background.

Senator BARTLETT. OK. If you could say why, too, why you think it has been.

Mr. BREHM. Let me explain just very briefly for the record how the Department goes about dealing with a major issue like this, a major study like this. The basic management team that steers the study and meets frequently, periodically, to steer the effort and to consider the results as they are forthcoming consists of the Assistant Secretary of Defense for Manpower and Reserve Affairs as Chairman, the three Assistant Secretaries for Manpower and Reserve Affairs from the three departments, and then on the military side, the four Deputy Chiefs of Staff for Personnel from the four services, plus the Deputy Assistant Secretary of Defense for Military Personnel Policy, a post now held by Admiral Finneran. That is the basic team. I think that represents a good balance of military and civilian input.

And to go beyond that, I think one would have to examine, as Secretary Taylor was suggesting, the qualifications of the civilians who have come in from the private sector and lent their experience and so forth to the matters at hand. I think, considering the people who were present at the time this basic proposal was prepared, there is a fair representation of experience from industry, and I think the balance is probably about right.

Senator BARTLETT. What civilian input was there on the requirements for the various billets and what officer grades should be fit into those billets?

Mr. TAYLOR. Can I speak from the Air Force point of view?

Senator BARTLETT. Yes.

Mr. TAYLOR. Now, the grade tables embodied in this bill are based on personnel considerations on flow through the system. They are

designed to provide particular opportunities for promotion to particular grades at particular stages of a man's career or a woman's career. So in that basis, this system has a personnel-based grade table.

Now, the Air Force—now, I have to watch my tense here—we have—I guess I should say there is an extremely highly developed grade and billet requirement system based on engineering techniques that are drawn essentially from the private sector, and this requirements system has been reviewed by a wide variety of industrial consulting firms, and I would match it against any in the private sector, in terms of its ability to correctly identify how many billets, and at what grade, are required to accomplish the tasks assigned. Time studies—all of the traditional management engineering tools—are and have been used that are used in industry.

Senator BARTLETT. Could you describe just how the number of billets under this plan are determined?

Mr. TAYLOR. In the Air Force system?

Senator BARTLETT. Under DOPMS.

Mr. TAYLOR. Well, I said DOPMS is a personnel-based system, so it is designed to provide reasonable promotion opportunity. For instance, it is designed to provide 80-percent chance of promotion from O-3 to O-4, that is, from captain to major, about the 10th year; and it is designed to provide a 70-percent chance of promotion at about the 16th year, from O-4 to O-5; and similarly from O-5 to O-6, a 50-percent chance.

Now, the requirements system that I described, that the Air Force management engineering technique has developed, is entirely consistent with the grade tables that were designed through this personnel system, and in fact, they fit extremely closely, although one is based on personnel considerations and the other is based on management engineering techniques.

Senator BARTLETT. In your opinion, what are the plus and minus arguments of the two systems?

Why is the present requirement system superior, in your opinion, and why would it be inferior?

Senator NUNN. Do we have to answer the question now? We had better vote and then come back.

[A brief recess was taken.]

Senator NUNN. I believe Senator Bartlett—

Senator BARTLETT. Well, I had almost exhausted my time, but I think the question was put.

Senator NUNN. Go ahead until Senator Culver gets back.

Mr. TAYLOR. Well, as I remember the question, Senator, you asked under what circumstances is the requirement approach appropriate to the manpower program, and under what circumstances is a personnel-based system appropriate?

Senator BARTLETT. Right.

Mr. TAYLOR. I think a personnel-based system, one that talks to the parameters of promotion flow and opportunity, is appropriate for a long-range system, the establishment of an umbrella if you like, for a manpower system. The requirements approach is appropriate to budgetary considerations, for of course, every year each of the services comes before you with its budget which has to be based on its requirements to achieve its mission.

And so I think the answer is that the personnel approach is appropriate when you are establishing a long-range umbrella for a personnel system, but the requirements approach is appropriate when you are justifying a budget from year to year.

Senator BARTLETT. How will the personnel-based approach work in time of mobilization?

Mr. TAYLOR. Let me ask Admiral Finneran to respond to that. It is complicated by calling in the Reserves and I think he would be best equipped to answer that.

And may I do another thing, Senator?

Senator BARTLETT. You bet.

Mr. TAYLOR. While you were gone, the three of us were discussing first, the response to the initial question you asked with respect to civilian review of the proposal, and I think Admiral Finneran had some good points to make in response to that issue as well.

Senator BARTLETT. Fine.

Admiral FINNERAN. If I may, sir, extend Mr. Taylor's remarks on the civilian review question.

Senator BARTLETT. Yes, please.

Admiral FINNERAN. You asked for examples of the forms of civilian review that have taken place in the development of the system. First, each of the service Secretaries has largely civilian-manned, outside DOD, industrialist educated people that make up advisory boards to the Secretariats; in some cases the Service Chiefs as well have comparable boards that are made up of outside industrialists and educators. To a large degree, those bodies have been involved at one time or another in the review of this proposal.

In addition to that outside Defense, the Office of Management and Budget conducted extensive analyses of their own in review of this proposal before it was cleared by the administration and transmitted to the Congress.

Most recently we have had close to a year and a half's exhaustive review by Representative Stratton's subcommittee, which placed a heavy commitment on the time of the members of that committee. The work was not limited to just the chairman. Most of the hearings and the work outside the hearing room was participated in by a significant number of the members.

In addition to that, there have been some contracts that each of the services have been involved in that have addressed various aspects of personnel management systems. They have not all singly been targeted on the personnel management system as proposed by DOPMS, but they have had peripheral interest in DOPMS, in the interests of meeting the requirements.

For example, the quadrennial review, which is now ongoing, has had a number of contracts with outside agencies, T.P.F. & C. is one; Hayes Associate is another. The Department of Defense entered a contract 2 years ago with the Conference Board in New York which took a look at our systems from the standpoint of what do we produce as a result of our grade process in compensation levels and costs compared to the practices that are ongoing in large corporations. As a comparison base they used seven major industries which are part of the family of the Conference Board as a baseline for making that comparison.

The results of that comparison indicate pretty uniformly that we in fact have a relatively austere cost-demand management system reflected in the grade structure of the officer corps of the military. Those are just some of the examples.

I might also add with respect to the requirements system per se, the General Accounting Office conducted an extensive review last year and reported favorably on the requirement system to the Congress in response to the congressional interest in that issue. They felt that it was efficiently managed, that it did employ, as Mr. Taylor pointed out, the most sophisticated tools available in terms of industrial management-related tools for measuring these kinds of things, and that the judgments that were made with respect to managing the total requirements in the context of the relationship of the personnel management system were reasonably sound. I believe those were the major conclusions of that effort.

With respect to your second question, sir, how would this system react on mobilization? One of the basic principles that was involved in design of the system is to be responsive to prior year criticisms of the Congress and of members internal to the system and people external to the system.

One of those criticisms was that we do not deal fairly with the Reserves on long-term active duty when we are faced with large changes in the size of the active duty population in crisis management situations.

One of the criticisms is that the regular portion of the career force, in times of buildup, experiences unique opportunities for advancement and in some instances, at the expense of the Reserves who might otherwise be recalled to active duty. As you know in Vietnam we did not recall the Reserves and Guard to any great extent. To fill out our requirements there was an acceleration of promotion to a substantial degree. When we face a disestablishment of a large force, a reduction in size such as we did in the post-Vietnam era when we promoted career officers on an accelerated basis as a result of that crisis management, it created severe management problems in meeting the relatively rapid reductions in the size of the force without breaching an accepted grade relationship. We are frequently criticized for grade control problems. Hand in hand with that, when we make reductions, we have relatively limited opportunity within present law to balance out the effects of reductions by managing losses between long term career interested reservists and career regulars. This has frequently been a source of criticism in the past.

So with those factors in mind, when we designed DOPMS, we did it with the specific purpose of tempering the windfall opportunity for promotion in times of crisis, and at the same time building safeguards that would preclude adverse effects on the people on the rolls who had an interest in long term career service. So we therefore provided at the 11-year point and beyond, a total regular career force to ensure that we size the force properly in terms of the long term peacetime structure projections that we can make, and that we provide equitable opportunities for integration into the force for those reservists who come into the system and stay with the system up through the 11-year point.

In the same context, if we in fact had a major mobilization and were talking in terms of employing significant numbers of units out of the Reserve and National Guard, we have made provisions to preclude the inequities that might result when those officers are brought aboard and placed into promotion consideration with the regular force. We have provided that they would be handled separately in order to minimize these effects.

Our whole approach is one of relative austerity, sound management with respect to the long term interests of the regular force, and as realistic provisions as we can make for the contingencies that might be involved in terms of employing Guard and Reserve units in the total force context.

Senator BARTLETT. Thank you very much, Admiral.

Mr. Chairman, I suggest the Senator now have a double allotment of time. I have gone about 20 minutes.

Senator NUNN. Senator Culver?

Senator CULVER. Thank you, Mr. Chairman.

Gentlemen, other than the expiring Air Force officer limits, what reasons are there for prompt action on this DOPMS legislation? I know you covered some in your opening statement, by wanting to help out the House of Representatives, but other than that, it has been around for 16 years.

Mr. TAYLOR. Well, what I am concerned about is the efficient management of the Defense Department Officer Corps, and we at the Defense Department have been urged over the last 13 years to come up with a piece of legislation. We did, about 3 years ago. It has been considered in great detail by the House of Representatives. I have grave concern that if it doesn't pass this session of Congress, that it is in jeopardy in the next session of Congress. It will have to be reconsidered by the House, and my brief experience with the legislative process is that once we get the momentum going, we should keep it.

Senator CULVER. Well, I don't say that critically of you because I think you are correct in implying, at least, that you are perhaps too charitable to explicitly state it, but it is my understanding that this was an initiative that was insisted upon historically by Senator Richard Russell, what, 16 years ago?

Admiral FINNERAN. Yes, sir.

Senator CULVER. And that you have been grappling with this for a long time, and this is unquestionably not only one of the most important, but also one of the most complex problems that you could have to deal with, both on the merits as well as the politics that are replete in these kinds of considerations.

I do feel that Congress, since it requested this of you, has a particular obligation and responsibility to review that work product in order to make sure that it does comport with its own conceptual notions and goals and objectives and purposes.

I doubt that this is likely to be done in this Congress. I think it should be done, but I have reviewed this report, the study by the Defense consultants for the committee that you are familiar with. I have just been provided today with a rebuttal dated July 15, 1976. I haven't had an opportunity to read this, but I'm referring to the King-Delinger report.

Are you familiar with that?

Mr. TAYLOR. Not in excruciating detail I'm sorry to say.

Senator CULVER. Well, any part of this is excruciatingly painful as far as detail goes, but this is essentially, certainly the thrust—are you, Mr. Brehm, familiar with this?

Mr. BREHM. I have not seen that particular report. I am familiar with their study, however, and some of the thrusts of it.

Senator CULVER. Admiral, are you familiar with it?

We can stay here a long time, but in brief my concerns are really very fundamental ones about how this force structure is designed, how it operates, and the relationship of your proposal to the total force concept, requirements, threat, and the design of combat units to maintain a credible deterrent in times of a so-called peace period. I am also concerned about how integrated we are to effectively coordinate any increased emergency threat, respond to it, and how, again consistent with the total force concept, we integrate the reserves, and how we relate our foreign policy interests.

I sympathize with you, given the politics of what you are up against. It is hard to make those kind of changes because we step on vested interests and status quo and bureaucratic barnacles. I don't question for a moment there has been a good faith effort here in cosmetic ways and perhaps more significant ways to introduce some changes that bring about a more consistent personnel management practice. But I have the sense that there are more far-reaching issues to be examined.

My idea of what you start with by way of justification for this is, I guess, a little at variance with what I understand to be what you have done here as a necessary, practical compromise of interests, and that is what I find generally troublesome. And to satisfy those instincts, I think I would have to work on this a lot harder, for whatever it is worth, and I think I should, and I owe it to you to do that, but that is my sense of things, having gone over it in a preliminary way with staff and others.

I just don't think the starting points are that rational in a lot of ways, and I just don't want us to be ratifying what is essentially the status quo because it is there, without any effort to more fundamentally review the justification and rationality of force structures measured against requirements and threat and so on.

Admiral FINNERAN. Sir, you gave us an infinite number of moving target problems from the standpoint of the statement that you made, and the interrelationship with this management proposal.

I would be delighted to offer whatever I can in the way of time or services or support to satisfy the detailed interests you have that underlie those concerns. I know that it would impose on your time to suggest this, but whatever time you could make available I am available to discuss any details related to this bill or concerns you have as to how it fits into the total management system.

Senator CULVER. Well, it is really more basic than that, you know. I started with some very simple notions that we have a foreign policy and we have a force structure to implement that policy, and we have a reserve capability to augment those, based on the changing character of the international threat, real or perceived, and to respond to that kind of emergency situation.

Now, it seems to me that it does not defy rationality to have a force structure that is a mere reflection of those billets, of those units and so forth. I realize it is one thing to talk about the ideal in conceptual terms, and it is another to change the massive bureaucracy of the Military Establishment presently constituted, which is a result of a lot of historical considerations and factors, all of which have to be accommodated, because you are dealing with people and human beings and interests and so forth. But I don't sense that we are starting that way. For Congress to ratify something that doesn't at least make more of a giant step in that fundamental direction, conceptually, to rationalize and harmonize our policies, but rather to put a rubberstamp of approval on this seems premature. There is much in here I think that can lend itself to management policy, no question about that, but as part of a total package, as an acceptance of a fundamental approach. That is my general assessments as I review these materials.

Admiral FINNERAN. Senator, in that thought process you expressed, what this particular proposal represents is a system design that follows from a determination that x proportion of your total defense effort will, in fact, require a standing force of a long-term nature, and therefore you have as a philosophical need a requirement to establish sufficient procedures to maintain that force. What we are addressing is that portion of the problem, of the total world affairs problem, based upon the assumption that there is a need for a standing, permanent force, and how to manage it efficiently—

Senator CULVER. But you haven't related this, Admiral, to requirements. That isn't the starting point of how you get at just what you need, is it?

Admiral FINNERMAN. Yes, we have. My starting point, obviously, has been the administration's judgments that have been made on the need for a standing force, and as a derivation of that, what proportion of that force can be projected to be a need for officers in the Active Force, and as a projection of that, what management tools are necessary to manage that officer career force efficiently.

Now, to the degree that there is flexibility there, it is represented by the range of officer strengths within the tables of organization and the proposed law.

Senator CULVER. Well, force planning requirements are not treated, are they, in relation here to the DOPMS? Force planning requirements, aren't, for example?

Admiral FINNERAN. Force planning requirements were a beginning point from which we calculate officer strength requirements. Then we take the officer strength requirements, and apply them to this management system to determine the grade limitations that we would have imposed on the system in order to manage that force efficiently.

Senator CULVER. Well, you don't have job-based military requirements, for example, as a basis for establishing flag officer limitations, do you?

Admiral FINNERAN. This bill does not address flag officers.

Senator CULVER. Why do you exclude them?

Mr. TAYLOR. We excluded flag and general officers for a very significant reason and that is to include them would have made this bill so even more complicated and the opportunity to get it considered would have been further delayed—

Senator CULVER. More complicated politically?

Mr. TAYLOR. More complicated politically and objectively and intellectually—

Senator CULVER. Well, the proposal—

Mr. TAYLOR. And a further problem is that, you know, the staff time required to develop a system to deal across the services in a uniform way with flag and general officers is just not available.

Now, the House required us to come up with a study and a proposal within a year, as I recall, to deal with that issue, and if we can get this part of the package out of the way, we will have the capacity to do that.

Senator CULVER. Well, the numerical officer grade limitations which are now in DOPMS for various ranks, are not directly related to any objectively determined military requirements, are they?

Admiral FINNERAN. In the sense, sir, that if you make a determination of the total number of officers that you need, and then you influence that with the experience factors in terms of structuring and organizing the force—

Senator CULVER. What is that, a 2½-war strategy or a 1½-war strategy, what is it?

Mr. TAYLOR. It is whatever is developed in the budget and authorization and appropriation process, which is based on the threat. That determines what the requirement is.

Senator CULVER. Well, what is the current operating premise, 1½ wars?

Admiral FINNERAN. It is essentially that, yes, sir.

Senator CULVER. And this is based on that?

Admiral FINNERAN. The Active Force projections that we are using today are a function of that, yes, sir, and they are a little below mid-range in the grade tables in the proposed bill in terms of total Active Force officer strengths.

Senator CULVER. But you aren't purporting here that these numbers in any way reflect what is required in terms of just a hard-nosed assessment of what military combat units you need to implement that strategy. You've got a lot of people stacked around, as long as they can justify what they are doing—that's the evidence that we've gotten here in a couple of days of looking at that.

Mr. BREHM. Well, there is no question that the scope of this whole effort, however complex this legislation, is confined to the officer personnel management problem. It is certainly my view—and I think many others share this view—that both we in Defense and the distinguished Members of Congress together can do a better job of relating military requirements to foreign national policy; but I look at this particular proposal in the following way.

Irrespective of how well we have justified our requirement for roughly 2.1 million people on active duty and around 1.3 million Ready Reservists, which is the military component of our national program which we project at 4 or 5 years, and we must have a mechanism that permits us to manage the officer program within those levels in some way that both is systematic and equitable.

If for example, a review of national security requirements were to dictate a major shift in the size of the active force, this very mechanism that we are proposing to the Congress is a device we need to permit

us to make that shift in requirements, whether it is up or down, in a way that makes sense with respect to personnel management. We need this device, whether we have a relatively constant force level or whether it is one that has to change, for whatever reason.

Senator CULVER. Are you measuring it against anything?

Mr. BREHM. Well, I think what you're saying—

Senator CULVER. What I sense you've done is that you've inherited this and you have tried to do a few things to help your overall management and eliminate some of the friction that you've got currently, but you've never really addressed the far more radical and fundamental and politically painful question of whether or not it makes any sense measured against the public interest and the national security requirements rationally defined.

Mr. BREHM. I think any time we have an opportunity to correct inequities or clean up a management process, we ought to take that opportunity, and I think we have—

Senator CULVER. Well, that's where I differ. I think we could clean it up without an official vote of congressional ratification that this makes sense as a comprehensive package and approach, and some of the basic premises upon which it is based. It is easy enough to pick and choose a few problem areas and deal with those on an ad hoc basis and not try to say that this satisfies the congressional intent of Senator Russell to get a more rational handle on this whole thing and make sure that it does relate responsibly and accurately to our security requirements and serves the public interest.

What about the cost implications of this, short term, long term? Have those been costed out?

Admiral FINNERAN. Yes, sir.

Senator CULVER. Are they part of the record that was made available to us?

Admiral FINNERAN. Yes, sir.

Senator CULVER. How about the flexibility in terms of building up and settling back. We talk about a total force concept, and much of this seems to fly in the face of that notion in terms of the separate reserve treatment.

Is it genuinely integrative in terms of being consistent with the total force concept, so that if you do have to escalate to emergency status, it makes sense the way you dovetail those?

Admiral FINNERAN. It makes sense to us, yes, sir, from a—

Senator CULVER. And by us, we are talking about the national security of the country.

Admiral FINNERAN. Yes, sir.

A follow-on package to this, which we would hope that the Congress would deal with in the new Congress, assuming DOPMA is passed, modifies management of the Reserve structure to parallel some of the features of DOPMA to enhance that integration.

Senator CULVER. How well integrated is this with other levels of military personnel management planning?

Admiral FINNERAN. Well, I'm not exactly sure what you mean by military—

Senator CULVER. Well, planning in terms of war contingencies and so forth?

Admiral FINNERAN. It would be perfectly consistent with our war plans.

Mr. BREHM. It contains the flexibility to deal with changes that the current system—

Senator CULVER. Lacks.

Mr. BREHM. Right. And it explicitly allows for a Reserve mobilization, describes how the Reserve officers would be treated for a period of 2 years, I believe it is, at which time the forces would be integrated or other action taken as appropriate. That contingency is covered, I believe, as well as it is possible to cover it.

Senator CULVER. The thing that really bothers me is that I don't sense that these grade limitations are related to any real requirements standard.

Mr. BREHM. I think they are, Senator. It is just that one has to look at the marriage of two systems, the objective system of building up requirements, which is an annual budgetary exercise, although we do look at it on a 5-year projection basis, and on the other hand, the personnel management driven system, which this really is.

What we do is look at those objective requirements that are developed in the manner that Secretary Taylor talked about earlier. We try to make sure that the grade structure, specific levels that come out of our personnel management program, are in reasonable harmony with the objectively derived requirements. But if it were the case that we dropped out 25 percent of the force structure in a year for whatever reason, this personnel management system gives us the flexibility to handle that in an equitable way, recognizing that we have people who have made a commitment to military service, and that we owe certain things to them, and that a period of adjustment, depending on how rapid the change in specific requirements is.

Senator CULVER. What are those interim and long-term cost figures?

Admiral FINNERAN. Based on the assumption that the force is stable in terms of size of the officer corps, the estimate that has been provided to this subcommittee reflects a very modest incremental cost in the first 5 years of implementation principally driven by the changes in the losses that receive separation pay. We are talking about \$19 million over a 5-year period out of a \$6.5 billion annual program, sir, which is the present level of pay and allowance costs for the officer force, not including retirement.

Senator CULVER. I'm going to have to go vote.

Admiral FINNERAN. That estimate doesn't include inflation.

Senator CULVER. What about the long term? What would be the short term and long term?

Admiral FINNERAN. In the long term there would be a savings, sir, because we expect to generate fewer officers on the retired rolls, with the long-term liabilities associated with retirement costs, and we would manage the force more austere in terms of the number of officers authorized in the senior grade, particularly under H.R. 13958, as compared to the current law.

Senator CULVER. I am going to have to go vote.

The subcommittee will stand in recess until Senator Bartlett returns.

[A brief recess was taken.]

Senator BARTLETT. Admiral, when we were talking earlier, I think we ended up on the separate handling of Reserve forces, and I just wondered if you see that as a threat to the total force concept.

Admiral FINNERAN. As a threat, sir?

Mr. TAYLOR. I would say it is a bonus to the total force concept.

Senator BARTLETT. Why?

Mr. TAYLOR. Because it will permit reservists to compete with reservists for promotion and for tenure instead of having reservists compete with regulars. Because the reservists will be covered totally under their own system. We will be submitting to the Congress for their consideration hopefully next year, the Reserve Officer Personnel Management Act. Both DOPMS and the reserve legislation will enhance the total force effort rather than hinder it.

Senator BARTLETT. Doesn't it limit the reservist if he is competing with the reservist and not able to compete with the regular?

Admiral FINNERAN. Under this proposal, the reservist who is on active duty in his first 10 years of service is competing with the regular. Those that are most competitive are continually being absorbed into the system and offered regular commissions. By the 11th year, that community of officers is envisioned to be all regular.

At the same time, there are safeguards that are intended to preclude unfair competition with respect to reservists who, for a variety of national security reasons, come on and off active duty for limited periods of time. We specifically preclude, for example, mobilized Reserves from being integrated into the common promotion list and being considered by the same promotion boards as the regulars in the interest of fairness to those Reserve officers who may not have had the assignment opportunities to become fully competitive with their regular contemporaries.

Senator BARTLETT. Would you elaborate on the argument you made about the reservists getting on and off of the active status?

Admiral FINNERAN. Yes, sir. A couple of examples. Conceptually there could be a requirement for certain skills which, either in time of crisis, or even in peacetime, we were not producing in the system. We would recall a Reserve officer to meet an immediate requirement of that nature.

If the requirement was of such a nature that it reflected a long term need that should be available in the career force structure, we would develop such a career skill and, if appropriate, create a special category for promotion control purposes to allow that special skill to be considered on a competitive basis within that professional group of contemporaries. That is provided for in the proposal, sir.

Senator BARTLETT. Isn't that the case now?

Admiral FINNERAN. It is not the case now in the sense that we have career reservists on board who are exposed because they are reservists when we are faced with substantial reductions in force. They face a double jeopardy in some instances, where, if they have only been aboard for a limited period of time when they are integrated into a promotion list, and they are faced with immediate competition with their regular counterparts. In other circumstances where we have tenure provisions that protect the regular, we are forced under the present system to send the reservist home and involuntarily separate

him. When we do, we terminate a career in terms of what he perceived to be a longer term interest in staying aboard.

Senator BARTLETT. Under the new proposal, could you call that reservist back after 11 years? My understanding is you could not, for special billet, at any rate.

Admiral FINNERAN. Yes, sir. There is a provision in this proposal that would provide an authority for special assignment recalls of reservists at any time. The concept assumes that the period of time that a reservist of those skills would be aboard on active duty would be relatively limited.

Senator BARTLETT. Would he be counted under the grade limitation?

Admiral FINNERAN. He would not be counted in the grade limitations, but he would be counted in the budget authorizations because he is on the payroll—his pay would be supported by the appropriate fund.

Senator BARTLETT. So he would be going above the limitations that had been established and adopted.

Admiral FINNERAN. In that special circumstance, yes, sir, but the numbers you are talking about are probably very modest.

Senator BARTLETT. I understand that mobilized Reserve officers would be segregated for promotional purposes during wartime, and that they would be promoted at a slower rate than their active duty counterparts.

Wouldn't this affect the Reserve officer morale, and therefore combat effectiveness during periods of war and emergency, and isn't this inconsistent with the thought expressed that they are being treated fairly with the regular officers?

I'll ask all of you, but anybody can lead off.

Admiral FINNERAN. In the present law, sir, there are differences in the way each of the services deals with this problem. In the case of the Navy and Marine Corps, the time at which officers become eligible for promotion in reserve status, not on active duty, is tied to the active duty system. In the case of the Army and Air Force they have differed from this point of view, and we have today significant disparities in the flow rates and opportunity for promotion of reservists compared to regulars. In some cases the reservist has an advantage, or a perceived advantage. In other cases the regular does.

One of the objectives of this bill is to standardize that process, get a greater degree of uniformity and similarity across service lines, and then in the next Congress we would hope to follow up with a Reserve counterpart bill to this, that would hopefully provide parallelism between the treatment of reserves in all four services with the treatment of regulars in all four services with respect to those kinds of opportunities.

Senator BARTLETT. I can understand, Admiral, sometimes the necessity of taking one step and then another step, but then you are saying that in a sense that because the Reserve officers would be promoted at a slower rate than their active duty counterparts, that should be adjusted subsequently.

Admiral FINNERAN. We believe so, yes, sir.

Mr. BREHM. Are you speaking about a Reserve mobilization, Senator, the promotion rate after reserves have been mobilized?

Senator BARTLETT. Yes, and mobilized Reserve officers would be segregated for promotion purposes during wartime, and they would be promoted at slower rates than their active duty counterparts.

Mr. BREHM. Well, I'm not sure about the rate at which they would be promoted, but I would like to emphasize something that the Admiral said earlier. For a period of 2 years, the Reserve officers' promotion system would exist side by side with the active duty promotion system, and that is designed to prevent their being treated in an inequitable way because of the difficulty they would have in competing for promotions if they were integrated into the active list. After a few years, presumably enough time has passed so it would be reasonable to bring them together into a single force, because for all practical purposes we have established a new level for the active force.

Is it true, Admiral, that for that 2 year period, under current law, at least, until we have a chance to revise it, that the Reserve system when operating on active duty would promote officers at a slower rate?

Admiral FINNERAN. In some cases, yes, sir. It does today.

Mr. BREHM. But we don't have a Reserve mobilization today.

Mr. TAYLOR. I must say, though, talking about mobilization, and if we mobilize the Reserves and that means that we are in some kind of a major conflagration, a substantial conflagration, this bill contains a 2-year provision. It may well be that once we are at war, we decide after a shorter period of time that some kind of better arrangement is desirable. We put 2 years in this bill because we didn't know what the nature of the war was going to be, what its requirements would be with regard to Reserves and so it seemed inappropriate for us to get very specific about exactly how that would work.

Admiral FINNERAN. I might add, sir, that the House Armed Services Committee in reviewing this proposal amended that provision in their bill to eliminate the 2-year rule and provide exclusion for the duration and six months thereafter.

Senator BARTLETT. So you're saying, then, all three of you, that you don't believe that this would affect the Reserve officer morale, and therefore their combat effectiveness during periods of war and emergency, or are you saying that if it did, then, you could remedy it with additional—

Admiral FINNERAN. It's a false issue, sir.

Senator BARTLETT. Why is it a false issue?

Admiral FINNERAN. Because the intent of this bill is to preclude the imbalances we have had in the past which have allowed windfall promotions for the regulars at the expense of the reserves in mobilization.

Senator BARTLETT. It seems to me because it would permit slower rates than the active counterparts, slower rates for the reservists, that it would create some inequities there, and that bothers me.

Admiral FINNERAN. Well, if you—

Senator BARTLETT. And that's why I don't see why you can call it a false issue.

Admiral FINNERAN. Well, if you had both systems simultaneously aligned, and all of the variables with respect to sizing the Reserve force and sizing the Regular force, and the patterns of distribution of officers, grade by grade, years of service, totally symmetrical, you wouldn't have any differences.

Because the real world doesn't reflect that kind of total symmetry in the system, there are differences today, and our proposal is a step toward a greater degree of control over the active career force, and in parallel with that, we would hope to build a Reserve system that can be as complementary to that as we can possibly make it, and treat the people as equitably as possible, under the principle of parallelism between the two subsystems.

Senator BARTLETT. Let me ask either one of the Secretaries if—how do the reserve officers associations stand on this?

Mr. TAYLOR. I believe they support it. I have never heard any criticism at all from those organizations.

Senator BARTLETT. Even though you may not have heard any criticism, do you know that they support it, that part?

Mr. TAYLOR. I could confirm that.

Do you know, Bill?

Senator BARTLETT. Do they support the total concept?

Mr. TAYLOR. Oh, indeed, yes.

Br. BREHM. I think that is a correct statement. We have never talked about this program except in the context of having a parallel proposal for the Reserve component, and so it has always been within that context that any remarks have been made, but I am sure that they support it. I can't recall someone actually making that statement to me, but I am sure that were that support not there, I would have heard about it.

Senator BARTLETT. You have the authority under current law to separate Reserve officers at 11 years of service. Why do you want Congress to require that you do that?

Mr. TAYLOR. We think it is unfair to the Reserve officers who are kept on into the period beyond 11 years but before they reach the retirement sanctuary, to take the burden of reductions in times of demobilization such as we have just gone through.

Senator NUNN. Senator Bartlett. There is a resolution, dated July 2, 1976, by the Reserve Officers Association opposing DOPMA. You may want to put this in the record.

Senator BARTLETT. I would ask that this be put in the record at this point. I didn't know when I asked the question that they had passed a resolution against it.

[The document follows:]

Resolution No. 76-48

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

OPPOSING DOPMA

Whereas, a sound personnel management system is the corner-stone that retains qualified and competent officers in the military service, and

Whereas, the Department of Defense is proposing major changes in military personnel management for both the Active and Reserve Forces, and

Whereas, many of these changes are contained in a legislative bill referred to as DOPMA, and

Whereas, this legislative proposal contains major changes to current personnel management systems, and

Whereas, such changes will among other things

(a) give the Service Secretaries greater latitude and authority in establishing the qualifications and requirements for promotion, and

(b) eliminate fully qualified officers, and

(c) reduce total service, for O-5's and below, from 28 to 26 years, and

(d) establish a best qualified promotion system, and

(e) remove recalled Reserve officers from active duty promotion consideration with their active duty counterparts, and

(f) may favor the active duty officer by affording him faster promotion opportunity vis-a-vis his reserve counterpart (even when recalled) if DOPMA has different time-in-grade requirements, and

Whereas, many other aspects of this proposed bill will take away many safeguards contained in the current laws: Now therefore be it

Resolved, That the Reserve Officers Association of the United States mandates its opposition to DOPMA in its current form. (See also Resolution No. 76-45 and 76-46)

Adopted by the National Convention 2 July 1976.

Attest:

J. MILNOR ROBERTS,
Major General, USAR Ret.
Executive Director.

Mr. TAYLOR. Let us see it, too.

Admiral FINNERAN. May I comment further on that?

Senator BARTLETT. Yes, sir.

Admiral FINNERAN. With the exception of that one resolution all of the other Reserve associations have supported this proposal. The Reserve Forces Policy Board, which is an advisory board to the Secretary of Defense with representation from all of the Reserve and Guard components, supports it. Some members of the executive committee of the ROA disagree, as I understand it, with that resolution. That was a floor proposition. It was sponsored at the last convention of the ROA, and was acted upon by the membership at the convention, in my judgment, without full consideration of the implications and a full understanding of what this proposal was all about.

Senator BARTLETT. I guess I would actually be surprised if they did fully understand what the bill is all about because I'm having—

Senator NUNN. It would be the longest convention in history. [General laughter.]

Senator BARTLETT. Let me, Mr. Secretary, ask you again, I thought you didn't really answer the question. You now have the authority under the current law to separate Reserve officers at 11 years of service. Now, having that authority, why do you want Congress to force you to do that when you can do it now, and if it is a good idea, why aren't you doing it?

Mr. TAYLOR. This proposal would require by the 11th year all officers to become Regular. That's the objective. The objective is not to—

Senator BARTLETT. Why aren't you doing it now? I understand the objective, if that is the objective of DOPMA, but if that is a good objective, why aren't you either—

Admiral FINNERAN. We have under present law strength limitations on the size of the Regular force. Legally the Army and the Air Force, at the present time, do not have the ability to absorb all the officers into the Regular force.

One of the proposals embodied in this legislation is to gain relief from those limitations since they tend to be artificial in terms of our management interests and somewhat antiquated in terms of what we believe to be national interests, sir.

Senator NUNN. I think our staff got different information from that.

Senator Bartlett, you can feel free to let staff comment on this point if you would like.

Senator BARTLETT. I would like to because I feel that even though you might have some complications, certainly from my understanding of it, you could proceed ahead with that program. You wouldn't be completely inhibited from doing it or prevented from doing it.

Mr. TAYLOR. The thing we are inhibited from doing, Senator, as I understand it, is we are inhibited from making Regular the reservists we want to make Regular. By repealing the grade tables on Regulars, we will be able to convert the reservists to Regular at the 11th year and keep them on as Regulars. It isn't that we are trying to get rid of any Reserve officers; it is that we are trying to make a larger proportion Regulars.

Senator NUNN. It is my understanding you never have pushed the ceiling on Regulars. You haven't gotten to the ceiling on Regulars now.

Admiral FINNERAN. I think in the Army and the Air Force we do, sir.

Senator NUNN. You do?

Mr. TAYLOR. I don't really understand the point.

Mr. FARLOW. The Navy has a large number of unused Regular vacancies today under current law.

Admiral FINNERAN. That's true.

Mr. FARLOW. As far as the Navy is concerned, then, there is no question that you could institute the DOPMA Regular force concept under current law.

Admiral FINNERAN. They also have the smallest proportion of reservists with any seniority. I believe their grades of lieutenant commander and above is 2 percent.

Mr. TAYLOR. So when they face a RIF, they don't face the problem that the Air Force and the Army face of having to single out Reserve officers with 12, 13, 14 years of service, RIF'ing them and keeping Regulars on who may not in all cases be the better officers.

Mr. FARLOW. In the case of the Army and the Air Force, I believe, there are lower statutory limits on the Regular officer strengths, but these limits are high enough to accommodate all the field grade officers in each of these services, if the services were not to appoint so many officers in their early years of service. If you were to use fully the statutory authority that you now have, all officers with over 11 years of commissioned service could be appointed to Regular grades.

Admiral FINNERAN. I think what you are suggesting is that we should stop commissioning officers initially as Regulars for *x* amount of time in order to absorb the Reserves that are in the structure with seniority, until such time as we had the capability to further add new input to the Regular force at the bottom.

Is that what you are suggesting?

Mr. FARLOW. I'm not suggesting it. I just say that there are enough Regular vacancies under current law to permit the appointment of all active duty officers with over 11 years service to Regular status.

Mr. TAYLOR. Well, wouldn't what the Admiral has suggested be required under your proposal?

Mr. FARLOW. Both the Army and the Air Force have approximately 10,000 unused Regular vacancies now.

Mr. TAYLOR. At what grades?

Mr. FARLOW. That's overall strength.

Senator BARTLETT. Total strength limitation.

Let me ask a question. Why do you favor preventing a Reserve officer from continuing as a Reserve officer after 11 years? What is the advantage of that? What are the disadvantages with the current system?

Mr. TAYLOR. The disadvantage is that he is the only one vulnerable to a RIF in the case of demobilization.

Senator BARTLETT. All right. Does he know that normally?

Mr. TAYLOR. Yes.

Senator BARTLETT. Then he must have some reasons that are overriding it, a more important thing than that if he remains as a Reserve officer.

So why is it——

Mr. TAYLOR. He hasn't been selected for Regular by board action.

Senator BARTLETT. But is it——

Mr. TAYLOR. And he is——

Senator BARTLETT. Do you feel, then, that after 11 years, if he hasn't been selected, that therefore he wouldn't be qualified to serve, or——

Mr. TAYLOR. Well, current law in the case of a reduction in force requires us to RIF the Reserve officer. We cannot do that to a Regular.

Senator BARTLETT. So you are talking about a person who wants to be a regular.

Mr. TAYLOR. Yes, sir.

If he becomes a Regular, he gets that same protection.

Senator NUNN. Well, let me ask you one point, if the Senator will yield on that.

Once you get everybody to be Regulars, how do you RIF anybody?

Mr. TAYLOR. Through selective continuation.

Mr. BREHM. Which is another feature of DOPMA.

Senator NUNN. Who do you knock out?

[The information follows:]

One of DOPMA's selective continuation features will permit us to separate certain of our O-5's and O-6's earlier than their respective mandatory retirement points of 26 and 30 years. To be more specific, we can consider O-5's for continuation, or discontinuation, if you will, at the point they have twice failed of selection to O-6, which, under DOPMA, is at approximately their 2d year. Officers in the grade of O-6 can be similarly considered when they have served at least 4 years in grade, which would normally occur at about their 26th year. This means when we are faced with force reductions, we will have the flexibility to separate officers in either of those grades up to 4 years earlier than we can under current law.

Senator NUNN. How about O-4's?

Mr. TAYLOR. O-4's, where do they come in?

Admiral FINNERAN. O-4's would be separated if they have less than 18 years of service at the time they were twice failed of selection for O-5.

Senator NUNN. In other words, a group of people, from the time they get to be regulars at 10 years until they have 18 years, you could RIF them, no matter what?

Admiral FINNERAN. No. Let me answer the question this way, sir. If we had an ideal distribution of officers throughout the years of service spectrum from second lieutenant to colonel, and from ensigns to captain in the Navy, and the DOPMA proposal was in effect, and we were in a position where we were fully utilizing the grade authori-

zations provided in DOPMA, and if you then said, reduce the force, with normal losses through both voluntary losses and the maximum authorities for generating involuntary losses that would then be available to us in DOPMA the maximum rate mathematically, at which we can reduce the force without creating promotion moratoriums is approximately 7 percent per year.

So conceptually, provisions in this law, starting from a stable baseline, provide for a rate of decline of the career force structure at about a 7-percent rate.

Mr. SULLIVAN. That's under the DOPMS grade structure, after some 30 years, if everything were held constant.

Admiral FINNERAN. If everything were filled up——

Mr. SULLIVAN. Right.

Admiral FINNERAN. And you were operating a stable system with ideal distribution.

Mr. SULLIVAN. But what if you start with your current force structure, with the current imbalances that you're got? In other words, you don't have the idealized thing that you are describing now, nor will you have it for some great period in the future.

Admiral FINNERAN. Under DOPMA or under present law?

Mr. SULLIVAN. I'm saying under DOPMA and with the present force structure, the grade structure that you have, what is the rate of decline under the same set of circumstances?

Admiral FINNERAN. Probably a little bit greater than that, because we are operating today slightly under the grade limits that are proposed in the DOPMA table.

For comparison, if you said what is your maximum rate of decline that you can accept under present law, it is less than that, unless you are willing to totally sever the Reserve officers throughout the system with particular emphasis on the heavy mix of Reserve officers that are in the Army and Air Force field grade structure.

Mr. SULLIVAN. Well, when you say it is less, you mean treating the Reserves that are now on active duty as Regulars.

Admiral FINNERAN. Right, treating the Reserves that are now on active duty with the same equity that we treat the regulars, it is less than DOPMA.

Senator NUNN. May I ask one general question here. Secretary Brehm testified several times—and I'm not quoting you directly, but basically as I understand the prior testimony, you testified that lengthening the average service of military members increases force effectiveness and saves money.

Is that generally true?

Mr. BREHM. Lengthening the——

Senator NUNN [continuing]. The average service of military members increases force effectiveness and saves money.

Mr. BREHM. Well, that probably was in the context of the enlisted force primarily, and in the context of first termers.

Senator NUNN. You don't agree with that as far as basing it on officers.

Mr. BREHM. It is more difficult to guess, in this sense, since it depends obviously on the grade structure, pay rate and so on. I don't think I could generalize.

Senator NUNN. As to the effectiveness or the money?

Mr. BREHM. I think one would have to look at some specific alternatives and make comparisons.

Senator NUNN. Well, the puzzling thing about this proposal in terms of the beginning premise was more flexibility, but there probably is more flexibility in some areas, but in other areas there is lot less flexibility. For instance, O-3's would serve only 11 years under the DOPMA proposal, instead of 14 or 15 now under current Army and Air Force law, and Reserve officers would be forced out by law after 11 years of commissioned service. Under current law, they can serve as long as they are needed. O-4's would be forced out after 16 years of service, they now serve until completion of 20 or 21 years. O-5's would be forced out after 26 years of service. Current law permits Air Force and Army O-5's to serve 28 years. So in all of those instances which deal with the O-3's, O-4's, and O-5's, it seems to me you've got less flexibility, more rigidity, and less management overall discretion.

Mr. BREHM. Well, the examples you cited, sir, are principally the permanent provisions of Army and Air Force law today with respect to tenure. For practical purposes of controlling the grade, and the pay they draw those provisions in the permanent law don't control the structure. It is the temporary promotion process that principally controls the cost and the effectiveness of the structure.

Senator NUNN. Whatever it is, I am comparing the current practices with the DOPMS proposal which would not allow that flexibility.

Admiral FINNERAN. When the Officer Personnel Act of 1947 was originally structured, the perspective in the context that Senator Culver was talking about earlier was that we were going to return in the post-World War II era to a relatively small permanent standing force.

As we started in the post-World War II era toward that direction, the concept for promotion flow presumed that we would very rapidly retard rates of promotion flow and opportunities to the levels that would in fact make those permanent provisions for tenure work, as practical controls over the total system.

From June of 1950, when the North Koreans ran across the border until today, we have never redirected our purpose in terms of sizing the career force structure back to that kind of a concept of operation. We have been maintaining, in contrast, as you know, sir, a 2-million-man force, and our average force structure for the past 25 years has been in excess of 2½ million with peaks up to 3.6 million. This has met expectations of being able to manage a total system operation back to those implied levels of promotion flow and the effectiveness of those tenure points with respect to large segments of the force have just never been achieved, and have never been realistic over that time frame.

Senator NUNN. Well, the point is, though, we haven't gotten to the point of the question yet. I am sure there are all sorts of explanations and reasons for where we are now, but let's accept we are here now, and where we are right now is O-3's can serve 14 or 15 years without being terminated.

Admiral FINNERAN. Fourteen years, sir.

Senator NUNN. Under the proposed DOPMS it would be 11 years. Under the situation right now, the Reserve officers can serve as long as they are needed; under DOPMS, 11 years. Under the present law, O-4's, 20 to 21 years; under DOPMS, 16 years. Under the present law, O-5's, 28 years; DOPMS, 26 years.

Is there anything inaccurate about any of those?

Admiral FINNERAN. The reference to present law pertains to the Army and Air Force only.

Senator NUNN. Well—

Admiral FINNERAN. But the promotion expectations and the promotion flow rates were all different in the conception that was in the design of that system.

Senator NUNN. I agree with that.

Admiral FINNERAN. The size of the force was a completely different proposition. The loss rates—

Senator NUNN. Now, the size of the force, as you testified earlier, under DOPMS, you presume the size of the force is as authorized now, so those two functions didn't differ.

Secretary Brehm testified, to begin with, about more flexibility, more management, and so forth, but in almost every instance of major importance—when you get away from the rhetoric, and down to the application and really get into it—they are almost totally, diametrically opposed.

There is less flexibility here. What you are calling on Congress to do is to tighten up in most areas to give you less flexibility. You are not calling for a revision of the up or out system as some people have called for, to keep people a little longer if they are skilled; just the reverse. It is a great intensification, as I see it, of the up or out policy, which is diametrically opposed to what a good many people think should be done, including some people who have occupied the highest positions in DOD, including Admiral Rickover and others.

It just seems to me that the substance of it goes in the opposite direction from what your avowed purposes are.

Another instance—and you can respond to this, too—is that there is a whole group of people, Reserve officers who served in Vietnam, young officers who a couple of years from now, if we pass this legislation just like it is, are going to be terminated just like that. They are now captains, and it just seems to me that it is terribly unfair. These people think they are going to make a career out of the service. They were called in during a period of war, and all of a sudden, by law, with no flexibility at all, 2 years from now, bang, they are gone.

I am sure somebody in DOD will say Congress made us do it.

Admiral FINNERAN. Mr. Chairman, with all due respect, our projections don't suggest anything as dramatic as that in terms of termination of the reservists at the 11th year—

Senator NUNN. Let me ask Mr. Farlow to give us his view on that point, and you can respond to it.

Come on up here, if you would, and sit in this chair.

Senator BARTLETT. Do you want to use this testimony here? It has it about halfway down.

Mr. FARLOW. Do you plan to RIF any reservists at the 11-year point? What do your projections show on that? Will all Reserve officers get Regular commissions if they want them at 11 years?

Admiral FINNERAN. I don't have that data immediately at my fingertips, sir. It is someplace in the book.

But first of all, all of the officers who have between zero and 9 years of service would be considered by continuing boards for eligibility for integration into the Regular force throughout that entire 11-year spectrum, or 9-year spectrum.

For those officers in the 9th to 11th year, we have a 2-year transition period in which there would be intensified reviews of the officers who would be eligible and must be treated with in that transition period.

Now, there are two things going on at once. There is an augmentation review process which is special board action, and also promotion controls for which these officers are eligible. Potentially you are going to have some attrition as a result of promotion failures. If the promotion flow, for example, is in the 10th year from grade O-3 to grade O-4, with an 80-percent promotion opportunity, you are going to have 20 percent of the people who will fail of selection.

Now, if included in that group there are reservists who are eligible for promotion and who fail the promotion, the fact that they failed the promotion once is an indicator, they would be failing the promotion twice before they would be subject to separation.

Mr. FARLOW. Well, that's true under the current law.

Admiral FINNERAN. That's under current law and that's under DOPMA. But now—

Senator NUNN. But could you assure the subcommittee that you wouldn't RIF any Reserve commissioned officers by virtue of this provision that requires the elimination of Reserve commissioned officers after the 11th year?

Admiral FINNERAN. That we won't RIF any? No. The numbers that will be RIF'd will be relatively small if you assume that we are going to have a stable strength structure.

Senator NUNN. Well, assuming a stable end strength, then, when you get to the so-called Vietnam hump in the 11th year, how many are you projecting will be terminated then?

Admiral FINNERAN. I will provide that for the record, sir.

[The information follows:]

The "all-Regular at eleven" provision will not result in substantial numbers of Reserve officers being involuntarily separated.

During the 2-year transition period Reserve officers having over 9-years commissioned service will be considered for regular status. The Secretary of each service will have authority to waive certain requirements for regular appointments, in order to provide equity for career Reservists. Current plans call for essentially all Reserve officers who have been promoted to O-4 or above to be offered a regular commission. A possible exception would be those officers who will be in the "sanctuary" (over 18 years of total service) at the end of the transition period. These officers would simply retire at 20 years of service. In addition, all Reserve officers may not be considered qualified for regular appointment; therefore a small number of Reserve officers may not be offered regular status and will be involuntarily separated. This number is estimated at approximately 200.

With respect to management of the Vietnam "hump," the services have been taking actions over the past 5 years to reduce that "hump." It is anticipated that it can be managed and, to some extent will be used to offset shortages in other year-groups. There may be slightly lower promotion opportunity or later promotion points for these year-groups in some services, but the same management initiatives exist with or without DOPMA. This assumes essentially a stable officer end strength for the next few years.

Senator NUNN. Well, I mean, are we talking about a lot of people? Admiral FINNERAN. No.

Senator NUNN. Are we talking about 100, 1,000?

Admiral FINNERAN. You're talking about a nominal maximum of around 200 officers.

Senator NUNN. Is that over 5 years, Admiral, or is that—

Admiral FINNERAN. No, I'm talking about within the 2-year transition period.

Senator NUNN. When these humps come up and come through there during the next 5 years, how many Reserve commissioned officers do you think would be RIF'd?

Admiral FINNERAN. I would have to look at the Army's inventory in detail.

Senator NUNN. And the Air Force, too.

Mr. TAYLOR. Isn't that independent of whether or not DOPMA is passed?

If you have a hump problem, you have a hump problem.

Senator NUNN. That's right, but you are passing the hump to Congress to—

Mr. TAYLOR. Not at all, not at all.

Senator NUNN. You could have the hump without this. What this does is freeze it in and says that as a matter of law they will be separated. Right now they are not separated as a matter of law, so you've got more flexibility. This is another instance where you are reducing your flexibility.

Mr. BREHM. No, sir, we would not blame the Congress for doing it under DOPMA. We would blame the Congress for cutting our end strength, and forcing us to do it during the appropriation—

Senator NUNN. Oh, now, that certainly takes care of that problem. [General laughter.]

Admiral FINNERAN. No, my point, sir, is that we have—

Senator NUNN. You're assuming a stable force structure.

Admiral FINNERAN. Sir, we have a hump problem whether we have DOPMA or not.

Senator NUNN. That's right, but now you have discretion not to terminate all those people.

Admiral FINNERAN. No, we don't, not if we have the end strengths to meet. We have to meet the end strength. We have to get rid of them one way or the other.

Senator NUNN. The end strength doesn't say you have so many. I mean, the end strength doesn't affect the grade structure. They are two different things. It affects the grade structure, but it is not going to drive this hump to the point where you don't have any discretion.

Admiral FINNERAN. Yes, sir, it creates a very difficult management problem for us if we have a hump and we are faced with a reduction in the grade structure.

Senator NUNN. Are you saying you're not going to lose any flexibility under this proposal vis-a-vis the management of that hump?

Mr. TAYLOR. We are going to gain flexibility, sir, in terms of the management objectives, as I mentioned earlier, in terms of our ability to use a greater variety of management tools to deal with a problem like that. We will have more flexibility in DOPMA than we have

today. We can spread the effects, if you will, and we can be more qualitative with respect to the choice that we make in the kinds of management tools we exercise.

For example, sir, the selective continuation authority for senior grades is a feature that we don't have in present law. The elimination of guaranteed tenure for officers in grade O-4 provides a vehicle that if necessary, under these kinds of severe conditions and within the context of DOPMA you can use to reduce strength. From a balanced point of view, you can consider all officers that are eligible for promotion, Reserve and Regular, or all Regular in this instance, if you were beyond the transition point, in a way that provides equity to the system and provides from a management point of view the ability to retain the best qualified of the officers that are under that review.

Mr. SULLIVAN. If I can ask a question. How is that different from what you've got now? In other words, what you are saying is you just selectively fail—

Admiral FINNERAN. Well, one of the differences is that majors, as the Senator pointed out a few minutes ago, get guaranteed tenure if they are regulars. The reservists don't, so you've got a career reservists, if you will, alongside a regular major, and if we are faced with a severe strength reduction we have no choice but to involuntarily separate the Reserve major under those conditions.

Mr. SULLIVAN. Why can't you simply fail for promotion the way you talked about under DOPMS, fail captains and majors for promotion.

Admiral FINNERAN. We can and we do. You have the flexibility to adjust both the promotion flow rates and the attrition that you impose at each of the promotion points, within reasonable limits, and the law requires a reasonable opportunity for successive groups of people coming up for promotion. So you cannot, under the DOPMA proposal, nor under present law for that matter, dramatically change our attrition rates from year to year without conducting a 5-year study that assures that there is some concept of equitability in the way you allocate that process of potential loss.

For example, if you offered 80-percent promotion opportunity in 1 year, you couldn't turn around in the next year and, in the absence of an overriding requirement to go further, reduce that promotion opportunity to 50 percent just arbitrarily and capriciously. The operation of the 5-year plan process requires a degree of regularity in that estimation process.

Mr. TAYLOR. In that sense there is a constraint on management, but it is one designed to protect the equity aspects of the personnel system.

Senator BARTLETT. Admiral, you testified earlier before this committee in connection with the Reserve officers facing the 11-year limit. Our modeling efforts in the design of the system indicate that under steady state conditions, approximately 6 out of every 100 Reserve officers that enter active duty face involuntary separation. The other 94 out of the 100 Reserve officers would either be augmented as Regular and leave active duty or be separated by virtue of being twice failed in selection.

Would that mean that there would be 6 percent per year of the officers facing involuntary separation?

Admiral FINNERAN. No, sir.

Senator BARTLETT. What does that mean?

Admiral FINNERAN. Every 100 officers that come in, 6 percent of them will run up against this problem. The others it will not affect.

Mr. BREHM. At some time.

Admiral FINNERAN. Right, at some time—this is a—

Senator BARTLETT. This says 6 percent would face involuntary—

Admiral FINNERAN. Of every 100 officers coming into the force.

Senator BARTLETT. Why did the Admiral say it wasn't 6 percent?

Admiral FINNERAN. Well, that is not the same as saying 6 percent of the captains will be released for failure to make Regular, because prior to that time there will be substantial attrition.

Senator BARTLETT. What is it saying, 6 percent of—

Admiral FINNERAN. Of the second lieutenants coming into the force.

Senator BARTLETT. All this is saying is that 6 percent of the second lieutenants, 6 percent of all the Reserve officers coming into the force?

Mr. BREHM. Yes, sir.

Senator BARTLETT. This is not talking about the Reserve officers who have the 11-year limit?

Mr. TAYLOR. They face separation for that reason.

Senator BARTLETT. Another question I have is if all active duty officers were Regular, above the grade of O-3, how would O-4's be reduced in number during a reduction in force?

Admiral FINNERAN. Well, first of all we would exercise promotion constraints into the grade, to the maximum extent that we could.

Second—

Senator BARTLETT. What does that do to a person's record?

Admiral FINNERAN. What does it do to his record, sir?

Senator BARTLETT. Yes.

Admiral FINNERAN. You mean if he has failed a selection?

Senator BARTLETT. Well, if you impose restraints for reasons other than just normal reasons to fail a person, is there a difference?

Admiral FINNERAN. We don't impose these constraints just for arbitrary reasons to fail a person, sir.

Mr. BREHM. You can reduce the number of officers eligible for promotion. We can look at 50 instead of 100 officers.

Admiral FINNERAN. We can make reductions by controlling the flow of people into the promotion zone, retarding that flow equitably, and we can also adjust along the lines I suggested to Mr. Sullivan a moment ago, the rates of opportunity for promotion. The rates that are expressed in the justification for DOPMA are analytically derived rates that in no way imply that they are the guaranteed rates of promotion flow or promotion timing. They are subject to adjustment based upon needs and conditions such as you described, sir.

For example, constructing the grade tables, the numbers in the grade tables are a derivation of a series of mathematically run models that have incorporated in them as basic assumptions the promotion flow and the promotion timing rates shown on this colored chart which I believe you have, Senator.

They are not rigid. They are subject to administrative adjustment, based on the 5-year plans of vacancy that we can anticipate occurring in the next higher grade, and the size of the force, and the ceilings that the grade table imposes as a maximum.

Mr. FARLOW. You can do that for lieutenant colonels, O-5's and O-6's as well, can you not?

Admiral FINNERAN. We can do that for every grade.

Mr. FARLOW. Why do you need selective early separation authority for O-5's and O-6's but not for O-4's?

Admiral FINNERAN. Because in the case of O-5's and O-6's, once you have an officer in that grade, we are committed to keep that officer, by the tenure rules, until, in the case of an O-5—

Mr. FARLOW. Yes, I know, but you could reduce strength in those grades by delaying promotions or cutting opportunity, and that would cut down the numbers. That's the method that has been described.

Admiral FINNERAN. Oh, yes, no question about it, but there is a limit to our capability to do that. What we are looking for is a modest additional opportunity, or tool, if you will, that in the face of a severe reduction in force gives us the additional authority to reexamine under special board circumstances, officers who are already serving in those grades, to determine whether they should be continued or not. That authority is limited to now greater, in this proposal, than 30 percent of the eligible officers that would come up for that kind of consideration, and that is a permissive rule. It is not a mandatory rule.

The Secretaries of the military departments are not required to exercise this authority every year. It is intended primarily as a reduction-in-force tool to generate additional vacancies when they are needed.

Mr. FARLOW. You need that authority for O-6's and O-5's, but you don't need it for O-4's?

Admiral FINNERAN. Oh, we need it for O-4's, too.

Mr. FARLOW. But you don't have it in DOPMS.

Admiral FINNERAN. We have it in DOPMS in an inverse way.

What we have done in DOPMS is eliminate tenure for majors and lieutenant commanders in the regular force. We have removed the guarantee that Regulars will stay for 20 years.

Mr. FARLOW. Aren't you going to continue majors until 20 years?

Admiral FINNERAN. We have a continuation proposal in DOPMA that provides an authority for the Secretary of the military department to look at officers who have been twice failed of selection for promotion to the grade of lieutenant colonel and commander. This is for purposes of continuation on through 20 years, when there is a need and a skill requirement. This is to be determined by separate board action and approved by the Secretary.

Mr. BREHM. It seems to me it is perfectly reasonable to have a device that permits us, during a period of reduction in force, to reach across the entire spectrum of the officer population. We do not have that today, and Mr. Chairman, that is where the concept of flexibility comes in.

Mr. FARLOW. And you won't have it in DOPMS either, Mr. Secretary.

Mr. BREHM. Why is that?

Mr. FARLOW. Because you don't have the authority to reduce the numbers of O-4's, just as O-5's and O-6's.

Admiral FINNERAN. We do if they are twice failed at promotion to the next higher grade.

Mr. FARLOW. And you have that authority now, of course.

Admiral FINNERAN. We don't have it in O-5's and O-6's.

Mr. FARLOW. Well, you can stop promoting to those grades. That reduces their numbers by the number of normal losses. That was what you were suggesting in the case of O-4's.

Admiral FINNERAN. I said our first option when faced with a reduction in force is to examine the proposition of slowing down the promotion flow, in order to avoid the backlog, if you will, of building up the grade structure, and to meet the reduced grade ceilings; if it is necessary for us to create additional losses over and above the normal losses we can anticipate from voluntary separation, death, and normal promotion attrition, we have two options. We can reduce the promotion flow and we can increase the promotion attrition.

To go back to Senator Bartlett's point, we don't like to increase promotion attrition any more than we have to. Attrition for attrition's sake is not our objective. The only reason we are faced with promotion attrition is because we have an imposed set of grade constraints that preclude the ability to provide a reasonable opportunity and flow of officers through the total structure.

By their basic nature, officers as a general rule—and this is a generalization—want to stay in the system. When they become career committed, they want to stay in the system. If you want to control the size of the structure and the numbers in grade in the structure, you have to have a force-out mechanism to remove officers from the system. That is what forced attrition is all about.

Mr. BREHM. And not just to keep the grade structure under control. It is a matter of managing the force to keep the best people in it.

Mr. FARLOW. Well, Mr. Secretary, during all of the RIF's we have had, officers in the grade of major have been involuntarily separated, and I can't understand why this would not be necessary in a future RIF.

Mr. TAYLOR. If they have been passed over twice we can.

Mr. FARLOW. Yes, but that is a small number per year, and that does not distribute officer losses among the various year groups as Secretary Brehm has testified is desirable. That only affects one year group.

Mr. TAYLOR. Why would it hit only 1 year?

Senator NUNN. When the RIF comes up, you've got to do it then.

Mr. FARLOW. Those twice-failed officers are concentrated in a single year group.

Mr. TAYLOR. Because they get into the sanctuary zone?

Admiral FINNERAN. Well, this goes back to the point I made earlier to Senator Nunn. If you look at all the options in the total system, we end up with a greater capability to absorb a RIF management problem on the order of 7 percent per year than we have under today's laws.

Mr. FARLOW. In the grade of major?

Admiral FINNERAN. I didn't say the grade of major. I said in the total structure.

Mr. FARLOW. My question referred to O-4's.

Admiral FINNERAN. What we are trying to do for all practical purposes is avoid the severe effects on the grade of major by being able to

spread that impact throughout the total structure, to keep a weather eye on the qualitative characteristics of the force that we are interested in so that we can maintain the quality of the force across the total spectrum. We have an imbalance in today's law in that we have a very difficult time getting at senior officers because of the tenure rules, and we find ourselves in the awkward position in a RIF of having to frequently RIF young officers who have an interest in staying on in the service. Among these there are those for whom there is a significant potential in terms of their utility in the future, and for whom we have made a fairly significant training investment. It is out of balance in that sense.

Mr. FARLOW. Well, let me just ask this question and that will clear it up for me.

Will you have more or less authority to RIF majors after DOPMA is passed?

I'm talking just about O-4's.

Admiral FINNERAN. If you assume——

Mr. FARLOW. Now you can RIF Reserve O-4's, but you wouldn't be able to do that under DOPMA.

Admiral FINNERAN. That's right. That's the key to it. You have a mix in the grade of major today that has a fairly significant number of Reserve officers in it. We would not have that under DOPMA.

Mr. FARLOW. And there is no substitute in DOPMA to counterbalance that loss of authority.

Mr. TAYLOR. We wouldn't need to reduce majors——

Mr. FARLOW. It has always happened in previous RIF's.

Mr. TAYLOR. That is because we were unable to——

Admiral FINNERAN. That is where we have gotten the greatest degree of criticism, and we are trying to remedy that.

Senator NUNN. Well, you remedy it, though, by reversing it, don't you?

Mr. TAYLOR. No, by spreading out the problem to more grades, to the higher grades as well.

Mr. FARLOW. That doesn't get at the grade of major, though.

Mr. TAYLOR. We have gotten too much at the grade of major in the past, and we have been criticized for that. Reserve majors, as you just said, have received the brunt of the action during the periods of reduction. We don't think that is equitable. We are surprised that you do. We want to spread the problem out. We think that there ought to be an opportunity to——

Mr. FARLOW. I think you will have a need to reduce officers in the grades of colonel, lieutenant colonel and major if you have a future RIF. You have always had that need before.

Mr. TAYLOR. We can do that under DOPMA.

Mr. FARLOW. Well, I disagree, but I may be wrong.

Senator BARTLETT. How can you do it?

Mr. TAYLOR. We separate majors twice passed over. We separate lieutenant colonels twice passed over. We separate colonels with 5 years in grade through a board action. Now we can't do the latter. We can just do the first.

Senator BARTLETT. You can do the first two now.

Mr. TAYLOR. The first one. We can separate majors, Reserve majors.

Senator BARTLETT. What can't you do now?

Mr. TAYLOR. We cannot separate lieutenant colonels and colonels. Senator BARTLETT. Would you explain to me the tenure provisions at the present time and the tenure provisions in DOPMA?

Mr. TAYLOR. Admiral Finneran.

Admiral FINNERAN. Yes, sir.

As Senator Nunn pointed out earlier, in the permanent promotion laws which are in effect at the present time, in the Army and Air Force, majors can stay—have tenure until 21 years of service.

Senator BARTLETT. When you get tenure is what I am talking about.

Admiral FINNERAN. When you make major, you have tenure to 21 years of service in the Army and the Air Force.

Mr. TAYLOR. Permanent major.

Admiral FINNERAN. Permanent major.

When you make permanent lieutenant colonel, you have tenure to 28 years of service. When you make permanent colonel, you have tenure to 30 years of service.

In the Navy and the Marine Corps, under their promotion system—and it applies whether it is temporary or permanent promotion, in this case—the lieutenant commander, who is comparable to the major, has 20 years, and the commander or the lieutenant colonel in the Marine Corps, has 26 years, and the captain, or the colonel in the Marine Corps, has 30 years. So there are differences between the Army-Air Force system and the Navy-Marine Corps system of 1 year at the present time at the grade of major, and 2 years at the grade of lieutenant colonel; and the additional difference is that in the Navy and Marine Corps it applies whether it is a temporary promotion or a permanent promotion in contrast to the Army-Air Force system which applies to the permanent promotion system only.

This proposal, DOPMA, would make all four services uniform with respect to the tenure rules, and the rules that would apply, starting from the top, are 30 years for captains and colonels, 26 years for commanders and lieutenant colonels, and provided lieutenant commanders the grade of major and lieutenant commander who have been twice failed for selection and promotion, they would have tenure to 20.

There is a special provision with respect to majors and lieutenant commanders that provides secretarial authority to continue officers in the grade of major and lieutenant commander who have been twice failed of selection until they have 20 years of service. This would be based on the needs of the individual service.

Senator BARTLETT. When would an officer obtain tenure under DOPMA?

Admiral FINNERAN. As soon as he had 18 years of service, regardless of grade.

Mr. FARLOW. When he obtains a regular commission, wouldn't he, Admiral? A regular officer has tenure when he becomes a second lieutenant, subject to his probationary period.

Admiral FINNERAN. Well, as a regular officer, he is subject under present law to a probationary period of 3 years; an ensign or second lieutenant is subject to dismissal at any time for cause during that 3-year period. Once that 3-year period has passed under our current promotion flow, he is a lieutenant junior grade or first lieutenant, to which he has been promoted on a fully qualified basis as opposed to an attrition process through a promotion board.

The next point at which the system would have an effect on him is when he comes up for promotion for lieutenant or captain before a promotion board. The intent of DOPMA is to exercise a 5 percent nominal attrition at that point, which would mean 5 out of 100 officers who came before the board would potentially fail of selection for the first time. After their second failure of selection, they would be subject to separation, which would nominally be at their sixth year.

For the survivors, those 95 percent selected for promotion at that point, their next point would be approximately the 10-year point under the DOPMA proposal. We analytically estimate in the construction of the grade tables, an 80 percent promotion opportunity. This means that 1 out of 5 would fail of selection at that point, and when they failed the second time, they would be subject to separation. That is at approximately the 11-year point.

Mr. FARLOW. With respect to tenure, though, the Regular officer, after he's promoted, would have tenure up to the next point, and the Reserve wouldn't have tenure. I think Senator Bartlett made that point?

Admiral FINNERAN. Well, that's right. The lot of the reservist today is subject to the administrative controls with respect to the strength projections and the need for that officer to be continued on active duty. He could be separated at any time in the absence of a contract, and we do have some officers under contract for extended terms like 2, 4, and 5 years. In the absence of that kind of an administrative contract commitment, he is subject to separation in the face of changes to the structure and changes to the skill mix and the requirements of the services. This is one of the problems we are trying to get away from with respect to the career interested reservist.

Senator BARTLETT. Is it correct that the time spent as a Reserve officer would be counted as probationary period under DOPMS but is not counted under present law?

Admiral FINNERAN. I think you could say it has the effect of being a probationary period because until such time as he is integrated into the regular career force, he faces the 11-year vulnerability problem under DOPMA.

Senator BARTLETT. At what point does a new officer pass over his probationary period and assume tenure, under the present law? Is it 3 years? And under DOPMA is it going to be five?

Admiral FINNERAN. An officer who is tendered a Regular appointment, has a 3-year probationary period by law in all services today. Under DOPMA we propose to change that to five.

Senator BARTLETT. In other words, that would be like an academy graduate would have 3 years after his graduation and his Regular commission as a second lieutenant or ensign.

Admiral FINNERAN. That's correct. The reason for our proposal to change that to five is to make it more consistent with the longer commitments we are experiencing, and with the training investments that we have made in those officers. The probationary clause would also apply to all officers accessed from programs other than the academies.

Senator BARTLETT. During the late 1960's when there was a lot of turmoil on the campuses, one of the strong suggestions that the students had was that their professors, having tenure generally at five years, resulted in a faculty that was not as energetic, not as innovative

and as competent as they felt would take place if the tenure rules were changed so that there was less tenure, less security.

Is that part of the reason that you moved from 3 to 5?

Mr. TAYLOR. I think that to make the transition from the academic world to the military in the use of tenure is not totally accurate.

A university professor who gets tenure has a permanent job until retirement. What we are talking about in terms of this probationary period is that a man or woman moving through the system must continue to get promoted. Otherwise he or she is liable to separation. A university professor does not face that same liability.

Senator BARTLETT. Right.

Senator NUNN. So it is a qualified tenure.

Mr. TAYLOR. It really is. It is a tenure contingent upon further promotion, whereas a professor can stay an associate professor with tenure for life.

Admiral FINNERAN. If I may amplify that point, sir.

Senator BARTLETT. I would like for you to.

Admiral FINNERAN. A military officer in today's system, given the differences between today and the DOPMA proposal, faces the sword of Damocles every 5 years, at a minimum. He does not have permanent license to commissioned status for life. That is what the promotion-attrition process at every step is about. The more senior an officer gets, the more severe the effects are.

When you are running officers in the grade of lieutenant colonel and commander up to colonel or captain, today, you are exercising between 40 and 50 percent attrition. That means 5 out of 10 or 4 out of 10, at least, are not promoted.

Senator BARTLETT. Why did you move from 3 years to 5 years in DOPMS?

Admiral FINNERAN. We moved from 3 years to 5 in the interests of trying to get a greater degree of symmetry—constant with respect to the longer commitments that officers enter into when they are initially commissioned for training.

For example, in some of our training programs, like aviation, and our nuclear propulsion program—they are 2-year training programs—it is unfair to an officer to try to measure his total quality and make an assessment of his worth to the service during the period of time when he is in a training status. It is in our interest to get him in a position where he is functionally serving, and to have him in that position for an adequate period of time before you impose that kind of penalty.

Our experience has been that the number of officers who face that penalty, the loss of tenure, if you will, with respect to the impact of the probationary period, were relatively few in number. We are not talking about large massive losses of officers here. We are talking about officers whose character and performance breaks down.

Senator BARTLETT. Changing the tenure from 3 years to 5 years doesn't affect, does it, the time at which the officer faces the moment of truth as far as advancement and hence the possibility of leaving the service, does it?

Admiral FINNERAN. The two are not necessarily synonymous. The young officer coming out of any one of the procurement programs as an ensign or second lieutenant today is normally eligible for promo-

tion to first lieutenant after 2 years and is still within the probationary period.

Senator NUNN. Let me interrupt for just a minute. I am not going to be able to come back, but I think the hearing should continue.

Senator BARTLETT. I am just about finished.

Senator NUNN. Do you want to come back and ask some more questions?

Senator BARTLETT. It would seem to me on this point that the extra time would give you a longer period to assess the officer involved.

Admiral FINNERAN. That is the objective, sir.

Senator BARTLETT. I was going to ask you what you meant by symmetry, but if you could provide that for the record, I would be interested in what you meant.

What I wish you would answer is what if any changes in the retirement system would be necessitated by DOPMS.

Mr. TAYLOR. We have a proposal on the Hill at the moment.

Senator BARTLETT. Could you provide that for the record?

Mr. TAYLOR. We would be happy to do that.

[The information follows:]

Concerning your question on "symmetry," briefly stated, we wanted to establish a probationary period of sufficient length to insure that an intelligent assessment could be made of the individual's performance subsequent to completion of initial training and consistent with a general trend towards longer initial active duty obligations.

Concerning your question regarding changes to the retirement system, DOPMA does not change that system. It does make minor changes to features of officer personnel management relating to the retirement system, such as the mandatory retirement time for officers in the various grades. These changes were made primarily to achieve uniformity between the Services. However, DOPMA was designed under the assumption that the Uniformed Services Retirement Modernization Act (RMA) would be enacted into law prior to DOPMA. The dependency of DOPMA on RMA is such that two of DOPMA's major management features could not be put into effect without the improvement payments RMA would provide officers involuntarily separated after long years of service. Transition for the first of these, the all regular force at 11 years of service, requires a reserve officer serving on active duty beyond his 9th year at the time of DOPMA's enactment to either accept a regular appointment or be separated from active duty or be retired. Although those separated will be relatively few in number, the \$15,000 maximum severance payment permitted under current law is inadequate recognition of the length of service those that will be separated have accrued.

The second DOPMA feature, discontinuation of an O-4 (major/lieutenant commander) short of his retirement eligibility, is also dependent on the existence of compensation more consistent with today's economy. The \$15,000 ceiling was established in 1963, when \$15,000 was approximately the amount an involuntarily separated O-4 would receive. Because of economic changes, that ceiling is now reached by an O-3 with 6 years of service. Whether or not DOPMA is enacted, removal of the ceiling or its increase should be considered as a matter of equity. In recognition of these various factors, the House Committee on the Armed Services has incorporated changes in separation pay in H.R. 13958 which provides a new formula with a maximum payment of \$30,000.

Extensive dependencies of a technical nature also exist between the two bills in the area of separation and retired pay. Enactment of S. 2424 without revision would result in the loss of the entire separation pay system and some of the retired pay entitlements for regular officers, since DOPMA, assuming RMA's existence in law, repeals many provisions of current law which now provide for such pay.

The Department concurs in the action taken by the House Committee in H.R. 13958 which not only revises the separation pay system but restores current retired pay entitlements.

Senator BARTLETT. And would you supply the answer for the following question for the record:

How do you answer the criticisms of Professors Dellinger of Duke University and King, of the University of Pittsburgh, in their analysis of DOPMA, to wit:

One, however, the DOD proposal is based on a set of numerical grade limitations which have no objective justification; and two, moreover, the DOPMA proposal is not directly linked to DOD's force planning activities, which could provide a rational and consistent basis for grade limitations? Thus, it does not fit well into the overall military planning system.

[The information follows:]

The Department feels that these criticisms of DOPMA were unwarranted and incorrect. DOPMA, of which the grade limitations are one feature, is the product of a comprehensive study by the top personnel managers (military and civilian) of the four Services, and the Offices of the Secretary of Defense and the Joint Chiefs of Staff. Both objective and subjective judgments were required and exercised throughout the entire decision process. DOPMA (and its grade tables), therefore represents the best corporate judgment of the Department of Defense as to the future needs of this country for a system which must produce high quality officers to lead and manage its forces.

While to some extent current requirements played a part in the design of the long-range grade tables, the tables cannot and should not be based solely on requirements. To assert that DOPMA does not "fit" well into the overall military planning system is to ignore reality and existing law. The Department of Defense is required to show the relationship between requirements and the inventory on an annual basis in the budgetary process. As has been the case in the past, Congress can and has directed grade structure changes during consideration of the budget. This situation will continue with or without DOPMA.

As stated by Doctors Dellinger and King in their report: "... since the military services have for years operated at levels which are insufficient to meet stated-job-based officer requirements, the objective of meeting requirements is itself subject to question . . .".

ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD

[Questions submitted by Senator Sam Nunn, answers supplied by Department of Defense, Manpower and Reserve Affairs]

Question. Under current law the military department Secretaries may selectively continue Reserve active duty O-3's who comprise approximately 45 percent of total active duty O-3's. This continuation authority has been used repeatedly by the Services, during the Berlin crisis, during the Vietnam War, and by the Army as a regular policy, until rather recently.

Why does DOPMS absolutely prohibit the selective continuation of O-3's even when they are needed and the O-3's would like to continue?

Answer. Under the Total Force Policy DOPMA proposes to handle any future emergency by selective mobilization of reserves who can be released with equity when the emergency is over. The situation described in this question is one of the gross inequities of the current "dual-track" promotion system and "career reserve" concept that the Department hopes to correct with DOPMA. This so-called, "continuation" of reserve O-3's is not a deliberate design feature of current law but an accident of history where the intended transition period of the 1947 Officer Personnel Act to a "small all-regular force" was never completed. To meet the much larger officer force requirements over the last 30 years, than those envisioned in 1947, it has been necessary to keep large numbers of reserve officers on active duty and subject them to two promotion systems at the same time—two systems which are not fully coordinated or synchronized so that the reserve on active duty, although he may have a break in service and not have a record fully competitive with his regular officer counterpart, must nonetheless compete with him for available promotions. A further inequity occurs when he repeatedly is not selected for promotion under the active duty system but is not

entitled to receive separation pay until some indefinite time in the future when the Service decides to release him.

The important lesson from this history is not that passed over reserve O-3's were allowed to remain on active duty but rather that they were more often trapped on active duty with many to be later RIFFED during strength reductions. Further, many were RIFFED just a few years before becoming eligible for retirement. The Department is strongly opposed to such an unfair system.

DOPMA would not preclude the services of passed over officers if they are needed in an emergency because the President can suspend their force out, however, this action would make it explicitly clear to the individual that the continued service would be temporary.

Question. The House report on DOPMS indicates that the quality of passed-over O-3's is high. Would you agree that most of the officers who fail selection for promotion to the next higher grade are fully qualified to continue to serve in their present grade, or even in a higher grade?

Answer. Under a best qualified promotion system and a pyramidal grade distribution it is expected that there will be more fully qualified officers in the promotion zone than there are vacancies for promotion. We do not, however, agree that most officers who fail selection are qualified for continued service.

DOPMA recognizes the principle founded in the Officer Personnel Act of 1947 that the less qualified officer should be separated as early in his service as possible. This principle applies particularly in the lower grades. Officers who fail of promotion in grades O-1, O-2, and O-3 should be encouraged to take civilian positions in our society and end their active duty military service. On the other hand it is recognized that an officer may be capable of performing additional years of service in grade. Thus, DOPMA permits officers in higher grades to serve approximately four more years after being twice failed of selection. These officers continue to be considered for promotion as long as they remain on active duty.

Question. One might agree, in principle, with the up or out system since it is necessary to create losses to stimulate promotion flow, however, can you conceive of a circumstance when it might be wise to continue O-3's who volunteer to stay? For a four year period? Until retirement eligibility?

Answer. Except under emergency conditions, where the requirements for O-3's substantially increase, the Department does not believe it wise to continue O-3's who have twice failed selection.

With regard to permitting a voluntary extension for a four-year period, the Department cannot foresee any advantage unless it were during a war or national emergency.

With respect to allowing O-3's to serve until retirement, they would, on the average, have to remain on active duty for years to be eligible. If the population in grade O-3 is spread through continuation over 5 to 20 years of service instead of 5 to 11 years, as is proposed in DOPMA, there would be many officers in grade O-3 who would be too old to effectively perform the rigorous duties required of that grade. Experiences with retaining such officers following Korea show that while some performed well others lost their motivation and were not effective.

Question. DOPMS would authorize selective continuation on active duty of O-4s who have failed to be selected for promotion to O-5. This principle seems inconsistent with the prohibition of such action in the case of O-3s. Please reconcile this seeming inconsistency.

Answer. This is not an inconsistency, but is a deliberate feature intended to help achieve a balance between the requirements of management and the defense mission on one hand, and the personal rights and expectations of individuals on the other. It would be inconsistent if an O-3 who is in the early stages of an officer career were given the same consideration as an O-4 who has crossed the career midpoint and is nearing retirement eligibility.

It should be understood that DOPMA was designed to separate the less qualified junior officers early while they are still young enough to readily find employment outside of the military. This assures that the officer ranks of our armed forces are filled with the most capable people available. Further, the forced attrition applied at selection for O-3 is much less than that applied at the selection point to O-4.

By the time an O-4 reaches the selection point to O-5 he is approaching 40 years of age. He lacks but a few years of having spent half of his life in the

military service. Since he has successfully passed through the first hard evaluation at the selection point from O-3 to O-4, it can be assumed that he is a better qualified officer than those O-3s not promoted. He has also performed at higher levels of responsibility for a variety of supervisors and it is therefore easier to judge his value to the Service. DOPMA makes it possible for this individual to be continued for additional service.

In sum, the same considerations given to officers in grade O-4 are not appropriate to officers in the lower grades.

Question. The House report on this bill refers to a computer cost analysis relating to the continuation of O-3s who would otherwise be forcibly separated. Please summarize the results of that study and provide the subcommittee with a copy.

Answer. It has been suggested that the up-or-out promotion policy results in unnecessary replacement costs and that elimination of the up-or-out policy would yield significant savings. We have the result of analysis which examined that issue:

The chart which follows shows, for the Air Force, the cost of lengthened service, or tenure. Moving from left to right the cases represent increasingly slower flow systems.

Although procurement and training costs are reduced, the active duty force becomes more senior for pay and retirement. This causes base pay and retirement costs to increase and offset procurement/training savings.

By permitting captains to serve to 20 years and then retire we increase the number of retirees.

The third and fourth cases increase the numbers of retirees and increase the expected lifetime retirement pay of those who now retire under the current system (because they retire later with a larger multiple).

The point is that increasing tenure—keeping officers in grade and on active duty longer—does not produce real savings.

IMPACT OF INCREASED TENURE ON PERSONNEL COSTS

[In millions of dollars]

	DOPMA base case	Retirement, captain at 20	Retirement, captain at 20, major at 26, lieutenant colonel or colonel at 30	Retirement captain at 26, all field grades at 30
Costs:				
Procurement and training.....	546.1	514.0	489.8	473.3
Base pay.....	1,346.6	1,356.8	1,377.2	1,384.2
Retirement.....	490.9	525.9	531.3	533.7
Other.....	471.3	462.6	463.5	463.7
Total cost.....	2,854.9	2,859.3	2,861.8	2,854.9

Note: Field grade strengths held constant for all cases.

Question. Why would you object to having the authority to continue O-3s if you were not required by law to use it?

Answer. The Department did not recommend this as a general authority because there is no need for it except possibly in an emergency, for which DOPMA provides.

Question. Current law permits Air Force and Army regular captains, who twice fail selection to O-4, to remain on active duty until they complete approximately 15 years of service. DOPMS would change this so that all such O-3s, regular and reserve, would be forcibly separated at approximately eleven years of service. This change will result in additional procurement and training costs for replacements. Please give us your justification for this change.

Answer. There are currently different laws governing the separation of officers in the Army and Air Force on the one hand and the Navy and Marine Corps on the other. In order to gain consistency in this important area of management one or the other or both had to be changed. After careful consideration and examination of previous studies the Department determined that the current

Navy/Marine Corps law as it pertains to the grade of O-3 had provided the best management control and equity over the years and was therefore selected as the model for DOPMA.

The Department does not agree that this provision will result in any significant additional costs. First, there are relatively few people involved in the year cells concerned; and second the slight increases in procurement are offset by increased longevity for pay and may be further offset by an increase in the number of officers who become eligible to retire.

Question. Current law: Regular O-4s who are not selected for promotion to O-5 may continue on active duty until their 20th or 21st year of service.

DOPMS: DOPMS would change current law by providing for either involuntary separation of these O-4s during their seventeenth year or at the discretion of the military department Secretary, continuation on active duty until completion of 20 years of service.

Why do you think it desirable to separate a qualified officer involuntarily just months before he would complete 18 years or service and become entitled to serve on active duty until reaching retirement eligibility?

Answer. As emphasized in the Department's testimony on the bill, DOPMA represents what we believe to be a balance between management and individual interests. Under relatively stable strength conditions the Department does not consider it desirable to separate qualified officers at this point in a career. However, the Department also feels that promotion to the grade of O-4 after approximately ten years of service should not automatically entitle an individual to a guarantee of tenure for the next ten years followed by a lifetime annuity. Therefore, the selective continuation feature is provided under DOPMA as an incentive for continued high level of performance. The Department further believes that the separation of officers under this provision, during stable conditions, will occur if at all only in very small numbers.

The Services must have the ability to effect reductions in all grades under strength reduction conditions. This provision will permit reductions in the grade of O-4 to meet the needs of the Service. This is consistent with the belief that the Department would not have any more officers on active duty than it *requires* and that those retained should be the best qualified, based on past performance and future potential.

It should also be noted that, as mentioned in previous testimony, this provision assumed that an adequate level of severance compensation would be provided. In the absence of the Uniformed Services Retirement Modernization Act, the recent action by the House Armed Services Committee to change the formula and limit for severance pay is considered adequate at this time.

Question. If these officers are to be continued on active duty, wouldn't it be desirable and cost effective to continue them until their 24th or 25th year of service? This would reduce procurement, training and retirement costs according to information the subcommittee has obtained from CBO.

Answer. The Department firmly believes that the continuation of passed-over O-4s beyond 20 years would not improve the efficiency and effectiveness of the officer force. Further, overall cost savings are not as assured as indicated by the question. Continuation of passed-over officers might not reduce procurement. Retention of senior officers in the controlled grades could stagnate promotion flow and delay promotion timing to the O-4 grade significantly. Assignment opportunities for aspiring young officers could become blocked by officers very senior in grade. If such a policy is executed for specific positions, the rotational base is reduced increasing the turbulence for the younger officers. The net result of this action could be a significant drop in junior officer retention, thereby increasing procurement. Further, we might very well be in the position of losing the most ambitious and promising young officers to opportunities outside the service that have better advancement potential.

The Department has not been made privy to the CBO information or the assumptions under which it was prepared. For instance, unstated in the question was the extent to which increased salary costs tend to erode alleged savings in other cost areas. Therefore, we cannot address the results specifically. However, the Department will be happy to review the CBO proposal and comment on it for the record when it is made available.

Question. DOPMS proposes to shorten the average service length of several categories of officers. Regular O-3's would serve only 11 years instead of 14 to 15 years under current Army and Air Force law. Reserve officers would be forced out by law after 11 years of commissioned service; under current law,

the can serve as long as they are needed. O-4's could be forced out after 16 years of service. They now serve until completion of 20 or 21 years of service. O-5's would be forced out after 26 years of service. Current law permits Army and Air Force O-5's to serve 28 years.

Secretary Brehm has testified before this committee that lengthening the average service of military members increases force effectiveness and saves money. Undoubtedly, the opportunity to serve longer would be welcomed by service members. The DMC report and other analyses have concluded that longer average service would be desirable.

In view of previous DOD testimony that increasing the average length of service saves money and improves force effectiveness, why do you propose legislation which does just the opposite?

Answer. As mentioned in previous testimony one of the underlying features of DOPMA is its simplicity, obtained by achieving a much greater degree of consistency in the treatment of officers in the various services than is now possible under existing law. The Navy/Marine Corps maximum service statutes were chosen as the basis for DOPMA, a decision which was unanimously supported by all service representatives. Due to the small size of the populations in the grades and years of service affected, there is only minimal effect on the average career length of the system by these minor changes in maximum service. No advantage could be seen in extending the maximum service point of the "passed-over" populations.

The relationship between average career length and total system cost is complex and cannot be generalized as the question indicates. Total system cost (for a fixed force size) is composed of three elements:

1. *Gain-related costs* (procurement and initial training): As average career length increases, gain-related costs tend to *decrease* because of reduced procurement levels.

2. *Incumbency-related costs* (pay and allowances, special pay, et cetera): As average career length increases, incumbency-related costs tend to *increase* because of increased longevity and increased average grade.

3. *Loss-related costs* (retirement, death benefits, severance payments, terminal leave payments, etc.): As average career length increases, loss-related costs tend to increase because of increased numbers of people reaching retirement and increased rates of retired pay for those retiring.

While even the above description is an over-simplification of the complex relationship between average career length and total system costs, it does serve to illustrate that reductions in procurement levels and therefore, gain-related costs, may result in increases in the other two cost elements which would result in the total system cost being greater.

The other part of the relationship—force-effectiveness—is more difficult to quantify. Generally speaking, the Department feels that increases in the length of initial service obligations and end-of-obligation retention are warranted—and are assumed and expected under DOPMA.

With respect to the alternative system proposed by the Defense Manpower Commission, the Department has deep reservations concerning the feasibility of the retention behavior assumed by the Commission. Claims that their proposal is not an up-or-out system are difficult to support from their data which indicate approximately 50 percent forced attrition at the 10-year point. Although it is true that the DMC alternative reflects a slightly longer average career length than DOPMA, it is achieved primarily by assuming significantly increased retention in the first 10 years of service. Expecting such behavior from officers facing this much attrition at the 10th year is a questionable assumption.

Question. There are certain provisions proposed in DOPMS which seem to conflict with the total force concept. For example, one, mobilized Reserve officers will be promoted under a separate promotion system. Their rates of progression to higher grades will be slower than those of active duty counterparts. This will probably give rise to charges of discrimination.

Selected Reserve officers with over 11 years of commissioned service cannot be ordered to active duty, voluntarily or involuntarily, except during wars and emergencies.

The grade distribution of Selected Reserve units is not controlled. As a result, serious problems of grade imbalance may develop when these units are called to active duty. Each component of the Selected Reserve has too many O-4's and O-5's except the Army Selected Reserve. DOPMS does not address this problem. Why not?

Answer. It is not correct to assume that after a mobilization the rates of progression to higher grades will be appreciably slower for Reserve officers under a separate management system. The promotion flow of the active force could be slowed or stopped due to the effect of stop-loss actions taken on mobilization which would retain senior officers and reduce promotion vacancies. Active duty promotions would be affected until additional vacancies are created as the force expands. Reserve promotions, on the other hand, would remain the same as they were before mobilization.

If we were to change the provisions of DOPMA to include mobilized Reserve officers in the grade tables and permit consideration of mobilized Reserve officers and regular officers by the same selection boards, we would further aggravate the active duty promotion flow and place the career of the Reserve officer in jeopardy because he would no longer be subject to Reserve promotion statutes and would, instead, be subject to a most certain higher failure of selection rate under the active duty promotion system. The probable low selection opportunity could prematurely remove many Reserve officers from an active status, and subsequent Reserve participation, who would not have been removed had they been able to compete within the Reserve community. Conversely, if Reserve officers are excluded from active duty promotion consideration and from the grade tables, their promotions can be administered to avoid these problems.

DOPMA does not preclude Reserve officers with more than 11 years commissioned service from voluntarily returning to active duty. It does, however, require that a Service need exist in the career force and that career status in the form of a regular commission be tendered. DOPMA also provides for active duty service as a Reserve in specified categories other than as a member of the career force. During a war or national emergency Reserve officers who are advancing beyond the 11th year can be retained on active duty administratively by involuntary recall. If the emergency were serious enough to warrant such action, the 11 year Reserve service provision could be suspended for the duration of the emergency. Under either condition it is clearly emergency action and avoids the anomaly of an active duty career as a reserve officer. When the emergency is over, recalled and retained reservists would be released from active duty.

The Department does not feel that grade controls in DOPMA for Selected Reserve and Ready Reserve units are necessary or appropriate. Grade requirements for the Selected Reserve are determined by the positions authorized for the various units. Upon mobilization, the Guard and Reserve components will deliver a complete officer structure based upon the billet requirements authorized for those units. Through the annual authorization and appropriations process, the Congress has existing controls over the missions, size and structure of the Selected Reserve units.

The Reserve components use the same manpower manning documents that are used by the active duty force. For example, a Reserve infantry company or aviation unit would be structured the same as a similar active duty unit.

Question. The all regular force excludes the participation of reserve commissioned officers with more than eleven years of commissioned service in the active force.

Explain how the cited DOPMS concepts can be reconciled with the total force concept.

Answer. The DOPMA concepts are consistent with the total force policy and consideration was given to mobilized Reserve officers throughout the development of this legislative proposal. Specifically, DOPMA recognized the role and mission of the Reserve components by excluding Reserve officers from total strength and grade limits to permit the mobilization of units intact and by preserving both the active duty and reserve management systems to avoid disruption and imbalances in both components during mobilization and demobilization. DOPMA also contains provisions that will permit the Services to augment Reserve officers where a requirement exists.

Selected Reserve grade requirements are based on the billet structure of the Reserve component units. Upon mobilization, the Reserve components will deliver structured units with the authorized number of officers by grade to the active duty forces. The Reserve officer management system will continue to operate and assume responsibility for promotion equity within the Reserve components. The current Reserve system is compatible with DOPMA; however, after enactment of DOPMA, the Department intends to submit Reserve officer legislation that will provide the Service Secretaries with expanded authority

to regulate the promotion flow of Reserve officers thereby providing greater consistency between the active duty and Reserve promotion systems. These actions are consistent with the total force policy.

Question. Doesn't DOPMS restrict the mobility of selected reserve units and members to and from their inactive status to active duty?

Answer. DOPMA does not contain any provision that would preclude the use of units or individuals, regardless of Reserve status (i.e., Selected Reserve, IRR or Standby Reserve) if they are required to meet mobilization needs. In fact, DOPMA enhances the ability to recall organized units intact without the artificial constraint imposed by grade limitations or the administrative requirement to integrate them into Active Force promotion management plans.

Question. Were the Reserve components represented in the formulation of the DOPMS proposal? In what manner?

Answer. The Reserve components were appropriately represented on the study group which developed the proposed Defense Officer Personnel Management System. The Deputy Assistant Secretary of Defense for Reserve Affairs was a full-time member of the study group. Throughout the very extensive deliberations on how best to manage Reserves recalled in an emergency there was additional Reserve and Guard representation by the Deputy Assistant Secretaries of the Military Departments for Reserve Affairs and by the Chiefs of Reserve Component. There was a constant exchange of ideas and information between the groups developing DOPMA and its companion proposal for the Reserve components. The DOD staff responsible for the DOPMA proposal includes active duty reserve representation.

The Reserve Forces Policy Board, which is the official advisory body to the Department of Defense for Reserve matters was briefed on the Department's proposal during its development stage. (See the attached letter.) The final proposal was formally coordinated throughout DOD including the various Reserve component staffs. All disagreement on the proposal as it affected the Reserve components was resolved prior to submitting DOPMA to Congress.

Of equal importance with regard to utilization of the Reserve and Guard, the Office of the Joint Chiefs of Staff was represented on the DOPMS study group and the proposal in its final form was fully concurred in by the JCS.

[Memorandum]

OFFICE OF THE SECRETARY OF DEFENSE,
RESERVE FORCES POLICY BOARD,
Washington, D.C., August 25, 1976.

To: The Assistant Secretary of Defense (M & RA).

Subject: Role of RFPB in Development of DOPMA/ROPMA Legislation.

To fulfill its statutory responsibility to comment in its annual report on the effectiveness of provisions of the Reserve Officer Personnel Act (ROPA), the Reserve Forces Policy Board (RFPB) has received numerous briefings on the Department of Defense plans to seek enactment of two companion pieces of legislation referred to as Defense Officer Personnel Management Act (DOPMA) and Reserve Officer Personnel Modernization Act (ROPMA). In addition, I have received many additional briefings in the intervals between quarterly meetings of the RFPB.

Thus the RFPB has been kept fully informed throughout the development of these legislative proposals.

Although the primary responsibility of the RFPB lies with the ROPMA proposal dealing with the service officers in the Reserve components, the DOPMA proposal lays the foundation for ROPMA and the two proposals are closely related.

The Board has never expressed any objective to any proposal contained in DOPMA. In its fiscal year 1975 annual report, the Board positively expressed its support for the general objectives of ROPMA. It did not go beyond that expression because DOPMA was and still is in DOD staffing.

Therefore, the position of the RFPB is in support of the legislative initiatives of the Department of Defense on DOPMA and ROPMA as far as they have been developed up to now.

W. STANFORD SMITH,
Major General, USAR,
Military Executive.

Question. DOPMS contains a provision which would require that a Reserve commissioned officer, with 11 or more years of active duty list service, and who has not been recommended for a Regular appointment, would be separated involuntarily from active duty.

Further, this provision would prohibit the voluntary or involuntary recall of Reserve commissioned officers with 11 or more years of commissioned service. The President could suspend this provision in time of war or future declared emergency.

Current law authorizes the military department Secretaries to release Reserve officers from active duty at any time. Why do you want Congress to force the Secretaries to separate such officers?

Answer. The DOPMA provision which requires separation of a Reserve officer at the 11th year of commissioned service is responsive to congressional criticism and concern that every effort should be made to integrate career-oriented reservists into the regular force. The intent of the provision is twofold: First, it specifies a point in time by which the career force must be attained and requires service managers to develop and evaluate the potential of junior officers and make commitments to the individuals who are needed by the Service. Second, it recognizes the interests of the officer corps by providing a visible career gate that will motivate officers to commit themselves to an active duty career as early as possible.

The concept to make a career commitment to an individual as early as possible has received widespread acceptance both within and without the Department of Defense, including the Defense Manpower Commission. It should be a matter of public law.

Question. Why should not the Secretaries exercise some discretion in separating such officers?

Answer. Discretion in releasing Reserve officers at the 11-year point is not a desirable feature in that it could result in compromising the reason for the concept and because it is not needed in view of other DOPMA provisions. If after 11 years of active duty the Service Secretary determines that an individual is needed for additional active duty, the Service should make a career commitment to that individual by offering a Regular commission. If the nature of the extended service is for a special purpose, other means to keep the Reserve on active duty are available under DOPMA. If retention is desired because of a national emergency, the officer can be retained as a recalled Reserve or the 11-year provision can be suspended by Executive order. In either case the reservist is not led to believe that he is being retained to retirement as a different category of career officer.

Question. Since World War II, the United States has had to expand its Active Forces rapidly on many occasions, for example, the Korean war, the Berlin crisis, the Vietnam war, et cetera. On each of these occasions, the military department Secretaries initiated so-called stop-loss actions, that is, they stopped the voluntary, and in many cases, the involuntary, release from active duty of Armed Forces members. This provision would require the forcible separation of Reserve officers even though they were sorely needed. Further, it would prohibit the recall of other Reserve officers who might be needed.

Please explain how this provision enhances the flexibility of the Secretary of Defense to provide for national security under such circumstances?

Couldn't we find ourselves in a position where we are forcibly separating qualified Reserve commissioned officers and at the same time calling up Reserve units?

Answer. To answer the last part of the question first, this feature will not force Reserve officers from active duty during war but is intended to protect their rights as individuals during peacetime. In the 31 years since the end of World War II we have experienced "peacetime" for over 75 percent of these years. It is during peacetime that we must recruit, train, equip, and prepare for war. It is during peacetime that personnel management problems are of sufficient consequence to gain attention. Our experience tells us that most officer management problems occur during mobilization or demobilization as a result of attempting to integrate the Reserve into the Active Force system for a short period of time and then disassociating him again.

DOPMA contains what we believe will avoid most problems of this type in the future. One of these is that DOPMA requires officers who are needed in

the career force to be given career status in the form of a regular commission. If during a war or national emergency the armed services should have need for the services of Reserve officers who are advancing beyond the 11th year, they can be retained on active duty administratively by involuntary recall. If the emergency were serious enough to warrant such action, the 11-year Reserve service provision could be suspended for the duration of the emergency. Under either condition it is clearly emergency action and avoids the anomaly of an active duty career as a Reserve officers. When the emergency is over, recalled and retained reservists would go home. The retained officer should then be provided equitable compensation in recognition of his continued service in the form of increased severance payment and a vested interest in retirement as proposed in the Uniformed Services Retirement Modernization Act.

Question. The Secretary of Defense recently asked for authority to mobilize selected reserve units during periods when no emergency or state of war existed. Congress enacted this legislation. Would not this provision prohibit use of this authority in peacetime?

Answer. No, DOPMA would not prohibit recall of reserve officers under P.L. 94-286, which authorizes the recall of not more than 50,000 members of the Selected Reserve for not more than 90 days in conditions other than a declared National emergency. DOPMA would only exclude them from being placed on the active-duty list for promotion and other purposes. P.L. 94-286 also contains provisions similar to those in DOPMA which will exclude those officers recalled under its authority from total strength and grade strength accountability.

Question. The Reserve Officers Association recently passed a resolution opposing enactment of DOPMA. Was this provision carefully explained to Reserve members of the active duty force? What was their response? Do selected reserve and ready reserve members understand the implications of this provision?

Answer. Since May of 1973, when the Secretary of Defense's Report to Congress was submitted, the provisions of the DOPMA proposal have been given widespread dissemination through both official and unofficial media. The first official DOD release to the media was made in August 1973. In August 1974 and again in November 1975, its provisions were explained in the *Commander's Digest* which has a wide distribution throughout the Department of Defense. In addition, each of the Services have conducted their own information programs. A concentrated effort to explain DOPMA has been made.

However, it is opposed by a group called the Promotion Research Committee (PRC). This group opposes previous Army promotion selection board procedures, which were ordered corrected by the Army Board for Correction of Military Records. The PRC has sought to enlist the support of the Reserve Officers Association (ROA) in opposition to DOPMA. The ROA opposition, as expressed by the Resolution passed at the Bal Harbour, Florida, Convention this summer, may have been circumvented had adequate time been available to brief the delegation on the provisions of DOPMA, particularly those provisions pertaining to Reserve officers. We believe that the Resolution does not reflect the views of the majority of the 100,000 members of ROA regarding the actual content of the Bill.

Question. DOD justifies this provision on the basis that it will eliminate discrimination against active duty Reserve officers. The practical effect, however, is to prohibit active duty reserve commissioned officers from being promoted to grades above O-3. Won't this provision give rise to new charges of discrimination?

Answer. DOD justifies this provision on the basis that there is no justification for having two categories of career officers in our Armed Forces today, one whose status is protected by law, and the other who is completely vulnerable to administrative policy. Once permitted to serve as long as 10 years all people should be considered as careerists and be treated exactly the same with one qualitative standard applied equally to all. In their application of this provision of DOPMA, all Services intend to automatically offer a Regular commission to any active duty Reserve officer found best qualified for promotion to O-4.

This provision is not intended to be a shackle on the Reserve officer but is designed to tell the reservist the maximum service he can expect, and it is a constraint on the Services to make career commitments to career dedicated personnel who are needed by the Service.

Question. If all active duty O-4's are Regular officers how will you reduce strength in this grade during a reduction in force?

Answer. Strength in the grade of O-4 can be reduced by use of the selective continuation authority, slowing promotions, and reducing promotion opportunity. Under mobilization conditions grade strength reductions would also be made by release of mobilized Reserves.

Question. This provision will prevent the voluntary recall to active duty of Reserve commissioned officers with over 11 years commissioned service. Is this concept in harmony with the total force concept?

Answer. DOPMA does not prohibit an officer with more than 11 years of commissioned service from voluntarily returning to active duty provided a need exists for the officer. A Reserve officer can serve on active duty under DOPMA for any of the following purposes:

- (a) To perform active duty for training;
- (b) To train and administer Reserve component programs;
- (c) To serve with the Selective Service System;
- (d) To perform special work;
- (e) To augment the active force during war or an emergency.

Additionally, if the need for the officer is of a permanent nature, the officer may be granted regular status and placed on the active-duty list.

The above actions are consistent with the Total Force policy.

Question. DOPMS would repeal existing regular officer strength limitations. In effect, control of total regular officer strengths would be transferred from Congress to the military department secretaries.

The strengths of regular officers in each of the services is well below the statutory limits.

If existing limits are repealed, military department secretaries could appoint all active duty officers to regular status.

Why are you requesting the repeal of existing regular officer strength limitations?

Answer. A major feature of DOPMA is establishing an all-regular force beyond the 11th year of service. To achieve that structure changes to the existing statutory limitations on the Regular Officer content is necessary. The Department believes that greater individual equity will be achieved, as well as reasonable consistency in career opportunity, with the attainment of an all-regular force after 11 years of service. The ability to adjust the regular content is essential to managing toward these desired objectives, and can best be accomplished as a continuing process by the Department of Defense. Service plans will be monitored through a Defense Officer Management Control System to be established in conjunction with the enactment of DOPMA. Inherent to the system is a requirement for the Services to maintain manpower plans (5 year period) that support Defense Manpower Objectives. As a minimum, these plans will include current officer inventory distribution, an objective configuration of the officer force, accessions, losses, retention, augmentation and regular component objectives.

Congressional control is retained by virtue of statutory grade limitations (which essentially are the same as the regular officer content) in the grades of O-4 and above) and annual authorization actions.

Question. Do you plan to increase the number of regular officers in each service above present statutory limits?

Answer. At the present time only the Army foresees a need to increase the number of Regular officers, by approximately 30 percent, above present total statutory limits. The Air Force envisions that the number of Regular officers will approximate the current total statutory authorizations. No increases are planned for the Navy and the Marine Corps.

Question. Do the services have programs which show the planned strengths of regular officers and Regular officer grade distribution, for the next five years? Please submit to the Subcommittee.

Answer. The Services do not have separate 5-year regular officer strength plans that can be readily provided. The 5-year promotion plans previously submitted reflect the number of Regular officers planned to be in the field grades since under DOPMA nearly all officers in grade O-4 and above will be regular officers by the end of the five-year period. The Subcommittee staff has also been provided current inventory distribution of Regular and Reserve officers by year, group, and grade. The Defense Officer Management Control System, to be implemented with DOPMA, will include a requirement for a projection of regular officer strength objectives and plans.

Question. Existing regular officer strength limitations appear to be adequate to allow appointment of all active duty officers above O-3 to regular status. What proportion of regular officers in grades O-1, O-2, and O-3 are planned?

Answer. Although it does appear that existing limitations provide sufficient flexibility to allow appointment of all active duty officers above O-3 to regular status, such is not the case. The issue should not be viewed by simply comparing overall totals.

The current law imposes separate grade ceilings on Regular officers for each Service. In the case of an Army or Air Force regular officer, the law provides an 80 percent promotion selection opportunity under the "best-qualified" method, and grade ceilings may be exceeded to provide that opportunity. The impact that these features have can be exemplified by the status of Air Force regular officer content. They currently exceed the regular ceiling, in the aggregate, for grades O-3 and above; therefore, Reserves in the grades of O-3 and O-4 cannot be augmented. If the reserves in grades O-2 were augmented, the regular ceiling for that grade would likewise be exceeded. A similar problem exists in the case of the Army. This results in the unequal treatment of officers between the Services.

Consistent with the Department's shift to an "all-regular" concept, several required system changes were incorporated in DOPMA, notably the repeal of regular officer ceilings and grade limitations, and repeal of the 80 percent minimum promotion opportunity, which was done in conjunction with elimination of the "dual" track promotion system.

It should be noted that DOPMA provides for a 2-year transition in meeting those provisions affecting the "all-regular" aspects of the officer force. However, the Services are generally planning for the following Regular officer proportions in grades O-1, O-2 and O-3.

PERCENTAGE OF REGULAR OFFICERS				
	USA	USN	USMC	USAF
O-3-----	82	83	34	50
O-2-----	52	58	17	20
O-1-----	40	52	8	

Question. The Assistant Secretary of Defense, Manpower and Reserve Affairs has established a regular officer ceiling for the Navy which is lower than the statutory ceiling. What is the purpose of this administrative ceiling? This action seems inconsistent with the DOPMS provision which would repeal the Navy statutory ceiling. Please explain. Are there administrative ceilings for regular officer strengths in the other services?

Answer. The administrative ceiling for the Navy was specifically developed to be consistent with the DOPMA design parameters for the regular officer content of that service.

Administrative limitations have also been levied on the Marine Corps. The Department of Defense intends to periodically review the services regular officer strengths and plans as part of the Officer Personnel Management Control System, to be instituted with enactment of DOPMA.

Question. DOPMS would provide new statutory limits for O-4's, O-5's, and O-6's. DOD witnesses have stated that these limits are not requirements based. In a recent letter to Senator Nunn, Secretary Taylor stated that the limits are not a direct product of the computer model. Please explain exactly how the numbers, upper limits, were derived. What is the underlying rationale for the limits?

Answer. First, it may be helpful to review the intended purpose and role of the proposed ceilings prior to any discussion of how they were derived. The Department views the grade tables as the means by which Congress provides long-range planning guidance to the services. They are upper limits; not objectives. They should be flexible enough to last and thus avoid the need for coming to Congress for periodic grade relief. Further, they are the means by which Congress can insure that adequate career progression will be available to attract and retain quality officers to fulfill the future leadership requirements of the Nation's Armed Forces. Operating in tandem with the annual control and oversight extended by Congress during the budgetary process, they help insure that the actual inventory is managed to meet the Nation's needs.

From this standpoint, the grade tables reflect neither today's "rock-bottom" requirements nor minimum career progression needs—and they should not. If they did, it is quite possible that future grade relief would be needed as requirements and world conditions change. Furthermore, it is unnecessary for them to be based on requirements since control of the inventory with respect to requirements already exists—in the annual budget deliberations.

With respect to the question concerning exactly how the grade tables were derived, the following information is submitted:

At the very outset of the Defense Officer Personnel Management System Study Group deliberations, each Service's grade requirements determination process was examined. This review, as well as a later review by the Comptroller General (Study #FPCD-75-137), documented the adequacy and relative consistency of the processes. During the Study Group sessions the desirability of obtaining a comparison with private industry was also recognized. This concern led to a contract with The Conference Board, Inc. The resulting study indicated the current officer grade structure to be comparable to private industry. A copy of The Conference Board report has already been provided to the Subcommittee.

Before the actual grade tables could be constructed several preliminary decisions had to be made. The first concerned the scope of the tables; i.e., who should be controlled. Actually, it was more a matter of who should not be governed by the tables, since the intent was to extend the applicability to more of the active duty population than the current OGLA tables allowed. Two other decisions were required prior to construction of the tables. These were the range of strengths to be included in the grade tables, and a single "design strength" in order to avoid analyzing the multitude of grade table alternatives at each strength level. A review of historical requirements provided the upper and lower limits, and programmed requirements for FY 74 provided the "design strength".

The Study Group next determined the career opportunity that should be offered in terms of promotion timing and opportunity in order to attract and retain sufficient numbers of high quality officers at appropriate ages in the field grades. A career progression "package" was then developed composed of the interacting variables of our "closed" personnel system: promotion point ranges ("windows"), selection rates, future retention considerations, maximum service points, reserve to regular augmentation flows, and aggregations of the commissioning sources and management categories unique to each Service.

The parameters of this career plan were then input to a steady state computer model that had been built specifically for the study. In addition to being able to reflect the long-term resultant force structure of the career plan being proposed, the model contained the ability to cost the force structure out in detail, including retirement costs. However, it also contained certain limitations inherent in any simulation of the real world. For instance, it did not specifically simulate construction service, prior service, or lateral entry. Because of these limitations the model output was regarded as only the starting point for the grade tables.

Once this "base case" had been determined for each Service, the initial grade structure of the model was modified to take into account the known limitations of the model and fiscal year 1974 requirements. Further, the Department was mindful of congressional concern over the number of senior officers and reductions were sought from current authorizations. After examining various alternatives, an acceptable level of grade structure for steady-state conditions was determined.

The last phase of the grade table design involved setting grade levels throughout the range of the table. These were determined with due consideration given to the dynamics involved in expansion and contraction. Assumptions were made regarding early release during contraction and "stop-loss" during expansion. It was further assumed that selective continuation provisions would be available and that mobilized Reserves would not be included under the grade tables. A primary objective was that promotion timing should remain within the promotion "windows." The tables were tested statically by the computer model for operation at the bottom and top of their ranges and were tested dynamically by the Services against the actual inventory of officers.

In summary, the grade tables were not based on filling each billet in our force structure today—they were based primarily on future career progression considerations tempered by an awareness of existing requirements, model limitations, dynamics of a "closed" personnel system, and a desire to make reasonable reductions from current OGLA levels.

Question. The grade limitation tables proposed in DOPMS have varying strengths in grades for different commissioned officer strengths. It has been explained that this sliding scale principle is designed to accommodate force expansion. If this is so, why are selected Reserve officers, who might be mobilized, excluded from the grade limitations? Isn't the sliding scale designed for that very purpose?

Answer. Treating the second question first, the sliding scale is not designed for that purpose. In 1953, Congress expressed their concern over personnel actions taken by the Services during mobilization for the Korean War. Specific criticism was aimed at service policy of separating and retiring active duty officers during the same period they were mobilizing reservists to fill their places. The grade tables were developed to accommodate an expansion of the active duty force through stop-loss actions and increased accessions in the lowest officer grades. Because of the uncertainty with respect to a future Reserve mobilization (i.e. what units and how many), it was deemed better from a management and mobilization readiness standpoint not to attempt to integrate the Reserve officer structure into the active duty career force at a time when mission accomplishment should have priority. Because mobilization is a temporary condition, redesign of the permanent career force grade limitations to accommodate selected Reserve units would not be appropriate.

The sliding scale is also based on the principle presently in law which provides that the percentage of field-grade officers does not increase or decrease as rapidly as the strength of the officer corps as a whole.

There are some senior jobs which are independent of the number of people in an organization. These jobs cannot be abolished when the force is reduced. Conversely, when the force is increased, it is not necessary to increase the number of senior officers proportionately.

Question. Testimony has been received to the effect that the proportion of higher ranking officers in the selected Reserve is substantially higher than that existing in the active duty force. Why is that so? How are grade requirements determined for selected Reserve units? Should the Congress enact grade controls for selected Reserve and ready Reserve units?

Answer. The Department of Defense has previously testified that: "It should be recognized that when the Officer Grade Limitation Act (OGLA) was developed and passed over 20 years ago, little or no consideration was given to the implication of a partial or total mobilization of the Guard and Reserves. The tables were built by expanding and contracting in incremental adjustments upward and downward from the grade distribution of officers on active duty at that time. Today's inventory of officers in the selected Reserve is not 'top heavy' as can be seen from the following table:

OFFICER PERCENTAGE DISTRIBUTION BY GRADE

	Selected reserves ¹	Active duty forces ²
Grade:		
O-6.....	3.2	5.8
O-5.....	10.6	12.4
O-4.....	22.5	20.0
O-3/O-1.....	63.0	61.7

¹ As of Aug. 30, 1975.

² Projected fiscal year 1976 end strength.

"The reason that the OGLA grade tables will not accommodate the officers involved in a partial or total mobilization of the selected Reserve is because the incremental adjustments developed 20 years ago will not accommodate today's inventory of officers. For example, if we assume a mobilization scenario in fiscal year 1976 that would involve a 40% increase in total officers, the OGLA tables would provide for every 100 officers only 2.8% colonels, 8.9% lieutenant colonels and 15% majors. Assuming that the reserve mobilization would have the same grade distribution as the total selected Reserve (and it could be greater) than we could not recall all the officers serving in the selected Reserve units. This would obviously have an adverse impact on readiness and morale."

Grade requirements for the selected Reserve are determined by the positions authorized for the various units. Upon mobilization, the Guard and Reserve components will deliver a complete officer structure based upon the billet requirements authorized for those units. Through the annual authorization and appropriations process, the Congress has existing controls over the missions, size and structure of the selected Reserve units.

The Reserve components use the same manpower manning documents that are used by the active duty force. For example, a Reserve infantry company aviation unit would be structured the same as a similar active duty unit, therefore, the Department does not feel that grade controls for selected Reserve and ready Reserve units are necessary.

Question. The proposed grade limits are based on an officer career pattern with specified years of service promotion points and specified percentage opportunities of selection. In the 5-year promotion plans you recently submitted to CBO some of the services indicated that the specified percentage opportunities will be exceeded. Please explain.

Answer. There are several factors which could dictate a variation from the promotion opportunity assumptions used in developing the grade tables: the need to meet billet requirements; the need to correct inventory imbalances; and a differing loss rate experience than that assumed in developing the tables.

There is no desire on the part of the Department of Defense to induce unnecessary forced attrition if there are requirements for officers in the grade concerned, and grade limitations and fiscal constraints can be met.

Question. The Army and Air Force have too many O-3's who commenced active-duty during the Vietnam War, than are desirable in a well-balanced grade distribution. Would you object to reducing promotion opportunity to O-4 in order to reduce numbers in this grade?

Answer. Promotion opportunity is one of the variables which can be used to manage the distribution of officers by years of service. Over time it can be used to adjust grade strengths.

Under DOPMA the Department of Defense would make minor reductions in promotion opportunity as appropriate provided it was done in conformity with the principle of providing equality of promotion opportunity from year to year.

Question. The DOPMS proposal carries forward the 1954 limits on general/flag officers. Please explain why general/flag officer numbers were not addressed.

Answer. During the formative stages of DOPMA, while responding to congressional direction to review and recommend appropriate changes to existing statutory grade limitations for officers in the Armed Forces, we considered the flag officer issue unique. The overall task was viewed in the context of an officer management system which included elements other than grade limitations—i.e., appointment, promotion and separation or retirement. Since grade limitations for flag officers are only predicated on meeting requirements for officers at those levels, it was determined that the legislative task to effect flag officer changes would be very substantial and disproportionate to the size of the population and management problem represented. Both chief counsels of the Armed Services Committees had advised to keep the legislative proposal simple. Including flag officer authorizations and related statutory management provisions would have greatly added to the size and complexity of the DOPMA, thereby detracting from the need for legislative changes to improve the management of 260,000 officers covered by the proposed bill.

The Defense Department record for managing flag officer numbers is a good one. In conjunction with OSD and Services initiatives, the number of flag officers cut since 1968 is almost three times greater than the number added from 1964 to 1968.

Finally, current comparison shows that the present statutory authorizations are not out of line with flag officer needs as reflected in the fiscal year 1977 budget.

Fiscal year 1977:

OGLA authorized.....	1,232
Fiscal year 1977 budget.....	1,185

Difference	-47
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This difference is 4 percent below the maximum number of flag officers authorized under OGLA. The Department continues to view statutory limitations as upper limits, and plans to have a grade distribution no richer than required for Defense needs.

Some changes may be needed to achieve Service consistency; however, there is no urgency to resolve these issues. For this and the foregoing reasons, flag officers were excluded from the DOPMA proposal.

Question. How many civilians were on the working task force that developed the grade limits? Were any persons outside the Department of Defense asked to participate?

Answer. The Defense Officer Personnel Management Study Group was a working task force assembled by the Secretary of Defense. This group devoted nearly one afternoon each week for about nine months to the task of developing DOPMA. The group was chaired by the Assistant Secretary of Defense for Manpower and Reserve Affairs. Other civilian voting members of the Study Group were the Assistant Secretaries of the Military Departments—M. & R.A.—representatives from the Offices of the Assistant Secretaries of Defense—Comptroller—and—Programs Analysis and Evaluation. When matters pertaining to Reserves were considered the Deputy Assistant Secretary of Defense—Reserve Affairs—was also seated as a member. Military membership included the Deputy Assistant Secretary of Defense—Military Personnel Policy—and personnel chiefs from each of the four services, the J-1, Joint Chiefs of Staff, and the Chief of Reserve Components on matters pertaining to Reserves. Each individual study group member was supported by his organizational staff which brought many civilians into the progress of the study as their area of expertise was considered.

The special staff of the study group consisted of two military members from each service working under an OSD staff director and one civilian from outside the Department of Defense who served with the staff while working under the President's Executive Exchange program. This individual is a permanent employee of a nationally recognized consulting firm. The Department of the Air Force had a full time civilian staff assistant working on DOPMA.

Many civilians in and out of the Department of Defense supplemented the efforts of the DOPMA study group. An illustration is the study conducted by The Conference Board, Inc., of New York City, the report of which was submitted for the record during subcommittee hearings on October 9, 1975. Other examples are: advice rendered by the Chief Counsel, Senate Armed Services Committee, during the 11th study group meeting held on December 14, 1972; and the Chief Counsel, House Armed Services Committee, during the 12th study group meeting on December 21, 1972.

Question. DOPMS provides new authority for the Secretary of Defense to award constructive service credit, credit for service not actually performed, to officers with advanced education who would use that education in connection with their military duties. Credit would be awarded on a year-to-year basis to officers designated by the Secretary.

The constructive service would count toward grade determination, seniority and promotion eligibility. Present law permits the award of such service to a limited number of statutory specified categories for example, physicians, dentists, lawyers, chaplains, and certain other allied health professionals.

The effect of this provision would be to accelerate promotions to higher grades.

Control of constructive service awards now resides in Congress. DOPMS would transfer authority to the Secretary of Defense to designate new skill categories. Please tell us what new skill categories will be designated to receive awards of constructive credit? How many officers will be affected? Will constructive service be awarded to achieve equity among various categories or will use of this authority be limited to categories which are difficult to attract to military service? Has a proposed DOD implementing directive been drafted?

Answer. The Department does not anticipate adding any new professional skills at this time. The effect of this provision, as submitted by the Department, will be to slow promotions to the higher grades since less constructive credit will be awarded to some categories of officers than is now the case.

Constructive credit will not be awarded to all categories of officers. It will be provided to those categories in which the Services have a specific need for the skills involved. These officers are primarily in the categories which are difficult to attract to military service.

A DOD Directive establishing this policy has been drafted. However, DOD Directive 1320.7 presently contains the procedure for awarding constructive credit for medical aid dental officers. When DOPMA is enacted appropriate changes will be published to align existing procedure with new policy established in that act.

Question. The DOPMS proposal essentially carries forward current law except that the secretary of each military department could create new competitive categories.

Why isn't it necessary to have authority to abolish categories which become inappropriate?

Why do you propose continuing present inconsistencies among the services, for example, lawyers are in a separate competitive category in the Navy but not in the Army or the Air Force?

Answer. Although the Service Secretaries will have authority under DOPMA to prescribe additional competitive categories, it is not intended that they have the authority to abolish them. The ability to successfully meet requirements for the specialized skills involved in these categories over long periods of time is dependent on legal assurance of a measure of equity to those within their career streams. Additionally, it is expected that the establishment authority will be used sparingly and that only categories reflecting valid long-range requirements will be established. At such time as an existing category may appear inappropriate to these requirements, adequate leadtime should exist to permit Congressional consideration of needed change.

Differences in the competitive categories for each Service carried over from current law by DOPMA reflect the differing internal organizations and career management programs of the Services. However, since DOPMA was drafted, the Air Force has created a separate promotion category for lawyers under their unique existing authority to do so. The Army has established a separate category for temporary promotions and will continue the separate category under DOPMA. An additional consideration in continuing the present categories was that officers are accustomed to the existing categories of their respective Services and, pragmatically, it was felt that major changes in this area at this time, added to other system changes proposed, would create unnecessary concern within the officer corps and might well lead to reduced retention.

Question. The DOPMS bill would prescribe categories to which officers on the active duty list of each service would be assigned to compete for promotions.

The bill would carry forward existing law with one exception, the Secretary of each military department could create new competitive categories without further congressional action.

Army and Air Force, all regular officers, except certain health professionals and chaplains, compete together for promotion. This category, the line, included lawyers, pilots, infantry officers, supply officers, et cetera. Officers on the selection board are not given guidance on the service's current needs for particular skills. This approach has resulted in shortages and overages of appropriate grades in particular skill areas.

Navy, separate categories exist for such areas as aeronautical engineers, aviation maintenance, communications, health professionals, and lawyers. Officers deemed likely to be assigned to command positions compete together in the unrestricted line.

Defense Department justification for carrying forward these separate and apparently conflicting concepts of competitive categories is not clear.

Are these separate, and apparently conflicting categories justifiable on the basis of service missions? Please explain the basis for the separate system.

Why should competitive categories be prescribed in law?

Answer. Differences among these categories cannot be tied directly to differences in Service missions, but as discussed in response to the preceding question, reflect differences in the Services' current functional organizations and career management programs as they have evolved over the years.

The basis for current Army and Air Force competitive categories is found in the 1947 Officer Personnel Act, which created revolutionary changes in the promotion system and the career management categories of those Services. The act eliminated the corps promotion system, under which officers tended to move between the corps to attempt to take advantage of a more favorable promotion climate in another corps, and placed the majority of officers on a single promotion list. The act did maintain provisions for the various unique professional specialties, such as medical officers or chaplains, recognizing those skills could be better managed separately. In addition to the basic professional categories common to the Army and Air Force, the Navy has found it necessary to divide its officer force into additional promotion and management categories. These

categories recognize requirements for specialized skills which are visibly and sharply distinguished from the functions of the general line officer in the Navy.

The current competitive categories of the Navy and Marine Corps have their basis in the promotion system established by the selection law of 1916, as supplemented for the staff corps by the basic equalization legislation of 1926. The effect of the 1947 Officer Personnel Act, and subsequent measures has been to continue the evolution of these categories.

In answer to the second part of the question, current law prescribes separate accession and promotion categories for the various professional skills, thus recognizing the unique special qualifications for each category. As discussed in response to the earlier question concerning abolishment authority over competitive categories, these should remain prescribed in law to provide the best assurance that requirements for these specialized skills can be met over time and to provide a measure of equity for individuals who dedicate themselves to a particular area of expertise. In addition, the Department believed that Congress would want to retain the authority over competitive categories which reflect the basic internal organization of each service. This belief was based on historical congressional interest and active participation in the evolution of these categories.

Question. How do promotion boards select an appropriate number of officers to fill grade requirements in the various officer skill categories?

Answer. This question relates to the complex area of skill management, for which the Secretary concerned has direct responsibility. In this overall process, the role of promotion boards is to recommend from each category those officers "best qualified" to perform the general responsibilities of the higher grade from the population designated eligible by the Secretary and within numbers he has prescribed. The actual constitution of the population considered by a board is the result of many diverse management efforts and decisions over time in such areas as procurement, training, retention, job assignments, and assessments of future strength and skill requirements. If these have been effective, board selections from any one population will be appropriate to the skill requirements of the grade concerned. To insure this will occur in the higher grades, where relatively few requirements exist based on specialized skills, the "generalist" concept is employed by all services in the development of their "line" category. Under this concept, officers are given a diversity of assignments to provide the broad and versatile experience base which is a basic consideration in their advancement to the higher grades.

The skill management processes employed by the services have served well over the years in producing a high quality officer force capable of meeting defense needs. However, due to the long-range efforts necessarily involved, shortages or overages in certain skill areas can occur. For this reason, under DOPMA the Secretary concerned may provide promotion boards with appropriate guidance to insure the efficiency of his armed force.

Question. Admiral Finneran has testified that "The Army has a Vietnam hump which will reach the 11th year in a few years which could cause a temporary increase in separations."

What sort of numbers are we talking about? How many Reserve officers would be involuntarily separated at 11 years as part of this hump?

Answer. The Army estimates that approximately 800-900 officers per year will be separated from these over strength groups for failure of selection to grade O-4. The only Reserves separated at the 11th year will be those who fail of selection to O-4 or who decline a regular commission.

Question. Without mandatory separation at 11 years, how many of these officers would be separated?

Answer. With or without the limitation on Reserve service, approximately 800 to 900 officers will be separated as a result of nonproduction to O-4.

Question. What is the relationship of DOPMA to the Uniformed Services Retirement Modernization Act (RMA)?

Answer. DOPMA was designed to operate with RMA and the language of S. 2424 assumes the prior existence of RMA in law. The dependency of DOPMA on RMA is such that two of DOPMA's major management features could not be put into effect without the improved payments RMA would provide officers involuntarily separated after long years of service. Transition for the first of these, the all regular force at 11 years of service, requires a reserve officer

serving on active duty beyond his ninth year at the time of DOPMA's enactment to either accept a regular appointment or be separated from active duty or be retired. Although those separated will be relatively few in number, the \$15,000 maximum severance payment permitted under current law is inadequate recognition of the length of service those that will be separated have accrued. The second DOPMA feature, discontinuation of an O-4 (major/lieutenant commander) short of his retirement eligibility, is also dependent on the existence of compensation more consistent with today's economy. The \$15,000 ceiling was established in 1963, when \$15,000 was approximately the amount an involuntarily separated O-4 would receive. Because of economic changes, that ceiling is now reached by an O-3 with six years of service. Whether or not DOPMA is enacted, removal of the ceiling or its increase should be considered as a matter of equity. In recognition of these various factors, the House Committee on the Armed Services has incorporated changes in separation pay in H.R. 13958 which provides a new formula with a maximum payment of \$30,000.

Extensive dependencies of a technical nature also exist between the two bills in the area of separation and retired pay. Enactment of S. 2424 without revision would result in the loss of the entire separation pay system and some of the retired pay entitlements for regular officers, since DOPMA, assuming RMA's existence in law, repeals many provisions of current law which now provide for such pay.

The Department concurs in the action taken by the House committee in H.R. 13958 which not only revises the separation pay system but restores current retired pay entitlements.

Senator NUNN. Thank you very much, gentlemen.

Mr. TAYLOR. Thank you.

[Whereupon, at 5:58 p.m., the subcommittee recessed subject to the call of the Chair.]

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