

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

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

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

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

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

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

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

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

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

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

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

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

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

#### EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-160, div. A, title IX, § 933(b), Nov. 30, 1993, 107 Stat. 1736, provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act [Nov. 30, 1993]."

#### EFFECTIVE DATE OF 1991 AMENDMENT

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

#### IMPLEMENTATION OF SUBSECTION (e)

Pub. L. 101-189, div. A, title XI, § 1123(c)(2), Nov. 29, 1989, 103 Stat. 1557, provided that: "Subsection (e) of such section, as added by paragraph (1), shall be implemented by the Secretary of Defense not later than two years after the date of the enactment of this Act [Nov. 29, 1989]."

#### EDUCATION REQUIREMENTS; JOINT OFFICER MANAGEMENT PROGRAM

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

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

"(2) REVIEW OF MILITARY EDUCATION SCHOOLS.—(A) The first review under subsections (b) and (c) of such section shall be completed not later than 120 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report on the results of the review at each Department of Defense school not later than 60 days thereafter.

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

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

#### § 664. Length of joint duty assignments

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

(1) for general and flag officers shall be not less than two years; and

(2) for other officers shall be not less than three years.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in the case of any officer.

(c) INITIAL ASSIGNMENT OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES.—The Secretary may for purposes of section 661(c)(1)(B) of this title authorize a joint duty assignment of less than the period prescribed by subsection (a), but not less than two years, without the requirement for a waiver under subsection (b) in the case of an officer—

(1) who has a military occupational specialty designated under section 668(d) of this title as a critical occupational specialty; and

(2) for whom such joint duty assignment is the initial joint duty assignment.

(d) EXCLUSIONS FROM TOUR LENGTH.—The Secretary of Defense may exclude the following service from the standards prescribed in subsection (a):

(1) Service in a joint duty assignment in which the full tour of duty in the assignment is not completed by the officer because of—

(A) retirement;

(B) release from active duty;

(C) suspension from duty under section 155(f)(2) or 164(g) of this title; or

(D) a qualifying reassignment from a joint duty assignment—

(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or

(ii) to another joint duty assignment immediately after—

(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

(II) the officer's position was eliminated in a reorganization.

(2) Service in a joint duty assignment outside the United States or in Alaska or Hawaii

which is less than the applicable standard prescribed in subsection (a).

(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).

(e) AVERAGE TOUR LENGTHS.—(1) The Secretary shall ensure that the average length of joint duty assignments during any fiscal year, measured by the lengths of the joint duty assignments ending during that fiscal year, meets the standards prescribed in subsection (a).

(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

(A) Service described in subsection (c).

(B) Service described in subsection (d).

(C) Service described in subsection (f)(6).

(f) FULL TOUR OF DUTY.—An officer shall be considered to have completed a full tour of duty in a joint duty assignment upon completion of any of the following:

(1) A joint duty assignment that meets the standards prescribed in subsection (a).

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

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

(4) A joint duty assignment outside the United States or in Alaska or Hawaii for which the normal accompanied-by-dependents tour of duty is prescribed by regulation to be at least two years in length, if the officer serves in the assignment for a period equivalent to the accompanied-by-dependents tour length.

(5) A joint duty assignment with respect to which the Secretary of Defense has granted a waiver under subsection (b), but only in a case in which the Secretary determines that the service completed by that officer in that duty assignment shall be considered to be a full tour of duty in a joint duty assignment.

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

(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.

(h) CONSTRUCTIVE CREDIT.—(1) The Secretary of Defense may accord constructive credit in the case of an officer (other than a general or flag officer) who, for reasons of military necessity, is reassigned from a joint duty assignment within 60 days of meeting the tour length criteria prescribed in paragraphs (1), (2), and (4) of subsection (f). The amount of constructive service that may be credited to such officer shall be the amount sufficient for the completion of the applicable tour of duty requirement, but in no case more than 60 days.

(2) For the purpose of computing under subsection (e) the average length of joint duty as-

signments during a fiscal year, the amount of any constructive service credited under this subsection with respect to a joint duty assignment to be counted in that computation shall be excluded.

(Added Pub. L. 99-433, title IV, § 401(a), Oct. 1, 1986, 100 Stat. 1028; amended Pub. L. 100-180, div. A, title XIII, § 1303(a), Dec. 4, 1987, 101 Stat. 1170; Pub. L. 100-456, div. A, title V, §§ 514, 517(b), Sept. 29, 1988, 102 Stat. 1969, 1971; Pub. L. 104-106, div. A, title V, § 501(b), (e), (f), Feb. 10, 1996, 110 Stat. 290, 292; Pub. L. 106-65, div. A, title X, § 1066(a)(5), Oct. 5, 1999, 113 Stat. 770; Pub. L. 107-107, div. A, title V, § 522, Dec. 28, 2001, 115 Stat. 1097; Pub. L. 109-364, div. A, title V, § 519(d)(1), Oct. 17, 2006, 120 Stat. 2191; Pub. L. 110-417, [div. A], title V, § 524, Oct. 14, 2008, 122 Stat. 4446.)

#### AMENDMENTS

2008—Subsec. (d)(1)(D). Pub. L. 110-417, § 524(a)(1), added subpar. (D) and struck out former subpar. (D) which read as follows: "a qualifying reassignment (as described in subsection (g)(4))."

Subsec. (d)(3). Pub. L. 110-417, § 524(a)(2), added par. (3) and struck out former par. (3) which read as follows: "Service in a joint duty assignment in a case in which—

"(A) the officer's tour of duty in that assignment brings the officer's cumulative service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a); and

"(B) the length of time served in that assignment (in any case other than an assignment which is described in subsection (g)(4)(B)) was not less than two years."

Subsec. (e)(2). Pub. L. 110-417, § 524(b), added par. (2) and struck out former par. (2) which read as follows: "In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

"(A) Service described in subsection (c), except that not more than 12½ percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.

"(B) Service described in subsection (d).

"(C) Service described in subsection (f)(6), except that no more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year."

Subsec. (f). Pub. L. 110-417, § 524(c), in par. (3) substituted "Accrued joint experience" for "Cumulative service", in par. (4) struck out "(except that not more than 6 percent of all joint duty assignments may be considered to be under this paragraph at any time)" before period at end, added par. (6), and struck out former par. (6) which read as follows "A second joint duty assignment that is less than the period required under subsection (a), but not less than two years, without regard to whether a waiver was granted for such assignment under subsection (b).".

Subsec. (g). Pub. L. 110-417, § 524(d), amended subsec. (g) generally. Prior to amendment, subsec. (g) related to cumulative service of an officer in joint duty assignments.

Subsec. (h). Pub. L. 110-417, § 524(e), substituted "paragraphs (1), (2), and (4) of subsection (f)" for "subsection (f)(1), (f)(2), (f)(4), or (g)(2)" in par. (1) and struck out par. (3) which read as follows: "This subsection shall not apply in the case of an officer who serves less than 10 months in the joint duty assignment."

Subsec. (i). Pub. L. 110-417, § 524(f), struck out subsec. (i) which related to joint duty credit for certain joint task force assignments.

2006—Subsec. (c). Pub. L. 109-364, in introductory provisions, substituted "661(c)(1)(B)" for "661(c)(2)", reded-

ignated pars. (2) and (3) as (1) and (2), respectively, in par. (1), substituted “668(d)” for “661(c)(2)”, and struck out former par. (1) which read as follows: “who is nominated for the joint specialty;”.

2001—Subsec. (i)(4)(E). Pub. L. 107–107, §522(1), substituted “Except as provided in subparagraph (F), the joint task force” for “The joint task force”.

Subsec. (i)(4)(F). Pub. L. 107–107, §522(2), added subpar. (F).

1999—Subsec. (i)(2)(A). Pub. L. 106–65 substituted “February 10, 1996” for “the date of the enactment of this subsection” in introductory provisions.

1996—Subsec. (e)(1). Pub. L. 104–106, §501(f), struck out “(after fiscal year 1990)” after “any fiscal year”.

Subsec. (e)(2)(C). Pub. L. 104–106, §501(e)(1), added subpar. (E).

Subsec. (f). Pub. L. 104–106, §501(e)(2)(A), substituted “completion of any of the following:” for “completion of—” in introductory provisions.

Subsec. (f)(1). Pub. L. 104–106, §501(e)(2)(B), (D), substituted “A joint duty” for “a joint duty” and “subsection (a)” for “subsection (a);”.

Subsec. (f)(2). Pub. L. 104–106, §501(e)(2)(B), (D), substituted “A joint duty” for “a joint duty” and “subsection (c)” for “subsection (c);”.

Subsec. (f)(3). Pub. L. 104–106, §501(e)(2)(C), (D), substituted “Cumulative” for “cumulative” and “subsection (g)” for “subsection (g);”.

Subsec. (f)(4). Pub. L. 104–106, §501(e)(2)(B), (D), substituted “A joint duty” for “a joint duty” and “any time;” for “any time); or”.

Subsec. (f)(5). Pub. L. 104–106, §501(e)(2)(B), substituted “A joint duty” for “a joint duty”.

Subsec. (f)(6). Pub. L. 104–106, §501(e)(2)(E), added par. (6).

Subsec. (i). Pub. L. 104–106, §501(b), added subsec. (i). 1988—Subsec. (a)(1). Pub. L. 100–456, §514(1)(A), substituted “two years” for “three years”.

Subsec. (a)(2). Pub. L. 100–456, §514(1)(B), substituted “three years” for “three and one-half years”.

Subsec. (c)(1). Pub. L. 100–456, §514(2), substituted “is” for “has been” and struck out “before such assignment begins” after “specialty”.

Subsec. (d)(2). Pub. L. 100–456, §514(3), inserted “which is less than the applicable standard prescribed in subsection (a)” after “Hawaii”.

Subsec. (e)(2)(A). Pub. L. 100–456, §517(b), substituted “12½ percent” for “10 percent”.

Subsec. (f)(4), (5). Pub. L. 100–456, §514(4), added pars. (4) and (5).

Subsec. (g)(3). Pub. L. 100–456, §514(5), substituted “shall be excluded if the officer served less than 10 months in that assignment” for “shall be excluded—

“(A) if the officer served less than 10 months in that assignment; and

“(B) to the extent that the assignment was served more than eight years before the date of computation of the cumulative service.”

Subsec. (h). Pub. L. 100–456, §514(6), added subsec. (h). 1987—Subsec. (b). Pub. L. 100–180 added subsec. (b) and struck out former subsec. (b) which read as follows: “The Secretary of Defense may waive subsection (a) in the case of any officer, but the Secretary shall ensure that the average length of joint duty assignments meets the standards prescribed in that subsection.”

Subsec. (c). Pub. L. 100–180 added subsec. (c) and struck out former subsec. (c), “Certain officers with critical combat operations skills”, which read as follows: “Joint duty assignments of less than the period prescribed by subsection (a), but not less than two years, may be authorized for the purposes of section 661(c)(2) of this title. Such an assignment may not be counted for the purposes of determining the average length of joint duty assignments under subsection (b).”

Subsec. (d). Pub. L. 100–180 added subsec. (d) and struck out former subsec. (d), “Exception”, which read as follows:

“(1) Subsection (a) does not apply in the case of an officer who fails to complete a joint duty assignment as the result of—

“(A) retirement;

“(B) separation from active duty; or

“(C) suspension from duty under section 155(f)(2) or 164(g) of this title.

“(2) In computing the average length of joint duty assignments for purposes of this section, the Secretary of Defense shall exclude joint duty assignments not completed because of a reason specified in paragraph (1).”

Subsecs. (e) to (g). Pub. L. 100–180 added subsecs. (e) to (g).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title V, §519(e), Oct. 17, 2006, 120 Stat. 2191, provided that: “The amendments made by this section [amending this section and sections 667 and 668 of this title] shall take effect on October 1, 2007.”

#### RETROACTIVE JOINT SERVICE CREDIT FOR DUTY IN CERTAIN JOINT TASK FORCES

Pub. L. 107–107, div. A, title V, §523, Dec. 28, 2001, 115 Stat. 1097, provided that, in accordance with subsec. (i) of this section, the Secretary of Defense was authorized to award joint service credit to any officer who served on the staff of a United States joint task force headquarters in certain operations and during certain periods, and the Secretary was required to submit to Congress a report of the numbers, by service, grade, and operation, of the officers given joint service credit not later than one year after Dec. 28, 2001.

#### JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM

Pub. L. 103–160, div. A, title IX, §932, Nov. 30, 1993, 107 Stat. 1735, provided extension of authority until the end of the 90-day period beginning on Nov. 30, 1993, to give certain officers joint duty credit pursuant to Pub. L. 102–484, §933, formerly set out below.

Pub. L. 102–484, div. A, title IX, §933, Oct. 23, 1992, 106 Stat. 2476, as amended by Pub. L. 103–35, title II, §202(a)(9), May 31, 1993, 107 Stat. 101; Pub. L. 103–160, div. A, title IX, §932(c)(1), Nov. 30, 1993, 107 Stat. 1735, temporarily authorized the Secretary of Defense to give an officer who had completed service during the period beginning on Aug. 2, 1990, and ending on Feb. 28, 1991, in an assignment in the Persian Gulf combat zone, credit, on a case-by-case basis, for having completed a full tour of duty in a joint duty assignment, or credit countable for determining cumulative service in joint duty assignments, for the purposes of any provision of this title, notwithstanding the length of such service or whether that service had been within the definition of “joint duty assignment” in section 668 of this title, and provided that such authority would expire at the end of the six-month period beginning on Oct. 23, 1992.

#### LENGTH OF JOINT DUTY ASSIGNMENTS

Pub. L. 99–433, title IV, §406(e), Oct. 1, 1986, 100 Stat. 1034, provided that: “Subsection (a) of section 664 of title 10, United States Code (as added by section 401), shall apply to officers assigned to joint duty assignments after the end of the 90-day period beginning on the date of the enactment of this Act [Oct. 1, 1986]. In computing an average under subsection (b) of such section, only joint duty assignments to which such subsection applies shall be considered.”

#### WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF

For waiver of the requirements of this section for the length of a joint duty assignment, see section 532(c) of Pub. L. 99–433, formerly set out as a note under section 3033 of this title.

### § 665. Procedures for monitoring careers of joint qualified officers

(a) PROCEDURES.—(1) The Secretary of Defense, with the advice of the Chairman of the Joint