

“(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report’s proposed plan of action.

“(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

“(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

“(c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—Section 654 of title 10, United States Code, shall remain in effect until such time that all of the requirements and certifications required by subsection (b) are met. If these requirements and certifications are not met, section 654 of title 10, United States Code, shall remain in effect.

“(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of ‘marriage’ and ‘spouse’ and referred to as the ‘Defense of Marriage Act’).

“(e) NO PRIVATE CAUSE OF ACTION.—Nothing in this section, or the amendments made by this section, shall be construed to create a private cause of action.

“(f) TREATMENT OF 1993 POLICY.—

“(1) TITLE 10.—Upon the effective date established by subsection (b), chapter 37 of title 10, United States Code, is amended—

“(A) by striking section 654; and

“(B) in the table of sections at the beginning of such chapter, by striking the item relating to section 654.

“(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 [Pub. L. 103-160] (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).”

[The report referred to in section 2(b)(1) of Pub. L. 111-321, set out above, was released Nov. 30, 2010. The certification referred to in section 2(b)(2) of Pub. L. 111-321 was transmitted July 22, 2011.]

IMPLEMENTATION OF SECTION; REGULATIONS; SAVINGS PROVISION; SENSE OF CONGRESS

Pub. L. 103-160, div. A, title V, §571(b)-(d), Nov. 30, 1993, 107 Stat. 1671, 1672, which required the Secretary of Defense to issue regulations to implement this section, provided a savings provision for actions and proceedings commenced prior to the effective date of such regulations, and provided the sense of Congress regarding the policy set forth in this section, was repealed by Pub. L. 111-321, §2(f)(2), Dec. 22, 2010, 124 Stat. 3516, effective on the date established by section 2(b) of Pub. L. 111-321, set out above.

§ 655. Designation of persons having interest in status of a missing member

(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person’s primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.

(Added Pub. L. 104-106, div. A, title V, §569(d)(1), Feb. 10, 1996, 110 Stat. 352.)

§ 656. Diversity in military leadership: plan

(a) PLAN.—The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Department of the Navy) shall develop and implement a plan to accurately measure the efforts of the Department of Defense and the Coast Guard to achieve a dynamic, sustainable level of members of the armed forces (including reserve components) that, among both commissioned officers and senior enlisted personnel of each armed force, will reflect the diverse population of the United States eligible to serve in the armed forces, including gender specific, racial, and ethnic populations. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense and the Coast Guard, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary concerned shall continue to account for diversified language and cultural skills among the total force of the armed forces.

(b) METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN.—In developing and implementing the plan under subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

(1) to accurately capture the inclusion and capability aspects of the armed forces’ broader diversity plans, including race, ethnic, and gender specific groups, as potential factors of force readiness that would supplement continued accounting by the Department of Defense and the Coast Guard of diversified language and cultural skills among the total force as part of the assessment of current and future national security needs; and

(2) to be verifiable and systematically linked to strategic plans that will drive improvements.

(c) DEFINITION OF DIVERSITY.—In developing and implementing the plan under subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall develop a uniform definition of diversity.

(d) CONSULTATION.—Not less than annually, the Secretary of Defense and the Secretary of Homeland Security shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and senior enlisted members of the armed forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).

(e) COOPERATION WITH STATES.—The Secretary of Defense shall coordinate with the National

Guard Bureau and States in tracking the progress of the National Guard toward developing and implementing the plan established under subsection (a).

(Added Pub. L. 112-239, div. A, title V, §519(a)(1), Jan. 2, 2013, 126 Stat. 1720.)

STRATEGIC PLAN FOR DIVERSITY AND INCLUSION

Pub. L. 116-92, div. A, title V, §529, Dec. 20, 2019, 133 Stat. 1358, provided that:

“(a) PLAN REQUIRED.—The Secretary of Defense shall design and implement a five-year strategic plan for diversity and inclusion in the Department of Defense.

“(b) ELEMENTS.—The strategic plan under this section—

“(1) shall incorporate existing efforts to promote diversity and inclusion within the Department; and

“(2) may not conflict with the objectives of the 2018 National Military Strategy.

“(c) DEADLINE.—The Secretary shall implement the strategic plan under this section not later than one year after the date of the enactment of this Act [Dec. 20, 2019].”

§ 657. Prohibition on service in the armed forces by individuals convicted of certain sexual offenses

(a) PROHIBITION ON COMMISSIONING OR ENLISTMENT.—A person who has been convicted of an offense specified in subsection (b) under Federal or State law may not be processed for commissioning or permitted to enlist in the armed forces.

(b) COVERED OFFENSES.—An offense specified in this subsection is any felony offense as follows:

(1) Rape or sexual assault.

(2) Forcible sodomy.

(3) Incest.

(4) An attempt to commit an offense specified in paragraph (1) through (3), as punishable under applicable Federal or State law.

(Added Pub. L. 113-66, div. A, title XVII, §1711(a)(1), Dec. 26, 2013, 127 Stat. 962.)

CHAPTER 38—JOINT OFFICER MANAGEMENT

Sec.	
661.	Management policies for joint qualified officers.
662.	Promotion policy objectives for joint officers.
663.	Joint duty assignments after completion of joint professional military education.
664.	Length of joint duty assignments.
665.	Procedures for monitoring careers of joint qualified officers.
666.	Reserve officers not on the active-duty list.
[667.	Repealed.]
668.	Definitions.

AMENDMENTS

2014—Pub. L. 113-291, div. A, title V, §505(b), Dec. 19, 2014, 128 Stat. 3356, struck out item 667 “Annual report to Congress”.

2008—Pub. L. 110-417, [div. A], title V, §522(a)(3), (c)(3), Oct. 14, 2008, 122 Stat. 4445, added items 661 and 665 and struck out former items 661 “Management policies for officers who are joint qualified” and 665 “Procedures for monitoring careers of joint officers”.

2006—Pub. L. 109-364, div. A, title V, §516(e)(2), Oct. 17, 2006, 120 Stat. 2189, substituted “officers who are joint qualified” for “joint specialty officers” in item 661.

2004—Pub. L. 108-375, div. A, title V, §532(c)(2)(B), Oct. 28, 2004, 118 Stat. 1900, substituted “Joint duty assignments after completion of joint professional military education” for “Education” in item 663.

§ 661. Management policies for joint qualified officers

(a) ESTABLISHMENT.—The Secretary of Defense shall establish policies, procedures, and practices for the effective management of officers of the Army, Navy, Air Force, and Marine Corps on the active-duty list who are particularly trained in, and oriented toward, joint matters (as defined in section 668 of this title). Such officers shall be identified or designated (in addition to their principal military occupational specialty) as a joint qualified officer or in such other manner as the Secretary of Defense directs.

(b) LEVELS, DESIGNATION, AND NUMBERS.—(1)(A) The Secretary of Defense shall establish different levels of joint qualification, as well as the criteria for qualification at each level. Such levels of joint qualification shall be established by the Secretary with the advice of the Chairman of the Joint Chiefs of Staff. Each level shall, as a minimum, have both joint education criteria and joint experience criteria. The purpose of establishing such qualification levels is to ensure a systematic, progressive, career-long development of officers in joint matters and to ensure that officers serving as general and flag officers have the requisite experience and education to be highly proficient in joint matters.

(B) The number of officers who are joint qualified shall be determined by the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff. Such number shall be large enough to meet the requirements of subsection (d).

(2) Certain officers shall be designated as joint qualified by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff.

(3) An officer may be designated as joint qualified under paragraph (2) only if the officer—

(A) meets the education and experience criteria of subsection (c);

(B) meets such additional criteria as prescribed by the Secretary of Defense; and

(C) holds the grade of captain or, in the case of the Navy, lieutenant or a higher grade.

(4) The authority of the Secretary of Defense under paragraph (2) to designate officers as joint qualified may be delegated only to the Deputy Secretary of Defense or an Under Secretary of Defense.

(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) An officer may not be designated as joint qualified until the officer—

(A) successfully completes an appropriate program of joint professional military education, as described in subsections (b) and (c) of section 2155 of this title, at a joint professional military education school; and

(B) successfully completes—

(i) a full tour of duty in a joint assignment, as described in section 664(d) of this title; or

(ii) such other assignments and experiences in a manner that demonstrate the officer’s mastery of knowledge, skills, and abilities in joint matters, as determined under such regulations and policy as the Secretary of Defense may prescribe.

(2) Subject to paragraphs (3) through (6), the Secretary of Defense may waive the requirement