

2006—Pub. L. 109-163, div. A, title V, §578(a)(2), Jan. 6, 2006, 119 Stat. 3276, added item 992.

§ 991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo

(a) MANAGEMENT RESPONSIBILITIES.—(1) The deployment (or potential deployment) of a member of the armed forces shall be managed to ensure that the member is not deployed, or continued in a deployment, on any day on which the total number of days on which the member has been deployed—

(A) out of the preceding 365 days would exceed the one-year high-deployment threshold; or

(B) out of the preceding 730 days would exceed the two-year high-deployment threshold.

(2) In this subsection:

(A) The term “one-year high-deployment threshold” means—

(i) 220 days; or

(ii) a lower number of days prescribed by the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness.

(B) The term “two-year high-deployment threshold” means—

(i) 400 days; or

(ii) a lower number of days prescribed by the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness.

(3) A member may be deployed, or continued in a deployment, without regard to paragraph (1) if the deployment, or continued deployment, is approved by the Secretary of Defense. The authority of the Secretary under the preceding sentence may only be delegated to a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.

(4) The Secretary of Defense shall prescribe a policy that addresses each of the following:

(A) The amount,¹ of dwell time a regular member of the armed forces or unit remains at the member’s or unit’s permanent duty station or home port, as the case may be, between deployments.

(B) The amount of dwell time a reserve member of the armed forces remains at the member’s permanent duty station after completing a deployment of 30 days or more in length.

(b) DEPLOYMENT DEFINED.—(1) For the purposes of this section, a member of the armed forces shall be considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member’s permanent duty station or homeport, as the case may be.

(2) In the case of a member of a reserve component who is performing active service pursuant

to orders that do not establish a permanent change of station, the housing referred to in paragraph (1) is any housing (which may include the member’s residence) that the member usually occupies for use during off-duty time when on garrison duty at the member’s permanent duty station or homeport, as the case may be.

(3) For the purposes of this section, a member is not deployed or in a deployment when the member is—

(A) performing service as a student or trainee at a school (including any Government school);

(B) performing administrative, guard, or detail duties in garrison at the member’s permanent duty station; or

(C) unavailable solely because of—

(i) a hospitalization of the member at the member’s permanent duty station or homeport or in the immediate vicinity of the member’s permanent residence; or

(ii) a disciplinary action taken against the member.

(4) The Secretary of Defense may prescribe a definition of deployment for the purposes of this section other than the definition specified in paragraphs (1) and (2). Any such definition may not take effect until 90 days after the date on which the Secretary notifies the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the revised standard definition of deployment.

(c) RECORDKEEPING.—(1) The Secretary of Defense shall—

(A) establish a system for tracking and recording the number of days that each member of the armed forces is deployed;

(B) prescribe policies and procedures for measuring operating tempo and personnel tempo; and

(C) maintain a central data collection repository to provide information for research, actuarial analysis, interagency reporting, and evaluation of Department of Defense programs and policies.

(2) The data collection repository shall be able to identify—

(A) the active and reserve component units of the armed forces that are participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation; and

(B) the duration of their participation.

(3) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year—

(A) the number of members who received the high-deployment allowance under section 436 of title 37 (or who would have been eligible to receive the allowance if the duty assignment was not excluded by the Secretary of Defense);

(B) the number of members who received each rate of allowance paid (estimated in the case of members described in the parenthetical phrase in subparagraph (A));

(C) the number of months each member received the allowance (or would have received

¹ So in original. The period probably should not appear.

it in the case of members described in the parenthetical phrase in subparagraph (A)); and

(D) the total amount expended on the allowance.

(4) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.

(d) NATIONAL SECURITY WAIVER AUTHORITY.—(1) The Secretary of the military department concerned may suspend the applicability of this section to a member or any group of members under the Secretary's jurisdiction when the Secretary determines that such a waiver is necessary in the national security interests of the United States.

(2)(A) Whenever a waiver is in effect under paragraph (1), the member or group of members covered by the waiver shall be subject to specific and measurable deployment thresholds established and maintained for purposes of this subsection.

(B) Thresholds under this paragraph may be applicable—

(i) uniformly, Department of Defense-wide; or

(ii) separately, with respect to each armed force or the United States Special Operations Command.

(C) If thresholds under this paragraph are applicable Department-wide, such thresholds shall be established and maintained by the Under Secretary of Defense for Personnel and Readiness. If such thresholds are applicable only to one armed force or the Under States Special Operations Command, such thresholds shall be established and maintained respectively by the Secretary of the Army, the Secretary of the Navy (other than with respect to the Marine Corps), the Secretary of the Air Force, the Commandant of the Marine Corps (with respect to the Marine Corps), and the Commander of the United States Special Operations Command, as applicable.

(D) In undertaking recordkeeping for purposes of subsection (c), the Under Secretary shall, in conjunction with the officials and officers referred to in subparagraph (C), collect complete and reliable personnel tempo data of members described in subparagraph (A) in order to ensure that the Department, the armed forces, and the United States Special Operations Command fully and completely monitor personnel tempo under any waiver authorized under paragraph (1) and the effect of such waiver on the armed forces.

(e) INAPPLICABILITY TO COAST GUARD.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(f) OTHER DEFINITIONS.—In this section:

(1)(A) Subject to subparagraph (B), the term “dwell time” means the time a member of the armed forces or a unit spends at the permanent duty station or home port after returning from a deployment.

(B) The Secretary of Defense may modify the definition of dwell time specified in subparagraph (A). If the Secretary establishes a different definition of such term, the Secretary shall transmit the new definition to Congress.

(2) The term “operating tempo” means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

(3) The term “personnel tempo” means the amount of time members of the armed forces are engaged in their official duties at a location or under circumstances that make it infeasible for a member to spend off-duty time in the housing in which the member resides.

(Added Pub. L. 106–65, div. A, title V, § 586(a), Oct. 5, 1999, 113 Stat. 637; amended Pub. L. 106–398, § 1 [[div. A], title V, § 574(a), (b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–136, 1654A–137; Pub. L. 107–107, div. A, title V, § 515(a), Dec. 28, 2001, 115 Stat. 1093; Pub. L. 108–136, div. A, title V, § 541(a), Nov. 24, 2003, 117 Stat. 1475; Pub. L. 112–81, div. A, title V, § 522(a)–(d)(1), Dec. 31, 2011, 125 Stat. 1399–1401; Pub. L. 116–92, div. A, title V, §§ 506, 507(a), Dec. 20, 2019, 133 Stat. 1345.)

AMENDMENTS

2019—Subsec. (a)(3). Pub. L. 116–92, § 506(a), substituted “be delegated to a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.” for “be delegated to—

“(A) a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate, or a member of the Senior Executive Service; or

“(B) a general or flag officer in that member's chain of command (including an officer in the grade of colonel, or in the case of the Navy, captain, serving in a general or flag officer position who has been selected for promotion to the grade of brigadier general or rear admiral (lower half) in a report of a selection board convened under section 611(a) or 14101(a) of this title that has been approved by the President).”

Subsec. (a)(4). Pub. L. 116–92, § 506(b), substituted “addresses each of the following:” for “addresses the amount”, inserted “(A) The amount.” before “of dwell time”, and “regular” before “member”, and added subpar. (B).

Subsec. (d). Pub. L. 116–92, § 507(a), designated existing provisions as par. (1) and added par. (2).

2011—Pub. L. 112–81, § 522(d)(1), substituted “Management of deployments of members and measurement and data collection of unit operating and personnel tempo” for “Management of deployments of members” in section catchline.

Subsec. (a)(4). Pub. L. 112–81, § 522(a), added par. (4).

Subsec. (c). Pub. L. 112–81, § 522(b), amended subsec. (c) generally. Prior to amendment, text read as follows: “The Secretary of each military department shall establish a system for tracking and recording the number of days that each member of the armed forces under the jurisdiction of the Secretary is deployed.”

Subsec. (f). Pub. L. 112–81, § 522(c), added subsec. (f).

2003—Subsec. (a). Pub. L. 108–136 reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) The deployment (or potential deployment) of a member of the armed forces shall be managed, during any period when the member is a high-deployment days member, by the officer in the chain of command of that member who is the lowest-ranking general or flag officer in that chain of command. That officer shall ensure that the member is not deployed, or continued in a de-

ployment, on any day on which the total number of days on which the member has been deployed out of the preceding 365 days would exceed 220. However, the member may be deployed, or continued in a deployment, without regard to the preceding sentence if such deployment, or continued deployment, is approved—

“(A) in the case of a member who is assigned to a combatant command in a position under the operational control of the officer in that combatant command who is the service component commander for the members of that member’s armed force in that combatant command, by that officer; and

“(B) in the case of a member not assigned as described in subparagraph (A), by the service chief of that member’s armed force (or, if so designated by that service chief, by an officer of the same armed force on active duty who is in the grade of general or admiral or who is the personnel chief for that armed force).

“(2) In this section, the term ‘high-deployment days member’ means a member who has been deployed 182 days or more out of the preceding 365 days.

“(3) In paragraph (1)(B), the term ‘service chief’ means the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps.”

2001—Subsec. (b)(2). Pub. L. 107-107 amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“(2) In the case of a member of a reserve component performing active service, the member shall be considered deployed or in a deployment for the purposes of paragraph (1) on any day on which, pursuant to orders that do not establish a permanent change of station, the member is performing the active service at a location that—

“(A) is not the member’s permanent training site; and

“(B) is—

“(i) at least 100 miles from the member’s permanent residence; or

“(ii) a lesser distance from the member’s permanent residence that, under the circumstances applicable to the member’s travel, is a distance that requires at least three hours of travel to traverse.”

2000—Subsec. (a)(1). Pub. L. 106-398, §1 [[div. A], title V, §574(a)(1)], substituted “. However, the member may be deployed, or continued in a deployment, without regard to the preceding sentence if such deployment, or continued deployment, is approved—” and subpars. (A) and (B) for “unless an officer in the grade of general or admiral in the member’s chain of command approves the deployment, or continued deployment, of the member.”

Subsec. (a)(3). Pub. L. 106-398, §1 [[div. A], title V, §574(a)(2)], added par. (3).

Subsec. (b)(1). Pub. L. 106-398, §1 [[div. A], title V, §574(b)(1)], inserted “or homeport, as the case may be” before period at end.

Subsec. (b)(2). Pub. L. 106-398, §1 [[div. A], title V, §574(b)(3)], added par. (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 106-398, §1 [[div. A], title V, §574(b)(2)], redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (b)(3)(C). Pub. L. 106-398, §1 [[div. A], title V, §574(b)(4)], added subpar. (C).

Subsec. (b)(4). Pub. L. 106-398, §1 [[div. A], title V, §574(b)(2)], redesignated par. (3) as (4).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title V, §515(b), Dec. 28, 2001, 115 Stat. 1094, provided that: “The amendment made by this section [amending this section] shall apply with respect to duty performed on or after October 1, 2001.”

EFFECTIVE DATE

Pub. L. 106-65, div. A, title V, §586(d)(1), Oct. 5, 1999, 113 Stat. 639, provided that: “Section 991 of title 10, United States Code (as added by subsection (a)), shall

take effect on October 1, 2000. No day on which a member of the Armed Forces is deployed (as defined in subsection (b) of that section) before that date may be counted in determining the number of days on which a member has been deployed for purposes of that section.”

REGULATIONS

Pub. L. 106-65, div. A, title V, §586(e), Oct. 5, 1999, 113 Stat. 639, provided that: “Not later than June 1, 2000, the Secretary of each military department shall prescribe in regulations the policies and procedures for implementing such provisions of law for that military department.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

DEADLINE FOR IMPLEMENTATION OF SUBSECTION (d)(2)

Pub. L. 116-92, div. A, title V, §507(b), Dec. 20, 2019, 133 Stat. 1346, provided that: “Paragraph (2) of section 991(d) of title 10, United States Code, as added by subsection (a), shall be fully implemented by not later than March 1, 2020.”

FAMILY CARE PLANS AND DEFERMENT OF DEPLOYMENT OF SINGLE PARENT OR DUAL MILITARY COUPLES WITH MINOR DEPENDENTS

Pub. L. 110-181, div. A, title V, §586, Jan. 28, 2008, 122 Stat. 132, as amended by Pub. L. 114-328, div. A, title VI, §618(a), Dec. 23, 2016, 130 Stat. 2160, provided that: “The Secretary of Defense shall establish appropriate procedures to ensure that an adequate family care plan is in place for a member of the Armed Forces with minor dependents who is a single parent or whose spouse is also a member of the Armed Forces when the member may be deployed in an area for which imminent danger pay is authorized under section 310 or 351 of title 37, United States Code. Such procedures should allow the member to request a deferment of deployment due to unforeseen circumstances, and the request for such a deferment should be considered and responded to promptly.”

POLICY ON CONCURRENT DEPLOYMENT TO COMBAT ZONES OF BOTH MILITARY SPOUSES OF MILITARY FAMILIES WITH MINOR CHILDREN

Pub. L. 108-136, div. A, title V, §585, Nov. 24, 2003, 117 Stat. 1492, provided that:

“(a) PUBLICATION OF POLICY.—Not later than 180 days after the date of the enactment of this Act [Nov. 24, 2003], the Secretary of Defense shall—

“(1) prescribe the policy of the Department of Defense on concurrent deployment to a combat zone of both spouses of a dual-military family with one or more minor children; and

“(2) transmit the policy to the Committees on Armed Services of the Senate and the House of Representatives.

“(b) DUAL-MILITARY FAMILY DEFINED.—In this section, the term ‘dual-military family’ means a family in which both spouses are members of the Armed Forces.”

REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS

Pub. L. 106-398, §1 [[div. A], title V, §574(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138, as amended by Pub. L. 107-107, div. A, title V, §592(b), Dec. 28, 2001, 115 Stat. 1125, directed the Secretary of Defense to submit to committees of Congress a report on the administration

of this section during fiscal year 2001 not later than Mar. 31, 2002.

§ 992. Financial literacy training: financial services

(a) REQUIREMENT FOR FINANCIAL LITERACY TRAINING PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program to provide comprehensive financial literacy training to members of the armed forces under the jurisdiction of the Secretary on—

(A) financial services that are available under law to members;

(B) financial services that are routinely offered by private sector sources to members;

(C) practices relating to the marketing of private sector financial services to members;

(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

(E) such other financial practices as the Secretary considers appropriate.

(2) Training under this subsection shall be provided to a member of the armed forces—

(A) as a component of the initial entry training of the member;

(B) upon arrival at the first duty station of the member;

(C) upon arrival at each subsequent duty station, in the case of a member in pay grade E-4 or below or in pay grade O-3 or below;

(D) on the date of promotion of the member, in the case of a member in pay grade E-5 or below or in pay grade O-4 or below;

(E) when the member vests in the Thrift Savings Plan (TSP) under section 8432(g)(2)(C) of title 5;

(F) when the member becomes entitled to receive continuation pay under section 356 of title 37, at which time the training shall include, at a minimum, information on options available to the member regarding the use of continuation pay;

(G) at each major life event during the service of the member, such as—

(i) marriage;

(ii) divorce;

(iii) birth of first child; or

(iv) disabling sickness or condition;

(H) during leadership training;

(I) during pre-deployment training and during post-deployment training;

(J) at transition points in the service of the member, such as—

(i) transition from a regular component to a reserve component;

(ii) separation from service; or

(iii) retirement; and

(K) as a component of periodically recurring required training that is provided to the member at a military installation.

(3) The training provided at a military installation under paragraph (2)(J) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

(4) The Secretary concerned shall prescribe regulations setting forth any other events and

circumstances (in addition to the events and circumstances described in paragraph (2)) upon which the training required by this subsection shall be provided.

(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces, and such member's spouse, under the jurisdiction of the Secretary.

(2)(A) In the case of a military installation at which at least 2,000 members of the armed forces on active duty are assigned, the Secretary concerned—

(i) shall provide counseling on financial services under this subsection through a full-time financial services counselor at such installation; and

(ii) may provide such counseling at such installation by any means elected by the Secretary from among the following:

(I) Through members of the armed forces in pay grade E-7 or above, or civilians, who provide such counseling as part of their other duties for the armed forces or the Department of Defense.

(II) By contract, including contract for services by telephone and by the Internet.

(III) Through qualified representatives of nonprofit organizations and agencies under formal agreements with the Department of Defense to provide such counseling.

(B) In the case of any military installation not described in subparagraph (A), the Secretary concerned shall provide counseling on financial services under this subsection at such installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned.

(3) Each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraphs (2), is free from conflicts of interest relevant to the performance of duty under this section and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

(c) LIFE INSURANCE.—In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers' Group Life