

**DEPARTMENT OF DEFENSE
INFORMATION PAPER**

SERVICE/AGENCY: U.S. NAVY

SUBJECT: Senator Warren (D-MA) on Flag Holds from Senator Tuberville (R-AL)

DATE: September 11, 2023

BACKGROUND: OSD has assigned N1/CNP to draft a response to a Request for Information from Senator Warren (D-MA), Senate Armed Services Committee (SASC) Professional Staff Member (PSM), regarding the impact from Senator Tuberville's Flag Officer holds blocking military recovery, retirement, and promotions. Response requested for VCNO's confirmation on September 14, 2023.

1. QUESTION/REQUEST: Does the Navy have an estimate of how long it will take to recover from the Sen Tuberville holds?

RESPONSE:

Short term, it will take the Navy several months to move individuals and their families to their new assignments. Because of the hold, we have added extra steps (for example, RADM Kacher now has to be relieved by RADM Davids who has to be relieved by RADM McLane before RADM Kacher can pack up his family and move overseas to relieve VADM Thomas as Commander, SEVENTH Fleet). VADM Thomas will then move from overseas to CONUS.

Long term, it will take years to get back on track due to the large number of Officers starting their time-in-grade (TIG) counters later than planned. Our estimate is nominally five years to return to normal TIG management after the hold is lifted. This could increase to six or seven years if the hold remains in place through CY24 as promotion board cycles will also be disrupted.

Additionally, IAW 10 USC 629, for an officer that is recommended for promotion by the President through the promotions board process (for flags, this means O-7 and O-8 selection), if the Senate does not provide its advice and consent within 18 months after the board report is approved, then that officer's selection would be removed by operation of law. Title 10 does allow POTUS to extend the deadline by an additional 12 months beyond the initial 18 month deadline, but if the deadline is surpassed, the officer is removed.

Normally this deadline issue presents itself for officers that are selected for promotion that have adverse matters that causes the Department to withhold the promotion while they vet the information. But the same rule would still apply for these O-7 and O-8s that have not received Senate confirmation.

2. QUESTION/REQUEST: Has the Navy asked anyone to put off retirement/separation to help cover for these holds?

RESPONSE:

Yes. ADM James F. Caldwell, Director, Naval Reactors was scheduled to be relieved this week (15 Sept) and to retire 1 November. He is extended indefinitely.

Also, VADM Michelle Skubic, Director, Defense Logistics Agency, has agreed to remain on active duty despite having an approved retirement date of 1 October with a desired turnover date of 18 August. She has agreed to stay until November for the time being.

Finally, VADM Collin Green, Deputy Commander, U. S. Special Operations Command has agreed to remain until next summer. He is schedule to retire 1 March 2024.

3. QUESTION/REQUEST: Is there any estimate on how many of those pending promotions will need to extend to reach their time in grade for retirement?

RESPONSE:

Of the 79 Active and Reserve Flag Officers awaiting confirmation, more than half are expected to be required to extend to meet the three year TIG requirement to retire. The other half will likely be selected for the next grade at which they will then restart their TIG clock. The 40 or so extending past their expected time to meet TIG requirements are what drives the long term answer in #1 above (five years to recover). TIG waivers will help mitigate this, but that will reduce the retired Officers retirement pay - in some cases up to \$600 per month for the rest of their lives.