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RESERVE COMPONENT DUTY STATUS REFORM

HEARING

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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RESERVE COMPONENT DUTY STATUS REFORM

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
Washington, DC, Wednesday, March 27, 2019.

The subcommittee met, pursuant to call, at 3:58 p.m., in room 2118, Rayburn House Office Building, Hon. Jackie Speier (chairwoman of the subcommittee) presiding.

OPENING STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE FROM CALIFORNIA, CHAIRWOMAN, SUBCOMMITTEE ON MILITARY PERSONNEL

Ms. SPEIER. The Subcommittee on Military Personnel of the Armed Services Committee is called to order. I want to welcome today all of our panelists who will be testifying.

We are going to hear from those who lead the Reserve Components, the service members that will be most personally affected by the proposed changes to the Reserve Component call-up authorities.

The patchwork of 30 duty statuses and accompanying benefits have needed modernization and streamlining for a long time. And these necessary changes are ones that we are anticipating you are going to provide great guidance and light to us today.

I want to thank our witnesses for sharing their views on how these changes will improve and streamline Reserve Component activations. They should make orders and benefits more consistent and predictable for our Reserve Component members and their families.

I worry that the confusion generated by having so many duty statuses is having an effect on retention in the Reserve Components. And I hope you will address that in your comments.

The reform of these authorities and benefits have been addressed by multiple commissions over the years, including the Commission on the National Guard and Reserves in 2008 and the Military Compensation and Retirement Modernization Commission in 2015, to no avail.

Finally, Congress directed the Department to come up with a plan to address duty status reform in the 2016 NDAA [National Defense Authorization Act]. The reform concept before us today is the result of that direction. For too many years, activation authorities were added piecemeal for any number of reasons without thought for maintaining a coherent and usable system.

Some tweaks have responded to the changing ways the Reserve Component has been employed over the last 18 years of conflict. Due to these changes' partial, reactive nature, the activation of any

portion of the Reserve Component has turned into a jumble of statutes and pre- and post-mobilization benefits that are not easily understandable by our service members or their families.

The reforms presented today must simplify this system of 30 different call-up authorities. I believe that reducing the call-up authorities to four categories, as you propose, would accomplish that. But benefits must not be lost and must maintain parity with those for service members doing the same job.

I am interested to hear from you about how these reforms address the inequities and disruptions in pay, benefits, and medical care that have impacted the Reserve Component, as well as your thoughts on benefits parity in the proposed system.

[The prepared statement of Ms. Speier can be found in the Appendix on page 25.]

Ms. SPEIER. Before I introduce our first panel, let me offer Ranking Member Kelly an opportunity to make his opening remarks.

STATEMENT OF HON. TRENT KELLY, A REPRESENTATIVE FROM MISSISSIPPI, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL

Mr. KELLY. Thank you, Chairwoman Speier, and thank you for working so hard to help us have this hearing. I really appreciate it.

I want to thank our witnesses for being here today and your continued service to our great Nation. Congress has worked closely with the Department of Defense over the past several years to improve personnel policy.

Our service men and women who sacrifice so much deserve an understandable, predictable personnel management system. Much of the reform in this area in the past has focused on the Active Component. But the Reserve Component also needs attention.

The multitude of statutory authorities and duty categories currently in law causes unnecessary confusion and inequities in pay and benefits. In fact, we have heard several examples of two reservists mobilized for the same mission in the same location yet receiving drastically different benefits simply because of their duty status.

In addition, we have heard of multiple complaints regarding a disruption in pay and benefits as service members transition from one status to another.

That is why the fiscal year 2016 NDAA included a provision that required the Department of Defense to conduct an assessment of potential for consolidating authorities. I appreciate the work that the Department has done so far and I am glad the Department has included the Reserve Components and the National Guard Bureau in the discussions as they explored these reforms.

I understand that National Guard has expressed some concerns regarding a perception that earlier drafts of the legislation may have modified the authorities of Governors to control our National Guards. I want to caution you here.

Adjutant generals are, and when I say I don't mean all, but I mean the majority of them by a heavy majority, are very concerned about losing those authorities. I encourage the Department and the

National Guard to work together to resolve any remaining concerns.

I am optimistic that the consolidation of duty statuses will not only help with service member pay and benefits parity but will also make it easier for combatant commanders to make troop requests by simplifying determination of the appropriate duty status.

I look forward to hearing from our witnesses today about the current challenges associated with having nearly 30 duty statuses and how consolidation will remedy these challenges. Specifically, I am interested to hear more about how the changes will ensure equitable treatment regarding pay, benefits for service members, and improved predictability.

I am also interested to hear how the current system impacts combatant commanders looking to mobilize Reserve units.

And finally, I would like to learn more about the process the Department used to come up with the consolidated statuses and how the Department addressed concerns and differences throughout the process, particularly related to the National Guard and the adjutant generals.

With that, I yield back.

Ms. SPEIER. We are in a period of time where we are going to have votes relatively soon. So what I would like to recommend is that you forego your oral statements and your written comments will be made part of the record. And I want you to give us, if you can, a 2-minute Cliff Note version of what you think is the most important for us to glean today.

We will start with you, Ms. Busch, 2 minutes.

STATEMENT OF JERILYN B. BUSCH, DIRECTOR OF MILITARY COMPENSATION POLICY, DEPARTMENT OF DEFENSE

Ms. BUSCH. Thank you, Madam Chair. I think that the most important thing to glean for you goes to what you were saying. Today's system is so complex and arcane that it creates disparities in pay and benefits, disparate treatment, and impedes an efficient and effective use of the Reserve Component.

I think that the proposal that we have as currently drafted addresses all of those concerns. And what it does is it creates the means to align pay and benefits to four broad categories of use and utilization of our Reserve Components.

It creates parity across those categories. So regardless of the purpose that a member serves on, whether they are downrange in Afghanistan or fighting a wildfire in California, they will still receive that same pay and benefits package.

So by simplifying and streamlining the multitude, as been referred to, the multitude of authorities and statuses, we provide the means to eliminate disruptions to provide for that pay inequity and to improve efficiency.

Ms. SPEIER. Thank you, Ms. Busch. You did it in less than 2 minutes. And I also want to point out that you are Director of Compensation Policy at the Department of Defense.

[The prepared statement of Ms. Busch can be found in the Appendix on page 26.]

Ms. SPEIER. Next we have Major General Mike Taheri of the United States Air Force, National Guard Bureau Director of Staff.

STATEMENT OF MAJ GEN MICHAEL R. TAHERI, USAF, DIRECTOR OF JOINT STAFF, NATIONAL GUARD BUREAU

General TAHERI. All right. Thank you, Madam Chair. Just a couple comments and I think Ms. Busch highlighted this very well in terms of the types of benefits that we would see.

And from our perspective from the National Guard Bureau, we all have many stories and all of us who are serving in uniform have many stories of the types of disparities that take place and the disruption that it results in particularly for our members that are out there in the fight and in training situations. And so we firmly believe that we have to find a way to get those corrected.

And one of the things that we have looked at and I have had a number of discussions with a number of people on this, but one of the things that we are being very careful of is we recognize that full implementation of this is going to take a very long time and it is going to go across many departments and there will have to be many adjustments that are made across the departments' regulations and policies.

Through this process, National Guard senior leaders, the adjutants general, and the Council of Governors maintain that their existing authorities must remain safeguarded in any proposed duty status reform legislative action process.

States and Governors are going to remain focused throughout this process on ensuring that they maintain accessibility and unique authorities with respect to the State and, you know, State National Guard.

Now, we at the National Guard Bureau, I will tell you that we have been working collaboratively to everything that has come to our attention and the concerns that have come to our attention at the National Guard Bureau.

We have been working very closely with OSD [Office of the Secretary of Defense]. We are very confident that many of those are being addressed and are in the process of being addressed and we are really very optimistic that we can find a way to help get this language through while we preserve those essential capabilities.

So we continue to focus on that, ma'am, and that is where we are going from here.

Ms. SPEIER. Thank you, Major General.

[The prepared statement of General Taheri can be found in the Appendix on page 33.]

Ms. SPEIER. Next is Major General A.C. Roper of United States Army, Deputy Chief, Army Reserve.

STATEMENT OF MG A.C. ROPER, USA, DEPUTY CHIEF, ARMY RESERVE, U.S. ARMY

General ROPER. Thank you, Madam Chair, for this opportunity. The bottom line is our vision at the Army Reserve is to be the most capable, combat-ready and lethal Federal reserve force in the history of our Nation.

But all of that is dependent upon our soldiers. And what we have assessed as we looked at this proposal that this helps us. It helps provide simplicity and it helps provide continuity as soldiers shift across this wide spectrum of almost 30 different authorities when they are mobilized or called into Active Duty.

The bottom line for us is the Army Reserve—we know that we can make this better as a part of this team, and we have been involved in this since December 2015 when our first action officer was assigned.

And as a member of the Secretary of the Army's Army Reserve Forces Policy Committee, I have been involved and received regular updates as a part of that committee. We would meet quarterly. And as the action officers worked through it, they would make those presentations to us.

So we have been aware of it. We have been a part of the team. And we would look forward to it continuing through the process and coming to fruition. Thank you, ma'am.

Ms. SPEIER. Thank you.

[The prepared statement of General Roper can be found in the Appendix on page 37.]

Ms. SPEIER. Mr. Barrett. Patrick Barrett is the Deputy Chief, Navy Reserve.

STATEMENT OF PATRICK J. BARRETT, DEPUTY CHIEF, NAVY RESERVE, U.S. NAVY

Mr. BARRETT. Thank you, Madam Chair. First, I would like to actually thank the Office of the Secretary of Defense to try to wrangle in the different six to seven, if you include the Coast Guard, Reserve Components and get them into agreement. That is a high task. They have actually done a great job of doing that and this has been a long process for them.

As they brought us in and they have heard of all our complaints, they have been able to encapsulate those and really put together a rock-solid plan.

As you mentioned in the opening remarks, it has been a piecemeal approach. Virtually 100 years there has been a problem and an issue, so we have addressed each one individually. That is what has given us the patchwork quilt that we have today.

So this effort has been very collaborative and I think we have hit it in a comprehensive manner to honestly just simplify. And I say that because the errors that we have had are also because of some of the clerks who actually write these orders to push soldiers downrange and sailors.

It is so complicated they have a hard time trying to keep track of the different authorities and as they are doing just computer data entry. So the simplification will help from the administrative clerks all the way to operators that have to go downrange. So thank you.

Ms. SPEIER. Okay, thank you, Mr. Barrett.

[The prepared statement of Mr. Barrett can be found in the Appendix on page 41.]

Ms. SPEIER. Lieutenant General Richard Scobee, United States Air Force, Chief, the Air Force Reserve.

STATEMENT OF LT GEN RICHARD W. SCOBEE, USAF, CHIEF, AIR FORCE RESERVE, U.S. AIR FORCE

General SCOBEE. Madam Chair, I tell you, both you and Ranking Member Kelly have codified the problem exactly right for what our members are going through. I will put a finer point on it.

My colleagues and I are in agreement on all the things that have been said so far. The military, we modernize our weapons systems on a regular basis. The importance of this is why I am here today to testify in front of you because it will absolutely make a difference in our airmen's and their families' lives.

So just like we modernize our equipment, we have to modernize our organization as well. And right now, we are continuing to operate under some obsolete rules and regulations that really tie our hands and the combatant commanders' hands when it comes to employing the Reserves and also the Air National Guard.

So we need duty status reform. It is going to enhance our readiness. It is going to increase our flexibility and it is going to improve our operational utilization.

This effort will also improve the Air Force Reserves' quality of life for our airmen, as I talked about a second ago.

So these changes are going to not only do that, but they are going to ensure that our personnel are correctly compensated for their service. It will prevent disruptions in pay and benefits, including medical coverage for our Reserve Component.

And I can tell you from experience having deployed in 2008, at the time I was a traditional reservist, going from where I was training in one status, getting ready to mobilize in another status, actually mobilizing and going downrange into Iraq and then coming home to reconstitute, I went through six different statuses as I was doing that.

And me as a colonel at the time it caused a break in health care for my family, which if that happens to a colonel or a senior officer in America's Armed Forces, imagine what is happening to some of our younger folks that can't absorb that kind of shock.

So that is why this is important and why it is so important that we take care of this business today. Thank you.

Ms. SPEIER. Thank you, Lieutenant General.

[The prepared statement of General Scobee can be found in the Appendix on page 44.]

Ms. SPEIER. Now we are going to hear from Major General Bradley James, Chief of the Marine Corps Reserve.

STATEMENT OF MAJGEN BRADLEY S. JAMES, USMC, COMMANDER, MARINE FORCES RESERVE, U.S. MARINE CORPS

General JAMES. Madam Chair Speier and all the distinguished members of the subcommittee, thanks for having us here today. I am in absolutely violent agreement with everybody on this table, as I think we are in unison with this. This is something that is most needed.

We have seen it since post-9/11 with all of our call-ups and our demands of our Reserves and through the transitioning of these and the inequities is tough. It is tough sledding for us especially from the administration side.

We continue to work through these complexities. I would just ask that we get this right when we roll it out. The Marine Corps Reserves, we are in agreement that this needs to be done. Currently we have increased administrative responsibilities. As I say, we worked through that.

We do have a higher demand for Reserves. We have transitioned from that Strategic Reserve to the Operational Reserve and we anticipate continuing to keep our Reserves busy. To this day and age about a third of our Reserves will go out to support geographic combatant commanders on an annual basis.

The Marine Corps, we can say we fully support the OSD's efforts. We appreciate those efforts, and anything that we can do to redesign and simplify the current Reserve duty status is we are onboard for.

Ms. SPEIER. Thank you, Major General.

[The prepared statement of General James can be found in the Appendix on page 49.]

Ms. SPEIER. I hope all of my colleagues witnessed that this was done within 2 minutes and——

[Laughter.]

Ms. SPEIER. Very impressive. So I am going to forgo asking my questions to the end because we are trying to beat the clock here. So I am going to turn it over to Ranking Member Kelly.

Mr. KELLY. Thank you so much, Chairwoman Speier. And it doesn't surprise me that you guys hit it quick, so I am going to try to be quick because I know you guys are timely.

Ms. Busch, you mentioned that a large number of duty statuses causes challenges for combatant commanders who are requesting Reserve Component troops and can also cause disconnects in programming and budgeting. Can you explain why?

Ms. BUSCH. So yes, sir. I think that the answer very much goes to what you were talking about. When you have a myriad of duty statuses our combatant commanders are hampered by the complexity.

They don't know with clarity the benefits that their troops are going to receive when they are called up. They don't know even the status that might be the most appropriate for the nature of the work that they need our members to perform.

I believe that our proposal as it is currently constructed provides for that greater clarity, provides for that predictability and the benefits troops will be using. I mean, they need to be concerned about their personnel once they are called to duty.

So we know that our proposal will do that and help them in that way and make the utilization of the Reserves that much more effective and efficient.

Mr. KELLY. And you all don't have to answer it. You know, if somebody will answer it succinctly and if one person is the right person then please answer this. Under the proposed new statuses, what additional benefits will service members receive? And will reservists lose any benefits?

Ms. BUSCH. So sir, I will take a stab at that. So I think that one of the things to go to your second question first about what they lose, I think they are losing today. And today they lose because of this complexity we have and the fact that it is piecemeal and there are a myriad of these statuses.

So that when Reserve Component members and guardsmen are called up to perform similar work they end up with different benefits. Under the proposal that we have constructed in our initiative, we eliminate that disparity.

We assign pay and benefits according to the categories. And as long as a member remains in a particular category their pay and benefits package doesn't change. And they don't have to go from status to status, so it streamlines that.

So I think under the proposal, our concept as it is currently drafted, we create the winners for our members.

Now in terms of, you know, what we are doing with benefits, again, I go to what I just talked about in aligning the benefits to the nature of the work they perform. And that is how we get to that.

Mr. KELLY. Did anyone else have anything to add to that? Yes, sir?

General SCOBEE. Ranking Member Kelly, I will tell you from my perspective as I go out and talk with our airmen, this is what I hear all the time. It is about doing what is right and being fair to our airmen as we execute our duty statuses. That is what everybody is looking for.

As you mentioned in your opening remarks, having two people deployed at the same time in the same place under different statuses and being compensated differently, that causes a lot of misunderstanding of how we are taking care of our airmen and their families, which is so important to us.

So I really think it boils down to whatever we do when we change this, our airmen, our sailors, our soldiers, and Marines have to see it as fair.

Mr. KELLY. Okay. And you know, and one of the things I just want to make sure we address, and I am sure that we did, but many times a duty status determines what type of RFI [Rapid Fielding Initiative] and other things you get that you get to carry forward on the deployment.

So if you are in one status you get RFI which is cold weather gear and those things and if you are not you don't, which means you don't have the cold weather gear. So when a unit from Florida goes to Kosovo they probably don't have that stuff in their regular kit that they are issued. And so just make sure that we are addressing the RFI issues that I have seen in the past based on the different duty statuses.

This question is for Ms. Busch and Major General Taheri. The adjutant generals of several States are concerned about a perception that these reforms may erode their authority and the Governors' authority over management of the National Guard. Can you explain that concern and how you addressed it?

And, you know, Major General Roper mentioned that he got quarterly updates in this whole process, you know, and you might answer why we didn't have the adjutant generals getting these updates so they are not getting one big 1,000-page document at the end?

Ms. BUSCH. So Ranking Member Kelly, I will start off and then turn to my colleague that we did try and be as collaborative as we possibly could throughout this entire process. And we have worked closely with our colleagues in the National Guard and all the Reserve Components and across government, as a matter of fact.

We have worked with the Department of Veterans Affairs and we have worked with OMB [Office of Management and Budget] and

CBO [Congressional Budget Office]. So we have tried to be inclusive, open and transparent. But we are aware of concerns that the TAGs [the adjutants general] and the Governors have raised.

And as my colleague, General Taheri, said at the outset, we are working on those collaboratively now to address those concerns and to make sure that we maintain the line of demarcation between Federal authority and State authority and jurisdiction.

And so to the extent that there have been issues and concerns identified to us, we are working to address those concerns. And we will continue to work collaboratively to address any others that may arise as we move forward.

Mr. KELLY. Major General Taheri.

General TAHERI. Yes, sir. So from my perspective absolutely right. I know this process has been ongoing for a number of years. There have been a number of briefings. There have been times that we have presented the briefings to the adjutants general.

Now in all fairness to the adjutants general on that, when they see a briefing slide and they see PowerPoint presentations, that doesn't necessarily show them the exact verbiage that is going to show up in the language that may change the law fundamentally, right?

So I think that the learning experience to some extent here in this process at least for me has been and for many of us on the National Guard side is the earlier we can bring them into the process and kind of get that fresh set of eyes onto what we have of the document, the better it is toward the end of the document, right?

So what we are in the process of doing now is going through everything that we have identified. Our understanding, and as you all know, we don't yet have a final document, but we hope we are somewhat close to getting the final document. As we put inputs in anywhere that we have identified challenges we are working to mitigate those challenges that might be in the document.

Mr. KELLY. Okay.

General TAHERI. Because I think it becomes important as all of us sitting at this table have said, there is a lot riding on this for our members out there. So I think the adjutants general want to get there, too. We just need to kind of mitigate some of those concerns.

Mr. KELLY. Thank you. And I have my final question is just does anybody know what the cost, the anticipated cost of this duty status reform is?

Ms. BUSCH. Well, sir, I am afraid that because our proposal is still with OMB, I am not able to talk about that here today. But I can tell you that as we developed the details of our proposal, we did take cost into account. And we examined all the cost implications.

Mr. KELLY. And I will just tell you on the process, final comment, is, you know, yesterday the Speaker celebrated 40 years of C–SPAN being on the floor of the House of Representatives and the transparency of seeing the sausage made. And I would just say everybody needs to be able to see the sausage made, especially people who have a vested interest.

And with that, I yield back.

Ms. SPEIER. Thank you, Mr. Kelly.

Now, based on who was here at the gavel and seniority, we go to Mr. Cisneros.

Mr. CISNEROS. Thank you all for being here today.

Thank you, Madam Chairman.

You know, I spent half of my time in the Navy as a full-time support officer. So, you know, every time somebody would get activated or would go and do something, they never knew anything about categories, right?

All they knew was pretty much was that whether they were doing their duty weekend and they were doing an AT [annual training] or they got involuntary recalled or they volunteered to get recalled. Why does it have to be any more complicated than that?

And anybody can answer that question.

General ROPER. So sir, I will take a stab at that. Under this current system when that soldier walks out the door, family waves good-bye and he or she deploys, let us say it is a unit deployment. That is under one authority.

As what happened with me when I was deployed, I had one soldier when the deployment was ending that soldier volunteered to stay longer. Well, now the earlier deployment is over, now that soldier has to have a second set of orders under a different authority, which now benefits could change.

And for the sake of discussion, if that soldier was to have gotten injured, then that would be a third set of orders. But the only thing the family saw was their loved one walked out the door.

They don't even see all the bureaucratic nightmares that are occurring because every time an order shifted it curtailed one order and implemented a new order, that is a potential point of failure because someone has to input and do all the administrative work that goes with that.

So under this proposal as written, it is all about the purpose. When that soldier walked out the door on an involuntary mobilization and then voluntarily stayed longer and then was injured, all of that is on a single set of orders. And so that simplifies it for us. There is continuity in pay and benefits, and we think that is a win for our service members and our families.

But to talk, when we look back and say how did we get here, it has just been piecemeal every time we added a new authority, every time we added a new purpose for call-ups. And now we look back and now we see we have almost 30 different types of authorities with all the potential disasters that can occur with that.

Mr. CISNEROS. Okay.

General ROPER. Thank you, sir.

Mr. CISNEROS. So how complicated is it going to be to go from 30 to 6 categories?

Ms. BUSCH. So sir, I would answer that by saying that there is complexity in our legislative proposal as it is currently drafted.

Mr. CISNEROS. Mm-hmm.

Ms. BUSCH. We have identified more than 450 separate provisions of law that would need to be changed across 21 titles of the U.S. Code and across other uncodified statutes.

We have identified hundreds and hundreds of DOD [Department of Defense] issuances, Codes of Federal Regulations, DOD FMR, fi-

nancial management regulations, and cascading down to guidance from the services, perhaps even laws in the various States.

It is going to be a very complex thing to undertake, but once accomplished it will provide that simplicity that General Roper is talking about. And a member will have one set of orders. And won't need to be in six different statuses just to get to deployment.

And so it is a large undertaking and I believe it is long overdue. And we need to get started.

Mr. CISNEROS. Well, once we start, I couldn't agree more, right? Because like I said, to the soldier, the sailor, the airman, the Marine, all they know is they have been activated and that is they are out there doing their duty.

So how long is it going to take us to get to this process to where we can simplify it and really make sure that we are taking care of our service members?

Ms. BUSCH. So I will say, sir, that it will need a significant amount of time for implementation, many years. I go to the Blended Retirement System. I thank the Congress that they gave us 2 years to implement blended retirement, but that was ambitious.

And this is magnitudes larger than that so there is going to be a significant time that will be needed to implement this to get all the policies and regulations changed, to update our pay and personnel systems.

You know, I am from the Navy, too, and I know that our pay and personnel systems would need to be updated to accommodate this and also to train our members, to train force managers, and to make sure that we are communicating well with our Reserve Component members and our families.

Mr. CISNEROS. All right. I am out of time so I yield back my time.

Ms. SPEIER. I thank the gentleman.

Now Mr. Abraham.

Dr. ABRAHAM. I thank you, Madam Chair.

Ms. Busch, in its current form, the current form, does this DSR [duty status reform] legislation in any way change or modify States' rights, government's authorization, or the Insurrection Act?

Ms. BUSCH. So sir, I would say that as it is currently drafted that it does preserve the prerogatives and the authority of the Governors and the TAGs. However, having another set of eyes, as General Taheri talked about, and getting all the TAGs to look at it and then provide us with their input, they have suggested some modifications and adjustments.

And we are working on those even as those are being worked on even as we are sitting here today. And we are doing it very collaboratively. And we think that any other things that are brought up, particularly during our time when we might have that time period for implementation, that we will be able to collaboratively resolve anything that needs to be addressed.

Dr. ABRAHAM. And the Governors' positions? Where are they at this current time— somewhat of the same?

Ms. BUSCH. Yes, sir.

Dr. ABRAHAM. Okay, okay.

Ms. BUSCH. Yes, sir.

Dr. ABRAHAM. So we have got to work with them.

And then just one more question, Madam Chair.

And this is back to you, Ms. Busch. Have you fully and for how long have you consulted with the States with regard to title 32 and other National Guard issues during the development of this DSR proposal?

Ms. BUSCH. So in developing our proposal, sir, we have been, I would say, very open and transparent. And we have collaborated very, very closely with our colleagues, particularly in the National Guard Bureau about title 32 issues. We have worked with their staff, with their counsel throughout the process in order to draft our DSR proposal.

Dr. ABRAHAM. Okay. I thank you, Madam Chair, and I yield back.

Ms. SPEIER. I thank the gentleman.

Ms. Haaland.

Ms. HAALAND. Thank you, Madam Chair.

And I will likewise try to be quick. This kind of relates to the issue that my colleague just raised. In fiscal year 2007, the Department inserted language that would dilute the Governors' authority over the Guard. That language was subsequently repealed permanently by Congress.

Fast forward to today, it has been brought to my attention by my State's Governor, I am from New Mexico, and Guard general about language that changes the Governor's authority to deploy their Guard troops. What would be the rationale for such a move?

Ms. BUSCH. Ma'am, I would say that that is not the move we are making. That we have, indeed, preserved the authority of the Governors, at least as best we know it.

And but we are aware that this other set of eyes that I alluded to is now looking at every line of our proposal as currently drafted and has provided us input in identified areas to make adjustment. And we are making those adjustments.

General TAHERI. And ma'am, if I could, you know, I would say that one of the points that came up is the number of laws that have to be adjusted. And one of the considerations I think that the adjutants general are bringing to the table right now is that is across Federal Government.

But across 54 States, territories and the District of Columbia, a lot of laws are also going to have to be adjusted. So there is a period of time in there in which these things are going to take a little bit of time to kind of settle in and make sure that we get all the right authorities in place.

To the question about addressing them I would say that the language as yet is a work in progress. It is kind of the sausage that we talked about. So we continue to work to ensure that those authorities are there, as I mentioned in my earlier comments.

And we are getting, frankly, nothing but support from OSD at this point in getting those comments updated and into the system, and our hope being that that final language represents and preserves those authorities in their entirety.

Ms. HAALAND. So essentially you can assure me today that will not be any language that dilutes gubernatorial authority over their Guards?

Ms. BUSCH. Yes, ma'am.

Ms. HAALAND. Thank you. Thank you very much.

Madam Chair, in closing, I would like to enter this bipartisan letter from the Council of Governors into the record——

Ms. SPEIER. Without objection.

Ms. HAALAND [continuing]. Expressing concern over this issue.

Ms. SPEIER. Without objection, so ordered.

[The information referred to can be found in the Appendix on page 59.]

Ms. SPEIER. All right. Next, Mr. Bergman.

Mr. BERGMAN. All right. Well, thank you. By the way, this is like déjà vu all over again. You guys look great sitting there in uniform. So let us get to the heart of the matter right away.

In any of your deliberations in coming up with the new proposal did the issue of the 179-day rule come under discussion, as far as it is an interestingly arbitrary number that has been used for a long time to, if you will, control and count Active Duty end strength so that, you know, there were no violations to the law there.

So I would just ask and just for the sake of, did you consider any modifications to the 179-day rule in putting this together?

Ms. BUSCH. So sir, I would say that in constructing our proposal, first and foremost our focus was on aligning pay and benefits——

Mr. BERGMAN. Okay.

Ms. BUSCH [continuing]. To the nature of the work our members performed and working very diligently to eliminate those disparities where they exist.

Mr. BERGMAN. Okay. Because you know there was a system whereby you got 179-day orders, then you did a break and the orders needed 30 days of drills and then you went back onto 179 days of orders. Anybody ever heard of that one? Yes, okay.

So anyway, now having said that, as you look at the administration, your, you know, admin in the units once this is implemented, do you sense more or less or the same amount of administrative time to actually get the orders right, as opposed to, let us say in the civilian world where someone works for a company and they can go their HR [human resources], type in their password, check their benefits, do all of those things, submit the stuff. And was any of that considered in this?

Ms. BUSCH. We certainly did consider that——

Mr. BERGMAN. Okay.

Ms. BUSCH. What we needed to do to streamline processes and procedures. And we think that our proposal as it is currently drafted today does that.

Mr. BERGMAN. Okay. So then the assumption that, if you will, the use of, again, human resources personnel systems that exist throughout the world rather than reinventing the wheel when it came to these systems, pick your large corporation that does some—that has hundreds of thousands of employees that it works. So to utilize that?

Ms. BUSCH. Sir, I would say that, you know, as a former personnel officer myself I was very mindful of the work that would have to be done down at the field level to administer this.

Mr. BERGMAN. Well, it——

Ms. BUSCH. We do know that in order to implement it, though, we are going to need changes to our pay and personnel systems to accommodate this.

Mr. BERGMAN. So you used the number, 450 laws need to be changed. You got a list?

Ms. BUSCH. So there are——

Mr. BERGMAN. Give us the list. That is what Congress does. We make and modify laws, do technical corrections. That is our job here.

Ms. BUSCH. That we do have a draft——

Mr. BERGMAN. Okay.

Ms. BUSCH. Legislative proposal. It is under review right now at OMB.

Mr. BERGMAN. Well, is OMB expected to look at all 450 potential changes? Why don't we as the people who will actually start looking at that, what is the prohibition that we can't look at it, too?

Regardless of the dollar figure, not scoring it, but for us who want to look at what we need to change and kind of give us, you know, running in parallel as opposed to linearly.

Ms. BUSCH. Sir, I have to say that OMB is tasked and chartered to review this proposal and to clear it for transmission to the Congress. And I am unable to——

Mr. BERGMAN. Okay. Well, then I will thank you for your very diplomatic answer.

Madam Chair, I yield back.

Ms. SPEIER. I thank the gentleman.

Mrs. Davis.

Mrs. DAVIS. Thank you, Madam Chair, and thank you to all of you.

And quickly I am going to ask sort of a series of questions and maybe to clarify where we are, even though we don't have the document and I appreciate that and understand where this is.

The current activation authorities which we are all aware of in title 10 have various limitations on which categories a reservist can be activated, for how long, and for what purpose. Does the proposed legislation modify these limitations in any way?

Ms. BUSCH. Yes, ma'am. I know you have a set of slides in front of you, so if you would turn to slide 6 I think that might help you. So if you look at it over to the left is a lot of the different authorities you have just alluded to.

[The slides referred to were not available at the time of printing.]

Ms. BUSCH. Under our proposed construct, our initiative concept, we would simplify and streamline all of those separate and distinct statuses and authorities into these four categories. Approximately eight actual authorities for recall or for utilization of our Reserves and then key is to align the pay and benefits to those categories.

So it does. It streamlines across what we need in order to be able——

Mrs. DAVIS. I think what I am looking for——

Ms. BUSCH [continuing]. To utilize.

Mrs. DAVIS [continuing]. In some of this is just the rationale in some cases for the changes. And particularly in light of how you balance, really, the needs of the Armed Forces for access to the Re-

serve Components and the impact of activation that occurs on the reservists and their civilian counterparts or civilian employment?

Ms. BUSCH. So ma'am, all I will say to that is that we have worked very hard to make sure we balance between the demands of warfighters and the demands of the Nation for the utilization of our Reserve Component. And to preserve and protect our individual Reserve Component members against capricious or arbitrary recall or utilization.

But I will defer to my colleagues to speak specifically.

Mr. BARRETT. Ma'am, I would say the initial legislation, it talked about duty status reform because that is what a number of studies and commissions have looked at, about six historically over the last 10 years. It was actually more of a benefits reform was honestly the target.

The statuses, to a certain degree it is software and you can type it in and you can build whatever computer system you want, but it was the benefit mismatch. I think you had heard there were in particular two mishaps that had occurred in aviation where members were under different statuses and then we had to tell families that they receive different benefits. So that was really the catalyst——

Mrs. DAVIS. Mm-hmm, right.

Mr. BARRETT [continuing]. To focus on benefits.

Mrs. DAVIS. I think sometimes it is hard for us to, you know, be in the room, so to speak. And I am just looking for, you know, in those grey areas when you are trying to make that determination, I mean, are there some examples like that, particularly in light of this area about which category could be activated?

Take also whether or not the duration of training, you know, regarding 15 days per year, for example. I mean, where does that factor in in terms of thinking about balancing those needs? Because when it comes to Reserves, as you know, we are talking about their civilian employment.

Are there any new issues that came to light as a result of this more intense look and what did that look like?

General SCOBEE. So Congresswoman Davis, what I would say to that is that as we were going through this duty status reform, a lot of it was looking at how we mobilize and get our airmen trained and out the door for a combat deployment is really what it revolved around. So all the work that OSD did was really focused on those things.

I would say from each of our perspectives, especially as the Chief of the Air Force Reserve, what I look at is what you are talking about, is how I do my normal organize, train, and equip for my airmen?

And so I have a lot of different authorities that we use for that. It is our normal individual drill periods that we use along with our annual tour. And we can raise or lower that, or raise it at least, from 14 days to even more than that if necessary to get after our readiness issues that we are dealing with.

But that is something that we do far in advance as we build that white space, but we build that time in our airmen's lives but we also build the continuity. So we are looking at giving them a stable

environment that they can work with their employers to take that time off.

This doesn't change any of that. We would still work that into our annual training plans for our airmen.

Mrs. DAVIS. Okay. And taking into account recruitment, retention, how does that impact even the fact that you have the Reserves to work with?

General SCOBEE. Yes, ma'am. So you are exactly right. Retention is a huge piece of this. The duty status reform is going to help us with retention because it makes it easier for our airmen and less confusing for their families.

Mrs. DAVIS. Okay, thank you. My time is up. Are we ready to go. Thank you.

Ms. SPEIER. I thank the gentlelady.

Now Mr. Mitchell.

Mr. MITCHELL. Thank you, Madam Chair, and I will be brief. I understand votes have started.

With changes in elections of Governors we have changes in TAGs. It has happened in Michigan. There are a number of States. So my first question would be is how we have ensured the engagement with those TAGs are not in the dark or trying to not be behind the curve versus everybody else. How have we done this to make sure that they are engaged?

Ms. BUSCH. So Congressman, from an OSD perspective I will tell you that what we have done is try to be as open and transparent and make ourselves available to TAGs when called upon. But we have worked very closely and collaboratively with our colleagues in the Guard Bureau, so I will defer to my colleague on that.

General TAHERI. Yes, sir. I mean, as we did the build in this a number of time when the adjutants general might get together we would make sure that we were giving them briefings. We were giving them updates. We were doing those kinds of things along the way.

But as I think I alluded to a little bit earlier, sometimes it is one thing when you see it on a PowerPoint presentation; it is another thing when you see words show up on a piece of paper.

So I think that what we are trying to do, at least at this point, and we have been now for a couple months, is we have been very actively working almost daily with a working group that has been designated by the adjutants general.

And then, you know, just as I was walking in this room I sent five or six of the key TAGs a quick note of some of the other language that we are working on right now that are proposals that might, you know, take care of some of the concerns that they brought up.

So there is a lot of back and forth, literally almost daily at this point as we try to come in——

Mr. MITCHELL. I would ask is that I know Michigan has a new one and to make sure we reach out to them and get them up to speed because with those changes it causes a great deal of turmoil. I can't be the only State that this is, you know, we need to make sure what is going on here.

General TAHERI. Yes, sir.

Mr. MITCHELL. It is because they are big changes, obviously.

One other quick question, the order of this transition. You noted 450 laws, how many regulations. Do we have to weave this whole tapestry before we begin the transition? Or how do you envision this happening?

Ms. BUSCH. So I think that you can even imagine with our initiative that it would be several lines of effort as we move toward implementation. Certainly policies would have to be positioned, and as we said, there are tremendous numbers of regulations, including in the CFR [Code of Federal Regulations], et cetera.

Mr. MITCHELL. Yes.

Ms. BUSCH. But at the same time that that is going on we envision that there will be an education and communication going on, that there will also be changes to our pay and personnel systems as new systems have to be deployed to accommodate this.

So we imagine much of it will be going on in parallel, but it will still take a significant time.

Mr. MITCHELL. Let me reword the question real quickly, which is you are not under some anticipation that we are going to fix all 450 laws in some period of time quickly that is going to enable you to then proceed, are you? Because after 27 months here I know better.

Ms. BUSCH. Well, sir, perhaps I am a bit optimistic, but our proposal as currently drafted does make all those changes.

Mr. MITCHELL. In one bill?

Ms. BUSCH. Yes, sir.

Mr. MITCHELL. Well, I will join the General Bergman. And we can't wait to see that, Jim.

[Laughter.]

Mr. MITCHELL. So with that, Madam Chair, I will yield back as we do have votes.

And thank you for the responses. Thank you very much.

Ms. SPEIER. I thank the gentleman.

For members, we have about 6 minutes left in the vote? About 5 minutes left in the vote, so feel free to leave as you deem it appropriate.

I want to thank you all for being here. I am going to be very quick with my questions. I think everyone has been wrestling with the same issue. You have said, a number of you have said, it is going to take many years for implementation.

And that is disquieting to us because we have been dealing with this for some time now. If it is in one bill and it is passed, you are then saying it is just the regulations that have to be crafted in order to implement the bill. Is that what you mean by that?

Ms. BUSCH. Well, Madam Chair, as I kind of alluded to, there will still be several lines of effort, not the least of which is to make sure our systems can accommodate the change. And that is a major undertaking——

Ms. SPEIER. So for instance——

Ms. BUSCH [continuing]. As well as all the regulatory matters that need to be taken care of. But I feel that importantly we have to have time to be able to go out and educate our members in what this new construct will be like and also to educate our force managers and to be able to prepare members for the transition.

Ms. SPEIER. Well, Lieutenant General Scobee I think made a very important point when he said that all of a sudden his family was bare in terms of health care services. I don't think we want any of our service members, whether they are National Guard or Active Duty or Active Duty National Guard to be in a situation where they are without health insurance.

So that, to me, would be a high priority to make sure it is implemented immediately. Is that your belief as well?

Ms. BUSCH. So ma'am, I would say that one of the things we have thought through is to try and make sure that we are, as an interim measure as things come about, that we address those sorts of issues that you just raised.

In fact, I would thank the Congress for going ahead and enacting legislation that allowed us to equalize SBP [Survivor Benefit Plan] between deaths on Active Duty versus deaths on Inactive Duty.

And I imagine that over the time we implement this, just as we did with blended retirement, that we continue to make those kinds of adjustments as necessary.

Ms. SPEIER. So for all those Governors that are wringing their hands about losing authority, once this OMB document is released everyone will have access to it. You will be willing to take input from those that feel that the language is not as clear as it should be? And you are nodding your head yes.

Ms. BUSCH. Yes, ma'am.

Ms. SPEIER. All right.

Ms. BUSCH. Yes, ma'am.

Ms. SPEIER. And then finally, I am on page 5. Category one says, Active service as determined by the Secretary of Defense in which the members may become involved in military actions. And then category two is Active service as determined by the service secretary that does not meet category one.

Category one says may become involved in military actions. I could conceive of a set of circumstances where you would have someone in category one that is equal to someone in category two because they may not be in an military action. They just may be in military—that language concerns me a little bit.

Ms. BUSCH. So ma'am, I think what we are trying to say there is that they could be involved in a military action or an operation or perhaps a response to a natural disaster. So we are just trying to talk about the different forms of operational-type of duty that this category represents.

Ms. SPEIER. So okay. So what you are saying then are either involved in A, B, and C as opposed to may be involved in A, B and C. So that language "may" will probably not be in the document we see. All right. Okay.

I think that answers all of my questions. I think everyone else has felt compelled to go vote and I will as well, but if you have any final words we would be happy to hear them.

Ms. BUSCH. So ma'am, Madam Chair, I just want to echo the words you started out with. There is a piecemeal patchwork of authorities today and duty status reform is long overdue. And I thank the committee for your unwavering support of our Reserve Component members and their families. But I urge the committee to support our proposal.

Ms. SPEIER. All right. Anything else? Ditto.

Okay. With that, the committee stands adjourned.

[Whereupon, at 4:50 p.m., the subcommittee was adjourned.]

A P P E N D I X

March 27, 2019

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

MARCH 27, 2019

Military Personnel Subcommittee
Chairwoman Jackie Speier – Opening Statement
Hearing on Reserve Component Duty Status Reform

March 27, 2019

I would like to welcome everyone to this afternoon's Military Personnel Subcommittee hearing. Today we will hear from a panel of those who lead the reserve components—the service members that will be most personally affected by the proposed changes to the reserve component call up authorities. The patchwork of thirty duty statuses and accompanying benefits ave needed modernization and streamlining for the past decade, and these necessary changes are a long time coming. I want to thank our witnesses for sharing their views on how these changes will improve and streamline reserve component activations. They should make orders and benefits more consistent and predictable for our reserve component members and their families. I worry that the confusion generated by having so many duty statuses is having an effect on retention in the reserve components.

The reform of these authorities and benefits has been addressed by multiple commissions over the years, including the Commission on the National Guard and Reserves in 2008 and the Military Compensation and Retirement Modernization Commission in 2015 to no avail. Finally, Congress directed the Department to come up with a plan to address duty status reform in the 2016 NDAA. The reform concept before us today is the result of that direction.

For too many years, activation authorities were added piecemeal for any number of reasons, without thought for maintaining a coherent, usable system. Some tweaks have responded to the changing way the reserve component has been employed over the last 18 years of conflict. Due to these changes' partial, reactive nature, the activation of any portion of the reserve component has turned into jumble of statutes and pre and post mobilization benefits that are not easily understandable by our service members and their families. The reforms presented today must simplify this system of 30 different call up authorities. I believe that reducing the call up authorities to 4 categories, as you propose, would accomplish that. But benefits must not be lost and must maintain parity with those for service members doing the same jobs. I am interested to hear from you about how this reform addresses the inequities and disruptions in pay, benefits, and medical care that have impacted the reserve component as well as your thoughts on benefits parity in the proposed system.

RECORD VERSION

STATEMENT BY
MS. JERILYN B. BUSCH
DIRECTOR, MILITARY COMPENSATION POLICY
OFFICE OF THE UNDERSECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

DEPARTMENT OF DEFENSE

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL
HOUSE ARMED SERVICES COMMITTEE

FIRST SESSION, 116TH CONGRESS

ON RESERVE COMPONENT DUTY STATUS REFORM

MARCH 27, 2019

NOT FOR PUBLICATION UNTIL RELEASED BY THE
HOUSE ARMED SERVICES COMMITTEE

Chairman Speier, Ranking Member Kelly, distinguished members of this committee, I thank you for the opportunity to appear before you on behalf of the Department of Defense for a topic very near and dear to my heart. I can tell you that as a public servant who has worked on behalf of Service members and their families for over 30 years, Reserve Component Duty Status Reform is long overdue.

Our Reserve forces predate the founding of our republic, going back to the colonial militia. Long before the birth of our great nation, citizens came together for a common cause, defending the battlefields of Lexington and Concord as citizen Soldiers. Over time, our Reserve forces have grown to all branches of the Uniformed Services and evolved to support the diverse and extensive needs of our nation, both at home and abroad. Today, the laws, policies and procedures that govern how our leaders access and manage Citizen Soldiers, Airmen, Sailors, Marines and Coast Guardsmen have grown into a complex system fraught with inequities, pay and benefits disruptions, challenges with accessibility, and disconnected programming and budgeting.

For several decades, the Department of Defense tried to resolve these challenges. Multiple studies, dating back to the 2002 Wexford Study through the 11th Quadrennial Review of Military Compensation and the Military Compensation and Retirement Modernization Commission (MCRMC) in 2015, have cited numerous issues that should be resolved if the Reserve Component is to be utilized in a more efficient and equal manner. None of these reviews or studies succeeded because they merely scratched the surface of the problem and failed to dive deep enough to determine the root cause of the issues.

In recognition of these challenges, Section 515 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016 mandated that the Secretary of Defense assess whether the MCRMC Reserve Component Duty Status Reform Proposal would increase the efficiency within the Reserve component. Concluding the MCRMC proposal would not fully improve the existing Reserve duty system, the Department undertook an extremely broad, comprehensive and transparent reform effort. From the very beginning, our team worked tirelessly with leadership from each Reserve Component

and the National Guard Bureau, as well as major stakeholders such as the Department of Veterans Affairs, the Office of Management and Budget, the Congressional Budget Office, the Department of Labor, and more. Together, we have been marching, in lock step, to develop this proposal that benefits not just the Services, but also the combatant commanders and most importantly, the Reserve Component and National Guard Servicemen and women.

The following issues identified in these earlier, historical studies are the leading challenges that members of the Reserve Component and National Guard currently experience:

- **Pay and Benefits Inequities**
- **Disruption in Pays and Benefits**
- **Disconnects in Programming and Budgeting**
- **Limitations on Accessibility**
- **Complexity in the Determination of Applicable Duty Status**

These challenges are lengthy and complicated, resulting in inefficiency and inequality. Pay, allowances, and benefits currently differ depending on duty status. Service members performing similar duties can receive different benefit packages. Additionally, they may experience disruptions in pay and benefits when they transition from one duty authority to another. The budgeting process is based on artificial duty status distinctions that complicate the allocation of resources and obscure the understanding of the work and training actually being performed. The numerous criteria for determining Reserve Component statuses can make it difficult for operational commanders to call Reserve Component Service members to duty. Likewise, when requirements are emergent rather than programmed, accessibility to Reserve Component Service members may be limited. Multiple duty statuses produce complex rules and procedures that are highly inefficient, inhibit volunteerism, and increase the difficulty of accessing Reserve Component members to perform operational missions.

The differences in benefit packages is one of the most visible inequities today. As it currently stands, Reserve Component members can be activated to perform similar work under different authorities. A member who is mobilized involuntarily, in support of a national emergency under section 12302 of title 10, U.S.C., is eligible for certain benefits. Another member who is activated voluntarily under section 12301(d) of title 10, U.S.C., and serves alongside the first member receives a different set of benefits. Thus, two members, working side-by-side, performing the same duties may receive different benefits solely based upon the authority in which the member is mobilized. No small fix exists to correct these discrepancies and inequities. In order to address the complex interdependencies of authorities, benefits, and compensation, hundreds of statutes must be rewritten.

With the extensive involvement of stakeholders across the entirety of government, the Department of Defense is proud to have developed a comprehensive legislative proposal that streamlines Reserve Component duty authorities and aligns pay and benefits, according to the nature of the work performed.

The proposal outlines specific duty performed under titles 10, 14, and 32 of United States Code, and tracks the separate and distinct reasons members of the various Reserve Components are utilized under the statutory authorities. The proposal, as currently drafted, intends to minimize, to the maximum extent practicable, disruptions in pay and benefits for members, and adhere to the principle that Reserve Component Service members should receive pay and benefits commensurate with the nature and performance of the their duties. In addition, it intends to provide the Secretary has the flexibility to meet emerging requirements in order to effectively manage the force; thus, allowing for the alignment of Department of Defense programming and budgeting to the types of duty members perform.

I've heard concern from State officials that our proposal erodes the authority, responsibility, and role of the States and governors in the utilization and management of the National Guard. I can assure you that this proposal, as drafted, does not interfere with the role of the governors and their States. Rather, our legislation preserves the role

of the States and governors in the utilization and management of the National Guard. Our motivation from the very beginning, has been and will always be, to provide a better means to call our Reserve Component and National Guard members to duty, utilize their skills, and thus, provide them with the commensurate pay, allowances and benefits appropriate to the nature of the work being performed.

The proposed legislation retains the qualifications and standards necessary for appropriate entitlement to pays and benefits today. For example, members still need to serve in a designated area to receive Imminent Danger Pay, as well as other special pays and allowances. Additionally, our proposal preserves the inherent flexibility for short periods of service, commonly referred to as Inactive Duty Training (IDT), also known as drill periods, which allow members of the Reserves and National Guard to complete partial-day service.

It should be noted that the Department's Reserve Component Duty Status Reform proposal is a comprehensive reform effort that contains elaborate interdependencies. The proposal encompasses more than 485 separate changes to federal law, including changes in 21 titles of the U.S. Code. Hundreds of Department of Defense and other government agency directives and instructions, regulations, and policies will require significant changes when the legislation is enacted. Subsequently, hundreds of instances in the Code of Federal Regulations, as well as individual state laws, will need to be modified.

These interdependencies preclude parsing of the language. Therefore, we request that Congress consider the package to be enacted in its entirety. Further, because of the complexity, the proposal will require multiple years to implement after enactment. This implementation and roll-out agenda will be across multiple lines of effort, including: policy, pay and personnel systems, communication and training of the force, information technology systems, and more. In order to implement this policy, not just within the Department, but across several external agencies, we must ensure that we allocate

enough time for ourselves to get it right, for the benefit of the citizen Soldier, Sailor, Airman, Marine and Coast Guardsman. While complex to enact and implement, it is well worth the effort for our National Defense, our Reserve Component Service members, their families, and their employers.

I would like to thank Congress for your continued support of the Reserve Components and the National Guard. The United States of America has relied on the Reserve forces and the National Guard for centuries; defending, protecting and supporting our great nation, both at home and abroad. After decades of trying to find a resolution to the complicated manner in which we activate, utilize and pay our Reserve and National Guard men and women, we've developed a proposal that fully and truly provides a realistic solution that benefits the Service member, the family, and the Department. I look forward to sharing more details on the proposal once the Administration finalizes its work on the proposal and transmits it to Congress. Thank you, and I look forward to your questions.

Mrs. Jeri Busch
Director, Military Compensation
Office of the Under Secretary of Defense for Personnel and Readiness

Mrs. Jeri Busch, a member of the Senior Executive Service, is the Director for Military Compensation in the Office of the Under Secretary of Defense for Personnel and Readiness where she is responsible for formulating, implementing, and administering Department of Defense (DoD) policies on Military Personnel Compensation for the total force. The military compensation directorate also chairs the DoD Armed Forces Tax Council; and initiates tax related legislation, litigation and administration actions. Her directorate is aligned under the Deputy Assistant Secretary of Defense, Military Personnel Policy.

Mrs. Busch holds a Master of Science degree in administration (with a concentration in management of information systems) from George Washington University and is a graduate of the State University of New York (SUNY) College at Old Westbury with a Bachelor of Arts degree in American Studies.

A Long Island native, Mrs. Busch was commissioned as an ensign through the Navy's Officer Candidate School (OCS) in Newport, RI in 1982. Over the course of her 22-year Navy career, her assignments included tours of duty at Naval Air Station Atlanta, GA; on the staff of the Chief of Naval Operations in the Pentagon; as an Officer in Charge of three Personnel Support Detachments (China Lake, CA; Treasure Island, San Francisco, CA; and Oakland, CA); and on the staff of the Chief of Naval Personnel at the Navy Annex in Arlington, VA.

Following her retirement from the Navy in 2003, she continued to serve on the staff of the Chief of Naval Personnel, but as a federal civilian employee. She became the head of the Navy's military compensation policy branch in June of 2005 and continued in that position until she joined the Senior Executive Service in February of 2010. Mrs. Busch has spent the vast majority of her Navy and federal civilian career working in the field of military manpower and personnel.

Mrs. Busch's awards include the Department of the Navy Meritorious Civilian Service Award, the Legion of Merit, the Navy and Marine Corps Commendation Medial (three awards) and the Navy and Marine Corps Achievement Medal (two awards).

RECORD VERSION

STATEMENT BY

MAJ GEN MICHAEL TAHERI
DIRECTOR, JOINT STAFF
NATIONAL GUARD BUREAU

BEFORE THE

HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON MILITARY PERSONNEL

FIRST SESSION, 116th CONGRESS

MILITARY PERSONNEL

MARCH 27th, 2019

NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES

INTRODUCTION:

Chairwoman Speier, Ranking Member Kelly, distinguished Members of the Subcommittee, we appreciate the opportunity to testify on duty status reform. On behalf of the Chief, National Guard Bureau (NGB), General Joseph Lengyel, thank you for your support of and commitment to our National Guard Soldiers, Airmen, Technicians, Civilians, and Families.

Duty status reform (DSR) is intended to streamline the current system of 30 different authorities and align benefits to better and more efficiently reflect the nature of the duties RC members perform in a manner members can understand.

Implementation of DSR will require significant revisions to hundreds of DoD and other agencies' directives, instructions, regulations, and policies. National Guard senior leaders, State Adjutants General, and the Council of Governors maintain that their existing authorities must remain safeguarded in any proposed DSR legislative action process. States and Governors remain focused on maintaining accessibility and the unique authorities with respect to their State National Guard.

The advantages of duty status reform include increased efficiency and administration of pay and benefits, as well as increased clarity on which Guard duty statuses qualify for particular benefits.

We remain optimistic the remaining DSR issues can be addressed. NGB staff continue to work with the Secretary of Defense's staff and the States to resolve remaining concerns in an earnest effort to support the legislative proposal's completion.

Major General Michael R. Taheri
Director of Staff, National Guard Bureau

Maj. Gen. Michael R. Taheri is the Director of Staff, National Guard Bureau, the Pentagon, Arlington Virginia. In this role, he synchronizes and integrates policy, plans, positions, procedures and cross functional issues for the National Guard Bureau staff. Prior to assuming his current position, Maj Gen Taheri was the Director Strategy, Policy, Plans and International Affairs, National Guard Bureau, the Pentagon, Arlington, Virginia.

General Taheri was commissioned in May 1989 following graduation from the University of Wyoming. After completion of pilot training, General Taheri flew C-130s at Pope Air Force Base, North Carolina, Yokota Air Base, Japan and Little Rock AFB, Arkansas as a Formal Training Unit Instructor and Evaluation Pilot. General Taheri joined the North Carolina Air National Guard in 1999 where he served as a C-130 evaluator pilot and Modular Airborne Fire Fighting System aircraft commander.

General Taheri has significant combat operations experience and is a command pilot with over 4,000 hours of total flight time. General Taheri has served in a variety of command and staff positions in Headquarters U.S. Air Force and Joint Staff assignments, to include serving as the Commander of the Air National Guard Readiness Center.

EDUCATION
1989 Bachelor of Science in Political Science, University of Wyoming, Laramie
1994 Squadron Officer School, Maxwell AFB, Ala.
2004 Air Command and Staff College, by correspondence
2006 Air War College, by correspondence
2008 Master of National Resource Strategy, National Defense University, Fort Lesley J. McNair, Washington, D.C.
2010 Foreign Politics, International Relations and the National Interest, Seminar XXI, Massachusetts Institute of Technology, Cambridge
2011 National Security Studies Management Course, Syracuse University, Syracuse, N.Y.
2012 Leadership Development Program, Center for Creative Leadership, Greensboro, N.C.
2015 Capstone General and Flag Officer Course, National Defense University, Fort Lesley J. McNair, Washington, D.C.
2016 Senior Executives in National and International Security Program, Harvard Kennedy School, Boston
2017 Generals, Flag Officers and Ambassadors' Course, NATO Defense College, Rome and Brussels, Belgium

ASSIGNMENTS
January 1990 - March 1991, Student, undergraduate pilot training, Vance AFB, Okla.
March 1991 - September 1991, Student, C-130 initial qualification, Little Rock AFB, Ark.
September 1991 - December 1994, C-130 Co-Pilot/Aircraft Commander, Pope AFB, N.C.
January 1995 - November 1997, C-130 Instructor/Evaluator Pilot, Yokota AB, Japan
November 1997 - March 1999, Instructor Pilot, C-130 Formal Training Unit, Little Rock AFB, Ark.
March 1999 - January 2004, C-130 Evaluator Pilot/Modular Airborne Fire Fighting Systems Pilot, 156th Airlift Squadron, Charlotte International Airport, N.C.
January 2004 - January 2005, C-130 Program Manager, Plans and Programs Division, Air National Guard Readiness Center, Arlington, Va.
January 2005 - May 2006, Chief, Mobility Programs Branch, and National Guard Bureau Force Structure, Resources, and Assessment Officer, Plans and Programs Division, Air National Guard Readiness Center, Arlington, Va.
June 2006 - June 2007, Commander, 156th Airlift Squadron, Charlotte International Airport, N.C. 10.
July 2007 - June 2008, Student, National Defense University, Industrial College of the Armed Forces, Fort Lesley J. McNair, Washington, D.C.

June 2008 - June 2009, Chief, Organization Management, Air National Guard Readiness Center, Arlington, Va.
June 2009 - June 2010, Director, Office of Human Resources, Andrews AFB, Md.
June 2010 - May 2011, National Guard Advisor and Chief, Defense Support to Civil Authorities Branch, Strategic Plans and Policy Directorate (J5), Joint Staff, the Pentagon, Arlington, Va.
June 2011 - June 2012, National Guard Advisor and Deputy Division Chief, Homeland, Strategic Plans and Policy Directorate (J5), Joint Staff, the Pentagon, Arlington, Va.
July 2012 - August 2013, Vice Commander, 153rd Airlift Wing, Wyoming Air National Guard, Cheyenne, Wyo.
August 2013 - June 2014, Commander, 153rd Airlift Wing, Wyoming Air National Guard, Cheyenne, Wyo.
June 2014 - February 2017, Commander, Air National Guard Readiness Center, Joint Base Andrews, Md.
February 2017 – September 2018, Director Strategy, Policy, Plans and International Affairs (J5), National Guard Bureau, the Pentagon, Arlington, Va.
October 2018 - present, Director of Staff, National Guard Bureau, the Pentagon, Arlington, Va.

SUMMARY OF JOINT ASSIGNMENTS
August 2010 – May 2011, National Guard Advisor and Chief, Defense Support to Civil Authorities Branch, Strategic Plans and Policy Directorate (J5), Joint Staff, Pentagon, Arlington, Va., as a colonel
June 2011 – June 2012, National Guard advisor and Deputy Division Chief, Homeland, Strategic Plans and Policy Directorate (J5), Joint Staff, the Pentagon, Arlington, Va., as a colonel
February 2017 – present, Director Strategy, Policy, Plans and International Affairs (J5), National Guard Bureau, the Pentagon, Arlington, Va., as a major general

FLIGHT INFORMATION
Rating: command pilot
Flight hours: over 4,000
Aircraft flown: T-37, T-38, C-130

AWARDS AND DECORATIONS
Legion of Merit with oak leaf cluster
Defense Meritorious Service Medal
Meritorious Service Medal with oak leaf cluster
Aerial Achievement Medal with four oak leaf clusters
Air Force Commendation Medal with two oak leaf clusters

EFFECTIVE DATES OF PROMOTION
Second Lieutenant Sept. 11, 1989
First Lieutenant Sept. 11, 1991
Captain Sept. 11, 1993
Major Oct. 1, 2000
Lieutenant Colonel Dec. 9, 2004
Colonel July 25, 2008
Brigadier General June 2, 2014
Major General Dec. 7, 2016

(Current as of November 2018)

RECORD VERSION

STATEMENT BY

MAJOR GENERAL A.C. ROPER
DEPUTY CHIEF OF ARMY RESERVE

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES

FIRST SESSION, 116TH CONGRESS

ON RESERVE COMPONENT DUTY STATUS REFORM

MARCH 27, 2019

NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES

AMERICA'S ARMY RESERVE: Leadership. Energy. Execution.

As the dedicated federal reserve of the Army, America's Army Reserve — its units-of-action and individual Soldiers — must be ready to mobilize, deploy, fight and win as an integrated part of the Army team anywhere in the world. From its inception in 1908, leveraging the huge capacity and existing technical capability of medical professionals in the Nation's private sector, the Army Reserve has always brought depth in critical technologies to the Army.

Today, we continue to build and sustain the most capable, combat-ready and lethal Federal Reserve force in the history of the Nation. As a community-based force with a presence in all 50 states, five U.S. territories and 30 countries, America's Army Reserve spans the globe with over 200,000 Soldiers and Civilian employees and 2,000+ units in twenty different time zones. It comprises nearly 20 percent of the Army's organized units and over a quarter of its mobilization base-expansion capacity.

The challenges of building and fielding such an array of ready and lethal capabilities from the ranks of a largely part-time team is no small task, but the diversity and efficiency of the force is also its strength. Leveraging a dispersed and dynamic phalanx of Soldiers and leaders with civilian-acquired or retained skills from over 140 different career fields, America's Army Reserve brings a dynamic field of talent, skills and experience to bear for the Army and the Joint Warfighter — when needed.

We fully acknowledge that our first responsibility is to leverage our unique capabilities to support the Army in winning the Nation's wars, but we also embrace our opportunity and mandate to respond to need, on no-notice, in the Homeland. While recognizing Federal Emergency Management Agency is the lead federal agency for disaster response in the Homeland, America's Army Reserve is enhancing the immediate response authority of our Army Reserve Regional Commands to more effectively command and control units to execute

emergency response operations in support of the American people. With Soldiers, facilities and capabilities in more than 1,100 communities across the Nation, America's Army Reserve is well-postured to respond quickly when disaster assistance is needed. We demonstrated this recently in response to Hurricanes Harvey, Irma, Maria and Florence.

Our dynamic requirement remains straightforward, but tough: our team needs to be ready enough to be relevant, but not so ready that our Soldiers cannot maintain good, meaningful civilian jobs and healthy, sustaining family lives. This challenge is exacerbated by the simple fact that we must recruit and retain our ranks where Soldiers live and work, and anticipate emerging demographics by moving force structure to not only where talent resides today, but where it will be tomorrow. This process demands agility, synchronization and planning.

An integral part of recruitment and retention includes compensation. Troops serving side-by-side on the same mission should receive the same pay and benefits— regardless of the type of service uniform they wear or component of assignment. The Army Reserve has long been involved with reform efforts and welcomes changes that improve overall readiness and morale.

We appreciate Congress's continued support, engagement and counsel. As a result, your Army Reserve is postured to meet modern day challenges and future requirements. In these dynamic and challenging times we will stay steady in the saddle as we build the most capable, combat-ready, and lethal federal reserve in the history of the Nation.

Maj. Gen. A.C. Roper
Deputy Chief, Army Reserve (DCAR)

Major General A.C. Roper currently serves as the Deputy Chief, Army Reserve (DCAR), Office of the Chief Army Reserve, headquartered at the Pentagon, Washington D.C. As DCAR he serves as a senior advisor to the Chief, Army Reserve (CAR) on policies, plans and programs for the USAR including force structure, Congressional budget and appropriations process, development of manpower and personnel policies, and key administration and DoD/JCS initiatives for the USAR. MG Roper supports USAR legislative policy efforts, government agency coordination and represents the CAR in Department of Defense, Department of the Army and joint policy meetings, briefings, and initiatives. Prior to this assignment he commanded the 76th Operational Response Command in Salt Lake City, UT which was the Army Reserve's all hazard response command.

Major General Roper's other general officer level assignments includes duties as the Commanding General – 80th Training Command (OPCON to TRADOC), Acting Deputy Commanding General - CBRN, 335th Signal Command and Commander of the 415th CBRN Brigade where he was dual-hatted as the Task Force Operations Commander, JTF-51, ARNORTH for the C2CRE-A homeland response mission. He also served as Chief of Staff, 87th Army Reserve Support Command East; G3/7, Regional Support Group East; Inspector General, 87th Division (Training Support); and Assistant Chief of Staff, 81st Regional Readiness Command. MG Roper deployed to Saudi Arabia during Operation Desert Shield and to Afghanistan in support of Operation Enduring Freedom.

Major General Roper was commissioned in 1983 at the University of Alabama at Birmingham. His military education and training includes the Chemical Officer Basic and Advance Courses (Honor Graduate of both), Public Affairs Officers Course, Equal Opportunity Advisors Course (Commandant's Award), Inspector General Course, Combined Arms Staff Services School, Command and General Staff College (Commandant's List); the US Army War College, the Joint Senior Reserve Component Officer Course, the Defense Support to Civil Authorities (DSCA) Course, the National Defense University's CAPSTONE Course, the Joint Task Force Commanders Course and Harvard University's National & International Security Seminar. He earned a Master of Science from the University of Alabama and a Master in Strategic Studies from the US Army War College.

Major General Roper's awards and decorations include the Distinguished Service Medal, the Legion of Merit with Oak Leaf Cluster, Bronze Star Medal, Meritorious Service Medal with three Oak Leaf Clusters, Joint Service Commendation Medal, Combat Action Badge, and various other awards. He also served as a principal member of the Secretary of the Army's Army Reserve Forces Policy Committee and the Secretary of Defense's Reserve Forces Policy Board.

In his civilian capacity, MG Roper has over 33 years of law enforcement, incident command and public safety experience culminating with his 10 year tenure as the Chief of Police of the Birmingham Police Department.

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
SUBCOMMITTEE ON MILITARY PERSONNEL
ARMED SERVICES COMMITTEE

STATEMENT OF

MR. PATRICK J. BARRETT, U.S. NAVY

DEPUTY CHIEF OF NAVY RESERVE

BEFORE THE

HOUSE SUBCOMMITTEE ON MILITARY PERSONNEL

ARMED SERVICE COMMITTEE

RESERVE COMPONENT DUTY STATUS REFORM

MARCH 27, 2019

NOT FOR PUBLICATION UNTIL
RELEASED BY THE HOUSE
SUBCOMMITTEE ON MILITARY PERSONNEL
ARMED SERVICES COMMITTEE

Chairwoman Speier, Ranking Member Kelly and distinguished Members of the Subcommittee, as Deputy Chief of Navy Reserve it is my distinct honor to represent the Navy and the Navy Reserve in support of Reserve Component Duty Status Reform.

As it currently stands, there are 27 different statutory authorities available to Service Secretaries, the Secretary of Defense, the President and Congress to access reserve military support. The National Defense Authorization Act for Fiscal Year 2016 directed the Secretary of Defense to investigate whether consolidation of those 27 Reserve Component duty status into 6 broad categories would increase efficiency within the Reserve Component. DoD has drafted proposed legislation that will reform the current Reserve Component duty status construct.

When a Reserve Sailor puts on the uniform in support of National Defense, the compensation package available to that Sailor can be dependent upon the authority under which that Sailor serves. This design puts many reservists in awkward situations. A Reserve Sailor stands shoulder to shoulder with their active counterpart – ready for battle - but the pay and benefits available to those two warriors can be significantly different. The goal of duty status reform legislation is to fix this problem.

I believe duty status reform will increase efficiency, greatly simplify our processes and protect our Sailors and their families, by properly linking service categories to intended benefits. I look forward to sharing more details on the proposal once the Administration finalizes its work on the proposal and transmits it to Congress.

Patrick J. Barrett
Deputy Chief of Navy Reserve OPNAV N095B

Mr. Patrick Barrett is the Deputy Chief Navy Reserve on the Chief of Naval Operations Staff (OPNAV 095) Washington DC. He is the principal advisor to the Chief of Navy Reserve on all matters related to manpower, mobilization, policy and strategy for a force of 58,000 personnel. The primary mission of the Navy Reserve is to deliver operational capability and strategic depth to the Navy, Marine Corps, and Joint Force.

Previously, Mr. Barrett served as the Acting Deputy Assistant Secretary of Defense for Reserve Manpower and Personnel in the Office of the Secretary of Defense, Reserve Affairs. He also served as the Chief of Staff to the Assistant Secretary of Defense for Reserve Affairs coordinating all efforts in Readiness, Training, Mobilizations, Resources and Materiel & Facilities. Mr. Barrett had multiple assignments on the Chief of Naval Operations Staff, Director of Air Warfare (N78 & N88) serving as the Requirements and Resources Officer for all Transport aircraft procurement and sustainment.

Mr. Barrett's military accomplishments include 30 years of active duty serving in a variety leadership positions which culminated in aviation squadron command well as commanding an Air Wing of over 4,300 personnel. He has deployed numerous times in support of the Global War on Terror supporting operations Enduring Freedom, Iraqi Freedom, Desert Shield and Desert Storm. Early in his career he deployed aboard the USS O'Brien (DD 975) and USS Thach (FFG 43) while in the Central Command area of responsibility. He has amassed over 5,000 flight hours in a variety of Naval aircraft.

Mr. Barrett holds a Bachelor of Science degree from Rhode Island College in 1985, earned a Masters of Science degree from Embry Riddle University in 1995 and a Masters of Science in National Security Strategy from National War College in 2006.

His decorations include multiple Defense Superior Service medals, Legions of Merit, Meritorious Service medals and numerous additional personal and operational decorations associated with deployments to the Central Command Area of Responsibility.

United States Air Force

Testimony

Before the House Armed Services
Military Personnel Subcommittee

Reserve Component Duty Status Reform Hearing

Statement of
Lieutenant General Richard W. Scobee
Chief of Air Force Reserve

March 27, 2019

Not for publication until released by the House Armed
Services Subcommittee on Military Personnel

Duty Status Reform

The Air Force is a Total Force.

The Air Force Reserve is a critical component of this Total Force and a vital part of our national defense. Our 70,000 Citizen Airmen are operationally integrated with their Active Component counterparts. We fly as one, train as one, and fight as one.

The Air Force Reserve provides cost effective strategic depth and rapid surge capability, supplying the manpower and capabilities needed to fill combatant commander requirements and enabling the Air Force to quickly react to unforeseen events, such as natural disasters and contingencies. We also provide daily operational support to the joint force, and we will be called upon to supply the manpower required for the high-end fight.

The re-emergence of great power competition necessitates that we rapidly restore our readiness and modernize our force. We must be able to engage in peer and near-peer conflict in the future operating environment. In any future conflict, the Air Force will be at the forefront. Therefore, we must ensure we have the right force mix and the necessary capabilities to defeat any adversary, and we must optimize our ability to support the joint force.

To align our efforts with National Defense Strategy objectives the Air Force Reserve is focused on Prioritizing Strategic Depth and Accelerating Readiness, Developing Resilient Leaders, and Reforming the Organization. These priorities are intended to ensure we are combat ready, optimize our internal operations, and ensure we provide the highest levels of support to our Airmen and their families.

The Department of Defense's (DoD) Duty Status Reform efforts align with our strategic priorities and allow us to better support our Airmen. Therefore, the Air Force Reserve is actively involved with and fully supports this effort. Duty Status Reform will enhance our readiness, enable further reforms within our organization, and ultimately-improve the quality of life for our Reserve Citizen Airmen and their families.

Reserve Citizen Airmen provide daily support to joint force operations around the globe, and our members deserve pay and benefits which are in line with their contributions to our national defense. The current pay and benefit structure creates the potential for a disparity in entitlements between Reservists who are performing similar duties. The proposal that the Administration is working on will be able to better align pay and benefits across duty categories. This will ensure parity between the duty a member performs and the entitlement that member receives. Furthermore, the proposed changes would give

Reservists a clear understanding of their pay and benefits and help us ensure our members receive the correct entitlements while in status.

The Duty Status Reform proposal also intends to eliminate the disruption in pay and benefits when a Reserve member transitions between duty authorities. Reserve Citizen Airmen change duty statuses frequently, based on the training or operational requirements, and often switch directly from one duty status to another. The current, complicated duty authorities make it difficult to determine the correct pay and benefits for members who change status during a continuous period of service. This can result in missed entitlements. Streamlining duty statuses would enable the Air Force Reserve to accurately calculate and administer all pay and benefits for members, ensuring no entitlements are missed when a member transitions between duty statuses.

Finally, the proposed changes are intended to simplify the rules and procedures associated with, mobilizations, volunteerism, and Reserve support to operational missions. The complexities which exist under the current construction will be replaced with simple, understandable, and clear delineations of duty status. Ultimately, these changes will likely eliminate complicated and confusing rules and requirements, allowing Combatant Commanders greater access to Reserve Citizen Airmen and maximizing the Air Force Reserve's ability to support the joint force.

The Air Force Reserve understands that duty status reform is a complex undertaking, which will require the modification of more than 450 laws, updates to over 300 DoD Instructions, and changes to the Financial Management Regulations and the Joint Travel Regulations. This effort will also force modifications to some information technology systems for pay and benefits. We realize that there are a multitude of changes required for duty status reform, and as a result, will take multiple years. However, this undertaking is absolutely necessary and the long term benefits will be worth the effort.

The United States can only maintain our military advantage if we continually modernize our force. We cannot limit modernization to weapon system upgrades alone, we must also improve our internal operations and force structure. The current Reserve Duty Status construct is outdated. Many of the existing authorities were enacted prior to 1980, and eight existed prior to World War II. The proposed Duty Status Reforms should simplify both these authorities and the associated processes. This will enhance Air Force Reserve readiness, increase our flexibility, and improve our operational utilization. These changes are intended to provide equitable and consistent pay and benefits for Reserve Citizen Airmen and their families, improving our ability to support those who defend our great Nation.

Lieutenant General Richard W. Scobee
Chief of Air Force Reserve

Lt. Gen. Richard W. Scobee is the Chief of Air Force Reserve, Headquarters U.S. Air Force, Washington, D.C., and Commander, Air Force Reserve Command, Robins Air Force Base, Georgia. As Chief of Air Force Reserve, he serves as principal adviser on reserve matters to the Secretary of the Air Force and the Air Force Chief of Staff. As Commander of Air Force Reserve Command, he has full responsibility for the supervision of all U.S. Air Force Reserve units around the world.

General Scobee was commissioned in 1986 as a graduate of the U.S. Air Force Academy. He earned his pilot wings as a distinguished graduate of Euro-NATO Joint Jet Pilot training in 1987. He has served as an F-16 pilot, instructor pilot and flight examiner both domestically and overseas in Germany, South Korea and Egypt. The general has commanded a fighter squadron, operations group, two fighter wings and a numbered air force. Additionally, he deployed as Commander of the 506th Air Expeditionary Group, Kirkuk Regional Air Base, Iraq, in 2008.

Prior to his current assignment, General Scobee, was the Deputy Commander, Air Force Reserve Command, where he was responsible for the daily operations of the command, consisting of approximately 70,000 Citizen Airmen and more than 300 aircraft among three numbered air forces, 33 flying wings, 10 flying groups and one space wing. He is a command pilot with more than 3,800 flying hours in the F- 16, including 248 combat hours.

EDUCATION
1986 Bachelor of Science, U.S. Air Force Academy, Colorado Springs, Colo.
1995 Squadron Officer School, by correspondence
1997 Master of Business Administration, University of South Carolina
2000 Air Command and Staff College, by correspondence
2005 Air War College, by correspondence
2006 U.S. Air Force Accident/Safety Board President Course, Kirtland AFB, N. M.
2010 Joint Forces Reserve Officers Orientation Course, Joint Forces Command, Norfolk, Va.
2010 Leadership Course, Center for Creative Learning, Greensboro, N.C.
2011 Advanced Joint Professional Military Education, Joint Forces Staff College, Norfolk, Va.
2014 Dual Status Title 10/32 Joint Task Force Commander Course, Northern Command, Peterson AFB, Colo.
2017 Senior Executive in National and International Security, Harvard Kennedy School, Cambridge, Mass.

ASSIGNMENTS
1. June 1986 - July 1987, student, Euro-NATO Joint Jet Pilot training, Sheppard AFB, Texas
2. August 1987 - October 1987, student, fighter lead-in training, Holloman AFB, N. M.
3. November 1987 - August 1988, student, F-16 Replacement Training Unit, MacDill AFB, Fla.
4. August 1988 - November 1991, F-16 pilot, 526th Tactical Fighter Squadron, Ramstein Air Base, Germany
5. November 1991 - February 1993, Operation Location Commander and Air Liaison Officer, 1st Armored Division, Baumholder, Germany
6. March 1993 - May 1997, F-16 Instructor Pilot, 19th and 78th Fighter squadrons, Shaw AFB, S. C.
7. May 1997 - May 1998, F-16 Instructor Pilot, 80th Fighter Squadron, Kunsan Air Base, South Korea
8. May 1998 - August 2000, Assistant Director of Operations and F-16 Instructor Pilot, 21st Fighter Squadron, Luke AFB, Ariz.
9. August 2000 - April 2005, Assistant Director of Operations and F-16 Instructor Pilot, 301st Fighter Squadron, Luke AFB, Ariz.
10. April 2005 - July 2006, Commander, 301st Fighter Squadron, Luke AFB, Ariz.
11. July 2006 - June 2007, Commander, 944th Operations Group, Luke AFB, Ariz.
12. July 2007 - April 2009, Commander, 944th Fighter Wing, Luke AFB, Ariz. (April 2008 - November

2008, Commander, 506th Air Expeditionary Group, Kirkuk Regional Air Base, Iraq)
13. April 2009 - October 2010, Commander, 301st Fighter Wing, Naval Air Station Fort Worth Joint Reserve Base, Texas
14. October 2010 - October 2013, Deputy Director of Operations, Headquarters North American Aerospace Defense Command, Peterson AFB, Colo.
15. October 2013 - October 2014, Director, Air Force Reserve Plans, Programs and Requirements, Headquarters Air Force, Washington D.C.
16. October 2014 - May 2017, Commander, Tenth Air Force, NAS Fort Worth JRB, Texas
17. May 2017 – September 2018, Deputy Commander, Air Force Reserve Command, Robins AFB, Ga.
18. September 2018 – present, Chief of Air Force Reserve, Headquarters U.S. Air Force, Washington, D.C., and Commander of Air Force Reserve Command, Robins AFB, Warner Robins, Ga.

SUMMARY OF JOINT ASSIGNMENTS
October 2010 - October 2013, Deputy Director of Operations, Headquarters North American Aerospace Defense Command, Peterson AFB, Colo., as a brigadier general

FLIGHT INFORMATION
Rating: command pilot
Flight hours: more than 3,800, including 248 combat hours
Aircraft flown: F-16

MAJOR AWARDS AND DECORATIONS
Distinguished Service Medal
Defense Superior Service Medal
Legion of Merit with oak leaf cluster
Bronze Star Medal
Meritorious Service Medal with four oak leaf clusters
Air Medal with oak leaf cluster
Aerial Achievement Medal with oak leaf cluster
Air Force Commendation Medal with oak leaf cluster
Army Achievement Medal
Joint Meritorious Unit Award
Meritorious Unit Award
Air Force Outstanding Unit Award with silver oak leaf cluster
Combat Readiness Medal
National Defense Service Medal with bronze star
Armed Forces Expeditionary Medal
Southwest Asia Service Medal with bronze star
Iraq Campaign Medal
Global War on Terrorism Service Medal
Korea Defense Service Medal
Humanitarian Service Medal
Air Force Overseas Ribbon - Short with oak leaf cluster
Air Force Overseas Ribbon - Long with oak leaf cluster
Air Force Expeditionary Service Ribbon with Gold Border
Air Force Longevity Service Award with three oak leaf clusters
Armed Forces Reserve Medal with "M" device
Small Arms Expert Marksmanship Ribbon with bronze star
Air Force Training Ribbon

EFFECTIVE DATES OF PROMOTION
Second Lieutenant May 28, 1986
First Lieutenant May 28, 1988
Captain May 28, 1990
Major Feb. 1. 1998
Lieutenant Colonel Sept. 12, 2002
Colonel Aug. 9, 2006
Brigadier General Dec. 22, 2010
Major General March 26, 2015
Lieutenant General September 7, 2018

(Current as of September 2018)

NOT PUBLIC UNTIL RELEASED BY THE
HOUSE ARMED SERVICES COMMITTEE

STATEMENT

OF

MAJOR GENERAL BRADLEY S. JAMES

COMMANDER, MARINE FORCES RESERVE

UNITED STATES MARINE CORPS

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

OF THE

HOUSE ARMED SERVICES COMMITTEE

CONCERNING

RESERVE DUTY STATUS REFORM

ON

27 MARCH 2019

NOT PUBLIC UNTIL RELEASED BY THE
HOUSE ARMED SERVICES COMMITTEE

Major General Bradley S. James

In November 2018, Major General Bradley S. James assumed the duties of acting Commander of Marine Forces Reserve.

Major General Bradley S. James is a native of Austell, Georgia and a graduate of Kennesaw State University. After graduating from flight training in 1988, he served at Cherry Point, NC with VMGRT-253 and VMGR-252. He also served at the 2nd Marine Aircraft Wing Headquarters as the Air Transport Coordination Officer.

Captain James joined VMGR-234 in Glenview, Illinois in 1993 and relocated with the squadron to Naval Air Station Joint Reserve Base Fort Worth in 1994. During this tenure, he served primarily as the Weapons & Tactics Instructor. Major James served as Officer in Charge for KC-130 Detachments for the 24th and 26th Marine Expeditionary Units while deployed in Macedonia and Kosovo. In 1999, Major James transferred to MAG-41 Headquarters.

In 2000, he returned to VMGR-234 as the Operations Officer. LtCol James activated in 2002 as the VMGR-234 Detachment "A" Commander and led a combined detachment under the 13th MEU (SOC) during combat operations in Afghanistan.

He deployed in 2003 to Shaik Isa Air Base, Bahrain as 3rd Marine Aircraft Wing Advance Party Officer in Charge and Group Commander for the 319th and 384th Air Expeditionary Wings (USAF) in support of I MEF during Operation Iraqi Freedom. LtCol James assumed command of VMGR-452 in 2003 and deployed to Al Asad, Iraq for OIF II-2 supporting Operation Phantom Fury. In May 2006, LtCol James reported to II Marine Expeditionary Force at Camp Lejeune, NC as the Reserve Integration Division Site OIC and Operational Sponsor for the Individual Marine Augment Program.

As a Colonel, he served as the Deputy Group Commander of Marine Aircraft Group 49, Willow Grove, PA, the 4th Marine Aircraft Wing Assistant Wing Commander in New Orleans, LA, Department Head at Reserve Affairs Quantico, VA and Deputy & Executive Assistant to the Deputy Commandant of Plans, Policy, and Operations at the Pentagon.

From 2016-2018, BGen James served as the Commanding General of 4th Marine Aircraft Wing.

He is a graduate of the Air War College, Joint & Combined Warfighting School, Weapons & Tactics Instructor & Senior Watch Officer Courses, Marine Corps University Senior Planners Course, Reserve Component National Security Course, Joint Interagency Multi-planners Course, Senior Joint Info Operations Course, Joint Force Air Component Commander Course and Leading Innovation Energy Applications Course. He has accumulated more than 5000 flight hours in the KC-130 E/F/R/T variants.

INTRODUCTION

Chairman Speier, Ranking Member Kelly, and distinguished Members of the Subcommittee, it is my privilege to appear before you today to discuss reserve duty status reform.

Since our founding in 1775, Marines have answered our Nation's call, faithfully serving the American people and maintaining a standard of military excellence. Your Marine Corps is, and will continue to be, our Nation's expeditionary force in readiness. We are warfighters who are ready to rapidly respond to crises around the Globe to ensure the continued security of the American people and to protect the interests that underpin our Nation. Marines will be *always faithful* to the trust which the American people have vested in them.

YOUR RESERVES

Mission first, people always. Marines are the foundation of the Marine Corps. They are the Corps' most critical resource, and always have been. Your Marines are recruited, trained, educated, and retained to win our Nation's battles.

The vast majority of the Marine Corps Selected Reserve's authorized end strength of 38,500 falls under Marine Forces Reserve. The Selected Reserve is composed of Marines in four categories: Selected Marine Corps Reserve Units, Active Reserve, Individual Mobilization Augmentees, and service members in initial training. Embedded with these Marines are over 1,600 Active and Reserve component Sailors who serve critical roles in the operational, medical, dental, and spiritual readiness of our Reserve Force. The success of Marine Forces Reserve would not be possible without continued support from the U.S. Navy.

In addition to the Marines and Sailors of the Selected Reserve, Marine Forces Reserve administratively controls approximately 61,000 Marines who serve in the Individual Ready Reserve (IRR). Marine Forces Reserve continues to monitor the mobilization viability of these IRR Marines through the use of muster events at multiple locations across the country. These muster events

allow Marine Forces Reserve to ensure these IRR Marines meet the requirements for mobilization. These events also provide the opportunity to address administrative issues, conduct mental health and post-deployment assessments, review Reserve obligations and new opportunities, and meet with Marine Corps recruiters. During the past year, Marine Forces Reserve conducted 31 muster events, met 5,189 IRR Marines, and contacted and screened 52,000 Marines telephonically.

As an integral part of the Total Force, Marine Corps Reserve plays a key role in providing a national security force in readiness. The Marine Corps Reserve's critical capabilities increase the lethality of the Corps and contribute to the competitive advantage with potential adversaries. Over the past year, the Marine Corps Reserve supported Combatant Commanders by providing forces focused on combat operations, crisis prevention, crisis response, and theater security cooperation. Global deployments, along with participation in Service, Joint, and multi-national exercises, develop the depth of experience of the Reserve Force, ensuring the Marine Corps Reserve is ready and responsive to meet Combatant Commanders' requirements for highly trained forces.

In 2018, 2,135 Reserve Marines mobilized supporting 35 operational requirements in each of the 6 geographic combatant commands. Likewise, nearly 14,000 Reservists participated in 76 training exercises, supporting requirements in 41 countries across the globe. Additionally, 754 Reserve Marines volunteered to serve as individual augmentees, providing support to Combatant Commanders and Service Staffs. The demand for Marine Forces Reserve to meet requirements as an operational reserve has increased 263 percent since 2017. We continue to meet the high demand, though it has begun to challenge our readiness to meet strategic requirements. For historical perspective, the Marine Corps deployed 8 reserve formations in 2001, compared to 35 reserve formations in 2018.

DUTY STATUS REFORM

Given the current operational requirements and high demand for the Marine Corps Reserve, it is critical to have an efficient, streamlined approach to accessing, training, deploying, and separating members of the Reserve Component. The current Reserve Component duty status construct fails to keep pace with our modern use of the Reserve Component. It is a complex system that is the result of incremental changes over the years. The current system negatively impacts the Reserve Component and Combatant Commanders' ability to effectively leverage Marine Reserve assets. For example, pay and entitlements differ depending on which of the 27 current mobilization authorities are utilized when orders are issued. This complexity can cause gaps in benefits and concerns for the inequities amongst our Marines.

The Marine Corps has been able to mitigate these pay and personnel challenges through the use of the Marine Corps Total Force System. It is a fully-integrated pay and personnel system and services all Marines, regardless of component or rank. However, even our "gold standard" pay and personnel management and administration system will benefit from a simpler, updated duty status system.

Over the last several years, with the full support of Congress, the Department of Defense began to earnestly address these concerns beginning with the recommendations of the Military Compensation Retirement Modernization Committee in 2015. As a result of these recommendations, the Department has led a sincere and painstaking effort to streamline and modernize mobilizations authorities to address the following challenges:

1. Pay and Benefits Inequities - Under the current system, pay, allowances and benefits differ depending on the type of order a member is issued. As a result, members performing duty for the same mission or requirement may receive different pay and benefits.

2. Disruption in Pay and Benefits - A disruption in pay and benefits can occur within personnel and pay systems when a member transitions from one duty authority to another as required under the current system.

3. Programming and Budgeting - The budgeting process is based on duty authorities and purposes. There is a perception that such justification of requirements complicates the allocation of resources and obscures the understanding of the work and training actually being performed.

4. Accessibility - The specific requirements and restrictions for ordering Reserve Component members to duty make it difficult for operational commanders to access the force. Likewise, when requirements are emergent rather than programmed, accessibility to Reserve component Service members may be limited.

5. Complexity - Multiple authorities produce complex rules and procedures that are highly inefficient, inhibit volunteerism, and increase the difficulty of accessing reservists to perform operational missions. The complexity impacts reservists and operational commanders alike.

Based on these challenges, the Office of Secretary of Defense is seeking to simplify the system for ordering Reserve Component members to duty and address the challenges of the current construct, while retaining the appropriate level of flexibility and accountability. These changes will fundamentally redesign and simplify the current reserve duty status construct. By streamlining the authorities, the DoD can better align benefits across those duty categories to provide consistency,

clarity and continuity for our Marine Corps Reserve Service members and their families, thus reducing the impediments to training and accessing the Reserve Component. The Marine Corps fully supports these efforts.

CONCLUSION

The Marine Corps Reserves provides individual Marines and units to the Active Component as part of the Total Force. We are forward deployed supporting Combatant Commanders' requirements, and participate in multiple exercises at our training centers and around the world. Given the current operational requirements and high demand for the Marine Corps Reserve, it is critical to update the Reserve duty statuses for an efficient, streamlined approach to accessing, training, deploying, and separating members of the Reserve Component. The Marine Corps fully supports DoD efforts to reform Reserve duty status. With your support, we will remain ready to augment, reinforce and sustain the Active Component. Thank you again for the opportunity to present this testimony.

DOCUMENTS SUBMITTED FOR THE RECORD

MARCH 27, 2019

Co-Chair
Governor Asa Hutchinson
Arkansas

Co-Chair
Governor David Ige
Hawaii

APPOINTED BY THE PRESIDENT OF THE UNITED STATES

March 6, 2019

The Honorable Mick Mulvaney
Director
Office of Management and Budget
725 17th St. N.W.
Washington, D.C. 20503

Dear Director Mulvaney:

We write to you on behalf of the Presidentially appointed Council of Governors (Council) regarding legislative proposals on Department of Defense (DOD) Duty Status Reform.

As you may know, in the Fiscal Year 2018 National Defense Authorization Act, Congress mandated the Secretary of Defense provide legislative proposals to reduce statutory authorities to order reserve component members to duty to Congress no later than April 30, 2019.

During our most recent Council of Governors plenary meeting on February 22, the DOD briefed Council governors on the current proposals to accomplish this Congressional mandate. The Department noted to us that it submitted its legislative proposals on Duty Status Reform to the Office of Management and Budget, and that the proposed language includes changes to the Insurrection Act, 10 USC § 331–35. We look forward to reviewing and discussing any DOD proposed code revisions to the current language in the Insurrection Act, especially with regards to those revisions that will reduce governors' authority over their National Guard.

Governors are supportive of changes in law that provide parity amongst components, ensures minimal disruption to compensation and benefits and eases transition for our service members, especially our respective National Guards. However, these positive changes should not come at the expense of a governor's command and control as commanders-in-chief of their Guard.

It is our understanding that the current proposed language will amend the Insurrection Act to allow the President of the United States sole discretion regarding the number of troops deployed in a state, while also removing the statutory requirement under Title 32 of United States Code requiring the president or the secretary of defense obtain a governor's permission before ordering a member of their state militia to full-time duty.

This is not the first time the Department has attempted to dilute gubernatorial authority. The Fiscal Year 2007 National Defense Authorization Act widened the President's ability to deploy troops within the United States.

Governors, adjutants general and members of Congress successfully repealed this language the following year in their entirety. As was the case then, so is true now. Any action on the part of the federal government that strips governor authority as commanders-in-chief of our respective National Guard is unacceptable and contrary to the principles of federalism and the constitution.

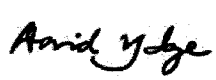
Likewise, involuntary mobilizations — without the consent of the individual or the governor — dramatically impact the well-being and morale of our guardsmen and women and their families, create uncertainty and diminish our states ability to plan for and execute emergency and disaster response operations.

Governors should be able to make the decision of how and when our guardsmen and women are called to serve, should they so choose. Governors take their responsibilities seriously, and the well-being of our national guard is a paramount concern.

We ask you and OMB to modify and remove any language within the DOD's legislative proposals on Duty Status Reform that would change governor authorities of command and control of their National Guard.

Sincerely,

Governor Asa Hutchinson
Co-Chair
Council of Governors



Governor David Ige
Co-Chair
Council of Governors

CC:
Department of Defense
Senate Armed Services Committee
House Armed Services Committee
National Governors Association

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

MARCH 27, 2019

QUESTIONS SUBMITTED BY MRS. DAVIS

Mrs. DAVIS. The current activation authorities in title 10 have various limitations on which categories of reservists can be activated, for how long, and for what purpose. Does the proposed legislation modify these limitations in any way? If so, what was the rationale for the changes? How much weight did you give to balancing the needs of the Armed Forces for access to the Reserve Components and the impact of activation on the reservists and their civilian employment? Would the new authorities permit more frequent use of the Reserve Component, perhaps to the extent of adversely affecting recruiting and retention?

Ms. BUSCH. Today, multiple duty statuses produce complex rules and procedures that are highly inefficient, inhibit volunteerism, and increase the difficulty of accessing Reserve Component members to perform operational missions. With the extensive involvement of stakeholders across government, our draft proposal attempts to streamline Reserve Component duty statuses and align pays and benefits according to the nature of the work Reservists and Guardsmen perform. In developing its draft proposal, the Department has maintained the duration and strength limitations that exist under current law. It did, however, reorganize the activation authorities, along with separating out, streamlining, and reorganizing activation purposes, in order to achieve the goal of creating four, broad duty-status categories (based on the nature of the work) and aligning pays and benefits to those categories. Throughout DOD's reform effort, ensuring judicious and prudent use of the Reserve Components, i.e., striking the right balance between employment of/access to Reserve Component forces versus adversely impacting individual RC members, was a fundamental, abiding principle in the development of its current draft proposal. Further, the Department does not expect the draft proposal would permit any more frequent use of the Reserve Components than is allowed under current law, and it will not adversely affect recruiting and retention.

Mrs. DAVIS. At present, title 10 limits the duration of annual training to "not more than 15 days per year." Does the proposed legislation modify this cap? If so, what was the rationale for the changes? How much weight did you give to balancing the needs of the Armed Forces to train Reserve personnel and the impact of activation on the reservists and their civilian employment? Might the proposed legislation permit longer annual training missions for reservists, perhaps adversely affecting recruiting and retention?

Ms. BUSCH. The Department's draft proposal focuses upon streamlining the existing authorities and aligning pays and benefits. Where possible, our goal was to maintain certain current limitations as they exist today in law and align pays and benefits with the nature of the work performed. Our proposal does not modify the limitations in 10 USC § 10147, which specifies that annual training shall be no less than 14 days per year and shall not exceed 30 days per year. Furthermore, the Department recognizes and is always sensitive to the impact and disruption of activation on both the lives of Reserve Component service members and their civilian employers, as well as the needs of our operational commanders. Throughout its reform effort, a fundamental abiding principle of the Department was to ensure its proposal (as currently drafted) struck the right balance between employment of/access to Reserve Component forces versus adversely impacting individual RC members and their employers.

Mrs. DAVIS. According to the briefing slides provided by the Department, benefits will be somewhat more generous for those performing Category I active service in comparison to Category II active service. Can you tell me how the service member will know if they are performing Category I or Category II active service? Will it be clearly annotated on their orders? Will DOD pay systems recognize the four categories of service and automatically provide the appropriate benefits?

Ms. BUSCH. The Department's draft proposal would streamline the authorities into several categories, aligning each with specific pays and benefits. Service members will know which category they are in because, like today, the authority/category will be clearly specified on their orders [of note: DOD's draft legislation even aligns the numbering of the proposed U.S. Code duty status authority sections with the categories] and because the Department intends to spend significant time, effort, re-

sources necessary to properly educate the Reserve Component force managers, service members, and families prior to implementation. Furthermore, part of the implementation process will include transitioning the Services to integrated personnel and pay information technology systems, which will better track and administer a Service member's orders and the requisite pays and benefits authorized for a given category.

Mrs. DAVIS. If a service member were to change from Category I to Category II, would he or she receive official notification of this? Can you describe the process by which an individual might transition from Category I active service to Category II active service? Would this be seamless to the individual? Would a member of the Active Guard and Reserve program who provides support to a deploying unit be considered Category I or Category II?

Ms. BUSCH. Under the Department's draft proposal, the driving force is the nature of the work the member is performing. If the member's assignment changes but the nature of the work remains the same the Category would remain the same and, most importantly, there would be no disruption to the member's pays and benefits. If the nature of the work changes significantly, the Category may change. If the category changes, the member would receive new orders. Once fully implemented (especially inclusion of the Services' transition to integrated personnel and pay information technology systems as part of the implementation), this type of transition from one Category to another should be seamless. If an Active Guard and Reserve service member is providing support to a deploying unit, but not deploying with the unit, the member will remain on Category II duty. If deploying with a unit, however, they would be treated in the same manner as service members in the active component who deploy.

Mrs. DAVIS. According to the briefing slides provided by the Department, those members of the National Guard and Reserve performing Category II active service would receive different rates of Basic Allowance for Housing depending on the duration of their service. What was the rationale for providing different benefits to individuals performing the same category of service? Is this consistent with the intent of the section 513 of the FY2018 NDAA to align benefits with duty categories?

Ms. BUSCH. The 30-day threshold to receive Basic Allowance for Housing (BAH) (unless supporting a contingency operation) is the same threshold that exists today. Over the course of our reform effort we reviewed close to 100 provisions of law relating to pays and benefits affecting Reserve Component members, including the qualifications for the pays and benefits. In many cases during our review, we determined a qualification(s), such as the 30-day BAH threshold, was appropriate/effective, and therefore, a change was not included in the Department's draft proposal. Unlike today's pay and benefits system, our draft proposal minimizes, to the maximum extent practicable, disruptions in pay and benefits for members, and adheres to the principle that Reserve Component service members should receive pay and benefits commensurate with the nature and performance of the their duties. It also creates a system where members within a category will be eligible to receive the same benefits provided they meet the requisite eligibility criteria. For example, just as is the case for an active component member, a Reserve Component member deployed under Category I would only receive Imminent Danger Pay (IDP) or Combat Zone Tax Exclusion (CZTE) benefits if the Category I deployment was to a designated IDP area and/or CZ. As another example, the 90 aggregate days of service threshold would still need to be met for a Reserve Component service member to receive credit for reduced age eligibility for retired pay. The Department believes the approach it took and the determinations it made during the pays and benefits review portion of its Reserve Component Duty Status Reform effort is consistent with the intent of section 513 of the National Defense Authorization Act for Fiscal Year 2018.

QUESTIONS SUBMITTED BY MR. GALLEGO

Mr. GALLEGO. I understand that Governors have been clear that they do not accept that changing the Insurrection Act statute that exists in title 10, chapter 13, is necessary to complete duty status reform. Are you changing chapter 13 of title 10 in any way?

Ms. BUSCH. The provisions of Title 10 Chapter 13 have been reorganized into Category I duty. In developing the proposal, we worked transparently and collaboratively with each Service, as well as stakeholders across government. We specifically worked with the National Guard Bureau and representatives from the states. To ensure consistent interpretation with past practice, together we agreed that it is critical, and our draft proposal specifies, that no current authorities from the In-

surrection Act statute shall have been deemed to have changed as a result of this reorganization.

Mr. GALLEGO. Do the Adjutants General support changes to the Insurrection Act, the requirement to obtain a Governor's permission to use Guardsmen for domestic operations, or the migration away from unit-based organization and training?

Ms. BUSCH. The National Guard Bureau convened a working group, which included five state representatives, to address the concerns of various states Adjutants General. Together, we considered and adjudicated each of the recommendations from that work group in developing the Department's draft proposal. We consulted and worked transparently with organizations and stakeholders not just within the DOD, but across government. As the Department's draft proposal moves forward, it will require multiple years to implement after enactment, and we pledge to continue to work with relevant federal departments and agencies, as well as the states and territories, to address any concerns and make necessary revisions in the interest of our combatant commanders, Reserve Component force managers, state governors and Adjutants General, and, most importantly, Reserve Component Service members.

Mr. GALLEGO. Does duty status reform fundamentally change the way the Guard is controlled and accesses? In what ways?

General TAHERI. My understanding is that the Duty Status Reform (DSR) proposed legislation is not intended to change the authorities of Governors and the Adjutants Generals to approve all Title 32 National Guard missions.

Mr. GALLEGO. How does the National Guard Bureau view this legislation with respect to limiting or otherwise affecting the authority of Governors over their State Guards?

General TAHERI. The State Adjutants Generals, and the Council of Governors maintain that the existing authorities of Governors over their state Guard should remain safeguarded in the proposed Duty Status Reform (DSR) legislative action process. My understanding is that the DSR legislation is not intended to nor should it affect the existing authorities of Governors and Adjutants Generals over their National Guard and their authority to approve all Title 32 missions.

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