

106TH CONGRESS
1ST SESSION

H. R. 3267

To improve benefits for members of the reserve components of the Armed Forces and their dependents.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1999

Mr. CAMPBELL introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To improve benefits for members of the reserve components of the Armed Forces and their dependents.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for the Mili-
5 tary Reserve Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) There are approximately 1,382,000 mem-
9 bers of the seven reserve components of the Armed
10 Forces (the Army Reserve, the Army National

1 Guard of the United States, the Naval Reserve, the
2 Marine Corps Reserve, the Air Force Reserve, the
3 Air National Guard of the United States, and the
4 Coast Guard Reserve).

5 (2) During fiscal year 1998, reserve component
6 members performed 13,000,000 person-days of mili-
7 tary duty, roughly double the level performed during
8 1994 and the equivalent of 35,000 active component
9 members.

10 (3) Reserve component members are being
11 called upon to serve in a greater number of overseas
12 peacekeeping, humanitarian, and similar missions,
13 and for longer periods of time, than ever before in
14 peacetime, as shown by the following:

15 (A) 8,338 reserve component personnel
16 served in Haiti during the period from Sep-
17 tember 1994 through September 1999, consti-
18 tuting up to 6 percent of the Armed Forces
19 personnel participating in Operation Support/
20 Uphold Democracy during that period.

21 (B) 32,022 reserve component personnel
22 served in Bosnia during the period from De-
23 cember 1995 through September 1999, consti-
24 tuting up to 33 percent of the Armed Forces
25 personnel participating in Operation Joint En-

1 deavor/Guard/Forge during that period, and in
2 January 2000, an Army National Guard briga-
3 dier general will assume command of Task
4 Force Eagle in Tuzla, Bosnia-Herzegovina.

5 (C) 9,752 reserve component personnel
6 served in Iraq during the period from October
7 1997 through September 1999, constituting up
8 to 5 percent of the Armed Forces personnel
9 participating in Operation Northern and South-
10 ern Watch during that period.

11 (D) 9,576 reserve component personnel
12 served in Kosovo during the period from April
13 1999 through September 1999, constituting up
14 to 22 percent of the Armed Forces personnel
15 participating in Operation Allied Force during
16 that period.

17 (4) Recent reports and studies have noted the
18 importance of the reserve components, as shown by
19 the following:

20 (A) The report of the Department of De-
21 fense Quadrennial Defense Review conducted in
22 1997 stated that “Reserve components have be-
23 come an ever larger percentage of the Total
24 Force and are essential participants in the full
25 spectrum of operations, from the smallest of

1 smaller-scale contingency operations to major
2 theater war . . . Reserve forces are part of all
3 war plans. No major operation can be success-
4 ful without them.”.

5 (B) The National Defense Panel, in its re-
6 port issued in 1997, called for the “full integra-
7 tion” of the reserve components with active
8 duty forces and specifically called on the Army
9 to rely more upon its reserve components to
10 “reduce pressure on the active Army”.

11 (C) The Reserve Component Employment
12 20005 Study, issued on August 8, 1999, con-
13 cludes that “while much progress has been
14 made in recent years to ensure equity in the
15 benefit packages that are provided to AC [ac-
16 tive component] and RC [reserve component]
17 personnel, the study determined that disparities
18 continue to exist for RC personnel.”.

19 (5) Secretary of Defense William Cohen has
20 made “quality of life” issues for all servicemembers
21 a major priority for the Department of Defense.

22 (6) The significant recent increase in overseas
23 active-duty assignments for reserve component mem-
24 bers warrants enhancement of military benefits for
25 the Nation’s citizen soldiers.

1 (7) Those enhancements should include—

2 (A) extending eligibility of reserve compo-
 3 nent members for space available (“Space-A”)
 4 travel on military aircraft to travel outside the
 5 continental United States (“OCONUS”);

6 (B) providing for reserve component mem-
 7 bers traveling away from their homes for inac-
 8 tive-duty training to be eligible for billiting in
 9 military quarters on the same basis as members
 10 on active duty;

11 (C) raising the annual reserve retirement
 12 point maximum from 75 to 90; and

13 (D) extending the legal services provided
 14 by the Department of Defense to reserve com-
 15 ponent members.

16 **SEC. 3. TRAVEL BY RESERVES ON MILITARY AIRCRAFT**
 17 **OUTSIDE CONTINENTAL UNITED STATES.**

18 (a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO
 19 DUTY STATIONS OCONUS.—(1) Subsection (a) of section
 20 18505 of title 10, United States Code, as added by section
 21 517(a) of the National Defense Authorization Act for Fis-
 22 cal Year 2000 (Public Law 106–65), is amended—

23 (A) by inserting “annual training duty or” be-
 24 fore “inactive-duty training” both places it appears;
 25 and

1 (B) by inserting “duty or” before “training if”.

2 (2) The heading of such section is amended to read
3 as follows:

4 **“§ 18505. Reserves traveling to annual training duty**
5 **or inactive-duty training OCONUS: au-**
6 **thority for space-required travel”.**

7 (b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF
8 SELECTED RESERVE AND GRAY AREA RETIREES.—Chap-
9 ter 1805 of such title is amended by adding at the end
10 the following new section:

11 **“§ 18506. Space-available travel: Selected Reserve and**
12 **reserve retirees under age 60; dependents**

13 “(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—
14 The Secretary of Defense shall prescribe regulations to
15 allow persons described in subsection (b) to receive trans-
16 portation on aircraft of the Department of Defense on a
17 space-available basis under the same terms and conditions
18 (including terms and conditions applicable to travel out-
19 side the United States) as apply to members of the armed
20 forces entitled to retired pay.

21 “(b) PERSONS ELIGIBLE.—Subsection (a) applies to
22 the following persons:

23 “(1) A person who is a member of the Selected
24 Reserve in good standing (as determined by the Sec-
25 retary concerned).

1 “(2) A person who is a member or former mem-
 2 ber of a reserve component under age 60 who, but
 3 for age, would be eligible for retired pay under chap-
 4 ter 1223 of this title.

5 “(c) DEPENDENTS.—A dependent of a person de-
 6 scribed in subsection (b) may be provided transportation
 7 under this section on the same basis as dependents of
 8 members of the armed forces entitled to retired pay.”.

9 “(d) LIMITATION ON REQUIRED IDENTIFICATION.—
 10 Neither the “Authentication of Reserve Status for Travel
 11 Eligibility” form (DD Form 1853), nor or any other form,
 12 other than the presentation of military identification and
 13 duty orders upon request, or other methods of identifica-
 14 tion required of active duty personnel, shall be required
 15 of reserve component personnel using space-available
 16 transportation within or outside the continental United
 17 States.”.

18 (2) The table of sections at the beginning of such
 19 chapter is amended by striking the item relating to section
 20 18505 and inserting the following new items:

“18505. Reserves traveling to annual training duty or inactive-duty training
 OCONUS: authority for space-required travel.

“18506. Space-available travel: Selected Reserve and reserve retirees under age
 60; dependents.”.

21 (c) EFFECTIVE DATE.—Regulations under section
 22 18506 of title 10, United States Code, as added by sub-

1 section (a), shall be prescribed not later than 180 days
 2 after the date of the enactment of this Act.

3 **SEC. 4. BILLETING SERVICES FOR RESERVE MEMBERS**

4 **TRAVELING FOR INACTIVE DUTY TRAINING.**

5 (a) IN GENERAL.—(1) Chapter 1217 of title 10,
 6 United States Code, is amended by adding at the end the
 7 following new section:

8 **“§ 12604. Attendance at inactive-duty training assem-**
 9 **blies: billeting in Department of Defense**
 10 **facilities**

11 “(a) AUTHORITY FOR BILLETING ON SAME BASIS AS
 12 ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—
 13 The Secretary of Defense shall prescribe regulations au-
 14 thorizing a Reserve traveling to inactive duty training at
 15 a location more than 50 miles from that Reserve’s home
 16 to be eligible for billeting in Department of Defense facili-
 17 ties on the same basis as a member of the armed forces
 18 on active duty who is traveling under orders away from
 19 the member’s duty station.

20 “(b) PROOF OF REASON FOR TRAVEL.—The Sec-
 21 retary shall include in regulations under subsection (a)
 22 means for establishing that a Reserve seeking billeting in
 23 Department of Defense facilities under that subsection is
 24 traveling for attendance at inactive duty training at a loca-
 25 tion more than 50 miles from that Reserve’s home.”.

1 (2) The table of sections at the beginning of such
 2 chapter is amended by adding at the end the following
 3 new item:

“12604. Attendance at inactive-duty training assemblies: billeting in Department of Defense facilities.”.

4 (b) **EFFECTIVE DATE.**—Section 12604 of title 10,
 5 United States Code, as added by subsection (a), shall
 6 apply with respect to periods of inactive duty training be-
 7 ginning more than 180 days after the date of the enact-
 8 ment of this Act.

9 **SEC. 5. INCREASE IN MAXIMUM NUMBER OF RESERVE RE-**
 10 **TIREMENT POINTS THAT MAY BE CREDITED**
 11 **IN ANY YEAR.**

12 Section 12733(3) of title 10, United States Code, is
 13 amended by striking “but not more than” and all that
 14 follows and inserting “but not more than—

15 “(A) 60 days in any one year of service be-
 16 fore the year of service that includes September
 17 23, 1996;

18 “(B) 75 days in the year of service that in-
 19 cludes September 23, 1996, and in any subse-
 20 quent year of service before the year of service
 21 that includes the date of the enactment of the
 22 Reserve Component Equity Act of 1999; and

23 “(C) 90 days in the year of service that in-
 24 cludes the date of the enactment of the Reserve

1 Component Equity Act of 1999 and in any sub-
2 sequent year of service.”.

3 **SEC. 6. AUTHORITY FOR PROVISION OF LEGAL SERVICES**
4 **TO RESERVE COMPONENT MEMBERS FOL-**
5 **LOWING RELEASE FROM ACTIVE DUTY.**

6 (a) **LEGAL SERVICES.**—Section 1044(a) of title 10,
7 United States Code, is amended—

8 (1) by redesignating paragraph (4) as para-
9 graph (5); and

10 (2) by inserting after paragraph (3) the fol-
11 lowing new paragraph (4):

12 “(4) Members of a reserve component not cov-
13 ered by paragraph (1) or (2), but only during a pe-
14 riod, following a release from active duty under a
15 call or order to active duty for more than 29 days
16 under a mobilization authority (as determined by the
17 Secretary of Defense), that is not in excess of twice
18 the length of time served on active duty.”.

19 (b) **DEPENDENTS.**—Paragraph (5) of such section,
20 as amended by subsection (a), is amended by striking
21 “and (3)” and inserting “, and (4)”.

22 (c) **IMPLEMENTING REGULATIONS.**—Regulations to
23 implement the amendments made by subsections (a) and

- 1 (B) shall be prescribed not later than 180 days after the
- 2 date of the enactment of this Act.

