

104TH CONGRESS
1ST SESSION

H. R. 1646

To revise and reform the statutes governing the organization and management of the reserve components of the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1995

Mr. LAUGHLIN (for himself, Mr. JEFFERSON, Mr. COLEMAN, Mr. FIELDS of Texas, Mr. HALL of Texas, Mr. PARKER, Mr. BREWSTER, Mr. HOBSON, Mr. HASTERT, Mr. DREIER, Mr. HAYES, Mr. DELAY, Mr. CONDIT, Mr. TALENT, Mr. KASICH, Mr. CRAMER, Mr. TANNER, Mr. PETERSON of Minnesota, Mr. TAYLOR of Mississippi, Mr. TAUZIN, Mrs. THURMAN, Mr. GEREN of Texas, Mr. CAMP, and Mr. GILLMOR) introduced the following bill; which was referred to the Committee on National Security

A BILL

To revise and reform the statutes governing the organization and management of the reserve components of the Armed Forces.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Reserve Forces Revitalization Act of 1995”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS AND PURPOSES

Sec. 101. Findings.
Sec. 102. Purposes.

TITLE II—RESERVE COMPONENT STRUCTURE

Sec. 201. Reserve component commands.
Sec. 202. Reserve component chiefs.
Sec. 203. Grade of Vice Chief of the National Guard Bureau.
Sec. 204. Grade for reserve personnel center commanders.
Sec. 205. Exemption from active duty general and flag officer grade ceilings.
Sec. 206. Guard and reserve technicians.
Sec. 207. Conforming amendment.

TITLE III—RESERVE COMPONENT ACCESSIBILITY

Sec. 301. Authority to activate Ready Reserve into active service.
Sec. 302. Report to Congress concerning tax incentives for employers of members of reserve components.
Sec. 303. Report to Congress concerning income insurance program for activated reservists.

TITLE IV—RESERVE COMPONENT RESOURCES

Sec. 401. Reports to Congress concerning shortfalls in reserve component resources.
Sec. 402. Allocation of funds appropriated for reserve components.

TITLE V—RESERVE FORCES SUSTAINMENT

Sec. 501. Report concerning tax deductibility of nonreimbursable expenses.
Sec. 502. Authority to pay transient housing charges for members performing active duty for training at locations over 50 miles from residence.
Sec. 503. Sense of Congress concerning quarters allowance during service on active duty for training.
Sec. 504. Sense of Congress concerning military leave policy.
Sec. 505. Group dental insurance plan for members of Selected Reserve.
Sec. 506. Local community and military personnel mutual benefits program.
Sec. 507. Commendation of Reserve Forces Policy Board.

1 **TITLE I—FINDINGS AND**
2 **PURPOSES**

3 **SEC. 101. FINDINGS.**

4 Congress finds the following:

5 (1) The end of the Cold War and the ensuing
6 period of worldwide readjustment and reassessment

1 has brought with it a host of new military challenges
2 and opportunities.

3 (2) Never before in time of peace have the
4 Armed Forces been engaged in tasks in so many
5 parts of the world.

6 (3) The Persian Gulf War demonstrated the va-
7 lidity of the Total Force Policy, which places heavy
8 reliance upon the reserve components for the execu-
9 tion of military missions.

10 (4) The basic laws governing the organization
11 and administration of the reserve components have
12 not been comprehensively reexamined since the en-
13 actment in 1967 of the Reserve Forces Bill of
14 Rights and Vitalization Act (Public Law 90-168).

15 (5) A number of systemic problems have arisen
16 under the existing reserve component statutory
17 scheme which was designed in light of the perceived
18 threats and challenges of the Cold War era.

19 **SEC. 102. PURPOSES.**

20 The purpose of this Act is to revise the basic statu-
21 tory authorities governing the organization and adminis-
22 tration of the reserve components of the Armed Forces
23 in order to recognize the realities of reserve component
24 partnership in the Total Force and to better prepare the

1 American citizen-soldier, sailor, airman, and Marine in
2 time of peace for duties in war.

3 **TITLE II—RESERVE COMPONENT**
4 **STRUCTURE**

5 **SEC. 201. RESERVE COMPONENT COMMANDS.**

6 (a) ESTABLISHMENT.—(1) Part I of subtitle E of
7 title 10, United States Code, is amended by inserting after
8 chapter 1005 the following new chapter:

9 **“CHAPTER 1006—RESERVE COMPONENT**
10 **COMMANDS**

“Sec.

“10171. Army Reserve Command.

“10172. Naval Reserve Command.

“10173. Marine Forces Reserve.

“10174. Air Force Reserve Command.

11 **“§ 10171. Army Reserve Command**

12 “(a) ESTABLISHMENT OF COMMAND.—There is in
13 the Army an Army Reserve Command, which shall be op-
14 erated as a separate command of the Army. The Secretary
15 of the Army shall maintain that command with the advice
16 and assistance of the Chief of Staff of the Army.

17 “(b) COMMANDER.—The Chief of Army Reserve is
18 the commander of the Army Reserve Command. The com-
19 mander of the Army Reserve Command reports directly
20 to the Chief of Staff of the Army.

21 “(c) DEPUTY COMMANDER; CHIEF OF STAFF.—(1)
22 There is a deputy commander of the Army Reserve Com-
23 mand. The deputy commander holds the grade of major

1 general shall and be appointed from members of the Army
2 Reserve in general officer grades.

3 “(2) There is a chief of staff of the Army Reserve
4 Command. The chief of staff holds the grade of brigadier
5 general and shall be appointed from members of the Army
6 Reserve in the grade of colonel or above.

7 “(d) ASSIGNMENT OF FORCES.—The Secretary of
8 the Army shall assign to the Army Reserve Command all
9 forces of the Army Reserve.

10 **“§ 10172. Naval Reserve Command**

11 “(a) ESTABLISHMENT OF COMMAND.—There is in
12 the Navy a Naval Reserve Command, which shall be oper-
13 ated as a separate command of the Navy. The Secretary
14 of the Navy shall maintain that command with the advice
15 and assistance of the Chief of Naval Operations.

16 “(b) COMMANDER.—The Chief of Naval Reserve is
17 the commander of the Naval Reserve Command. The com-
18 mander of the Naval Reserve Command reports directly
19 to the Chief of Naval Operations.

20 “(c) DEPUTY COMMANDER; CHIEF OF STAFF.—(1)
21 There is a deputy commander of the Naval Reserve Com-
22 mand. The deputy commander holds the grade of rear ad-
23 miral and shall be appointed from members of the Naval
24 Reserve in flag officer grades.

1 “(2) There is a chief of staff of the Naval Reserve
2 Command. The chief of staff holds the grade of rear admiral (lower half) and shall be appointed from members of
3 the Naval Reserve in the grade of captain or above.
4

5 “(d) ASSIGNMENT OF FORCES.—The Secretary of
6 the Navy shall assign to the Naval Reserve Command all
7 forces of the Naval Reserve.

8 **“§ 10173. Marine Forces Reserve**

9 “(a) ESTABLISHMENT.—There is in the Marine
10 Corps a command known as the Marine Forces Reserve.
11 The Secretary of the Navy shall maintain that command
12 with the advice and assistance of the Commandant of the
13 Marine Corps.

14 “(b) COMMANDER.—The Commander, Marine Forces
15 Reserve, reports directly to the Commandant of the Marine
16 Corps.

17 “(c) DEPUTY COMMANDER.—There is a deputy commander of the Marine Forces Reserve. The deputy commander holds the grade of brigadier general and shall be
18 appointed from members of the Marine Corps Reserve in
19 the grade of colonel or above.
20

21 “(d) ASSIGNMENT OF FORCES.—The Commandant
22 of the Marine Corps shall assign to the Marine Forces Reserve specified portions of the Marine Corps Reserve.
23
24

1 **“§ 10174. Air Force Reserve Command**

2 “(a) ESTABLISHMENT OF COMMAND.—There is in
3 the Air Force an Air Force Reserve Command, which shall
4 be operated as a separate command of the Air Force. The
5 Secretary of the Air Force shall maintain that command
6 with the advice and assistance of the Chief of Staff of the
7 Air Force.

8 “(b) COMMANDER.—The Chief of Air Force Reserve
9 is the commander of the Air Force Reserve Command.
10 The commander of the Air Force Reserve Command re-
11 ports directly to the Chief of Staff of the Air Force.

12 “(c) DEPUTY COMMANDER; CHIEF OF STAFF.—(1)
13 There is a deputy commander of the Air Force Reserve
14 Command. The deputy commander holds the grade of
15 major general and shall be appointed from members of
16 the Air Force Reserve in general officer grades.

17 “(2) There is a chief of staff of the Air Force Reserve
18 Command. The chief of staff holds the grade of brigadier
19 general and shall be appointed from members of the Air
20 Force Reserve in the grade of colonel or above.

21 “(d) ASSIGNMENT OF FORCES.—The Secretary of
22 the Air Force shall assign to the Air Force Reserve Com-
23 mand all forces of the Air Force Reserve.”.

24 (2) The tables of chapters at the beginning of part
25 I of such subtitle and at the beginning of such subtitle

1 are each amended by inserting after the item relating to
2 chapter 1005 the following new item:

“1006. Reserve Component Commands 10171”.

3 (b) CONFORMING REPEAL.—Section 903 of the Na-
4 tional Defense Authorization Act for Fiscal Year 1991 (10
5 U.S.C. 3074 note) is repealed.

6 (c) IMPLEMENTATION REPORT.—(1) Not later than
7 60 days after the date of the enactment of this Act, the
8 Secretary of Defense shall submit to the congressional de-
9 fense committees a report on the plans of the Secretary
10 for implementation of chapter 1006 of title 10, United
11 States Code, as added by subsection (a).

12 (2) For purposes of this subsection, the term “con-
13 gressional defense committees” means—

14 (A) the Committee on National Security and
15 the Committee on Appropriations of the House of
16 Representatives; and

17 (B) the Committee on Armed Services and the
18 Committee on Appropriations of the Senate.

19 (d) IMPLEMENTATION SCHEDULE.—Implementation
20 of chapter 1006 of title 10, United States Code, as added
21 by subsection (a), shall begin not later than 90 days after
22 the date of the enactment of this Act and shall be com-
23 pleted not later than one year after such date.

1 **SEC. 202. RESERVE COMPONENT CHIEFS.**

2 (a) CHIEF OF ARMY RESERVE.—Section 3038 of title
3 10, United States Code, is amended to read as follows:

4 **“§ 3038. Office of Army Reserve: appointment of**
5 **Chief; Deputy Chiefs**

6 “(a) ESTABLISHMENT OF OFFICE; CHIEF OF ARMY
7 RESERVE.—There is in the executive part of the Depart-
8 ment of the Army an Office of the Army Reserve, which
9 is headed by a Chief of Army Reserve. The Chief of Army
10 Reserve—

11 “(1) is the principal adviser on Army Reserve
12 matters to the Chief of Staff and the Assistant Sec-
13 retary of the Army with responsibility for reserve af-
14 fairs; and

15 “(2) is the commander of the Army Reserve
16 Command.

17 “(b) APPOINTMENT.—The President, by and with the
18 advice and consent of the Senate, shall appoint the Chief
19 of Army Reserve from officers of the Army Reserve who
20 are not on active duty, or who are on active duty under
21 section 10211 of this title, and who—

22 “(1) have had at least 10 years of commis-
23 sioned service in the Army Reserve;

24 “(2) are in a grade above colonel; and

25 “(3) have been recommended by the Secretary
26 of the Army.

1 “(c) TERM OF OFFICE; GRADE.—(1) The Chief of
2 Army Reserve holds office for four years, but may be re-
3 moved for cause at any time. In time of war or during
4 a national emergency declared by Congress, the Chief may
5 be reappointed for a term of not more than four years.

6 “(2) The Chief of Army Reserve, while so serving,
7 has the grade of lieutenant general in the Army Reserve
8 without vacating his permanent grade.

9 “(d) DEPUTY CHIEFS OF ARMY RESERVE.—There
10 are two Deputy Chiefs of Army Reserve, one of whom shall
11 be in the grade of major general and shall be appointed
12 from officers in the Army Reserve in general officer grades
13 and one of whom shall be in the grade of brigadier general
14 and shall be appointed from members of the Army Reserve
15 in the grade of colonel or above.

16 “(e) BUDGET.—The Chief of Army Reserve is the of-
17 ficial within the executive part of the Department of the
18 Army who, subject to the authority, direction, and control
19 of the Secretary of the Army and the Chief of Staff, is
20 responsible for preparation, justification, and execution of
21 budgets for the Army Reserve. As such, the Chief of Army
22 Reserve is the director and functional manager of appro-
23 priations made for the Army Reserve (including appro-
24 priations for personnel, for operations and maintenance,
25 for procurement, and for construction).

1 “(f) FULL TIME SUPPORT PROGRAM.—The Chief of
2 Army Reserve manages, with respect to the Army Reserve,
3 the personnel program of the Department of Defense
4 known as the Full Time Support Program.

5 “(g) ANNUAL REPORT TO CONGRESS.—(1) The Chief
6 of Army Reserve shall submit to Congress an annual re-
7 port on the status of the Army Reserve. The report shall
8 include descriptions of—

9 “(A) the roles and missions of the Army Re-
10 serve;

11 “(B) the structure of the Army Reserve; and

12 “(C) the readiness of the Army Reserve to
13 carry out assigned missions.

14 “(2) The annual report under paragraph (1) shall be
15 submitted through the Secretary of the Army and shall
16 be submitted each year with the submission of budget jus-
17 tification information provided by the Department of De-
18 fense to Congress for the next fiscal year.”.

19 (2) The item relating to that section in the table of
20 sections at the beginning of chapter 305 of such title is
21 amended to read as follows:

“3038. Office of Army Reserve: appointment of Chief; Deputy Chiefs.”.

22 (b) CHIEF OF NAVAL RESERVE.—(1) Chapter 513
23 of such title is amended by inserting after section 5142a
24 the following new section:

1 **“§5143. Office of Naval Reserve: appointment of**
2 **Chief; Deputy Chiefs**

3 “(a) ESTABLISHMENT OF OFFICE; CHIEF OF NAVAL
4 RESERVE.—There is in the executive part of the Depart-
5 ment of the Navy an Office of the Naval Reserve, which
6 is headed by a Chief of Naval Reserve. The Chief of Naval
7 Reserve—

8 “(1) is the principal adviser on Naval Reserve
9 matters to the Chief of Naval Operations and the
10 Assistant Secretary of the Navy with responsibility
11 for reserve affairs; and

12 “(2) is the commander of the Naval Reserve
13 Command.

14 “(b) APPOINTMENT.—The President, by and with the
15 advice and consent of the Senate, shall appoint the Chief
16 of Naval Reserve from officers of the Naval Reserve who
17 are not on active duty, or who are on active duty under
18 section 10211 of this title, and who—

19 “(1) have had at least 10 years of commis-
20 sioned service in the Naval Reserve;

21 “(2) are in a grade above captain; and

22 “(3) have been recommended by the Secretary
23 of the Navy.

24 “(c) TERM OF OFFICE; GRADE.—(1) The Chief of
25 Naval Reserve holds office for four years, but may be re-
26 moved for cause at any time. In time of war or during

1 a national emergency declared by Congress, the Chief may
2 be reappointed for a term of not more than four years.

3 “(2) The Chief of Naval Reserve, while so serving,
4 has the grade of vice admiral in the Naval Reserve without
5 vacating his permanent grade.

6 “(d) DEPUTY CHIEFS OF NAVAL RESERVE.—There
7 are two Deputy Chiefs of Naval Reserve, one of whom
8 shall be in the grade of rear admiral and shall be ap-
9 pointed from officers in the Naval Reserve in flag officer
10 grades and one of whom shall be in the grade of rear admi-
11 ral (lower half) and shall be appointed from members of
12 the Naval Reserve in the grade of captain or above.

13 “(e) BUDGET.—The Chief of Naval Reserve is the of-
14 ficial within the executive part of the Department of the
15 Navy who, subject to the authority, direction, and control
16 of the Secretary of the Navy and the Chief of Naval Oper-
17 ations, is responsible for preparation, justification, and
18 execution of budgets for the Naval Reserve. As such, the
19 Chief of Naval Reserve is the director and functional man-
20 ager of appropriations made for the Naval Reserve (in-
21 cluding appropriations for personnel, for operations and
22 maintenance, for procurement, and for construction).

23 “(f) FULL TIME SUPPORT PROGRAM.—The Chief of
24 Naval Reserve manages, with respect to the Naval Re-

1 serve, the personnel program of the Department of De-
2 fense known as the Full Time Support Program.

3 “(g) ANNUAL REPORT TO CONGRESS.—(1) The Chief
4 of Naval Reserve shall submit to Congress an annual re-
5 port on the status of the Naval Reserve. The report shall
6 include descriptions of—

7 “(A) the roles and missions of the Naval Re-
8 serve;

9 “(B) the structure of the Naval Reserve; and

10 “(C) the readiness of the Naval Reserve to
11 carry out assigned missions.

12 “(2) The annual report under paragraph (1) shall be
13 submitted through the Secretary of the Navy and shall
14 be submitted each year with the submission of budget jus-
15 tification information provided by the Department of De-
16 fense to Congress for the next fiscal year.”.

17 (2) The table of sections at the beginning of such
18 chapter is amended by inserting after the item relating
19 to section 5142a the following new item:

“5143. Office of Naval Reserve: appointment of Chief; Deputy Chiefs.”.

20 (c) CHIEF OF MARINE CORPS RESERVE.—(1) Chap-
21 ter 513 of such title is amended by inserting after section
22 5143 (as added by subsection (b)) the following new sec-
23 tion:

1 **“§5144. Office of Marine Forces Reserve: appoint-**
2 **ment of Commander**

3 “(a) ESTABLISHMENT OF OFFICE; COMMANDER, MA-
4 RINE FORCES RESERVE.—There is in the executive part
5 of the Department of the Navy an Office of the Marine
6 Forces Reserve, which is headed by the Commander, Ma-
7 rine Forces Reserve. The Commander, Marine Forces Re-
8 serve—

9 “(1) is the principal adviser to the Com-
10 mandant on Marine Corps Reserve matters and

11 “(2) is the commander of the Marine Forces
12 Reserve.

13 “(b) TERM OF OFFICE; GRADE.—(1) The Com-
14 mander, Marine Forces Reserve, holds office for a term
15 determined by the Commandant of the Marine Corps.

16 “(2) The Commander, Marine Forces Reserve, while
17 so serving, has the grade of lieutenant general, except that
18 if the Commandant of the Marine Corps recommends to
19 the Secretary of the Navy that such position be held by
20 an officer in the grade of major general, such position
21 may be held by an officer in that grade.

22 “(d) ANNUAL REPORT TO CONGRESS.—(1) The
23 Commandant of the Marine Corps shall submit to Con-
24 gress an annual report on the status of the Marine Corps
25 Reserve. The report shall include descriptions of—

1 “(1) is the principal adviser on Air Force Re-
2 serve matters to the Chief of Staff and the Assistant
3 Secretary of the Air Force with responsibility for re-
4 serve affairs; and

5 “(2) is the commander of the Air Force Reserve
6 Command.

7 “(b) APPOINTMENT.—The President, by and with the
8 advice and consent of the Senate, shall appoint the Chief
9 of Air Force Reserve from officers of the Air Force Re-
10 serve who are not on active duty, or who are on active
11 duty under section 10211 of this title, and who—

12 “(1) have had at least 10 years of commis-
13 sioned service in the Air Force Reserve;

14 “(2) are in a grade above colonel; and

15 “(3) have been recommended by the Secretary
16 of the Air Force.

17 “(c) TERM OF OFFICE; GRADE.—(1) The Chief of
18 Air Force Reserve holds office for four years, but may be
19 removed for cause at any time. In time of war or during
20 a national emergency declared by Congress, the Chief may
21 be reappointed for a term of not more than four years.

22 “(2) The Chief of Air Force Reserve, while so serving,
23 has the grade of lieutenant general in the Air Force Re-
24 serve without vacating his permanent grade.

1 “(d) DEPUTY CHIEFS OF AIR FORCE RESERVE.—

2 There are two Deputy Chiefs of Air Force Reserve, one
3 of whom shall be in the grade of major general and shall
4 be appointed from officers in the Air Force Reserve in
5 general officer grades and one of whom shall be in the
6 grade of brigadier general and shall be appointed from
7 members of the Air Force Reserve in the grade of colonel
8 or above.

9 “(e) BUDGET.—The Chief of Air Force Reserve is the
10 official within the executive part of the Department of the
11 Air Force who, subject to the authority, direction, and
12 control of the Secretary of the Air Force and the Chief
13 of Staff, is responsible for preparation, justification, and
14 execution of budgets for the Air Force Reserve. As such,
15 the Chief of Air Force Reserve is the director and func-
16 tional manager of appropriations made for the Air Force
17 Reserve (including appropriations for personnel, for oper-
18 ations and maintenance, for procurement, and for con-
19 struction).

20 “(f) FULL TIME SUPPORT PROGRAM.—The Chief of
21 Air Force Reserve manages, with respect to the Air Force
22 Reserve, the personnel program of the Department of De-
23 fense known as the Full Time Support Program.

24 “(g) ANNUAL REPORT TO CONGRESS.—(1) The Chief
25 of Air Force Reserve shall submit to Congress an annual

1 report on the status of the Air Force Reserve. The report
2 shall include descriptions of—

3 “(A) the roles and missions of the Air Force
4 Reserve;

5 “(B) the structure of the Air Force Reserve;
6 and

7 “(C) the readiness of the Air Force Reserve to
8 carry out assigned missions.

9 “(2) The annual report under paragraph (1) shall be
10 submitted through the Secretary of the Air Force and
11 shall be submitted each year with the submission of budget
12 justification information provided by the Department of
13 Defense to Congress for the next fiscal year.”.

14 (2) The item relating to that section in the table of
15 sections at the beginning of chapter 805 of such title is
16 amended to read as follows:

“8038. Office of Army Reserve: appointment of Chief; Deputy Chiefs.”.

17 (e) CONFORMING AMENDMENT.—Section 641(1)(B)
18 of such title is amended by inserting “5143, 5144,” after
19 “3038,”.

20 **SEC. 203. GRADE OF VICE CHIEF OF THE NATIONAL GUARD**
21 **BUREAU.**

22 Section 10505(c) of title 10, United States Code, is
23 amended by striking out “major general” and inserting
24 in lieu thereof “lieutenant general”.

1 **SEC. 204. GRADE FOR RESERVE PERSONNEL CENTER COM-**
 2 **MANDERS.**

3 (a) IN GENERAL.—Chapter 1007 of title 10, United
 4 States Code, is amended by adding at the end the follow-
 5 ing new section:

6 **“§10216. Reserve personnel centers: grade of com-**
 7 **mander**

8 “The commanders of the reserve personnel centers
 9 for the Army Reserve, the Air Force Reserve, and the Ma-
 10 rine Corps Reserve shall each be a Reserve officer in the
 11 grade of brigadier general. The commander of the reserve
 12 personnel center for the Naval Reserve shall be a Reserve
 13 officer in the grade of rear admiral (lower half).”.

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 at the beginning of such chapter is amended by adding
 16 at the end the following new item:

“10216. Reserve personnel centers: grade of commander.”.

17 **SEC. 205. EXEMPTION FROM ACTIVE DUTY GENERAL AND**
 18 **FLAG OFFICER GRADE CEILINGS.**

19 Section 526 of title 10, United States Code, is
 20 amended by adding at the end the following new sub-
 21 section:

22 “(e) A Reserve general or flag officer serving on ac-
 23 tive duty under section 10203, 10211, or 12301(d) of this
 24 title or who is on active duty but is excluded from the
 25 active-duty list under section 641(1)(B) of this title may

1 not be counted against any ceiling established by law or
2 by administrative action on—

3 “(1) the total number of general or flag officers
4 who may be serving on active duty in the Army,
5 Navy, Air Force, or Marine Corps;

6 “(2) the total number of general or flag officers
7 who may be serving on active duty in any of those
8 armed forces; or

9 “(3) the number of officers who may be serving
10 on active duty in a particular general or flag officer
11 grade.”.

12 **SEC. 206. GUARD AND RESERVE TECHNICIANS.**

13 (a) IN GENERAL.—Chapter 1007 of title 10, United
14 States Code, is amended by adding after section 10216,
15 as added by section 203, the following new section:

16 **“§10217. Military (civilian) technicians: number of**
17 **positions**

18 “(a) LIMITATION ON REDUCTIONS.—The total num-
19 ber of positions authorized for personnel classified military
20 (civilian) technicians of the Army National Guard, the Air
21 National Guard, the Army Reserve, and the Air Force Re-
22 serve may not be reduced below the number specified in
23 subsection (b) for the purpose of applying any administra-
24 tively imposed civilian personnel ceiling, freeze, or reduc-
25 tion on such technician positions, unless such reduction

1 is a direct result of a reduction in reserve component force
2 structure.

3 “(b) BASELINE NUMBER.—The number referred to
4 in subsection (a) is the total number of positions referred
5 to in that subsection that are authorized as of the date
6 of the enactment of this section.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by adding
9 after the item relating to section 10217, as added by sec-
10 tion 203, the following new item:

“10217. Military (civilian) technicians: number of positions.”.

11 **SEC. 207. CONFORMING AMENDMENT.**

12 Section 641(1)(B) of title 10, United States Code,
13 as amended by section 202(e), is amended by striking out
14 “10501” and inserting in lieu thereof “section 10502,
15 10505, 10506”.

16 **TITLE III—RESERVE**
17 **COMPONENT ACCESSIBILITY**

18 **SEC. 301. AUTHORITY TO ACTIVATE READY RESERVE INTO**
19 **ACTIVE SERVICE.**

20 (a) REVISED AUTHORITY.—Section 12302 of title 10,
21 United States Code, is amended to read as follows:

22 **“§ 12302. Reserve activation authority: Ready Re-**
23 **serve units and members**

24 “(a) PRESIDENTIAL AUTHORITY.—(1) If the Presi-
25 dent determines that augmentation of the active forces is

1 necessary for a purpose specified in paragraph (2), the
2 President may provide Reserve activation authority with
3 respect to any of the reserve components.

4 “(2) The circumstances referred to in paragraph (1)
5 are the following:

6 “(A) In time of national emergency declared by
7 the President.

8 “(B) When necessary to provide Federal disas-
9 ter relief to a State, when requested by the Governor
10 of the State.

11 “(C) When otherwise authorized by law.

12 “(3) In this section, the term ‘Reserve activation au-
13 thority’ means authority provided by the President to the
14 Secretary of Defense, or to the Secretary of Transpor-
15 tation with respect to the Coast Guard when it is not oper-
16 ating as a service of the Navy, to order to active duty
17 (other than for training) without the consent of the mem-
18 bers concerned (A) any unit of the Ready Reserve, and
19 (B) any member of the Ready Reserve not assigned to a
20 unit organized to serve as a unit.

21 “(b) PRIOR NOTICE TO CONGRESS.—Whenever the
22 President intends to provide Reserve activation authority
23 under the authority of this section, the President shall,
24 not less than 48 hours before providing such authority,
25 transmit to Congress a report, in writing, giving notice

1 of the proposed exercise of authority and setting forth the
2 circumstances necessitating the provision of Reserve acti-
3 vation authority. In the report, the President shall—

4 “(1) identify the units or members expected to
5 be ordered to active duty or active Federal service;

6 “(2) describe the anticipated use of those units
7 or members on active duty or in active Federal serv-
8 ice and the anticipated length of time the units or
9 members will be required; and

10 “(3) specify why the mission cannot be accom-
11 plished through the use of active component units.

12 “(c) TIME LIMITATION FOR ACTIVATION.—(1) When
13 Reserve activation authority is provided under subsection
14 (a), the Secretary of Defense, and the Secretary of Trans-
15 portation with respect to the Coast Guard when it is not
16 serving as a service in the Navy, may, without the consent
17 of the persons concerned, order any unit, and any member
18 not assigned to a unit organized to serve as a unit, in
19 the Ready Reserve under the jurisdiction of that Sec-
20 retary, to active duty (other than for training), for a pe-
21 riod not to exceed 24 consecutive months.

22 “(2) When a unit or member is ordered to active duty
23 or active Federal service under paragraph (1), the Sec-
24 retary concerned shall submit to Congress a report, in
25 writing, giving notice of such order and stating the period

1 of time for which the unit or member is ordered to active
2 duty or active Federal service.

3 “(3) If an extension beyond the period specified in
4 a report under paragraph (2) is subsequently ordered for
5 any such unit or member, the Secretary shall, not less
6 than seven days before the extension becomes effective,
7 submit to Congress a report, in writing, giving notice of
8 the extension.

9 “(d) QUARTERLY REPORTS TO CONGRESS.—(1)
10 Whenever Reserve activation authority under subsection
11 (a) is in effect, the President shall, within two working
12 days of the close of each fiscal year quarter during which
13 units or members of the Ready Reserve are on active duty
14 or in active Federal service pursuant to the exercise of
15 that authority, transmit to Congress a report regarding
16 the necessity for those units or members being retained
17 on active duty or in active Federal service, as the case
18 may be.

19 “(2) The President shall include in each such report
20 the following:

21 “(A) A statement of the mission of each such
22 unit so ordered to active duty or active Federal serv-
23 ice.

24 “(B) An evaluation of each such unit’s perform-
25 ance of that mission.

1 “(C) A description where each such unit is de-
2 ployed (or being deployed, if in transit) at the time
3 of the report.

4 “(D) An explanation of why the mission cannot
5 be accomplished by regular force units.

6 “(E) A statement of the number of members so
7 ordered to active duty, shown for members so or-
8 dered as members of units and for members who are
9 not assigned to units organized to serve as units.

10 “(F) Any other information that the President
11 considers appropriate regarding each such unit.

12 “(e) NUMERIC LIMIT.—Not more than 1,000,000
13 members of the Ready Reserve may be on active duty
14 (other than for training) without their consent under this
15 section at any one time.

16 “(f) POLICIES AND PROCEDURES.—The Secretary of
17 Defense shall prescribe such policies and procedures as the
18 Secretary considers necessary to carry out this section.
19 Such policies and procedures shall be prescribed in coordi-
20 nation with the Secretary of Transportation, insofar as
21 they relate to the Coast Guard when not serving as part
22 of the Navy.”.

23 (b) RELEASE FROM ACTIVE DUTY.—Chapter 1209
24 of such title is amended by inserting after section 12304
25 the following new sections:

1 **“§ 12304a. Release from active duty**

2 “(a) POLICIES AND PROCEDURES.—The Secretary of
3 Defense shall prescribe policies and procedures for the re-
4 lease from active duty of units and members ordered to
5 active duty under section 12302, 12303, or 12304 of this
6 title. Such policies and procedures shall be prescribed in
7 coordination with the Secretary of Transportation, insofar
8 as they relate to the Coast Guard when not serving as
9 part of the Navy.

10 “(b) MATTERS TO BE INCLUDED.—Those policies
11 and procedures shall—

12 “(1) contain specific guidelines that units and
13 members so ordered to active duty should be re-
14 tained on active duty only when no active component
15 unit or active component member is available to per-
16 form the mission that the reserve component unit or
17 member would otherwise perform; and

18 “(2) take into account the effects of continu-
19 ation of such units and members on active duty on
20 civilian employment (including hardships to employ-
21 ers) and on family members.

22 “(c) TERMINATION OF ACTIVATION.—Whenever a
23 unit of the Ready Reserve or a member of the Ready Re-
24 serve not assigned to a unit organized to serve as a unit
25 is ordered to active duty under section 12304 of this title,

1 the service of all units or members so ordered to active
2 duty may be terminated—

3 “(1) by order of the President, or

4 “(2) by law.

5 **“§ 12304b. Limitation on frequency of activation of**
6 **units and members**

7 “(a) LIMITATION ON FREQUENT ACTIVATIONS.—Ex-
8 cept as provided in subsection (b), a unit of the Ready
9 Reserve of a reserve component, or a member of the Ready
10 Reserve not assigned to a unit organized to serve as a
11 unit, may not be ordered to active duty under section
12 12302 or 12304 of this title more than once in any 24-
13 month period.

14 “(b) WAIVER AUTHORITY.—(1) The President may
15 waive the limitation in subsection (a) with respect to any
16 unit or member upon a determination by the President
17 that unit or member has a capability that is urgently re-
18 quired and that is not otherwise available.

19 “(2) Before any such waiver is effective, the Presi-
20 dent shall transmit to Congress a report, in writing, giving
21 notice of the waiver and stating the basis for the deter-
22 mination by the President under paragraph (1) that
23 formed the basis for the waiver.”.

24 (c) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter is amended by striking

1 out the items relating to sections 12302, 12303, and
 2 12304 and inserting in lieu thereof the following:

- “12302. Reserve activation authority: Ready Reserve units and members.
- “12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.
- “12304. Selected Reserve: order to active duty other than during war or national emergency.
- “12304a. Release from active duty.
- “12304b. Limitation on frequency of activation of units and members”.

3 (c) CONFORMING AMENDMENT.—Section 641(1)(E)
 4 of such title is amended by striking out “section 12304”
 5 and inserting in lieu thereof “section 12302, section
 6 12303, section 12304,”.

7 **SEC. 302. REPORT TO CONGRESS CONCERNING TAX INCEN-**
 8 **TIVES FOR EMPLOYERS OF MEMBERS OF RE-**
 9 **SERVE COMPONENTS.**

10 Not later than 180 days after the date of the enact-
 11 ment of this Act, the Secretary of Defense shall submit
 12 to Congress a report setting forth a draft of legislation
 13 to provide tax incentives to employers of members of re-
 14 serve components in order to compensate employers for
 15 absences of those employees due to required or involuntary
 16 training and for absences due to performance of required
 17 or involuntary active duty.

18 **SEC. 303. REPORT TO CONGRESS CONCERNING INCOME IN-**
 19 **SURANCE PROGRAM FOR ACTIVATED RE-**
 20 **SERVISTS.**

21 Not later than 180 days after the date of the enact-
 22 ment of this Act, the Secretary of Defense shall submit

1 to Congress a report setting forth a draft of legislation
2 to establish an income insurance program to provide mem-
3 bers of reserve components who are ordered to active duty
4 or active Federal service (other than for training) income
5 replacement for loss of income during the period of such
6 activation and, in the case of such a member who owns
7 a business, income replacement for the business and for
8 employees of that member or business who have a loss of
9 income during the period of such activation attributable
10 to the activation of the member.

11 **SEC. 304. REPORT TO CONGRESS CONCERNING SMALL**
12 **BUSINESS LOANS FOR MEMBERS RELEASED**
13 **FROM RESERVE SERVICE DURING CONTIN-**
14 **GENCY OPERATIONS.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Defense shall submit
17 to Congress a report setting forth a draft of legislation
18 to establish a small business loan program to provide
19 members of reserve components who are ordered to active
20 duty or active Federal service (other than for training)
21 during a contingency operation (as defined in section 101
22 of title 10, United States Code) low-cost loans to assist
23 those members in retaining or rebuilding businesses that
24 were affected by their service on active duty or in active
25 Federal service.

1 **TITLE IV—RESERVE**
2 **COMPONENT RESOURCES**

3 **SEC. 401. ANNUAL REPORT TO CONGRESS CONCERNING**
4 **SHORTFALLS IN RESERVE COMPONENT RE-**
5 **SOURCES.**

6 (a) IN GENERAL.—(1) Chapter 1013 of title 10,
7 United States Code, is amended by adding at the end the
8 following new section:

9 **“§ 10543. Funding shortfalls in budget: annual report**

10 “The Secretary of Defense shall include in the annual
11 report to Congress under section 113(c) of this title a re-
12 port on any shortfall or anticipated shortfall in funding
13 for reserve component personnel, operations and mainte-
14 nance, equipment, or military construction in the budget
15 for the fiscal year beginning in the year in which the re-
16 port is submitted.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by adding
19 at the end the following new item:

 “10543. Funding shortfalls in budget: annual report.”.

20 **SEC. 402. ALLOCATION OF FUNDS APPROPRIATED FOR RE-**
21 **SERVE COMPONENTS.**

22 (a) LIMITATION.—Any amount appropriated for the
23 Department of Defense for any reserve component shall
24 be allocated by the Secretary of Defense to the use of that

1 reserve component for the purposes provided by Congress.
2 Any funds in a reserve component appropriation account
3 may be transferred to an appropriation account for one
4 of the active components only if the transfer of such
5 amount from such reserve component account to such ac-
6 tive component account is specifically authorized by law.

7 (b) IDENTIFICATION OF CERTAIN AMOUNTS IN RE-
8 SERVE ACCOUNTS.—The Secretary of Defense shall en-
9 sure that any amount in a reserve component appropria-
10 tion account that is intended for military or civilian per-
11 sonnel of the active components for service in support of
12 that reserve component shall be shown separately in budg-
13 et justification documents and otherwise in appropriate
14 documents in the budget process.

15 **TITLE V—RESERVE FORCES** 16 **SUSTAINMENT**

17 **SEC. 501. REPORT CONCERNING TAX DEDUCTIBILITY OF** 18 **NONREIMBURSABLE EXPENSES.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to Congress a report setting forth a draft of legislation
22 to restore the tax deductibility of nonreimbursable ex-
23 penses incurred by members of reserve components in con-
24 nection with military service.

1 **SEC. 502. AUTHORITY TO PAY TRANSIENT HOUSING**
2 **CHARGES FOR MEMBERS PERFORMING AC-**
3 **TIVE DUTY FOR TRAINING AT LOCATIONS**
4 **OVER 50 MILES FROM RESIDENCE.**

5 Section 404(j)(1) of title 37, United States Code, is
6 amended by striking out “annual training duty” and in-
7 serting in lieu thereof “active duty for training, annual
8 training duty”.

9 **SEC. 503. SENSE OF CONGRESS CONCERNING QUARTERS**
10 **ALLOWANCE DURING SERVICE ON ACTIVE**
11 **DUTY FOR TRAINING.**

12 It is the sense of Congress that the United States
13 should continue to pay members of reserve components ap-
14 propriate quarters allowances during periods of service on
15 active duty for training.

16 **SEC. 504. SENSE OF CONGRESS CONCERNING MILITARY**
17 **LEAVE POLICY.**

18 It is the sense of Congress that military leave policies
19 in effect as of the date of the enactment of this Act with
20 respect to members of the reserve components should not
21 be changed.

22 **SEC. 505. GROUP DENTAL INSURANCE PLAN FOR MEMBERS**
23 **OF SELECTED RESERVE.**

24 The Secretary of Defense shall seek to arrange for
25 the establishment by a private-sector insurance carrier of
26 a group dental insurance plan for members of the Selected

1 Reserve and their dependents which would enable those
 2 members and their dependents to obtain dental care at
 3 a low cost.

4 **SEC. 506. LOCAL COMMUNITY AND MILITARY PERSONNEL**
 5 **MUTUAL BENEFITS PROGRAM.**

6 (a) IN GENERAL.—Chapter 53 of title 10, United
 7 States Code, is amended by adding at the end the follow-
 8 ing new section:

9 **“§ 1060b. Local community and military personnel**
 10 **mutual benefits program**

11 “The Secretary of Defense shall seek to enter into
 12 an agreement with the appropriate national organization
 13 representing retail merchants under which that organiza-
 14 tion would sponsor a program for the provision of price
 15 discounts by participating retail merchants to members of
 16 the armed forces.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
 18 at the beginning of such chapter is amended by adding
 19 at the end the following new item:

“1060b. Local community and military personnel mutual benefits program.”.

20 **SEC. 507. COMMENDATION OF RESERVE FORCES POLICY**
 21 **BOARD.**

22 (a) COMMENDATION.—The Congress commends the
 23 Reserve Forces Policy Board, created by the Armed
 24 Forces Reserve Act of 1952 (Public Law 82–476), for its
 25 fine work in the past as an independent source of advice

1 to the Secretary of Defense on all matters pertaining to
2 the reserve components.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the Reserve Forces Policy Board and the re-
5 serve forces policy committees for the individual branches
6 of the Armed Forces should continue to perform the vital
7 role of providing the civilian leadership of the Department
8 of Defense with independent advice on matters pertaining
9 to the reserve components.

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