Reserve Organization of America

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Introduction

The following is a section by section summary of H.R.6976, the *Duty Status Reform Act*. This legislation streamlines the reserve component duty statuses from roughly 30 to just four categories.

Sec. 1 — Short Title

Designates the Act as the **"Duty Status Reform Act."** This section has no operative effect beyond naming.

Sec. 2 — Table of Contents

Lists all major sections (Secs. 1–15).

Sec. 3 — Consolidation of Authorities to Order Reserve Component Members to Perform Duty

What this section does: Completely rewrites **10 U.S.C. Chapter 1209** to create a unified framework for Reserve Component duty, replacing multiple overlapping "active duty" and "inactive duty" statutes with **four standardized categories** of duty and a tightly linked purposes framework. It also adds administrative safeguards (Governor consent for certain Guard actions, order documentation rules, continuous-service treatment for short breaks) and clarifies pay and personnel policies.

Subchapter I — Administration of Reserve Duty

- **§12311 — Presidential suspension authority.** During periods when reservists serve on active duty under §12341, the President may suspend laws on promotions, retirements, or separations for essential personnel; suspensions end upon release from active duty or when circumstances abate; up to 90-day extension permitted to manage separation/retirement timing.
- **§12312 — Expansion of armed forces; Standby/Retired Reserve use.** Authorizes ordering Standby Reserve and Retired Reserve members to active duty for Category I purposes **only** if Ready Reserve resources are inadequate and with higher-level approvals; Retired Reserve service can count toward non-regular retirement but is **not** promotion-eligible.
- **§12313 — Release from active duty.** Establishes release procedures, including board review/waiver requirements during war or national emergency (except during demobilization or force reductions).

- **§12314 — Active-duty agreements.** Standardizes voluntary agreements (≤5 years; at least 12 months beyond otherwise required service), sets uniform policies, allows retention during war/national emergency, and provides early-release protections and compensation rules (with enumerated exceptions) for involuntary early termination.
- **§12315 — Officers' grade.** Officers ordered to active duty or full-time NG duty serve in their reserve grade, with specific exceptions using service credit to set grade/DOR on the active-duty list.
- **§12316 — Kinds of duty.** Clarifies that reservists on active duty (other than for training) may be assigned any duty authorized for regular component members.
- **§12317 — Retention after qualifying for retired pay.** Permits members eligible for non-regular retired pay to voluntarily continue on active duty or in another reserve status with full credit.
- **§12318 — Duty with/without pay.** Allows ordering duty with pay or, with the member's consent, without pay; unpaid duty counts for all purposes other than pay; clarifies pay entitlement/forfeiture when retained beyond ETS.
- **§12319 — Payment of certain members while on duty.** Bars dual compensation: retirees or disability pay recipients must elect retired/VA pay **or** duty pay; for >30-day active duty in war/emergency, retired pay is suspended and duty pay applies by default.
- **§12320 — Theological students.** Exempts seminarians from active/reserve duty while preparing for ministry.
- **§12321 — ROTC instructor cap.** Limits reservists assigned to ROTC units to **275**.
- **§12322 — Regulations; Governor consent; order documentation; continuous duty.** Requires DoD/DHS regulations; preserves **Governor consent** for ordering consenting Guard members to federal active duty and bars withholding consent solely because duty is outside the U.S.; mandates that every order (and amendment) cite authority, purpose, and funding; treats break of **≤24 hours** as continuous for pay/benefits; directs that duty changes be handled via **order amendments** rather than re-issuing orders.

Subchapter II — Duty & Assignments: Authorities

Creates **four categories of Reserve duty authorities**:

1. **§12341 — Category I: Active Duty (primary mobilization authority).** Allows ordering individuals or units to active duty **with or without consent** for Category I purposes (§12351). Limits involuntary retention to the duration caps embedded in the invoked purpose. Applies to Selected Reserve, IRR (with "essential" designation for some cases), and in limited fashion to Standby/Retired Reserve.
2. **§12342 — Category II: Active Duty (voluntary + limited involuntary).** Primarily voluntary; involuntary only for (i) disciplinary jurisdiction, (ii) missing status continuity, and (iii) required active-duty training. Contains an explicit **firewall** barring its use to support Category I operations/missions unless a narrow exception in §12351(e) applies (e.g., AGR members temporarily supporting operations).
3. **§12343 — Category III: Reserve Component Duty (modern "drill status").** Governs required part-time service: **48** training periods per year; one annual **muster** (≤1 day total, specialized allowance rules); additional **voluntary** training or support (including funeral honors). Each period must be **≥2**

hours; **≤2** periods per day; **no** use in hostile fire/imminent danger areas; **no** support to Category I operations/missions.

4. **§12344 — Category IV: Remote Assignments.** Authorizes **assignment**, not an "order," for specifically and individually tasked **remote** readiness work or pre-approved courses; no direct supervision needed; members set time/place subject to deadlines; **compensation and/or retirement points** are discretionary and only **after** successful completion; participants are **not** under the UCMJ and have **no** entitlement to active/reserve duty benefits beyond §12354(b).

Subchapter III — Duty & Assignments: Purposes

Precisely defines **why** each authority can be used, ensuring orders cite both the authority and matching purpose.

- **§12351 — Category I (Active Duty) Purposes.**
  Authorizes involuntary activations for:
  • **War or congressional national emergency**, including continuation six months afterward; unit integrity considered when practicable.
  • **Reorganized Insurrection Act functions** (suppression of insurrection; enforcement of laws; addressing denial of equal protection), preserving presidential proclamation and state definitions; repealed provisions are **reorganized**, not substantively expanded, to reduce authority count and align benefits.
  • **Ready Reserve mobilization** during a presidential national emergency (up to **1,000,000** involuntary on active duty; up to **24 months** per member).
  • **Force augmentation** for covered emergencies (WMD/terrorism) and **significant cyber incidents** (caps: **200,000** total, with **30,000** IRR; **≤365 days**). Includes 24-hour congressional notice for certain call-ups.
  • **Disaster response** when a Governor requests federal assistance for Stafford-Act major disasters/emergencies or similar events (e.g., **≤120 days** per involuntary tour; service is terminable by SECDEF or law).
  • **Pre-planned mission support**, if manpower/costs are specifically identified in defense budget materials and Congress is notified.
  • **Call-up related activities**, including pre-deployment training, medical readiness, injury treatment/rehab incurred on duty, disability evaluation, and post-deployment reintegration; includes special rules allowing AGR members to support Category I missions while retaining AGR status and being paid from AGR funds.
- **§12352 — Category II (Active Duty) Purposes.**
  Authorizes:
  • **Disciplinary jurisdiction recall** (Article 15/Article 30) for offenses linked to reserve duty windows.
  • **Missing status** continuation to maintain pay/benefits up to 30 days after termination of status.
  • **Required active-duty training** (≥14 days/year, with exceptions for members nearing the end of their Ready Reserve obligation).
  • **Voluntary additional training** and **operational support** not covered by Category I.
  • **Other voluntary activities** (funeral honors, medical/dental care, evaluations, DOD health studies).

• **Active Guard and Reserve (AGR)** functions (organizing, administering, recruiting, instructing, training), including narrow emergency-preparedness support by WMD civil support teams, with budgetary visibility requirements and end-strength accounting.
• **Sexual assault line-of-duty determinations**, allowing continued or returning active duty until determination is completed with timelines for decisions and appeals.

- **§12353 — Category III (Reserve Component Duty) Purposes.**
  Codifies:
  • **Required training** (48 periods) by unit assemblies or split formations under strict attendance/crediting rules.
  • **Muster** (≤1 day/year) for record updates, civilian skills documentation, and availability assessments; treated like other reserve duty for most benefits, but **no retirement point credit** and special allowance instead of standard §206 drill pay for certain Ready Reserve members.
  • **Additional voluntary training** (including flight training).
  • **Support activities/requirements**, including admin support to prepare for training and **funeral honors** (compensation via §206 or §435 allowance; travel reimbursement for ≥50 miles; retirement points).
- **§12354 — Category IV (Remote Assignment) Purposes.**
  Authorizes **pre-approved work** related to member/unit readiness or **pre-approved courses** for career advancement/readiness. Compensation and/or retirement points may be granted at Secretary-set rates **upon completion**; IRR electronic screening may earn a stipend. Participants are explicitly **excluded** from UCMJ and most pay/benefits except what §12354(b) provides.

Sec. 4 — Definition of "Contingency Operation"

Revises **10 U.S.C. §101(a)(13)** so that the new activation pathways trigger contingency-operation benefits and protections. It now includes:
• Reserve members called under **§12341**;
• Coast Guard Reserve under **14 U.S.C. §3713**;
• National Guard called to **full-time NG duty** under **32 U.S.C. §541**; and
• Retirees ordered under **§688** for a qualifying operation.

Sec. 5 — Coast Guard Reserve

Amends **14 U.S.C. §3713** by **removing the "in any 2-year period"** constraint on certain activations and **striking subsection (e)**, aligning Coast Guard Reserve call-up with the Act's consolidated duty framework.

Sec. 6 — National Guard

Comprehensively rewrites **32 U.S.C. Chapter 5**, establishing a National Guard structure parallel to the Reserve reforms.

Subchapter I — Administration of Duty

- Aligns Guard discipline with Army/Air Force; states conduct training consistent with federal standards. Authorizes Regular Army/Air Force instructor detailing; ammunition for marksmanship; and controlled assistance to **youth/charitable organizations** (e.g., Scouts, Special Olympics, 4-H) when it enhances training and does not impair military readiness.
- Fully codifies and protects the **National Guard Youth Challenge Program**: 22-week residential + 12-month mentoring; eligibility for school dropouts; State agreements; 75% federal cost share; benefits (travel, quarters, subsistence, equipment, clothing, services, and conditional stipend); personnel/equipment authorities; federal tort/injury coverage for participants; annual congressional reporting; and detailed implementing regulations.
- **Regulations, boundary restrictions, continuous duty, documentation, duty without pay, funding, and payment rules**: Mirrors Title 10 administrative controls; Guard full-time or reserve component duty generally may not be performed outside U.S. territory except for transit; orders must show authority, purpose, and funding; ≤24-hour breaks treated as continuous; permits duty without pay (with consent) that counts for all non-pay purposes; and limits who may order duty (Governor or DC Commanding General).

Subchapter II — Duty Authorities (Guard)

Creates four parallel categories:

1. **§541 — Category I: Full-time National Guard Duty (involuntary permitted)** for **§551** purposes (President/SECDEF missions; homeland defense; call-up-related medical and reintegration activities, including special AGR rules).
2. **§542 — Category II: Full-time National Guard Duty (primarily voluntary)** for **§552** purposes (required 15-day training; additional training/support; drug interdiction; Youth Challenge; funeral honors; medical; AGR roles). Includes a tailored, time-limited waiver authority for specific training support of regular components.
3. **§543 — Category III: Reserve Component Duty (Guard drill status)** for **§553** purposes (48 assemblies; additional voluntary training; admin/funeral honors). Includes the **≥2-hour/≤2-periods per day** rule, bans duty in hostile areas, and bars use to support Category I operations.
4. **§544 — Category IV: Remote Assignments (Guard)** for **§554** purposes (pre-approved remote work/courses; completion-based pay/points at Governor's discretion; not under State military justice; limited benefits).

Subchapter III — Duty Purposes (Guard)

- **§551** (Cat I): President/SECDEF-requested operations/missions; homeland defense activities (with involuntary service durations and a one-time 90-day extension for extraordinary circumstances); call-up-related medical readiness and reintegration; and special AGR mechanics replicating Title 10.
- **§552** (Cat II): Required 15-day training; additional training and training support (including joint exercises and service schools); drug interdiction; Youth Challenge support; funeral honors; operational support other than Cat I; medical care/evaluation; AGR roles; emergency preparedness by WMD civil support teams under rules paralleling Title 10; and sexual-assault LOD continuation.
- **§553** (Cat III): Required 48 assemblies; detailed credit and attendance rules for split formations and aerial flights; additional voluntary training; admin support and funeral honors with specific pay/travel/point rules.
- **§554** (Cat IV): Pre-approved readiness work or courses; completion-based pay/points; explicit exclusion from State military justice and most duty benefits beyond the section's grant.

Sec. 7 — Alignment of Benefits

Makes extensive cross-title amendments so that **active duty**, **full-time National Guard duty**, and **reserve component duty** appropriately trigger federal **pay, leave, healthcare, education, employment, credit, and civil protections**. Examples include:

- **Title 5**: Differential pay during contingency operations; military leave; FMLA definitions; FEHBP continuation for activated members.
- **Titles 10, 14, 37**: TRICARE early access tied to report-dates; medical/dental eligibility; BAH/BAS rules for AGR and contingency ops; remote assignment compensation framework; consistent use of "in support of a contingency operation."
- **Titles 11, 15, 18, 20, 29, 31, 38, 42, 50** and special acts: Bankruptcy safe harbors; Small Business reservist protections; Fair Credit Reporting Act "active duty" alerts; Higher Education Act deferments/forbearance; Family and Medical Leave Act "qualifying exigency" updates; USERRA clarifications; Defense Dependents' Education Act; HEROES Act of 2003; SCRA adjustments; Social Security SSI timing rules; and more. The section also modernizes Space Force references and cleans up obsolete cross-references.

Sec. 8 — Alignment of Survivor Benefits

Expands survivor benefits to cover **deaths occurring during** reserve component duty and full-time National Guard duty (not just active duty). Updates include death gratuity, burial and memorial benefits, housing allowances, GI Bill survivor eligibility windows, and dental plan access. Also updates INA provisions to allow **posthumous citizenship** or naturalization eligibility for next-of-kin in cases of death during covered service.

Sec. 9 — Alignment of National Guard Benefits

Clarifies that **full-time National Guard duty** is treated on par with **active duty** across multiple benefits statutes (e.g., separation/retirement protections, federal student aid provisions, interest-rate caps under SCRA). It also amends the definitions of "active duty" in Titles 10 and 32 for specified chapters so the Guard is not inadvertently excluded from key protections.

Sec. 10 — Repeals

Eliminates obsolete or redundant authorities that the Act replaces (e.g., scattered call-up provisions and inactive-duty constructs), minimizing statutory conflict and ensuring use of the new four-category structure going forward.

Secs. 11–13 — Conforming Amendments (including Space Force and Inactive Duty)

Performs code-wide cleanup to reflect the new structure:

- Updates cross-references to the new **§§12341–12344** and **§§541–544**.
- Replaces terms like "inactive-duty training" with **"reserve component duty."**
- Aligns **Space Force** provisions with the consolidated authority and benefits framework.

Sec. 14 — Transition Provisions; Statutory Construction

Establishes guardrails for implementation:

- Members retain the benefits tied to the law in effect at the time they served; no inadvertent retroactive loss or windfall.
- Clarifies how qualifying language applies equally to active duty and full-time NG duty.
- Provides **early TRICARE access** rules aligned to report-dates under the new authorities.
- Requires **joint certification** by DoD, DHS, and VA—plus congressional notification—before any **early** implementation.

Sec. 15 — Effective Date

Sets a **default effective date 10 years after enactment**, permitting early implementation only if DoD/DHS/VA certify readiness and Congress is notified, reflecting the scale of IT, pay, personnel, and training changes involved.