

**Enlisted Association of the National Guard
of the United States
(EANGUS)**

2015 LEGISLATIVE RESOLUTIONS



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**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-01**

- TITLE:** Federal Military Spouse Preference (MSP) in hiring
- SHORT DESCRIPTION:** Call upon Congress to establish a single, uniform Military Spouse Preference (MSP) program for filling vacancies in Federal government.
- PROPOSAL TYPE:** New Submission
- SUBMITTER:** Arkansas
- BUSINESS CASE:** Military Spouse Preference (MSP) in hiring exists within the Federal Government. MSP programs exist by way of a patchwork of Federal Laws such as: Public Law 99-145, (DoD Authorization Act of 1986, Section 806, Employment Opportunities for Military Spouses), E.O. 13473, E.O. 12568, Part 315.612 of Title 5 CFR, Section 2108 of Title 5 CFR, and Section 3330.d of Title 5 CFR. MSP Programs operated by Federal Agencies apply non-uniform means for determining eligibility. Specific means of determining eligibility is not detailed in the cited Federal Laws but is left up to the Agencies as a matter of their business practices. The Office of Personnel Management has delegated hiring authority and thereby MSP eligibility determination to the individual Agencies. The patchwork of MSP laws, coupled with lack of clear specific guidance leads to conflicting MSP programs and process throughout the Federal Government. Even within a single Federal Agency, such as the Department of the Army, there exist numerous conflicts concerning application of MSP, due to conflicting and vague guidance issued by OPM, DoD, and DA CPS. These conflicts are compounded when factoring in the different practices used by each branch of the Armed Forces and their respective Reserve Component.
- RECOMMENDATION:** The Enlisted Association of the National Guard of the United States recommends to the Congress of the United States that all Federal laws concerning Military Spouse Preference (MSP) be codified into a single Federal Law, with broad yet specific guidance regarding the eligibility and application of MSP in hiring. EANGUS suggests two categories of MSP. A non-competitive appointment category for “displaced” and/or “hardship” spouses similar to current MSP, and a competitive category similar to current 5 point Veteran Preference programs by which military spouses are awarded a number of points lesser than Veterans and ranked on selection lists immediately subsequent to Veteran Preference eligible applicants and ahead of non-Veteran applicants.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-02**

TITLE: GI Bill Fairness Act of 2015

SHORT DESCRIPTION: Time spent receiving medical care would qualify as active-duty time for Post-9/11 GI Bill education assistance for Guardsmen and Reservist.

PROPOSAL TYPE: New Submission

SUBMITTER: Arkansas

BUSINESS CASE: Members of the Reserve Component earn eligibility for the Post 9/11 GI Bill by serving on active duty and the amount and level of eligibility of the education benefit is directly related to the amount of time served in an active status. Even if the Reservist is in a title 10 status while receiving medical care for a service connected injury, that time is not calculated the same to help increase their eligibility. S. 602 has been introduced by SEN John Boozman (AR) and SEN Ron Wyden (OR) and HR 1141 has been introduced by REP Mark Takano (CA) that would make time served receiving medical care by a National Guardsmen or Reserve service member count toward the benefit eligibility of the education assistance.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to support and co-sign their respective piece of legislation, S. 602 or HR 1141, in order to amend title 38, United States Code, to consider certain time spent by members of reserve components of the Armed Forces while receiving medical care from the Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance, and for other purposes.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-03**

TITLE: Veterans Status

SHORT DESCRIPTION: Reserve component members who serve 20 years in uniform are not considered a veteran if they do not have 180+ days of title 10 service.

PROPOSAL TYPE: New Submission

SUBMITTER: Minnesota

BUSINESS CASE: Under current regulation and law, a member of the armed services is not granted veterans status unless having served for a period of 181 consecutive days or greater on active federal duty. Reserve component members must serve for a period of twenty years or more and reach age sixty to become eligible for a retirement annuity. A reserve component member volunteers a minimum of ten percent of their life in service to their state and this great nation. Their service comes at a price to the service member, their family, their friends, and their employers.

Legislation has been introduced in both the house and the senate over the last few years to help recognize those reserve component members who have served 20 years, but for various reasons, never reached 181 days of consecutive federal service, by granting them the title of veteran. Over the course of this effort, we have seen the legislation pass the house but never brought to the floor in the Senate. We have also seen the proposal added to the NDAA on a few occasion to only be removed in the joint committee. The 114th Congress has both HR 1384 (REP Walz, MN) and S 743 (Boozman, AR) that would address this issue. The CBO has already scored this effort as cost neutral since these bills do not transfer any other benefits other than the ability to identify oneself as a veteran due to their years of service.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to enact legislation to redefine the qualifications for veteran status to include reserve component members who have successfully served twenty years or more in service to their state and this great nation.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-04**

TITLE: TRICARE Prime for Retirees

SHORT DESCRIPTION: Helping retirees to maintain enrollment in TRICARE Prime, regardless of location in relation to a Military Treatment Facility (MTF).

PROPOSAL TYPE: New Submission

SUBMITTER: Minnesota

BUSINESS CASE: In 2013, DOD eliminated TRICARE Prime for retirees who lived farther than 40 miles from a Military Treatment Facility. In response, REP John Kline (MN) introduced HR 1500. This legislation would roll-back some of these changes and was able to ease some of the burdens retirees faced. Congressman Kline's legislation would ensure we keep our promises to provide the best quality and most cost efficient health care for our military retirees by allowing retirees who lived 100 miles or more from an MTF on the date the President signed the FY 14 NDAA into law the opportunity to re-enroll into TRICARE Prime.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to support legislation that would allow our military retirees that lost TRICARE Prime with the signing of the FY 14 NDAA the opportunity to re-enroll regardless of the distance they reside from a Military Treatment Facility.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-05**

TITLE: Military Retirement

SHORT DESCRIPTION: Support for legislation that would modernize the current DOD retirement pay system by implementing changes similar to the Military Compensation and Retirement Modernization Commission (MCRMC), Pay and Retirement, Recommendation 1.

PROPOSAL TYPE: New Submission

SUBMITTER: Minnesota

BUSINESS CASE: Currently, 83% of service members are getting out of the DOD without reaching the 20 years of service required to be eligible for a retirement annuity. The MCRMC final report, recommendation 1, highlighted modernizing the current retirement system to a 401K style system that would allow service members to invest and own their retirement along the course of their career, even keeping that investment after they have left the service, regardless of the number of years served. Under this plan, current service members would be grandfathered to their current retirement but given the option to change their plan to the new 401K style plan. The plan would create an automatic enrollment into the government ran Thrift Savings Plan (TSP) for all newly joining service members as well as starting a government funded matching contribution. This recommendation also included the implementation of a continuation pay after 12 years of service.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to enact legislation to modernize the current Uniformed Services retirement program by adopting similar changes found in the Military Compensation and Retirement Modernization Commissions, Pay and Retirement, Recommendation 1, which would include the establishment of a 401K style retirement fund, allowing service members to invest and own the fund, establish a matching government contribution, establish a continuation payment at 12 years of service, and allow for current service members to be grandfathered into their current retirement plan with the option to enroll into the new plan.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-06**

TITLE: Survivor Benefit Plan

SHORT DESCRIPTION: Support for legislation that would modernize the current Survivor Benefit Plan by implementing changes similar to the Military Compensation and Retirement Modernization Commission (MCRMC), Pay and Retirement, Recommendation 2.

PROPOSAL TYPE: New Submission

SUBMITTER: Minnesota

BUSINESS CASE: The Survivor Benefit Plan (SBP) is a popular, affordable program that provides a lifetime, monthly annuity to the survivors of retired military members for those members that enroll into the program and pay the monthly premiums. Some retiree survivors may also be eligible for Dependency and Indemnity Compensation (DIC) payments from the VA, however, these survivors are restricted under federal law from receiving both payments in full, even though no duplication of benefit is involved. In FY 2013, 323,903 survivors received SBP payments but 20.7% of those also received DIC payments, making them subject to the SBP-DIC offset rule. The MCRMC agrees that the benefit offset is unfair to surviving spouses and recommends overhauls to the program that would include additional enrollment options to help for those who may be impacted by the offsetting rule.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to support legislation that would modernize the Survivor Benefit Plan (SBP) by implementing recommendations similar to those found in the Military Compensation and Retirement Modernization Commissions, Pay and Retirement, Recommendation 2; maintaining the current plan for service members who want to elect subsidized coverage that would remain subject to the SBP-DIC offset, create an additional SBP program for service members who elect to pay an annually determined unsubsidized premium to ensure survivors receive full SBP and full DIC payments without an offset and allow for a one-time SBP open season for retirees to opt into the program of their choice.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-07**

TITLE: Financial Literacy

SHORT DESCRIPTION: Support for the Military Compensation and Retirement Modernization Commission (MCRMC), Pay and Retirement, Recommendation 3 that would call for stronger, more robust financial literacy education programs across the Department of Defense.

PROPOSAL TYPE: New Submission

SUBMITTER: Minnesota

BUSINESS CASE: The MCRMC concluded that the existing financial literacy programs across the DOD do not adequately educate service members and their families on financial issues and that it has been a long standing issue for all branches of the service. Weakness in financial literacy has been adversely affecting service members and their families; impacting careers, job security, and civilian life. Service members have overwhelmingly indicated that they would like to receive more education on financial stewardship.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges the Department of Defense to implement financial education recommendations such as those found in Retirement Modernization Commission (MCRMC), Pay and Retirement, Recommendation 3 to include increasing the frequency and strengthening the content of financial literacy education, specific educational classes at appropriate career points, providing an online budget planner for service members, and restructuring Leave and Earning Statements (LES's) to reflect service member benefit programs such as retirement, healthcare, and Survivor Benefit Plan, and possible lump sum retirement options.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-08**

- TITLE:** Reserve Component Statuses
- SHORT DESCRIPTION:** Increase the efficiency within the reserve component by consolidating 30 reserve component statuses into 6 broader statuses, similar to the Military Compensation and Retirement Modernization Commission (MCRMC), Pay and Retirement, Recommendation 4.
- PROPOSAL TYPE:** Resubmission from 2012, Updated submission from 2014.
- SUBMITTER:** Minnesota
- BUSINESS CASE:** The Reserve Component (RC) currently has a variety of duty statuses that they could fall under while serving. These duty statuses reflect a reservist's availability to perform a specific mission, function, or job and is linked to appropriated funds and legal authorities. These various statuses and their respective criteria make it difficult for operational commanders to call RC members to duty. The current system is complex, aligns poorly to current training and mission support requirements, fosters inconsistencies in compensation and complicates rather than supports effective budgeting. The current system could also cause members to experience disruptions in pay and benefits as they transition from one duty status to the next.
- RECOMMENDATION:** The Enlisted Association of the National Guard of the United States urges Congress to enact legislation to replace the 30 current reserve component duty statuses with six broader status such as the recommendations found in Recommendation 4 of the Military Compensation and Retirement Modernization Commission final report. Congress should also stipulate that new orders for Reserve Component members should only be issued when an authority changes. If a duty status, purpose, or funding source changes, orders will only need to be amended accordingly to allow for uninterrupted pay and benefits.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-09**

TITLE: Enhancement of the TRICARE Extended Care Health Option (ECHO) program for exceptional family members

SHORT DESCRIPTION: Improvement of the TRICARE ECHO program for exceptional family members with recommendations similar to the Military Compensation and Retirement Modernization Commission (MCRMC), Health Benefits, Recommendation 7.

PROPOSAL TYPE: New Submission

SUBMITTER: Minnesota

BUSINESS CASE: Under the Department of Defense TRICARE benefit program, the Extended Care Health Option (ECHO) provides financial assistance for services and supplies not traditionally available to help meet the needs of any Exceptional Family Member (EFM). ECHO provides assistive services, durable medical equipment, and other services that support the EFM's care and recovery, to include Home Health Care or applied behavior analysis reinforcement services. However, use of ECHO and its subsequent support services are only used after state sponsored programs are used. Service members are at a disadvantage for state sponsored services because they have to dis-enroll and reapply with every PCS or move that is a result of their career. This often finds service members placed on a waiting list to restart their EFM care, often times a waiting list that exceeds their assignment at a specific duty location. ECHO was designed by congress to be an alternative to unavailable waiver benefits from state programs, but since it cannot be used without using state programs first, it has become nearly impossible for service members to use and the find their EFM's not getting the care needed.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to enact legislation to that would modernize the TRICARE Extended Care Health Option (ECHO) to more closely align with state Medicaid waiver programs similar to Recommendation 7 of the Military Compensation and Retirement Modernization Commission final report.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-10**

- TITLE:** DOD and VA services collaboration and improvement
- SHORT DESCRIPTION:** Improvement of the joint collaboration between the Department of Defense health services and the Veterans Affairs health services to assist current serving and transitioning service members with recommendations similar to the Military Compensation and Retirement Modernization Commission (MCRMC), Health Benefits, Recommendation 8.
- PROPOSAL TYPE:** New Submission
- SUBMITTER:** Minnesota
- BUSINESS CASE:** The Department of Defense and the Department of Veterans Affairs provide health care to approximately 16 million service members, veterans, and their families each year. Congress established the Joint Executive Committee (JEC) to coordinate and improve cost effectiveness between the two systems. The MCRMC found numerous weaknesses in their research in the joint collaboration. Data sharing, formularies differences, and non-standardized policies all impair collaboration and prevent cost saving efficiencies. While joint health care would be the goal in this joint health care collaboration, it cannot be done without granting the JEC additional authorities and responsibilities to standardize and enforce collaboration between the DOD and the VA.
- RECOMMENDATION:** The Enlisted Association of the National Guard of the United States urges Congress to enact legislation to refine the roles and responsibilities of the Joint Executive Committee (JEC), similar to Recommendation 8 of the Military Compensation and Retirement Modernization Commission final report, in order to standardize and enforce collaboration between the Department of Defense and the Department of Veterans Affairs.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-11**

- TITLE:** Consolidated Commissary and Exchange Services
- SHORT DESCRIPTION:** Achieve efficiencies by consolidating the Department of Defense’s commissaries and three exchange systems into a single, consolidated resale organization, similar to the Military Compensation and Retirement Modernization Commission (MCRMC), Quality of Life, Recommendation 9.
- PROPOSAL TYPE:** New Submission
- SUBMITTER:** Minnesota
- BUSINESS CASE:** The Department of Defense operates, through various agencies, a defense retail system of commissaries and exchanges, for service members worldwide. Each of these services, however, work under different business models, rules, coordination with their respective services, and under different governing bodies. Numerous studies have recommended consolidation of these services as a pursuit of improved cost effectiveness. A consolidated resale organization, with combined resources, increased operational flexibility, and better alignment of incentives and policies, would improve the viability and stability of these systems. It would sustain the benefit while reducing the combined reliance on appropriated funding over time.
- RECOMMENDATION:** The Enlisted Association of the National Guard of the United States urges the Department of Defense to establish a single organization that consolidates the Department of Defense’s commissaries and three exchange systems into a single defense resale system, similar to Recommendation 9 of the Military Compensation and Retirement Modernization Commission final report.
- The Enlisted Association of the National Guard of the United States urges Congress to enact legislation that would update Title 10 of the United States Code, Chapter 147, in order to reflect the consolidation of the several exchanges and the commissary system, similar to Recommendation 9 of the Military Compensation and Retirement Modernization Commission final report.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-12**

TITLE: Restoration of entitlements and benefits of the Reserve Component during times of Involuntary Activation

SHORT DESCRIPTION: Upon the enacting of 10 U.S.C. §12304b, members of the reserve component lost the ability to utilize certain benefits and entitlements that would normally be needed and required to be prepared for an involuntary activation in defense of the United States.

PROPOSAL TYPE: New Submission

SUBMITTER: Minnesota

BUSINESS CASE: On May 1, 2014, the Department of the Assistant Secretary of Defense (Reserve Affairs) signed a Memorandum explaining the guidance on service implementation of 10 U.S.C. §12304b Order to active duty for preplanned missions in support of combatant commands. An Information Paper was also attached to this Memorandum letter further defining the guidance surrounding ordering units to active duty under 10 U.S.C. §12304b. One of the biggest concerns surrounding this new law revolves around benefits offered or available to a member if they are involuntarily activated under this code. Currently, benefits and entitlements available to individuals involuntarily ordered to active duty under 10 U.S.C. §12302 in support of contingency operations are NOT available to Reserve Component (RC) members involuntarily ordered to active duty under 10 U.S.C. §12304b to support a contingency operation. One important distinction between active duty under §12302 and §12304b is that §12302 duty may qualify for a reduction in eligibility age for reserve retired pay under §12731, whereas §12304b duty will not. Whether or not the §12304b duty is in support of contingency operations does not matter. Additionally, §12304b orders do not provide RC members access to TRICARE prior their activation, nor does it provide TAMP benefits after deactivation.

The Information Letter also goes on to state “Services may consider advising members involuntarily ordered to active duty under §12304b that such duty does not qualify for a reduction in the eligibility age for reserve retired pay and be given an option to volunteer, if they so desire, to serve under §12301(d), in which case their service may qualify for reduction in the eligibility age for reserved retired pay.”

Further language within 10 U.S.C. §12304b discusses contingency operation verses a “preplanned mission”. A valid preplanned mission under §12304b is one in support of a Combatant Commander in which the Service has complied with the following requirements:

- The manpower and associated costs of such active duty are specifically included and identified in the defense budget materials for the fiscal year or years in which such units are anticipated to be ordered to active duty; and
- The budget information on such costs includes a description of the mission for which such units are anticipated to be ordered to active duty and the anticipated length of time of the order of such units to active duty on an involuntary basis.

Also effected are potential USERRA (Uniformed Services Employment and Reemployment Rights Act) eligibility. To qualify for the 5 year exemption under USERRA, the Secretary of the Air Force (SECAF) has to designate the activation under 12304b as a critical mission or requirement. A preplanned mission does not necessarily fall into a “critical mission or requirement”.

In today’s day and age, the National Guard (Army and Air) has been providing the same level of capabilities and resources as our Active Duty (AD) counterparts since Desert Storm, nearly 24 years. During this time, the National Guard members selflessly volunteered to serve in any capacity needed and without hesitation and were provided the same benefits and entitlements as the Active Component (AC). Even during times of being involuntarily activated, Guard service members were able to count those days towards retirement age eligibility. Although most contingency operations are winding down, the need for the National Guard still remains but 10 U.S.C. §12304b does not afford the same benefits and entitlements to National Guard service members for the same operational services as the AC. Eliminating 10 U.S.C. §12304b would bring the RC involuntary activations in line with 10 U.S.C. §12302, thus allowing National Guard service members to receive the entitlements and benefits they deserve.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to rescind USC § 12304b and restore the benefits and entitlements to the reserve component members of the Department of Defense that they should be entitled to during times of involuntary activations.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-13**

TITLE: Posthumous Transfer of Post 9/11 G.I. Bill

SHORT DESCRIPTION: A Post 9/11 G.I. Bill cannot be transferred posthumously to dependents even when service member was eligible to transfer upon their death but did not initiate the transfer before passing away. This earned educational benefit is then lost and is not supplemented to survivors of National Guard members who died.

PROPOSAL TYPE: New Submission

SUBMITTER: Oklahoma

BUSINESS CASE: For many families who suffer the loss of a loved one who were current members of the Army and Air National Guard and died not while in an “active” status, the difference in survivor benefits is significant. As the law stands right now the posthumous transfer of G.I. Bill benefits is not addressed. Unfortunately, if it is discovered that a service member did not initiate the transfer of their unused Post 9/11 G.I. Bill to their spouse or dependents, the once allocated benefit is lost. Surviving spouses have been known to reach out to the NGB Retention office regarding this matter. The following recommendation is to allow posthumous transfer of Post 9/11 G.I. Bill benefits from a service member to their family, all of which who were previously eligible according to DOD Instruction. This is only allowing the transfer of a benefit, which was previously allocated to the member, to take place regardless of their death.

Under DODI 1341.13 dated May 31, 2013, the posthumous transfer of Post 9/11 G.I. benefits is not addressed. However, eligibility requirements are listed under this Instruction.

Per U.S. Code Title 38, Section 3319, *Authority to transfer unused education benefits to family members*, an individual approved to transfer entitlement of educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed. Retired or separated members will not be eligible to transfer benefits to their dependents. The law does not address posthumous transfer of benefits from a member who was serving in the Armed Forces. The law does state that, “The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.” However, this is written under the provision that the member had transferred their benefits prior to their death.

U.S. Code 38, Chapter 35, *Survivors’ and Dependents Educational Assistance* does NOT allow eligibility to family members when service members’ death was during Inactive Duty Training. Educational assistance is provided to dependents for members, while serving on Active duty, who died in the line of duty through the “Marine Gunnery Sergeant John David Fry Scholarship” and “The Survivors’ and Dependents’ Educational Assistance (DEA) Program”.

By allowing the posthumous transfer of the Post 9/11 G.I. Bill, it will also allow child dependents to possibly be qualified for education benefits under “The Yellow Ribbon Program” in which Degree Granting Institutions elect to make additional funds available for tuition and fees that are not covered under the GI Bill entitlement. However, in order to first be eligible for this benefit a child must already be a transferee of the Post 9/11 G.I. Bill from their parent.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to enact legislation to allow the transfer of deceased service members’ unused Post 9/11 G.I. Bill benefits to eligible family members when a transfer of entitlements was not initiated prior to eligible service members’ death and allow immediate use of transferred benefits under the conditions that the service member was previously eligible for transferability upon death in accordance with DODI 1341.13, 3.a. In regards to the service members’ previous eligibility in accordance with this instruction, failure to complete or agree to extended service agreement, in order to be eligible, shall not apply as long as minimum years of service were fulfilled prior to the service member’s death.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-15**

- TITLE:** Buy-Back of Temp Tech Time for Retirement by Dual Status Military Technicians
- SHORT DESCRIPTION:** Technicians hired after 1996 are unable to buy back any of the time they spent on Temporary Technician status towards their retirement.
- PROPOSAL TYPE:** New Submission
- SUBMITTER:** Connecticut
- BUSINESS CASE:** Prior to 1996, Dual Status Military Technicians were allowed to buy back any time they spent in a temporary technician status. Anyone hired after 1996 cannot do that. A Temporary employee who proves themselves worthy enough to hire as full-time Technicians should be allowed to buy back their temp-tech time towards their retirement.
- RECOMMENDATION:** The Enlisted Association of the National Guard of the United States urges the National Guard Bureau, the Office of Personnel Management, and Congress to enact policies and legislations that would allow Dual Status Military Technicians to buy back any time they spent in temporary technician status towards their retirement.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-17**

- TITLE:** Reserve Component Retirement Age Reform
- SHORT DESCRIPTION:** Reserve Component members of the Department of Defense can serve 20 years to their state and county, earning a retirement that they cannot receive until they reach the age of 60, while the Active Component service member will draw their retirement check immediately after separating from the service.
- PROPOSAL TYPE:** New Submission
- SUBMITTER:** EANGUS Resolutions Committee
- BUSINESS CASE:** Reserve Component members of the Department of Defense who serve 20 years or more earn a retirement benefit equal to their time and service in uniform, however, they are not able to receive payment from the benefit until they reach the age of 60. Active duty retirees are able to collect their retirement pension immediately upon retirement from the armed services. Men and Women of the National Guard and Reserves take the same oath to serve and protect our country as the active component, making the same sacrifices to time, community, nation and family. They have proven themselves to be a required part of this Nations call to defense, both at home and abroad. They are a true operational reserve to the Total Force. Reserve Component members deserve parity of the retirement age with the active component. Removing the age restriction and making it equal to the active components rule of eligibility immediately upon separation of service after 20 years helps to secure the future of our all-volunteer force, particularly the Citizen-Soldier. To respect and honor their commitment and loyalty, they deserve the opportunity to receive the retirement benefit they have already earned immediately upon retirement.
- RECOMMENDATION:** The Enlisted Association of the National Guard of the United States urges Congress to support legislation that would change 10 U.S. Code, Chapter 1223 by removing the restriction on Reserve Component Members who have served 20 years and earned a retirement benefit from the Department of Defense that requires that they wait until the age of 60 before they can start to receive compensation.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-18**

- TITLE:** Procurement of additional CV-22 Osprey
- SHORT DESCRIPTION:** The house version of the NDAA 2016 increases procurement dollars and platform totals for the CV-22 Osprey.
- PROPOSAL TYPE:** New Submission
- SUBMITTER:** New Mexico
- BUSINESS CASE:** The CV-22 Osprey represents a major proven combat capability for the New Mexico Air National Guard (NMANG). Its ability for vertical take-off and landing, combined with fixed-wing speed and range has shown this to be a versatile multi-mission aircraft. The attributes of the CV-22 have enabled military planners to transcend traditionally defined roles and missions as currently dictated by legacy aircraft capabilities and resolve distance/time shortfalls for current Combat Rescue aircraft as noted by ACC/CC in Mar 15 regarding Combat Rescue Helicopter (CRH) mixed fleet: "It [CV-22] is as a very attractive possibility to mitigate current risk in the Combat Rescue mission area, particularly the CRH (HH-60) capability gap for expeditious long-range extractions." The strategic shift to Africa and the Pacific clearly reflects a serious shortcoming in AF Combat Rescue (CR) that is unsustainable by the current HH-60/C-130 force with regard to distance/response time. Today, the ANG provides 1/3rd of the CR capability and experiences the same limitations of the legacy fleet mix. In the current CRH replacement effort, the NMANG is the last unit to gain aircraft in 2024, if at all. While the CV-22 provides immense versatility to Combatant Commanders, it also fulfills the multiple mission sets of the Homeland Security/Defense Title 10 mission, SOF support/Training and numerous State Title 32 missions in a much more rapid, efficient, and economically achievable manner.
- RECOMMENDATION:** The Enlisted Association of the National Guard of the United States urges Congress to support legislation similar to what is found in HR 2685, the 2016 National Defense Authorization Act, that increases the Presidents proposed budget for the Osprey Aircraft and adds one additional aircraft to AFSOC.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR15-19**

TITLE: Concurrent Receipt

SHORT DESCRIPTION: Change the required percentage of the VA rated disability from 50% to 30% to qualify for concurrent receipt.

PROPOSAL TYPE: Re-Submission

SUBMITTER: EANGUS Resolutions Committee

BUSINESS CASE: Concurrent Receipt means to receive both military retirements and VA disability compensation, and up until 2004 this was forbidden by law. To receive a VA disability compensation, disabled military retirees had to waive all or part of their military pay.

Qualified disabled military retirees with over 50% VA Disability currently get paid both their full military retirement pay and their VA disability compensation. This recently passed law phases out over 9 years for the VA disability offset, which means that military retirees with 20 years or more of service and a 50% (or Higher) VA rated disability will no longer have their military retirement pay reduced by the amount of their VA disability.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to support legislation to reduce required percentage of the VA rated disability from 50% to 30% (or higher) to qualify for concurrent receipt.

2014 EANGUS RESOLUTIONS- CURRENT STANDING RESOLUTIONS

NR14-01: Federal tax exemption of \$5,000 for National Guard Soldiers and Airmen

NR14-02: Assistant to the EANGUS Director of Government Affairs

(Pending hiring of a new ED, then National Office Budget analysis)

NR14-03: TRICARE Reserve Select Eligibility for Dual Status Technicians

~~NR14-04: Increasing the Unspecified Minor Military Construction (UMMC) threshold~~

(Accomplished in the NDAA 2015)

~~NR14-05: Establishment of an Independent Commission on the Structure of the Army~~

(Accomplished in the NDAA 2015)

NR14-06: Allow the Chief of the National Guard Bureau (CNGB) to Nominate Directors and Deputy Directors of Army and Air National Guard

(Partially accomplished in the NDAA 2015)

NR14-07: Implementing Space-A for National Guardsmen, Reservists, "Gray Area" Retirees and their Dependents, and Eligible Surviving Spouses and their Dependents

(Congressional inquiry was generated to the previous SECDEF, nothing from the current SECDEF)

~~NR14-08: Elevate the Senior Enlisted Advisor to the Chief of the National Guard Bureau to same status as other Senior Enlisted Advisors on the Joint Chiefs of Staff~~

(Accomplished in the NDAA 2015)

NR14-09: Tuition Assistance (TA) payment eligibility for Army National Guardsmen

NR14-10: Reducing from 30 to six the authorities for calling members of the Guard and Reserves to duty

(Recommended by the MCRMC, updated EANGUS Resolutions submitted in NR15-09 (DRAFT))

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR14-01**

TITLE: Federal tax exemption of \$5,000 for National Guard Soldiers and Airmen

SHORT DESCRIPTION: Allow for an annual tax exemption of \$5,000 for Soldiers and Airmen of the National Guard to assist in the balancing of expenditures associated with their service.

PROPOSAL TYPE: New Submission

SUBMITTER: Mississippi

BUSINESS CASE: Soldiers and Airmen of the United States National Guard endure an increased amount of stressors that the average citizen in their service to the Country. The current state of the national economy is such that additional stressors are prevalent in the families of those who serve in the National Guard. In order for Soldiers and Airmen to live up to their service associated values, they commonly incur unforeseen sacrifices of time and money. The Army and Air National Guard combined make up less than .2% (approximation) of the country's population. A \$5,000 deduction equates to less than .02% (approximation) of total U.S. Revenue. This monetary value would be representative of compensation for financial losses that may be incurred throughout the year for National Guard service members in their effort to balance the erratic nature of being a citizen-soldier/airman.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges the Congress of the United States to enact legislation guaranteeing an additional exemption of at least \$5,000 from federal taxable wages and salary for any and all Soldiers and Airmen that receive payment for Duty from the National Guard of the United States of America. This \$5,000 should be in addition to any and all other exemptions that the service member may be entitled.

SPONSORS: Mississippi

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR14-02**

TITLE: Assistant to the EANGUS Director of Government Affairs

SHORT DESCRIPTION: Hire an Assistant to the EANGUS Director of Government Affairs

PROPOSAL TYPE: New Submission

SUBMITTER: Arizona

BUSINESS CASE: As EANGUS grows, the Director's work in Washington D.C. is becoming more and more important. EANGUS members believe that without additional assistance on Capitol Hill and in the EANGUS office, EANGUS will not be able to support and maintain our resolutions that enhance the benefits of our National Guard members and their families. The members of EANGUS recommend an assistant be hired to aid the Director of Government Affairs.

RECOMMENDATION: Subject to available funding, the Resolutions Committee and Legislative Committee of the Enlisted Association of the National Guard of the United States urge the EANGUS Executive Director to hire an assistant to the EANGUS Director of Government Affairs.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR14-03**

TITLE: TRICARE Reserve Select eligibility for Dual Status Technicians

SHORT DESCRIPTION: To allow Dual Status Technicians the ability to choose TRICARE Reserve Select as their health insurance by removing the specific exclusion found in title 10 U.S.C. Section 1067d (a).

PROPOSAL TYPE: Resubmission

SUBMITTER: Area II/ Arkansas

BUSINESS CASE: The TRICARE Reserve Select program was authorized by Section 701 of the Ronald W. Reagan National Defense Authorization Act for FY2005 (P.L. 108-375), which enacted 10 U.S.C. 1076d. TRICARE Reserve Select is a premium-based health plan available worldwide for qualified Selected Reserve members of the Ready Reserve and their families. Service members are not eligible for TRICARE Reserve Select if they are on active duty orders, covered under the Transitional Assistance Management Program, or eligible for or enrolled in the Federal Employees Health Benefits Program (FEHBP) or currently covered under the FEHBP through a family member. TRICARE Reserve Select provides benefits similar to TRICARE Standard. The government subsidizes the cost of the program with members paying 28% of the cost of the program in the form of premiums. For calendar year 2014, TRICARE Reserve Select premiums are \$51.68 per month for member only coverage, and \$204.29 per month for member and family coverage. Due to the pay-for provisions in Congress, federal employees who are also reservists were excluded from eligibility for enrollment in TRICARE Reserve Select when the public law was passed. 10 USC § 1076d(a)(2) specifically excludes service members enrolled, or eligible to enroll, in a health benefits plan under chapter 89 of title 5 (Federal Employees Health Benefit Plan). It has been estimated that there are 225,000 reservists who fall under this exclusion. Of that number, 68,185 are dual status military technicians in the Army and Air National Guard and Army and Air Reserve, to which this resolution would apply.

Dual status military technicians are embedded in reserve component units to provide day-to-day readiness and training. When mobilized, they are immediately eligible for TRICARE (Standard or Prime) from a period of time beginning 180 days prior to mobilization, through the period of mobilization, and for six months post-mobilization. Allowing dual status military technicians to enroll in TRICARE Reserve Select will reduce confusion in coordination of benefits, establish continuity of care and treatment for them and their families, and increase personnel medical readiness.

RECOMMENDATION: That the Enlisted Association of the National Guard of the United States urges the Congress of the United States to enact legislation that would ensure the eligibility of Dual Status Technicians in TRICARE Reserve Select or by amending title 10 U.S.C. Section 1067d (a), paragraph two, which creates an exclusion in TRICARE eligibility for anyone eligible for health benefits under Chapter 89 of Title 5 (Federal Employee Health Benefit Program).

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

ACCOMPLISHED **NR14-04**

TITLE: Increasing the Unspecified Minor Military Construction (UMMC) threshold

SHORT DESCRIPTION: Increase allowable threshold for each state to spend on minor construction projects to help maintain readiness centers and other routine projects.

PROPOSAL TYPE: New Submission

SUBMITTER: Arkansas

BUSINESS CASE: The statutory limitation of \$750,000 was raised from \$500,000 in 2001. In that time, inflation and higher standards for force protection and energy efficiency have increased construction costs dramatically. The statute allows for up to \$1,500,000 to be spent to correct deficiencies that are threatening to life, health, or safety, but clear demonstration of the threatening deficiency must be well documented to exceed the \$750,000 limit. An ongoing NGB study of Readiness Centers nationwide is pointing to an obvious conclusion: The majority of Readiness Centers nationwide are inadequate to meet the mission requirements of the National Guard as an operational force. With the expectation of future MILCON budgets being reduced substantially, the use of O&M funded UMMC projects to extend the useful life and to modernize existing facilities is the best bridging strategy to position the Guard for a relevant future.

RECOMMENDATION: Insert language in the 2015 National Defense Authorization Act that amends Title 10 U.S.C. Section 2805 to raise the limitation on the use of O&M funds for UMMC projects from \$750,000 to \$1,000,000 for routine projects and from \$1,500,000 to \$2,000,000 for life, health, and safety threatening deficiencies.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

ACCOMPLISHED NR14-05

TITLE: Establishment of an Independent Commission on the Structure of the Army

SHORT DESCRIPTION: The Department of the Defense is planning to significantly change the Army's force structure. These changes have the potential to negatively impact the National Guard. These cuts would force an additional reduction of National Guard members below pre-9/11 numbers as well as eliminate all Apaches from the Army National Guard.

PROPOSAL TYPE: New Submission

SUBMITTER: Connecticut

BUSINESS CASE: The Fiscal Year 2015 Army budget proposal sent to Congress transfers or retires most Army National Guard (ARNG) Apache helicopters and reducing ARNG authorized end-strength levels below 350,000. The proposed budget should ensure the force structure and proposed end strength of the Army National Guard is maintained as an operational reserve. The final troop levels of this proposal will be decided by Congress, not the Department of Defense. Over the past decade, Congress and the Department of Defense have made significant monetary investments into the Army National Guard. To allow these investments to be wasted would be fiscally irresponsible and negatively impact 50 states, three territories and the District of Columbia.

The National Guard is tasked with two very distinct missions. The first is to act as a reserve component to the active forces during a time of war. The second mission is homeland response during domestic emergencies. It is imperative that both of these missions are taken into account during any revised force structure planning. The best way to ensure the success of these two missions is the establishment of a National Commission on the Future of the Army to review the appropriate mix and structure of the Army and Army National Guard.

The commission is a common sense way to move forward with decisions that have serious implications for the National Guard. Given the impasse with active Army leadership, the time is right for an independent look that carefully considers the nation's national security needs and recommends ways for the Total Army to meet them in an affordable fashion. There is too much at stake to rush this process, and Congress should take this opportunity to slow things down and make sure things get done right. A commission would provide Congress with a fair analysis of Total Army requirements, capabilities and costs similar to the National Commission on the Structure of the Air Force.

The role of the National Guard is critical. Recent history has validated the total force concept in ways no one could have predicted. Moving forward, America deserves the best Army our nation can afford. America deserves an Army that is flexible, adaptable, and deployable. America deserves an Army that can surge to meet the ever-changing needs of our nation. We call this

force, “the National Guard.” The past 12 years of combat-tested service to our nation provides sufficient ammunition to take a hard look at the future of our Total Army.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States recommends Congress establish a National Commission on the Future of the Army to review the appropriate force mix and structure of the Army, the Army National Guard, and the United States Army Reserve.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution
ACCOMPLISHED NR14-06

TITLE: Allow the Chief of the National Guard Bureau (CNGB) to Nominate Directors and Deputy Directors of Army and Air National Guard

SHORT DESCRIPTION: To allow the CNGB the authority to recommend and appoint his/her directors and deputy directors of the Army National Guard and the Air National Guard.

PROPOSAL TYPE: New Submission

SUBMITTER: Connecticut

BUSINESS CASE: Currently under Title 10 U.S. Code, Subtitle E, Part 1, Section 10506, the directors and deputy directors of the Army National Guard and the Air National Guard are recommended by the Secretary of the Army and the Secretary of the Air Force, not the CNGB. Current law only allows the CNGB to recommend and appoint his or her own legal counsel, comptroller and inspector general.

The fiscal year 2007 National Defense Authorization Act (NDAA) made the CNGB a four-star general and NGB a joint activity of the Department of Defense. The fiscal 2012 NDAA designated the CNGB as a member of the Joint Chiefs of Staff. These laws require NGB to re-organize to reflect the chief's new duties and responsibilities. The CNGB needs the latitude to create his own leadership team to manage changes at NGB, meet the requirements of being a joint activity, and work more closely with the Departments of the Army and Air Force.

Studies have been ongoing internally within NGB to address these new responsibilities, and recommendations include follow-on administrative changes to laws that will allow the organization to grow into the responsibilities given to it by Congress. Allowing the CNGB to participate in the selection process and recommend the future leadership of the Army and Air National Guard will allow the National Guard to work more effectively within the Department of Defense and with Congress.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges Congress to amend Title 10 U.S. Code, Subtitle E, Part 1, Section 10506 to allow the Chief of the National Guard Bureau to recommend and appoint his/her directors and deputy directors of the Army National Guard and the Air National Guard.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR14-07**

- TITLE:** Implementing Space-A for National Guardsmen, Reservists, “Gray Area” Retirees and their Dependents, and Eligible Surviving Spouses and their Dependents
- SHORT DESCRIPTION:** To implement law that was passed as part of the National Defense Authorization Act of 2013.
- PROPOSAL TYPE:** New Submission
- SUBMITTER:** Connecticut
- BUSINESS CASE:** The space-available travel law was included in the National Defense Authorization Act of 2013 and should now be providing equal benefits to active and reserve-component members, eligible surviving spouses and others the Secretary of Defense may deem as eligible.
- The Secretary of Defense should have, by now, established a priority order of travel for eligible members. The department has not implemented the law, nor updated the regulations needed.
- Currently, some National Guardsmen, Reservists, “gray area” retirees and their dependents, and eligible surviving spouses and their dependents are being denied these travel privileges. Asking the Secretary of Defense to quickly implement the law will help ensure that those benefits are available to those who are deserving of them.
- RECOMMENDATION:** The Enlisted Association of the National Guard of the United States urges the Secretary of Defense to implement the law that expands space-available travel to all National Guardsmen, Reservists, “Gray Area” Retirees and their Dependents, and Eligible Surviving Spouses and their Dependents.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

ACCOMPLISHED

NR14-08

TITLE: Elevate the Senior Enlisted Advisor (SEA) to the Chief of the National Guard Bureau (CNGB) to same status as other Senior Enlisted Advisors on the Joint Chiefs of Staff (JCS).

SHORT DESCRIPTION: To elevate the SEA to CNGB to the same status as other SEAs assigned to JCS members.

PROPOSAL TYPE: New Submission

SUBMITTER: Connecticut

BUSINESS CASE: In 2012, the Chief of the National Guard Bureau was elevated to an equal position on the Joint Chiefs of Staff as other members of the JCS, however, the Senior Enlisted Advisor to the CNGB was not elevated to the same status as other SEAs on the JCS.

The Chief of the National Guard Bureau is an Advisor on National Guard Matters as follows:

(1) a principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense; and

(2) the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

And

(d) Member of Joint Chiefs of Staff. As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of addressing matters involving non-Federalized National Guard forces in support of homeland defense and civil support missions.

The role of the Senior Enlisted Advisors to each member of the Joint Chiefs of Staff is to advise on matters such as total force integration, utilization, health of the force, and joint development for enlisted personnel within their respective forces.

It follows that the CNGB's Senior Enlisted Advisor, who advises the CNGB on all enlisted matters affecting training, effective utilization, health of the force, and enlisted professional development, should be elevated to the same status on the Joint Chiefs of Staff as all other Senior Enlisted Advisors to their respective components.

According to one military demographics report released in 2012, there were 59,002 Officers and 404,465 Enlisted members of the Army and Air National Guard; an enlisted force nearly seven and a half times the size of the officer force. The average age of the enlisted member of the Army Guard was 29.5 with 44.9% of the total enlisted force being age 25 or below. The Army

National Guard Officer average age was 37.5 with 39.6% of the officer force being age 41 or older. The Air National Guard Enlisted force average age was 34.1 with 23.4% of the total Air Enlisted force being 25 or younger, while the Air National Guard Officer average age was 40.9 with 51.5% being age 41 or older.

This is a small sampling of information offered in the report. The demographics of the enlisted members of the Army and Air National Guard show a distinct group of people who can best be represented by the Senior Enlisted Advisor to the CNGB, and the SEA can best represent those personnel by being elevated to the same level as his/her counterparts in the active components.

The Army and Air National Guard Enlisted force, through the Senior Enlisted Leader to the CNGB, will be able to bring a breadth and depth of knowledge to the JCS in such subject areas as: recruiting and retention, career development, training, personnel benefits, operations, family support, education, deployment rotations and retirement planning. The Senior Enlisted Leader to the CNGB will become the voice of more than 404,000 Army and Air National Guardsmen by elevation to the JCS.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urges the Department of Defense to elevate the Senior Enlisted Advisor to the Chief of the National Guard Bureau to the same status as all other Senior Enlisted Advisors to the Joint Chiefs of Staff.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR14-09**

- TITLE:** Tuition Assistance (TA) payment eligibility for Army National Guardsmen
- SHORT DESCRIPTION:** Change the eligibility for an Army National Guardsmen to begin receiving Tuition Assistance benefits after his first year of service and the completion of AIT.
- PROPOSAL TYPE:** New Submission
- SUBMITTER:** Arkansas
- BUSINESS CASE:** The Army updated the Tuition Assistance payment eligibility requirements in ALARACT 317/2013 on 02 DEC 13. In this message, that went into effect on 01 JAN 14, a change to when a Soldier could start drawing the education benefit was made so that Soldiers had to wait one year after the completion of AIT before being eligible for the first payment. This change had very little impact on the Active Component as Soldiers time in the active Army doesn't start until they leave to go to Basic Training. Active Soldiers would report to training, graduate in five to nine months, then report to duty. If they were to attend college, it would be after hours and off duty. They would also start drawing the benefit anywhere from the seventeenth to twenty first month of their enlistment. Army Guard Soldiers, however, can spend anywhere from three to twelve months in the service before they even leave to go to basic training or AIT. By the time they return from training and wait the new requirement of one year after the completion of AIT, they have served multiple years of a six year contract without receiving a single payment from TA. Guardsmen also return from training and often immediately start college. This change was implemented to help the Active component focus on readiness and training before Soldiers started working on a college degree outside of duty. School is not a training distracter for the National Guard, since our Soldiers typically only drill one weekend a month and two weeks in the summer. When training does conflict with school, it is only for a few days at a time and can easily be worked out between the university and the Soldiers unit.
- RECOMMENDATION:** That the Enlisted Association of the National Guard of the United States urges the Deputy Chief of Staff of the Army, G1, Compensation and Entitlements Division to change the eligibility of payment for the Tuition Assistance program for Army National Guard enlisted members so that Guardsmen are eligible to begin receiving benefit payments immediately following completion of initial entry training or upon reaching 1 year of service, whichever is later.

**Enlisted Association of the National Guard of the United States (EANGUS) Resolution
NR14-10**

- TITLE:** Reducing from 30 to six the authorities for calling members of the Guard and Reserves to duty.
- SHORT DESCRIPTION:** The 11th Quadrennial Review of Military Compensation recommends reducing 30 complicated and often confusing authorities for calling Guardsmen and Reservists to duty to six.
- PROPOSAL TYPE:** Re-submission from 2012
- SUBMITTER:** Wyoming
- BUSINESS CASE:** Today's Guard and Reserve pay structure is complicated, confusing and frustrating, often causing members to encounter disruptions in pay and benefits as they transition between types of duty or duty periods. The many authorities and purposes defining the current structure are scattered throughout various provisions of law. Minimizing the number of pay authorities and statuses would greatly reduce the number of disruptions to a members pay.
- RECOMMENDATION:** That the Enlisted Association of the National Guard of the U.S. urge Congress to accept the recommendation of the QRMC to reduce the number of authorities for calling Guardsmen and Reservists to duty. These changes will not affect the ability of the Governors of the States to maintain Command and control of their respective States National Guard as U.S. Code Title 32 and maintain the accessibility of the National Guard.

2013 EANGUS Resolutions Reaffirmed for One Year

13-02: GI BILL FAIRNESS TO VETERANS RETIRED BEFORE AUGUST 1, 2009

13-03: BUSINESSES TO BE ENABLED TO DIRECT PAY FOR TRICARE RESERVE SELECT

13-04: PROVIDING FOR PHYSICAL THERAPY UNDER TRICARE

13-05: MAINTAINING THE NATIONAL GUARD'S OVERSEAS MISSIONS

13-06: PROTECTING DUAL-STATUS MILITARY TECHNICIANS FROM FURLOUGH UNDER FUTURE SEQUESTERS

13-07: SUPPORT FOR THE CYBER WARRIOR MISSION

13-10: FUNDING THE NATIONAL GUARD COUNTERDRUG PROGRAM

13-11: CORRECT EARLY RETIREMENT CREDIT

13-15: END STRENGTH OF THE NATIONAL GUARD

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-02

PERTAINING TO: GI Bill Fairness to Veterans Retired Before August 1, 2009

ISSUE: Military Veterans retiring between, and including, December 10, 2001 and July 31, 2009 never had an opportunity to make a transfer of Post 9/11 GI Bill benefits to a spouse and/or dependent children.

BACKGROUND: When Congress wrote the Post 9/11 GI Bill transfer-of-benefits rules, they stated that to make a transfer request, a military member had to be "serving on or after August 1, 2009" - the date when the Post 9/11 GI Bill started. However, eligibility for the Post 9/11 GI Bill went back to September 10, 2001. So those retiring before the August 1, 2009 date were fully eligible for the Post 9/11 GI Bill, to include the transfer option, but never had an opportunity to pass on those benefits to family members - because they were not currently serving on or after the August 1, 2009 date. They had already retired - some one day before the August 1st date. There are really two groups of veterans in question. Group one are active duty veterans retiring between, and including, September 11, 2004 and July 31, 2009. Group one met the 20-year "retirement eligible" requirement and served three years after September 10, 2001, so they are at the 100% Post 9/11 GI Bill tier - a requirement for active-year retirement eligible to be able to pass on benefits to family members.

Group two are Selected Reservists, namely National Guard and Reservists from all the military branches, who retired between December 10, 2001 and July 31, 2009. This group also met the 20-year requirement and served for at least 90 days on a Title 10 order in support of a contingency operation, which makes them eligible for the minimum 40% Post 9/11 GI Bill tier and eligible to pass on their Post 9/11 GI Bill benefits to a family member. We ask the veterans in both groups be allowed a one-time opportunity to pass on unused Post 9/11 GI Bill benefits to spouses or dependent family members - family members as defined in the Post 9/11 GI Bill rules. Veterans in these groups already have Post 9/11 GI Bill benefits - they just should be afforded the same opportunity to pass on those benefits that those currently serving "on or after August 21, 2009" have had.

RECOMMENDATION: Request President Obama and the Congress of the United States to enact legislation to initiate a Post 9/11 GI Bill Transfer-of-Benefits equality and fairness to 20+ year retired Military Veterans in both Active Duty and Reserve Component groups, as defined in the Preamble, retiring between, and including, December 10, 2001 to July 31, 2009, by allowing a one-time opportunity to pass on unused Post 9/11 GI Bill benefits to dependent family members.

SPONSOR: Minnesota

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-03

PERTAINING TO: Businesses to be enabled to Direct Pay for Tricare Reserve Select

ISSUE: Providing an incentive to small businesses to hire Reserve Component members

BACKGROUND: Under the Patient Protection and Affordable Care Act (PPACA), more commonly referred to as ObamaCare, businesses are required to provide affordable health care to Americans. If a business does not provide care, they risk incurring monetary penalties. During a testimony before the House Veterans Affairs Committee, EANGUS offered up an entirely new idea that the subcommittee found to be intriguing. Executive Director Al Garver suggested that small business owners be somehow enabled to directly pay for the Tricare Reserve Select policy premiums of an employee who is a Guardsman or Reservist. By paying the single rate of \$51.62 or the family rate of \$195.81 per month, a small business owner could save from \$3,000 to \$10,000 or more per year, per individual. This number would be an immediate and significant incentive to hire Guardsmen and Reservists. Best of all, Guard members are already entitled to purchase these policies, so no new program needs to be developed.

RECOMMENDATION: To urge the Congress of the United States to enact legislation enabling businesses to direct pay the Tricare Reserve Select premium for Reserve Component (RC) members.

SPONSOR: Minnesota

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-04

TITLE: Providing for Physical Therapy under TRICARE

SHORT DESCRIPTION: To provide for certain forms of physical therapy under TRICARE

PROPOSAL TYPE: New Submission.

ISSUE: Unusual forms of physical therapy that are proven to work are denied payment under TRICARE

BACKGROUND: There are growing numbers of special-needs children and wounded warriors who, to our country's great shame, are increasingly being denied coverage for basic physical therapy. In April, H.R. 1705, Kaitlyn's Law, was introduced as a bill to amend the U.S. Code to provide for certain forms of physical therapy under Tricare.

SUBMITTER: Connecticut

BUSINESS CASE: The teenage daughter of a Navy captain, Kaitlyn suffers from cerebral palsy, scoliosis, autism and epilepsy. Without physical therapy, Kaitlyn's spine will curve to a degree that will fatally collapse her lungs. The severity of her condition rendered traditional physical therapy conducted on a ball or a bench useless. It was unclear what steps could be taken to arrest or at least slow her decline.

In an act of desperation, Kaitlyn's doctors hit upon a novel solution and tried conducting her physical therapy on a horse. Miraculously, it worked. But after six years of covering this therapy - which is less expensive than the traditional physical therapy it replaced - TRICARE changed its mind and began denying her coverage. It also demanded the family pay back a year of physical therapy costs. TRICARE argued that the use of a horse as a therapy tool was experimental and unproven, despite the clear evidence of its effectiveness with Kaitlyn.

After two years of appeals, the Samuels family finally had their day in court. They thought they'd won: The court recommended the Defense Department grant Kaitlyn her benefits. Victory was fleeting, however. The Pentagon sent the Samuels a letter disregarding the judge's recommendation and once more denying coverage.

This is not a spending bill, nor does it expand health care service. It merely serves to enforce the provision in the existing statute confirming coverage for therapy that is medically necessary and proven to work.

Kaitlyn's Law will clarify the physical therapy tools Tricare must cover in order to prevent the irresponsible mismanagement of benefits already available. It will ensure health care decisions for veterans and their families are made by doctors and patients, not by Washington bureaucrats without medical training or specific knowledge of the case.

It's important to ensure that the health care program serving uniformed service members, retirees and their loved ones works.

RECOMMENDATION: That the Enlisted Association of the National Guard of the United States urge Congress to pass H.R. 1705, Kaitlyn's Law and provide our wounded warriors and military special needs children the care they need.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-05

TITLE: Maintaining The National Guard's Overseas Missions

SHORT DESCRIPTION: To Protect the OCONUS missions of the National Guard and the National Guard's status as an Operational Reserve

PROPOSAL TYPE: New Submission.

ISSUE: The Department of the Army is looking to give many of the National Guard OCONUS missions to the active Component

BACKGROUND: On April 18, the Army Legislative Liaison Office advised all House and Senate offices of a change in policy regarding overseas deployments of the Army National Guard and the Army Reserve that is set to begin in fiscal 2014. Under the guise of cost savings, the Army could cancel some or all such deployments for the Army National Guard. This includes rotational missions in Afghanistan, along with historically Guard missions in Kosovo, the Sinai and the Horn of Africa. This is no small change. Over the past decade, the National Guard has deployed more than 750,000 individuals in support of contingency operations.

SUBMITTER: Connecticut

BUSINESS CASE: This proposal runs counter to the Army's rhetoric of keeping the Guard and Reserve operational and represents the first major step toward returning the reserve components to strategic reserves. The Army Guard of 2013 is the best-manned, best-trained, best-equipped and most experienced force in its long history. This is a direct result of the resourcing and legal authorities that Congress has provided the Guard since 9/11.

Ceasing overseas deployments of Guard troops will diminish the great investment Congress has made in the Guard since the beginning of the war on terrorism. The high level of readiness will atrophy, training opportunities will dwindle, and resourcing the Guard with new equipment will no longer be a priority. These steps will return the Guard to its pre-9/11 state.

If the point is to save money, it should be noted that a National Guard member costs about one-third of an active-component counterpart, and nearly \$2.6 billion could be saved for every 10,000 positions shifted from the full-time active Army to the part-time Army Guard.

Congress should ensure that this plan is reversed. It takes only a continued modest investment to maintain an operational force when compared to the cost of ramping up again if the Army successfully transforms the Army Guard back into a strategic force.

RECOMMENDATION: That the Enlisted Association of the National Guard of the United States urge Congress to protect the Operational Reserve Status of the National Guard by reversing the Pentagon's policy of canceling OCONUS missions for the National Guard and replacing the National Guard Soldiers with Active Duty personnel.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-06

TITLE: Protecting Dual-Status Military Technicians from Furlough

SHORT DESCRIPTION: To ensure Dual-Status Military Technicians are not subject to furlough.

PROPOSAL TYPE: New Submission.

ISSUE: Thousands of Dual-Status Military Technicians have received furlough notices and been furloughed under the current sequester despite the Pentagon having exempted uniformed personnel from sequestration. The President, Congress, and the DoD all agreed to exempt uniformed personnel from the sequester to limit the impact on military readiness.

BACKGROUND: Currently, there are more than 52,000 Military Technicians wearing the U.S. Army and Air Force uniforms to work every day, and they represent more than half of the National Guards full-time force. Most are furloughed one day per week and are losing 20% of their pay and readiness of personnel and equipment are suffering as a result. Unlike regular civilian employees, military technicians are required to be a member of the National Guard, attend weekend drills and annual training with their National Guard unit, maintain all fitness and readiness standards of their active-duty counterparts, and can be involuntarily ordered to active duty at any time. National Guard military technicians are the primary maintainers of National Guard ground equipment, airframes, equipment upgrades, and administrators of training at the unit level.

SUBMITTER: Connecticut

BUSINESS CASE: Unlike regular civilian employees, military technicians are required to be a member of the National Guard, attend weekend drills and annual training with their National Guard unit, maintain all fitness and readiness standards of their active-duty counterparts, and can be involuntarily ordered to active duty at any time. National Guard military technicians are the primary maintainers of National Guard ground equipment, airframes, equipment upgrades, and administrators of training at the unit level.

These uniquely hybrid positions have been developed over decades as the most cost-efficient and stable maintenance work-force in the DoD. Even their title – Military Technicians – makes them distinct from other DoD civilians. Their predecessors were known as Civilian Technicians, and it was Congress that decided they were more military than civilian, authorized them to wear their uniforms to work every day, and awarded them that title, along with expectations of fulfilling roles and responsibilities beyond that of their former duties.

RECOMMENDATION: That the Enlisted Association of the National Guard of the United States urge Congress to protect National Guard Readiness by exempting Dual-Status Military Technicians from furloughs under the current and any future sequesters.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-07

TITLE: Support for the Cyber Warrior Mission

SHORT DESCRIPTION: The Cyber Warrior Mission focuses on recruiting, training and maintaining cyber experts while protecting the country's national and economic security.

PROPOSAL TYPE: New Submission.

ISSUE: Protection of critical infrastructure and intellectual property which is vulnerable to persistent threats and exploitation.

BACKGROUND: A bi-partisan group of senators and representatives has introduced legislation to expand cyber security as a mission in the National Guard. Sponsors of the Senate bill, S. 658, are Sen. Kirsten Gillibrand, D-N.Y., Sen. David Vitter, R-La., Sen. Chris Coons, D-Del., Sen. Roy Blunt, R-Mo., Sen. Mary Landrieu, D-La., Sen. Patrick Leahy, D-Vt., Sen. Mark Warner, D-Va., and Sen. Patty Murray, D-Wash.

In the House, Rep. Steven Israel, D-N.Y., Rep. William Enyart, D-Ill., Rep. Richard Hanna, R-N.Y., Rep. Steven Palazzo, R-Miss., and Rep. Allyson Y. Schwartz, D-Penn. have sponsored an identical bill, H.R. 1640.

SUBMITTER: Connecticut

BUSINESS CASE: Because it is a force composed of citizen-soldiers and airmen, the National Guard has within its ranks talented members skilled in information technology who already defend the cyber network at their jobs in banking, telecommunications, and the medical industry and defense companies.

These Guardsmen will train state and local law enforcement, as well as other cyber responders, to develop a cohesive interaction between federal and state efforts, which is critical for any effective cyber defense.

This critical and common-sense piece of legislation will ensure that the states, along with federal agencies, are taking the right steps to protect our critical cyber infrastructure and intellectual property, which is vulnerable to persistent threats and exploitation.

RECOMMENDATION: That the Enlisted Association of the National Guard of the United States urge Congress to pass the Cyber Warrior Mission.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-10

TITLE: Funding the National Guard Counterdrug Program

SHORT DESCRIPTION: Funding the National Guard Counterdrug Program and the five National Guard Counterdrug Training Centers

PROPOSAL TYPE: New Submission

COMMENTS / PLACEHOLDER NOTES / LEGISLATIVE HISTORY: See Business Case

SUBMITTER: Pennsylvania

BUSINESS CASE: The Deputy Assistant Secretary of Defense, Counter Narcotics and Global Threats continue to decrease the total funding to the 54 National Guard Counterdrug Programs and the five National Guard Counterdrug Training Centers (NGCDTCs) putting these programs at risk. The Northeast Counterdrug Training Center (NCTC) serves the military, law enforcement, and community-based organization's Counterdrug training needs throughout the state.

NCTC provides the most cost efficient and effective advanced counterdrug training available in the nation. Last year, the NCTC conducted 436 courses and training support missions reaching more than 12,800 law enforcement officers, 370 coalition members and 3515 military members, for a total of 16,773 participants. Evaluations conducted six months after training indicate that 97% of participants believe the course improved their ability to do their job. NCTC is one example of the five National Guard Counterdrug Training Centers throughout the nation. I encourage you to reach out to law enforcement agencies in your district to hear firsthand the impact that NCTC has across the state.

RECOMMENDATION: That the Enlisted Association of the National Guard of the United States urge the Department of Defense to continue to fully fund the National Guard Counterdrug Program and the five National Guard Training Centers.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-11

TITLE: Correct Early Retirement Credit

SHORT DESCRIPTION: Correct the early retirement credit to include all Guard and Reserve members who have served on active duty tours of at least 90 days retroactive to Sept. 11, 2001

PROPOSAL TYPE: NEW-SUBMISSION

COMMENTS / PLACEHOLDER NOTES / LEGISLATIVE HISTORY:

SUBMITTER: Pennsylvania

BUSINESS CASE: The 1940s-vintage reserve retirement system assumed Guard and Reserve would have full civilian careers. But new “operational reserve” policy requires them to spend 25% of working lives on active duty. Over 875,000 have been called up since 2001, many for multiple combat tours significantly reducing their opportunity to build a full civilian retirement.

Congress acknowledged this national service demand by reducing the normal Reserve retirement age (60) by three months for each cumulative 90 days served on active duty. But credit was limited to service after January 28, 2008 (the date of the law change) and only if any 90 days of duty was served in a fiscal year. This denies credit for hundreds of thousands of combat tours between 2001 and 2008 and for any tour quarters that span Sept-Oct.

RECOMMENDATION: The Enlisted Association of the National Guard of the United States urge Congress to pass legislation and the President to enact said legislation to Correct the early retirement credit to include all Guard and Reserve members who have served on active duty tours of at least 90 days retroactive to Sept. 11, 2001.

Enlisted Association of the National Guard of the United States (EANGUS) Resolution

NR13-15

TITLE: End Strength of the National Guard

SHORT DESCRIPTION: Maintain National Guard Strength and increase its role in National Security

PROPOSAL TYPE: New Submission

COMMENTS / PLACEHOLDER NOTES / LEGISLATIVE HISTORY: See Business Case

SUBMITTER: Pennsylvania BUSINESS CASE: Senator Patrick Leahy and Senator Lindsey Graham wrote in National Guard Magazine, “The size of the active component will contract under the weight of current budgeting realities and to reflect the Framers’ constitutional vision of a small standing army augmented by a large cadre of citizen soldiers. Simultaneously, the guard and reserve must grow so that those cuts to the active force can be quickly and easily reversed if circumstances demand it.” The Army and Air National Guard are an operational force. In recent testimony on Capitol Hill, General Frank Grass reminded legislators that “today’s Citizen-Soldier is likely to have deployed at least once since 9/11, with an expectation that he or she will deploy again.” The National Guard is an accessible force; General Grass further stated, “Throughout history the National Guard has answered every call, participated in every contingency and supported the full spectrum of international responses. As a part-time force that has met or exceeded established readiness and proficiency standards, the National Guard is a crucial operational asset.” The National Guard is the military first-responder serving the governors and citizens of our nation; the National Guard responded to more than 100 natural disaster missions in 2012 and supported events such as the national political conventions and international summits.

Both Secretaries of Defense Leon Panetta and Robert Gates expressed significant concern about the “unsustainability” of cost growth in the personnel and benefits area, including deferred compensation. MG Wesley Craig, Adjutant General of Pennsylvania, has written, “The Army must be affordable yet scalable to successfully deal with unforeseen contingencies. Adequate military forces are an absolute necessity for national survival. “

Following a meeting on April 3, 2013, the Reserve Forces Policy Board conveyed some key observations to the Secretary of Defense:

“The steadily increasing fully-burdened and life-cycle costs of the active duty military manpower and the “all-in” support costs of the volunteer force will either drive further reductions in active component structure or result in unwise trade-off among personnel, training and modernization. The Department must make smart decisions about military end strength and force mix. The Reserve Components offer an affordable option, retaining capability and capacity that can be used when needed. Making arbitrary cuts, for the sake of equity, does not make sense. The Board strongly recommends the preservation of Reserve Component capabilities and that the Department should actively consider the Reserve Components to mitigate the increased risk associated with further Active Component end strength reductions either intentional or unavoidable as a result of declining resources.”

The National Guard is the cost effective solution in the optimal force to meet the threats of the future.

RECOMMENDATION: That the Enlisted Association of the National Guard of the United States opposes any reduction to the National Guard end strength and supports the expansion of the National Guard in the development and cost effective force to meet the threats of the future.