

Recap of FY06 NDAA and Legislative Agenda for FY07

By CAPT Ike Puzon, USNR (Ret), Director of Legislation

The Senate passed the FY06 NDAA on 22 December 2005, following the House passage earlier in that week. The President signed the NDAA into law on 6 January 2006. The Naval Reserve Association played a key role in the successful inclusion of a number of issues in the NDAA through direct involvement with Congress and through our membership with The Military Coalition, National Military Veterans Alliance, along with other associations. Some of the provisions of interest to Naval Reserve Association members:

> **Enhanced TRICARE Reserve Select (TRS) for Selected Reservists is a big victory.**

- Demobilized Reservists still qualify for a 28 percent premium, with DoD paying the remaining 72 percent of the cost. One year is earned for every 90 days deployed if the Reservist commits to the Selected Reserve for the duration of the TRS coverage.

TRS will be opening up to unemployed and uninsured Reservists at a 50/50 percent share. Reservists with an existing employer healthcare plan may be able to purchase TRS if they pay an 85 percent share. The new top tiers will require a Reservist to remain in the Selected Reserve. DoD will publish information about open enrollment periods for these new programs. The Defense Secretary will be publishing premiums for this new program.

Additional improvements were also made to TRS by the FY 2006 NDAA:

- * Inclusion of IRR members in TRICARE Reserve Select, if unable to find a SELRES billet within a year.
- * Extension of the enrollment period for TRS agreement to 90 days beyond release from active duty.
- * Protecting periods of earned TRS coverage for RC members who are remobilized.
- * Continued coverage in TRS for a family for six months after the death of a mobilized member.

> **Replacement of lost civilian income for Reservists experiencing extended or frequent mobilization beyond 18 months or for deploying more than 24 out of 60 months.**

> **Provides Basic Allowance for Housing (BAH) for RC members on active duty over 30 days.**

> **Other provisions: (some not necessarily supported by NRA)**

- Requiring health and dental assessments on an annual basis with a periodic comprehensive physical exam.
- Redesignating the Naval Reserve to the Navy Reserve.
- Reserve Montgomery MGIB can be used toward licensing and certification tests.
- Permitting reenlistment bonuses up to 20 years. Existing retention and recruiting bonuses extend thru 2006, such as:
 - * Retention bonus extended to RC members qualified in certain skills or assigned to high priority units.
 - * Accession bonus for enrolled Senior ROTC obtaining Nursing Degrees.
 - * Education loan repayment for chaplains serving in the Selected Reserve.
 - * Repayment of education loans for certain health professionals in the Selected Reserve has been extended to 12-31-06.
 - * Special pay for Selected Reserve health professionals in critical wartime specialties.

> **General military provisions:**

- Concurrent receipt for unemployables was accelerated from a phase that is completed in 2013 to one completed by 1 October 2009.
- 3.1 percent pay increase for both Active and Reserve.
- Military death gratuity was permanently increased to \$100,000 for line of duty deaths.
- Prayer at military service academies.
- Prohibition against requiring payment for meals by certain injured members at MTF's.
- Continuation of special pay to injured members being treated by the military.
- Increase in hazardous duty pay to \$750 per/mo.

> **Three issues that failed to be included in the FY 2006 NDAA:**

- Earlier retirement for Reservists. Senator Chambliss' amendment was removed.
- SBP/DIC offset, affecting survivors of those killed on active duty (Senator Nelson, FL).
- SBP payoff in 2005; the date when 30 years of premium payment ends is still 2008.

Looking ahead to FY07 legislative issues, the following are our planned goals as Congress returns for the 2nd session of the 109th Congress. *This is not a complete list.*

Our complete list is posted on our Web site under "Legislation."

1. Fund needed upgrades to transition assistance services and review/revise the laws for the economic, financial, academic, health, and legal protections for mobilized Guard and Reserve service members and their families. More than 500,000 members of the Guard and Reserve have been activated so far since 9/11. Service members do not receive the transition services they and their families need to make a successful readjustment to civilian status. Some needed improvements include the following:

- ❖ Funding to develop tailored Transition Assistance Program (TAP) services in the hometown area following release from active duty.
- ❖ Authority for mobilized Guard and Reserve members to file "Flexible Spending Account" claims for a prior reporting year after return from active duty.
- ❖ Enactment of academic protections for mobilized Guard and Reserve students including: academic standing and refund guarantees; and, exemption of federal student loan payments during activation.
- ❖ Authority for reemployment rights for Guard and Reserve spouses who must suspend employment to care for children during mobilization.
- ❖ Stronger credit protections under the *Service Members Civil Relief Act*.

2. Reserve Compensation System.

Increasing demands on the Guard/Reserve to perform national security missions at home and abroad and increased training requirements indicate that the compensation system needs to

Cont'd. on page 24

be improved to attract and retain individuals in the Guard/Reserve.

- ❖ Career enlisted/officer aviation incentive pay, diving special duty pay, hazardous duty pay.
- ❖ Special duty assignment pay, pro-pay for Reserve Component medical professional.
- ❖ Allow full-retirement credits for all inactive duty training points earned annually.
- ❖ Veteran status to Guard and Reserve members who successfully complete 20 qualifying years of service, but who do not otherwise qualify as veterans under Title 38.
- ❖ Improve Space A Travel provision for Guard and Reserve members and their spouses.

3. Regenerating the Guard and Reserve Forces.

Currently, over 550,000 Guard and Reserve members and units have been mobilized. The current and projected use of this manpower force and their equipment pushes them into an under-examined area of how those forces and their equipment will be reconstituted. High utilization and turnover of equipment will greatly affect retention and recruiting for the Guard and Reserve.

- ❖ We are asking Congress to review closely any further Navy Reserve billet, unit, and equipment cuts (or any Guard and Reserve cuts) – www.gao.gov reports; GAO-06-125, GAO-04-1031, etc.

4. Reduced Retirement Age for Guard and Reserve Personnel.

Currently, the Reserve Component is the only federal entity that does not receive earned retirement annuity at the time of completed service. Reducing the retirement eligibility age would close the gap between completion of service and collection of annuity.

- ❖ The recent Chambliss amendment is a start; we encourage Congress to review this issue closely.

5. Full Funding for VA Health.

Demand for VA health care still outpaces the capacity to deliver care in a timely manner. Within the priority system established in law, Congress should appropriate sufficient funds for all veterans the VA has agreed to treat through the enrollment process. Even a Presidential Task Force (May 2003) strongly recommended full funding for enrolled veterans, but so far the administration and Congress have ignored the recommendation.

6. A Total Force Approach to the Montgomery GI Bill.

The nation's Active Duty, National Guard, and Reserve forces are operationally integrated. But educational benefits under the Montgomery GI Bill (MGIB) do not reflect integrated policy nor match benefits to service commitment. Service members and combat veterans who complete their six (6) year obligations must forego remaining G-R MGIB entitlement unless they continue to serve in the G-R. A "total force" MGIB program is needed to integrate all components of the MGIB under Title 38 and provide equity of benefits for service rendered.

- ❖ A total force approach to the MGIB will better support the military services and G-R recruitment programs, readjustment to civilian life, and administration of the program.

7. Provide Adequate Funding for a Core Set of Family Support Programs and Benefits that Meet the Unique Needs of Guard and Reserve Families. These programs would promote better communication with service members, specialized support for geographically separated

Guard and Reserve families, and training and backup for family readiness volunteers. This access would include:

- ❖ Web-based programs and employee assistance programs such as Military One Source and Guard Family.org. Enforcement of command responsibility for ensuring that programs are in place to meet the special information and support needs of families of individual augmentees or those who are geographically dispersed.
- ❖ Enhanced education for Guard and Reserve family members about their rights and benefits.
- ❖ Innovative and effective ways to meet the Guard and Reserve community's needs for occasional child care, particularly for preventive respite care, volunteering, and family readiness group meetings and drill time.

8. Authorize Tax Credits for Employers of the Guard and Reserve.

Guard and Reserve employers often shoulder the burden of extra costs to support national defense through the participation of their employees in the military. Support by employers of members in the Guard and Reserve enables the Total Force. Today's increased OPTEMPO makes employer support more important than ever. Employer pressure is listed as one of the top reasons members of the Guard and Reserve quit.

9. Full Funding for Defense Health Care Programs.

Work with Congress and DoD to provide full funding of the Defense Health Program for the direct care and purchased care systems, providing access to the military health care system for ALL uniformed services beneficiaries, regardless of age, status, or location.

- ❖ Monitor DoD efforts on managing overall health care costs to ensure all operational efficiencies are realized prior to any cost shifting to beneficiaries.

10. Continue to Seek Timely and Comprehensive Implementation of Legislation that Authorizes the Concurrent Receipt of Uniformed Services Retired Pay and VA Disability Compensation, by:

- ❖ Developing the case to expand concurrent receipt legislation – both Combat Related Special Compensation (CRSC) and Concurrent Retirement and Disability Payments (CRDP) – to disabled retirees not eligible under the current statute.
- ❖ Seeking legislation to resolve disparities associated with the implementation of CRDP and CRSC legislation, to include making those disabled retirees rated 100 percent by the VA for "unemployable" (IU) eligible for FY 2006 legislation authorizing the full concurrent receipt of retired pay and VA disability compensation.

11. Defend Current Retiree Health Care Programs from Unwarranted Cost Increases (Enrollment Fees, Co-pays, Eeductibles, Etc.).

12. Protect Retiree Entitlements and Closely Monitor Any Attempts to Degrade Benefits. Monitor access to military commissaries; exchange facilities; family support services; and Morale, Welfare and Recreation activities; and be especially vigilant with regard to impacts from BRAC and other re-basing/redeployment initiatives.

Please provide any recommendations, comments on FY07 Legislative goals to Naval Reserve Association. Web site: www.navy-reserve.org; Tel. 703-548-5800.