



CHAIRMAN

OFFICE OF THE SECRETARY OF DEFENSE  
RESERVE FORCES POLICY BOARD

5113 Leesburg Pike, Suite 601  
FALLS CHURCH, VA 22041

NOV - 1 2013

INFO MEMO

FOR: SECRETARY OF DEFENSE

DepSec Action \_\_\_\_\_

FROM: MajGen Arnold L. Punaro, USMCR (Ret), Chairman, Reserve Forces Policy Board

SUBJECT: Report of the Reserve Forces Policy Board on Opposition to Section 511 of H.R. 1960 (Fiscal Year 2014 National Defense Authorization Act).

- The RFPB is a federal advisory committee established to provide you with independent advice and recommendations on strategies, policies and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components.
- The RFPB met on Thursday, September 5, 2013 and voted to make one recommendation to you concerning provisions in the House and Senate versions of the Fiscal Year 2014 National Defense Authorization Act which hinder Department of Defense access to the Reserve Components.
- The Board found that the United States Congress has drafted provisions in recent legislation to address the "off-ramping" of Reserve Component units from assigned missions. Section 511 of H.R. 1960 requires the Department of Defense to provide 120 days advanced notice of Reserve Component mobilization and demobilization. A similarly worded Senate provision (Section 508 of S.R. 1197) requires the Secretary of Defense to personally approve, in writing, cancellation of Reserve Component deployments within 180 days when those Reserve Component units will be replaced by Active Component units intended to perform the same mission. The Board finds that these provisions, while well-meaning, will exert a chilling effect on DoD decision-making to employ the National Guard and Reserve, and thus, effectively hinder future access to the Reserve Components.
- A background information paper on "off-ramping" is at TAB A. The specific language of Section 511 of H.R. 1960 (Fiscal Year 2014 National Defense Authorization Act) and Section 508 of S.R. 1197 (Fiscal Year 2014 National Defense Authorization Act) are at TAB B.
- At present, the Board understands that a staff recommendation that opposes the legislation is with the Office of General Counsel.
- Therefore, The Board recommends that the Secretary of Defense publicly and privately emphasize the Department's opposition to new legislative limitations requiring the

Department of Defense to provide advanced notice of Reserve Component “off-ramping” because it hinders future access to the Reserve Components.

- As required by the Federal Advisory Committee Act, this recommendation was deliberated and approved in an open, public session. A basic overview of the RFPB is submitted as TAB C.

COORDINATION: NONE

Attachments(s):

As stated

Prepared by: Maj Gen James N. Stewart, 703-681-0060

SUBJECT: RFPB Review of Reserve Component “Off-Ramping”

PURPOSE: Provide context for proposed recommendation

1. “Off-Ramping” is the cancellation of an operational requirement that typically occurs when Combatant Command force requirements change. “Off-Ramping” is not new and is not a Reserve-specific issue. It occurred during the Iraq drawdown and it is now occurring as a part of the drawdown of U.S. Forces from Afghanistan.
2. Sequestration added a new challenge to the “off-ramping” phenomena – the cancellation of operational requirements due to budget constraints, and in the case of the Army, the replacement of Reserve Component units with Active Component units to save money.
3. The Army’s new “off-ramping” practice was brought to the Board’s attention at its September 2012 meeting by MG David Baldwin, The Adjutant General of California, who warned that the Active Army was beginning to assume missions traditionally performed by Reserve Component organizations.
4. In March 2013, the Army officially announced the “off-ramping” of Indiana National Guard units from the United Nations Multinational Force Observer mission in the Sinai Peninsula.
5. Army Reserve Component leaders, both formally and informally, expressed their concern that the use of “off-ramping” raised doubts about the Army’s commitment to the Total Force, undermined predictability of deployments for Reserve Component service members, and posed potential hardships for soldiers, families, and their employers.
6. Since February 2013, the Department has “off-ramped” over 16,000 Army Reservists and Guardsmen from assigned missions in FY13 and FY14 – some because of the drawdown in Afghanistan and others due to budget shortfalls.
7. Despite the large number of Reserve Component personnel “off-ramped”, the actual number of cases where “off-ramping” caused a bona fide hardship remains low.
8. In response to the “off-ramping” of Indiana National Guard units in March 2013, the United States Congress is considering legislation to restrict the Department’s flexibility on mobilization and demobilization of Reserve Component forces.

Prepared by: COL Timothy J. Lynch, 703-681-1129

Approved by: Maj Gen James Stewart, 703-681-0600

**House Resolution 1960**

**SEC. 511. MINIMUM NOTIFICATION REQUIREMENTS FOR MEMBERS OF RESERVE COMPONENTS BEFORE DEPLOYMENT OR CANCELLATION OF DEPLOYMENT RELATED TO A CONTINGENCY OPERATION.**

Section 12301 of title 10, United States Code, is amended—

(1) in subsection (e), by striking “The period” and inserting  
(2) by adding at the end the following new sub section:

“(i)(1) The Secretary concerned shall provide not less than 120 days advance notice to a unit of the reserve components that—

“(A) will be ordered to active duty for deployment in connection with a contingency operation;  
or

“(B) having been notified of such a deployment, has such deployment canceled, postponed, or otherwise altered.

“(2) If a member of the reserve components is not assigned to a unit organized to serve as a unit or is to be ordered to active duty apart from the member’s unit, the required notice under paragraph (1) shall be provided directly to the member.

“(3) If the Secretary concerned fails to provide timely notification as required by paragraph (1) or (2), the Secretary concerned shall submit, within 30 days after the date of the failure, written notification to the Committees on Armed Services of the House of Representatives and the Senate explaining the reason for the failure and the units and members of the reserve components affected.”

**Senate Resolution 1197**

**SEC. 508. LIMITATION ON CERTAIN CANCELLATIONS OF DEPLOYMENT OF RESERVE COMPONENT UNITS WITHIN 180 DAYS OF SCHEDULED DATE OF DEPLOYMENT.**

(a) **LIMITATION.**—The deployment of a unit of a reserve component of the Armed Forces described in subsection (b) may not be cancelled during the 180-day period ending on the date on which the unit is otherwise scheduled for deployment without the approval, in writing, of the Secretary of Defense.

(b) **COVERED DEPLOYMENTS.**—A deployment of a unit of a reserve component described in this subsection is a deployment whose cancellation as described in subsection (a) is due to the deployment of a unit of a regular component of the Armed Forces to carry out the mission for which the unit of the reserve component was otherwise to be deployed.

(c) **NONDELEGATION OF APPROVAL.**—The Secretary may not delegate the approval of cancellations of deployments under subsection (a).

(d) **NOTICE TO CONGRESS AND GOVERNORS.**—On approving the cancellation of deployment of a unit under subsection (a), the Secretary shall submit to the congressional defense committees and the Governor concerned a notice on the approval of cancellation of deployment of the unit.

## **The Reserve Forces Policy Board – Basic Overview**

The Reserve Forces Policy Board (RFPB) is a federal advisory committee mandated by law in the Office of the Secretary of Defense to "serve as an independent adviser to the Secretary of Defense to provide advice and recommendations to the Secretary on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components." As required by statute, the board also produces an annual report which the Secretary of Defense transmits to the President and Congress on reserve component matters the board considers appropriate to include in the report.

The board consists of 20 members; a civilian chairman, a general/flag officer from each of the seven reserve components, a two-star military executive, a senior enlisted advisor, plus ten other U.S. citizens, who may or may not be government employees, with significant knowledge of and experience in policy matters relevant to national security and reserve component matters.

The board is supported by a staff consisting of a Colonel or Navy Captain from each of the six DoD reserve components. There is also a Coast Guard staff officer. These officers also serve as liaisons between their respective components and the board. The law requires them "to perform their staff and liaison duties under the supervision of the military executive officer of the board in an independent manner reflecting the independent nature of the board."

Established in 1951, the board is one of the oldest advisory committees in the Department of Defense.

In the National Defense Authorization Act of 2011, Congress significantly revised the operating framework and membership of the RFPB. Previously, other than the chairman, the board included only DoD officials and made recommendations through the Assistant Secretary of Defense for Reserve Affairs. In 2008, the Commission on the National Guard and Reserves recommended that the RFPB's governing statute (10 USC 10301) be amended because the board was not structured to obtain and provide directly to the Secretary of Defense a wide range of independent advice on National Guard and Reserve matters due to the nature of its membership and its subordination to other offices within DoD. The revised law was effective 1 July 2011.

On 12 September 2011, retired Marine Corps Major General Arnold Punaro was sworn in as the first chairman of the board under the revised structure. Other new members were sworn in at an organizational meeting on 13 October.

The board is organized into three subcommittees: Ensuring a Ready, Capable, Available and Sustainable Operational Reserve; Enhancing DoD's Role in the Homeland; and Supporting and Sustaining Reserve Component Personnel. Subcommittees meet as required. The full board meets quarterly. The RFPB website is at <http://ra.defense.gov/rfpb/>.