



CHAIRMAN

OFFICE OF THE SECRETARY OF DEFENSE
RESERVE FORCES POLICY BOARD

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OCT 1 2014

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 Support to ULB RA-006/OLC-104 for inclusion into Fiscal Year 2016 National Defense Authorization Act.

- The Reserve Forces Policy Board (RFPB) is a federal advisory committee established in law 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 September 10, 2014 and voted to recommend the Department ask Congress to change the law regarding the definition of active duty as it relates to reservists under Title 38, United States Code – Veterans Benefits [TAB A].
- Under the Veterans Educational Assistance Act Of 2008 (Post 9/11 GI Bill), a reserve component (RC) service member of the Armed Forces accrues active duty service time credit for the calculation of educational assistance benefits only while serving on active duty as defined in Title 38 USC Section 3301 [TAB B]. In this section, active duty for reserve component members is defined as service under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10 USC.
- Excluded from the current definition of active duty under Title 38, is Title 10 USC, 12301(h) [TAB C]. Title 10, 12301(h) provides a category of active duty for reservists while receiving medical treatment (i.e. medical hold status).
- The Post 9/11 GI Bill benefit is earned with active duty service time (as defined by Title 38) accrued since September 10, 2001 and the benefit is earned in tiers. To earn 100% of the benefit, a service member must accrue 36 cumulative months of active duty time *or* serve at least 30 continuous days on active duty and be discharged due to service connected disability.
- Currently, when a RC service member is injured or wounded in a combat theater, that member is transitioned on orders to a medical hold status under 10 USC 12301(h) for a potentially long recovery and rehabilitation. This stops the accrual of active duty time that would count toward the Post 9/11 GI Bill benefit. If the member does not discharge and instead returns to service - either deployed or as a Selected Reservist - none of the time spent in recovery is considered qualifying time. The service member would earn less

qualifying time than those who served the entire time without an injury, and would not receive an equal benefit. In effect, this service member is penalized for being wounded or injured in theater. Coincidentally, if that same member was discharged from service because of the injury, the member would earn 100% of the benefit (assuming 30 days of continuous active duty service).

- OUSD P-R has recently approved a Unified Legislative Budget (ULB) Change Proposal and forwarded it to the Office of Legislation Council for review and inclusion into the 2016 NDAA [TAB D].
- The board recommended you approve this ULB (RA-006, now OLC-104) which would add Title 10 12301(h) as a period of "active duty" to Title 38, Section 3301 (1)(B) for the purpose of accruing benefits under the "Post-9/11 Veterans Assistance Act of 2008".
- As required by the Federal Advisory Committee Act, the recommendations were deliberated and approved in an open, public session. The briefing presented to and approved by the Board [TAB A] will be posted to the RFPB web site. Background information about the RFPB is at TAB E.

COORDINATION: NONE

Attachment(s):

As stated

Prepared by: CAPT Jay Gagne, 703-681-0600

TAB A



***Subcommittee on Supporting and Sustaining Reserve
Component Personnel***

As approved by RFPB – 10 September 2014

***Major General Marcia M. Anderson
Subcommittee Chair***



CORRECTED

New Issue for discussion



Issue: Medical hold duty status for RC members does not qualify for the accrual of **Post-9/11 GI Bill benefits**

- Current definition of active duty for reservists in Title 38, Veterans Benefits, Section 3301 (1)(B) excludes Title 10, 12301(h) as active duty when considered for the purposes of Post-9/11 GI Bill entitlement
 - Title 10, 12301(h) provides a category of active duty for reservists while receiving medical treatment (i.e. medical hold status)
- Presented by the NGB to OASD-RA and approved as a Unified Legislative Budget (ULB) Change Proposal
 - Pending ULB would add Title 10 12301(h) as a period of "active duty" to Title 38, Section 3301 (1)(B) for the purpose of accruing **Post-9/11 GIB** benefits
 - Per year (FY16-20 FYDP): Requires ~\$8.2M and benefits ~2960 people
 - Costs borne by Department of Veterans Administration
- Services and OSD are pressing to include in the 2016 NDAA
- Not currently recommended as retroactive

CORRECTED

Recommendation



Recommend SECDEF approve the ULB, adding Title 10 12301(h) as a period of "active duty" to Title 38, Section 3301 (1)(B) for the purpose of accruing **Post-9/11 GI Bill** benefits

Pursuing an amendment for the change to be retroactive is **not** recommended at this time

- Possible future proposal once law is passed

TAB B

TITLE 38 - VETERANS BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 33 - POST-9/11 EDUCATIONAL ASSISTANCE
SUBCHAPTER I - DEFINITIONS

§ 3301. Definitions

In this chapter:

- (1) The term “active duty” has the meanings as follows (subject to the limitations specified in sections 3002 (6) and 3311 (b)):
- (A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101 (21)(A).
 - (B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301 (a), 12301 (d), 12301 (g), 12302, or 12304 of title 10.
 - (C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—
 - (i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; or
 - (ii) in the National Guard under section 502 (f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.
- (2) The term “entry level and skill training” means the following:
- (A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training or One Station Unit Training.
 - (B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called “A” School).
 - (C) In the case of members of the Air Force, Basic Military Training and Technical Training.
 - (D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).
 - (E) In the case of members of the Coast Guard, Basic Training and Skill Training (or so-called “A” School).
- (3) The term “program of education” has the meaning given such term in section 3002, except to the extent otherwise provided in section 3313.
- (4) The term “Secretary of Defense” means the Secretary of Defense, except that the term means the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

(Added Pub. L. 110–252, title V, § 5003(a)(1), June 30, 2008, 122 Stat. 2359; amended Pub. L. 111–377, title I, § 101(a), Jan. 4, 2011, 124 Stat. 4107.)

Amendments

2011—Par. (1)(C). Pub. L. 111–377, § 101(a)(1), added subpar. (C).

Par. (2)(A). Pub. L. 111–377, § 101(a)(2), inserted “or One Station Unit Training” before period at end.

Par. (2)(E). Pub. L. 111–377, § 101(a)(3), inserted “and Skill Training (or so-called ‘A’ School)” before period at end.

Effective Date of 2011 Amendment

Pub. L. 111–377, title I, § 101(d)(1)–(3), Jan. 4, 2011, 124 Stat. 4108, provided that:

TAB C

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 599 of this title as this section.

DELEGATION OF FUNCTIONS

Functions of the President under this section delegated to the Secretary of Defense, see section 1(4) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

§ 12244. Warrant officers: discharge or retirement for years of service or for age

Each reserve warrant officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and has reached the maximum years of service or age prescribed by the Secretary concerned shall—

(1) be transferred to the Retired Reserve if the warrant officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(2) be discharged if the warrant officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(Added Pub. L. 107-107, div. A, title V, §517(e)(1), Dec. 28, 2001, 115 Stat. 1095.)

EFFECTIVE DATE

Section effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see section 517(g) of Pub. L. 107-107, set out as an Effective Date of 2001 Amendment note under section 10154 of this title.

CHAPTER 1209—ACTIVE DUTY

Sec.	
12301.	Reserve components generally.
12302.	Ready Reserve.
12303.	Ready Reserve: members not assigned to, or participating satisfactorily in, units.
12304.	Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency.
12304a.	Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve: order to active duty to provide assistance in response to a major disaster or emergency.
12304b.	Selected Reserve: order to active duty for preplanned missions in support of the combatant commands.
12305.	Authority of President to suspend certain laws relating to promotion, retirement, and separation.
12306.	Standby Reserve.
12307.	Retired Reserve.
12308.	Retention after becoming qualified for retired pay.
12309.	Reserve officers: use of in expansion of armed forces.
12310.	Reserves: for organizing, administering, etc., reserve components.
12311.	Active duty agreements.
12312.	Active duty agreements: release from duty.
12313.	Reserves: release from active duty.
12314.	Reserves: kinds of duty.
12315.	Reserves: duty with or without pay.
12316.	Payment of certain Reserves while on duty.
12317.	Reserves: theological students; limitations.
12318.	Reserves on active duty: duties; funding.
12319.	Ready Reserve: muster duty.

Sec.	
12320.	Reserve officers: grade in which ordered to active duty.
12321.	Reserve Officer Training Corps units: limitation on number of Reserves assigned.
12322.	Active duty for health care.

AMENDMENTS

2011—Pub. L. 112-81, div. A, title V, §§515(a)(2), 516(a)(2), Dec. 31, 2011, 125 Stat. 1394, 1397, added items 12304a and 12304b.

1999—Pub. L. 106-65, div. A, title VII, §705(a)(2), Oct. 5, 1999, 113 Stat. 683, added item 12322.

1997—Pub. L. 105-85, div. A, title V, §511(e)(2), Nov. 18, 1997, 111 Stat. 1729, inserted "and certain Individual Ready Reserve members" after "Selected Reserve" in item 12304.

1996—Pub. L. 104-106, div. A, title XV, §1501(b)(16), Feb. 10, 1996, 110 Stat. 496, substituted a semicolon for a colon in item 12304 and struck out "on active duty" after "Retention" in item 12308.

§ 12301. Reserve components generally

(a) In time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that Secretary to active duty for the duration of the war or emergency and for six months thereafter. However a member on an inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive National Guard in the required category who are readily available.

(b) At any time, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, in an active status in a reserve component under the jurisdiction of that Secretary to active duty for not more than 15 days a year. However, units and members of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor of the State (or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard).

(c) So far as practicable, during any expansion of the active armed forces that requires that units and members of the reserve components be ordered to active duty as provided in subsection (a), members of units organized and trained to serve as units who are ordered to that duty without their consent shall be so ordered with their units. However, members of those units may be reassigned after being so ordered to active duty.

(d) At any time, an authority designated by the Secretary concerned may order a member of a reserve component under his jurisdiction to active duty, or retain him on active duty, with the consent of that member. However, a member

of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.

(e) The period of time allowed between the date when a Reserve ordered to active duty as provided in subsection (a) is alerted for that duty and the date when the Reserve is required to enter upon that duty shall be determined by the Secretary concerned based upon military requirements at that time.

(f) The consent of a Governor described in subsections (b) and (d) may not be withheld (in whole or in part) with regard to active duty outside the United States, its territories, and its possessions, because of any objection to the location, purpose, type, or schedule of such active duty.

(g)(1) A member of a reserve component may be ordered to active duty without his consent if the Secretary concerned determines that the member is in a captive status. A member ordered to active duty under this section may not be retained on active duty, without his consent, for more than 30 days after his captive status is terminated.

(2) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall apply uniformly among the armed forces under the jurisdiction of the Secretary. A determination for the purposes of this subsection that a member is in a captive status shall be made pursuant to such regulations.

(3) In this section, the term "captive status" means the status of a member of the armed forces who is in a missing status (as defined in section 551(2) of title 37) which occurs as the result of a hostile action and is related to the member's military status.

(h)(1) When authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty—

- (A) to receive authorized medical care;
- (B) to be medically evaluated for disability or other purposes; or
- (C) to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

(2) A member ordered to active duty under this subsection may, with the member's consent, be retained on active duty, if the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member is otherwise authorized by law.

(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to active duty under this subsection only with the consent of the Governor or other appropriate authority of the State concerned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 27, §672; Pub. L. 85-861, §§1(13), 33(a)(5), Sept. 2, 1958, 72 Stat. 1440, 1564; Pub. L. 96-357, §6, Sept. 24, 1980, 94 Stat. 1182; Pub. L. 96-584, §1, Dec. 23, 1980, 94 Stat. 3377; Pub. L. 99-500, §101(c) [title IX, §9122], Oct.

18, 1986, 100 Stat. 1783-82, 1783-127, and Pub. L. 99-591, §101(c) [title IX, §9122], Oct. 30, 1986, 100 Stat. 3341-82, 3341-127; Pub. L. 99-661, div. A, title V, §§522, 524(a), Nov. 14, 1986, 100 Stat. 3871; Pub. L. 100-456, div. A, title XII, §1234(a)(1), (2), Sept. 29, 1988, 102 Stat. 2059; renumbered §12301 and amended Pub. L. 103-337, div. A, title XVI, §§1662(e)(2), 1675(c)(1), Oct. 5, 1994, 108 Stat. 2992, 3017; Pub. L. 106-65, div. A, title V, §512, Oct. 5, 1999, 113 Stat. 592; Pub. L. 108-375, div. A, title V, §514(a), Oct. 28, 2004, 118 Stat. 1882.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
672(a)	50:961(a).	July 9, 1952, ch. 608, §§233
672(b)	50:961(c).	(less (b) and (f)), 234
672(c)	50:961(g).	(1st sentence), 66 Stat.
672(d)	50:961(d).	489, 490.
672(e)	50:962 (1st sentence).	
	50:961(e).	

In subsection (a), the word "hereafter" is omitted as surplusage. The words "there are not enough * * * who are" are substituted for the words "adequate numbers of * * * are not". The words "without the consent of the persons affected" and "under the jurisdiction of that Secretary" are inserted for clarity. The words "and the members thereof" are omitted as surplusage.

In subsection (b), the words "without the consent of the persons affected" are substituted for the words "without his consent", since units as well as individuals are covered by the revised subsection. The words "and the members thereof", "and required to perform", "or required to serve on", and "in the service of the United States" are omitted as surplusage.

In subsections (b) and (d), the words "active duty for training" are omitted as covered by the words "active duty".

In subsection (c), the words "to active duty" are substituted for the words "into the active military service of the United States", in 50:961(g) (1st and last sentences). The words "to serve" are substituted for the words "for the purpose of serving". The words "without their consent" are substituted for the word "involuntarily". The words "to that duty" are substituted for the words "into active duty". The last sentence of the revised subsection is substituted for 50:961(g) (last sentence).

In subsection (d), the words "the consent of that member" are substituted for the words "his consent". The words "under his jurisdiction" are inserted for clarity. 50:962 (last 15 words of 1st sentence) is omitted as covered by 50:961(d).

In subsection (e), the words "to active duty (other than for training)" are substituted for the words "into the active military service of the United States". The words "period of" are omitted as surplusage. The word "requirements" is substituted for the word "condition" for clarity.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
672(a)	50:961(a).	Aug. 9, 1955, ch. 665, §2(e), 69 Stat. 599.

The word "hereafter" is omitted as surplusage. The words "there are not enough . . . who are" are substituted for the words "adequate numbers of . . . are not". The words "without the consent of the persons affected" and "under the jurisdiction of that Secretary" are inserted for clarity.

The changes are necessary to reflect section 101(b) of the Armed Forces Reserve Act of 1952 (50 U.S.C. 901(b)), which defines the term "active duty" to exclude active duty for training. This definition applied to the source

TAB D

1 **SEC. ___. INCLUSION OF DUTY PERFORMED UNDER 10 U.S.C. 12301(h) AS**
2 **QUALIFYING ACTIVE DUTY TIME FOR CALCULATION OF POST**
3 **9/11 VETERANS EDUCATIONAL ASSISTANCE ACT OF 2008**
4 **BENEFITS .**

5 Section 3301 of title 38, United States Code, is amended in subsection (a)(1)(B) by
6 inserting “12301(h),” after “12301(g)”.

Section-by-Section Analysis

Under the Veterans Educational Assistance Act Of 2008 (Post 9/11 GI Bill), enacted as part of the Supplemental Appropriations Act, 2008 (Public Law 110-252, 122 Stat. 2358), a member of the reserve components of the Armed Forces presently accrues active duty service time credit for the calculation of educational assistance benefits for service on active duty under a call or order to active duty only under sections 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10 or section 712 of title 14, United States Code. This proposal would expand these categories to include that time on active duty under 10 U.S.C. 12301(h). Under 12301(h), the Secretary of a military department may, with the with the consent of the member, order a member of a reserve component to active duty in order to: to receive authorized medical care; be medically evaluated for disability or other purposes; or, to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

Currently, when a reserve component (RC) service member is injured or wounded in a combat theater, that Service member (SM) is transitioned on orders to a wounded warrior status under 10 USC 12301(h). This section is not included within the definition of ‘active duty’ for the purposes of Post-9/11 GI Bill entitlement. As detailed in the finding of Congress, contained in section 5002 of the Supplemental Appropriations Act, 2008, particularly paragraphs (2), (5) and (6), these members answered a call and were wounded in a combat environment; their sacrifices must be honored.

Current law scenario:

1. A SM who is called to service under one of the applicable sections and has served at least 30 days, is wounded or injured, and then is discharged due to a service-connected disability will qualify for the 100% tier for Post-9/11 entitlements. In this case, time served under 12301(h) is irrelevant, as the SM qualifies based on the service during the 30 days and subsequent discharge.

2. A SM who is called to service under one of the applicable sections and is wounded in theater could spend significant time in recovery and rehabilitation under 12301(h). Many RC service members will not accrue 36 months of Active Duty to qualify for the Post-9/11 GI Bill at the 100% tier, and will depend on deployment time to add to their tier rate. The average length of qualifying service for an RC service member who deploys and is not wounded is 16 months.

Even if the injury was sustained due to combat operations, if the SM does not discharge and instead returns to service - either deployed or Selected Reserve - none of the time spent in recovery is qualifying time. In this case, the SM would return to Selected Reserve status with less qualifying time than those who served the entire time without an injury, and would not receive an equal benefit. In effect, they are being penalized for being wounded or injured in theater.

Budget Implications: The Department of Defense (DoD) has no responsibility for funding of the basic benefits of the Post-9/11 GI Bill. Costs for the Post-9/11 GI Bill are borne by the Department of Veterans Affairs, under the provisions of section 3324(b) of title 38, which states, "Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits." While DoD has estimates regarding the number of personnel affected and cost to carry out this proposal, there is no budget implication to DoD.

Unified Legislation and Budgeting (ULB) Proposal Number: TBD

Justification for Resubmitted Proposal: This proposal is being submitted for the first time.

Agency Subject Matter Expert: ARNG: CPT Kurt Rauschenberg, kurt.m.rauschenberg.mil@mail.mil or (703) 607-3986 and SFC Donald Sutton, donald.e.sutton.mil@mail.mil or (703) 607-3991.

Reviewing Legal Counsel: Mr. James K. Hourican, NGB-JA, james.k.hourican.civ@mail.mil or (571) 256-7829.

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Reviewing Comptroller POC: MAJ Gordon Barksdale, ARNG Budget Formulation, 703-601-7343, gordon.i.barksdale.mil@mail.mil

Changes to Existing Law: This proposal would make the following changes to section 3301 of title 38 United States Code:

§3301. Definitions

In this chapter:

(1) The term "active duty" has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b)):

(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A).

(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12301(h), 12302, or 12304 of title 10 or section 712 of title 14.

(C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—

(i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; or

(ii) in the National Guard under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds. (B) In the case of members of the reserve

components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12301(h), 12302, or 12304 of title 10.

(2)

* * * *

TAB E

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://rfpb.defense.gov/>.