

**A REPORT**

**LONG-TERM OPERATIONAL MISSIONS  
PERFORMED BY  
RESERVE COMPONENT MEMBERS  
PROVIDING OPERATIONAL SUPPORT  
PURSUANT TO 10 U. S. C. 115(b)**

**As Prescribed  
by  
Section 416 of the National Defense Authorization Act for Fiscal Year 2008**

**Prepared by the Office of the  
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## INTRODUCTION

Section 416 of the National Defense Authorization Act (NDAA) for fiscal year 2008 (P.L. 110-181, January 8, 2008) directed that:

*“The Secretary of Defense shall conduct a review of the long-term operational support missions performed by members of the reserve components authorized under section 115(b) of title 10, United States Code, to be on active duty or full-time National Guard duty for the purpose of providing operational support, with the objectives of such review being—*

*(A) minimizing the number of reserve component members who perform such service for a period of greater than 1,095 consecutive days, or cumulatively for 1,095 days out of the previous 1,460 days; and*

*(B) determining which long-term operational support missions being performed by such members would more appropriately be performed by members of the Armed Forces on active duty under other provisions of title 10, United States Code, or by full-time support personnel of reserve components.”*

The law directed the Secretary to provide to the Congress a report containing the results of the review not later than March 1, 2008, and that the report also include a description of the adjustments in Department of Defense policy to be implemented as a result of the review and recommendations for changes in statute that the Secretary considers to be appropriate. Due to the date of the FY 2008 NDAA (January 8, 2008), the Department was unable to meet the established suspense date for providing the report to Congress.

This report documents the results of the Department’s review and its recommendations for legislative change.

### **Background**

#### **Original Legislation and Congressional Guidance**

Congress supported the Department by incorporating sections 415 and 416 in the fiscal year 2005 NDAA, creating the new “operational support duty” accounting category and eliminating one of the most disruptive administrative barriers to Reserve component usage and integration of the Reserve components into the total force – the “180-day” end strength accountability rule for Active Duty for Special Work – that had been prescribed in section 115 of title 10, United States Code (U.S.C.).

Prior to the enactment of these new provisions that modified section 115 of title 10 U.S.C., the military services would employ various combinations of duty to facilitate tour durations of more than 180 days for Reserve component members and simultaneously ensure that those members would not be counted against the active duty end strength. However, use of this “workaround” methodology would normally be disruptive to the member, and negatively affect pay and benefits for the member and the family. By changing the duty status in which the member would perform duty, thereby precluding the 180 days of continuous active duty for special work, new orders, or the use of inactive

duty training, would be required, and this would often result in lapses or changes in benefits and issues regarding receipt of pay. The creation of the new "operational support duty" accountability, in effect, changed the "180 day" rule to a three-year or "1,095 day" rule. This change enabled Reserve members to serve longer without having their pay or benefits negatively impacted. It provided for enhanced predictability, increased voluntary support to total force missions, and supported the Department's new "Continuum of Service" initiative by allowing Reserve component members to serve in a manner that filled the gap between career, full-time servicemembers (365 days/year) and traditional, part-time members (39 days/year).

However, to ensure continuous accountability and preclude the masking of true full-time requirements, there was a limit prescribed in section 415 of the FY 2005 NDAA. Specifically, it established limits on the number of Reserve members, by component, who were allowed to be on duty performing operational support duty at any given time.

#### **Initial Definition and Implementing Guidance**

Section 416 of the FY 2005 NDAA directed the Department to define the term "operational support" for the purposes of 10 U.S.C. 115(b). Consistent with that requirement and to initiate the new operational support duty accounting, the Department established a working group with representatives from all military services and reserve components to:

- 1) define the term "operational support duty" and
- 2) develop implementing guidance

The Department's definition and initial implementing guidance were published April 26, 2005. After dissemination of the definition and implementing guidance, the military services/Reserve components were given several months to develop their internal tracking and accounting systems and procedures. They were tasked to begin reporting, on a monthly basis, the number of members performing operational support duty in August 2005.

#### **Congressional Report – October 4, 2005**

Additionally, section 416 of the FY 2005 NDAA tasked the Department to provide a report to the Congress regarding the implementation of this new accounting mechanism and provide recommendations regarding the exemptions from accounting provided in paragraphs (8) through (11) of section 115(i) of title 10, U.S.C.

The Department prepared and provided the report on October 4, 2005. The report recommended that paragraphs (9), (11) and (12) could, and should, be eliminated as exemptions. However, it did recommend against the elimination of the exemptions provided in both paragraph (8) for those RC members performing active duty for training, but not providing operational support while in the conduct of that training, and paragraph (10) for National Guard members performing counter drug activities under section 112 of title 32, U.S.C. In that report, the Department also documented the need for changes to

the ceilings prescribed in section 415 and indicated that a legislative change was needed. Congress, again, supported the Department with an amendment enacted in the FY 2006 NDAA.

**Ceiling Changes**

The need for the change in ceilings of Reserve component members performing operational support duty at any given time was realized as the Department's working group uncovered under reporting of the data provided to Congress as the basis for the fiscal year 2005 original ceilings.

Component	RC Members Authorized to be on AD/FTNGD to Provide Operational Support	
	Original Ceilings	Revised Ceilings
	FY 2005	FY 2006
ARNG	10,300	17,000
USAR	5,000	13,000
USNR	6,200	6,200
USMCR	2,500	3,000
ANG	10,100	16,000
USAFR	3,600	14,000
<b>DoD Total</b>	<b>37,700</b>	<b>69,200</b>

**Government Accountability Office (GAO) Review**

Subsequent to the Department's report, the Congress tasked the GAO to review the Department's implementation of operational support duty as prescribed in the FY 2005 NDAA. The GAO review was initiated in July 2006 and completed in September 2006, with the final report published in October 2006.

Though the Department documented a number of concerns with both the presentation of information and the information itself contained in the report, the Department did concur with the one recommendation that was made:

*"To ensure that the components can report accurate and consistent information about the number of reservists serving in an operational support capacity, we recommend that the Secretary of Defense direct the Under Secretary of Defense for Personnel and Readiness and the reserve components to develop guidance to clarify and consistently define the categories of operational support that should be included in the reported numbers."*

**Revised Departmental Guidance**

Based on the GAO report recommendation, the Department reconvened its working group to determine what specific guidance could be clarified and provided. The effort resulted in revised and clarifying implementation guidance to the Military Departments that was published January 29, 2007.

## REQUIRED REVIEW AND DATA UPDATES

To meet the legislative requirement to review the operational support missions performed by members of the reserve components, the Department convened another working group of military service, including Reserve component, representatives. The working group determined that it would be helpful to review and update, as necessary, all the data regarding members performing operational support duty. Only by reviewing the number of members performing operational support missions would it be possible to discuss the primary missions being performed by those members. All data in this report has been provided by the Reserve components.

### Data Updates

#### Updated Monthly Numbers

The emphasis on reviewing all data resulted in the updated tables below. The month of December was selected since when the original effort was undertaken, December represented the most current available data for all areas.

### Peak Number of Reserve Component Members Performing Operational Support Duty (Active Duty/Full-Time National Guard Duty)

Members on Active Duty/Full-Time National Guard Duty for Operational Support		# on AD/FTNGD to Provide Operational Support											
FY 2005		# on AD/FTNGD to Provide Operational Support											
Component	Authorized to be on AD/FTNGD to provide Operational Support	Oct-04	Nov-04	Dec-04	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Jul-05	Aug-05	Sep-05
ARNG	15,300										14,234	20,398	43,354
USAR	5,000										3,888	4,500	2,003
USNR	5,200										1,842	2,478	2,563
USMCR	2,600										2,279	2,055	2,342
ANG	10,100										14,198	14,224	17,388
USAFR	3,800										9,055	9,057	9,620
<b>DoD Total</b>	<b>37,700</b>										<b>45,893</b>	<b>52,800</b>	<b>77,281</b>

  

FY 2006		# on AD/FTNGD to Provide Operational Support											
Component	Authorized to be on AD/FTNGD to provide Operational Support	Oct-06	Nov-06	Dec-06	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06	Aug-06	Sep-06
ARNG	17,000	35,583	20,305	17,181	15,137	14,797	14,190	14,468	15,740	15,889	16,348	20,433	20,704
USAR	13,000	7,068	8,052	7,588	8,027	7,848	7,809	7,840	8,013	7,801	7,710	7,993	8,735
USNR	6,200	2,850	1,850	2,122	1,335	1,591	2,050	2,315	2,871	3,297	3,448	3,855	4,081
USMCR	3,000	2,318	2,033	2,170	2,207	2,173	2,594	2,109	2,609	2,099	2,187	2,308	2,300
ANG	16,000	14,012	12,082	11,863	11,808	12,209	11,788	11,810	12,814	12,828	12,822	13,244	14,378
USAFR	14,000	11,422	7,728	9,580	9,874	9,668	10,128	9,903	9,787	10,448	10,113	10,851	11,482
<b>DoD Total</b>	<b>69,200</b>	<b>78,965</b>	<b>52,430</b>	<b>50,591</b>	<b>48,198</b>	<b>48,274</b>	<b>48,840</b>	<b>48,552</b>	<b>51,534</b>	<b>52,160</b>	<b>55,824</b>	<b>58,382</b>	<b>59,880</b>

  

FY 2007		# on AD/FTNGD to Provide Operational Support											
Component	Authorized to be on AD/FTNGD to provide Operational Support	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07
ARNG	17,000	18,823	19,327	19,401	20,538	20,736	21,520	21,700	22,590	23,138	23,915	25,827	26,998
USAR	13,000	10,883	11,108	10,555	11,188	11,500	11,804	12,227	8,741	14,353	14,294	13,248	7,048
USNR	6,200	1,308	1,425	1,528	1,816	1,708	1,842	1,793	1,904	2,022	2,436	2,080	2,091
USMCR	3,000	2,108	2,350	2,238	2,282	2,288	2,280	2,208	2,286	2,202	2,189	2,463	2,574
ANG	16,000	11,713	11,184	11,158	12,056	12,118	12,002	11,752	12,872	12,804	13,022	12,881	13,924
USAFR	14,000	12,598	9,304	9,978	9,984	10,357	8,933	9,915	10,932	11,948	11,778	12,018	12,407
<b>DoD Total</b>	<b>69,200</b>	<b>57,501</b>	<b>54,878</b>	<b>54,836</b>	<b>57,825</b>	<b>58,708</b>	<b>58,170</b>	<b>58,983</b>	<b>59,105</b>	<b>66,467</b>	<b>67,834</b>	<b>72,497</b>	<b>65,040</b>

  

FY 2008		# on AD/FTNGD to Provide Operational Support											
Component	Authorized to be on AD/FTNGD to provide Operational Support	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
ARNG	17,000	21,845	25,097	25,419	18,332	18,915							
USAR	13,000	7,443	7,071	6,435	6,102	6,241							
USNR	6,200	1,840	2,131	2,435	2,410	2,255							
USMCR	3,000	2,231	2,340	2,531	2,607	2,670							
ANG	16,000	12,277	11,870	11,748	12,568	11,750							
USAFR	14,000	9,207	9,808	8,138	9,779	9,462							
<b>DoD Total</b>	<b>69,200</b>	<b>54,543</b>	<b>58,155</b>	<b>58,701</b>	<b>49,828</b>	<b>51,298</b>							

RED indicates ceilings were exceeded

As indicated in the above table, three of the components exceeded their ceilings in the final three months of FY 2005. There are two reasons for that. First, the initial ceilings were developed with some erroneous data as previously stated, and those ceilings were increased in FY 2006. Second, there were two major events occurring during that period - Operations Noble Eagle/Enduring Freedom/Iraqi Freedom and the response effort to hurricanes Katrina and Rita. For the same reasons, the ARNG effort continued through the end of the calendar year (or the first three months of FY 2006).

Subsequent to that period, only the ARNG exceeded its ceiling, which was continuous from July 2006 through December 2007. Again, there are two primary reasons for that. First was Operation JUMP START, which began in June 2006. That U.S. border operation has been almost exclusively conducted by the Army National Guard. Second was the "surge" for operations in Iraq. All of these efforts just discussed were supported by numerous volunteers.

The Department has been obtaining data from the Reserve components on a monthly basis since August 2005. That data has been reviewed and adjusted based on improved data fidelity and availability in accordance with the revised guidance published in January 2007. However, as this review was conducted, data collection errors were discovered that resulted in an under reporting of Army National Guard personnel in operational support duty tours. The Army National Guard inadvertently reported a mixture of the peak number of members performing operational support duty in a given month and the total number of members performing operational support duty in that month. Also, the data did not contain all operational support duty tours performed pursuant to title 10. Correcting these data collection errors, as well as adding both title 10 and title 32 operational support duty to the collection criteria significantly increased the total number of Army National Guard personnel on operational support duty tours, thus revealing that the existing ceiling was inadequate. This data has now been validated by the Army and the Army National Guard as accurate as of April 2008.

Also, beginning in December of 2007, the Reserve components were tasked to begin monthly reporting of the number of members performing operational support duty who were exceeding either of the 1,095-day thresholds (1,095 consecutive days, or 1,095 total days out of the previous 1,460 days) on a monthly basis. The new reporting requirement began in December 2007, for November data. This time period was selected since this is when the military services encountered the first group of members meeting the continuous 1,095-day threshold. The military services had not been allowing, as a rule, any tours to be approved for three continuous years or more. Thus, the first date for members to exceed either 1,095-day threshold was October 29, 2007, three years (1,095 days) after enactment of the FY 2005 NDAA.

#### **Number of Members Exceeding 1,095-Day Threshold**

The data collected on the number of members exceeding a 1,095 day threshold and projections are provided in the table below. Currently, the numbers and the percentage of

members exceeding a threshold are small. However, they are projected to grow as depicted in the table below.

Number of Reserve Component Members Performing Operational Support Duty (Active Duty/Full-Time National Guard Duty – Exceeding 1,095-Day Threshold)

	DECEMBER 2007 (Actual)	SEPTEMBER 2008 (Projected)	SEPTEMBER 2009 (Projected)
ARNG	196	580	586
USAR	0	19	93
USNR	30	16	20
USMCR	95	183	275
ANG	7	397	456
USAFR	52	1,416	1,944
DoD Total	380	2,611	3,384

#### Missions Being Performed by Members

To collect data on the operational support duty missions being performed by Reserve component members, we began by separating all tours into those being performed in support of a current contingency (Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom) and those that were being performed that were not directly related to a contingency. The next categorization of the operational support duty tours was by Combat, Combat Support, Combat Service Support, and Headquarters Staff tours. To help ensure consistency in the categorization of tours, the following guidelines for the different categories were used, but some flexibility in applying the guidelines was allowed.

**Combat:** Those tours involving Infantry, Artillery, Armor, Combat Engineering, Aviation, Fighter/Bomber, and Air, Ground & Naval Arms Operations against an Armed Enemy.

**Combat Support:** Those tours involving Police, Law Enforcement, Transportation, Intelligence, Communications, and Engineering and Chemical Operations.

**Combat Service Support:** Those tours involving Medical, Maintenance, Technical, Administration, Functional Support, Legal, Law Enforcement, Civil Affairs, Supply and Service Operations, and Training Operations.

**Headquarters Staff:** Those tours involving duty at Combatant Command, Defense Agency, Joint Staff, Office of the Secretary of Defense, Military Department, military service, Reserve Component, and State Headquarters staffs.

The data collected was for the month of December 2007, and included all operational support duty tours and those being performed by members who had exceeded a 1,095-day threshold.