



Duty Status Reform Act (H.R.6976) NGAUS Section-by-Section Summary

Section 1 — Short title

Names the bill the “Duty Status Reform Act.”

Section 2 — Table of contents

A roadmap listing each section of the bill.

Section 3 — Consolidation of authorities to order reserve component members to perform duty. This is the core of the bill which re-writes Title 10, chapter 1209 into a new structure called “Reserve Duty and Assignments.”

Section 3, Subchapter I – Administration of Reserve Duty

§12311 – Emergency pause. Prevents the loss of critical individuals/positions mid-mission.

- a) While a Reservist is serving in Category I, the President may pause promotions, retirements, and separations only if it is determined essential to national security.
- b) This suspension ends automatically when the member is released from Active Duty, or if the President ends the activation.
- c) In this instance, the individual can be granted a 90-day extension to transition and process retirement.

§12312 – Use during expansion. Outlines who can be pulled into Category I during a major expansion, war, or emergency.

- a) If officers not assigned to a unit are required, then the services should use qualified and available reserve officers across grades as practical, based on needed specialties.
- b) Standby Reserve units or individuals *may* be ordered to Active Duty *only if* the Ready Reserve is not sufficient.
- c) Retired Reserve *may* be recalled, but only for the most serious national-level needs. They can receive retirement points or credits but are not eligible for promotion.

§12313 – Release from Active Duty for Reserve Component.

- a) In general, a member may be released from Active Duty at any time under authority of the SECDEF.

- b) During war or national emergency, a Reservist on Active Duty can only be released if a board recommendation is approved, the member waives their right to have a board, or the release is otherwise authorized by law. This does not apply if in a period of demobilization or reduction in strength.

§12314 – Active-Duty agreements. Creates a voluntary, written, up-to-5-year active-duty commitment for reservists, protects them from being released early without due process, and pays them if the agreement is broken – while preserving war/emergency authorities.

§12315 – Equal rank. States that a Reservist will serve in Category I in their Reserve rank, unless an officer is credited with service under 10 U.S.C. §12207, is ordered to Active Duty, and is placed on the Active-Duty list.

§12316 – Eligible for equal positions. Reservists can be assigned to any kind of duty that a regular active-duty member of that service could legally perform. Ensures Reservists are treated equally and not excluded from a position just because of their Component.

§12317 – Retention after becoming qualified for retired pay. Allows members eligible for retired pay to remain on active duty voluntarily and still get full credit for that continued service.

§ 12318 – Duty with or without pay. Reservists cannot be ordered to duty without pay, unless forfeited for misconduct or non-pay status. However, a Reservist may voluntarily forgo pay for retirement points, time-in-service, eligibility clocks, or other administrative credit.

§ 12319 – Payment of certain members while on duty.

- a) In general, a Reservist may choose between pension/retired pay/disability compensation or the military pay and allowances offered for the duty being performed.
- b) If a Reservist is mobilized for more than 30 days during a war/emergency, prior payments for pension/retirement/retainer generally pause and they will receive active-duty pay instead (unless the prior payments are higher).

§ 12320 – Divinity School Exemption. Reservists attending a recognized theological or divinity school shall not be required to perform Active or Reserve Duty.

§ 12321 – ROTC staff cap. Limits the number of reservists on active or full-time National Guard duty assigned to staff ROTC units to no more than 275 members.

§ 12322 – Regulations.

- a) SECDEF shall prescribe the regulations necessary to carry out this chapter.
- b) Governors must consent to orders for federal active duty under §12341 or §12342. However, if the individual volunteers, Governor's consent cannot be withheld to active duty outside of CONUS because the Governor objects to the location, purpose, or type of active duty.

- c) When calling up units/members to involuntary service, SECDEF must consider prior service length and nature, frequency of assignments, family responsibilities, and critical civilian employment tied to national health, safety, or interest.
 - d) Continuous duty – If the authority or purpose changes an amendment to the order must cite the change and the member will remain on the same order with no break in service. If there is a break of less than 24 hours, it will be treated as continuous federal service.
 - e) Every order must cite authority and purpose of the mission, as well as associated funding.
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Section 3, Subchapter II. Creates a clear “menu” of statuses.

Note: None of these categories cover full-time National Guard Federal Technicians (Title 5), which will remain unchanged as federal employees.

Category I: Active Duty (10 USC 12341) – Primary Active Duty, full-time Title 32 support, pre/post-mobilization, and federal mobilization to include declared war, presidential call-up, presidentially-declared national emergencies, significant cyber incidents, and SECDEF approved emergency support.

Category II: Limited-Purpose Active Duty (10 USC 12342) – Required annual training (i.e.: AT for the National Guard) and UCMJ disciplinary proceedings or missing status for the Reserve Component.

Category III: Reserve Component Duty (10 USC 12343) – Covers training and muster without consent; additional training and support activities with consent. Cannot be performed in “hostile or imminent danger” areas or in support of a named mission covered under Category I.

Category IV: Remote Assignments (10 USC 12344) – Allows for pre-approved remote work or courses of instruction via electronic methods. Must be individually assigned and must not require direct supervision.

Section 3, Subchapter III. Purposes for what each category can be used for. This helps prevent using the “wrong” authority to get a cheaper or different benefits outcome.

Category I: Active Duty (10 USC 12341) – Defines when Reservists can be mobilized and sets time limits, caps, and oversight requirements.

- War or national emergency (Congress): Reservists can be activated to support operations; involuntary service lasts through the event + 6 months.
- Force expansion: Activated when Congress determines the active force is insufficient.
- Presidential call-ups: Covers Insurrection Act–type authorities, invasion, rebellion, or inability to enforce federal law.

- President-declared national emergency: Ready Reserve may be mobilized (max 24 months, up to 1 million members).
- Special emergencies: Allows activation for WMD/terror incidents or major cyber events (max 365 days, capped force size, reporting to Congress).
- Major disasters/emergencies: Federal reserves may support states after a governor requests assistance (max 120 days involuntary).
- Operational needs: Includes pre-planned mission support (ADOS-like) and missing/captive status continuity.
- Wraparound activities: Allows active duty for pre-deployment prep, medical treatment, disability processing, and reintegration.

Category II: Limited-Purpose Active Duty (10 USC 12342) – covers training, administrative, and support functions (including AGR service), not major operational mobilizations.

- Disciplinary proceedings: Reservists can be placed on active duty to ensure military jurisdiction for UCMJ actions tied to reserve duty.
- Missing status: Members may be retained on active duty to maintain pay/benefits if placed in a missing status (max 30 days after status ends).
- Required training: Ready Reserve members must perform at least 14 days of active-duty training each year.
- Additional training/support: With the members' consent, they may serve on active duty for extra training or operational support not covered by Category I missions.
- Other authorized activities: With consent, members may be on active duty for things like funeral honors, medical/dental care, disability evaluations, DoD health studies, or other approved activities.
- Active Guard and Reserve (AGR): Allows reservists to serve full-time organizing, administering, recruiting, instructing, or training the reserve components.
- Emergency preparedness: AGR members assigned to WMD Civil Support Teams may support catastrophic incident preparedness/response.
- Sexual assault cases: Allows reservists to remain on or return to active duty to complete line-of-duty determinations for sexual assault cases.

Category III: Reserve Component Duty (10 USC 12343) – Covers traditional Reserve duties like drill training, annual muster, extra training, and limited support activities (including funeral honors).

- Required training: Ready Reserve members must complete at least 48 training periods each year (typical drill requirements) or an equivalent approved by the service.
- Annual muster: Members may be required once per year to report for administrative updates (records, skills, medical readiness). Limited to one day including travel and does not count toward retirement pay credit.
- Additional training: Members may voluntarily perform extra training periods, including additional flight training.

- Support activities: With consent, reservists may perform duty for: operational support activities, administrative tasks supporting unit training, funeral honors for veterans, or other activities approved by the service secretary.
- Funeral honors benefits: Members performing funeral honors may receive compensation or an allowance, travel reimbursement, and retirement points.

Category IV: Remote Assignments (10 USC 12344) – Creates a formal status for voluntary remote work or training that supports readiness, with limited compensation but without full military duty status or benefits.

- Remote readiness work: Ready Reserve or Standby Reserve members may voluntarily perform pre-approved work from a remote location that supports their personal readiness or their unit’s readiness.
- Remote education/training: Members may complete pre-approved courses that support career advancement or military readiness.
- Compensation options: If completed successfully, members may receive retirement points or pay (up to drill pay levels) plus retirement points, depending on the Secretary’s discretion.
- IRR screening: Individual Ready Reserve members conducting electronic screening may receive a stipend instead of normal pay.
- Limited legal/benefit status: Members performing remote assignments are not subject to the UCMJ, and do not receive normal active-duty or reserve-duty benefits, except for the pay/points described above.

Section 4 — Updates the definition of contingency operation. Ensures the definition lines up with the new duty structure and recognizes certain Title 32 full-time Guard duty as part of the contingency framework.

Updates the Title 10 definition so that a “contingency operation” includes situations where the operation results in:

1. Reservists ordered to duty under the bill’s new Category I authority (10 USC 12341).
2. National Guard members ordered to full-time National Guard duty under Title 32 section 541.
3. Retired members ordered to active duty (10 USC 688) for such operations.

Section 5 — Coast Guard Reserve. Applies the new framework to the Coast Guard Reserve (which lives partly under Title 14 authorities), to include contingency-operation coverage under Title 14 section 3713.

Section 6 — National Guard. Applies the new framework to the National Guard (Title 10 / Title 32 alignment) and updates cross-references accordingly. It ensures Guard duty authorities and downstream benefits references align with the new categories and terminology.

- Subchapter I: Establishes the administrative framework for National Guard duty, including training standards, federal support to Guard training, community programs, the Youth Challenge Program, and general rules governing Guard orders and duty administration.
 - Subchapter II: Establishes the four-category structure for the National Guard.
 - Subchapter III: Establishes the use of the four categories for the National Guard.
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Section 7 — Alignment of benefits. Updates federal statutes so that benefits and protections that currently trigger on “active duty” also trigger when someone is performing reserve component duty (and in some cases full-time National Guard duty), reducing status inequities.

It adds full-time National Guard duty to laws that currently only mention active duty and updates old citations for 12301/12302/502(f) to the bill’s new structure with 12341/12342/541/542.

Aligns rules to the new framework for:

- Federal employee protections and leave. Guard members in qualifying Title 32 status are more clearly covered for federal employee leave/pay-protection rules.
- TRICARE/medical eligibility. health-care eligibility rules better match the new duty categories instead of older piecemeal authorities.
- Legal assistance. Title 32 Guard members on qualifying orders get clearer access to military legal assistance.
- Transition assistance. Eligibility reflects the new framework and includes members on full-time National Guard duty in support of a contingency operation for more than 30 days.
- Early TRICARE / pre-activation coverage. Pre-activation health coverage rules are updated so Title 32 contingency support orders fit more cleanly.
- Housing, pay, and reserve compensation cleanup. Compensation and points rules better reflect remote work, new duty categories, and updated AGR language.
- Retirement points are expressly aligned to the new four-category system, including remote assignments.
- Sanctuary waiver language and related rules are conformed to the new duty categories.
- Education benefits references rewritten for new authorities. Amends Title 38 to update who qualifies based on full-time National Guard duty in support of a contingency operation.
- VA home loan / veteran-status related language broadened and made more durable across time.
- USERRA / reemployment protections are better matched to the new duty framework.
- Servicemembers Civil Relief Act (SCRA) protections are made more clear for Guard and Reserve members under the new system.

- Amends a long list of non-DoD statutes so they recognize full-time National Guard duty alongside active duty, including:
 - Bankruptcy Code
 - Fair Credit Reporting Act
 - Family and Medical Leave Act
 - Higher Education Act / HEROES Act
 - Workforce Innovation and Opportunity Act
 - Small Business Act and reservist/veteran small business provisions
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Section 8 — Alignment of survivor benefits the new framework. Ensures survivor-related provisions apply consistently, by inserting phrases like “or reserve component duty” after “active duty” across multiple statutes.

Section 9 — Alignment of National Guard benefits. Ensures full-time Title 32 service is treated consistently in statutes that otherwise only name active duty. It also updates legal definitions so Guard service under the bill’s new Title 32 §§ 541 and 542 fits more cleanly into benefit programs.

- Adds “full-time National Guard duty” to certain benefit laws. This includes 10 U.S.C. 638b(e)(1), 10 U.S.C. 12737, and parts of the Higher Education Act.
 - Updates headings and cross-references so the law clearly reflects that these provisions now apply to full-time National Guard duty, not just active duty.
 - Broadens how “active duty” is treated for some Title 10 and Title 32 purposes. Modifies the baseline definitions in Title 10 and Title 32 so that, for certain listed chapters, exclusions from “active duty” no longer apply the same way.
 - Updates higher education benefits so deferments, relief, and spouse-related education protections are keyed to service during active duty during a war or military operation and related periods after release from duty.
 - Updates VA definitions and rewrites parts of Title 38 so VA law clearly recognizes the new duty categories.
 - Updates Servicemembers’ Group Life Insurance definitions.
 - Updates Montgomery GI Bill definitions.
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Section 10 — Repeals provisions that become redundant under the new consolidated structure (including references showing repeal of Title 10 Chapter 13 and certain Title 10/Title 32 sections).

Section 11 — Conforming amendments. Updates cross-references throughout federal law so that when other laws mention old duty authorities/terms, they now point to the new ones and use the new vocabulary.

Section 12 — Conforming amendments related to the Space Force. Ensures authorities match the new duty framework (example: amending 10 USC 20104 language).

Section 13 — Conforming amendments related to inactive duty. Renames/standardizes terminology so references to inactive duty / inactive duty training are treated as references to the new consolidated term “reserve component duty.”

Section 14 — Transition provisions; statutory construction. Outlines how we safely move to the “new system.” This clarifies how benefits are counted before vs. after the switch.

- a) Early access to TRICARE: If, after enactment, a member receives covered orders to active duty under new 10 U.S.C. § 12341, or full-time National Guard duty under new 32 U.S.C. § 541, they become eligible for early TRICARE from the date the order is issued, up to 180 days before the duty actually starts.
 - b) Transition to benefits. This tells agencies how to treat service before and after the new law takes effect. Before the effective date: benefits are determined under the old orders and old law. On and after the effective date: benefits are determined under the new consolidated duty system created by this bill.
 - (c)(1) No retroactive loss or gain of already-earned benefits. Unless the bill specifically says otherwise, nothing in it should be read to take away or increase benefits someone already earned for service that happened before the effective date.
 - (c)(2) How to read “active duty or full-time National Guard duty.” If the bill says “active duty or full-time National Guard duty,” and then adds a qualifier like “in support of a contingency operation,” that qualifier applies to both active duty, and full-time National Guard duty.
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Section 15 — Effective date. The bill’s default effective date is 10 years after enactment, but it allows an earlier effective date if DoD, DHS, and VA jointly notify Congress and certify they are ready to implement.