

113TH CONGRESS  
2D SESSION

# H. R. 3930

To establish the National Commission on the Structure of the Army, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2014

Mr. WILSON of South Carolina (for himself, Mrs. HARTZLER, Mr. RAHALL, Mrs. MILLER of Michigan, Mr. PERRY, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. ENYART, Mr. BARR, Mr. ROTHFUS, Mr. SIMPSON, Mr. COLE, Mr. CHAFFETZ, Mr. RUNYAN, Mr. CRAMER, Mr. MATHESON, and Mr. BARBER) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To establish the National Commission on the Structure of  
the Army, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Commission  
5       on the Structure of the Army Act of 2014”.

1 **SEC. 2. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**  
2 **DUCTIONS TO THE ARMY NATIONAL GUARD.**

3 (a) AIRCRAFT.—None of the funds authorized to be  
4 appropriated by this Act or otherwise made available for  
5 fiscal year 2015 for the Army may be used to divest, re-  
6 tire, or transfer, or prepare to divest, retire, or transfer,  
7 any aircraft of the Army assigned to units of the Army  
8 National Guard as of January 15, 2014.

9 (b) PERSONNEL.—None of the funds authorized to  
10 be appropriated by this Act or otherwise made available  
11 for fiscal year 2015 for the Army may be used to reduce  
12 personnel below the authorized end strength levels of  
13 350,000 for the Army National Guard as of September  
14 30, 2014.

15 **SEC. 3. NATIONAL COMMISSION ON THE STRUCTURE OF**  
16 **THE ARMY.**

17 (a) ESTABLISHMENT.—There is established the Na-  
18 tional Commission on the Structure of the Army (in this  
19 Act referred to as the “Commission”).

20 (b) MEMBERSHIP.—

21 (1) COMPOSITION.—The Commission shall be  
22 composed of eight members, of whom—

23 (A) four shall be appointed by the Presi-  
24 dent;

1           (B) one shall be appointed by the Chair-  
2           man of the Committee on Armed Services of  
3           the Senate;

4           (C) one shall be appointed by the Ranking  
5           Member of the Committee on Armed Services of  
6           the Senate;

7           (D) one shall be appointed by the Chair-  
8           man of the Committee on Armed Services of  
9           the House of Representatives; and

10          (E) one shall be appointed by the Ranking  
11          Member of the Committee on Armed Services of  
12          the House of Representatives.

13          (2) APPOINTMENT DATE.—The appointments of  
14          the members of the Commission shall be made not  
15          later than 90 days after the date of the enactment  
16          of this Act.

17          (3) EFFECT OF LACK OF APPOINTMENT BY AP-  
18          POINTMENT DATE.—If one or more appointments  
19          under subparagraph (A) of paragraph (1) is not  
20          made by the appointment date specified in para-  
21          graph (2), the authority to make such appointment  
22          or appointments shall expire, and the number of  
23          members of the Commission shall be reduced by the  
24          number equal to the number of appointments so not  
25          made. If an appointment under subparagraph (B),

1 (C), (D), or (E) of paragraph (1) is not made by the  
2 appointment date specified in paragraph (2), the au-  
3 thority to make an appointment under such subpara-  
4 graph shall expire, and the number of members of  
5 the Commission shall be reduced by the number  
6 equal to the number otherwise appointable under  
7 such subparagraph.

8 (4) EXPERTISE.—In making appointments  
9 under this subsection, consideration should be given  
10 to individuals with expertise in reserve forces policy.

11 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
12 bers shall be appointed for the life of the Commission. Any  
13 vacancy in the Commission shall not affect its powers, but  
14 shall be filled in the same manner as the original appoint-  
15 ment.

16 (d) INITIAL MEETING.—Not later than 30 days after  
17 the date on which all members of the Commission have  
18 been appointed, the Commission shall hold its first meet-  
19 ing.

20 (e) MEETINGS.—The Commission shall meet at the  
21 call of the Chair.

22 (f) QUORUM.—A majority of the members of the  
23 Commission shall constitute a quorum, but a lesser num-  
24 ber of members may hold hearings.

1 (g) CHAIR AND VICE CHAIR.—The Commission shall  
2 select a Chair and Vice Chair from among its members.

3 **SEC. 4. DUTIES OF THE COMMISSION.**

4 (a) STUDY.—

5 (1) IN GENERAL.—The Commission shall un-  
6 dertake a comprehensive study of the structure of  
7 the Army to determine the proper force mixture of  
8 the active component and reserve component, and  
9 how the structure should be modified to best fulfill  
10 current and anticipated mission requirements for the  
11 Army in a manner consistent with available re-  
12 sources and estimated future resources.

13 (2) CONSIDERATIONS.—In considering the  
14 structure of the Army, the Commission shall give  
15 particular consideration to evaluating a structure  
16 that—

17 (A) meets current and anticipated require-  
18 ments of the combatant commands;

19 (B) achieves a cost-efficiency balance be-  
20 tween the regular and reserve components of  
21 the Army, taking advantage of the unique  
22 strengths and capabilities of each, with a par-  
23 ticular focus on fully burdened and lifecycle cost  
24 of Army personnel;

1           (C) ensures that the regular and reserve  
2 components of the Army have the capacity  
3 needed to support current and anticipated  
4 homeland defense and disaster assistance mis-  
5 sions in the United States;

6           (D) provides for sufficient numbers of reg-  
7 ular members of the Army to provide a base of  
8 trained personnel from which the personnel of  
9 the reserve components of the Army could be  
10 recruited;

11           (E) maintains a peacetime rotation force  
12 to support operational tempo goals of 1:2 for  
13 regular members of the Army and 1:5 for mem-  
14 bers of the reserve components of the Army;  
15 and

16           (F) maximizes and appropriately balances  
17 affordability, efficiency, effectiveness, capability,  
18 and readiness.

19           (b) REPORT.—Not later than February 1, 2016, the  
20 Commission shall submit to the President and the con-  
21 gressional defense committees a report which shall contain  
22 a detailed statement of the findings and conclusions of the  
23 Commission as a result of the study required by subsection  
24 (a), together with its recommendations for such legislation

1 and administrative actions it may consider appropriate in  
2 light of the results of the study.

3 **SEC. 5. POWERS OF THE COMMISSION.**

4 (a) HEARINGS.—The Commission may hold such  
5 hearings, sit and act at such times and places, take such  
6 testimony, and receive such evidence as the Commission  
7 considers advisable to carry out this Act.

8 (b) INFORMATION FROM FEDERAL AGENCIES.—The  
9 Commission may secure directly from any Federal depart-  
10 ment or agency such information as the Commission con-  
11 siders necessary to carry out this Act. Upon request of  
12 the Chair of the Commission, the head of such department  
13 or agency shall furnish such information to the Commis-  
14 sion.

15 (c) POSTAL SERVICES.—The Commission may use  
16 the United States mails in the same manner and under  
17 the same conditions as other departments and agencies of  
18 the Federal Government.

19 (d) GIFTS.—The Commission may accept, use, and  
20 dispose of gifts or donations of services or property.

21 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

22 (a) COMPENSATION OF MEMBERS.—Each member of  
23 the Commission who is not an officer or employee of the  
24 Federal Government shall be compensated at a rate equal  
25 to the daily equivalent of the annual rate of basic pay pre-

1 scribed for level IV of the Executive Schedule under sec-  
2 tion 5315 of title 5, United States Code, for each day (in-  
3 cluding travel time) during which such member is engaged  
4 in the performance of the duties of the Commission. All  
5 members of the Commission who are officers or employees  
6 of the United States shall serve without compensation in  
7 addition to that received for their services as officers or  
8 employees of the United States.

9 (b) TRAVEL EXPENSES.—The members of the Com-  
10 mission shall be allowed travel expenses, including per  
11 diem in lieu of subsistence, at rates authorized for employ-  
12 ees of agencies under subchapter I of chapter 57 of title  
13 5, United States Code, while away from their homes or  
14 regular places of business in the performance of services  
15 for the Commission.

16 (c) STAFF.—

17 (1) IN GENERAL.—The Chair of the Commis-  
18 sion may, without regard to the civil service laws  
19 and regulations, appoint and terminate an executive  
20 director and such other additional personnel as may  
21 be necessary to enable the Commission to perform  
22 its duties. The employment of an executive director  
23 shall be subject to confirmation by the Commission.

24 (2) COMPENSATION.—The Chair of the Com-  
25 mission may fix the compensation of the executive

1 director and other personnel without regard to chap-  
2 ter 51 and subchapter III of chapter 53 of title 5,  
3 United States Code, relating to classification of posi-  
4 tions and General Schedule pay rates, except that  
5 the rate of pay for the executive director and other  
6 personnel may not exceed the rate payable for level  
7 V of the Executive Schedule under section 5316 of  
8 such title.

9 (d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any  
10 Federal Government employee may be detailed to the  
11 Commission without reimbursement, and such detail shall  
12 be without interruption or loss of civil service status or  
13 privilege.

14 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**  
15 **TENT SERVICES.**—The Chair of the Commission may pro-  
16 cure temporary and intermittent services under section  
17 3109(b) of title 5, United States Code, at rates for individ-  
18 uals which do not exceed the daily equivalent of the annual  
19 rate of basic pay prescribed for level V of the Executive  
20 Schedule under section 5316 of such title.

21 **SEC. 7. TERMINATION OF THE COMMISSION.**

22 The Commission shall terminate 90 days after the  
23 date on which the Commission submits its report under  
24 section 4.

1 **SEC. 8. FUNDING.**

2       Amounts authorized to be appropriated for fiscal year  
3 2015 and available for operation and maintenance for the  
4 Army as specified in the funding table in section 4301 of  
5 the fiscal year 2015 National Defense Authorization Act  
6 may be available for the activities of the Commission  
7 under this Act.

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