

Descriptive Title

1 **SEC. ____ INCLUSION OF CHIEF OF THE NATIONAL GUARD BUREAU AND**
2 **SENIOR ENLISTED ADVISOR TO THE CHIEF OF THE NATIONAL**
3 **GUARD BUREAU AMONG SENIOR MEMBERS OF THE ARMED**
4 **FORCES FOR PURPOSES OF PAY AND ALLOWANCES.**

5 (a) BASIC PAY RATE EQUAL TREATMENT OF CHIEF OF THE NATIONAL GUARD BUREAU
6 AND SENIOR ENLISTED ADVISOR TO THE CHIEF OF THE NATIONAL GUARD BUREAU.—

7 (1) CHIEF OF THE NATIONAL GUARD BUREAU.—The rate of basic pay for an officer
8 while serving as the Chief of the National Guard Bureau shall be the same as the rate of
9 basic pay for the officers specified in Footnote 2 of the table entitled “COMMISSIONED
10 OFFICERS” in section 601(b) of the National Defense Authorization Act for Fiscal Year
11 2004 (Public Law 108-136; 37 U.S.C. 1009 note), regardless of cumulative years of
12 service computed under section 205 of title 37, United States Code.

13 (2) SENIOR ENLISTED ADVISOR TO THE CHIEF OF THE NATIONAL GUARD BUREAU.—

14 (A) Subsection (a)(1) of section 685 of the National Defense Authorization Act for Fiscal
15 Year 2006 (37 U.S.C. 205 note) is amended by inserting “or as Senior Enlisted Advisor
16 to the Chief of the National Guard Bureau” after “Chairman of the Joint Chiefs of Staff”.

**Legislative
Language**

17 (B) The heading of such section is amended by inserting “**AND FOR THE CHIEF OF**
18 **THE NATIONAL GUARD BUREAU**” after “**CHAIRMAN OF THE JOINT CHIEFS OF STAFF**”.

19 (C) The amendment made by subparagraph (A) shall apply to the individual who
20 on the date of the enactment of this Act is serving as Senior Enlisted Advisor to the Chief
21 of the National Guard Bureau effective as of the date on which the assignment of that
22 individual to that position began.

1 (b) PAY DURING TERMINAL LEAVE AND WHILE HOSPITALIZED.—Section 210 of title 37,
2 United States Code, is amended—

3 (1) in subsection (a), by inserting “or the senior enlisted advisor to the Chairman
4 of the Joint Chiefs of Staff or the Chief of the National Guard Bureau” after “that armed
5 force”; and

6 (2) in subsection (c), by striking paragraph (6).

7 (c) PERSONAL MONEY ALLOWANCE.—Section 414 of title 37, United States Code, is
8 amended—

9 (1) in subsection (a)(5)—

10 (A) by striking “or” before “Commandant of the Coast Guard”; and

11 (B) by inserting “, or Chief of the National Guard Bureau” after

12 “Commandant of the Coast Guard”; and

13 (2) in subsection (c)—

14 (A) by striking “or” before “ the Senior Enlisted Advisor to the Chairman
15 of the Joint Chiefs of Staff”; and

16 (B) by inserting “, or the Senior Enlisted Advisor to the Chief of the
17 National Guard Bureau” after “Chiefs of Staff”.

18 (d) RETIRED BASE PAY.—Section 1406(i) of title 10, United States Code, is amended—

19 (1) in the subsection heading, by inserting “CHIEF OF THE NATIONAL GUARD
20 BUREAU,” after “CHIEFS OF SERVICE,”;

21 (2) in paragraph (1)—

22 (A) by inserting “ the Chief of the National Guard Bureau,” after “Chief of
23 Service,”; and

**Legislative
Language**

1 (B) by inserting “or the senior enlisted advisor to the Chairman of the
2 Joint Chiefs of Staff or the Chief of the National Guard Bureau” after “of an
3 armed force”; and
4 (3) in paragraph (3), by striking clause (vi) of subparagraph (B).

[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]

**Add When
Proposal Amends
Existing Law**

Section-by-Section Analysis

**Summarize
Proposal**

This proposal would provide parity for purposes of pay and allowances to the Chief of the National Guard Bureau, and to the Senior Enlisted Advisor to the Chief of the National Guard Bureau, with the other members of the Joint Chiefs of Staff and their senior enlisted advisors, respectively.

The Chief of the National Guard Bureau was added to the membership of the Joint Chiefs by section 512 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012 (P.L. 112-81). However, a number of additional changes are required in statute to provide parity for the Chief of the National Guard Bureau and the Senior Enlisted Advisor to the Chief of the National Guard Bureau with their contemporaries. As a case in point, the Personal Money Allowance authorized in 37 U.S.C. 414 is intended to defray expenses incurred during the execution of official duties that are not reimbursable through other authorized mechanisms such as the Official Representation Fund.

**Explain
Problem**

The Chief of the National Guard Bureau and the Senior Enlisted Advisor to the Chief of the National Guard Bureau are not presently included in the special rule used to determine the retired pay base for among others, all members of the Joint Chiefs of Staff and their respective senior enlisted members. Also, the Senior Enlisted Advisor to the Chief of the National Guard Bureau does not presently receive the same pay (rate of basic pay and rate of basic pay when placed on terminal leave or hospitalized) as the other senior enlisted advisors.

This proposal would have an immediate impact for the Senior Enlisted Advisor to the Chief of the National Guard Bureau by providing retroactive pay parity for the incumbent with the other listed senior enlisted members. This provision is consistent with the previous provision, enacted in section 685 of the National Defense Authorization Act of 2006, which provided pay parity for the Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.

**How
Proposal
Addresses
Problem**

This proposal would have a prospective impact for the Chief of the National Guard Bureau upon retirement and provide him retired pay parity with the other members of the Joint Chiefs of Staff. While the base pay rate for the members of the Joint Chiefs of Staff is presently capped at the rate for level IV of the Executive Schedule, retirement pay, under the special rule in 10 U.S.C. 1406, is determine by using “the highest rate of basic pay applicable to the member while serving in that position.”

This proposal affirms the intent of the NDAA for FY 2012, which established the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff, and ensures equal treatment and parity, under the law, for all members of the Joint Chiefs of Staff and their respective senior enlisted advisors.

Budgetary Implications: Given that this proposal would only affect two positions, the estimated increase in resourcing requirements across the budget table, below, would be minimal. Note: The Army and Air Force incumbents of the position of the Chief of the National Guard and Senior Enlisted Advisor (SEA) to the Chief of the National Guard Bureau are affected since both positions rotate from Army to Air Force and vice versa.

Effect of Amendment to Section 414 of title 37, United States Code (allowance for certain positions). The proposed legislation would result in a total annual increase of \$6,000/year. The total includes \$4,000 for the position of the Chief of the National Guard Bureau (Allowance for Officers Serving in Certain Ranks or Positions) and \$2,000 for the position of SEA (Allowance for Senior Enlisted Members).

Describe All Budget Implications

Effect of Amendment to Section 1406(i) of title 10, United States Code (retired base pay). The proposed legislation would result in a total increase of \$26,565 in the base year. The base pay is adjusted with an annual inflation (pay raise) factor of 1.5 percent. The total includes the incremental increase in base pay rate to provide parity for the Chief of the National Guard Bureau as a member of the Joint Chiefs of Staff and the incremental increase in base pay rate for the SEA to the Chief of the National Guard Bureau. The increase in base pay also accounts for increased contribution of retired pay accrual to the Military Retirement Trust Fund (calculated at the FY 2015 full-time rate of 32.2 percent of base pay).

This proposal results in a nominal increase in budgetary requirements across the Future Years Defense Program, and adequate resources to fund the proposal exist in the services' Program Objective Memorandum.

RESOURCE REQUIREMENTS (\$M)									
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	Appropriation From	Budget Activity	Dash-1 Line Item	Program Element
ARNG	0.0093	.0094	0.0238	0.0241	0.0098	2060/NGPA	01	090	0904901A
ANG	0.0233	0.0235	0.0095	0.0096	0.0244	3850/NGPF	01	090	0509220F
Total	0.0326	0.0330	0.0334	0.0338	0.0342				

NUMBER OF PERSONNEL AFFECTED					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
ARNG/ANG	2	2	2	2	2
Total	2	2	2	2	2

USD(P&R) Priority: This proposal would be desirable if enacted this cycle. This proposal would amend titles 10 and 37, United States Code, to provide parity for purposes of pay and allowances to the Chief of the National Guard Bureau and the Senior Enlisted Advisor to the Chief of the National Guard Bureau with the Joint Chiefs of Staff and their senior enlisted advisors, respectively.

**Prioritize Only
“Must Have”
Proposals**

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

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**Proposal
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Changes to Existing Law: This section would make the following changes in provisions of existing law:

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

SEC. 685. INCLUSION OF SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND FOR THE CHIEF OF THE NATIONAL GUARD BUREAU AMONG SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) BASIC PAY RATE.—

(1) EQUAL TREATMENT.—The rate of basic pay for an enlisted member in the grade E-9 while serving as Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff or as Senior Enlisted Advisor to the Chief of the National Guard Bureau shall be the same as the rate of basic pay for an enlisted member in that grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

(2) ***

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TITLE 37, UNITED STATES CODE

§ 210. Pay of senior enlisted members during terminal leave and while hospitalized

(a) A noncommissioned officer of an armed force who, immediately following the completion of service as the senior enlisted member of that armed force or as the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, is placed on terminal leave pending retirement shall be entitled, for not more than 60 days while in such status, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(b) A noncommissioned officer of an armed force who is hospitalized and who, during or immediately before such hospitalization, completed service as the senior enlisted member of that armed force, or as the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, shall continue to be entitled, for not more than 180 days while so hospitalized, to the rate of basic pay authorized for the senior enlisted member of that armed force.

(c) In this section, the term “senior enlisted member” means the following:

- (1) The Sergeant Major of the Army.
- (2) The Master Chief Petty Officer of the Navy.
- (3) The Chief Master Sergeant of the Air Force.
- (4) The Sergeant Major of the Marine Corps.
- (5) The Master Chief Petty Officer of the Coast Guard.
- ~~(6) The Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.~~

**Identify
All
Changes
Proposed
To
Existing
Law**

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§ 414. Personal money allowance

(a) ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—In addition to other pay or allowances authorized by this title, an officer who is entitled to basic pay is entitled to a personal money allowance of—

- (1) \$500 a year, while serving in the grade of lieutenant general or vice admiral, or in an equivalent grade or rank;
- (2) \$1,200 a year, in place of any other personal money allowance authorized by this section while serving as Surgeon General of the Public Health Service;
- (3) \$2,200 a year, in addition to the personal money allowance authorized by clause (1), while serving as a senior member of the Military Staff Committee of the United Nations;
- (4) \$2,200 a year, while serving in the grade of general or admiral, or in an equivalent grade or rank; or
- (5) \$4,000 a year, in place of any other personal money allowance authorized by this section, while serving as Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, ~~or~~ Commandant of the Coast Guard, or Chief of the National Guard Bureau.

(b) ALLOWANCE FOR CERTAIN NAVAL OFFICERS.-In addition to other pay or allowances authorized by law, an officer who is serving in one of the following positions is entitled to the amount set forth for that position, to be paid annually out of naval appropriations for pay, and to be spent in his discretion for the contingencies of his position—

- (1) President of the Naval Postgraduate School-\$400;
- (2) Commandant of Midshipmen at the Naval Academy-\$800;
- (3) President of the Naval War College-\$1,000;
- (4) Superintendent of the Naval Academy-\$5,200; and
- (5) Director of Naval Intelligence-\$5,200.

(c) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.-In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of \$2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, the Master Chief Petty Officer of the Coast Guard, or the Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, or the Senior Enlisted Advisor to the Chief of the National Guard Bureau.

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TITLE 10, UNITED STATES CODE

§ 1406. Retired pay base for members who first became members before September 8, 1980: final basic pay

(a) USE OF RETIRED PAY BASE IN COMPUTING RETIRED PAY.—

(1) GENERAL RULE.— * * * * *

(i) SPECIAL RULE FOR FORMER CHAIRMEN AND VICE CHAIRMEN OF THE JCS, CHIEFS OF SERVICE, CHIEF OF THE NATIONAL GUARD BUREAU, COMMANDERS OF COMBATANT COMMANDS, AND SENIOR ENLISTED MEMBERS.—

(1) IN GENERAL.—For the purposes of subsections (b) through (e), in determining the rate of basic pay to apply in the determination of the retired pay base of a member who has served as Chairman or Vice Chairman of the Joint Chiefs of Staff, as a Chief of Service, as the Chief of the National Guard Bureau, as a commander of a unified or specified combatant command (as defined in section 161(c) of this title), or as the senior enlisted member of an armed force or the senior enlisted advisor to the Chairman of the Joint Chiefs of Staff or the Chief of the National Guard Bureau, the highest rate of basic pay applicable to the member while serving in that position shall be used, if that rate is higher than the rate otherwise authorized by this section.

(2) EXCEPTION FOR MEMBERS REDUCED IN GRADE OR WHO DO NOT SERVE SATISFACTORILY.—Paragraph (1) does not apply in the case of a member who, while or after serving in a position specified in that paragraph and by reason of conduct occurring after October 16, 1998—

Identify All Changes Proposed To Existing Law

(A) in the case of an enlisted member, is reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or other administrative process; or

(B) in the case an officer, is not certified by the Secretary of Defense under section 1370(c) of this title as having served on active duty satisfactorily in the grade of general or admiral, as the case may be, while serving in that position.

(3) DEFINITIONS.—In this subsection:

(A) The term “Chief of Service” means any of the following:

- (i) Chief of Staff of the Army.
- (ii) Chief of Naval Operations.
- (iii) Chief of Staff of the Air Force.
- (iv) Commandant of the Marine Corps.
- (v) Commandant of the Coast Guard.

(B) The term “senior enlisted member” means any of the following:

- (i) Sergeant Major of the Army.
- (ii) Master Chief Petty Officer of the Navy.
- (iii) Chief Master Sergeant of the Air Force.
- (iv) Sergeant Major of the Marine Corps.
- (v) Master Chief Petty Officer of the Coast Guard.
- ~~(vi) Senior Enlisted Advisor to the Chairman of the Joint Chiefs of~~

~~Staff.~~

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