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Delegate Joseline A. Peña-Melnyk
Chairperson

Remarks of
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Support of: House Bill 1026, AN ACT concerning armed forces – support of military families and addition of Space Force

Testimony

Madame chair and honorable committee members, the Department of Defense is grateful for the opportunity to support the policies reflected in House Bill 1026, which addresses state policy priorities for defining armed forces, state employment protections for the reserve and guard component, and supplements to the state's Servicemembers Civil Relief Act.

My name is Christopher Arnold. I am the Mid-Atlantic Region Liaison at the United States Department of Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness. We represent the Department and establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

What follows is a general discussion of each of the Department's key issues in the context of this legislation.

HB 1026, Defining Armed Forces in State Policy

The United States Space Force plays a crucial role in protecting the United States' interests in space and ensuring national security. By adding the Space Force to the definition of armed forces

in the state of Maryland, the state government can recognize the important role that the Space Force plays in protecting the country and supporting state residents.¹

With the creation of the Space Force, changes in force structure have occurred at the federal level. In order to ensure that state laws align with these federal changes, the Department perceives states can minimize disruptions in benefits and services for service members and dependents by updating various definitions of military service in Maryland to include the Space Force.

The Old Line State is home to various Space Force assets, including Space Force Delta Two in Suitland, the 53rd Space Operations Squadron at Fort Detrick, various recruiting stations, and the intermediate and senior Space Force Command and Staff Colleges at the John Hopkins University.

Adding the Space Force to the definition of armed forces will ensure that the families of the almost 300 Space Force Guardians who call Maryland home have access to the same support and resources as the families of service members of other branches of the military. Enumerated throughout this bill, the language modifies policy to confer various benefits and resources afforded to veterans of the other armed forces.

The Space Force is the newest branch of the armed forces, and was established in 2019 with the mission of protecting and defending the interests of the United States in space.² The mission of the Space Force is to organize, train, and equip military personnel for space operations, as well as to provide early warning of missile launches and other potential threats.³ The Space Force also works closely with other branches of the military and with allies to ensure the security and stability of space-based assets and operations.⁴

One of the key reasons for adding the Space Force to the definition of armed forces is to ensure that the men and women who serve in this new branch receive the same benefits and protections

¹ Title 10 U.S. Code, Section 101 defines the term “armed forces” to include the Army, Marine Corps, Navy, Air Force, Space Force and Coast Guard. It defines the term “uniformed services” to include the “armed forces, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service.” States are starting to align their definition of armed forces and uniformed services with Title 10; however, definitions have varied widely between states, which are not adjusting every use of the terms throughout the entire state code or law. A consistent approach to align state definitions of members of the uniformed services and armed forces will ensure service members and their families are equally represented under all state laws defining military service, military retiree or the term veteran.

² On December 20, 2019, Congress enacted the “United States Space Force Act” (USSFA), which established the “United States Space Force as an armed force within the Department of the Air Force.” USSFA, Public Law 116-92, sections 951-952, 133 Stat 1198, 1561-62 (2019). Subsequently, Congress expanded the definition of “veteran” and made other amendments to title 38 to require VA to furnish benefits and services on the basis of service in the Space Force. William M. (Mac) Thornberry NDAA for FY 2021, Public Law 116-283, section 926, 134 Stat. 3388, 3829 (2021).

³ United States Space Force Mission, *United States Space Force*, <https://www.spaceforce.mil/About-Us/About-Space-Force/Mission/>.

⁴ Space Doctrine Publication (SDP) 1-0, *Personnel*, United States Space Force, 7 September 2022. <https://www.starcom.spaceforce.mil/Portals/2/SDP%201-0%20Personnel%207%20September%202022.pdf?ver=erudfM8rwArAPlxpllu47g%3D%3D>

as those in the other branches of the military.⁵ This includes access to state-funded licensing, education, and housing programs, which will help to ensure that Space Force veterans are able to transition successfully to civilian life in the state.

Without access to the same benefits and services as their counterparts in other branches of the military, this could create a sense of unfairness and dissatisfaction for Space Force Guardians, impacting morale and making it more difficult for the Space Force to recruit and retain highly-skilled individuals. House Bill 1028 will ensure that the state laws align with recent federal changes and that service members and their families have a smooth transition when they move to Maryland.⁶

Adding the Space Force to the definition of armed forces will also ensure that the Space Force is able to operate effectively and efficiently. By providing the same benefits and protections as the other branches of the military, the Space Force will be able to focus on its mission and carry out its responsibilities without worrying about issues related to benefits and protections when Space Force Guardians and their families have access to the same benefits and services as their counterparts in other states.

HB 1026, State Employment Protections

Employment protections during state-sponsored activation has been new key quality of life issue for the Department of Defense since 2015.⁷ Forty-eight states have taken action to date.⁸ We appreciate you considering this initiative.

The National Guard is a hybrid state-federal entity. While National Guard members are subject to federal call-up by the President of the United States, they can also be called up for state active duty by the Governor of Maryland and other state Governors to respond to state emergencies such as fires, tornadoes and floods.

Federal law protects members of the Army or Air National Guard when they are away from their civilian jobs for federal service under title 10 or title 32 of the United States Code.⁹ However, these laws do not apply when a National Guard member must leave their job for certain periods of state active duty.¹⁰ If National Guard members are to have reemployment rights after state active duty, it must be by state law.

Maryland has such a law that applies to public and private employees but it is explicitly limited to members of the Maryland Army or Air National Guard. The reemployment of a member of

⁵ Defining Armed Forces, *United States Department of Defense*, <https://statepolicy.militaryonesource.mil/key-issue/defining-armed-forces>.

⁶ Advisory Opinion Number 1-2020, “Are the families of U.S. Space Force members covered by the Compact?,” *Military Interstate Children’s Compact Commission*, November 19, 2020, https://mic3.net/wp-content/uploads/2020/12/18-AdOp_1-2020_Space-Force_20201119.pdf

⁷ <https://statepolicy.militaryonesource.mil/priorities/employment-protections-during-state-sponsored-activation/2019>

⁸ Only Maryland and New York have not enacted the best practice.

⁹ 38 U.S.C. §§ 4301–4335.

¹⁰ Samuel F. Wright & Kyle E. Helmick. (2015). Maryland Law Protects National Guard Members On State Active Duty. *Reserve Officers Association Law Review, MD-2015-NG*. <https://www.roa.org/resource/resmgr/LawReviews/StateLaws/MD-2015-NG.pdf>

the National Guard of another state who has a civilian job in Maryland is currently not protected. House Bill 1026 corrects this deficiency by including members of the National Guard of any other states.

Of almost 26,000 Maryland residents serving in the National Guard, the Department was able to identify around 650 assigned to the Guard in another state.¹¹ Close to 470 who self-reported where they work indicated they are working in one of four states that border Maryland, or the District of Columbia. The policies reflected in this bill ensure that they will have reemployment rights to their Maryland job after completing state active duty.

HB 1026, State Enhancements to the Service Members Civil Relief Act

In 2018, Maryland enacted Chapter 344, which provided that certain rights granted to members of the guard and reserve component in Maryland were in alignment with the rights granted by federal law.¹² This law increased protection under state Service members Civilian Relief Act (SCRA) to mirror that in the federal statute but did not apply to members of the Space Force, nor military spouses.¹³

Many military families have difficulty terminating or suspending certain service contracts when transitioning from one duty location to another, when mobilized or when deployed. The policies reflected in House Bill 1026 eliminate or reduce the penalties associated with termination of service on short notice under these circumstances by extending protections to all military families.

Failure to pursue the modifications proposed in House Bill 1026 may have significant negative consequences on military recruiting, readiness, resiliency, and retention.¹⁴

We thank the Committee for considering this important legislation and are especially grateful for the tremendous effort that the Maryland has historically made in supporting our Service members and their families. We would like to offer our gratitude to the bill sponsor, Delegate Patterson, the members of the House veterans caucus, and Major General Birkhead for bringing this critical legislation forward during the effort to make 2024 and every year thereafter, the year for the military family in Maryland.

¹¹ Calculated using the a Civilian Employer Information (CEI) code used by the Employer Support for the Guard and Reserve (ESGR) program based on information self-reported by the individual Guardsman that is maintained by the Defense Manpower Data Center (DMDC).

¹² <https://military.maryland.gov/NG/Documents/Maryland-2018-HB1614-Chaptered.pdf>

¹³ The 2003 federal SCRA generally provided protections associated with obligations made prior to federal activation, and generally covered stays of some court proceedings; protection from default judgements, evictions, foreclosures and loss of insurance coverage; and limited certain taxes and obligations made before entering active duty.

Updates to the SCRA since 2003 extended it to cover residential leases, motor vehicle leases and telephone service contracts entered while on active duty, in order to provide relief to Service members when they deploy or assigned overseas, or in some circumstances where they have a permanent change of station. Other changes have also provided remedies and civil enforcement by the U.S. Attorney General.

¹⁴ Jim Absher, "'Space Force' Is Now Official to the VA, but Not Everyone Is on the Same Page," *military.com*, May 3, 2022, <https://www.military.com/daily-news/2022/05/03/va-officially-recognizes-space-force-military-branch-recognition-problems-still-persist.html>

Thank you for taking the time to consider these issues. As always, as Mid-Atlantic Region Liaison, I stand ready to assist and answer whatever questions you may have.

Yours etc.,

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