

117TH CONGRESS
2D SESSION

S. 4272

To improve promotion practices in the National Guard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 17), 2022

Ms. DUCKWORTH (for herself, Ms. KLOBUCHAR, Mrs. BLACKBURN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To improve promotion practices in the National Guard, 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 Guard Pro-
5 motion Improvement Act of 2022”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) existing processes contribute to the long
9 delays experienced by reserve officers of the National

1 Guard for Federal recognition of State vacancy pro-
2 motions; and

3 (2) unduly delayed promotions have a signifi-
4 cant impact on members of the National Guard as
5 they manage their careers and make financial plans
6 for the future, and pose retention challenges.

7 **SEC. 3. INDEPENDENT STUDY ON FEDERAL RECOGNITION**
8 **PROCESS.**

9 (a) INDEPENDENT STUDY.—Not later than 60 days
10 after the date of the enactment of this Act, the Secretary
11 of Defense shall seek to enter into a contract with a feder-
12 ally funded research and development center to conduct
13 a study on the National Guard commissioned officer and
14 warrant officer promotion system and provide rec-
15 ommendations to the Department of Defense, the Depart-
16 ment of the Air Force, the Department of the Army, the
17 National Guard Bureau, and individual State National
18 Guard commands.

19 (b) ELEMENTS.—The study referred to in subsection
20 (a) shall include a comprehensive review and assessment
21 of the following:

22 (1) The Federal recognition process used to ex-
23 tend Federal recognition to State promotions.

24 (2) Best practices among the various State Na-
25 tional Guards for managing their requirements

1 under the existing National Guard promotion sys-
2 tem.

3 (3) Possible improvements to requirements,
4 policies, procedures, workflow, or resources to reduce
5 the time required for Federal recognition to be ex-
6 tended to a State promotion.

7 (4) The feasibility of developing or adopting a
8 commercially available solution for an integrated en-
9 terprise information technology system for managing
10 National Guard officer and warrant officer pro-
11 motions that allows seamless transition for pro-
12 motions as they move through reviews at the Na-
13 tional Guard Bureau, the Department of the Army,
14 the Department of the Air Force, and the Depart-
15 ment of Defense.

16 (5) Possible metrics to evaluate effectiveness of
17 any recommendations made.

18 (6) Any other matters the federally funded re-
19 search and development center determines relevant.

20 (c) REPORT.—

21 (1) IN GENERAL.—The contract under sub-
22 section (a) shall require the federally funded re-
23 search and development center that conducts the
24 study under the contract to submit to the Secretary
25 of Defense, the Secretary of the Army, the Secretary

1 of the Air Force, and the Chief of the National
2 Guard Bureau a report on the results of the study.

3 (2) SUBMISSION TO CONGRESS.—Not later than
4 30 days after receiving the report required under
5 paragraph (1), the Secretary of Defense shall submit
6 an unedited copy of the report results to the con-
7 gressional defense committees.

8 **SEC. 4. BACKDATING OF EFFECTIVE DATE OF RANK FOR**
9 **RESERVE OFFICERS IN THE NATIONAL**
10 **GUARD DUE TO UNDUE DELAYS IN FEDERAL**
11 **RECOGNITION.**

12 Paragraph (2) of section 14308(f) of title 10, United
13 States Code, is amended to read as follows:

14 “(2) If there is a delay in extending Federal recogni-
15 tion in the next higher grade in the Army National Guard
16 or the Air National Guard to a reserve commissioned offi-
17 cer of the Army or the Air Force that exceeds 60 days
18 from when the National Guard Bureau received the pro-
19 motion from the State, and the delay was not attributable
20 to the action or inaction of such officer, the effective date
21 of the promotion concerned under paragraph (1) shall be
22 adjusted by the Secretary concerned to not later than 60
23 days after the National Guard Bureau received the pro-
24 motion but not earlier than the effective date of the State
25 promotion.”.

1 **SEC. 5. REPORTING REQUIREMENT.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, and annually thereafter
4 until the date specified in subsection (c), the Secretary of
5 Defense, acting through the Chief of the National Guard
6 Bureau and in consultation with the Secretary of the
7 Army and the Secretary of the Air Force as appropriate,
8 shall submit to the Committee on Armed Services of the
9 Senate and the Committee on Armed Services of the
10 House of Representatives a report detailing the current
11 status of the Federal recognition process for National
12 Guard promotions.

13 (b) ELEMENTS.—The report required under sub-
14 section (a) shall include the following elements:

15 (1) An update on actions taken to reduce the
16 average time needed to extend Federal recognition in
17 the next higher grade in the Army and Air National
18 Guards to a reserve commissioned officer promotion.

19 (2) The average time it took during the pre-
20 vious fiscal year to extend Federal recognition in the
21 next higher grade in the Army National Guard to a
22 reserve commissioned officer of the Army, as meas-
23 ured from the date at which the National Guard Bu-
24 reau received the promotion until the date at which
25 Federal recognition was granted.

1 (3) The average time it took during the pre-
2 vious fiscal year to extend Federal recognition in the
3 next higher grade in the Air National Guard to a re-
4 serve commissioned officer of the Air Force, as
5 measured from the date at which the National
6 Guard Bureau received the promotion until the date
7 at which Federal recognition was granted.

8 (4) The number of Army National Guard offi-
9 cers who experienced Federal recognition delays
10 greater than 60 days in the previous fiscal year.

11 (5) The number of Air National Guard officers
12 who experienced Federal recognition delays greater
13 than 60 days in the previous fiscal year.

14 (6) A summary of any additional resources or
15 authorities needed to further streamline the Federal
16 recognition to reduce average Federal recognition
17 delays to less than 60 days.

18 (7) Any other information the Chief of the Na-
19 tional Guard Bureau or the Secretaries concerned
20 determine relevant.

21 (c) EXPIRATION OF ANNUAL REPORTING REQUIRE-
22 MENT.—The report required under subsection (a) may be
23 submitted once every three years after the Secretary of
24 Defense certifies to the Committee on Armed Services of
25 the Senate and the Committee on Armed Services of the

- 1 House of Representatives that the average delay for Fed-
- 2 eral recognition of Army National Guard and Air Force
- 3 National Guard members is less than 60 days.

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