

115TH CONGRESS  
2D SESSION

# S. 2801

To amend title 10, United States Code, to clarify the effective date of the promotion of commissioned officers of the Army National Guard and Air National Guard, to improve processes for Federal recognition of the promotions of such officers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 8, 2018

Ms. WARREN (for herself, Mr. DAINES, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to clarify the effective date of the promotion of commissioned officers of the Army National Guard and Air National Guard, to improve processes for Federal recognition of the promotions of such officers, 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 Accountability Act”.

1 **SEC. 2. DATE OF RANK OF COMMISSIONED NATIONAL**  
2 **GUARD OFFICERS PROMOTED TO A HIGHER**  
3 **GRADE.**

4 (a) IN GENERAL.—Section 14308(f) of title 10,  
5 United States Code, is amended—

6 (1) by inserting “(1)” before “The effective  
7 date”;

8 (2) in paragraph (1), as designated by para-  
9 graph (1) of this subsection, by striking “on which  
10 such Federal recognition in that grade is so ex-  
11 tended” and inserting “of the approval of the pro-  
12 motion of the officer to that grade by the State con-  
13 cerned”; and

14 (3) by adding at the end the following new  
15 paragraph:

16 “(2)(A) Notwithstanding subsection (c)(1), the date  
17 of rank in a higher grade of an officer whose effective date  
18 of promotion to such grade is governed by paragraph (1)  
19 shall be such effective date of promotion.

20 “(B) The specification of the date of rank of an offi-  
21 cer in a grade pursuant to subparagraph (A) shall be  
22 deemed an adjustment of the date of rank of the officer  
23 to that grade in the manner of section 741(d)(4) of this  
24 title, pursuant to subsection (c)(2), to which section  
25 741(d)(4)(C) of this title shall apply, notwithstanding sub-  
26 section (c)(3).”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect on the date of the enact-  
3 ment of this Act, and shall apply with respect to National  
4 Guard officers whose promotion to a grade is approved  
5 by a State after that date.

6 **SEC. 3. NOTICE TO CONGRESS ON DELAY IN PUBLICATION**  
7 **OF SCROLLS INDICATING PROMOTION OF**  
8 **COMMISSIONED NATIONAL GUARD OFFI-**  
9 **CERS.**

10 (a) NOTICE REQUIRED.—If at the end of the 200-  
11 day period beginning on the receipt by the Department  
12 of the Army or the Department of the Air Force of a scroll  
13 indicating the promotion of commissioned officers in the  
14 Army National Guard or Air National Guard, as applica-  
15 ble, the scroll has not been published by the military de-  
16 partment concerned, the Secretary of the Army or the Sec-  
17 retary of the Air Force, as the case may be, shall imme-  
18 diately notify the congressional defense committees, in  
19 writing, of the following:

20 (1) The date on which the scroll was so re-  
21 ceived.

22 (2) A description of the processing of the scroll  
23 by the military department concerned as of the date  
24 of the report, including a statement of the length of

1 time in processing at each stage in the process  
2 through that date.

3 (3) The reason why the scroll was not published  
4 within 200 days of receipt, and the intended remedi-  
5 ation for the delay in publication.

6 (b) DEFINITIONS.—In this section:

7 (1) The term “congressional defense commit-  
8 tees” has the meaning given such term in section  
9 101(a)(16) of title 10, United States Code.

10 (2) The term “scroll” has the meaning given  
11 that term in Department of Defense Instruction  
12 1310.02, and any successor instruction or document.

13 **SEC. 4. REPORTS ON PROCESSES FOR FEDERAL RECOGNI-**  
14 **TION OF PROMOTION OF COMMISSIONED NA-**  
15 **TIONAL GUARD OFFICERS.**

16 (a) REVIEW.—The Secretary of the Army and the  
17 Secretary of the Air Force shall each undertake a com-  
18 prehensive review of the policies and procedures of the De-  
19 partment of the Army and the Department of the Air  
20 Force, as applicable, for the Federal recognition pro-  
21 motions of commissioned officers of the Army National  
22 Guard and the Air National Guard, as the case may be.

23 (b) REPORTS REQUIRED.—Not later than 180 days  
24 after the date of the enactment of this Act, the Secretary  
25 of the Army and the Secretary of the Air Force shall each

1 submit to the congressional defense committees a report,  
2 in writing, setting forth the results of the review required  
3 by subsection (a). Each report shall include the following:

4           (1) A description of the average time between  
5 receipt by the military department concerned of  
6 scrolls indicating the promotion of commissioned of-  
7 ficers in the National Guard and their publication  
8 during the five-year period ending on the date of the  
9 enactment of this Act.

10           (2) A description and assessment of various ap-  
11 proaches for streamlining the process by which the  
12 military department concerned approves Federal rec-  
13 ognition scrolls, including through—

14                   (A) additional automation;

15                   (B) reduction in required steps; or

16                   (C) delegation of authority to conduct re-  
17 quired reviews.

18           (3) If the Secretary concerned considers any  
19 approach under paragraph (2) feasible and advis-  
20 able, such recommendations for legislative or admin-  
21 istration action as such Secretary considers appro-  
22 priate to implement such approach.

23           (c) DEFINITIONS.—In this section:

1           (1) The term “congressional defense commit-  
2           tees” has the meaning given such term in section  
3           101(a)(16) of title 10, United States Code.

4           (2) The term “scroll” has the meaning given  
5           that term in Department of Defense Instruction  
6           1310.02, and any successor instruction or document.

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