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

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2022

Mr. Brown of Maryland (for himself and Mr. Kelly of Mississippi) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Guard Promotion Improvement Act of 2022”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) existing processes contribute to the long delays experienced by reserve officers of the National
Guard for Federal recognition of State vacancy promotions; and

(2) unduly delayed promotions have a significant impact on members of the National Guard as they manage their careers and make financial plans for the future, and pose retention challenges.

SEC. 3. INDEPENDENT STUDY ON FEDERAL RECOGNITION PROCESS.

(a) INDEPENDENT STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to conduct a study on the National Guard commissioned officer and warrant officer promotion system and provide recommendations to the Department of Defense, the Department of the Air Force, the Department of the Army, the National Guard Bureau, and individual State National Guard commands.

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

(1) The Federal recognition process used to extend Federal recognition to State promotions.

(2) Best practices among the various State National Guards for managing their requirements
under the existing National Guard promotion sys-

tem.

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

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

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

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

(c) REPORT.—

(1) IN GENERAL.—The contract under sub-
section (a) shall require the federally funded re-
search and development center that conducts the
study under the contract to submit to the Secretary
of Defense, the Secretary of the Army, the Secretary
of the Air Force, and the Chief of the National Guard Bureau a report on the results of the study.

(2) Submission to Congress.—Not later than 30 days after receiving the report required under paragraph (1), the Secretary of Defense shall submit an unedited copy of the report results to the congressional defense committees.

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

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

“(2) If there is a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force that exceeds 60 days from when the National Guard Bureau received the promotion from the State, and the delay was not attributable to the action or inaction of such officer, the effective date of the promotion concerned under paragraph (1) shall be adjusted by the Secretary concerned to not later than 60 days after the National Guard Bureau received the promotion but not earlier than the effective date of the State promotion.”.
SEC. 5. REPORTING REQUIREMENT.

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

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

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

(2) The average time it took during the previous fiscal year to extend Federal recognition in the next higher grade in the Army National Guard to a reserve commissioned officer of the Army, as measured from the date at which the National Guard Bureau received the promotion until the date at which Federal recognition was granted.
(3) The average time it took during the previous fiscal year to extend Federal recognition in the next higher grade in the Air National Guard to a reserve commissioned officer of the Air Force, as measured from the date at which the National Guard Bureau received the promotion until the date at which Federal recognition was granted.

(4) The number of Army National Guard officers who experienced Federal recognition delays greater than 60 days in the previous fiscal year.

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

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

(7) Any other information the Chief of the National Guard Bureau or the Secretaries concerned determine relevant.

(c) Expiration of Annual Reporting Requirement.—The report required under subsection (a) may be submitted once every three years after the Secretary of Defense certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the
House of Representatives that the average delay for Federal recognition of Army National Guard and Air Force National Guard members is less than 60 days.