

108TH CONGRESS
2D SESSION

H. R. 4630

To amend title 10, United States Code, to provide that an officer of the Army or Air Force on the active-duty list may not be promoted to brigadier general unless the officer has had a duty assignment of at least one year involving the administration of the National Guard or Reserves.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2004

Ms. HOOLEY of Oregon introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide that an officer of the Army or Air Force on the active-duty list may not be promoted to brigadier general unless the officer has had a duty assignment of at least one year involving the administration of the National Guard or Reserves.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. GUARD OR RESERVE DUTY ASSIGNMENT RE-**
 2 **QUIRED AS CONDITION OF PROMOTION OF**
 3 **ARMY AND AIR FORCE OFFICERS TO BRIGA-**
 4 **DIER GENERAL.**

5 (a) IN GENERAL.—Chapter 36 of title 10, United
 6 States Code, is amended by inserting after section 619a
 7 the following new section:

8 **“§ 619b. Eligibility for consideration for promotion:**
 9 **Army and Air Force officers; Guard or**
 10 **Reserve duty required before promotion**
 11 **to brigadier general; exceptions**

12 “(a) GENERAL RULE.—After the end of the one-year
 13 period beginning on the date of the enactment of this sec-
 14 tion, an officer on the active-duty list of the Army or Air
 15 Force may not be appointed to the grade of brigadier gen-
 16 eral unless the officer has completed a tour of duty of at
 17 least one year in a Guard or Reserve duty assignment.

18 “(b) EXCEPTIONS.—Subject to subsection (c), the
 19 Secretary of Defense may waive subsection (a) in the fol-
 20 lowing circumstances:

21 “(1) When necessary for the good of the serv-
 22 ice.

23 “(2) In the case of an officer whose proposed
 24 selection for promotion is based primarily upon sci-
 25 entific and technical qualifications for which Guard
 26 or Reserve requirements do not exist.

1 “(3) In the case of—

2 “(A) a medical officer, dental officer, vet-
3 erinary officer, medical service officer, nurse, or
4 biomedical science officer;

5 “(B) a chaplain; or

6 “(C) a judge advocate.

7 “(4) In the case of an officer selected by a pro-
8 motion board for appointment to the grade of briga-
9 dier general while serving in a Guard or Reserve
10 duty assignment if at least 180 days of that assign-
11 ment have been completed on the date of the con-
12 vening of that selection board.

13 “(c) REGULATIONS.—The Secretary of Defense shall
14 prescribe regulations to carry out this section. The regula-
15 tions shall specifically identify for purposes of subsection
16 (b)(2) those categories of officers for which selection for
17 promotion to brigadier general is based primarily upon sci-
18 entific and technical qualifications for which Guard or Re-
19 serve requirements do not exist.

20 “(d) GUARD OR RESERVE DUTY ASSIGNMENT DE-
21 FINED.—In this section, the term ‘Guard or Reserve duty
22 assignment’ means an assignment involving the orga-
23 nizing, administering, recruiting, instructing, or training
24 the reserve components, other than an assignment to a
25 Reserve Officers Training Corps unit.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of subchapter II of such chapter is
3 amended by inserting after the item relating to section
4 619a the following new item:

“619b. Eligibility for consideration for promotion: Army and Air Force officers;
Guard or Reserve duty required before promotion to brigadier
general; exceptions.”.

