

109TH CONGRESS  
1ST SESSION

# H. R. 1735

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2005

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

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## 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, is amended  
 6 by inserting after section 619a the following new section:

7 **“§ 619b. Eligibility for consideration for promotion:**  
 8 **Army and Air Force officers; Guard or**  
 9 **Reserve duty required before promotion**  
 10 **to brigadier general; exceptions**

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

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

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

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

26 “(3) In the case of—

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

4                   “(B) a chaplain; or

5                   “(C) a judge advocate.

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

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

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

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