SEC. 515. AUTHORITY TO DESIGNATE CERTAIN RESERVE OFFICERS AS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the military department concerned may provide that an officer who is in an active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section (relating to membership in a reserve component), shall not be considered for selection for promotion at any time the officer otherwise would be so considered. Any such officer may remain on the reserve active-status list.".

[PLEASE NOTE: THE "CHANGES TO EXISTING LAW" SECTION BELOW SETS OUT IN RED-LINE FORMAT HOW THE LEGISLATIVE TEXT ABOVE WOULD AMEND EXISTING LAW.]

Section-by-Section Analysis

This proposal would authorize the Secretaries of the military departments to defer promotion consideration for Reserve Component (RC) service members in a non-participatory (membership points only) status. This would significantly reduce the potential loss of trained assets, in which the Department of Defense (DoD) has heavily invested, when an individual desires to re-affiliate with the military following their election to "suspend" their military career.

Currently, section 14301 of title 10, United States Code, requires service members identified on the Reserve Active Status List (RASL) to be considered for promotion to the next higher grade. This includes certain categories of reservist on the RASL who are in the Individual Ready Reserve (IRR) and the Standby Reserve, by DoD guidance, and who remain vulnerable for promotion consideration but are not actively participating - receiving membership only points.

Most officers upon release from the Active Component (AC) are transferred to the IRR without affiliating in a position with a Reserve Component that allows for participation (either paid or non-paid). In some instances, these trained assets have chosen to temporarily suspend their military career and voluntarily transferred to the IRR for a variety of reasons, others may have secured a civilian opportunity that affords them 'key employee' status requiring transfer to the Standby Reserve whereby they are ineligible for participation. Many of these individuals

may have already received their first promotion deferment prior to their transfer to the IRR.

Upon a decision to resume their active service, some service-members learn of their ineligibility due to being twice deferred for promotion. Others, who received their first deferment while in the IRR, potentially lack sufficient time upon returning to participation status, due to timing prior to next promotion consideration, to demonstrate the potential to serve in the next higher grade and thus are discharged upon receipt of their second deferral for promotion (twice failure of selection for promotion results in removal from the RASL). This serves as an obstacle to the Continuum of Service and reduces opportunities to re-affiliate trained and experienced Airmen should they seek to return to active status in any of the AF components.

Individuals assigned to the IRR, are required to be screened to the Inactive Status List after two years. Legislation prevents promotion consideration of those assigned to the Inactive Status List (IASL) thereby protecting removal from military affiliation until said time as defined by current policy whereby affording the opportunity to return to participation status at a later date. Unfortunately, under current practice the department loses these trained and experienced Airmen before their mandatory transfer to the IASL.

Providing the RCs flexibility to remove from promotion consideration those individuals whom are least competitive during a period in which they are receiving membership only points, provides the ability to capitalize on these pre-trained assets and their potential civilian skill sets should the individual elect to return to military service.

Budgetary Implications: This action proposes a technical change with no budgetary impact.

Changes to Existing Law: This proposal would make the following change to section 14301 of title 10, United States Code:

§ 14301. Eligibility for consideration for promotion: general rules

(a) – (i) * * *

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- ADD –

<u>(j) The Secretary of the military department concerned may provide that an officer who is in an active status but in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section (relating to membership in a reserve component) shall not be considered for selection for promotion at any time the officer otherwise would be so considered. Any such officer may remain on the reserve active-status list.</u>