

117TH CONGRESS
2D SESSION

S. 4379

To include State active duty in the calculation of creditable service for members of the National Guard under certain circumstances.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2022

Mr. PETERS (for himself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To include State active duty in the calculation of creditable service for members of the National Guard under certain circumstances.

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 “No Guardsman Left
5 Behind Act of 2022”.

6 **SEC. 2. INCLUSION OF STATE ACTIVE DUTY IN CALCULA-**
7 **TION OF CREDITABLE SERVICE FOR MEM-**
8 **BERS OF NATIONAL GUARD.**

9 Section 12732 of title 10, United States Code, is
10 amended—

1 (1) in subsection (b)(4), by striking “Service”
2 and inserting “Except as provided in subsection (c),
3 service”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(c) SPECIAL RULE FOR STATE ACTIVE DUTY.—

7 “(1) IN GENERAL.—Subject to regulations pre-
8 scribed by the Secretary of Defense, in the case of
9 a member of the National Guard who serves on
10 State active duty during a one-year period during
11 which the member would, but for this subsection, be
12 credited with fewer than 50 points under subsection
13 (a), such service may be counted under subsection
14 (a).

15 “(2) COMPUTATION.—Subject to paragraph (3),
16 a member of the National Guard described in para-
17 graph (1) shall be credited with 1 point for each day
18 of State active duty during a one-year period de-
19 scribed in that paragraph.

20 “(3) LIMITATION.—A member of the National
21 Guard described in paragraph (1) may be credited in
22 a one-year period under this subsection not more
23 than the lesser of—

1 “(A) the number of points required for the
2 member to be credited with 50 points under
3 this section for that one-year period; or

4 “(B) 15 points.

5 “(4) STATE ACTIVE DUTY DEFINED.—In this
6 subsection, the term ‘State active duty’ means full-
7 time service at the order of the Governor of a State
8 or the Commonwealth of Puerto Rico, Guam, or the
9 Virgin Islands, or the commanding general of the
10 District of Columbia National Guard, pursuant to
11 the law of the State, the Commonwealth of Puerto
12 Rico, Guam, the Virgin Islands, or the District of
13 Columbia, as the case may be.”.

○