

AMENDMENT TO H.R. 7900
OFFERED BY MS. SPEIER OF CALIFORNIA

At the appropriate place in title V, insert the following new section:

1 **SEC. 5 ____ . INSPECTIONS OF NATIONAL GUARD.**

2 (a) ESTABLISHMENT.—Chapter 1 of title 32, United
3 States Code, is amended by inserting, after section 105,
4 the following new section:

5 **“§ 105A. Additional inspections**

6 “(a) REGULAR INSPECTIONS REQUIRED.—The Sec-
7 retary of the Army and the Secretary of the Air Force
8 shall each prescribe regulations pursuant to which the Na-
9 tional Guard of each State shall be inspected not less fre-
10 quently than once every five years.

11 “(b) AUTHORIZED INSPECTORS.—An inspection of
12 the National Guard of a State under subsection (a) shall
13 be conducted by—

14 “(1) in the case of the Air National Guard, by
15 a qualified member of the regular component of the
16 Air Force or by the inspector general of the Depart-
17 ment of the Air Force; or

18 “(2) in the case of the Army National Guard,
19 by a qualified member of the regular component of

1 the Army or by the inspector general of the Depart-
2 ment of the Army.

3 “(c) ELEMENTS AND RECOMMENDATIONS.—Each in-
4 spection under subsection (a) shall include—

5 “(1) a review and assessment of—

6 “(A) the command climate of the National
7 Guard of the State;

8 “(B) the extent to which members of such
9 National Guard are treated with dignity and re-
10 spect; and

11 “(C) the compliance of such National
12 Guard with statutory, regulatory, and other ap-
13 plicable requirements relating to—

14 “(i) reporting and addressing sex-re-
15 lated offenses and sexual harassment;

16 “(ii) training in sexual assault preven-
17 tion and response; and

18 “(iii) training in suicide prevention;

19 and

20 “(2) the inspector’s recommendation as to
21 whether the Secretary of the military department
22 concerned should designate the performance of such
23 National Guard as unsatisfactory, satisfactory, or
24 excellent.

1 “(d) PERFORMANCE GRADE.—Following the conclu-
2 sion of an inspection of a National Guard of a State under
3 subsection (a), the Secretary of the military department
4 concerned shall—

5 “(1) based on the results of the inspection, des-
6 ignate the performance of such National Guard as
7 unsatisfactory, satisfactory, or excellent; and

8 “(2) post such designation on a publicly acces-
9 sible website of the Department of Defense.

10 “(e) MANDATORY REINSPECTION.—A National
11 Guard of a State that receives a designation of unsatisfac-
12 tory under subsection (d) shall be reinspected in accord-
13 ance with this section not later one year after the conclu-
14 sion of the inspection that resulted in such designation.

15 “(f) REPORTS.—

16 “(1) IN GENERAL.—Not later than 90 days,
17 after the conclusion of each inspection under this
18 section, the Secretary of the military department
19 concerned shall submit a report on the results of
20 such inspection—

21 “(A) to the Secretary of Defense; and

22 “(B) to the Committees on Armed Services
23 of the Senate and the House of Representa-
24 tives.

1 “(2) ELEMENTS.—Each report under para-
2 graph (1) shall—

3 “(A) summarize the results of the inspec-
4 tion with respect to each element specified in
5 subsection (c);

6 “(B) indicate the designation issued for
7 the National Guard of the State under sub-
8 section (d); and

9 “(C) in the case of a National Guard of a
10 State that received a designation of unsatisfac-
11 tory under subsection (d) after a reinspection
12 under subsection (e), include the Secretary’s
13 recommendation as to whether—

14 “(i) Federal funds should be withheld
15 from such National Guard; or

16 “(ii) such National Guard unit should
17 be transferred to another State.

18 “(g) DEFINITIONS.—In this section:

19 “(1) The term ‘sex-related offense’ means an
20 alleged sex-related offense (as defined in section
21 1044e(h) of this title).

22 “(2) The term ‘sexual harassment’ means the
23 offense of sexual harassment as punishable under
24 section 934 of this title (article 134 of the Uniform
25 Code of Military Justice) pursuant to the regulations

1 prescribed by the Secretary of Defense for purposes
2 of such section (article).

3 “(3) The term ‘State’ has the meaning given
4 such term in section 901 of this title.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 105 the following new
8 item:

“105A. Additional inspections.”.

