112TH CONGRESS
2D SESSION

H. R. 3904

To modify the commencement date of the active force drawdown period used for the reimplementation of the temporary early retirement authority granted to the Secretary of Defense as an additional force management tool with which to effect the drawdown of military forces.

IN THE HOUSE OF REPRESENTATIVES

February 6, 2012

Mr. REHBERG introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To modify the commencement date of the active force drawdown period used for the reimplementation of the temporary early retirement authority granted to the Secretary of Defense as an additional force management tool with which to effect the drawdown of military forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Keep America’s Promises Act”.
SEC. 2. COMMENCEMENT DATE OF ACTIVE FORCE DRAW-DOWN PERIOD FOR TEMPORARY EARLY RETIREMENT AUTHORITY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Keep America’s Promises Act is intended, and should be construed in the event of any ambiguity, to extend the renewed Temporary Early Retirement Authority provided by the amendments made by section 504(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1390) to retroactively cover members of the Army, Navy, Air Force, or Marine Corps who—

(A) were separated on or after March 1, 2011, but before the effective date of the amendments; and

(B) had at least 15 years in service on the date that they separated from the Armed Forces.

(2) Specifically, this Act protects 157 Air Force Officers (Majors) who were involuntarily separated as a result of a March 2011 continuation board.

(3) Even if an officer referred to in this subsection opted to separated before the mandatory sep-
eration date applicable to the officer, the officer should still be protected by this Act.

(4) The fact that an officer referred to in this subsection has separated from the Armed Forces before the date of the enactment of this Act should not exclude the officer from the benefits available under the renewed Temporary Early Retirement Authority.

(b) Commencement date.—Subsection (i)(2) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note), as added by section 504(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1390), is amended by striking “beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012” and inserting “beginning on March 1, 2011,”.

(c) Cross Reference.—Subsection (h) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note), as amended by section 504(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1390), is amended in the first sentence—

(1) by striking “the date of the enactment of this Act” and inserting “October 23, 1992,”; and
(2) by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012” and inserting “March 1, 2011,”.

(d) APPLICATION OF AMENDMENTS.—In the case of a member of the Army, Navy, Air Force, or Marine Corps whose original separation date was between March 1, 2011, and December 31, 2011, and who would have been eligible for retirement by reason of the authority provided in subsection (b) of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) had the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012 been March 1, 2011, instead of December 31, 2011, the Secretary of the military department concerned, with the agreement of the member, shall—

(1) retire the member under the authority of such section or, if an enlisted member of the Navy or Marine Corps, alternatively transfer the member to the Fleet Reserve or Fleet Marine Corps Reserve; and

(2) compute and pay retired or retainer pay for the member under subsection (e) of such section.