

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.

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 “Keep America’s Prom-
5 ises Act”.

1 **SEC. 2. COMMENCEMENT DATE OF ACTIVE FORCE DRAW-**
2 **DOWN PERIOD FOR TEMPORARY EARLY RE-**
3 **TIREMENT AUTHORITY.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) The Keep America’s Promises Act is in-
7 tended, and should be construed in the event of any
8 ambiguity, to extend the renewed Temporary Early
9 Retirement Authority provided by the amendments
10 made by section 504(b) of the National Defense Au-
11 thorization Act for Fiscal Year 2012 (Public Law
12 112–81; 125 Stat. 1390) to retroactively cover mem-
13 bers of the Army, Navy, Air Force, or Marine Corps
14 who—

15 (A) were separated on or after March 1,
16 2011, but before the effective date of the
17 amendments; and

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

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

24 (3) Even if an officer referred to in this sub-
25 section opted to separated before the mandatory sep-

1 aration date applicable to the officer, the officer
2 should still be protected by this Act.

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

8 (b) COMMENCEMENT DATE.—Subsection (i)(2) of
9 section 4403 of the National Defense Authorization Act
10 for Fiscal Year 1993 (10 U.S.C. 1293 note), as added by
11 section 504(b) of the National Defense Authorization Act
12 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
13 1390), is amended by striking “beginning on the date of
14 the enactment of the National Defense Authorization Act
15 for Fiscal Year 2012” and inserting “beginning on March
16 1, 2011,”.

17 (c) CROSS REFERENCE.—Subsection (h) of section
18 4403 of the National Defense Authorization Act for Fiscal
19 Year 1993 (10 U.S.C. 1293 note), as amended by section
20 504(b) of the National Defense Authorization Act for Fis-
21 cal Year 2012 (Public Law 112–81; 125 Stat. 1390), is
22 amended in the first sentence—

23 (1) by striking “the date of the enactment of
24 this Act” and inserting “October 23, 1992,”; and

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

4 (d) APPLICATION OF AMENDMENTS.—In the case of
5 a member of the Army, Navy, Air Force, or Marine Corps
6 whose original separation date was between March 1,
7 2011, and December 31, 2011, and who would have been
8 eligible for retirement by reason of the authority provided
9 in subsection (b) of section 4403 of the National Defense
10 Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293
11 note) had the date of the enactment of the National De-
12 fense Authorization Act for Fiscal Year 2012 been March
13 1, 2011, instead of December 31, 2011, the Secretary of
14 the military department concerned, with the agreement of
15 the member, shall—

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

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

○