

108TH CONGRESS  
2D SESSION

# H. R. 4378

To amend title 10, United States Code, to provide that members of the National Guards who served in the counties declared disasters in response to the September 11, 2001, terrorist attacks, and who served under State duty so that they could immediately assist in the response to the terrorist attacks should have that service counted as Federal active duty for purposes of military retirement credit.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2004

Mrs. MALONEY (for herself, Mr. KING of New York, Mr. HINCHEY, Mr. TOWNS, Mr. WALSH, Mr. NADLER, Mr. SERRANO, Mr. WEINER, Mrs. MCCARTHY of New York, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to provide that members of the National Guards who served in the counties declared disasters in response to the September 11, 2001, terrorist attacks, and who served under State duty so that they could immediately assist in the response to the terrorist attacks should have that service counted as Federal active duty for purposes of military retirement credit.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MILITARY RETIREMENT CREDIT FOR CERTAIN**  
2 **SERVICE PERFORMED BY MEMBERS OF THE**  
3 **NATIONAL GUARD ARISING FROM THE TER-**  
4 **RORIST ATTACKS OF SEPTEMBER 11, 2001.**

5 (a) RETIREMENT POINTS.—Section 12732(a)(2)(A)  
6 of title 10, United States Code, is amended—

7 (1) by striking “or” after clause (i);

8 (2) by inserting “or” at the end of clause (ii);

9 and

10 (3) by adding at the end the following:

11 “(iii) full-time service under title 32  
12 while performing duty to which the person  
13 was ordered immediately following the ter-  
14 rorist attacks on the United States of Sep-  
15 tember 11, 2001, in a county designated  
16 by the President by reason of such attacks  
17 as a Federal disaster area, while such serv-  
18 ice continued without a break in service;”.

19 (b) COMPUTATION OF RETIREMENT.—Section 12733  
20 of such title is amended by adding at the end the fol-  
21 lowing:

22 “(6) The person’s days of active service under  
23 title 32 described in clause (iii) of section  
24 12732(a)(2)(A) of this title.”.

25 (c) EFFECTIVE DATE.—The amendments made by  
26 this section shall apply in the case of any person who be-

1 came entitled to retired pay under chapter 1223 of title  
2 10, United States Code, between September 11, 2001, and  
3 the date of the enactment of this Act as if such amend-  
4 ments had been in effect on the day before the effective  
5 date of such person's entitlement to receive such retired  
6 pay.

