

109TH CONGRESS
1ST SESSION

S. 337

To amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2005

Mr. GRAHAM (for himself, Mrs. CLINTON, Mr. DEWINE, Mr. LEAHY, Mr. ALLEN, Ms. CANTWELL, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

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 “Guard and Reserve
5 Readiness and Retention Act of 2005”.

1 **SEC. 2. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR**
2 **SERVICE.**

3 (a) AGE AND SERVICE REQUIREMENTS.—Subsection
4 (a) of section 12731 of title 10, United States Code, is
5 amended to read as follows:

6 “(a)(1) Except as provided in subsection (c), a person
7 is entitled, upon application, to retired pay computed
8 under section 12739 of this title, if the person—

9 “(A) satisfies one of the combinations of re-
10 quirements for minimum age and minimum number
11 of years of service (computed under section 12732 of
12 this title) that are specified in the table in para-
13 graph (2);

14 “(B) performed the last six years of qualifying
15 service while a member of any category named in
16 section 12732(a)(1) of this title, but not while a
17 member of a regular component, the Fleet Reserve,
18 or the Fleet Marine Corps Reserve, except that in
19 the case of a person who completed 20 years of serv-
20 ice computed under section 12732 of this title before
21 October 5, 1994, the number of years of qualifying
22 service under this subparagraph shall be eight; and

23 “(C) is not entitled, under any other provision
24 of law, to retired pay from an armed force or re-
25 tainer pay as a member of the Fleet Reserve or the
26 Fleet Marine Corps Reserve.

1 “(2) The combinations of minimum age and min-
 2 imum years of service required of a person under subpara-
 3 graph (A) of paragraph (1) for entitlement to retired pay
 4 as provided in such paragraph are as follows:

“Age, in years, is at least:	The minimum years of service required for that age is:
53	34
54	32
55	30
56	28
57	26
58	24
59	22
60	20.”.

5 (b) 20-YEAR LETTER.—Subsection (d) of such sec-
 6 tion is amended by striking “the years of service required
 7 for eligibility for retired pay under this chapter” in the
 8 first sentence and inserting “20 years of service computed
 9 under section 12732 of this title.”.

10 (c) EFFECTIVE DATE.—This section and the amend-
 11 ments made by this subsection (a) shall take effect on the
 12 first day of the first month beginning on or after the date
 13 of the enactment of this Act and shall apply with respect
 14 to retired pay payable for that month and subsequent
 15 months.

16 **SEC. 3. EXPANDED ELIGIBILITY OF SELECTED RESERVE**
 17 **MEMBERS UNDER TRICARE PROGRAM.**

18 (a) GENERAL ELIGIBILITY.—Subsection (a) of sec-
 19 tion 1076d of title 10, United States Code, is amended—

1 (1) by striking “(a) ELIGIBILITY.—A member”
 2 and inserting “(a) ELIGIBILITY.—(1) Except as pro-
 3 vided in paragraph (2), a member”;

4 (2) by striking “after the member completes”
 5 and all that follows through “one or more whole
 6 years following such date”; and

7 (3) by adding at the end the following new
 8 paragraph:

9 “(2) Paragraph (1) does not apply to a member who
 10 is enrolled, or is eligible to enroll, in a health benefits plan
 11 under chapter 89 of title 5.”.

12 (b) CONDITION FOR TERMINATION OF ELIGI-
 13 BILITY.—Subsection (b) of such section is amended by
 14 striking “(b) PERIOD OF COVERAGE.—(1) TRICARE
 15 Standard” and all that follows through “(3) Eligibility”
 16 and inserting “(b) TERMINATION OF ELIGIBILITY UPON
 17 TERMINATION OF SERVICE.—Eligibility”.

18 (c) CONFORMING AMENDMENTS.—

19 (1) Such section is further amended—

20 (A) by striking subsection (e); and

21 (B) by redesignating subsection (g) as sub-
 22 section (e) and transferring such subsection
 23 within such section so as to appear following
 24 subsection (d).

1 (2) The heading for such section is amended to
2 read as follows:

3 **“§ 1076d. TRICARE program: TRICARE Standard cov-**
4 **erage for members of the Selected Re-**
5 **serve”.**

6 (d) REPEAL OF OBSOLETE PROVISION.—Section
7 1076b of title 10, United States Code, is repealed.

8 (e) CLERICAL AMENDMENTS.—The table of sections
9 at the beginning of chapter 55 of title 10, United States
10 Code, is amended—

11 (1) by striking the item relating to section
12 1076b; and

13 (2) by striking the item relating to section
14 1076d and inserting the following:

“1076d. TRICARE program: TRICARE Standard coverage for members of the
Selected Reserve.”.

15 (f) SAVINGS PROVISION.—Enrollments in TRICARE
16 Standard that are in effect on the day before the date of
17 the enactment of this Act under section 1076d of title 10,
18 United States Code, as in effect on such day, shall be con-
19 tinued until terminated after such day under such section
20 1076d as amended by this section.

○