

110TH CONGRESS  
1ST SESSION

# H. R. 1428

To amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2007

Mr. LATHAM (for himself, Mr. BISHOP of Georgia, Mr. MORAN of Kansas, Mr. WILSON of South Carolina, and Mr. TAYLOR) 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 reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

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 “National Guard and  
5       Reserve Retirement Modernization Act”.

1 **SEC. 2. COMMENCEMENT OF RECEIPT OF NON-REGULAR**  
2 **SERVICE RETIRED PAY BY MEMBERS OF THE**  
3 **READY RESERVE ON ACTIVE FEDERAL STA-**  
4 **TUS OR ACTIVE DUTY FOR SIGNIFICANT PE-**  
5 **RIODS.**

6 (a) REDUCED ELIGIBILITY AGE.—Section 12731 of  
7 title 10, United States Code, is amended—

8 (1) in subsection (a), by striking paragraph (1)  
9 and inserting the following:

10 “(1) has attained the eligibility age applicable  
11 under subsection (f) to that person;”; and

12 (2) by adding at the end the following new sub-  
13 section:

14 “(f)(1) Subject to paragraph (2), the eligibility age  
15 for purposes of subsection (a)(1) is 60 years of age.

16 “(2)(A) In the case of a person who as a member  
17 of the Ready Reserve serves on active duty or performs  
18 active service described in subparagraph (B) after Sep-  
19 tember 11, 2001, the eligibility age for purposes of sub-  
20 section (a)(1) shall be reduced below 60 years of age by  
21 three months for each aggregate of 90 days on which such  
22 person so performs in any fiscal year after such date, sub-  
23 ject to subparagraph (C). A day of duty may be included  
24 in only one aggregate of 90 days for purposes of this sub-  
25 paragraph.

1       “(B)(i) Service on active duty described in this sub-  
2 paragraph is service on active duty pursuant to a call or  
3 order to active duty under a provision of law referred to  
4 in section 101(a)(13)(B) or under section 12301(d) of this  
5 title. Such service does not include service on active duty  
6 pursuant to a call or order to active duty under section  
7 12310 of this title.

8       “(ii) Active service described in this subparagraph is  
9 also service under a call to active service authorized by  
10 the President or the Secretary of Defense under section  
11 502(f) of title 32 for purposes of responding to a national  
12 emergency declared by the President or supported by Fed-  
13 eral funds.

14       “(C) The eligibility age for purposes of subsection  
15 (a)(1) may not be reduced below 50 years of age for any  
16 person under subparagraph (A).”.

17       (b) CONTINUATION OF AGE 60 AS MINIMUM AGE  
18 FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES  
19 FOR HEALTH CARE.—Section 1074(b) of such title is  
20 amended—

21               (1) by inserting “(1)” after “(b)”; and

22               (2) by adding at the end the following new  
23 paragraph:

24       “(2) Paragraph (1) does not apply to a member or  
25 former member entitled to retired pay for non-regular

1 service under chapter 1223 of this title who is under 60  
2 years of age.”.

3 (c) ADMINISTRATION OF RELATED PROVISIONS OF  
4 LAW OR POLICY.—With respect to any provision of law,  
5 or of any policy, regulation, or directive of the executive  
6 branch that refers to a member or former member of the  
7 uniformed services as being eligible for, or entitled to, re-  
8 tired pay under chapter 1223 of title 10, United States  
9 Code, but for the fact that the member or former member  
10 is under 60 years of age, such provision shall be carried  
11 out with respect to that member or former member by  
12 substituting for the reference to being 60 years of age a  
13 reference to having attained the eligibility age applicable  
14 under subsection (f) of section 12731 of title 10, United  
15 States Code (as added by subsection (a)), to such member  
16 or former member for qualification for such retired pay  
17 under subsection (a) of such section.

18 (d) EFFECTIVE DATE AND APPLICABILITY.—The  
19 amendment made by subsection (a) shall take effect as  
20 of September 11, 2001, and shall apply with respect to  
21 applications for retired pay that are submitted under sec-  
22 tion 12731(a) of title 10, United States Code, on or after  
23 the date of the enactment of this Act.

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