

110TH CONGRESS  
1ST SESSION

# H. R. 3381

To terminate the national security waiver that has been used to deny the payment of the high-deployment allowance to members of the Armed Forces serving lengthy or numerous deployments since September 11, 2001, and to extend the allowance to members who have been deployed since that date in excess of the rotation frequencies for reserve component members of one year mobilized to five years demobilized and for regular component members of one year deployed to two years at the permanent duty station, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. BRALEY of Iowa introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To terminate the national security waiver that has been used to deny the payment of the high-deployment allowance to members of the Armed Forces serving lengthy or numerous deployments since September 11, 2001, and to extend the allowance to members who have been deployed since that date in excess of the rotation frequencies for reserve component members of one year mobilized to five years demobilized and for regular component members of one year deployed to two years at the permanent duty station, 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 “Fair Pay for America’s  
5 Troops Act”.

6 **SEC. 2. ACTIVATION OF HIGH-DEPLOYMENT ALLOWANCE**  
7 **FOR MEMBERS OF THE ARMED FORCES AND**  
8 **EXPANSION OF ALLOWANCE TO COVER DE-**  
9 **PLOYMENTS IN EXCESS OF ROTATION FRE-**  
10 **QUENCIES.**

11 (a) TERMINATION OF NATIONAL SECURITY WAIV-  
12 ER.—Subsection (f) of section 436 of title 37, United  
13 States Code, is amended to read as follows:

14 “(f) INAPPLICABILITY OF NATIONAL SECURITY  
15 WAIVER.—The fact that the applicability of section 991  
16 of title 10 to a member is suspended under subsection (d)  
17 of that section may not be used to deny the payment of  
18 a high-deployment allowance to the member if the member  
19 otherwise satisfies the eligibility requirements of sub-  
20 section (a).”.

21 (b) REMOVAL OF DISCRETION REGARDING RATE OF  
22 ALLOWANCE.—Subsection (c) of such section is amended  
23 by striking “determined by the Secretary concerned, not  
24 to exceed \$1,000 per month” and inserting “equal to  
25 \$1,000 per month”.

1 (c) REPEAL OF AUTHORITY TO EXCLUDE CERTAIN  
2 DUTY ASSIGNMENTS.—Such section is further amended—

3 (1) by striking subsection (g); and

4 (2) by redesignating subsection (h) as sub-  
5 section (g).

6 (d) VIOLATION OF ROTATION FREQUENCIES.—Sub-  
7 section (a)(2) of such section is amended—

8 (1) by striking “or” at the end of subparagraph  
9 (B);

10 (2) in subparagraph (C)—

11 (A) by striking “or” at the end of clause  
12 (i);

13 (B) by striking the period at the end of  
14 clause (ii) and inserting “; or”; and

15 (C) by adding at the end the following new  
16 clause:

17 “(iii) under a call or order to active  
18 duty for a period of more than 30 days  
19 that results in the member serving on ac-  
20 tive duty in excess of the rotation fre-  
21 quency for reserve component members of  
22 one year mobilized to five years demobi-  
23 lized; or”; and

24 (3) by adding at the end the following new sub-  
25 paragraph:

1           “(D) in the case of a member of a regular  
2           component, is otherwise deployed in excess of  
3           the rotation frequency for regular component  
4           members of one year deployed to two years as-  
5           signed to duty at the permanent duty station of  
6           the member.”.

7           (e) RETROACTIVE APPLICATION.—

8           (1) EFFECTIVE DATE.—Except as provided in  
9           paragraph (2), the amendments made by this section  
10          shall take effect on the first day of the first month  
11          beginning more than 20 days after the date of the  
12          enactment of this Act. Service performed by mem-  
13          bers of the Armed Forces before the effective date  
14          shall be counted for purposes of determining the eli-  
15          gibility of members for the high-deployment allow-  
16          ance under section 436 of title 37, United States  
17          Code, as amended by this section, on and after that  
18          date.

19          (2) RETROACTIVE APPLICATION.—On the basis  
20          of the information maintained pursuant to section  
21          991 of title 10, United States Code, regarding mem-  
22          bers of the Armed Forces deployed since September  
23          11, 2001, the Secretary of each military department  
24          shall pay a high-deployment allowance under section  
25          436 of title 37, United States Code, as amended by

1       this section, to each member of the Armed Forces  
2       for each month since that date through the effective  
3       date specified in paragraph (1) during which the  
4       member satisfied the eligibility requirements for the  
5       allowance under subsection (a) of such section 436.  
6       In the case of a member who is deceased as of the  
7       effective date specified in paragraph (1), the high-  
8       deployment allowance shall be paid to the next-of-kin  
9       of the member.

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