

110TH CONGRESS
1ST SESSION

H. R. 3449

To amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. WILSON of South Carolina introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide eligibility for reduced non-regular service military retired pay before age 60, 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 Early Retirement Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Members of the Active Components of the
9 United States Military Services are eligible for an

1 immediate annuity upon attaining twenty years of
2 creditable service.

3 (2) Members of the Reserve Components must
4 wait to receive their annuity until age 60.

5 (3) Over the last 15 years, the contributions in
6 support of Active Duty missions by both the Guard
7 and the Reserve have increased substantially.

8 (4) During the Global War on Terrorism Re-
9 serve Component members have gone into harms
10 way and fought alongside members of the Active
11 Duty.

12 (5) These contributions have been made under
13 various forms of active duty orders, including Active
14 Duty for Training (ADT), Active Duty for Special
15 Work (ADSW), Presidential Recall, and Partial Mo-
16 bilization. Only a subset of mobilization orders is
17 being credited as being “in support of contingency
18 operation.”

19 (6) Further contributions have been made to
20 Active Duty commands within the United States
21 during consecutive periods of Inactive Duty Training
22 (IDT) and Annual Training (AT).

23 (7) Additionally, both enlisted and officers with-
24 in the Reserve Component are required for pro-
25 motion to complete professional training and/or

1 Joint Professional Military Education (JPME),
2 often by taking non-paid correspondence or on-line
3 Distant Learning courses for only inactive duty
4 points, while Active Duty are often sent on Tem-
5 porary Duty Assignment (TDY) to complete such
6 courses. Currently there is no mechanism in place to
7 compensate National Guard and Reserve Component
8 soldiers for required professional courses.

9 (8) Active Duty does not differentiate between
10 stateside or deployed duty when earning creditable
11 duty toward retirement at 20 years.

12 (9) As defined by section 12733 of title 10,
13 United States Code, RC members earn one inactive
14 duty point toward retirement for each Reserve train-
15 ing drill. They can also earn one active duty point
16 for every day of active duty performed. An Active
17 Duty year is measured as 360 points. Professional
18 courses are assigned inactive duty points.

19 (10) Members of the Guard and Reserve under-
20 stand the point system.

21 (11) A minimum of 50 points is required for a
22 creditable service year.

23 (12) Basing a Reserve Component retirement
24 system on the accumulation of retirement points
25 would remove differentiation of duty, clarify eligi-

1 bility, and by using an appropriately structured ma-
2 trix would encourage volunteerism and retention.

3 **SEC. 3. ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR**
4 **SERVICE.**

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

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

11 “(A) satisfies one of the combinations of re-
12 quirements for minimum age and minimum number
13 of years of creditable service (computed under sec-
14 tion 12732 of this title) that are specified in the
15 table in paragraph (2);

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

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

5 “(2) The combinations of minimum age and min-
 6 imum earned points (as defined under section 12732 of
 7 this title) required of a person under subparagraph (A)
 8 of paragraph (1) for entitlement to retired pay as provided
 9 in such paragraph are as follows:

Age, in years, is at least:	The minimum earned points required for that age is:
55	4500
56	4225
57	3950
58	3675
59	3400
60	1000”.

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

15 **SEC. 4. CONTINUATION OF AGE 60 AS MINIMUM AGE FOR**
 16 **ELIGIBILITY OF NONREGULAR SERVICE RE-**
 17 **TIREES FOR HEALTH CARE.**

18 Section 1074(b) of title 10, United States Code, is
 19 amended—

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

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

3 **SEC. 5. EFFECTIVE DATE AND APPLICABILITY.**

4 This Act and the amendments made by this Act shall
5 take effect on the first day of the first month that begins
6 no more than 180 days after the date of the enactment
7 of this Act and shall apply with respect to retired pay pay-
8 able for that month and subsequent months.

9 “(2) Paragraph (1) does not apply to a member
10 or former member entitled to retired pay for non-
11 regular service under chapter 1223 of this title who
12 is under 60 years of age.”.

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