

106TH CONGRESS
2D SESSION

H. R. 5342

To amend title 10, United States Code, to provide more equitable civil service retirement and retention provisions for National Guard technicians.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2000

Mr. PETERSON of Minnesota (for himself, Mr. OBERSTAR, Mr. LAHOOD, Mr. PETRI, Mr. MCGOVERN, Mr. GREEN of Wisconsin, Mr. WALSH, Ms. KAPTUR, Ms. BALDWIN, Mr. SCHAFFER, Mr. DICKS, Mr. FROST, Mr. EVANS, Mr. CRAMER, Mr. HINCHEY, Mr. McDERMOTT, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. MCCOLLUM, Mr. OLVER, Mr. HUTCHINSON, Mr. FILNER, Mr. BONIOR, and Mrs. KELLY) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide more equitable civil service retirement and retention provisions for National Guard technicians.

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 “Fairness for National
5 Guard Technicians Act”.

1 **SEC. 2. CIVIL SERVICE RETENTION OF NATIONAL GUARD**
2 **TECHNICIANS.**

3 (a) IN GENERAL.—Chapter 1007 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 10219. National Guard technicians: conditions for**
7 **retention; mandatory retirement under**
8 **civil service laws**

9 “(a) SEPARATION AND RETIREMENT OF NATIONAL
10 GUARD TECHNICIANS (DUAL STATUS).—(1) An indi-
11 vidual employed by the National Guard as a military tech-
12 nician (dual status) who after the date of the enactment
13 of this section loses dual status is subject to paragraph
14 (2) or (3), as the case may be.

15 “(2) If a technician described in paragraph (1) is eli-
16 gible at the time dual status is lost for an unreduced annu-
17 ity and is age 60 or older at that time, the technician shall
18 be separated not later than 30 days after the date on
19 which dual status is lost.

20 “(3) If a technician described in paragraph (1) is not
21 eligible at the time dual status is lost for an unreduced
22 annuity or is under age 60 at that time, the technician
23 shall be offered the opportunity—

24 “(A) to reapply for, and if qualified be ap-
25 pointed to, a position as a military technician (dual
26 status); or

1 “(B) to apply for a civil service position that is
2 not a technician position.

3 “(4) For purposes of this subsection, a military tech-
4 nician is considered to lose dual status upon—

5 “(A) being separated from the Selected Re-
6 serve; or

7 “(B) ceasing to hold the military grade speci-
8 fied by the Secretary concerned for the position held
9 by the technician.

10 “(b) UNREDUCED ANNUITY DEFINED.—For pur-
11 poses of this section, a technician shall be considered to
12 be eligible for an unreduced annuity if the technician is
13 eligible for an annuity under section 8336, 8412, or 8414
14 of title 5 that is not subject to a reduction by reason of
15 the age or years of service of the technician.”.

16 (2) The table of sections at the beginning of such
17 chapter is amended by adding at the end the following
18 new item:

“10219. National Guard technicians: conditions for retention; mandatory retire-
ment under civil service laws.”.

19 (b) CONFORMING AMENDMENT.—Section 10218(a)
20 of title 10, United States Code, is amended by striking
21 “MILITARY” after “SEPARATION AND RETIREMENT OF”
22 and inserting “RESERVE”.

○