108TH CONGRESS
2D SESSION

# S. 2152

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 2, 2004

Mr. MILLER (for himself, Mr. CHAMBLISS, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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# 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 Retirement Retainer Act of 2004".

6 **SEC. 2. ELIGIBILITY FOR REDUCED NON-REGULAR SERV-**

7        **ICE RETIRED PAY BEFORE AGE 60.**

8    (a) ELIGIBILITY BEGINNING AT AGE 55.—Section

9 12731(a)(1) of title 10, United States Code, is amended

1 by striking "60 years of age" and inserting "55 years of

2 age".

3    (b) REDUCED RETIRED PAY WHEN COMMENCED

4 BEFORE AGE 60.—Section 12739 of such title is amend-

5 ed—

6        (1) in subsection (a), by inserting ", subject to

7    subsection (d)," after "this chapter is";

8        (2) by redesignating subsection (d) as sub-

9    section (e); and

10        (3) by inserting after subsection (c) the fol-

11    lowing new subsection (d):

12    "(d) In the case of a person to whom payment of

13 retired pay under this chapter commences after the person

14 attains 55 years of age and before the person attains 60

15 years of age, the total amount of the monthly retired pay

16 computed under subsections (a), (b), and (c) shall be re-

17 duced by the percentage specified for the age of the person

18 when payment of the retired pay commences, as follows:

| "Age (in years) when payment of retired pay commences: | Percentage by which retired pay is to be reduced: |
|---|---|
| 55 | 12.5 |
| 56 | 9.0 |
| 57 | 6.0 |
| 58 | 3.5 |
| 59 | 1.5.". |

**SEC. 3. CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.**

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

(1) by inserting "(1)" after "(b)"; and

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

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

**SEC. 4. EFFECTIVE DATE AND APPLICABILITY.**

This Act and the amendments made by this Act shall take effect on the first day of the first month that begins more than 180 days after the date of the enactment of this Act.

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