

110TH CONGRESS  
1ST SESSION

# S. 1879

To amend titles 10 and 37, United States Code, to reduce the minimum age of retirement for years of non-regular service for reserves who serve on active duty in Iraq and Afghanistan, to increase the amount of educational assistance for members of the Selected Reserve, and to provide certain other benefits relating to service in the reserve components of the Armed Forces, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 26, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

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1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. INCREASE IN AMOUNT OF EDUCATIONAL AS-**  
2 **SISTANCE FOR MEMBERS OF THE SELECTED**  
3 **RESERVE.**

4 (a) INCREASE IN AMOUNT.—Section 16131(b)(1) of  
5 title 10, United States Code, is amended—

6 (1) in subparagraph (A), by striking “\$251”  
7 and inserting “\$600”;

8 (2) in subparagraph (B), by striking “\$188”  
9 and inserting “\$450”; and

10 (3) in subparagraph (C), by striking “\$125”  
11 and inserting “\$300”.

12 (b) EFFECTIVE DATE.—The amendments made by  
13 subsection (a) shall take effect on the date of the enact-  
14 ment of this Act, and shall apply with respect to payments  
15 of educational assistance allowances under chapter 1606  
16 of title 10, United States Code, made for months begin-  
17 ning on or after that date.

18 **SEC. 2. REDUCTION IF RETIREMENT AGE FOR YEARS OF**  
19 **SERVICE IN THE ARMED FORCES BY CERTAIN**  
20 **MEMBERS OF THE NATIONAL GUARD AND RE-**  
21 **SERVE WHO SERVE ON ACTIVE DUTY AFTER**  
22 **SEPTEMBER 11, 2001.**

23 (a) IN GENERAL.—Section 12731 of title 10, United  
24 States Code, is amended—

25 (1) in subsection (a), by striking paragraph (1)  
26 and inserting the following:

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

3           (2) by adding at the end the following new sub-  
4           section:

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

7           “(2)(A) In the case of a person who as a reserve of  
8           the armed forces serves on active duty in Iraq or Afghani-  
9           stan after September 11, 2001, the eligibility age for pur-  
10          poses of subsection (a)(1) shall be reduced below 60 years  
11          of age by six months for each aggregate of 90 days on  
12          which such person so serves after such date, subject to  
13          subparagraph (B). A day of service may be included in  
14          only one aggregate of 90 days for purposes of this sub-  
15          paragraph.

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

19          (b) ADMINISTRATION OF RELATED PROVISIONS OF  
20          LAW OR POLICY.—With respect to any provision of law,  
21          or of any policy, regulation, or directive of the executive  
22          branch, that refers to a member or former member of the  
23          uniformed services as being eligible for, or entitled to, re-  
24          tired pay under chapter 1223 of title 10, United States  
25          Code, but for the fact that the member or former member

1 is under 60 years of age, such provision shall be carried  
 2 out with respect to that member or former member by  
 3 substituting for the reference to being 60 years of age a  
 4 reference to having attained the eligibility age applicable  
 5 under subsection (f) of section 12731 of title 10, United  
 6 States Code (as added by subsection (a)), to such member  
 7 or former member for qualification for such retired pay  
 8 under subsection (a) of that section.

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

15 **SEC. 3. LOCATION OF TREATMENT OF CERTAIN RESERVES**  
 16 **REQUIRING TREATMENT FOR WOUNDS OR IN-**  
 17 **JURIES INCURRED ON ACTIVE DUTY.**

18 (a) **LOCATION OF TREATMENT.**—

19 (1) **IN GENERAL.**—If a member of a reserve  
 20 component of the Armed Forces requires treatment  
 21 for more than 30 days for a wound or injury in-  
 22 curred on active duty in the Armed Forces, the Sec-  
 23 retary of the military department concerned shall  
 24 transfer such member to a military medical treat-  
 25 ment facility, medical facility of the Department of

1 Veterans Affairs, or private medical facility appro-  
2 priate for the treatment of such wound or injury  
3 that is located not more than 30 miles from a loca-  
4 tion elected by such member for such purpose from  
5 among the locations as follows:

6 (A) The hometown of such member.

7 (B) The permanent duty station of such  
8 member.

9 (2) TRANSFERS TO VA FACILITIES.—(A) Any  
10 transfer under paragraph (1) to a medical facility of  
11 the Department of Veterans Affairs shall be made  
12 on a space-available basis at such medical facility.

13 (B) Transfers under paragraph (1) to medical  
14 facilities of the Department of Veterans Affairs shall  
15 be made in accordance with the terms of a memo-  
16 randum of agreement entered into by the Secretary  
17 of Defense and the Secretary of Veterans Affairs for  
18 purposes of this section.

19 (3) TRANSFERS TO PRIVATE FACILITIES.—Any  
20 transfer under paragraph (1) to a private medical  
21 facility shall be made with the consent of such med-  
22 ical facility.

23 (4) COST OF TREATMENT.—All costs of treat-  
24 ment of a member transferred under paragraph (1)  
25 to a medical facility of the Department of Veterans

1       Affairs or private medical facility for the wound or  
2       injury for which so transferred shall be borne by the  
3       Secretary of the military department concerned.

4       (b) ENHANCEMENT OF TRAVEL AND TRANSPORTATION FOR FAMILY MEMBERS FOR TRAVEL INCIDENT  
5       TO ILLNESS OR INJURY OF MEMBERS.—Section 411h of  
6       title 37, United States Code, is amended—  
7       title 37, United States Code, is amended—

8               (1) in subsection (a), by striking paragraph (3);

9               (2) by striking subsection (c) and inserting the  
10       following new subsection (c):

11       “(c) The amount payable under subsection (a) for  
12       travel and transportation of a family member of a member  
13       of the uniformed services is the amount as follows:

14               “(1) During the 180-day period beginning with  
15       the commencement of treatment of such member as  
16       described in subsection (a), \$100 per day for not  
17       more than 5 days in each consecutive 30-day period  
18       during such 180-day period.

19               “(2) During the 180-day period beginning at  
20       the end of the 180-day period covered by subparagraph (A), \$100 per day for not more than 5 days  
21       in each consecutive 60-day period during the 180-  
22       day period covered by this subparagraph.  
23       day period covered by this subparagraph.

24               “(3) After the 180-day period covered by sub-  
25       paragraph (B), \$100 per day for not more than 5

1 days in each consecutive 90-day period thereafter.”;

2 and

3 (3) in subsection (d), by striking paragraph (3).

4 **SEC. 4. TRAVEL AND TRANSPORTATION ALLOWANCE FOR**  
5 **MEMBERS OF THE NATIONAL GUARD TRAV-**  
6 **ELING LONG DISTANCES FOR DRILL OR AN-**  
7 **NUAL TRAINING.**

8 (a) ALLOWANCES.—Chapter 7 of title 37, United  
9 States Code, is amended by inserting after section 408 the  
10 following new section:

11 **“§ 408a. Travel and transportation allowances: mem-**  
12 **bers of the National Guard traveling**  
13 **long-distances for drill or annual training**

14 “(a) ELIGIBILITY FOR REIMBURSEMENT.—Under  
15 regulations prescribed jointly by the Secretary of the Army  
16 and the Secretary of the Air Force, a member of a reserve  
17 component of the armed forces who travels more than 50  
18 miles for drill or instruction, or annual training duty,  
19 under section 502 of title 32 shall be reimbursed by the  
20 applicable Secretary for the costs of such travel.

21 “(b) LIMITATION.—The total reimbursement of a  
22 member for travel under subsection (a) may not exceed  
23 the cost of Government-procured commercial round-trip  
24 travel between the locations involved.”.

1           (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 7 of such title is amended by  
3 inserting after the item relating to section 408 the fol-  
4 lowing new item:

“408a. Travel and transportation allowances: members of the National Guard  
traveling long-distances for drill or annual training.”.

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