

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2499

To provide that members of the National Guard who served in the counties declared Federal disaster areas in response to the September 11, 2001, terrorist attacks on the United States, and who served under State duty so that they could immediately assist in the response to the terrorist attacks should have that service counted as Federal active duty for purposes of military retirement credit under chapter 1223 of title 10, United States Code.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2005

Mrs. MALONEY (for herself, Mr. KING of New York, Mr. ISRAEL, Mr. FOSSELLA, Mrs. LOWEY, Mr. TOWNS, Mr. ACKERMAN, Mr. OWENS, Mr. HINCHEY, Mr. SERRANO, and Mrs. MCCARTHY) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To provide that members of the National Guard who served in the counties declared Federal disaster areas in response to the September 11, 2001, terrorist attacks on the United States, and who served under State duty so that they could immediately assist in the response to the terrorist attacks should have that service counted as Federal active duty for purposes of military retirement credit under chapter 1223 of title 10, United States Code.

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. MILITARY RETIREMENT CREDIT FOR CERTAIN**  
4 **SERVICE BY NATIONAL GUARD MEMBERS**  
5 **PERFORMED WHILE IN A STATE DUTY STA-**  
6 **TUS IMMEDIATELY AFTER THE TERRORIST**  
7 **ATTACKS OF SEPTEMBER 11, 2001.**

8 (a) **RETIREMENT CREDIT.**—Service of a member of  
9 the Ready Reserve of the Army National Guard or Air  
10 National Guard described in subsection (b) shall be  
11 deemed to be service creditable under section  
12 12732(a)(2)(A)(i) of title 10, United States Code.

13 (b) **COVERED SERVICE.**—Service referred to in sub-  
14 section (a) is full-time State active duty service that a  
15 member of the National Guard performed on or after Sep-  
16 tember 11, 2001, and before October 1, 2002, in any of  
17 the counties specified in subsection (c) to support a Fed-  
18 eral declaration of emergency following the terrorist at-  
19 tacks on the United States of September 11, 2001.

20 (c) **COVERED COUNTIES.**—The counties referred to  
21 in subsection (b) are the following:

22 (1) In the State of New York: Bronx, Kings,  
23 New York (boroughs of Brooklyn and Manhattan),  
24 Queens, Richmond, Delaware, Dutchess, Nassau,

1 Orange, Putnam, Rockland, Suffolk, Sullivan, Ul-  
2 ster, and Westchester

3 (2) In the State of Virginia: Arlington.

4 (d) APPLICABILITY.—Subsection (a) shall take effect  
5 as of September 11, 2001.

○