

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6438

To amend title 10, United States Code, to lift restrictions on the availability of certain enlistment, reenlistment, and student loan benefits for military technicians, when membership in a reserve component is a condition of the military technician's employment and to repeal the prohibition in title 32, United States Code, against overtime pay for National Guard technicians.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2008

Mr. COURTNEY introduced the following bill; which was 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. SHORT TITLE.**

2 This Act may be cited as the “National Guard Tech-  
3 nician Recruitment and Retention Act of 2008”.

4 **SEC. 2. AVAILABILITY OF CERTAIN ENLISTMENT, REEN-**  
5 **LISTMENT, AND STUDENT LOAN BENEFITS**  
6 **FOR MILITARY TECHNICIANS (DUAL STATUS).**

7 Section 10216 of title 10, United States Code, is  
8 amended by adding at the end the following new sub-  
9 section:

10 “(h) **ELIGIBILITY FOR BONUSES AND OTHER BENE-**  
11 **FITS.**—(1) If an individual is first employed as a military  
12 technician (dual status) while the individual is already a  
13 member of a reserve component, the Secretary concerned  
14 may not require the individual to repay any enlistment,  
15 reenlistment, or affiliation bonus provided to the indi-  
16 vidual in connection with the individual’s enlistment or re-  
17 enlistment before such employment.

18 “(2) Even though an individual employed as a mili-  
19 tary technician (dual status) is required as a condition of  
20 that employment to maintain membership in the Selected  
21 Reserve, the individual shall not be precluded from receiv-  
22 ing an enlistment, reenlistment, or affiliation bonus nor  
23 be denied the opportunity to participate in an educational  
24 loan repayment program under chapter 1609 of this title  
25 as an additional incentive for the individual to accept and  
26 maintain such membership”.

1 **SEC. 3. REPEAL OF PROHIBITION AGAINST OVERTIME PAY**  
2 **FOR NATIONAL GUARD TECHNICIANS.**

3 (a) **AUTHORITY FOR SECRETARY TO GRANT OVER-**  
4 **TIME PAY.**—Section 709(h) of title 32, United States  
5 Code, is amended by striking the second sentence and in-  
6 serting the following new sentence: “In the case of a tech-  
7 nician who performs irregular or overtime work, the Sec-  
8 retary concerned shall, at the technician’s choice, grant  
9 the technician an amount of compensatory time off from  
10 the technician’s scheduled tour of duty equal to the  
11 amount of time spent in such irregular or overtime work,  
12 or pay the technician for such irregular or overtime work  
13 at a rate equal to one and one-half times the rate of basic  
14 pay applicable to the technician.”.

15 (b) **EFFECTIVE DATE.**—The amendment made by  
16 subsection (a) shall apply with respect to irregular or over-  
17 time work performed by an employee subject to section  
18 709 of title 32, United States Code, on or after the date  
19 of the enactment of this Act.

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