

109TH CONGRESS
2^D SESSION

H. R. 5584

To amend title 10, United States Code, to provide for the inclusion of certain special and incentive pays in the computation of military retired pay for members of the Armed Forces who have a special operations forces designation.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2006

Mr. HAYES (for himself and Mr. McINTYRE) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for the inclusion of certain special and incentive pays in the computation of military retired pay for members of the Armed Forces who have a special operations forces designation.

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 “Special Operations
5 Forces Retention Improvement Act of 2006”.

1 **SEC. 2. INCLUSION OF SPECIFIED SPECIAL AND INCENTIVE**
 2 **PAYS IN COMPUTATION OF MILITARY RE-**
 3 **TIRED PAY FOR MEMBERS OF THE ARMED**
 4 **FORCES WITH A SPECIAL OPERATIONS**
 5 **FORCES DESIGNATION.**

6 (a) IN GENERAL.—Chapter 71 of title 10, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing new section:

9 **“§ 1415. Members with special operations forces des-**
 10 **ignation: increase in retired pay for re-**
 11 **ceipt of certain special pays**

12 “(a) INCREASE IN RETIRED PAY FOR QUALIFYING
 13 MEMBERS.—The retired pay of a member who is a quali-
 14 fying special operations forces member and who retires on
 15 or after the date of the enactment of this section shall
 16 be increased by the amount determined under subsection
 17 (b).

18 “(b) COMPUTATION OF INCREASE.—

19 “(1) SUM OF PRORATED MONTHLY SPECIAL
 20 PAYS.—The amount of an increase in retired pay
 21 under this section for any member shall be the sum
 22 of the amounts determined under paragraph (2) for
 23 that member.

24 “(2) PRO RATING OF SPECIAL PAYS.—For each
 25 covered monthly special pay that the member re-
 26 ceived at any time while on active duty, there shall

1 be determined the amount that is equal to the prod-
2 uct of—

3 “(A) the monthly amount of such covered
4 special pay that the member received for the
5 final month for which the member received that
6 special pay; and

7 “(B) the fraction in which—

8 “(i) the numerator is the number of
9 months for which the member received that
10 special pay; and

11 “(ii) the denominator is the total
12 number of months for which the member
13 received basic pay.

14 “(c) COVERED MONTHLY SPECIAL PAYS.—For pur-
15 poses of this section, the term ‘covered monthly special
16 pay’ means the following incentive and special pays, each
17 of which is paid on a monthly basis:

18 “(1) Incentive pay under section 301 of title
19 37, relating to performance of hazardous duty re-
20 quired by orders.

21 “(2) Aviation career incentive pay under section
22 301a of title 37.

23 “(3) Submarine duty incentive pay under sec-
24 tion 301c of title 37.

1 “(4) Special pay under section 304 of title 37,
2 relating to diving duty.

3 “(5) Special pay under section 305 of title 37,
4 relating to hardship duty.

5 “(6) Special pay under section 305a of title 37,
6 relating to career sea pay.

7 “(7) Special pay under section 305b of title 37,
8 relating to service as a member of a Weapons of
9 Mass Destruction Civil Support Team.

10 “(8) Special pay under section 306 of title 37,
11 relating to officers holding positions of unusual re-
12 sponsibility and of a critical nature.

13 “(9) Special pay under section 307 of title 37,
14 relating to special duty assignments for enlisted
15 members.

16 “(10) Special pay under section 310 of title 37,
17 relating to duty subject to hostile fire or imminent
18 danger.

19 “(11) Special pay under section 314 of title 37,
20 relating to qualified members extending duty at des-
21 ignated overseas locations.

22 “(12) Incentive pay under section 320 of title
23 37, relating to career enlisted flyers.

24 “(13) Special pay under section 328 of title 37,
25 relating to combat-related injury rehabilitation.

1 “(d) QUALIFYING SPECIAL OPERATIONS FORCES
2 MEMBERS.—A member is a qualifying special operations
3 forces member for the purposes of this section if the mem-
4 ber has a special operations forces personnel designation
5 and—

6 “(1) the member was paid special pay for not
7 fewer than 18 months under section 310 of title 37,
8 relating to special pay for duty subject to hostile fire
9 or imminent danger; or

10 “(2) the member was assigned to duty in a spe-
11 cial operations forces duty assignment for not less
12 than 60 months (whether or not consecutive).

13 “(e) TREATMENT UNDER OTHER PROVISIONS RE-
14 LATING TO RETIRED PAY.—An amount by which retired
15 pay is increased under this section shall not be considered
16 to be retired pay—

17 “(1) for purposes of section 1408 of this title;
18 or

19 “(2) for purposes of the Survivor Benefit Plan
20 under subchapter II of chapter 73 of this title.

21 “(f) RETAINER PAY.—In this section, the term ‘re-
22 tired pay’ includes retainer pay payable under section
23 6330 of this title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“1415. Members with special operations forces designation: increase in retired
pay for receipt of certain special pays.”.

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