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111TH CONGRESS
1ST SESSION

H. R. 2585

To delay any presumption of death in connection with the kidnapping in Iraq or Afghanistan of a retired member of the Armed Forces to ensure the continued payment of the member's retired pay.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. BROUN of Georgia (for himself and Mr. FILNER) introduced the following bill; which was referred to the Committee on Armed Services

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A BILL

To delay any presumption of death in connection with the kidnapping in Iraq or Afghanistan of a retired member of the Armed Forces to ensure the continued payment of the member's retired pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''PROTECT Act'' or ''Protecting the Retirement of Our Troops by Ensuring Compensation is Timely Act''.

SEC. 2. PRESUMPTION OF DEATH FOR PARTICIPANTS IN SURVIVOR BENEFIT PLAN IN MISSING STATUS.

(a) CONDITIONS ON PRESUMPTION.—In the case of a participant in the Survivor Benefit Plan who has been determined by the Secretary of State to have been kidnapped in Iraq or Afghanistan on or after October 7, 2001, the Secretary of a military department may not make a determination under section 1450(l) of title 10, United States Code, that the participant is missing, with the presumption of death, until the earlier of—

(1) a period of at least 7 years expires after the date of the determination of the Secretary of State; or

(2) the date on which the participant is confirmed dead and a death certificate is delivered to the next of kin of the participant.

(b) RESUMPTION OF RETIRED PAY; PAYMENT OF BACK PAY.—In the case of a participant in the Survivor Benefit Plan described in subsection (a) who was presumed to be dead before the date of the enactment of this Act under section 1450(l) of title 10, United States Code, the Secretary of a military department concerned shall—

(1) resume payment of any retired pay to which the participant is entitled to as a retired member of

the Armed Forces pending satisfaction of the conditions specified in subsection (a); and

(2) pay retired pay for periods occurring before the date of the enactment of this Act for which retired pay was not paid because of the presumption of death.

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