

112TH CONGRESS  
1ST SESSION

# H. R. 3255

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2011

Mr. BROUN of Georgia 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.

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 "PROTECT Act" or  
5 "Protecting the Retirement of Our Troops by Ensuring  
6 Compensation is Timely Act".

1 **SEC. 2. PRESUMPTION OF DEATH FOR PARTICIPANTS IN**  
2 **SURVIVOR BENEFIT PLAN IN MISSING STA-**  
3 **TUS.**

4 (a) **CONDITIONS ON PRESUMPTION.**—In the case of  
5 a participant in the Survivor Benefit Plan who has been  
6 determined by the Secretary of State to have been kid-  
7 napped in Iraq or Afghanistan on or after October 7,  
8 2001, the Secretary of a military department may not  
9 make a determination under section 1450(l) of title 10,  
10 United States Code, that the participant is missing, with  
11 the presumption of death, until the earlier of—

12 (1) a period of at least 11 years expires after  
13 the date of the determination of the Secretary of  
14 State; or

15 (2) the date on which the participant is con-  
16 firmed dead and a death certificate is delivered to  
17 the next of kin of the participant.

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

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

1 the Armed Forces pending satisfaction of the condi-  
2 tions specified in subsection (a); and

3 (2) pay retired pay for periods occurring before  
4 the date of the enactment of this Act for which re-  
5 tired pay was not paid because of the presumption  
6 of death.

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