

107TH CONGRESS
2D SESSION

S. 2211

To amend title 10, United States Code, to apply the additional retired pay percentage for extraordinary heroism to the computation of the retired pay of enlisted members of the Armed Forces who are retired for any reason, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2002

Mr. HUTCHINSON (for himself and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to apply the additional retired pay percentage for extraordinary heroism to the computation of the retired pay of enlisted members of the Armed Forces who are retired for any reason, and for other purposes.

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. EXPANDED APPLICABILITY OF ADDITIONAL RE-**
4 **TIRED PAY FOR EXTRAORDINARY HEROISM.**

5 (a) ARMY.—Section 3991(a)(2) of title 10, United
6 States Code, is amended—

1 (1) by striking “If a member who is retired
2 under section 3914 of this title” and inserting “If
3 an enlisted member entitled to monthly retired pay
4 under this subtitle”; and

5 (2) by inserting after the first sentence the fol-
6 lowing new sentence: “The first sentence does not
7 apply with respect to retired pay computed under
8 section 12733 of this title.”.

9 (b) NAVY AND MARINE CORPS.—(1) Chapter 571 of
10 such title is amended by inserting after section 6334 the
11 following new section:

12 **“§ 6334a. Computation of retired pay: additional 10**
13 **percent for enlisted members credited**
14 **with extraordinary heroism**

15 “ If an enlisted member entitled to monthly retired
16 pay under this subtitle has been credited by the Secretary
17 of the Navy with extraordinary heroism in the line of duty,
18 the member’s retired pay shall be increased by 10 percent
19 of the amount determined under section 6333 or 6334 of
20 this title, as the case may be, but to not more than 75
21 percent of the retired pay base upon which the computa-
22 tion of such retired pay is based. The first sentence does
23 not apply with respect to retired pay computed under sec-
24 tion 12733 of this title. The Secretary’s determination as
25 to extraordinary heroism is conclusive for all purposes.”.

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

“6334a. Computation of retired pay: additional 10 percent for enlisted members
 credited with extraordinary heroism.”.

4 (c) AIR FORCE.—Section 8991(a)(2) of title 10,
 5 United States Code, is amended—

6 (1) by striking “If a member who is retired
 7 under section 8914 of this title” and inserting “If
 8 an enlisted member entitled to monthly retired pay
 9 under this subtitle”; and

10 (2) by inserting after the first sentence the fol-
 11 lowing new sentence: “The first sentence does not
 12 apply with respect to retired pay computed under
 13 section 12733 of this title.”.

14 (d) DISABILITY RETIREMENT.—(1) Section 1201 of
 15 such title is amended—

16 (A) in subsection (a), by striking “, with retired
 17 pay computed under section 1401 of this title,”; and

18 (B) by adding at the end the following new sub-
 19 section:

20 “(d) COMPUTATION OF RETIRED PAY.—(1) The re-
 21 tired pay to which a member is entitled under this section
 22 shall be computed under section 1401 of this title.

23 “(2) If an enlisted member entitled to monthly retired
 24 pay under this section has been credited by the Secretary

1 concerned with extraordinary heroism in the line of duty,
 2 the member's retired pay shall be increased by 10 percent
 3 of the amount determined under section 1401 of this title
 4 (but to not more than 75 percent of the retired pay base
 5 upon which the computation of such retired pay is
 6 based).”.

7 (2) Section 1202 of such title is amended—

8 (A) by inserting “(a) RETIREMENT.—” before
 9 the text of such section;

10 (B) by striking “with retired pay computed
 11 under section 1401 of this title” and inserting “and
 12 pay retired pay to the member.”; and

13 (C) by adding at the end the following new sub-
 14 section:

15 “(b) COMPUTATION OF RETIRED PAY.—(1) The re-
 16 tired pay to which a member is entitled under this section
 17 shall be computed under section 1401 of this title.

18 “(2) If an enlisted member entitled to monthly retired
 19 pay under this section has been credited by the Secretary
 20 concerned with extraordinary heroism in the line of duty,
 21 the member's retired pay shall be increased by 10 percent
 22 of the amount determined under section 1401 of this title
 23 (but to not more than 75 percent of the retired pay base
 24 upon which the computation of such retired pay is
 25 based).”.

1 (e) APPLICABILITY.—The amendments made by this
2 section shall not apply with respect to months beginning
3 on or before the date of the enactment of this Act.

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