

110TH CONGRESS
1ST SESSION

H. R. 4334

To amend title 37, United States Code, to ensure that a member of the uniformed services who no longer satisfies the eligibility conditions for receipt of a bonus or similar benefit because of the death of the member or the retirement or separation of the member due to injury, illness, or other impairment will still receive the balance of the bonus or similar benefit and is not required to repay any portion of the bonus or similar benefit previously paid.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2007

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

A BILL

To amend title 37, United States Code, to ensure that a member of the uniformed services who no longer satisfies the eligibility conditions for receipt of a bonus or similar benefit because of the death of the member or the retirement or separation of the member due to injury, illness, or other impairment will still receive the balance of the bonus or similar benefit and is not required to repay any portion of the bonus or similar benefit previously paid.

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. EFFECT OF DEATH OR RETIREMENT OR SEPA-**
2 **RATION OF A MEMBER OF THE UNIFORMED**
3 **SERVICES DUE TO INJURY, ILLNESS, OR**
4 **OTHER IMPAIRMENT ON ENTITLEMENT TO**
5 **BONUS OR SIMILAR PAYMENTS.**

6 (a) LIMITATIONS ON REPAYMENT; CONTINUED PAY-
7 MENT.—Section 303a(e) of title 37, United States Code,
8 is amended—

9 (1) in paragraph (1)—

10 (A) by striking “A member” and inserting
11 “Except as provided in paragraphs (2) and (3),
12 a member”; and

13 (B) by striking “, except in certain cir-
14 cumstances authorized by the Secretary con-
15 cerned”;

16 (2) by redesignating paragraphs (2), (3), and
17 (4) as paragraphs (4), (5), and (6), respectively;

18 (3) in paragraph (4), as so redesignated, by
19 striking “may be granted” in the first sentence and
20 inserting “may be granted under paragraph (3)”;

21 (4) in paragraph (6)(B), as so redesignated, by
22 striking “paragraph (3)(B)” and inserting “para-
23 graph (5)(B)”;

24 (5) by inserting after paragraph (1) the fol-
25 lowing new paragraphs:

1 “(2)(A) If a member of the uniformed services who
2 is entitled to a bonus or similar benefit no longer satisfies
3 the eligibility requirements for continued receipt of the
4 bonus or similar benefit because of the death of the mem-
5 ber or the retirement or separation of the member under
6 chapter 61 of title 10 due to an injury, illness, or other
7 impairment, not incurred as a result of the member’s own
8 misconduct, the Secretary concerned—

9 “(i) may not require the member or the mem-
10 ber’s estate to repay to the United States the un-
11 earned portion of the bonus or similar benefit pre-
12 viously paid; and

13 “(ii) shall pay any portion of the bonus or simi-
14 lar benefit not yet paid as provided by subparagraph
15 (B).

16 “(B) In the case of the death of a member described
17 in subparagraph (A), the Secretary concerned shall in-
18 clude the amount of any unpaid portion of a bonus or simi-
19 lar benefit in the final pay of the deceased member. In
20 other cases, the unpaid portion of the bonus or similar
21 benefit shall be paid to the member as soon as practicable,
22 but not later than 90 days following the date of the retire-
23 ment or separation of the member.

24 “(3)(A) In the case of circumstances not covered by
25 paragraph (2), the Secretary concerned may grant an ex-

1 ception to the repayment requirements of paragraph (1)
2 for a member of the uniformed services otherwise subject
3 to the repayment requirements if the Secretary determines
4 that imposing the repayment requirements would be—

5 “(i) contrary to personnel policy or manage-
6 ment objectives;

7 “(ii) against equity and good conscience; or

8 “(iii) contrary to the best interests of the
9 United States.

10 “(B) In addition to granting an exception for a mem-
11 ber under subparagraph (A) to the repayment require-
12 ments, the Secretary concerned may authorize the contin-
13 ued payment of any portion of a bonus or similar benefit
14 not yet paid to a member who is unable to fulfill the eligi-
15 bility requirements for receipt of the bonus or similar ben-
16 efit, subject to the Secretary making the determination re-
17 quired by subparagraph (A).

18 “(C) The grant of an exception under subparagraph
19 (A), the authorization for the continued payment of a
20 bonus or similar benefit under subparagraph (B), and the
21 determinations required by such subparagraphs shall be
22 made by the Secretary concerned on a case-by-case
23 basis.”.

24 (b) RETROACTIVE APPLICATION OF AMENDMENT.—
25 Paragraphs (2) and (3) of section 303a(e) of title 37,

1 United States Code, as added by subsection (a), shall
2 apply with respect to members of the uniformed services
3 who were entitled to a bonus or similar benefit (as defined
4 in such section) during the period beginning on September
5 11, 2001, and ending on the date of the enactment of this
6 Act, but who no longer satisfied the eligibility require-
7 ments for continued receipt of the bonus or similar benefit
8 because of the death, retirement, or separation of the
9 member during that period due to an injury, illness, or
10 other impairment, not incurred as a result of the mem-
11 ber's own misconduct.

○