

AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MR. BROUN OF GEORGIA

At the end of subtitle D of title VI (page 218, after line 16), add the following new section:

1 **SEC. 643. 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 7 years expires after the
13 date of the determination of the Secretary of State;
14 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

1 Benefit Plan described in subsection (a) who was pre-
2 sumed to be dead before the date of the enactment of this
3 Act under section 1450(l) of title 10, United States Code,
4 the Secretary of a military department concerned shall—

5 (1) resume payment of any retired pay to which
6 the participant is entitled to as a retired member of
7 the Armed Forces pending satisfaction of the condi-
8 tions specified in subsection (a); and

9 (2) pay retired pay for periods occurring before
10 the date of the enactment of this Act for which re-
11 tired pay was not paid because of the presumption
12 of death.

