

107TH CONGRESS
1ST SESSION

H. R. 2302

To amend title 10, United States Code, to provide that certain individuals who would be eligible for military retired pay for nonregular service but for the fact that they did not serve on active duty during a period of conflict may nevertheless be paid such retired pay if they served in the United States merchant marine during or immediately after World War II or the Korean Conflict.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2001

Mr. LANTOS (for himself, Ms. ESHOO, and Mr. MANZULLO) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide that certain individuals who would be eligible for military retired pay for nonregular service but for the fact that they did not serve on active duty during a period of conflict may nevertheless be paid such retired pay if they served in the United States merchant marine during or immediately after World War II or the Korean Conflict.

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. REMOVAL OF LIMITATION ON PAYMENT OF**
2 **MILITARY RETIRED PAY FOR CERTAIN PER-**
3 **SONS WHO SERVED IN THE MERCHANT MA-**
4 **RINE.**

5 (a) **REMOVAL OF LIMITATION.**—Section 12731(c)(1)

6 of title 10, United States Code, is amended—

7 (1) by striking “or” at the end of subparagraph
8 (A);

9 (2) by striking the period at the end of sub-
10 paragraph (B) and inserting “; or”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(C) the person served in the United States
14 merchant marine after May 26, 1940, and before
15 January 1, 1948, or after June 26, 1950, and before
16 February 1, 1955—

17 “(i) while documented by an officer or em-
18 ployee of the United States authorized by law
19 to do so; and

20 “(ii) as a crew member of a vessel which
21 at the time of that service—

22 “(I) was documented in the United
23 States;

24 “(II) was operated under the flag of
25 the United States in waters other than in-
26 land waters of the United States; and

1 “(III) was under contract or charter
2 to, or was the property of, the Government
3 of the United States.”.

4 (b) LUMP SUM PAYMENT OF ACCRUED RETIRED
5 PAY.—The Secretary concerned (as defined in section 101
6 of title 10, United States Code) shall, within 60 days after
7 the date of the enactment of this Act, make a lump sum
8 payment to each person eligible for military retired pay
9 under chapter 1223 of title 10, United States Code, by
10 reason of the amendments made by subsection (a). Such
11 payment shall be in the amount equal to the total amount
12 of retired pay that the person would have received before
13 the date of the first payment to that person pursuant to
14 those amendments if those amendments had been in effect
15 on the date that the person became 60 years of age.

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