

110TH CONGRESS
1ST SESSION

H. R. 2540

To amend title 38, United States Code, to provide for the treatment of period of service in uniformed services as continued employment for purposes of pension and retirement benefits for individuals who die during the period of service.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Mr. POMEROY (for himself and Mr. HASTINGS of Washington) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for the treatment of period of service in uniformed services as continued employment for purposes of pension and retirement benefits for individuals who die during the period of service.

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 “Honoring Existing Re-
5 tirement Obligations for Every Servicemember Act of
6 2007”.

1 **SEC. 2. TREATMENT OF PERIOD OF SERVICE IN UNI-**
2 **FORMED SERVICES AS CONTINUED EMPLOY-**
3 **MENT FOR PURPOSES OF PENSION AND RE-**
4 **TIREMENT BENEFITS FOR INDIVIDUALS WHO**
5 **DIE DURING THE PERIOD OF SERVICE.**

6 (a) **IN GENERAL.**—Chapter 43 of title 38, United
7 States Code, is amended—

8 (1) in section 4312(f)—

9 (A) in paragraph (1), by striking “para-
10 graph (2)” and inserting “paragraphs (2) and
11 (4)”; and

12 (B) by adding at the end the following new
13 paragraph:

14 “(4) In the case of a person referred to in subsection
15 (a) who dies during the period of service in the uniformed
16 services, a surviving relative of the person shall notify the
17 employer referred to in that subsection of the person’s
18 death as soon as possible after the death of the person.”;

19 and

20 (2) in section 4318, by adding at the end the
21 following new subsection:

22 “(d) In the case of a person referred to in subsection
23 (a) of section 4312 who dies during the period of service
24 in the uniformed services, the employer referred to in that
25 subsection shall, upon receipt of notice of the person’s
26 death, for purposes of any benefit covered by this section,

1 treat the person as not having incurred a break in service
2 with the employer or employers maintaining the plan until
3 the date of the person's death. That person shall have the
4 same rights under this section as a person reemployed
5 under this chapter and that employer shall be liable under
6 this section with respect to that person in the same man-
7 ner the employer is liable to a person reemployed under
8 this section.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this Act shall apply with respect to a person who dies on
11 or after January 1, 2007.

