

104TH CONGRESS
1ST SESSION

S. 205

To amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

IN THE SENATE OF THE UNITED STATES

JANUARY 11 (legislative day, JANUARY 10), 1995

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

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. PAY AND ALLOWANCES.**

4 (a) REVISION OF PROHIBITION.—(1) Section 804 of
5 title 37, United States Code, is amended to read as fol-
6 lows:

1 **“§ 804. Prohibition of accrual of pay and allowances**
2 **during confinement pending dishonor-**
3 **able discharge**

4 “(a) PAY AND ALLOWANCES NOT TO ACCRUE.—A
5 member of the armed forces sentenced by a court-martial
6 to a dishonorable discharge is not entitled to pay and al-
7 lowances for any period during which the member is in
8 confinement after the adjournment of the court-martial
9 that adjudged such sentence.

10 “(b) RESTORATION OF ENTITLEMENT.—If a sen-
11 tence of a member of the armed forces to dishonorable
12 discharge is disapproved, mitigated, or changed by an offi-
13 cial authorized to do so or is otherwise set aside by com-
14 petent authority, the prohibition in subsection (a) shall
15 cease to apply to the member on the basis of that sentence
16 and the member shall be entitled to receive the pay and
17 allowances that, under subsection (a), did not accrue to
18 the member by reason of that sentence.”.

19 (2) CLERICAL AMENDMENT.—The item relating to
20 section 804 in the table of sections at the beginning of
21 chapter 15 of such title is amended to read as follows:

“804. Prohibition of accrual of pay and allowances during confinement pending
dishonorable discharge.”.

1 (b) PROSPECTIVE APPLICABILITY.—The amendment
2 made by subsection (a)(1) does not apply to pay periods
3 beginning before the date of the enactment of this Act.

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