

115TH CONGRESS
1ST SESSION

H. R. 4413

To amend the Uniform Code of Military Justice to prevent the receipt of unpaid pay and allowances by Bowe Bergdahl and other members of the Armed Forces who are guilty of desertion and to reserve such unpaid pay and allowances to provide additional compensation to members of the Armed Forces who are killed, wounded, or injured while searching for a missing member of the Armed Forces who turns out to have deserted.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2017

Mr. PEARCE introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend the Uniform Code of Military Justice to prevent the receipt of unpaid pay and allowances by Bowe Bergdahl and other members of the Armed Forces who are guilty of desertion and to reserve such unpaid pay and allowances to provide additional compensation to members of the Armed Forces who are killed, wounded, or injured while searching for a missing member of the Armed Forces who turns out to have deserted.

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. SHORT TITLE.**

2 This Act may be cited as the “No Back Pay for
3 Bergdahl Act”.

4 **SEC. 2. PROHIBITION ON RECEIPT OF UNPAID PAY AND AL-**
5 **LOWANCES BY MEMBERS OF THE ARMED**
6 **FORCES GUILTY OF DESERTION.**

7 (a) PROHIBITION.—Section 885 of title 10, United
8 States Code (article 85 of the Uniform Code of Military
9 Justice), is amended by adding at the end the following
10 new subsection:

11 “(d)(1) Any person found guilty of desertion or an
12 attempt to desert is not entitled to any payments or bene-
13 fits otherwise provided under section 552 or 559 of title
14 37 for any period during which the person is treated as
15 being in a missing or captive status after the date on
16 which the person was first determined to be absent from
17 the person’s post of duty without authority.

18 “(2) If payments or benefits described in paragraph
19 (1) have already been made for that period, the person
20 is indebted to the United States for the full amount of
21 such payments or benefits.

22 “(3) The punishment under paragraph (1) is in addi-
23 tion to the punishments authorized under subsection (c).

24 “(4) The Secretary of Defense shall use amounts un-
25 paid by reason of operation of paragraph (1) or recovered

1 under paragraph (2) to provide compensation, in such
2 amounts as the Secretary considers appropriate, to—

3 “(A) any members of the armed forces who
4 were wounded or injured while searching for the per-
5 son found guilty of desertion or attempt to desert;
6 and

7 “(B) the designated representatives of any
8 members of the armed forces who were killed while
9 searching for the person.

10 “(5) In the absence of members of the armed forces
11 described in subparagraph (A) or (B) of paragraph (4),
12 the Secretary of Defense shall use the amounts as pro-
13 vided in section 2601(b) of this title.”.

14 (b) APPLICATION OF AMENDMENT TO BOWE
15 BERGDAHL.—Subsection (d) of section 885 of title 10,
16 United States Code (article 85 of the Uniform Code of
17 Military Justice), as added by subsection (a), shall apply
18 with respect to Bowe Bergdahl.

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