

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 585

To amend title 37, United States Code, to prohibit the accrual of pay and allowances by members of the Armed Forces who are confined pending dismissal or a dishonorable or bad-conduct discharge.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1995

Mrs. LINCOLN introduced the following bill; which was referred to the  
Committee on National Security

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## A BILL

To amend title 37, United States Code, to prohibit the accrual of pay and allowances by members of the Armed Forces who are confined pending dismissal or a dishonorable or bad-conduct 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. PROHIBITION ON ACCRUAL OF PAY AND AL-**  
4                               **LOWANCES BY CERTAIN INCARCERATED**  
5                               **MEMBERS.**

6       (a) REVISION OF EXISTING PROHIBITION.—(1) Sec-  
7       tion 804 of title 37, United States Code, is amended to  
8       read as follows:

1 **“§ 804. Prohibition on accrual of pay and allowances**  
2 **during confinement pending dismissal or**  
3 **dishonorable or bad-conduct discharge**

4 “(a) PAY AND ALLOWANCES NOT TO ACCRUE.—A  
5 member of the armed forces who is under a sentence that  
6 includes dismissal or a dishonorable or bad-conduct dis-  
7 charge shall not be entitled to any pay and allowances for  
8 any period during which the member is in confinement  
9 after the adjournment of the court-martial that adjudged  
10 such sentence.

11 “(b) RESTORATION OF ENTITLEMENT.—If a sen-  
12 tence of a member of the armed forces described in sub-  
13 section (a) is disapproved, mitigated, or changed by an  
14 official authorized to do so or is otherwise set aside by  
15 competent authority such that the sentence no longer in-  
16 cludes dismissal or a dishonorable or bad-conduct dis-  
17 charge, the prohibition in subsection (a) shall cease to  
18 apply to the member on the basis of that sentence. The  
19 member shall be entitled to receive the pay and allowances  
20 that, in the absence of the prohibition, would have accrued  
21 to the member.”.

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

“804. Prohibition on accrual of pay and allowances during confinement pending  
dismissal or dishonorable or bad-conduct discharge.”.

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

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