

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 606

To amend title 10, United States Code, to correct an inequity in the provisions relating to the payment of benefits under court orders in the case of dependents who are victims of abuse by members of the Armed Forces losing right to retired pay.

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## IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 3), 1993

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

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## A BILL

To amend title 10, United States Code, to correct an inequity in the provisions relating to the payment of benefits under court orders in the case of dependents who are victims of abuse by members of the Armed Forces losing right to retired pay.

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. BENEFITS FOR DEPENDENTS OF MEMBERS OF**  
2 **THE ARMED FORCES PENDING LOSS OF**  
3 **RIGHT TO RETIRED PAY AS A RESULT OF A**  
4 **COURT-MARTIAL.**

5 (a) PAYMENT REQUIRED.—Subsection (h) of section  
6 1408 of title 10, United States Code, is amended—

7 (1) by redesignating paragraph (10) as para-  
8 graph (11); and

9 (2) by inserting after paragraph (9) the follow-  
10 ing new paragraph (10):

11 “(10)(A) For purposes of this subsection, in the case  
12 of a member of the armed forces who has been sentenced  
13 by a court-martial to receive a punishment that will termi-  
14 nate the eligibility of that member to receive retired pay  
15 if executed, the eligibility of that member to receive retired  
16 pay shall be considered terminated effective upon the  
17 approval of that sentence by the court-martial convening  
18 authority.

19 “(B) If each form of the punishment that would re-  
20 sult in the termination of eligibility to receive retired pay  
21 is later remitted, set aside, or mitigated to a punishment  
22 that does not result in the termination of that eligibility,  
23 a payment of benefits to the eligible recipient under this  
24 subsection that is based on the punishment so vacated,  
25 set aside, or mitigated shall cease. The cessation of pay-  
26 ments shall be effective as of the first day of the first

1 month following the month in which the Secretary of the  
2 military department concerned notifies the recipient of  
3 such benefits in writing that payment of the benefits will  
4 cease. The recipient may not be required to repay the ben-  
5 efits received before that effective date (except to the ex-  
6 tent necessary to recoup any amount that was erroneous  
7 when paid).”.

8 (b) EFFECTIVE DATE.—The amendments made by  
9 subsection (a) shall take effect as of October 23, 1992,  
10 and shall apply as if the provisions of the paragraph (10)  
11 of section 1408(h) of title 10, United States Code, added  
12 by such subsection were included in the amendment made  
13 by section 653(a)(2) of Public Law 102–484 (106 Stat.  
14 2426).

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