

108TH CONGRESS
2D SESSION

S. 2601

To amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2004

Mr. LAUTENBERG 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 require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism, and for other purposes.

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. MONTHLY SPECIAL PAY FOR ACTIVE DUTY**

4 **SERVICE EXTENDED BY STOP-LOSS ORDERS.**

5 (a) IN GENERAL.—(1) Chapter 5 of title 37, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

1 **“§ 327. Special pay: active duty service extended by**
2 **stop-loss order**

3 “(a) SPECIAL PAY.—A member of the uniformed
4 services entitled to basic pay whose enlistment or period
5 of obligated service is extended, or whose eligibility for re-
6 tirement is suspended, pursuant to the exercise of an au-
7 thority referred to in subsection (b) is entitled while on
8 active duty during the period of such extension or suspen-
9 sion to special pay in the amount specified in subsection
10 (c).

11 “(b) EXTENSION AUTHORITIES.—An authority re-
12 ferred to in this section is an authority for the extension
13 of an enlistment or period of obligated service, or for sus-
14 pension of eligibility for retirement, of a member of the
15 uniformed services under a provision of law as follows:

16 “(1) Section 123 of title 10.

17 “(2) Section 12305 of title 10.

18 “(3) Any other provision of law (commonly re-
19 ferred to as ‘stop-loss authority’) authorizing the
20 President to extend an enlistment or period of obli-
21 gated service, or suspend an eligibility for retire-
22 ment, of a member of the uniformed services in time
23 of war or of national emergency declared by Con-
24 gress or the President.

25 “(c) MONTHLY AMOUNT.—The amount of special pay
26 specified in this subsection is \$2,000 per month.

1 “(d) CONSTRUCTION WITH OTHER PAYS.—Special
 2 pay payable under this section is in addition to any other
 3 pay payable to members of the uniformed services by
 4 law.”.

5 (2) The table of sections at the beginning of such
 6 chapter is amended by adding at the end the following
 7 new item:

“327. Special pay: active duty service extended by stop-loss order.”.

8 (b) EFFECTIVE DATE.—The amendments made by
 9 subsection (a) shall take effect as of March 20, 2003.

10 (c) FUNDING.—Amounts appropriated or otherwise
 11 made available for the Department of Defense for oper-
 12 ation and maintenance for fiscal year 2005 shall be avail-
 13 able for the payment of special pay under section 327 of
 14 title 37, United States Code (as added by subsection
 15 (a))—

16 (1) during fiscal year 2005; and

17 (2) for the period beginning on the effective
 18 date specified in subsection (b) and ending on Sep-
 19 tember 30, 2004.

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