

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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