

107TH CONGRESS
2D SESSION

H. R. 5066

To amend title 37, United States Code, to limit the authority of the United States to recover, after a member of the uniformed services is retired or separated from the uniformed services, amounts of basic pay, allowances, bonuses, special pays, and other compensation erroneously paid to the member before the member's retirement or separation.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2002

Mrs. MINK of Hawaii introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 37, United States Code, to limit the authority of the United States to recover, after a member of the uniformed services is retired or separated from the uniformed services, amounts of basic pay, allowances, bonuses, special pays, and other compensation erroneously paid to the member before the member's retirement or separation.

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. LIMITATION ON RECOVERY OF BASIC PAY, AL-**
2 **LOWANCES, BONUSES, SPECIAL PAYS, AND**
3 **OTHER COMPENSATION ERRONEOUSLY PAID**
4 **BEFORE A MEMBER OF THE UNIFORMED**
5 **SERVICES IS RETIRED OR SEPARATED.**

6 (a) LIMITATION ON RECOVER AUTHORITY.—(1)
7 Chapter 19 of title 37, United States Code, is amended
8 by adding at the end the following new section:

9 **“§ 1016. Limitation on recovery of amounts erro-**
10 **neously paid**

11 “The Secretary concerned may not recover from a
12 person who is a retired member of the uniformed services
13 or who is separated from the uniformed services under
14 other than adverse conditions any amount erroneously
15 paid to the person under this title while a member of the
16 uniformed services when there has been no fault by the
17 person to whom the amount was erroneously paid.”.

18 (2) The table of sections at the beginning of such
19 chapter is amended by adding at the end the following
20 new item:

“1016. Limitation on recovery of amounts erroneously paid.”.

21 (b) APPLICATION OF AMENDMENT.—Section 1016 of
22 title 37, United States Code, as added by subsection (a),
23 shall apply with respect to any attempt to recover, on or
24 after the date of the enactment of this Act, any amounts
25 of basic pay, allowances, bonuses, special pays, or other

1 compensation erroneously paid under such title to mem-
2 bers of the uniformed services described in such section.

