

115TH CONGRESS
1ST SESSION

H. R. 4437

To amend the Uniform Code of Military Justice to prohibit the payment of back pay and allowances to certain members of the Armed Forces who are guilty of desertion and to use the amount of any such unpaid pay and allowances to provide additional compensation to other members of the Armed Forces who were killed or wounded during missions to search for the missing members.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2017

Mr. GRAVES of Louisiana (for himself, Mr. WALZ, Mr. ABRAHAM, Mr. BABIN, Mr. CRAWFORD, Mr. KINZINGER, Mr. SMITH of Missouri, Mrs. HARTZLER, and Ms. MCSALLY) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend the Uniform Code of Military Justice to prohibit the payment of back pay and allowances to certain members of the Armed Forces who are guilty of desertion and to use the amount of any such unpaid pay and allowances to provide additional compensation to other members of the Armed Forces who were killed or wounded during missions to search for the missing members.

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. LOSS OF BACK PAY AND ALLOWANCES BY CER-**
2 **TAIN MEMBERS OF THE ARMED FORCES**
3 **GUILTY OF DESERTION.**

4 (a) IN GENERAL.—Section 885 of title 10, United
5 States Code (article 85 of the Uniform Code of Military
6 Justice), is amended by adding at the end the following
7 new subsection:

8 “(d)(1) In addition to the punishments authorized
9 under subsection (c), any person who is guilty of desertion,
10 and who in connection with the person’s absence without
11 authority was also listed in the duty status of missing-
12 captive, is not entitled to any pay and allowances other-
13 wise payable under subsection (a) of section 552 of title
14 37 for any period during which the person was listed in
15 any missing status, including such missing-captive, after
16 the date on which the person was first determined to be
17 absent from the person’s post of duty without authority.
18 As provided in subsection (c) of such section 552, the per-
19 son is indebted to the United States for payments from
20 amounts credited to the person’s account for that period.

21 “(2) The Secretary of Defense shall use amounts un-
22 paid or recovered by reason of operation of paragraph (1)
23 to provide compensation, in such amounts as the Secretary
24 considers appropriate, to—

1 “(A) any members of the armed forces who
2 were wounded while searching for the person guilty
3 of desertion; and

4 “(B) the designated representatives of any
5 members of the armed forces who were killed while
6 searching for the person.”.

7 (b) EFFECTIVE PERIOD OF AMENDMENT.—Sub-
8 section (d) of section 885 of title 10, United States Code
9 (article 85 of the Uniform Code of Military Justice), as
10 added by subsection (a), shall apply only with respect to
11 a member of the Armed Forces who, during the one-year
12 period beginning on October 1, 2017, is guilty of desertion
13 as described in such subsection (d).

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