

AMENDMENT TO H.R. 367, AS REPORTED
OFFERED BY MR. WOLF OF VIRGINIA

Add, at the end of the bill, the following:

1 **SEC. 6. SUSPENSION OF THE PAY AND ALLOWANCES OF A**
2 **MEMBER OF THE ARMED FORCES IN CON-**
3 **FINEMENT PENDING TRIAL FOR ANY SEX-RE-**
4 **LATED OFFENSE OR CAPITAL OFFENSE.**

5 Section 813 of title 10, United States Code (article
6 13 of the Uniform Code of Military Justice) is amended—

7 (1) by striking “No person” and inserting “(1)
8 Except as provided in subsection (b), no person”;
9 and

10 (2) by adding at the end the following new sub-
11 section:

12 “(b)(1) Under regulations prescribed by the Sec-
13 retary of Defense, the Secretary of a military department
14 shall suspend all or a portion of the pay and allowances
15 of a member of the armed forces under the jurisdiction
16 of the Secretary who is being held in confinement pending
17 trial by court-martial or by civil authority for any sex-re-
18 lated offense or capital offense. The requirement to sus-
19 pend the pay and allowances of certain members under
20 this subsection is consistent with the authority to suspend

1 civilian employees of the Department of Defense without
2 pay under subchapter II of chapter 75 of title 5.

3 “(2) A member whose pay and allowances are sus-
4 pended under paragraph (1) is entitled to—

5 “(A) written notice of the suspension stating
6 the specific reasons for the suspension;

7 “(B) a reasonable time, but not less than seven
8 days, to request a waiver of the suspension and to
9 furnish affidavits and other documentary evidence in
10 support of the waiver;

11 “(C) be represented by an attorney or other
12 representative in making such waiver request; and

13 “(D) a written response by the Secretary of the
14 military department concerned to the waiver request,
15 and if denied, the specific reasons for the denial.

16 “(3) The Secretary of the military department con-
17 cerned may provide for a hearing as part of consideration
18 of a waiver request under paragraph (2).

19 “(4) If a member whose pay and allowances is sus-
20 pended under this subsection is acquitted of the charges
21 for which the pay and allowances were suspended or the
22 sentence is disapproved, commuted, or suspended, the Sec-
23 retary of the military department concerned shall pay the
24 member the full amount of pay and allowances withheld.
25 Otherwise, the withheld amounts shall be paid to the vic-

1 tim or, if multiple victims, to the victims of the crime in
2 an equitable manner.

3 “(5) In this subsection, the term ‘sex-related offense’
4 means—

5 “(A) a sexual assault or other offense covered
6 by section 920, 920a, 920b, or 920c of this title (ar-
7 ticle 120, 120a, 120b, or 120c of the Uniform Code
8 of Military Justice), or an attempt to commit such
9 an offense; or

10 “(B) a comparable offense punishable under
11 other Federal or State law.”.

