

110th CONGRESS
2d Session
H. R. 5130

To provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial.

IN THE HOUSE OF REPRESENTATIVES

January 23, 2008

Mr. McDERMOTT introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING FROM CORRECTION OF MILITARY RECORDS.

(a) Interest Payable on Claims- Subsection (c) of section 1552 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) If the correction of military records under this section involves setting aside a conviction by court-martial, the payment of a claim under this subsection in connection with the correction of the records shall include interest at not less than the rate of interest in effect under section 1035 of this title at the time the payment is made. The interest shall be calculated on an annual basis, and compounded, using the amount of the lost pay, allowances, compensation, emoluments, or other pecuniary benefits involved, and the amount of any fine or forfeiture paid, beginning from the date of the conviction through the date on which the payment is made.”

(b) Conforming Amendment Regarding Corrections Board Authority to Overturn Convictions- Subsection (f) of such section is amended by inserting “convened after May 4, 1950, and” after “court-martial cases”.

(c) Clerical Amendments- Subsection (c) of such section is further amended--

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting '(1)' after '(c)';

(3) by striking 'If the claimant' and inserting the following:

'(2) If the claimant'; and

(4) by striking 'A claimant's acceptance' and inserting the following:

'(3) A claimant's acceptance'.

(d) Retroactive Effectiveness of Amendments- The amendment made by subsection (a) shall apply with respect to any sentence of a court-martial set aside by a Corrections Board on or after October 1, 2007, when the Corrections Board includes an order or recommendation for the payment of a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, that arose as a result of the conviction. In this subsection, the term 'Corrections Board' has the meaning given that term in section 1557 of title 10, United States Code.