

107TH CONGRESS
1ST SESSION

H. R. 65

To amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive a portion of their military retired pay concurrently with veterans' disability compensation.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. BILIRAKIS (for himself, Mr. CONDIT, and Mr. KOLBE) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive a portion of their military retired pay concurrently with veterans' disability compensation.

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. SHORT TITLE.**

4 This Act may be cited as the "Military Retirement
5 Equity Act of 2001".

1 **SEC. 2. CONCURRENT PAYMENT OF RETIRED PAY AND**
2 **COMPENSATION.**

3 (a) LIMITATION ON DUPLICATION OF BENEFITS.—
4 Chapter 71 of title 10, United States Code, is amended
5 by adding at the end the following new section:

6 **“§ 1414. Concurrent payment of retired pay and vet-**
7 **erans’ disability compensation**

8 “(a) PAYMENT OF BOTH RETIRED PAY AND COM-
9 PENSATION.—Except as provided in subsections (c) and
10 (d), a member or former member of the uniformed services
11 who is entitled to retired pay (other than as specified in
12 subsection (b)) and who is also entitled to veterans’ dis-
13 ability compensation is entitled to be paid both without
14 regard to sections 5304 and 5305 of title 38.

15 “(b) EXCEPTION.—Subsection (a) does not apply to
16 a member retired under chapter 61 of this title with less
17 than 20 years of service otherwise creditable under section
18 1405 of this title at the time of the member’s retirement.

19 “(c) PROPORTIONAL REDUCTION IN RETIRED
20 PAY.—In the case of a person described in subsection (a)
21 who is receiving both retired pay and veterans’ disability
22 compensation, the amount of that person’s retired pay
23 shall be reduced (but not below zero) based on the rating
24 of the person’s disability for veterans’ disability compensa-
25 tion purposes as follows:

1 “(1) If and while the disability is rated 10 per-
2 cent, by the amount equal to 90 percent of the
3 amount of the disability compensation paid such
4 person.

5 “(2) If and while the disability is rated 20 per-
6 cent, by the amount equal to 80 percent of the
7 amount of the disability compensation paid such
8 person.

9 “(3) If and while the disability is rated 30 per-
10 cent, by the amount equal to 70 percent of the
11 amount of the disability compensation paid such
12 person.

13 “(4) If and while the disability is rated 40 per-
14 cent, by the amount equal to 60 percent of the
15 amount of the disability compensation paid such
16 person.

17 “(5) If and while the disability is rated 50 per-
18 cent, by the amount equal to 50 percent of the
19 amount of the disability compensation paid such
20 person.

21 “(6) If and while the disability is rated 60 per-
22 cent, by the amount equal to 40 percent of the
23 amount of the disability compensation paid such
24 person.

1 “(7) If and while the disability is rated 70 per-
2 cent, by the amount equal to 30 percent of the
3 amount of the disability compensation paid such
4 person.

5 “(8) If and while the disability is rated 80 per-
6 cent, by the amount equal to 20 percent of the
7 amount of the disability compensation paid such
8 person.

9 “(9) If and while the disability is rated 90 per-
10 cent, by the amount equal to 10 percent of the
11 amount of the disability compensation paid such
12 person.

13 The retired pay of a person entitled to disability com-
14 pensation may not be reduced under this subsection if and
15 while the disability of such person is rated as total.

16 “(d) SPECIAL RULE FOR CHAPTER 61 CAREER RE-
17 TIREES.—Notwithstanding subsection (c), in the case of
18 a retired member described in subsection (a) who retired
19 under chapter 61 of this title with 20 years or more of
20 service otherwise creditable under section 1405 of this title
21 at the time of the member’s retirement, the amount of
22 the member’s retired pay shall be the lesser of the fol-
23 lowing:

24 “(1) The amount of retired pay determined in
25 accordance with subsection (c).

1 “(2) The amount of retired pay determined
2 subject to the applicability of sections 5304 and
3 5305 of title 38, but not less than the amount of re-
4 tired pay to which the member would have been enti-
5 tled under any other provision law based upon the
6 member’s service in the uniformed services if the
7 member had not been retired under chapter 61 of
8 this title.

9 “(e) DEFINITIONS.—In this section:

10 “(1) The term ‘retired pay’ includes retainer
11 pay, emergency officers’ retirement pay, and naval
12 pension.

13 “(2) The term ‘veterans’ disability compensa-
14 tion’ has the meaning given the term ‘compensation’
15 in section 101(12) of title 38.”.

16 (b) REPEAL OF SPECIAL COMPENSATION PRO-
17 GRAM.—Section 1413 of such title is repealed.

18 (c) CLERICAL AMENDMENTS.—The table of sections
19 at the beginning of such chapter is amended—

20 (1) by striking the item relating to section
21 1413; and

22 (2) by adding at the end the following new
23 item:

“1414. Concurrent payment of retired pay and veterans’ disability compensa-
tion.”.

1 **SEC. 3. EFFECTIVE DATE; PROHIBITION ON RETROACTIVE**
2 **BENEFITS.**

3 (a) **IN GENERAL.**—The amendments made by this
4 Act shall take effect on—

5 (1) the first day of the first month that begins
6 after the date of the enactment of this Act; or

7 (2) the first day of the fiscal year that begins
8 in the calendar year in which this Act is enacted, if
9 later than the date specified in paragraph (1).

10 (b) **RETROACTIVE BENEFITS.**—No benefits may be
11 paid to any person by reason of section 1414 of title 10,
12 United States Code, as added by the amendment made
13 by section 2(a), for any period before the effective date
14 specified in subsection (a).

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