

107TH CONGRESS
1ST SESSION

S. 170

To amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2001

Mr. REID (for himself, Mr. HUTCHINSON, Ms. LANDRIEU, Mr. DORGAN, Mr. CONRAD, Mr. JOHNSON, Mr. MCCAIN, Mr. BINGAMAN, Mr. INOUYE, Mr. SHELBY, Ms. SNOWE, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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 both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

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 “Retired Pay Restora-
5 tion Act of 2001”.

1 **SEC. 2. PAYMENT OF RETIRED PAY AND COMPENSATION**
 2 **TO DISABLED MILITARY RETIREES.**

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

6 **“§ 1414. Members eligible for retired pay who have**
 7 **service-connected disabilities: payment of**
 8 **retired pay and veterans’ disability com-**
 9 **ensation**

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

17 “(b) SPECIAL RULE FOR CHAPTER 61 CAREER RE-
 18 TIREES.—The retired pay of a member retired under
 19 chapter 61 of this title with 20 years or more of service
 20 otherwise creditable under section 1405 of this title at the
 21 time of the member’s retirement is subject to reduction
 22 under sections 5304 and 5305 of title 38, but only to the
 23 extent that the amount of the member’s retired pay under
 24 chapter 61 of this title exceeds the amount of retired pay
 25 to which the member would have been entitled under any
 26 other provision of law based upon the member’s service

1 in the uniformed services if the member had not been re-
 2 tired under chapter 61 of this title.

3 “(c) EXCEPTION.—Subsection (a) does not apply to
 4 a member retired under chapter 61 of this title with less
 5 than 20 years of service otherwise creditable under section
 6 1405 of this title at the time of the member’s retirement.

7 “(d) DEFINITIONS.—In this section:

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

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

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

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

18 (1) by striking the item relating to section
 19 1413; and

20 (2) by adding at the end the following new
 21 item:

“1414. Members eligible for retired pay who have service-connected disabilities:
 payment of retired pay and veterans’ disability compensation.”

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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