

110TH CONGRESS
1ST SESSION

H. R. 1732

To provide alternative retired pay rates under title 10, United States Code, and alternative disability compensation rates under title 38, United States Code, for members of the Armed Forces with a combat-related disability, with such rates based on the average monthly salary for high school graduates in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2007

Mr. BARTLETT of Maryland (for himself, Mr. ENGLISH of Pennsylvania, Mr. GOHMERT, Mr. PITTS, Mr. SMITH of Texas, Mrs. EMERSON, Mr. PETERSON of Minnesota, Mrs. CHRISTENSEN, and Mr. RENZI) 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 provide alternative retired pay rates under title 10, United States Code, and alternative disability compensation rates under title 38, United States Code, for members of the Armed Forces with a combat-related disability, with such rates based on the average monthly salary for high school graduates in the United States, and for other purposes.

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. ALTERNATIVE RETIRED PAY RATES FOR MEM-**
2 **BERS OF THE ARMED FORCES WITH A COM-**
3 **BAT-RELATED DISABILITY.**

4 (a) ALTERNATIVE RETIRED PAY BASE FOR CHAP-
5 TER 71 RETIRED PAY.—Section 1401 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(c) ALTERNATIVE RETIRED PAY BASE FOR MEM-
9 BERS WITH A COMBAT-RELATED DISABILITY.—(1) In the
10 case of a member of the armed forces with a combat-re-
11 lated disability who is entitled to monthly retired pay com-
12 puted using a formula specified in subsection (a), the Sec-
13 retary concerned shall permit the member to elect to have
14 used in that formula, in lieu of the retired pay base of
15 the member computed under section 1406(b) or 1407 of
16 this title, a retired pay base equal to \$2,917, which rep-
17 resents the average monthly salary for high school grad-
18 uates in the United States, as determined by the Census
19 Bureau for 2006.

20 “(2) The alternative retired pay base in effect under
21 paragraph (1) for a calendar year shall be adjusted on
22 December 1 of that year in the manner provided by section
23 1401a(b) of this title for use during the next calendar
24 year.

25 “(3) In this subsection, the term ‘combat-related dis-
26 ability’ means a disability that is compensable under the

1 laws administered by the Secretary of Veterans Affairs
2 and that—

3 “(A) is attributable to an injury for which the
4 member was awarded the Purple Heart; or

5 “(B) was incurred (as determined under criteria
6 prescribed by the Secretary of Defense for purposes
7 of section 1413a of this title) as a direct result of
8 armed conflict.”.

9 (b) ALTERNATIVE RETIRED PAY BASE FOR RETIRED
10 PAY FOR NON-REGULAR SERVICE.—Section 12739 of
11 such title is amended by adding at the end the following
12 new subsection:

13 “(e)(1) In the case of a member of the armed forces
14 with a combat-related disability who is entitled to monthly
15 retired pay computed under subsection (a), the Secretary
16 concerned shall permit the member to elect to have used
17 in paragraph (1) of such subsection, in lieu of the retired
18 pay base of the member computed under section 1406(b)
19 or 1407 of this title, a retired pay base equal to \$2,917,
20 which represents the average monthly salary for high
21 school graduates in the United States, as determined by
22 the Census Bureau for 2006.

23 “(2) The alternative retired pay base in effect under
24 paragraph (1) for a calendar year shall be adjusted on
25 December 1 of that year in the manner provided by section

1 1401a(b) of this title for use during the next calendar
2 year.

3 “(3) In this subsection, the term ‘combat-related dis-
4 ability’ means a disability that is compensable under the
5 laws administered by the Secretary of Veterans Affairs
6 and that—

7 “(A) is attributable to an injury for which the
8 member was awarded the Purple Heart; or

9 “(B) was incurred (as determined under criteria
10 prescribed by the Secretary of Defense for purposes
11 of section 1413a of this title) as a direct result of
12 armed conflict.”.

13 (c) APPLICATION OF AMENDMENTS.—The amend-
14 ments made by subsections (a) and (b) shall apply with
15 respect to members of the Armed Forces who retired or
16 whose names were placed on the temporary disability re-
17 tired list after September 11, 2001, except that any re-
18 computation of the retired pay for a member on account
19 of such amendments who retired or whose name was
20 placed on the temporary disability retired list before the
21 date of the enactment of this Act shall be effective only
22 for months beginning after the date of the enactment of
23 this Act.

1 **SEC. 2. ALTERNATIVE WARTIME DISABILITY COMPENSA-**
2 **TION RATES FOR CERTAIN VETERANS.**

3 (a) ALTERNATIVE COMPENSATION BASE FOR CHAP-
4 TER 11 WARTIME DISABILITY COMPENSATION.—Section
5 1114 of title 38, United States Code, is amended by add-
6 ing at the end the following new subsection:

7 “(t)(1) In the case of a veteran—

8 “(A) having a covered service-connected
9 disability rated as total, the Secretary shall per-
10 mit the veteran to elect to receive, in lieu of the
11 monthly compensation rate in effect under sub-
12 section (j), a monthly compensation equal to
13 \$2,917, which represents the average monthly
14 salary for high school graduates in the United
15 States, as determined by the Census Bureau for
16 2006; and

17 “(B) having a covered service-connected
18 disability rated at a percentage other than total,
19 the Secretary shall permit the veteran to elect
20 to receive, in lieu of the monthly compensation
21 rate in effect under subsections (a) through (i),
22 as applicable, a monthly compensation equal to
23 the amount that is the percentage of \$2,917
24 that corresponds to the percentage of the serv-
25 ice-connected disability rating of the veteran.

1 “(2) For purposes of this subsection, the term ‘cov-
2 ered service-connected disability’ means a service-con-
3 nected disability that—

4 “(A) is attributable to an injury for which the
5 veteran was awarded the Purple Heart; or

6 “(B) was incurred (as determined under criteria
7 prescribed by the Secretary of Defense for purposes
8 of section 1413a of title 10) as a direct result of
9 armed conflict.”.

10 (b) APPLICATION OF AMENDMENT.—The amendment
11 made by subsection (a) shall apply with respect to veterans
12 who became eligible to receive compensation under section
13 1110 of title 38, United States Code, after September 11,
14 2001, except that any recomputation of disability com-
15 pensation for a veteran on account of such an amendment
16 who so became eligible before the date of the enactment
17 of this Act shall be effective only for months beginning
18 after the date of the enactment of this Act.

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