

117TH CONGRESS
1ST SESSION

S. 344

To amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retired pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 2021

Mr. TESTER (for himself, Mr. CRAPO, Mr. HOEVEN, Mr. PETERS, Mr. RISCH, Mr. WYDEN, Ms. STABENOW, Mr. BLUNT, Ms. WARREN, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. MARKEY, Ms. SINEMA, Ms. KLOBUCHAR, Ms. HIRONO, Mr. BOOZMAN, Mr. COONS, Mr. LEAHY, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. BENNET, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Ms. SMITH, Ms. MURKOWSKI, Mr. CASEY, Mr. WARNER, Ms. COLLINS, Mr. PORTMAN, Mr. MORAN, Mr. WICKER, Mr. MANCHIN, Mrs. GILLIBRAND, Mr. DAINES, Mrs. MURRAY, Mr. ROUNDS, Mrs. CAPITO, Mr. CRAMER, Mr. SANDERS, Mr. BARRASSO, Mr. MERKLEY, Mr. BROWN, Ms. HASSAN, Mr. DURBIN, Mr. SCOTT of South Carolina, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

MARCH 17 (legislative day, MARCH 16), 2021

Committee discharged; referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retired pay for disability retirees with fewer than 20 years of service and a combat-related disability, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Major Richard Star
 5 Act”.

6 **SEC. 2. ELIGIBILITY OF DISABILITY RETIREES WITH FEWER**
 7 **THAN 20 YEARS OF SERVICE AND A COMBAT-**
 8 **RELATED DISABILITY FOR CONCURRENT RE-**
 9 **CEIPT OF VETERANS’ DISABILITY COMPENSA-**
 10 **TION AND RETIRED PAY.**

11 (a) CONCURRENT RECEIPT IN CONNECTION WITH
 12 CSRC.—Section 1413a(b)(3)(B) of title 10, United States
 13 Code, is amended by striking “creditable service,” and all
 14 that follows and inserting the following: “creditable serv-
 15 ice—

16 “(i) the retired pay of the retiree is
 17 not subject to reduction under sections
 18 5304 and 5305 of title 38; and

19 “(ii) no monthly amount shall be paid
 20 the retiree under subsection (a).”.

21 (b) CONCURRENT RECEIPT GENERALLY.—Section
 22 1414(b)(2) of title 10, United States Code, is amended
 23 by striking “Subsection (a)” and all that follows and in-
 24 serting the following: “Subsection (a)—

1 “(A) applies to a member described in
2 paragraph (1) of that subsection who is retired
3 under chapter 61 of this title with less than 20
4 years of service otherwise creditable under
5 chapter 1405 of this title, or with less than 20
6 years of service computed under section 12732
7 of this title, at the time of the member’s retire-
8 ment if the member has a combat-related dis-
9 ability (as that term is defined in section
10 1413a(e) of this title), except that in the appli-
11 cation of subsection (a) to such a member, any
12 reference in that subsection to a qualifying
13 service-connected disability shall be deemed to
14 be a reference to that combat-related disability;
15 but

16 “(B) does not apply to any member so re-
17 tired if the member does not have a combat-re-
18 lated disability.”.

19 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

20 (1) AMENDMENTS REFLECTING END OF CON-
21 CURRENT RECEIPT PHASE-IN PERIOD.—Section
22 1414 of title 10, United States Code, is further
23 amended—

24 (A) in subsection (a)(1)—

1 (i) by striking the second sentence;

2 and

3 (ii) by striking subparagraphs (A) and

4 (B);

5 (B) by striking subsection (e) and redesignig-

6 nating subsections (d) and (e) as subsections

7 (c) and (d), respectively; and

8 (C) in subsection (d), as redesignated, by

9 striking paragraphs (3) and (4).

10 (2) SECTION HEADING.—The heading of such

11 section 1414 is amended to read as follows:

12 **“§ 1414. Members eligible for retired pay who are also**

13 **eligible for veterans’ disability compensa-**

14 **tion: concurrent receipt”.**

15 (3) TABLE OF SECTIONS.—The table of sections

16 at the beginning of chapter 71 of such title is

17 amended by striking the item relating to section

18 1414 and inserting the following new item:

“1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent receipt.”.

19 (4) CONFORMING AMENDMENT.—Section

20 1413a(f) of such title is amended by striking “Sub-

21 section (d)” and inserting “Subsection (e)”.

22 (d) EFFECTIVE DATE.—The amendments made by

23 this section shall take effect on the first day of the first

24 month beginning after the date of the enactment of this

- 1 Act and shall apply to payments for months beginning on
- 2 or after that date.

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