

105TH CONGRESS
2D SESSION

H. R. 3434

To amend title 10, United States Code, to provide limited authority for concurrent receipt of military retired pay and veterans' disability compensation in the case of certain disabled military retirees who are over the age of 65.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1998

Mr. EVANS (for himself and Mr. BILIRAKIS) introduced the following bill;
which was referred to the Committee on National Security

A BILL

To amend title 10, United States Code, to provide limited authority for concurrent receipt of military retired pay and veterans' disability compensation in the case of certain disabled military retirees who are over the age of 65.

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 Retirees Fair-
5 ness Act of 1998”.

1 **SEC. 2. LIMITED AUTHORITY FOR CONCURRENT RECEIPT**
2 **OF MILITARY RETIRED PAY AND VETERANS'**
3 **DISABILITY COMPENSATION BY CERTAIN DIS-**
4 **ABLED MILITARY RETIREES.**

5 (a) IN GENERAL.—(1) Chapter 71 of title 10, United
6 States Code, is amended by adding at the end the follow-
7 ing new section:

8 **“§ 1413. Concurrent receipt of retired pay and veter-**
9 **ans’ disability compensation**

10 “(a) The prohibition on concurrent award of veter-
11 ans’ disability compensation and retired pay set forth in
12 section 5304(a)(1) of title 38 does not apply in the case
13 of a person who has a service-connected disability if—

14 “(1) the person has completed at least 20 years
15 of service in the uniformed services that are cred-
16 itable for purposes of computing the amount of re-
17 tired pay to which the person is entitled;

18 “(2) the disability was incurred or aggravated
19 in the performance of duty as a member of a uni-
20 formed service, as determined by the Secretary con-
21 cerned; and

22 “(3) the person has attained the age of 65.

23 “(b) The amount of retired pay paid in accordance
24 with subsection (a) concurrently with the payment of dis-
25 ability compensation to any person for any month shall
26 be the following amount (which shall be in addition to any

1 amount of retired pay to which that person is otherwise
2 entitled under any other provision of law):

3 “(1) In the case of a person who has attained
4 age 65 but not age 70, 50 percent of the amount of
5 disability compensation payable to that person for
6 that month.

7 “(2) In the case of a person who has attained
8 age 70, 100 percent of the amount of disability com-
9 pensation payable to that person for that month.

10 “(c) Notwithstanding section 1463(a) of this title, re-
11 tired pay paid for a fiscal year to a retired or former mem-
12 ber of the Army, Navy, Air Force, or Marine Corps in
13 accordance with subsection (a) concurrently with the pay-
14 ment of disability compensation to that individual shall be
15 paid out of funds appropriated for the Department of De-
16 fense for that fiscal year.

17 “(d) In this section:

18 “(1) The terms ‘compensation’ and ‘service-con-
19 nected’ have the meanings given those terms in sec-
20 tion 101 of title 38.

21 “(2) The term ‘retired pay’ includes retainer
22 pay, emergency officers’ retirement pay, and naval
23 pension.”.

1 (2) The table of sections at the beginning of such
2 chapter is amended by adding at the end the following
3 new item:

“1413. Concurrent receipt of retired pay and veterans’ disability compensa-
tion.”.

4 (b) EFFECTIVE DATE.—Section 1413 of title 10,
5 United States Code, as added by subsection (a), shall take
6 effect on October 1, 1998, and shall apply to months that
7 begin on or after that date.

8 (c) PROHIBITION OF RETROACTIVE BENEFITS.—No
9 benefit may be paid to any person by reason of section
10 1413 of title 10, United States Code, as added by sub-
11 section (a), for any period before the effective date speci-
12 fied in subsection (b).

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