

105TH 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 military retired pay concurrently with veterans' disability compensation.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

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

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 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 1997”.

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 **“§ 1413. Concurrent payment of retired pay and vet-**
7 **erans’ disability compensation**

8 “(a) Subject to subsection (b), a person entitled to
9 retired pay may be paid that pay concurrently with the
10 payment of veterans’ disability compensation for a service-
11 connected disability if the person’s entitlement to retired
12 pay is based solely on—

13 “(1) the person’s age;

14 “(2) the length of the person’s service in the
15 uniformed services; or

16 “(3) both the person’s age and the length of
17 such service.

18 “(b) In the case of a person who is receiving both
19 retired pay and veterans’ disability compensation, the
20 amount of retired pay paid such person shall be reduced
21 (but not below zero) based on the rating of the person’s
22 disability for veterans’ disability compensation purposes as
23 follows:

24 “(1) If and while the disability is rated 10 per-
25 cent, by the amount equal to 90 percent of the

1 amount of the disability compensation paid such
2 person.

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

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

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

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

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

23 “(7) If and while the disability is rated 70 per-
24 cent, by the amount equal to 30 percent of the

1 amount of the disability compensation paid such
2 person.

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

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

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

14 “(c) In this section:

15 “(1) The term ‘retired pay’ includes retainer
16 pay and emergency officers’ retirement pay.

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

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of such chapter is amended by adding
22 at the end the following new item:

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

1 **SEC. 3. EFFECTIVE DATE AND PROHIBITION ON RETRO-**
2 **ACTIVE BENEFITS.**

3 (a) IN GENERAL.—The amendments made by this
4 Act shall take effect on October 1, 1997.

5 (b) RETROACTIVE BENEFITS.—No benefits shall be
6 paid to any person by virtue of this Act for any period
7 before the effective date of this Act.

8 **SEC. 4. SENSE OF CONGRESS.**

9 It is the sense of the Congress that when the Federal
10 budget deficit has been reduced, Congress should reexam-
11 ine the issue of the offset of military retirement pay by
12 a veteran's disability compensation and should eliminate
13 the entire offset between military retirement pay and dis-
14 ability compensation.

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