

105TH CONGRESS
1ST SESSION

S. 657

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 SENATE OF THE UNITED STATES

APRIL 25, 1997

Mr. DASCHLE (for himself and Mr. Jeffords) 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 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) CONCURRENT PAYMENT.—Subject to subsection
 9 (b), a person entitled to retired pay may be paid that pay
 10 concurrently with the payment of veterans’ disability com-
 11 pensation for a service-connected disability if the person’s
 12 entitlement to retired 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) OFFSET OF DISABILITY COMPENSATION.—In
 19 the case of a person who is receiving both retired pay and
 20 veterans’ disability compensation, the amount of retired
 21 pay paid such person shall be reduced (but not below zero)
 22 based on the rating of the person’s disability for veterans’
 23 disability compensation purposes as 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 per-
2 son.

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 per-
6 son.

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 per-
10 son.

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 per-
14 son.

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 per-
18 son.

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 per-
22 son.

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 per-
 2 son.

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 per-
 6 son.

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 per-
 10 son.

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) DEFINITIONS.—In this section:

15 “(1) RETIRED PAY.—The term ‘retired pay’ in-
 16 cludes retainer pay and emergency officers’ retire-
 17 ment pay.

18 “(2) VETERANS’ DISABILITY COMPENSATION.—
 19 The term ‘veterans’ disability compensation’ has the
 20 meaning given the term ‘compensation’ in section
 21 101(13) of title 38.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
 23 at the beginning of such chapter is amended by adding
 24 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.

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