

106TH CONGRESS  
1ST SESSION

# S. 1237

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.

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## IN THE SENATE OF THE UNITED STATES

JUNE 17, 1999

Mr. HUTCHINSON introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## 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 1999”.

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 other than under chapter 61 of this title may  
 10 be paid that pay concurrently with the payment of vet-  
 11 erans’ disability compensation for a service-connected dis-  
 12 ability if the person’s entitlement to retired pay is based  
 13 solely on—

14 “(1) the person’s age;

15 “(2) service in the uniformed services of not  
 16 less than 20 years that are creditable for computa-  
 17 tion of such retired pay; or

18 “(3) both the person’s age and service of not  
 19 less than 20 years that are creditable for computa-  
 20 tion of such retired pay.

21 “(b) In the case of a person described in subsection  
 22 (a) who is receiving both retired pay and veterans’ dis-  
 23 ability compensation, the amount of retired pay paid such  
 24 person shall be reduced (but not below zero) based on the  
 25 rating of the person’s disability for veterans’ disability  
 26 compensation purposes as follows:

1           “(1) If and while the disability is rated 10 per-  
2           cent, by the amount equal to 90 percent of the  
3           amount of the disability compensation paid such per-  
4           son.

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

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

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

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

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

1           “(7) If and while the disability is rated 70 per-  
 2           cent, by the amount equal to 30 percent of the  
 3           amount of the disability compensation paid such per-  
 4           son.

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

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

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

16          “(c) In this section:

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

19               “(2) The term ‘veterans’ disability compensa-  
 20               tion’ has the meaning given the term ‘compensation’  
 21               in section 101(12) 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, 1999.

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

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