

107TH CONGRESS  
1ST SESSION

# H. R. 609

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. EVANS (for himself and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 "Veterans' Compensa-

5       tion Equity Act of 2001".

1     **SEC. 2. CONCURRENT RECEIPT OF MILITARY RETIRED PAY**  
2                   **AND VETERANS' DISABILITY COMPENSATION**  
3                   **BY MILITARY RETIREES OVER AGE 65.**

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

7     **“§ 1414. Members eligible for retired pay who have**  
8                   **service-connected disabilities: payment of**  
9                   **retired pay and veterans' disability com-**  
10                  **pensation to retirees over age 65**

11     “(a) PAYMENT OF BOTH RETIRED PAY AND COM-  
12     PENSATION.—Except as provided in subsection (b), a  
13     member or former member of the uniformed services 65  
14     years of age or older who is entitled to retired pay (other  
15     than as specified in subsection (c)) and who is also entitled  
16     to veterans' disability compensation is entitled to be paid  
17     both, without regard to sections 5304 and 5305 of title  
18     38. In the case of a member or former member who is  
19     under age 65 as of the effective date of this section, the  
20     preceding sentence shall apply to that member or former  
21     member beginning with the month in which the member  
22     or former member becomes 65 years of age.

23     “(b) SPECIAL RULE FOR CHAPTER 61 CAREER RE-  
24     TIREES.—The retired pay of a member retired under  
25     chapter 61 of this title with 20 years or more of service  
26     otherwise creditable under section 1405 of this title at the

1 time of the member's retirement is subject to reduction  
2 under sections 5304 and 5305 of title 38, but only to the  
3 extent that the amount of the member's retired pay under  
4 chapter 61 of this title exceeds the amount of retired pay  
5 to which the member would have been entitled under any  
6 other provision of law based upon the member's service  
7 in the uniformed services if the member had not been re-  
8 tired under chapter 61 of this title.

9       “(c) EXCEPTION.—Subsection (a) does not apply to  
10 a member retired under chapter 61 of this title with less  
11 than 20 years of service otherwise creditable under section  
12 1405 of this title at the time of the member's retirement.

13       “(d) DEFINITIONS.—In this section:

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

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

“1414. Concurrent receipt of retired pay and veterans’ disability compensation:  
retirees over age 65.”.

1       (b) CONFORMING AMENDMENT TO SPECIAL COM-  
2 PENSATION PROGRAM.—Section 1413(a) of title 10,  
3 United States Code, is amended—

4               (1) by inserting “who is under age 65” after  
5               “retiree”; and

6               (2) by adding at the end the following new sen-  
7 tence: “In the case of such a retiree who is under  
8 age 65 as of the effective date of section 1414 of  
9 this title, eligibility of the retiree for payments under  
10 this section shall terminate on the last day of the  
11 month preceding the month in which the retiree be-  
12 comes 65 years of age.”.

13       (c) EFFECTIVE DATE.—Section 1414 of title 10,  
14 United States Code, as added by subsection (a), and the  
15 amendment made by subsection (b), shall take effect on—

16               (1) the first day of the first month that begins  
17 after the date of the enactment of this Act; or

18               (2) the first day of the fiscal year that begins  
19 in the calendar year in which this Act is enacted, if  
20 later than the date specified in paragraph (1).

21       (d) PROHIBITION OF RETROACTIVE BENEFITS.—No  
22 benefit may be paid to any person by reason of section  
23 1414 of title 10, United States Code, as added by sub-

- 1 section (a), for any period before the effective date speci-
- 2 fied in subsection (c).

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