

111TH CONGRESS
1ST SESSION

H. R. 303

To amend title 10, United States Code, to permit additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2009

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

A BILL

To amend title 10, United States Code, to permit additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Retired Pay Restora-
3 tion Act”.

4 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) For more than 100 years before 1999, all
7 disabled military retirees were required to fund their
8 own veterans’ disability compensation by forfeiting
9 one dollar of earned retired pay for each dollar re-
10 ceived in veterans’ disability compensation.

11 (2) Since 1999, Congress has enacted legisla-
12 tion to progressively expand eligibility criteria for re-
13 lief of the retired pay disability offset and reduce the
14 burden of financial sacrifice on disabled military re-
15 tirees.

16 (3) Absent adequate funding to eliminate the
17 sacrifice for all disabled retirees, Congress has given
18 initial priority to easing financial inequities for the
19 most severely disabled and for combat-disabled retir-
20 ees.

21 (4) In the interest of maximizing eligibility
22 within cost constraints, Congress effectively has au-
23 thorized full concurrent receipt for all qualifying re-
24 tirees with 100-percent disability ratings and all
25 qualifying retirees with combat-related disability rat-
26 ings, while phasing out the disability offset to retired

1 pay over 10 years for retired members with noncom-
2 bat-related, service-connected disability ratings of 50
3 percent to 90 percent.

4 (5) In pursuing these good-faith efforts, Con-
5 gress acknowledges the regrettable necessity of cre-
6 ating new thresholds of eligibility that understand-
7 ably are disappointing to disabled retirees who fall
8 short of meeting those new thresholds.

9 (6) Congress is not content with the status quo.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that military retired pay earned by service and sac-
12 rifice in defending the United States should not be re-
13 duced because a military retiree is also eligible for vet-
14 erans' disability compensation awarded for service-con-
15 nected disability.

16 **SEC. 3. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY**
17 **AND VETERANS' DISABILITY COMPENSATION**
18 **FOR CERTAIN ADDITIONAL MILITARY RETIR-**
19 **EES WITH COMPENSABLE SERVICE-CON-**
20 **NECTED DISABILITIES.**

21 (a) EXTENSION OF CONCURRENT RECEIPT AUTHOR-
22 ITY TO RETIREES WITH SERVICE-CONNECTED DISABIL-
23 ITIES RATED LESS THAN 50 PERCENT.—Subsection (a)
24 of section 1414 of title 10, United States Code, is amend-
25 ed—

1 (1) by striking “COMPENSATION” in the sub-
 2 section heading and all that follows through “Sub-
 3 ject” and inserting “COMPENSATION.—Subject”;
 4 and

5 (2) by striking paragraph (2).

6 (b) REPEAL OF PHASE-IN OF CONCURRENT RECEIPT
 7 OF RETIRED PAY AND VETERANS’ DISABILITY COM-
 8 PENSATION.—Such section is further amended—

9 (1) in subsection (a), as amended by subsection
 10 (a) of this section, by striking the final sentence;

11 (2) by striking subsection (c) and redesignating
 12 subsections (d) and (e) as subsections (c) and (d),
 13 respectively; and

14 (3) in subsection (d), as so redesignated, by
 15 striking paragraphs (3) and (4).

16 (c) CLERICAL AMENDMENTS.—

17 (1) SECTION HEADING.—The heading for sec-
 18 tion 1414 of such title is amended to read as fol-
 19 lows:

20 **“§ 1414. Members eligible for retired pay who are also**
 21 **eligible for veterans’ disability compensa-**
 22 **tion: concurrent payment of retired pay**
 23 **and disability compensation”.**

24 (2) TABLE OF SECTIONS.—The item relating to
 25 such section in the table of sections at the beginning

1 of chapter 71 of such title is amended to read as fol-
 2 lows:

“1414. Members eligible for retired pay who are also eligible for veterans’ dis-
 ability compensation: concurrent payment of retired pay and
 disability compensation.”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
 4 this section shall take effect as of January 1, 2010, and
 5 shall apply to payments for months beginning on or after
 6 that date.

7 **SEC. 4. COORDINATION OF SERVICE ELIGIBILITY FOR COM-**
 8 **BAT-RELATED SPECIAL COMPENSATION AND**
 9 **CONCURRENT RECEIPT.**

10 (a) **ELIGIBILITY FOR TERA RETIREES.**—Subsection
 11 (c) of section 1413a of title 10, United States Code, is
 12 amended by striking “entitled to retired pay who—” and
 13 all that follows through the end of paragraph (1) and in-
 14 serting “who—

15 “(1) is entitled to retired pay, other than a
 16 member retired under chapter 61 of this title with
 17 less than 20 years of service creditable under section
 18 1405 of this title and less than 20 years of service
 19 computed under section 12732 of this title; and”.

20 (b) **AMENDMENTS TO STANDARDIZE SIMILAR PROVI-**
 21 **SIONS.**—

22 (1) **CLERICAL AND CONFORMING AMEND-**
 23 **MENTS.**—Section 1413a of such title is further
 24 amended—

(A) in the heading for paragraph (3) of subsection (b), by striking “RULES” and inserting “RULE”; and

(B) in subsection (f), by striking “Subsection (d)” and inserting “Subsection (c)”.

(2) SPECIFICATION OF QUALIFIED RETIREES FOR CONCURRENT RECEIPT PURPOSES.—Section 1414 of such title, as amended by section 3, is amended—

(A) in subsection (a)—

(i) by striking “a member or” and all that follows through “retiree” and inserting “an individual who is a qualified retiree for any month”; and

(ii) by inserting “retired pay and veterans’ disability compensation” after “both”; and

(B) in subsection (d), by adding at the end the following new paragraph:

“(3) QUALIFIED RETIREE.—The term ‘qualified retiree’ means a member or former member of the uniformed services who, with respect to any month—

“(A) is entitled to retired pay, other than in the case of a member retired under chapter

1 61 of this title with less than 20 years of serv-
 2 ice creditable under section 1405 of this title
 3 and less than 20 years of service computed
 4 under section 12732 of this title; and

5 “(B) is entitled to veterans’ disability com-
 6 pensation.”.

7 (3) STANDARDIZATION WITH CRSC RULE FOR
 8 CHAPTER 61 RETIREES.—Subsection (b) of section
 9 1414 of such title is amended—

10 (A) by striking “SPECIAL RULES” in the
 11 subsection heading and all that follows through
 12 “is subject to” and inserting “SPECIAL RULE
 13 FOR CHAPTER 61 DISABILITY RETIREES.—In
 14 the case of a qualified retiree who is retired
 15 under chapter 61 of this title, the retired pay
 16 of the member is subject to”; and

17 (B) by striking paragraph (2).

18 (c) EFFECTIVE DATE.—The amendments made by
 19 this section shall take effect as of January 1, 2010, and
 20 shall apply to payments for months beginning on or after
 21 that date.

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