

111TH CONGRESS
1ST SESSION

H. R. 811

To amend title 10, United States Code, to permit certain retired members of the uniformed services 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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 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 certain retired members of the uniformed services 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.

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. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY**
5 **AND VETERANS’ DISABILITY COMPENSATION**
6 **FOR CERTAIN MILITARY RETIREES WITH**
7 **COMPENSABLE SERVICE-CONNECTED DIS-**
8 **ABILITIES.**

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

14 (1) by striking “COMPENSATION” in the sub-
15 section heading and all that follows through “Sub-
16 ject” and inserting “COMPENSATION.—Subject”;
17 and

18 (2) by striking paragraph (2).

19 (b) PHASE-IN OF CONCURRENT RECEIPT FOR RE-
20 TIREES WITH SERVICE-CONNECTED DISABILITIES RATED
21 AS 40 PERCENT OR LESS.—Subsection (c) of such section
22 is amended—

23 (1) in the matter before paragraph (1), by
24 striking “subsection (a)(1)” and inserting “sub-
25 section (a)”;

1 (2) in paragraph (1), by adding at the end the
 2 following new subparagraph:

3 “(G) For a month for which the retiree re-
 4 ceives veterans’ disability compensation for a
 5 disability rated as 40 percent or less or has a
 6 service-connected disability rated as zero per-
 7 cent, \$0.”.

8 (c) CLERICAL AMENDMENTS.—

9 (1) SECTION HEADING.—The heading for such
 10 section is amended to read as follows:

11 **“§ 1414. Members eligible for retired pay who are also**
 12 **eligible for veterans’ disability compensa-**
 13 **tion: concurrent payment of retired pay**
 14 **and disability compensation.”.**

15 (2) TABLE OF SECTIONS.—The item relating to
 16 such section in the table of sections at the beginning
 17 of chapter 71 of such title is amended to read as fol-
 18 lows:

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

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

1 **SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COM-**
 2 **BAT-RELATED SPECIAL COMPENSATION AND**
 3 **CONCURRENT RECEIPT.**

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

9 “(1) is entitled to retired pay, other than a
 10 member retired under chapter 61 of this title with
 11 less than 20 years of service creditable under section
 12 1405 of this title and less than 20 years of service
 13 computed under section 12732 of this title; and”.

14 (b) AMENDMENTS TO STANDARDIZE SIMILAR PROVI-
 15 SIONS.—

16 (1) CLERICAL AMENDMENT.—The heading for
 17 paragraph (3) of section 1413a(b) of such title is
 18 amended by striking “RULES” and inserting
 19 “RULE”.

20 (2) SPECIFICATION OF QUALIFIED RETIREES
 21 FOR CONCURRENT RECEIPT PURPOSES.—Section
 22 1414 of such title, as amended by section 2, is
 23 amended—

24 (A) in subsection (a)—

25 (i) by striking “a member or” and all
 26 that follows through “retiree’)” and insert-

ing “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 (e), by adding at the end the following new paragraph:

“(5) 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 61 of this title with less than 20 years of service creditable under section 1405 of this title and less than 20 years of service computed under section 12732 of this title; and

“(B) is entitled to veterans’ disability compensation.”.

(3) DISABILITY RETIREES.—Subsection (b) of section 1414 of such title is amended—

(A) by striking “SPECIAL RULES” in the subsection heading and all that follows through “is subject to” and inserting “SPECIAL RULE FOR CHAPTER 61 DISABILITY RETIREES.—In

1 the case of a qualified retiree who is retired
2 under chapter 61 of this title, the retired pay
3 of the member is subject to''; and

4 (B) by striking paragraph (2).

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect on January 1, 2010, and shall
7 apply to payments for months beginning on or after that
8 date.

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