

1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act [Jan. 7, 2011].”

[§ 1413. Repealed. Pub. L. 108-136, div. A, title VI, § 641(b), Nov. 24, 2003, 117 Stat. 1514]

Section, added Pub. L. 106-65, div. A, title VI, § 658(a)(1), Oct. 5, 1999, 113 Stat. 668; amended Pub. L. 106-398, § 1 [[div. A], title VI, § 657(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-166; Pub. L. 107-107, div. A, title VI, § 641(b), (e)(1), (2), Dec. 28, 2001, 115 Stat. 1150, 1151; Pub. L. 107-314, div. A, title VI, § 636(b), Dec. 2, 2002, 116 Stat. 2576; Pub. L. 108-136, div. A, title VI, § 641(c)(1), Nov. 24, 2003, 117 Stat. 1514, related to special compensation for certain severely disabled uniformed services retirees.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 2004, and applicable to payments for months beginning on or after that date, see section 641(e) of Pub. L. 108-136, set out as an Effective Date of 2003 Amendment note under section 1414 of this title.

§ 1413a. Combat-related special compensation

(a) **AUTHORITY.**—The Secretary concerned shall pay to each eligible combat-related disabled uniformed services retiree who elects benefits under this section a monthly amount for the combat-related disability of the retiree determined under subsection (b).

(b) **AMOUNT.**—

(1) **DETERMINATION OF MONTHLY AMOUNT.**—Subject to paragraphs (2) and (3), the monthly amount to be paid an eligible combat-related disabled uniformed services retiree under subsection (a) for any month is the amount of compensation to which the retiree is entitled under title 38 for that month, determined without regard to any disability of the retiree that is not a combat-related disability.

(2) **MAXIMUM AMOUNT.**—The amount paid to an eligible combat-related disabled uniformed services retiree for any month under paragraph (1) may not exceed the amount of the reduction in retired pay that is applicable to the retiree for that month under sections 5304 and 5305 of title 38.

(3) **SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.**—

(A) **GENERAL RULE.**—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title, the amount of the payment under paragraph (1) for any month may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member’s service in the uniformed services if the member had not been retired under chapter 61 of this title.

(B) **SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.**—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of

creditable service, the amount of the payment under paragraph (1) for any month may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed the amount equal to the retired pay percentage (determined for the member under section 1409(b) of this title) of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

(c) **ELIGIBLE RETIREES.**—For purposes of this section, an eligible combat-related disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services who—

- (1) is entitled to retired pay (other than by reason of section 12731b of this title); and
- (2) has a combat-related disability.

(d) **PROCEDURES.**—The Secretary of Defense shall prescribe procedures and criteria under which a disabled uniformed services retiree may apply to the Secretary of a military department to be considered to be an eligible combat-related disabled uniformed services retiree. Such procedures shall apply uniformly throughout the Department of Defense.

(e) **COMBAT-RELATED DISABILITY.**—In this section, the term “combat-related disability” means a disability that is compensable under the laws administered by the Secretary of Veterans Affairs and that—

- (1) is attributable to an injury for which the member was awarded the Purple Heart; or
- (2) was incurred (as determined under criteria prescribed by the Secretary of Defense)—
 - (A) as a direct result of armed conflict;
 - (B) while engaged in hazardous service;
 - (C) in the performance of duty under conditions simulating war; or
 - (D) through an instrumentality of war.

(f) **COORDINATION WITH CONCURRENT RECEIPT PROVISION.**—Subsection (d) of section 1414 of this title provides for coordination between benefits under that section and under this section.

(g) **STATUS OF PAYMENTS.**—Payments under this section are not retired pay.

(h) **SOURCE OF PAYMENTS.**—Payments under this section for a member of the Army, Navy, Air Force, Marine Corps, or Space Force shall be paid from the Department of Defense Military Retirement Fund. Payments under this section for any other member for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

(i) **OTHER DEFINITIONS.**—In this section:

- (1) The term “service-connected” has the meaning given such term in section 101 of title 38.
- (2) The term “retired pay” includes retainer pay, emergency officers’ retirement pay, and naval pension.

(Added Pub. L. 107-314, div. A, title VI, § 636(a)(1), Dec. 2, 2002, 116 Stat. 2574; amended Pub. L. 108-136, div. A, title VI, §§ 641(c)(1), 642(a)-(e)(1), Nov. 24, 2003, 117 Stat. 1514, 1516, 1517; Pub. L. 110-181, div. A, title VI, § 641(a), (b), Jan. 28, 2008,