

105TH CONGRESS
1ST SESSION

H. R. 44

To amend title 10, United States Code, to provide limited authority for concurrent payment of retired pay and veterans' disability compensation for certain disabled veterans.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BILIRAKIS introduced the following bill; which was referred to the Committee on National Security, 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 provide limited authority for concurrent payment of retired pay and veterans' disability compensation for certain disabled veterans.

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. LIMITED AUTHORITY FOR CONCURRENT PAY-**
2 **MENT OF RETIRED PAY AND VETERANS' DIS-**
3 **ABILITY COMPENSATION FOR CERTAIN DIS-**
4 **ABLED VETERANS.**

5 (a) **LIMITATION ON DUPLICATION OF BENEFITS.—**

6 (1) Chapter 71 of title 10, United States Code, is amended
7 by adding at the end the following new section:

8 **“§ 1413. Concurrent payment of retired pay and vet-**
9 **erans' disability compensation**

10 “(a) The prohibition on concurrent award of veter-
11 ans' disability compensation and retired pay set forth in
12 section 5304(a)(1) of title 38 does not apply to a person
13 who has a service-connected disability if—

14 “(1) the person has completed at least 20 years
15 of service in the uniformed services that is creditable
16 for purposes of computing the amount of retired pay
17 to which the member is entitled;

18 “(2) the disability was incurred or aggravated
19 in the performance of duty as a member of a uni-
20 formed service, as determined by the Secretary con-
21 cerned; and

22 “(3) the disability is rated as not less than 70
23 percent—

24 “(A) by the Secretary concerned as of the
25 date on which the person is retired from the
26 uniformed services; or

1 “(B) by the Secretary of Veterans Affairs
2 within four years following the date on which
3 the person is retired from the uniformed serv-
4 ices.

5 “(b) The amount of retired pay paid in accordance
6 with subsection (a) concurrently with the payment of dis-
7 ability compensation to any person for any month shall
8 be the following amount (which shall be in addition to any
9 amount of retired pay to which that person is otherwise
10 entitled under any other provision of law):

11 “(1) In the case of a person who for that month
12 has a disability rated as total, \$300.

13 “(2) In the case of a person who for that month
14 has a disability rated as 90 percent, \$200.

15 “(3) In the case of a person who for that month
16 has a disability rated as 80 percent or 70 percent,
17 \$100.

18 “(c) Notwithstanding section 1463(a) of this title, the
19 amount of retired pay paid in accordance with subsection
20 (a) concurrently with the payment of disability compensa-
21 tion to the recipients of such retired pay shall be paid out
22 of funds appropriated for the Department of Defense for
23 any fiscal year.

24 “(d) Subsection (a) is not applicable to a person for
25 any period for which the disability of such person is not

1 a disability rated as not less than 70 percent disabling
2 as described in paragraph (3) of such subsection.

3 “(e) In this section:

4 “(1) The terms ‘compensation’ and ‘service-con-
5 nected’ have the meanings given those terms in sec-
6 tion 101 of title 38.

7 “(2) The term ‘disability rated as total’
8 means—

9 “(A) a disability that is rated as total
10 under the standard schedule of rating disabili-
11 ties in use by the Department of Veterans Af-
12 fairs; or

13 “(B) a disability for which the schedular
14 rating is less than total but for which a rating
15 of total is assigned by reason of inability of the
16 disabled person concerned to secure or follow a
17 substantially gainful occupation as a result of
18 service-connected disabilities.

19 “(3) The term ‘retired pay’ includes retainer
20 pay, emergency officers’ retirement pay, and naval
21 pension.

22 “(f) This section shall take effect on October 1, 1997,
23 and shall apply to months that begin on or after that
24 date.”.

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

“1413. Concurrent payment of retired pay and veterans’ disability compensa-
tion.”.

4 (b) **RETROACTIVE BENEFITS.**—No benefits shall be
5 paid to any person by reason of section 1413 of title 10,
6 United States Code, for any period before the effective
7 date of that section.

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