

106TH CONGRESS  
1ST SESSION

# H. R. 1764

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

MAY 12, 1999

Mr. EVANS (for himself, Mr. BILIRAKIS, Mr. FILNER, Mr. GUTIERREZ, Ms. BROWN of Florida, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Mr. SHOWS, Mr. MEEHAN, Mr. OBERSTAR, Ms. RIVERS, Mr. FARR of California, Ms. MCKINNEY, Mr. GREEN of Texas, Mr. POMEROY, Mr. FROST, and Ms. KILPATRICK) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Compensa-  
3 tion Equity Act of 1999”.

4 **SEC. 2. LIMITED AUTHORITY FOR CONCURRENT RECEIPT**  
5 **OF MILITARY RETIRED PAY AND VETERANS’**  
6 **DISABILITY COMPENSATION BY CERTAIN DIS-**  
7 **ABLED MILITARY RETIREES.**

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

11 **“§ 1413. Concurrent receipt of retired pay and vet-**  
12 **erans’ disability compensation**

13 “(a) The prohibition on concurrent award of vet-  
14 erans’ disability compensation and retired pay set forth  
15 in section 5304(a)(1) of title 38 does not apply in the case  
16 of a person who has a service-connected disability if—

17 “(1) the person has completed at least 20 years  
18 of service in the uniformed services that are cred-  
19 itable for purposes of computing the amount of re-  
20 tired pay to which the person is entitled;

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

25 “(3) the person has attained the age of 65.

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

7               “(1) In the case of a person who has attained  
8 age 65 but not age 70, 50 percent of the amount of  
9 disability compensation payable to that person for  
10 that month.

11               “(2) In the case of a person who has attained  
12 age 70, 100 percent of the amount of disability com-  
13 pensation payable to that person for that month.

14       “(c) Notwithstanding section 1463(a) of this title, re-  
15 tired pay paid for a fiscal year to a retired or former mem-  
16 ber of the Army, Navy, Air Force, or Marine Corps in  
17 accordance with subsection (a) concurrently with the pay-  
18 ment of disability compensation to that individual shall be  
19 paid out of funds appropriated for the Department of De-  
20 fense for that fiscal year.

21       “(d) In this section:

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

1           “(2) The term ‘retired pay’ includes retainer  
2           pay, emergency officers’ retirement pay, and naval  
3           pension.”.

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

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

7           (b) EFFECTIVE DATE.—Section 1413 of title 10,  
8           United States Code, as added by subsection (a), shall take  
9           effect on October 1, 1998, and shall apply to months that  
10          begin on or after that date.

11          (c) PROHIBITION OF RETROACTIVE BENEFITS.—No  
12          benefit may be paid to any person by reason of section  
13          1413 of title 10, United States Code, as added by sub-  
14          section (a), for any period before the effective date speci-  
15          fied in subsection (b).

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