

106TH CONGRESS
1ST SESSION

H. R. 44

To amend title 10, United States Code, to authorize the payment of special compensation to certain severely disabled uniformed services retirees.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. BILIRAKIS (for himself and Mr. NORWOOD) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize the payment of special compensation to certain severely disabled uniformed services retirees.

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

3 **SECTION 1. SPECIAL COMPENSATION FOR SEVERELY DIS-**
4 **ABLED UNIFORMED SERVICES RETIREES.**

5 (a) AUTHORITY.—(1) Chapter 71 of title 10, United
6 States Code, is amended by adding at the end the follow-
7 ing new section:

1 **“§ 1413. Special compensation for certain severely**
2 **disabled uniformed services retirees**

3 “(a) **AUTHORITY.**—The Secretary concerned shall,
4 subject to the availability of appropriations for such pur-
5 pose, pay to each eligible disabled uniformed services re-
6 tiree a monthly amount determined under subsection (b).

7 “(b) **AMOUNT.**—The amount to be paid (subject to
8 the availability of appropriations) to an eligible disabled
9 uniformed services retiree in accordance with subsection
10 (a) is the following:

11 “(1) For any month for which the retiree has
12 a qualifying service-connected disability rated as
13 total, \$300.

14 “(2) For any month for which the retiree has
15 a qualifying service-connected disability rated as 90
16 percent, \$200.

17 “(3) For any month for which the retiree has
18 a qualifying service-connected disability rated as 80
19 percent or 70 percent, \$100.

20 “(c) **ELIGIBLE DISABLED UNIFORMED SERVICES**
21 **RETIREE DEFINED.**—In this section, the term “eligible
22 disabled military retiree” means a member of the uni-
23 formed services in a retired status (who is retired under
24 a provision of law other than chapter 61 of this title)
25 who—

1 “(1) completed at least 20 years of service in
2 the uniformed services that are creditable for pur-
3 poses of computing the amount of retired pay to
4 which the member is entitled; and

5 “(2) has a qualifying service-connected disabili-
6 ty.

7 “(d) QUALIFYING SERVICE-CONNECTED DISABILITY
8 DEFINED.—In this section, the term “qualifying service-
9 connected disability” means a service-connected disability
10 that—

11 “(1) was incurred or aggravated in the per-
12 formance of duty as a member of a uniformed serv-
13 ice, as determined by the Secretary concerned; and

14 “(2) is rated as not less than 70 percent
15 disabling—

16 “(A) by the Secretary concerned as of the
17 date on which the member is retired from the
18 uniformed services; or

19 “(B) by the Secretary of Veterans Affairs
20 within four years following the date on which
21 the member is retired from the uniformed serv-
22 ices.

23 “(e) STATUS OF PAYMENTS.—Payments under this
24 section are not retired pay.

1 “(f) SOURCE OF FUNDS.—(1) Payments under this
2 section for any fiscal year shall be paid out of funds appro-
3 priated for pay and allowances payable by the Secretary
4 concerned for that fiscal year.

5 “(2) If the amount of funds available to the Secretary
6 concerned for any fiscal year for payments under this sec-
7 tion is less than the amount required to make such pay-
8 ments to all eligible disabled uniformed services retirees
9 for that year, the Secretary shall make such payments
10 first to retirees described in paragraph (1) of subsection
11 (b), then (to the extent funds are available) to retirees
12 described in paragraph (2) of that subsection, and then
13 (to the extent funds are available) to retirees described
14 in paragraph (3) of that subsection.

15 “(g) OTHER DEFINITIONS.—In this section:

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

19 “(2) The term ‘disability rated as total’
20 means—

21 “(A) a disability that is rated as total
22 under the standard schedule of rating disabili-
23 ties in use by the Department of Veterans Af-
24 fairs; or

1 “(B) a disability for which the schedular
2 rating is less than total but for which a rating
3 of total is assigned by reason of inability of the
4 disabled person concerned to secure or follow a
5 substantially gainful occupation as a result of
6 service-connected disabilities.

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

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

 “1413. Special compensation for certain severely disabled uniformed services re-
 tireses.”.

13 (b) EFFECTIVE DATE.—Section 1413 of title 10,
14 United States Code, as added by subsection (a), shall take
15 effect on October 1, 1999, and shall apply to months that
16 begin on or after that date. No benefit may be paid to
17 any person by reason of that section for any period before
18 that date.

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