

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4909

To amend title 38, United States Code, to permit retired members of the Armed Forces who retired with over 20 years of service, were awarded the Purple Heart, and have a service-connected disability compensable by the Department of Veterans Affairs to receive compensation from the Department of Veterans Affairs concurrently with military retired pay, without reduction of either, and to provide for the preservation of certain benefits for surviving spouses of veterans and retired members of the Armed Forces.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2000

Mr. CRAMER introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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 38, United States Code, to permit retired members of the Armed Forces who retired with over 20 years of service, were awarded the Purple Heart, and have a service-connected disability compensable by the Department of Veterans Affairs to receive compensation from the Department of Veterans Affairs concurrently with military retired pay, without reduction of either, and to provide for the preservation of certain benefits for surviving spouses of veterans and retired members of the Armed Forces.

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. SHORT TITLE.**

4 This Act may be cited as the “Veterans Compensa-  
5 tion Equity Act of 2000”.

6 **SEC. 2. CONCURRENT RECEIPT OF RETIRED PAY AND DIS-**  
7 **ABILITY RETIREMENT FOR VETERANS WHO**  
8 **RECEIVED THE PURPLE HEART.**

9 (a) CONCURRENT RECEIPT.—Section 5304 of title  
10 38, United States Code, is amended—

11 (1) by adding at the end of subsection (a)(1)  
12 the following new sentence: “Notwithstanding the  
13 preceding sentence, emergency officers’, regular, or  
14 reserve retirement pay (other than retired pay under  
15 chapter 61 of title 10) shall be paid to a veteran  
16 concurrently with compensation for a service-con-  
17 nected disability, without deduction from either the  
18 retirement pay or the compensation, in the case of  
19 a veteran who was awarded the Purple Heart and  
20 whose retirement pay is based on service of 20 years  
21 or more.”; and

22 (2) by adding at the end the following new sub-  
23 section:

24 “(d) Compensation paid by the Secretary for a serv-  
25 ice-connected disability may not be considered in deter-

1 mining eligibility for any other benefit under any provision  
2 of Federal, State, or local law and may not be counted  
3 as income of the veteran or the veteran's family for pur-  
4 poses of any provision of Federal, State, or local law for  
5 which eligibility for any benefit or program is determined  
6 based upon income.”.

7 (b) EFFECTIVE DATE.—The amendments made by  
8 subsection (a) shall apply with respect to payments for  
9 periods beginning on or after the date of the enactment  
10 of this Act.

11 **SEC. 3. PRESERVATION OF VETERAN'S COMPENSATION**  
12 **BENEFIT FOR SURVIVING SPOUSE.**

13 (a) COMPENSATION BENEFIT TO SURVIVE DEATH  
14 OF VETERAN.—Section 1311 of title 38, United States  
15 Code, is amended by adding at the end the following new  
16 subsection:

17 “(f) Notwithstanding the preceding provisions of this  
18 section, the rate of dependency and indemnity compensa-  
19 tion paid for any month to the surviving spouse of a vet-  
20 eran who was awarded the Purple Heart shall be at the  
21 rate at which compensation under chapter 11 of this title  
22 would be paid for that month to that veteran if the veteran  
23 were not deceased (except that, for purposes of section  
24 1115 of this title, such rate of compensation shall be de-  
25 termined as if the veteran had no spouse).”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply with respect to payments for  
3 months beginning on or after the date of the enactment  
4 of this Act.

5 **SEC. 4. ANNUITIES UNDER SURVIVOR BENEFIT PLAN TO BE**  
6 **100 PERCENT OF RETIRED PAY BASE**  
7 **AMOUNT.**

8 (a) TERMINATION.—Section 1451 of title 10, United  
9 States Code, is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking out  
12 “shall be” in the matter preceding subpara-  
13 graph (A) and all that follows in that para-  
14 graph and inserting in lieu thereof “shall be the  
15 amount equal to 100 percent of the base  
16 amount.”; and

17 (B) in paragraph (2), by striking out  
18 “shall be” in the matter preceding subpara-  
19 graph (A) and all that follows in that para-  
20 graph and inserting in lieu thereof “shall be the  
21 amount equal to a percentage of the base  
22 amount that—

23 “(A) is less than 100 percent; and

24 “(B) is determined under subsection (f).”;

25 and

1           (2) in paragraph (1) of subsection (c), by strik-  
2           ing out “shall be” in the matter preceding subpara-  
3           graph (A) and all that follows in that paragraph and  
4           inserting in lieu thereof “shall be the amount equal  
5           to 100 percent of the retired pay to which the mem-  
6           ber or former member would have been entitled if  
7           the member or former member had been entitled to  
8           that pay based upon his years of active service when  
9           he died.”.

10          (b) REPEAL OF REQUIREMENT FOR REDUCTION OF  
11 ANNUITY AT AGE 62.—Such section is further amended  
12 by striking out subsection (d).

13          (c) REPEAL OF ALTERNATIVE COMPUTATION FOR  
14 CERTAIN BENEFICIARIES FOR WHOM SOCIAL SECURITY  
15 OFFSET WAS MORE BENEFICIAL THAN TWO-TIER COM-  
16 PUTATION.—Such section is further amended by striking  
17 out subsection (e).

18          (d) CONFORMING AMENDMENT.—Subsection (f) of  
19 such section is amended by striking out “(a)(2), (b)(2),  
20 or (e)(2)(B)” and inserting in lieu thereof “(a)(2) or  
21 (b)(2)”.

22          (e) EFFECTIVE DATE.—The amendments made by  
23 this section shall apply to payment of annuities for months  
24 that begin after the date of the enactment of this Act.

1           (f) RECOMPUTATION OF EXISTING ANNUITIES.—In  
2 the case of a person who is a beneficiary under the Sur-  
3 vivor Benefit Plan established by subchapter II of chapter  
4 73 of title 10, United States Code, on the date of the en-  
5 actment of this Act, the Secretary concerned (as defined  
6 in section 101 of title 37, United States Code) shall re-  
7 compute the amount of that person's annuity as necessary  
8 to reflect the amendments made by this section.

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