

116TH CONGRESS
1ST SESSION

S. 208

To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2019

Mr. TESTER (for himself, Ms. MURKOWSKI, Mrs. MURRAY, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. COONS, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. BLUNT, Mr. BOOZMAN, Mr. MARKEY, Mr. VAN HOLLEN, Ms. STABENOW, Ms. DUCKWORTH, and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

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 “Retired Pay Restora-
3 tion Act”.

4 **SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY**
5 **AND VETERANS’ DISABILITY COMPENSATION**
6 **FOR CERTAIN MILITARY RETIREES WITH**
7 **COMPENSABLE SERVICE-CONNECTED DIS-**
8 **ABILITIES.**

9 (a) EXTENSION OF CONCURRENT RECEIPT AUTHOR-
10 ITY TO RETIREES WITH SERVICE-CONNECTED DISABIL-
11 ITIES RATED LESS THAN 50 PERCENT.—Section 1414 of
12 title 10, United States Code, is amended by striking para-
13 graph (2) of subsection (a).

14 (b) CLERICAL AMENDMENTS.—

15 (1) The heading of section 1414 of such title is
16 amended to read as follows:

17 **“§ 1414. Members eligible for retired pay who are also**
18 **eligible for veterans’ disability compensa-**
19 **tion: concurrent payment of retired pay**
20 **and disability compensation”.**

21 (2) The item relating to such section in the
22 table of sections at the beginning of chapter 71 of
23 such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans’ dis-
ability compensation: concurrent payment of retired pay and
disability compensation.”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on January 1, 2020, and shall
 3 apply to payments for months beginning on or after that
 4 date.

5 **SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COM-**
 6 **BAT-RELATED SPECIAL COMPENSATION AND**
 7 **CONCURRENT RECEIPT.**

8 (a) AMENDMENTS TO STANDARDIZE SIMILAR PROVI-
 9 SIONS.—

10 (1) QUALIFIED RETIREES.—Subsection (a) of
 11 section 1414 of title 10, United States Code, as
 12 amended by section 2(a), is amended—

13 (A) by striking “a member or” and all that
 14 follows through “retiree’” and inserting “a
 15 qualified retiree”; and

16 (B) by adding at the end the following new
 17 paragraph:

18 “(2) QUALIFIED RETIREES.—For purposes
 19 of this section, a qualified retiree, with respect
 20 to any month, is a member or former member
 21 of the uniformed services who—

22 “(A) is entitled to retired pay (other
 23 than by reason of section 12731b of this
 24 title); and

1 “(B) is also entitled for that month to
2 veterans’ disability compensation.”.

3 (2) DISABILITY RETIREES.—Paragraph (2) of
4 subsection (b) of section 1414 of such title is
5 amended to read as follows:

6 “(2) SPECIAL RULE FOR RETIREES WITH
7 FEWER THAN 20 YEARS OF SERVICE.—The retired
8 pay of a qualified retiree who is retired under chap-
9 ter 61 of this title with fewer than 20 years of cred-
10 itable service is subject to reduction by the lesser
11 of—

12 “(A) the amount of the reduction under
13 sections 5304 and 5305 of title 38; or

14 “(B) the amount (if any) by which the
15 amount of the member’s retired pay under such
16 chapter exceeds the amount equal to 2½ per-
17 cent of the member’s years of creditable service
18 multiplied by the member’s retired pay base
19 under section 1406(b)(1) or 1407 of this title,
20 whichever is applicable to the member.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on January 1, 2020, and shall
23 apply to payments for months beginning on or after that
24 date.

○