

113TH CONGRESS
1ST SESSION

H. R. 3789

To amend title 10, United States Code, to exempt the retired pay of certain disabled veterans from the reduced adjustment of retired pay and retainer pay amounts for retired members of the Armed Forces under age 62, to prevent any adverse impact of the reduced adjustment on annuities under the Survivor Benefit Plan based on retired or retainer pay, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2013

Mr. MILLER of Florida (for himself, Mr. BARBER, Mr. BARLETTA, Mr. BENISHEK, Mr. BILIRAKIS, Mr. BISHOP of Utah, Ms. BORDALLO, Mr. BOUSTANY, Mr. BRIDENSTINE, Mr. BUCHANAN, Mr. BUCSHON, Mrs. BUSTOS, Mrs. CAPPS, Mr. COFFMAN, Mr. COLE, Mr. CONAWAY, Mr. COOK, Mr. COURTNEY, Mr. CRAMER, Mr. CRENSHAW, Mr. CULBERSON, Mr. RODNEY DAVIS of Illinois, Mr. DENT, Mr. DESANTIS, Mr. DIAZ-BALART, Ms. DUCKWORTH, Mr. DUNCAN of South Carolina, Mr. ENYART, Mr. FARENTHOLD, Mr. FINCHER, Mr. FITZPATRICK, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Ms. FRANKEL of Florida, Mr. FRANKS of Arizona, Mr. GALLEGO, Mr. GARCIA, Mr. GIBBS, Mr. GIBSON, Mr. GRAYSON, Mr. AL GREEN of Texas, Mr. GRIFFIN of Arkansas, Mr. GRIMM, Ms. HANABUSA, Mr. HIGGINS, Mr. HINOJOSA, Mr. HONDA, Mr. HUIZENGA of Michigan, Mr. HULTGREN, Mr. HUNTER, Ms. JENKINS, Mr. JOHNSON of Ohio, Mr. JONES, Mr. KELLY of Pennsylvania, Mr. KINZINGER of Illinois, Mrs. KIRKPATRICK, Ms. KUSTER, Mr. LAMBORN, Mr. LANCE, Mr. LANKFORD, Mr. LARSON of Connecticut, Mr. LOBI-ONDO, Mr. LOEBSACK, Mr. SEAN PATRICK MALONEY of New York, Mr. MARINO, Mr. MASSIE, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCKINLEY, Mrs. McMORRIS RODGERS, Mr. MEEHAN, Mr. MURPHY of Florida, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mrs. NOEM, Mr. O'ROURKE, Mr. OWENS, Mr. PALAZZO, Mr. PEARCE, Ms. PINGREE of Maine, Mr. POSEY, Mr. RAHALL, Mr. RICE of South Carolina, Mr. RIGELL, Mr. ROE of Tennessee, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHFUS, Mr. RUNYAN, Mr. RUPPERSBERGER, Mr. AUSTIN SCOTT of Georgia, Mr. SESSIONS, Ms. SEWELL of Alabama, Ms. SHEA-PORTER, Mr. SIMPSON, Ms. SINEMA, Mr. SMITH of Texas, Mr. SOUTHERLAND, Mr. STIVERS, Mr. TAKANO, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Ms. TITUS, Mr. TURNER, Mr. VALADAO, Mr. VELA, Mr. WALBERG, Mrs. WALORSKI, Mr. WALZ, Mr. WESTMORELAND, Mr. WIL-

LIAMS, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. YODER, Mr. YOHO, Mr. MICA, Mr. CARTER, Mr. GENE GREEN of Texas, and Mr. PERRY) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to exempt the retired pay of certain disabled veterans from the reduced adjustment of retired pay and retainer pay amounts for retired members of the Armed Forces under age 62, to prevent any adverse impact of the reduced adjustment on annuities under the Survivor Benefit Plan based on retired or retainer pay, 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,*

3 **SECTION 1. EXEMPTIONS FROM REDUCED ADJUSTMENT**
 4 **OF RETIRED PAY AND RETAINER PAY**
 5 **AMOUNTS FOR RETIRED MEMBERS OF THE**
 6 **ARMED FORCES UNDER AGE 62.**

7 (a) EXEMPTION OF CERTAIN DISABLED VET-
 8 ERANS.—Section 1401a(b)(4) of title 10, United States
 9 Code, as added by section 403 of the Bipartisan Budget
 10 Act of 2013, is amended—

11 (1) in subparagraph (A), by inserting “except
 12 as provided in subparagraph (F),” after “each
 13 year,”; and

1 (2) by adding at the end the following subpara-
2 graph:

3 “(F) EXCEPTION FOR SERVICE-DISABLED
4 VETERANS.—Subparagraph (A) shall not apply
5 to the retired pay of any member or former
6 member who—

7 “(i) is retired under section 1201 of
8 this title;

9 “(ii) is eligible for combat-related spe-
10 cial compensation under section 1413a of
11 this title; or

12 “(iii) is entitled to concurrent pay-
13 ment of retired pay and veterans’ disability
14 compensation under section 1414 of this
15 title.”.

16 (b) EXEMPTION FOR ADJUSTMENTS TO ANNUITIES
17 UNDER SURVIVOR BENEFIT PLAN BASED ON RETIRED
18 OR RETAINER PAY.—Section 1451(g)(1)(B) of title 10,
19 United States Code, is amended by adding at the end the
20 following new sentence: “Section 1401a(b)(4) of this title
21 shall not apply in determining the percentage of the in-
22 crease to be made under this subparagraph.”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect immediately after the amend-

1 ments made to section 1401a of title 10, United States
2 Code, by the Bipartisan Budget Act of 2013 take effect.

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