

117TH CONGRESS
1ST SESSION

S. 1147

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

APRIL 15, 2021

Mr. TESTER (for himself, Ms. MURKOWSKI, Mr. BLUMENTHAL, Mr. BROWN, Ms. HIRONO, Mrs. MURRAY, Mr. SANDERS, Ms. SINEMA, Mr. BOOZMAN, Mr. CRAMER, Mr. BLUNT, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Ms. ROSEN, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Retired Pay Restora-
 5 tion Act”.

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

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

16 (b) CLERICAL AMENDMENTS.—

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

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

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

“1414. Members eligible for retired pay who are also eligible for veterans’ disability 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, 2022, 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 “paid both for that month” and
 15 inserting “a qualified retiree is entitled to be
 16 paid both retired pay and veterans’ disability
 17 compensation for a month”; and

18 (B) by adding at the end the following new
 19 paragraph:

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

1 “(A) is entitled to retired pay (other
2 than by reason of section 12731b of this
3 title); and

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

6 (2) DISABILITY RETIREES.—Paragraph (2) of
7 subsection (b) of section 1414 of such title is
8 amended to read as follows:

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

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

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

24 (b) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on January 1, 2022, and shall

- 1 apply to payments for months beginning on or after that
- 2 date.

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