

116TH CONGRESS
2D SESSION

S. 3393

To amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retired pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2020

Mr. TESTER (for himself and Mr. CRAPO) 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 provide for concurrent receipt of veterans' disability compensation and retired pay for disability retirees with fewer than 20 years of service and a combat-related disability, 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. ELIGIBILITY OF DISABILITY RETIREES WITH**
 2 **FEWER THAN 20 YEARS OF SERVICE AND A**
 3 **COMBAT-RELATED DISABILITY FOR CONCUR-**
 4 **RENT RECEIPT OF VETERANS' DISABILITY**
 5 **COMPENSATION AND RETIRED PAY.**

6 (a) CONCURRENT RECEIPT IN CONNECTION WITH
 7 CSRC.—Section 1413a(b)(3)(B) of title 10, United States
 8 Code, is amended by striking “creditable service,” and all
 9 that follows and inserting the following: “creditable serv-
 10 ice—

11 “(i) the retired pay of the retiree is
 12 not subject to reduction under sections
 13 5304 and 5305 of title 38; and

14 “(ii) no monthly amount shall be paid
 15 the retiree under subsection (a).”.

16 (b) CONCURRENT RECEIPT GENERALLY.—Section
 17 1414(b)(2) of title 10, United States Code, is amended
 18 by striking “Subsection (a)” and all that follows and in-
 19 serting the following: “Subsection (a)—

20 “(A) applies to a member described in
 21 paragraph (1) of that subsection who is retired
 22 under chapter 61 of this title with less than 20
 23 years of service otherwise creditable under
 24 chapter 1405 of this title, or with less than 20
 25 years of service computed under section 12732
 26 of this title, at the time of the member’s retire-

ment if the member has a combat-related disability (as that term is defined in section 1413a(e) of this title), except that in the application of subsection (a) to such a member, any reference in that subsection to a qualifying service-connected disability shall be deemed to be a reference to that combat-related disability; but

“(B) does not apply to any member so retired if the member does not have a combat-related disability.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS REFLECTING END OF CURRENT RECEIPT PHASE-IN PERIOD.—Section 1414 of title 10, United States Code, is further amended—

(A) in subsection (a)(1)—

(i) by striking the second sentence;

and

(ii) by striking subparagraphs (A) and

(B);

(B) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

1 (C) in subsection (d), as redesignated, by
 2 striking paragraphs (3) and (4).

3 (2) SECTION HEADING.—The heading of such
 4 section 1414 is amended to read as follows:

5 **“§ 1414. Members eligible for retired pay who are also**
 6 **eligible for veterans’ disability compensa-**
 7 **tion: concurrent receipt”.**

8 (3) TABLE OF SECTIONS.—The table of sections
 9 at the beginning of chapter 71 of such title is
 10 amended by striking the item relating to section
 11 1414 and inserting the following new item:

“1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent receipt.”.

12 (4) CONFORMING AMENDMENT.—Section
 13 1413a(f) of such title is amended by striking “Sub-
 14 section (d)” and inserting “Subsection (c)”.

15 (d) EFFECTIVE DATE.—The amendments made by
 16 this section shall take effect on the first day of the first
 17 month beginning after the date of the enactment of this
 18 Act and shall apply to payments for months beginning on
 19 or after that date.

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