

118TH CONGRESS
1ST SESSION

S. 1515

To amend title 10, United States Code, to permit 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

MAY 10, 2023

Mr. TESTER (for himself, Ms. MURKOWSKI, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mr. CRAMER, Ms. HIRONO, Mr. MERKLEY, Mrs. MURRAY, Ms. ROSEN, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SINEMA, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. MENENDEZ, Ms. KLOBUCHAR, Ms. BALDWIN, and Mr. BROWN) 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 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 MILITARY RETIREES WITH COMPEN-**
7 **SABLE SERVICE-CONNECTED DISABILITIES.**

8 (a) IN GENERAL.—Subsection (a) of 1414 of title 10,
9 United States Code, is amended—

10 (1) in paragraph (1), by striking “Subject to
11 subsection (b)” and all that follows through “paid
12 both for that month” and inserting “A qualified re-
13 tiree is entitled to be paid both retired pay and vet-
14 erans’ disability compensation for a month”; and

15 (2) by amending paragraph (2) to read as fol-
16 lows:

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

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

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

1 (b) REPEAL OF REDUCTION IN RETIRED PAY.—Such
2 section is further amended by striking subsection (b).

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) AMENDMENTS REFLECTING END OF CON-
5 CURRENT RECEIPT PHASE-IN PERIOD.—Such section
6 is further amended—

7 (A) in subsection (a)(1), by striking “Dur-
8 ing the period” and all that follows through
9 “unemployability.”;

10 (B) by striking subsection (c);

11 (C) by redesignating subsections (d) and
12 (e) as subsections (b) and (c), respectively; and

13 (D) in subsection (c), as so redesignated,
14 by striking paragraphs (3) and (4).

15 (2) SECTION HEADING.—The heading of such
16 section is 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 (3) TABLE OF SECTIONS.—The item relating to
22 such section in the table of sections at the beginning
23 of chapter 71 of title 10, United States Code, is
24 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 (4) CONFORMING AMENDMENT.—Section
2 1413a(f) of such title is amended by striking “Sub-
3 section (d)” and inserting “Subsection (b)”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on January 1, 2024, and shall
6 apply to payments for months beginning on or after that
7 date.

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