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117TH CONGRESS
1ST SESSION

S. 344

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

FEBRUARY 22, 2021

Mr. TESTER (for himself, Mr. CRAPO, Mr. HOEVEN, Mr. PETERS, Mr. RISCH, Mr. WYDEN, Ms. STABENOW, Mr. BLUNT, Ms. WARREN, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. MARKEY, Ms. SINEMA, Ms. KLOBUCHAR, Ms. HIRONO, Mr. BOOZMAN, Mr. COONS, Mr. LEAHY, Mr. WHITEHOUSE, Mrs. SHAHEEN, Mr. BENNET, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Ms. SMITH, Ms. MURKOWSKI, Mr. CASEY, Mr. WARNER, Ms. COLLINS, Mr. PORTMAN, Mr. MORAN, Mr. WICKER, Mr. MANCHIN, Mrs. GILLIBRAND, Mr. DAINES, Mrs. MURRAY, Mr. ROUNDS, Mrs. CAPITO, Mr. CRAMER, Mr. SANDERS, Mr. BARRASSO, Mr. MERKLEY, Mr. BROWN, Ms. HASSAN, Mr. DURBIN, Mr. SCOTT of South Carolina, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

MARCH 17 (legislative day, MARCH 16), 2021

Committee discharged; referred to the Committee on Armed Services

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Major Richard Star Act''.

SEC. 2. ELIGIBILITY OF DISABILITY RETIREES WITH FEWER THAN 20 YEARS OF SERVICE AND A COMBAT-RELATED DISABILITY FOR CONCURRENT RECEIPT OF VETERANS' DISABILITY COMPENSATION AND RETIRED PAY.

(a) CONCURRENT RECEIPT IN CONNECTION WITH CSRC.—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking ''creditable service,'' and all that follows and inserting the following: ''creditable service—

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

''(ii) no monthly amount shall be paid the retiree under subsection (a).''.

(b) CONCURRENT RECEIPT GENERALLY.—Section 1414(b)(2) of title 10, United States Code, is amended by striking ''Subsection (a)'' and all that follows and inserting the following: ''Subsection (a)—

"(A) applies to a member described in paragraph (1) of that subsection who is retired under chapter 61 of this title with less than 20 years of service otherwise creditable under chapter 1405 of this title, or with less than 20 years of service computed under section 12732 of this title, at the time of the member's retirement 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 CONCURRENT 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

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

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

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent receipt".

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

"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent receipt.".

(4) CONFORMING AMENDMENT.—Section 1413a(f) of such title is amended by striking ''Subsection (d)'' and inserting ''Subsection (c)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning after the date of the enactment of this

Act and shall apply to payments for months beginning on or after that date.

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