

118TH 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 9, 2023

Mr. TESTER (for himself, Mr. CRAPO, Ms. BALDWIN, Mrs. CAPITO, Mr. BENNET, Mr. CRAMER, Mr. BLUMENTHAL, Mr. CRUZ, Mr. BOOKER, Mr. BROWN, Mr. HOEVEN, Ms. CANTWELL, Mrs. HYDE-SMITH, Mr. CASEY, Mr. RISCH, Mrs. FEINSTEIN, Mr. RUBIO, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. OSSOFF, Mr. PADILLA, Mr. PETERS, Ms. ROSEN, Mr. SANDERS, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. VANCE, Mr. WARNOCK, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DAINES, Mr. BOOZMAN, and Mr. MORAN) 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. SHORT TITLE.**

2 This Act may be cited as the “Major Richard Star
3 Act”.

4 **SEC. 2. ELIGIBILITY OF DISABILITY RETIREES WITH FEWER**
5 **THAN 20 YEARS OF SERVICE AND A COMBAT-**
6 **RELATED DISABILITY FOR CONCURRENT RE-**
7 **CEIPT OF VETERANS’ DISABILITY COMPENSA-**
8 **TION AND RETIRED PAY.**

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

14 “(i) the retired pay of the retiree is
15 not subject to reduction under sections
16 5304 and 5305 of title 38; and

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

19 (b) CONCURRENT RECEIPT GENERALLY.—Section
20 1414(b)(2) of title 10, United States Code, is amended
21 by striking “Subsection (a)” and all that follows and in-
22 serting the following: “Subsection (a)—

23 “(A) applies to a member described in
24 paragraph (1) of that subsection who is retired
25 under chapter 61 of this title with less than 20
26 years of service otherwise creditable under

1 chapter 1405 of this title, or with less than 20
2 years of service computed under section 12732
3 of this title, at the time of the member’s retire-
4 ment if the member has a combat-related dis-
5 ability (as that term is defined in section
6 1413a(e) of this title), except that in the appli-
7 cation of subsection (a) to such a member, any
8 reference in that subsection to a qualifying
9 service-connected disability shall be deemed to
10 be a reference to that combat-related disability;
11 but

12 “(B) does not apply to any member so re-
13 tired if the member does not have a combat-re-
14 lated disability.”.

15 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) AMENDMENTS REFLECTING END OF CON-
17 CURRENT RECEIPT PHASE-IN PERIOD.—Section
18 1414 of title 10, United States Code, is further
19 amended—

20 (A) in subsection (a)(1)—

21 (i) by striking the second sentence;

22 and

23 (ii) by striking subparagraphs (A) and

24 (B);

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

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

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

4 **“§ 1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent receipt”.**

5 (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:

6 “1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent receipt.”.

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

8 (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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