

HOUSE CONCURRENT RESOLUTION NO. 4

Reps. Conlin, McKinney, Morse, Martus, Arbit, Rheingans, Coleman, Farhat, Fitzgerald, Grant, Wilson, MacDonell, Liberati, Hill, Brabec, Wegela, Tsernoglou, Rogers, Bezotte, Morgan, Skaggs, Paiz, Snyder, Glanville and Hood offered the following concurrent resolution:

1 A concurrent resolution to urge Congress to amend 38 USC §
2 5304 and 10 USC § 12316 to permit members of the United States
3 reserves and National Guard to receive full or partial active
4 service pay in tandem with disability compensation from the
5 Department of Veterans Affairs.

6 Whereas, Many United States veterans may receive disability
7 compensation from the Department of Veterans Affairs (VA) while
8 also receiving income from gainful employment. VA disability
9 compensation is available for those who have an illness or injury
10 affecting their mind or body that was incurred or aggravated in the

1 line of duty. Offering this additional compensation to veterans who
2 work to support themselves supplements their income and strengthens
3 their financial security, the least our nation can offer to those
4 who have sacrificed so much for it; and

5 Whereas, Currently, federal statute prohibits individuals
6 serving in the National Guard or the military reserves from
7 simultaneously receiving VA disability compensation and active
8 service pay. Under 38 USC § 5304(c) and 10 USC § 12316, veterans
9 are not allowed to receive VA disability pay for periods for which
10 they receive active service pay, with a narrow exception for those
11 called to active duty for an extended time during a war or national
12 emergency. As a result, members of the reserves or National Guard
13 must waive either their VA disability compensation or their active
14 duty pay for full-time training and drills, and the government may
15 take back any excess payments these service members receive; and

16 Whereas, The rule forbidding simultaneous receipt of VA
17 disability compensation and active service pay for work as a member
18 of the reserves or National Guard is an unjust double standard that
19 disincentivizes service to our nation. Many veterans are willing
20 and able to serve in the reserves or National Guard despite their
21 service-related disabilities, but if they choose further service to
22 their country over other employment, they lose the opportunity to
23 receive VA disability compensation to support themselves and their
24 families. These veterans are faced with a bitter choice between
25 their financial needs and comfort and their duty to their units and
26 their country. The United States should not have policies that
27 actively discourage honorable veterans from continuing to serve,
28 and our laws should reflect the gratitude we hold for them; and

29 Whereas, Many Michigan veterans could benefit from the repeal

1 of the prohibition on simultaneous receipt of VA disability
2 compensation and active service pay. As of 2021, 83.9 percent of
3 the individuals serving in the reserves or National Guard in
4 Michigan were under the age of 41. In fiscal year 2019, 25,917
5 individuals between ages 17 and 44 received VA disability
6 compensation in Michigan. Many of these individuals may be ready
7 and able to serve in the reserves or National Guard, but they are
8 actively discouraged from doing so to protect their financial
9 security; now, therefore, be it

10 Resolved by the House of Representatives (the Senate
11 concurring), That we urge Congress to amend 38 USC § 5304 and 10
12 USC § 12316 to permit members of the United States reserves and
13 National Guard to receive full or partial active service pay in
14 tandem with disability compensation from the Department of Veterans
15 Affairs; and be it further

16 Resolved, That copies of this resolution be transmitted to the
17 President of the United States, the Speaker of the United States
18 House of Representatives, the President of the United States
19 Senate, the members of the Michigan congressional delegation, and
20 the Secretary of the United States Department of Veterans Affairs.