

HOUSE CONCURRENT RESOLUTION NO. 3

Reps. Tate, Rogers, Xiong, Young, Neeley, Byrnes, Price, B. Carter, McKinney, T. Carter, Koleszar, Weiss, Steckloff, Tsernoglou, Paiz, Scott, Glanville, Dievendorf, Mentzer, O'Neal, Longjohn, Witwer, Andrews, McFall, Liberati, Wooden and Breen offered the following concurrent resolution:

1 A concurrent resolution to urge Congress to amend 38 U.S.C. §
2 5304 and 10 U.S.C. § 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 U.S.C. § 5304(c) and 10 U.S.C. § 12316,
9 veterans are not allowed to receive VA disability pay for periods
10 for which they receive active service pay, with a narrow exception
11 for those called to active duty for an extended time during a war
12 or national emergency. As a result, members of the reserves or
13 National Guard must waive either their VA disability compensation,
14 or their active duty pay for full-time training and drills, and the
15 government may take back any excess payments these service members
16 receive; and

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

1 Whereas, Many Michigan veterans could benefit from the repeal
2 of the prohibition on simultaneous receipt of VA disability
3 compensation and active service pay. In 2023, 83.1 percent of the
4 individuals serving in the reserves or National Guard in Michigan
5 were under the age of 41. In fiscal year 2023, 31,155 individuals
6 between ages 17 and 44 received VA disability compensation in
7 Michigan. Many of these individuals may be ready and able to serve
8 in the reserves or National Guard, but they are actively
9 discouraged from doing so to protect their financial security; now,
10 therefore, be it

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

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