SEC. 614. REPEAL OF AUTHORITY FOR OBSOLETE COMBAT-RELATED INJURY REHABILITATION PAY.

(a) REPEAL.—Section 328 of title 37, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 328.

[Please note: The "Changes to Existing Law" section at the end sets out in red-line format how the legislative text above would amend existing law.]

Section-by-Section Analysis

Section 642 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. No. 109-163, 119 Stat. 3136 (2006), enacted authority for a temporary special pay for active-duty service members recovering from wounds, injuries, or illness incurred in a combat operation or combat zone. The combat-related injury and rehabilitation pay (CIP) was a stipend of up to $430 per month paid for up to three months to service members during hospitalization or outpatient rehabilitation within the military health-care system. The $430 per month consisted of hostile fire/imminent danger pay (HFP/IDP) of $225, hardship duty pay– location ($100), and the incidental portion of per diem ($105).

The National Defense Authorization Act for Fiscal Year 2008, Pub. L. No. 110-181, §661, 122 Stat. 177 (2008), replaced CIP with the pay and allowance continuation (PAC) program. The new program, which entered into effect on May 15, 2008, replaced the $430 monthly stipend with a continuation of all pay and allowances (including any bonus, incentive pay, or similar benefit) that were being paid to the member at the time the member was hospitalized because of a wound, injury, or illness in the line of duty in a combat operation, combat zone, or hostile-fire event.

Budget Implications: Because CIP was replaced by Pay and Allowance Continuation on May 15, 2008, CIP payments are no longer being made. Therefore, there are no budget implications.

Changes to Existing Law: This proposal would repeal section 328 of title 37, United States Code, as follows.

~~**§328. Combat-related injury rehabilitation pay**~~

~~(a) SPECIAL PAY AUTHORIZED.--The Secretary concerned may pay monthly special pay under this section to a member of the armed forces who, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and is evacuated from the theater of the combat operation or from the combat zone for medical treatment.~~

~~(b) COMMENCEMENT OF PAYMENT.--Subject to subsection (c), the special pay authorized by subsection (a) may be paid to a member described in such subsection for any month beginning after the date on which the member was evacuated from the theater of the combat operation or the combat zone in which the member incurred the combat-related injury.~~

~~(c) TERMINATION OF PAYMENTS.--The payment of special pay to a member under subsection (a) shall terminate at the end of the first month during which any of the following occurs:~~

~~(1) The member is paid a benefit under the traumatic injury protection rider of the Servicemembers' Group Life Insurance Program issued under section 1980A of title 38.~~

~~(2) The member receives notification of the eligibility of the member for a benefit under such traumatic injury protection rider and a period of 30 days expires after the date of such notification.~~

~~(3) The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.~~

~~(d) AMOUNT OF SPECIAL PAY.--The monthly amount of special pay paid to a member under this section shall be equal to $430, less any payment received by the member for the same month under section 310(b) of this title.~~

~~(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.--Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled or authorized to receive.~~