

109TH CONGRESS  
1ST SESSION

# H. R. 808

To amend title 10, United States Code, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2005

Mr. BROWN of South Carolina (for himself, Mr. BARTLETT of Maryland, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. CALVERT, Mrs. CHRISTENSEN, Mr. TOM DAVIS of Virginia, Mr. EDWARDS, Mr. FILNER, Mr. FOLEY, Mr. GREEN of Wisconsin, Mr. HOLT, Mr. JENKINS, Mr. JONES of North Carolina, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. MCCARTHY, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. TERRY, Mr. WOLF, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation.

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 “Military Surviving  
3 Spouses Equity Act”.

4 **SEC. 2. REPEAL OF DEPENDENCY AND INDEMNITY COM-**  
5 **PENSATION OFFSET FROM SURVIVOR BEN-**  
6 **EFIT PLAN SURVIVING SPOUSE ANNUITIES.**

7       (a) **REPEAL.**—Subsections (c), (e), and (k) of section  
8 1450 of title 10, United States Code, and subsection (c)(2)  
9 of section 1451 of such title are repealed.

10       (b) **EFFECTIVE DATE.**—The amendments made by  
11 subsection (a)—

12           (1) shall take effect on the later of October 1,  
13 2005, and the date of the enactment of this Act; and

14           (2) shall apply with respect to payment of an-  
15 nuities under subchapter II of chapter 73 of title 10,  
16 United States Code, for months beginning on or  
17 after that date.

18       (c) **RECOUPMENT OF CERTAIN AMOUNTS PRE-**  
19 **VIOUSLY REFUNDED TO SPB RECIPIENTS.**—(1) A sur-  
20 viving spouse who is in receipt of an SBP annuity that  
21 is in effect before the date specified in subsection (b) and  
22 that is adjusted by reason of the amendments made by  
23 subsection (a) and who had previously received an SBP  
24 retired pay refund shall repay an amount determined  
25 under paragraph (2). Any such repayment shall be made  
26 in the same manner as a repayment under subsection

1 (k)(2) of section 1450 of title 10, United States Code, as  
2 in effect on the date of the enactment of this Act.

3 (2) The amount of a repayment under paragraph (1)  
4 shall be the amount that bears the same ratio to the  
5 amount of that refund as the surviving spouse's life ex-  
6 pectancy (determined in accordance with standard actu-  
7 arial practices) bears to the anticipated total duration of  
8 the annuity (determined as the sum of such life expectancy  
9 and the duration of the annuity already received).

10 (3) In this subsection:

11 (A) The term "SBP annuity" means an annu-  
12 ity under the program established under subchapter  
13 II of chapter 73 of title 10, United States Code.

14 (B) The term "SBP retired pay refund" means  
15 a refund under subsection (e) of section 1450 of title  
16 10, United States Code, as in effect before the date  
17 specified in subsection (b).

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