

109TH CONGRESS
1ST SESSION

S. 185

To amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2005

Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. HAGEL, Mr. DURBIN, and Mr. DAYTON) 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 repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Retiree Sur-
5 vivor Benefit Equity Act of 2005”.

1 **SEC. 2. REPEAL OF REQUIREMENT OF REDUCTION OF SBP**
 2 **SURVIVOR ANNUITIES BY DEPENDENCY AND**
 3 **INDEMNITY COMPENSATION.**

4 (a) REPEAL.—Subchapter II of chapter 73 of title
 5 10, United States Code is amended—

6 (1) in section 1450(c)(1), by inserting after “to
 7 whom section 1448 of this title applies” the fol-
 8 lowing: “(except in the case of a death as described
 9 in subsection (d) or (f) of such section)”; and

10 (2) in section 1451(c)—

11 (A) by striking paragraph (2); and

12 (B) by redesignating paragraphs (3) and
 13 (4) as paragraphs (2) and (3), respectively.

14 (b) PROHIBITION ON RETROACTIVE BENEFITS.—No
 15 benefits may be paid to any person for any period before
 16 the effective date provided under subsection (e) by reason
 17 of the amendments made by subsection (a).

18 (c) PROHIBITION ON RECOUPMENT OF CERTAIN
 19 AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPI-
 20 ENTS.—A surviving spouse who is or has been in receipt
 21 of an annuity under the Survivor Benefit Plan under sub-
 22 chapter II of chapter 73 of title 10, United States Code,
 23 that is in effect before the effective date provided under
 24 subsection (e) and that is adjusted by reason of the
 25 amendments made by subsection (a) and who has received
 26 a refund of retired pay under section 1450(e) of title 10,

1 United States Code, shall not be required to repay such
2 refund to the United States.

3 (d) RECONSIDERATION OF OPTIONAL ANNUITY.—
4 Section 1448(d)(2) of title 10, United States Code, is
5 amended by adding at the end the following new sen-
6 tences: “The surviving spouse, however, may elect to ter-
7minate an annuity under this subparagraph in accordance
8 with regulations prescribed by the Secretary concerned.
9 Upon such an election, payment of an annuity to depend-
10 ent children under this subparagraph shall terminate ef-
11 fective on the first day of the first month that begins after
12 the date on which the Secretary concerned receives notice
13 of the election, and, beginning on that day, an annuity
14 shall be paid to the surviving spouse under paragraph (1)
15 instead.”.

16 (e) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the later of—

18 (1) the first day of the first month that begins
19 after the date of the enactment of this Act; or

20 (2) the first day of the fiscal year that begins
21 in the calendar year in which this Act is enacted.

1 **SEC. 3. EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER**
2 **SURVIVOR BENEFIT PLAN.**

3 Section 1452(j) of title 10, United States Code, is
4 amended by striking “October 1, 2008” and inserting
5 “October 1, 2005”.

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