

113TH CONGRESS
1ST SESSION

H. R. 1770

To amend title 10, United States Code, to eliminate the different treatment under the Survivor Benefit Plan accorded members of the reserve components who die from an injury or illness incurred or aggravated in the line of duty during inactive-duty training compared to members of the Armed Forces who die in the line of duty while on active duty.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. CHAFFETZ (for himself, Mr. BARBER, Mr. BISHOP of Utah, Mr. RICE of South Carolina, and Mr. STEWART) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

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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. EQUAL BENEFITS UNDER SURVIVOR BENEFIT**
 2 **PLAN FOR RESERVE COMPONENT MEMBERS**
 3 **WHO DIE IN THE LINE OF DUTY DURING IN-**
 4 **ACTIVE-DUTY TRAINING.**

5 (a) TREATMENT OF INACTIVE-DUTY TRAINING IN
 6 SAME MANNER AS ACTIVE DUTY.—Section 1451(c)(1)(A)
 7 of title 10, United States Code, is amended—

8 (1) in clause (i)—

9 (A) by inserting “or 1448(f)” after “sec-
 10 tion 1448(d)”;

11 (B) by inserting “or (iii)” after “clause
 12 (ii)”;

13 (2) in clause (iii), by striking “section 1448(f)
 14 of this title” and inserting “section 1448(f)(1)(A) of
 15 this title by reason of the death of a member or
 16 former member not in line of duty”.

17 (b) CONSISTENT TREATMENT OF DEPENDENT CHIL-
 18 DREN AND DEEMED ELECTIONS.—Section 1448(f) of
 19 such title is amended—

20 (1) by striking paragraph (2) and inserting the
 21 following new paragraph:

22 “(2) DEPENDENT CHILDREN.—

23 “(A) ANNUITY WHEN NO ELIGIBLE SUR-
 24 VIVING SPOUSE.—In the case of a member de-
 25 scribed in paragraph (1), the Secretary con-
 26 cerned shall pay an annuity under this sub-

chapter to the member's dependent children under section 1450(a)(2) of this title as applicable.

“(B) OPTIONAL ANNUITY WHEN THERE IS AN ELIGIBLE SURVIVING SPOUSE.—The Secretary may pay an annuity under this subchapter to the member's dependent children under section 1450(a)(3) of this title, if applicable, instead of paying an annuity to the surviving spouse under paragraph (1), if the Secretary concerned, in consultation with the surviving spouse, determines it appropriate to provide an annuity for the dependent children under this paragraph instead of an annuity for the surviving spouse under paragraph (1).”; and

(2) by adding at the end the following new paragraph:

“(5) DEEMED ELECTION TO PROVIDE AN ANNUITY FOR DEPENDENT.—Paragraph (6) of subsection (d) shall apply in the case of a member described in paragraph (1) who dies after November 23, 2003, when no other annuity is payable on behalf of the member under this subchapter.”.

1 (c) AVAILABILITY OF SPECIAL SURVIVOR INDEMNITY
 2 ALLOWANCE.—Section 1450(m)(1)(B) of such title is
 3 amended by inserting “or (f)” after “subsection (d)”.

4 (d) EFFECTIVE DATE; APPLICATION OF AMEND-
 5 MENTS.—

6 (1) RETROACTIVE APPLICATION.—Except as
 7 provided in the amendment made by subsection
 8 (b)(2), the amendments made by this section shall
 9 take effect as of September 10, 2001, and shall
 10 apply with respect to deaths of members of the
 11 Armed Forces occurring after that date.

12 (2) PAYMENT ADJUSTMENT AND LUMP-SUM
 13 PAYMENTS.—The Secretary of Defense shall—

14 (A) require payments under the Survivor
 15 Benefit Plan for months beginning after the
 16 date of the enactment of this section to be ad-
 17 justed to reflect the amendments made by this
 18 section; and

19 (B) provide a lump-sum payment to cover
 20 the period between the death of the member
 21 concerned (or October 1, 2008, if later than
 22 that date in the case of the special survivor in-
 23 demnity allowance) and the date the adjustment
 24 takes effect under subparagraph (A).

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