

114TH CONGRESS
1ST SESSION

H. R. 1594

To amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan for military surviving spouses to offset the receipt of veterans dependency and indemnity compensation.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2015

Mr. WILSON of South Carolina (for himself, Mr. AMODEI, Mr. BARLETTA, Mr. BEYER, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. BROWNLEY of California, Mr. BURGESS, Mrs. BUSTOS, Mr. CARTER of Texas, Mr. CARTWRIGHT, Mr. COFFMAN, Mr. COLE, Mr. CONNOLLY, Mr. CRAMER, Ms. DELBENE, Mr. DESJARLAIS, Mr. DEUTCH, Mr. ELLISON, Ms. ESTY, Mr. FARENTHOLD, Mr. FARR, Mr. FORBES, Ms. GABBARD, Mr. GIBSON, Ms. GRANGER, Mr. GRIFFITH, Mr. GRIJALVA, Mr. HANNA, Mr. HURT of Virginia, Mr. ISRAEL, Mr. JOLLY, Mr. KING of New York, Mr. LOEBSACK, Ms. LOFGREN, Mrs. LOWEY, Mr. LUETKEMEYER, Mr. SEAN PATRICK MALONEY of New York, Mr. PEARCE, Mr. PETERS, Mr. PIERLUISI, Ms. PINGREE, Mr. POLIS, Mr. RIGELL, Mr. ROSS, Mr. RUSH, Mr. RYAN of Ohio, Mr. SALMON, Mr. SCHOCK, Mr. AUSTIN SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SMITH of New Jersey, Mr. TAKANO, Mr. THOMPSON of Pennsylvania, Ms. TSONGAS, Mr. VAN HOLLEN, Mrs. WAGNER, Mr. WITTMAN, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan for military surviving spouses to offset the receipt of veterans 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Surviving
 5 Spouses Equity Act”.

6 **SEC. 2. REPEAL OF REQUIREMENT OF REDUCTION OF SUR-**
 7 **VIVOR BENEFIT PLAN SURVIVOR ANNUITIES**
 8 **BY AMOUNT OF DEPENDENCY AND INDEM-**
 9 **NITY COMPENSATION.**

10 (a) REPEAL.—

11 (1) REPEAL.—Subchapter II of chapter 73 of
 12 title 10, United States Code, is amended as follows:

13 (A) In section 1450, by striking subsection
 14 (c).

15 (B) In section 1451(c)—

16 (i) by striking paragraph (2); and

17 (ii) by redesignating paragraphs (3)
 18 and (4) as paragraphs (2) and (3), respec-
 19 tively.

20 (2) CONFORMING AMENDMENTS.—Such sub-
 21 chapter is further amended as follows:

22 (A) In section 1450—

23 (i) by striking subsection (e); and

24 (ii) by striking subsection (k).

1 (B) In section 1451(g)(1), by striking sub-
2 paragraph (C).

3 (C) In section 1452—

4 (i) in subsection (f)(2), by striking
5 “does not apply—” and all that follows
6 and inserting “does not apply in the case
7 of a deduction made through administra-
8 tive error.”; and

9 (ii) by striking subsection (g).

10 (D) In section 1455(c), by striking “,
11 1450(k)(2),”.

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

16 (c) PROHIBITION ON RECOUPMENT OF CERTAIN
17 AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPI-
18 ENTS.—A surviving spouse who is or has been in receipt
19 of an annuity under the Survivor Benefit Plan under sub-
20 chapter II of chapter 73 of title 10, United States Code,
21 that is in effect before the effective date provided under
22 subsection (f) and that is adjusted by reason of the
23 amendments made by subsection (a) and who has received
24 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) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY
4 FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of
5 such title is amended—

6 (1) by striking “DEPENDENT CHILDREN.—”
7 and all that follows through “In the case of a mem-
8 ber described in paragraph (1),” and inserting “DE-
9 PENDENT CHILDREN.—In the case of a member de-
10 scribed in paragraph (1),”; and

11 (2) by striking subparagraph (B).

12 (e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY
13 ELIGIBLE SPOUSES.—The Secretary of the military de-
14 partment concerned shall restore annuity eligibility to any
15 eligible surviving spouse who, in consultation with the Sec-
16 retary, previously elected to transfer payment of such an-
17 nuity to a surviving child or children under the provisions
18 of section 1448(d)(2)(B) of title 10, United States Code,
19 as in effect on the day before the effective date provided
20 under subsection (f). Such eligibility shall be restored
21 whether or not payment to such child or children subse-
22 quently was terminated due to loss of dependent status
23 or death. For the purposes of this subsection, an eligible
24 spouse includes a spouse who was previously eligible for
25 payment of such annuity and is not remarried, or remar-

1 ried after having attained age 55, or whose second or sub-
2 sequent marriage has been terminated by death, divorce
3 or annulment.

4 (f) EFFECTIVE DATE.—This section and the amend-
5 ments made by this section shall take effect on the later
6 of—

7 (1) October 1, 2015; and

8 (2) the first day of the first month that begins
9 after the date of the enactment of this Act.

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