

AMENDMENT TO RULES COMMITTEE PRINT 117-

13

OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the end of subtitle B of title V, insert the following:

1 **SEC. 5___ . FORGIVENESS OR OFFSET OF OVERPAYMENT**
2 **OF RETIRED PAY PAID TO A JOINT ACCOUNT**
3 **FOR A PERIOD AFTER THE DEATH OF THE**
4 **RETIRED MEMBER OF THE ARMED FORCES.**

5 (a) WHEN PAYMENT DEPOSITED TO JOINT AC-
6 COUNT.—Section 2771 of title 10, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(e) In the case of overpayment of retired or retainer
10 pay, arising from payment of such retired or retainer pay
11 for any period after the date of the death of a recipient
12 through the last day of the month in which such death
13 occurs, if such payment is electronically deposited in an
14 accredited financial institution to a joint account bearing
15 the name of the decedent and another individual who is
16 the decedent’s designated beneficiary under subsection
17 (a)(1), the Secretary of Defense—

1 “(1) if the decedent is an individual to whom
2 section 1448 of this title applies, shall elect to—

3 “(A) forgive the overpayment on behalf of
4 the United States; or

5 “(B) offset the overpayment pursuant to
6 subsection (n)(2) of section 1450 this title; or

7 “(2) if the decedent is not an individual to
8 whom section 1448 of this title applies, shall forgive
9 the overpayment on behalf of the United States.”.

10 (b) COORDINATION WITH SURVIVOR BENEFIT
11 PLAN.—Section 1450 of title 10, United States Code, is
12 amended—

13 (1) in subsection (a), by inserting “, or that ap-
14 plies under subsection (n)” after “under subsection
15 (j)”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(n) SPECIAL RULE IN CASE OF CERTAIN FINAL RE-
19 TIRE PAY OVERPAYMENT.—In a case described in sec-
20 tion 2771(e)(1)(B) of this title, if the individual described
21 in that subsection other than the decedent is the bene-
22 ficiary of the decedent under the Plan, each of the first
23 12 payments, following the death of the decedent, of the
24 annuity payable to the decedent’s beneficiary under the

1 Plan, shall be reduced by one-twelfth of such overpay-
2 ment.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to payments made to
5 persons who die on or after the date of the enactment of
6 this Act.

