

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

**19**

**OFFERED BY MR. YARMUTH OF KENTUCKY**

At the end of subtitle C of title VI, insert the following:

1 **SEC. 5\_\_\_ . REPEAL OF REQUIREMENT OF REDUCTION OF**  
2 **SURVIVOR BENEFIT PLAN SURVIVOR ANNU-**  
3 **ITIES BY AMOUNT OF DEPENDENCY AND IN-**  
4 **DEMNITY COMPENSATION.**

5 (a) REPEAL.—

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

8 (A) In section 1450, by striking subsection

9 (c).

10 (B) In section 1451(c)—

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

12 (ii) by redesignating paragraphs (3)

13 and (4) as paragraphs (2) and (3), respec-

14 tively.

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

17 (A) In section 1450—

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

1 (ii) by striking subsection (k).

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

4 (C) In section 1452—

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

10 (ii) by striking subsection (g).

11 (D) In section 1455(c), by striking “,  
12 1450(k)(2),”.

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

17 (c) PROHIBITION ON RECOUPMENT OF CERTAIN  
18 AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPI-  
19 ENTS.—A surviving spouse who is or has been in receipt  
20 of an annuity under the Survivor Benefit Plan under sub-  
21 chapter II of chapter 73 of title 10, United States Code,  
22 that is in effect before the effective date provided under  
23 subsection (f) and that is adjusted by reason of the  
24 amendments made by subsection (a) and who has received  
25 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, 2019; and

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

