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:

SEC. 5. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY AMOUNT OF DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

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

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

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and
(ii) by striking subsection (k).

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

(C) In section 1452—

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

(ii) by striking subsection (g).

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

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

(c) PROHIBITION ON RECOUPMENT OF CERTAIN
AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIP-
I ENTS.—A surviving spouse who is or has been in receipt
of an annuity under the Survivor Benefit Plan under sub-
chapter II of chapter 73 of title 10, United States Code,
that is in effect before the effective date provided under
subsection (f) and that is adjusted by reason of the
amendments made by subsection (a) and who has received
a refund of retired pay under section 1450(e) of title 10,
United States Code, shall not be required to repay such refund to the United States.

(d) Repeal of Authority for Optional Annuity for Dependent Children.—Section 1448(d)(2) of such title is amended—

(1) by striking “Dependent Children.—” and all that follows through “In the case of a member described in paragraph (1),” and inserting “Dependent Children.—In the case of a member described in paragraph (1),”; and

(2) by striking subparagraph (B).

(e) Restoration of Eligibility for Previously Eligible Spouses.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remar-
ried after having attained age 55, or whose second or sub-
sequent marriage has been terminated by death, divorce
or annulment.

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

(1) October 1, 2019; and

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