

114TH CONGRESS
1ST SESSION

H. R. 2053

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 28, 2015

Mr. CHAFFETZ introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

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.

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 Reserve Sur-
5 vivor Benefit Equity Act”.

1 **SEC. 2. EQUAL BENEFITS UNDER SURVIVOR BENEFIT PLAN**
2 **FOR SURVIVORS OF RESERVE COMPONENT**
3 **MEMBERS WHO DIE IN THE LINE OF DUTY**
4 **DURING INACTIVE-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)”; and

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

13 (2) in clause (iii)—

14 (A) by striking “section 1448(f) of this
15 title” and inserting “section 1448(f)(1)(A) of
16 this title by reason of the death of a member
17 or former member not in line of duty”; and

18 (B) by striking “active service” and insert-
19 ing “service”.

20 (b) CONSISTENT TREATMENT OF DEPENDENT CHIL-
21 DREN.—Paragraph (2) of section 1448(f) of title 10,
22 United States Code, is amended to read as follows:

23 “(2) DEPENDENT CHILDREN ANNUITY.—

24 “(A) ANNUITY WHEN NO ELIGIBLE SUR-
25 VIVING SPOUSE.—In the case of a person de-
26 scribed in paragraph (1), the Secretary con-

1 cerned shall pay an annuity under this sub-
2 chapter to the dependent children of that per-
3 son under section 1450(a)(2) of this title as ap-
4 plicable.

5 “(B) OPTIONAL ANNUITY WHEN THERE IS
6 AN ELIGIBLE SURVIVING SPOUSE.—The Sec-
7 retary may pay an annuity under this sub-
8 chapter to the dependent children of a person
9 described in paragraph (1) under section
10 1450(a)(3) of this title, if applicable, instead of
11 paying an annuity to the surviving spouse
12 under paragraph (1), if the Secretary con-
13 cerned, in consultation with the surviving
14 spouse, determines it appropriate to provide an
15 annuity for the dependent children under this
16 paragraph instead of an annuity for the sur-
17 viving spouse under paragraph (1).”.

18 (c) DEEMED ELECTIONS.—Section 1448(f) of title
19 10, United States Code, is further amended by adding at
20 the end the following new paragraph:

21 “(5) DEEMED ELECTION TO PROVIDE AN AN-
22 NUITY FOR DEPENDENT.—Paragraph (6) of sub-
23 section (d) shall apply in the case of a member de-
24 scribed in paragraph (1) who dies after November

1 23, 2003, when no other annuity is payable on be-
2 half of the member under this subchapter.”.

3 (d) AVAILABILITY OF SPECIAL SURVIVOR INDEMNITY
4 ALLOWANCE.—Section 1450(m)(1)(B) of title 10, United
5 States Code, is amended by inserting “or (f)” after “sub-
6 section (d)”.

7 (e) APPLICATION OF AMENDMENTS.—

8 (1) PAYMENT.—No annuity benefit under sub-
9 chapter II of chapter 73 of title 10, United States
10 Code, shall accrue to any person by reason of the
11 amendments made by this section for any period be-
12 fore the date of the enactment of this Act.

13 (2) ELECTIONS.—For any death that occurred
14 before the date of the enactment of this Act with re-
15 spect to which an annuity under such subchapter is
16 being paid (or could be paid) to a surviving spouse,
17 the Secretary concerned may, within six months of
18 that date and in consultation with the surviving
19 spouse, determine it appropriate to provide an annu-
20 ity for the dependent children of the decedent under
21 paragraph 1448(f)(2)(B) of title 10, as added by
22 subsection (b)(1), instead of an annuity for the sur-
23 viving spouse. Any such determination and resulting
24 change in beneficiary shall be effective as of the first

- 1 day of the first month following the date of the de-
- 2 termination.

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