

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 493

To amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following their death.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

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

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## A BILL

To amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following their death.

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 Retiree Sur-  
5       vivor Comfort Act”.

1 **SEC. 2. FORGIVENESS OF CERTAIN OVERPAYMENTS OF RE-**  
2 **TIRED PAY PAID FOR PERIODS AFTER DEATH**  
3 **OF RETIRED MEMBERS.**

4 (a) FORGIVENESS WHEN PAYMENTS DEPOSITED TO  
5 JOINT ACCOUNTS.—Section 2771 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new subsection:

8 “(e) The United States shall forgive any overpayment  
9 of retired or retainer pay arising from payment of such  
10 retired or retainer pay for any period after the date of  
11 the death of the recipient through the last day of the  
12 month in which such death occurs if such payment is elec-  
13 tronically deposited in an accredited financial institution  
14 to a joint account bearing the name of the decedent and  
15 another individual who is the decedent’s designated bene-  
16 ficiary under subsection (a)(1).”.

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

20 (1) in subsection (a), by inserting “or that ap-  
21 plies under subsection (n)” after “under subsection  
22 (j)”; and

23 (2) by adding at the end the following new sub-  
24 section:

25 “(n) SPECIAL EFFECTIVE DATE RULE WHEN FINAL  
26 RETIRED PAY OVERPAYMENT IS FORGIVEN.—

1           “(1) ANNUITY EFFECTIVE ON FIRST DAY OF  
2           MONTH AFTER DEATH.—In a case covered by para-  
3           graph (2), an annuity payable to a surviving spouse  
4           shall be effective on the first day of the first month  
5           beginning after the death of the person to whom sec-  
6           tion 1448 of this title applies, rather than on the  
7           date otherwise applicable under subsection (a).

8           “(2) COVERED CASES.—Paragraph (1) applies  
9           in a case in which—

10                   “(A) there is an overpayment of retired  
11                   pay of a person to whom section 1448 of this  
12                   title applies that is forgiven pursuant to section  
13                   2771(e) of this title; and

14                   “(B) the person who is the designated ben-  
15                   eficiary of such person under section  
16                   2771(a)(1) of this title is the surviving spouse  
17                   of such person.”.

18           (c) EFFECTIVE DATE.—Subsection (e) of section  
19           2771 of title 10, United States Code, as added by sub-  
20           section (a), shall apply with respect to payments made to  
21           persons dying on or after the date of the enactment of  
22           this Act.

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