

117TH CONGRESS
1ST SESSION

S. 1669

To amend title 10, United States Code, to direct the forgiveness or offset of an overpayment of retired pay paid to a joint account for a period after the death of the retired member of the Armed Forces.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2021

Mr. PORTMAN (for himself, Ms. WARREN, Mr. CRAMER, Mr. BOOZMAN, and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to direct the forgiveness or offset of an overpayment of retired pay paid to a joint account for a period after the death of the retired member of the Armed Forces.

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 OR OFFSET OF OVERPAYMENT OF**
 2 **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—

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

20 “(A) forgive the overpayment on behalf of
 21 the United States; or

22 “(B) offset the overpayment pursuant to
 23 section 1450(n) of this title; or

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

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

4 (1) in subsection (a), by inserting “, or that ap-
 5 plies under subsection (n)” after “under subsection
 6 (j)”; and

7 (2) by adding at the end the following new sub-
 8 section:

9 “(n) SPECIAL RULE IN CASE OF CERTAIN FINAL RE-
 10 TIRED PAY OVERPAYMENT.—In a case described in sec-
 11 tion 2771(e) of this title, if the individual described in that
 12 subsection other than the decedent is the beneficiary of
 13 the decedent under the Plan, each of the first 12 pay-
 14 ments, following the death of the decedent, of the annuity
 15 payable to the decedent’s beneficiary under the Plan, shall
 16 be reduced by one-twelfth of such overpayment.”.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply with respect to payments made to
 19 persons who die on or after the date of the enactment of
 20 this Act.

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