

118TH CONGRESS  
2D SESSION

# H. R. 9852

To establish an open season for enrollment in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2024

Mrs. STEEL introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To establish an open season for enrollment in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code.

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. SURVIVOR BENEFIT PLAN OPEN SEASON.**

4 (a) ELECTIONS BY PERSONS NOT CURRENTLY PAR-  
5 TICIPATING IN SURVIVOR BENEFIT PLAN.—

6 (1) ELECTION OF SBP COVERAGE.—An eligible  
7 retired or former member may elect to participate in  
8 the Survivor Benefit Plan during the open season  
9 described in subsection (e).

1           (2) ELIGIBLE RETIRED OR FORMER MEM-  
2           BERS.—For purposes of paragraph (1), an eligible  
3           retired or former member is a member or former  
4           member of the uniformed services who, on or before  
5           the day before the first day of the open season de-  
6           scribed in subsection (e)—

7                   (A) is entitled to retired pay; or

8                   (B) would be entitled to retired pay under  
9           chapter 1223 of title 10, United States Code  
10          (or chapter 67 of such title as in effect before  
11          October 5, 1994), but for the fact that such  
12          member or former member is under 60 years of  
13          age.

14          (3) STATUS UNDER SBP OF PERSONS MAKING  
15          ELECTIONS.—

16                   (A) STANDARD ANNUITY.—A person mak-  
17          ing an election under paragraph (1) by reason  
18          of eligibility under paragraph (2)(A) shall be  
19          treated for all purposes as providing a standard  
20          annuity under the Survivor Benefit Plan.

21                   (B) RESERVE-COMPONENT ANNUITY.—A  
22          person making an election under paragraph (1)  
23          by reason of eligibility under paragraph (2)(B)  
24          shall be treated for all purposes as providing a

1 reserve-component annuity under the Survivor  
2 Benefit Plan.

3 (4) PREMIUMS FOR OPEN SEASON.—

4 (A) PREMIUMS TO BE CHARGED.—The  
5 Secretary of Defense shall prescribe in regula-  
6 tions premiums that a person who makes an  
7 election under paragraph (1) shall be required  
8 to pay for participating in the Survivor Benefit  
9 Plan pursuant to the election.

10 (B) AMOUNT OF PREMIUMS.—The total  
11 amount of the premiums to be paid by a person  
12 under the regulations prescribed under subpara-  
13 graph (A) shall be equal to the sum of—

14 (i) the total amount by which the re-  
15 tired pay of the person would have been re-  
16 duced before the effective date of the elec-  
17 tion under subsection (d) if the person had  
18 elected to participate in the Survivor Ben-  
19 efit Plan (for the same base amount speci-  
20 fied in the election) at the first opportunity  
21 that was afforded the person to participate  
22 under chapter 73 of title 10, United States  
23 Code;

24 (ii) interest on the amount by which  
25 the retired pay of the person would have

1           been so reduced, computed from the date  
2           on which the retired pay would have been  
3           so reduced at such rate or rates and ac-  
4           cording to such methodology as the Sec-  
5           retary determines reasonable; and

6                   (iii) any additional amount that the  
7           Secretary determines necessary to protect  
8           the actuarial soundness of the Department  
9           of Defense Military Retirement Fund  
10          against any increased risk for the fund  
11          that is associated with the election.

12                   (C) PREMIUMS TO BE CREDITED TO RE-  
13          TIREMENT FUND.—Premiums paid under the  
14          regulations prescribed under subparagraph (A)  
15          shall be credited to the Department of Defense  
16          Military Retirement Fund.

17           (b) ELECTIONS BY PERSONS CURRENTLY PARTICI-  
18          PATING IN SURVIVOR BENEFIT PLAN.—

19                   (1) ELECTION TO CHANGE INSURABLE INTER-  
20          EST OR FORMER SPOUSE BENEFICIARY.—A person  
21          participating in the Survivor Benefit Plan on the  
22          day before the first day of the open season described  
23          in subsection (e) may elect to change a previous  
24          election of insurable interest or former spouse bene-

1        ficiary to provide an annuity to a spouse or depend-  
2        ent child.

3            (2) ELECTION TO DISCONTINUE SBP PARTICI-  
4        PATION.—

5            (A) AUTHORITY.—A person participating  
6        in the Survivor Benefit Plan on the day before  
7        the first day of the open season described in  
8        subsection (e) may elect to discontinue such  
9        participation during the open season.

10          (B) CONSENT OF BENEFICIARIES.—

11            (i) IN GENERAL.—Except as provided  
12        in clause (ii), a person described in sub-  
13        paragraph (A) may not make an election  
14        under that paragraph without the concu-  
15        rrence of—

16            (I) each designated beneficiary of  
17        such person under the Survivor Ben-  
18        efit Plan; and

19            (II) the spouse of such person, if  
20        such person is married.

21            (ii) EXCEPTION WHEN BENEFICIARY  
22        UNAVAILABLE.—A person may make an  
23        election under subparagraph (A) without a  
24        concurrence required under clause (ii) if

1 the person establishes to the satisfaction of  
2 the Secretary concerned—

3 (I) that the whereabouts of the  
4 spouse or beneficiary, as the case may  
5 be, cannot be determined; or

6 (II) that, due to exceptional cir-  
7 cumstances, requiring the person to  
8 seek the consent of the spouse or ben-  
9 eficiary, as the case may be, would  
10 otherwise be inappropriate.

11 (C) TREATMENT OF PREMIUMS.—

12 (i) DISCONTINUATION OF REDUC-  
13 TIONS IN PAY.—As of the effective date  
14 under subsection (d) of an election by a  
15 person under subparagraph (A), the Sec-  
16 retary concerned shall discontinue the re-  
17 duction being made in the retired pay of  
18 the person arising from participation in the  
19 Survivor Benefit Plan or, in the case of a  
20 person who has been required to make de-  
21 posits in the Treasury on account of par-  
22 ticipation in the Survivor Benefit Plan,  
23 that person may discontinue making such  
24 deposits effective on such effective date.

1                   (ii) TREATMENT OF PREVIOUS RE-  
2                   DUCTIONS.—A person who makes an elec-  
3                   tion under subparagraph (A) is not enti-  
4                   tled to a refund of any reduction or deposit  
5                   described in clause (i) made before such ef-  
6                   fective date.

7                   (c) MANNER OF MAKING ELECTIONS.—

8                   (1) IN GENERAL.—An election under subsection  
9                   (a) or (b) shall be made in writing, signed by the  
10                  person making the election, and received by the Sec-  
11                  retary concerned before the end of the open season  
12                  described in subsection (e).

13                  (2) CONDITIONS.—Except as provided in para-  
14                  graph (3), an election under subsection (a) shall be  
15                  made subject to the same conditions, and with the  
16                  same opportunities for designation of beneficiaries  
17                  and specification of base amount, that apply under  
18                  the Survivor Benefit Plan.

19                  (3) ELECTION MUST BE VOLUNTARY.—An elec-  
20                  tion under subsection (a) or (b) is not effective un-  
21                  less the person making the election declares the elec-  
22                  tion to be voluntary. An election under subsection  
23                  (a) or (b) to participate or not to participate in the  
24                  Survivor Benefit Plan may not be required by any  
25                  court. An election by a person under subsection (a)

1 to participate in the Survivor Benefit Plan is not  
2 subject to the concurrence of a spouse or former  
3 spouse of the person.

4 (4) DESIGNATION WITH RESPECT TO RESERVE-  
5 COMPONENT ANNUITY.—A person making an elec-  
6 tion under subsection (a) to provide a reserve-com-  
7 ponent annuity shall make a designation described  
8 in section 1448(e) of title 10, United States Code.

9 (d) EFFECTIVE DATE FOR ELECTIONS.—An election  
10 under subsection (a) or (b) shall be effective on the first  
11 day of the first calendar month following the month in  
12 which the election is received by the Secretary concerned.

13 (e) OPEN SEASON DESCRIBED.—The open season de-  
14 scribed in this subsection is the period beginning on the  
15 date of the enactment of this Act and ending on December  
16 31, 2025.

17 (f) APPLICABILITY OF CERTAIN PROVISIONS OF  
18 LAW.—The provisions of sections 1449, 1450, 1453, and  
19 1454 of title 10, United States Code, are applicable to  
20 a person making an election, and to an election, under  
21 subsection (a) or (b) in the same manner as if the election  
22 were made under the Survivor Benefit Plan.

23 (g) DEFINITIONS.—In this section:

24 (1) The terms “base amount”, “reserve-compo-  
25 nent annuity”, and “standard annuity” have the



1 meanings given those terms in section 1447 of title  
2 10, United States Code.

3 (2) The term “Department of Defense Military  
4 Retirement Fund” means the fund established under  
5 section 1461(a) of title 10, United States Code.

6 (3) The term “retired pay” includes retainer  
7 pay.

8 (4) The terms “Secretary concerned” and “uni-  
9 formed services” have the meanings given those  
10 terms in section 101 of title 37, United States Code.

11 (5) The term “Survivor Benefit Plan” means  
12 the program established under subchapter II of  
13 chapter 73 of title 10, United States Code.

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