

H.R. 2053

Reserve Component Survivor Benefits for Deaths on Inactive Duty Training (IDT) Status

- Two Air Force majors, one of which is a reservist and each with 18 years of service, perish when their aircraft crashes on Tuesday *while the reservist is on active duty (AD) status*. The spouse of each pilot receives monthly survivor benefit payments of \$2,908. Now...the same aircraft crashes on Wednesday *while the reservist is on inactive duty training (IDT) status*. The active duty spouse receives payments of \$2,908 while the IDT spouse receives \$969.
- The issues remedied in this bill were first highlighted by 95 letters (72 Army, 15 Air Force, and 8 Navy) sent in January 2012 from the Defense Finance and Accounting Service (DFAS) to spouses and directly to the children of deceased guardsmen and reservists. Per the letters, a “*significant error*” was made accounting for the member’s administrative pay status at their time of death, requiring DFAS to drastically lower and in most cases stop altogether payments the families counted on for years and expected for years to come.

These letters have highlighted the *ongoing disparities in survivor benefits* for the family of Reserve Component (RC) members (which include the National Guard) who die in the line of duty while serving on an administrative pay status known as “Inactive Duty Training” (IDT) versus “Active Duty” (AD) status.

- In accordance with Title 10, USC, Chapter 73, Subchapter II, Survivor Benefit Plan (SBP) annuity payments are calculated differently based on the RC member’s administrative pay status at the time of death (AD vs. IDT).

Additionally, the AD family is eligible for other key survivor benefits not afforded the family of IDT members to include: 1) Calculations with a disability rating as total 2) Special Survivor Indemnity Allowance, and 3) the choice to extend SBP eligibility directly to dependent children.

- *According to the Congressional Budget Office (CBO)*, changing the relevant sections of Title 10 (1448, 1450, & 1451) to eliminate these disparities would cost approximately \$1 million per year, although inflation would eventually make it \$2 million per year in the latter part of the 2015-2024 window. If payments are retroactive to 2001, direct spending is approximately \$16 million in total over the 2015-2024 period.
- In contrast to the modest CBO projections, the impact of stopping the “overpayments” made to surviving family members is dramatic. The impact to one widow (whose husband died in an aircraft crash nearly nine years prior) is approximately \$10,000 per year. In another instance, the cost to one *dependent child* was \$1,400 per month.
- H.R. 1770 was introduced into the 113th Congress on 26 May 2013 by Congressman Jason Chaffetz (UT-3rd) and re-introduced into the 114th Congress as H.R. 2053 on 28 April 2015.
- The 11th Quadrennial Review of Military Compensation (published June 2012, pages 123-124) recommends to: “*Calculate Survivor Benefit Plan benefits for a reservist who dies while performing inactive duty training using the same criteria as for a member who dies while on active duty.*”
- The Military Coalition (33 military, veterans, and uniformed service organizations) adopted this issue into their Survivor Programs Committee Goals and wrote a letter of endorsement for H.R. 1770 signed by each member organization.
- The Reserve Forces Policy Board submitted a report recommending support of “*H.R. 1770 or amendments containing similar language as a primary course of action*” to the Secretary of Defense on 31 May 2013.
- In March 2014, the DOD voted for seeking remedy through a Unified Legislative Budget (ULB) Proposal being pushed as part of an Omnibus for inclusion in NDAA 16.
- For additional information, including downloadable copies of relevant documents, an unofficial website is available at... www.95letters.com