

**NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
Indianapolis, Indiana
October 17-18, 2018**

Resolution No. 12: Survivor Benefit Plan

Origin: Resolution No. 36 (MD) 2018 National Convention

Submitted By: National Security Commission

WHEREAS, The Department of Defense's Survivor Benefit Plan (SBP), enacted in 1972, provides cash benefits in the form of a lifetime annuity to a surviving spouse or other eligible recipient(s) of a retiree or deceased member of the uniformed services; and

WHEREAS, All servicemembers with eligible beneficiaries at retirement are required to enroll in the Survivor Benefit Plan, unless they take action to opt out by filling out a form that they and their spouses have notarized; and

WHEREAS, Without filling out that form, the retiree is automatically enrolled at maximum coverage; and

WHEREAS, Enrollment in the program is generally permanent, but there is a one-year window between the second and third year after retirement in which retirees can opt out; and

WHEREAS, If veterans leave the program, they will not be reimbursed for the premiums they have already paid and are barred from joining the program in the future; and

WHEREAS, Veterans who were medically retired and qualify for Combat Related Special Compensation deal with mental or physical injuries sustained through military service in addition to the stress of separating from military service; and

WHEREAS, For years, some servicemembers were opted in to the Survivor Benefit Plan without realizing it or were being told by Defense Department representatives that if they didn't want the benefit, they shouldn't pay the bills, resulting in thousands of veterans who were enrolled but not paying their premiums; and

WHEREAS, Section 634 of the Fiscal Year 2017 titled "National Defense Authorization Act Authority to Deduct Survivor Benefit Plan Premiums from Combat-Related Special Compensation When Retired Pay Not Sufficient" allows the Department of Defense to automatically deduct Survivor Benefit Plan premiums from a veteran's Combat Related Special Compensation, effective April 1, 2018; and

WHEREAS, This action resulted in more than 19,000 retired disabled veterans receiving notices stating they owe a substantial amount money to the government for the Survivor Benefit Plan and that the department would start deducting the program premiums from his or her monthly entitlement for combat-related disabilities; and

WHEREAS, Many retired disabled veterans are unable to work due to the severity of their injuries and depend on this federal benefit to feed their family and survive, these recoupment efforts pose a financial strain; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on October 17-18, 2018, That The American Legion urges Congress to enact legislation that would revise the Survivor Benefit Plan, removing the automatic enrollment in to the Survivor Benefit Plan, allow for retirees to terminate their Survivor Benefit Plan coverage, create of an affordable payment plan for money owed in back payment and interest charges for those who wish to retain these benefits, and waive the requirement to pay back into the Survivor Benefit Plan for those who were enrolled erroneously.