

104TH CONGRESS
1ST SESSION

H. R. 1760

To provide a military survivor annuity for widows of certain retirement-eligible reserve members of the uniformed services who died during the period between the establishment of the military Survivor Benefit Plan and the creation of the reserve-component annuity under that Plan.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1995

Mr. DUNCAN introduced the following bill; which was referred to the
Committee on National Security

A BILL

To provide a military survivor annuity for widows of certain retirement-eligible reserve members of the uniformed services who died during the period between the establishment of the military Survivor Benefit Plan and the creation of the reserve-component annuity under that Plan.

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. ANNUITIES FOR CERTAIN MILITARY RESERVE**
4 **WIDOWS.**

5 (a) SURVIVOR ANNUITY.—The Secretary concerned
6 shall pay an annuity under the Survivor Benefit Plan to

1 each individual who is the surviving spouse of a member
2 of the uniformed services who—

3 (1) died during the period beginning on
4 September 21, 1972, and ending on October 1,
5 1978; and

6 (2) at the time of his death would have been en-
7 titled to retired pay under chapter 67 of title 10,
8 United States Code, but for the fact that he was
9 under 60 years of age.

10 (b) CONDITIONS.—An annuity under this section
11 shall be paid under the provisions of the Survivor Benefit
12 Plan in the same manner as if the amendments made by
13 Public Law 95–397 had been in effect before the member
14 died and the member had elected on the day before the
15 date of his death to provide a reserve-component annuity
16 under such plan to the member’s surviving spouse and had
17 designated the annuity to become effective on the day
18 after the date of his death.

19 (c) AMOUNT OF ANNUITY.—The amount of an annu-
20 ity under this section shall be computed under section
21 1451(e)(2)(B) of title 10, United States Code. The base
22 amount to be used in such computation is 100 percent
23 of the amount of the retired pay to which the member
24 would have been entitled if the member had been 60 years
25 of age on the date of his death, adjusted by the overall

1 percentage increase in retired pay under section 1401a of
2 title 10, United States Code (or any other comparable pro-
3 vision of law), during the period beginning on the date
4 of the member's death and ending on the last day of the
5 month in which this section is enacted.

6 (d) PREVENTION OF DUPLICATE BENEFITS.—If an
7 individual entitled to an annuity under this section is also
8 entitled to an annuity under the Survivor Benefit Plan
9 based upon a subsequent marriage, the individual may not
10 receive both annuities but must elect which to receive.

11 (e) DEFINITIONS.—As used in this section:

12 (1) The term “uniformed services” means the
13 Armed Forces and the commissioned corps of the
14 Public Health Service.

15 (2) The term “surviving spouse” has the mean-
16 ing given the terms “widow” and “widower” in sec-
17 tion 1447 of title 10, United States Code.

18 (3) The term “Secretary concerned” has the
19 meaning given that term in section 101 of title 10,
20 United States Code, and includes the Secretary of
21 Health and Human Services, with respect to reserve
22 commissioned officers of the Public Health Service.

23 (4) The term “Survivor Benefit Plan” means
24 the program provided under subchapter II of chap-
25 ter 73 of title 10, United States Code.

1 (f) EFFECTIVE DATE.—No payment may be made by
2 reason of the enactment of this section for any period be-
3 fore the first day of the first month beginning on or after
4 the date of the enactment of this Act.

