

104TH CONGRESS
1ST SESSION

H. R. 2214

To amend title 10, United States Code, to repeal the social security offset applicable to certain annuities for surviving spouses paid under the Survivor Benefit Plan for retired members of the Armed Forces to the extent that such offset is due to the integration with social security benefits when the surviving spouse reaches 62 years of age.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1995

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

A BILL

To amend title 10, United States Code, to repeal the social security offset applicable to certain annuities for surviving spouses paid under the Survivor Benefit Plan for retired members of the Armed Forces to the extent that such offset is due to the integration with social security benefits when the surviving spouse reaches 62 years of age.

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 Survivors Eq-
5 uity Act of 1995”.

1 **SEC. 2. TERMINATION OF SOCIAL SECURITY OFFSET**
2 **UNDER MILITARY SURVIVOR BENEFIT PLAN.**

3 (a) **TERMINATION OF SOCIAL SECURITY OFFSET.**—
4 Section 1451 of title 10, United States Code, is amend-
5 ed—

6 (1) in subsection (a)(1), by striking all that fol-
7 lows “shall be” and inserting “the amount equal to
8 55 percent of the base amount.”;

9 (2) in subsection (a)(2), by striking all that fol-
10 lows “shall be” and inserting “the amount equal to
11 a percentage of the base amount that—

12 “(A) is less than 55 percent; and

13 “(B) is determined under subsection (f).”;

14 (3) in subsection (c)(1), by striking all that fol-
15 lows “shall be” and inserting “the amount equal to
16 55 percent of the retired pay to which the member
17 or former member would have been entitled if the
18 member or former member had been entitled to that
19 pay based upon his years of active service when he
20 died.”; and

21 (4) by striking subsection (e).

22 (b) **CONFORMING AMENDMENT.**—Subsection (f) of
23 such section is amended by striking “(a)(2), (b)(2), or
24 (e)(2)(B)” and inserting “(a)(2) or (b)(2)”.

25 (c) **EFFECTIVE DATE.**—Section 1451 of title 10,
26 United States Code, as amended by subsection (a), shall

1 apply to payments of annuities for months that begin after
2 the date of the enactment of this Act.

3 (d) RECOMPUTATION OF EXISTING ANNUITIES.—In
4 the case of a person who is a beneficiary under the Survi-
5 vor Benefit Plan established by subchapter II of chapter
6 73 of such title on the date of the enactment of this Act,
7 the Secretary of Defense shall recompute the amount of
8 such person's annuity to reflect the amendments made by
9 subsection (a).

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