

105TH CONGRESS  
1ST SESSION

# S. 350

To authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1997

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under 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. ANNUITIES FOR CERTAIN MILITARY SURVIV-**  
4 **ING SPOUSES.**

5 (a) SURVIVOR ANNUITY.—(1) The Secretary con-  
6 cerned shall pay an annuity to the qualified surviving  
7 spouse of each member of the uniformed services who—

1 (A) died before March 21, 1974, and was enti-  
2 tled to retired or retainer pay on the date of death;  
3 or

4 (B) was a member of a reserve component of  
5 the Armed Forces during the period beginning on  
6 September 21, 1972, and ending on October 1,  
7 1978, and at the time of his death would have been  
8 entitled to retired pay under chapter 67 of title 10,  
9 United States Code (as in effect before December 1,  
10 1994), but for the fact that he was under 60 years  
11 of age.

12 (2) A qualified surviving spouse for purposes of this  
13 section is a surviving spouse who has not remarried and  
14 who is not eligible for an annuity under section 4 of Public  
15 Law 92-425 (10 U.S.C. 1448 note).

16 (b) AMOUNT OF ANNUITY.—(1) An annuity under  
17 this section shall be paid at the rate of \$165 per month,  
18 as adjusted from time to time under paragraph (3).

19 (2) An annuity paid to a surviving spouse under this  
20 section shall be reduced by the amount of any dependency  
21 and indemnity compensation (DIC) to which the surviving  
22 spouse is entitled under section 1311(a) of title 38, United  
23 States Code.

24 (3) Whenever after the date of the enactment of this  
25 Act retired or retainer pay is increased under section

1 1401a(b)(2) of title 10, United States Code, each annuity  
2 that is payable under this section shall be increased at  
3 the same time and by the same total percent. The amount  
4 of the increase shall be based on the amount of the month-  
5 ly annuity payable before any reduction under this section.

6 (c) APPLICATION REQUIRED.—No benefit shall be  
7 paid to any person under this section unless an application  
8 for such benefit is filed with the Secretary concerned by  
9 or on behalf of such person.

10 (d) DEFINITIONS.—For purposes of this section:

11 (1) The terms “uniformed services” and “Sec-  
12 retary concerned” have the meanings given such  
13 terms in section 101 of title 37, United States Code.

14 (2) The term “surviving spouse” has the mean-  
15 ing given the terms “widow” and “widower” in para-  
16 graphs (3) and (4) of section 1447 of title 10, Unit-  
17 ed States Code.

18 (e) PROSPECTIVE APPLICABILITY.—(1) Annuities  
19 under this section shall be paid for months beginning after  
20 the month in which this Act is enacted.

21 (2) No benefit shall accrue to any person by reason  
22 of the enactment of this section for any period before the  
23 first month that begins after the month in which this Act  
24 is enacted.

1       (f) EXPIRATION OF AUTHORITY.—The authority to  
2 pay annuities under this section shall expire on September  
3 30, 2001.

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