Public Law 94-496
94th Congress

An Act

To amend title 10, United States Code, to make certain changes in the Survivor Benefit Plan provided for under subchapter II of chapter 73 of title 10, United States Code, and for other purposes.

Oct. 14, 1976
[H.R. 14773]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 10, United States Code, is amended as follows:

Armed Forces. Survivor Benefit Plan.

(1) Clauses (3)(A) and (4)(A) of section 1447 are each amended by striking out "two years" and inserting in place thereof "one year". 10 USC 1447.

(2) The second sentence of section 1448(a) is amended by inserting "or elects to provide an annuity for a dependent child but not for his spouse" after "maximum level,". 10 USC 1448.

(3) Section 1450(a) is amended by striking out "or" at the end of clause (2), renumbering clause (3) as clause (4), and inserting after clause (2) a new clause (3) as follows: 10 USC 1450.

"(3) the dependent children in equal shares if the person to whom section 1448 of this title applies elected to provide an annuity for dependent children but not for the spouse; or".

(4) Sections 1450(f), 1451(b), 1452(a), and 1452(c) are each amended by striking out "(a)(3)" and inserting in place thereof "(a)(4)". 10 USC 1450, 1451, 1452.

(5) Section 1452 of title 10, United States Code, is amended by— 10 USC 1452.

(A) further amending subsection (a) by—

(i) striking out the first word and inserting the following in place thereof: "Except as provided in subsection (b), the"; and

(ii) adding the following new sentence at the end thereof: "The reduction in retired or retainer pay prescribed by the first sentence of this subsection shall not be applicable during any month in which there is no eligible spouse beneficiary";

(B) amending subsection (b) by inserting "or who has a spouse but has elected to provide an annuity for dependent children only," after "spouse,"; and

(C) further amending subsection (c) by adding the following sentence at the end thereof: "The reduction in retired or retainer pay prescribed by this subsection shall continue during the lifetime of the person designated under section 1450(a)(4) of this title or until the person receiving retired or retainer pay changes his election under section 1450(f).".

SEC. 2. Section 4 of Public Law 92-425, September 21, 1972 (86 Stat. 712), is amended as follows: 10 USC 1448 note.

(1) Subsection (a)(3) is amended by striking "$1,400" and inserting "$2,100" in place thereof.

(2) The first sentence of subsection (b) is amended by striking "$1,400" and inserting "$2,100" in place thereof.

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(3) Add at the end thereof a new subsection (c) as follows:

"(c) Subsection 1450(i) and section 1453 as added to title 10, United States Code, by clause 3 of the first section of this Act, are applicable to persons covered by this section.".

Effective date.

SEC. 3. This Act shall be effective as of September 21, 1972. No pay shall accrue to any person by virtue of the enactment of this Act for any period prior to October 1, 1976.

10 USC 1447 note.

Approved October 14, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-1458, Pt. 1 (Comm. on Armed Services) and No. 94-1458, Pt. 2 (Comm. on Appropriations).

SENATE REPORT No. 94-1328 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Sept. 20, considered and passed House.

Oct. 1, considered and passed Senate, amended; House concurred in Senate amendments.