

105TH CONGRESS  
1ST SESSION

# H. R. 165

To amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the Survivor Benefit Plan for retired members of the Armed Forces so that there is no reduction in such an annuity when the beneficiary becomes 62 years of age.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

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

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## A BILL

To amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the Survivor Benefit Plan for retired members of the Armed Forces so that there is no reduction in such an annuity when the beneficiary becomes 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 1997”.

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1 **SEC. 2. TERMINATION OF TWO-TIER ANNUITY COMPUTA-**  
2 **TION AND SOCIAL SECURITY OFFSET UNDER**  
3 **MILITARY SURVIVOR BENEFIT PLAN.**

4 (a) TERMINATION.—Section 1451 of title 10, United  
5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking out  
8 “shall be” in the matter preceding subpara-  
9 graph (A) and all that follows in that para-  
10 graph and inserting in lieu thereof “shall be the  
11 amount equal to 55 percent of the base  
12 amount.”; and

13 (B) in paragraph (2), by striking out  
14 “shall be” in the matter preceding subpara-  
15 graph (A) and all that follows in that para-  
16 graph and inserting in lieu thereof “shall be the  
17 amount equal to a percentage of the base  
18 amount that—

19 “(A) is less than 55 percent; and

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

21 and

22 (2) in paragraph (1) of subsection (c), by strik-  
23 ing out “shall be” in the matter preceding subpara-  
24 graph (A) and all that follows in that paragraph and  
25 inserting in lieu thereof “shall be the amount equal

1 to 55 percent of the retired pay to which the mem-  
2 ber or former member would have been entitled if  
3 the member or former member had been entitled to  
4 that pay based upon his years of active service when  
5 he died.”.

6 (b) REPEAL OF REQUIREMENT FOR REDUCTION OF  
7 ANNUITY AT AGE 62.—Such section is further amended  
8 by striking out subsection (d).

9 (c) REPEAL OF ALTERNATIVE COMPUTATION FOR  
10 CERTAIN BENEFICIARIES FOR WHOM SOCIAL SECURITY  
11 OFFSET WAS MORE BENEFICIAL THAN TWO-TIER COM-  
12 PUTATION.—Such section is further amended by striking  
13 out subsection (e).

14 (d) CONFORMING AMENDMENT.—Subsection (f) of  
15 such section is amended by striking out “(a)(2), (b)(2),  
16 or (e)(2)(B)” and inserting in lieu thereof “(a)(2) or  
17 (b)(2)”.

18 (e) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply to payment of annuities for months  
20 that begin after the date of the enactment of this Act.

21 (f) RECOMPUTATION OF EXISTING ANNUITIES.—In  
22 the case of a person who is a beneficiary under the Survi-  
23 vor Benefit Plan established by subchapter II of chapter  
24 73 of title 10, United States Code, on the date of the en-  
25 actment of this Act, the Secretary concerned (as defined

- 1 in section 101 of title 37, United States Code) shall re-
- 2 compute the amount of that person's annuity as necessary
- 3 to reflect the amendments made by this section.

