

105TH CONGRESS  
1ST SESSION

# H. R. 38

To provide a minimum survivor annuity for the unremarried surviving spouses of retired members of the Armed Forces who died before having an opportunity to participate in the Survivor Benefit Plan.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BILIRAKIS (for himself and Mr. NORWOOD) introduced the following bill;  
which was referred to the Committee on National Security

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## A BILL

To provide a minimum survivor annuity for the unremarried surviving spouses of retired members of the Armed Forces who died before having an opportunity to participate in the Survivor Benefit 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 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 any 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, died  
5 during the period beginning on September 21, 1972,  
6 and ending on October 1, 1978, and at the time of  
7 death would have been entitled to retired pay under  
8 chapter 67 of title 10, United States Code, but for  
9 the fact he was under 60 years of age.

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

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

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

23 (3) Whenever retired or retainer pay is increased  
24 under section 1401a(b)(2) of title 10, United States Code,  
25 each annuity that is payable under this section shall be

1 increased at the same time and by the same total percent.  
2 The amount of the increase shall be based on the monthly  
3 annuity payable before any reduction under this section.

4 (c) DEFINITIONS.—For purposes of this section:

5 (1) The terms “uniformed services” and “Sec-  
6 retary concerned” have the meanings given those  
7 terms in section 101 of title 37, United States Code.

8 (2) The term “surviving spouse” has the mean-  
9 ing given that term in section 1447 of title 10, Unit-  
10 ed States Code.

11 (d) EFFECTIVE DATE.—Annuities under this section  
12 shall be paid for months beginning after the month in  
13 which this Act is enacted. No benefit shall accrue to any  
14 person by reason of the enactment of this section for any  
15 period before the first month referred to in the preceding  
16 sentence. No benefit shall be paid to any person under  
17 this section unless an application for such benefit is filed  
18 with the Secretary concerned by or on behalf of such per-  
19 son.

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