

107TH CONGRESS  
2D SESSION

# S. 2632

To provide an equitable formula for computing the annuities of surviving spouses of members of the uniformed services who died entitled to retired or retainer pay but before the Survivor Benefit Plan existed or applied to the members, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 18, 2002

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

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# A BILL

To provide an equitable formula for computing the annuities of surviving spouses of members of the uniformed services who died entitled to retired or retainer pay but before the Survivor Benefit Plan existed or applied to the members, and for other purposes.

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 “Forgotten Widows’  
5 Benefit Equity Act of 2002”.

1   **SEC. 2. EQUITABLE AMOUNT OF SURVIVOR ANNUITIES FOR**  
2                   **CERTAIN MILITARY SURVIVING SPOUSES.**

3           (a) FORMULA.—Subsection (b) of section 644 of the  
4   National Defense Authorization Act for Fiscal Year 1998  
5   (Public Law 105–85; 10 U.S.C. 1448 note) is amended—  
6               (1) by striking paragraph (1) and inserting the  
7   following:

8               “(1) An annuity payable under this section for the  
9   surviving spouse of a deceased member shall be equal to  
10   the higher of \$186 per month, as adjusted from time to  
11   time under paragraph (3), or the applicable amount as  
12   follows:

13               “(A) In the case of the surviving spouse of a  
14   deceased member described in subparagraph (A) of  
15   subsection (a)(1) who died before September 21,  
16   1972, the amount computed under the SBP pro-  
17   gram, from the day after the date of death, as if—

18               “(i) the SBP program had become effective  
19   on the day before the date of the death of the  
20   deceased member; and

21               “(ii) the member had effectively elected to  
22   provide the maximum survivor annuity for the  
23   surviving spouse under the SBP program.

24               “(B) In the case of the surviving spouse of a  
25   deceased member described in subparagraph (A) of  
26   subsection (a)(1) who died after September 20,

1       1972, the amount computed under the SBP pro-  
2       gram, from the day after the date of death, as if the  
3       member had effectively elected to provide the max-  
4       imum survivor annuity for the surviving spouse  
5       under that program.

6           “(C) In the case of the surviving spouse of a  
7       deceased member described in subparagraph (B) of  
8       subsection (a)(1) who died before October 1, 1978,  
9       the amount computed under the SBP program, from  
10      the day after the date of death, as if—

11           “(i) the SBP program, as in effect on Oc-  
12       tober 1, 1978, had become effective on the day  
13       before the date of the death of the deceased  
14       member;

15           “(ii) the member had been 60 years of age  
16       on that day; and

17           “(iii) the member had effectively elected to  
18       provide the maximum survivor annuity for the  
19       surviving spouse under the SBP program.”;  
20       and

21           (2) in paragraph (3), by inserting after “the  
22       annuity that is payable under this section” the fol-  
23       lowing: “in the amount under paragraph (1) that is  
24       adjustable under this paragraph”.

1       (b) SBP PROGRAM DEFINED.—Subsection (d) of  
2 such section is amended by adding at the end the following  
3 new paragraph:

4           “(3) The term ‘SBP program’ means sub-  
5 chapter II of chapter 73 of title 10, United States  
6 Code.”.

7       (c) EFFECTIVE DATE AND APPLICABILITY.—(1) The  
8 amendments made by subsections (a) and (b) shall take  
9 effect on October 1, 2002.

10       (2) The Secretary concerned shall recompute under  
11 section 644 of Public Law 105–85 (as amended by sub-  
12 sections (a) and (b)) the amounts of the survivor annuities  
13 that are payable under such section for months beginning  
14 after the effective date under paragraph (1).

15       (3) No benefit shall be payable for any period before  
16 the effective date under paragraph (1) by reason of the  
17 amendments made by subsections (a) and (b).

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