

107TH CONGRESS  
1ST SESSION

# S. 305

To amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2001

Mr. SMITH of New Hampshire introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to remove the reduction in the amount of Survivor Benefit Plan annuities at age 62.

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 Retirees Sur-  
5       vivor Benefits Protection Act of 2001”.

6       **SEC. 2. REPEAL OF REDUCTION IN SBP ANNUITIES AT AGE**

7                       **62.**

8       (a) COMPUTATION OF ANNUITY FOR A SPOUSE,  
9       FORMER SPOUSE, OR CHILD.—Subsection (a) of section  
10      1451 of title 10, United States Code, is amended—

1           (1) in paragraph (1), by striking “shall be de-  
 2           termined as follows:” and all that follows and insert-  
 3           ing the following: “shall be the amount equal to 55  
 4           percent of the base amount.”; and

5           (2) in paragraph (2), by striking “shall be de-  
 6           termined as follows:” and all that follows and insert-  
 7           ing the following: “shall be the amount equal to a  
 8           percentage of the base amount that is less than 55  
 9           percent and is determined under subsection (f).”.

10          (b) ANNUITIES FOR SURVIVORS OF CERTAIN PER-  
 11          SONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY  
 12          FOR SBP.—Subsection (c)(1) of such section is amended  
 13          by striking “shall be determined as follows:” and all that  
 14          follows and inserting the following: “shall be the amount  
 15          equal to 55 percent of the retired pay to which the member  
 16          or former member would have been entitled if the member  
 17          or former member had been entitled to that pay based  
 18          upon his years of active service when he died.”.

19          (c) REPEAL OF REQUIREMENT FOR REDUCTION.—  
 20          Such section is further amended by striking subsection  
 21          (d).

22          (d) REPEAL OF UNNECESSARY SUPPLEMENTAL  
 23          SBP.—(1) Subchapter III of chapter 73 of title 10,  
 24          United States Code, is repealed.

1       (2) The table of contents at the beginning of such  
2 chapter is amended by striking the item relating to sub-  
3 chapter III.

4 **SEC. 3. EFFECTIVE DATE.**

5       This Act and the amendments made by section 2  
6 shall take effect on October 1, 2001, and shall apply with  
7 respect to months beginning on or after that date.

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