

108TH CONGRESS  
1ST SESSION

# S. 401

To amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2003

Ms. LANDRIEU 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 increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age; 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 “SBP Benefits Improve-  
5       ment Act of 2003”.

1 **SEC. 2. FULL AMOUNT OF SURVIVOR BENEFITS FOR SUR-**  
2 **VIVING SPOUSES WHO ARE 62 YEARS OF AGE**  
3 **OR OVER.**

4 (a) PHASED INCREASED OF BASIC ANNUITY.—(1)  
5 Subsection (a)(1)(B)(i) of section 1451 of title 10, United  
6 States Code, is amended by striking “35 percent of the  
7 base amount.” and inserting “the product of the base  
8 amount and the percent applicable for the month. The per-  
9 cent applicable for a month is 35 percent for months be-  
10 ginning on or before the date of the enactment of the SBP  
11 Benefits Improvement Act of 2003, 40 percent for months  
12 beginning after such date and before October 2007, 45  
13 percent for months beginning after September 2004, and  
14 55 percent for months beginning after September 2013.”.

15 (2) Subsection (a)(2)(B)(i)(I) of such section is  
16 amended by striking “35 percent” and inserting “the per-  
17 cent specified under paragraph (1)(B)(i) as being applica-  
18 ble for the month”.

19 (3) Subsection (c)(1)(B)(i) of such section is amend-  
20 ed—

21 (A) by striking “35 percent” and inserting “the  
22 applicable percent”; and

23 (B) by adding at the end the following: “The  
24 percent applicable for a month under the preceding  
25 sentence is the percent specified under subsection  
26 (a)(1)(B)(i) as being applicable for the month.”.

1           (4) The heading for subsection (d)(2)(A) of such sec-  
2 tion is amended to read as follows: “COMPUTATION OF AN-  
3 NUIITY.—”.

4           (b) PHASED ELIMINATION OF SUPPLEMENTAL AN-  
5 NUIITY.—(1) Section 1457(b) of title 10, United States  
6 Code, is amended—

7                 (A) by striking “5, 10, 15, or 20 percent” and  
8                 inserting “the applicable percent”; and

9                 (B) by inserting after the first sentence the fol-  
10                lowing: “The percent used for the computation shall  
11                be an even multiple of 5 percent and, whatever the  
12                percent specified in the election, may not exceed 20  
13                percent for months beginning on or before the date  
14                of the enactment of the SBP Benefits Improvement  
15                Act of 2003, 15 percent for months beginning after  
16                that date and before October 2007, and 10 percent  
17                for months beginning after September 2007.”.

18           (2) Effective on October 1, 2013, chapter 73 of such  
19 title is amended—

20                 (A) by striking subchapter III; and

21                 (B) by striking the item relating to subchapter  
22                 III in the table of subchapters at the beginning of  
23                 that chapter.

1 (c) RECOMPUTATION OF ANNUITIES.—(1) Effective  
2 on the first day of each month referred to in paragraph  
3 (2)—

4 (A) each annuity under section 1450 of title 10,  
5 United States Code, that commenced before that  
6 month, is computed under a provision of section  
7 1451 of that title amended by subsection (a), and is  
8 payable for that month shall be recomputed so as to  
9 be equal to the amount that would be in effect if the  
10 percent applicable for that month under that provi-  
11 sion, as so amended, had been used for the initial  
12 computation of the annuity; and

13 (B) each supplemental survivor annuity under  
14 section 1457 of such title that commenced before  
15 that month and is payable for that month shall be  
16 recomputed so as to be equal to the amount that  
17 would be in effect if the percent applicable for that  
18 month under that section, as amended by this sec-  
19 tion, had been used for the initial computation of  
20 the supplemental survivor annuity.

21 (2) The requirements for recomputation of annuities  
22 under paragraph (1) apply with respect to the following  
23 months:

24 (A) The first month that begins after the date  
25 of the enactment of this Act.

1 (B) October 2007.

2 (C) October 2013.

3 (d) RECOMPUTATION OF RETIRED PAY REDUCTIONS  
4 FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Sec-  
5 retary of Defense shall take such actions as are neces-  
6 sitated by the amendments made by subsection (b) and  
7 the requirements of subsection (c)(1)(B) to ensure that  
8 the reductions in retired pay under section 1460 of title  
9 10, United States Code, are adjusted to achieve the objec-  
10 tives set forth in subsection (b) of that section.

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