

107TH CONGRESS  
2D SESSION

# H. R. 5403

To amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2002

Mr. JEFF MILLER of Florida (for himself, Mr. WELDON of Florida, Mr. PETRI, Mr. SHOWS, Mr. MCINTYRE, Mr. GEORGE MILLER of California, Mr. FOLEY, Mr. SAXTON, Mr. PICKERING, Mr. ADERHOLT, Mr. ALLEN, Mr. BACA, Mr. BAKER, Ms. BALDWIN, Mr. BARR of Georgia, Ms. BERKLEY, Mr. BILIRAKIS, Mr. BLAGOJEVICH, Mr. BLUNT, Mr. BONILLA, Mr. BOSWELL, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CALVERT, Mr. CANTOR, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CLYBURN, Mr. COMBEST, Mr. COYNE, Mr. CRENSHAW, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEAL of Georgia, Mr. AKIN, Mr. ANDREWS, Mr. BAIRD, Mr. BALDACCI, Mr. BARCIA, Mr. BENTSEN, Mr. BERRY, Mr. BISHOP, Mr. BLUMENAUER, Mr. BOEHNER, Mr. BONIOR, Mr. BOYD, Mr. BROWN of South Carolina, Mr. BRYANT, Mr. CANNON, Mr. CARSON of Oklahoma, Mr. CLAY, Mr. CLEMENT, Mr. COLLINS, Mr. COOKSEY, Mr. CRAMER, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. DEFazio, Ms. DELAURO, Mr. DEUTSCH, Mr. DOYLE, Ms. DUNN of Washington, Mr. EHRLICH, Mr. ENGEL, Mr. FLETCHER, Mr. FORBES, Mr. FROST, Mr. GILLMOR, Mr. GOODE, Mr. GORDON, Mr. GREEN of Texas, Mr. HALL of Texas, Ms. HARMAN, Mr. HAYES, Mr. HEFLEY, Mr. HOEFFEL, Mr. HOLT, Mr. HORN, Mr. INSLEE, Mr. ISRAEL, Mr. JEFFERSON, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mr. KELLER, Mr. KERNS, Mr. KING, Mr. KIRK, Mr. LAHOOD, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LEWIS of Kentucky, Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mr. MCCRERY, Mr. MCGOVERN, Mr. DEMINT, Mr. DIAZ-BALART, Mr. DUNCAN, Mr. EDWARDS, Mrs. EMERSON, Mr. FILNER, Mr. FRANK, Mr. GIBBONS, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GRAHAM, Mr. GRUCCI, Mr. HANSEN, Ms. HART, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. ISAKSON, Mr. ISTOOK, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mrs. KELLY, Mr. KILDEE, Mr. KINGSTON, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LUCAS of Kentucky, Mr. MASCARA, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCINNIS, Ms. MCKINNEY, Mr. MCNUL-

TY, Mr. DAN MILLER of Florida, Mrs. MINK of Hawaii, Mr. MOORE, Mrs. MORELLA, Mr. OSE, Mr. PASTOR, Ms. PELOSI, Mr. PLATTS, Mr. PUTNAM, Mr. REHBERG, Mr. ROGERS of Kentucky, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCHAFFER, Mr. SCHROCK, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. TANCREDO, Mr. TERRY, Mr. TIBERI, Mr. TURNER, Mr. UDALL of New Mexico, Mr. WALDEN, Mr. WAXMAN, Mr. WEXLER, Mr. WICKER, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. YOUNG of Alaska, Mr. MANZULLO, Mr. KENNEDY of Rhode Island, Mr. BOOZMAN, Mr. MICA, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mr. OLVER, Mr. OTTER, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. SOUDER, Mr. SPRATT, Mr. STUPAK, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. VITTER, Mr. WATTS of Oklahoma, Mr. WHITFIELD, Mrs. WILSON of New Mexico, Mr. WOLF, and Mr. WU) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, 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 “Military Survivor Ben-  
 5       efits Improvement Act of 2002”.

6       **SEC. 2. COMPUTATION OF SURVIVOR BENEFITS.**

7       (a) INCREASED BASIC ANNUITY.—(1) Subsection  
 8       (a)(1)(B)(i) of section 1451 of title 10, United States  
 9       Code, is amended by striking “35 percent of the base  
 10       amount.” and inserting “the product of the base amount  
 11       and the percent applicable for the month. The percent ap-

1 plicable for a month is 35 percent for months beginning  
2 on or before the date of the enactment of the Military Sur-  
3 vivor Benefits Improvement Act of 2002, 40 percent for  
4 months beginning after such date and before October  
5 2005, 45 percent for months after September 2005 and  
6 before October 2012, and 55 percent for months after  
7 September 2012.”.

8 (2) Subsection (a)(2)(B)(i)(I) of such section is  
9 amended by striking “35 percent” and inserting “the per-  
10 cent specified under subsection (a)(1)(B)(i) as being appli-  
11 cable for the month”.

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

14 (A) by striking “35 percent” and inserting “the  
15 applicable percent”; and

16 (B) by adding at the end the following: “The  
17 percent applicable for a month under the preceding  
18 sentence is the percent specified under subsection  
19 (a)(1)(B)(i) as being applicable for that month.”.

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

23 (b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section  
24 1457(b) of title 10, United States Code, is amended—

1           (1) by striking “5, 10, 15, or 20 percent” and  
2           inserting “the applicable percent”; and

3           (2) by inserting after the first sentence the fol-  
4           lowing: “The percent used for the computation shall  
5           be an even multiple of 5 percent and, whatever the  
6           percent specified in the election, may not exceed 20  
7           percent for months beginning on or before the date  
8           of the enactment of the Military Survivor Benefits  
9           Improvement Act of 2002, 15 percent for months  
10          beginning after that date and before October 2005,  
11          and 10 percent for months after September 2005  
12          and before October 2012. For months after Sep-  
13          tember 2012, the percent used for the computation  
14          shall be zero.”.

15          (c) RECOMPUTATION OF ANNUITIES.—(1) Effective  
16          on the first day of each month referred to in paragraph  
17          (2)—

18                 (A) each annuity under section 1450 of title 10,  
19                 United States Code, that commenced before that  
20                 month, is computed under a provision of section  
21                 1451 of that title amended by subsection (a), and is  
22                 payable for that month shall be recomputed so as to  
23                 be equal to the amount that would be in effect if the  
24                 percent applicable for that month under that provi-

1 sion, as so amended, had been used for the initial  
2 computation of the annuity; and

3 (B) each supplemental survivor annuity under  
4 section 1457 of such title that commenced before  
5 that month and is payable for that month shall be  
6 recomputed so as to be equal to the amount that  
7 would be in effect if the percent applicable for that  
8 month under that section, as amended by this sec-  
9 tion, had been used for the initial computation of  
10 the supplemental survivor annuity.

11 (2) The requirements for recomputation of annuities  
12 under paragraph (1) apply with respect to the following  
13 months:

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

16 (B) October 2005.

17 (C) October 2012.

18 (d) RECOMPUTATION OF RETIRED PAY REDUCTIONS  
19 FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—(1) Effec-  
20 tive on the first day of each month referred to in para-  
21 graph (2), the Secretary of Defense shall take such actions  
22 as are required by the amendments made by subsection  
23 (b) and the provisions of subsection (c)(1)(B) to ensure  
24 that the reductions in retired pay under section 1460 of  
25 title 10, United States Code, are adjusted to achieve the

1 objectives set forth in subsection (b) of that section. Such  
2 adjustments shall be applied to retired pay reductions ap-  
3 plicable to every person who has elected to provide a sup-  
4 plemental spouse annuity under the provisions of section  
5 1457 of title 10, United States Code, regardless of the  
6 date of such election.

7 (2) The requirements for recomputation of retired  
8 pay reductions under paragraph (1) apply with respect to  
9 the following months:

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

12 (B) October 2005.

13 (C) October 2012.

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