

# HISTORY OF RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN (RSFPP) AND SURVIVOR BENEFIT PLAN (SBP)

## UNIFORMED SERVICES CONTINGENCY OPTION ACT (USCOA)

### **Public Law (PL) 83-239 (8 Aug 53)**

- Election had to be made before end of the 18th year of service
- Annuity: 1/2, 1/4, or 1/8 of retired pay
- Plan was self-supporting (no Federal subsidy)
- Covered only persons dependent on member at retirement
- 180-day open enrollment for retirees (1 Nov 53-30 Apr 54)

## RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN (RSFPP)

### **PL 87-381 (4 Oct 61)**

- Same election options and annuity amounts as USCOA
- Costs were high and annuity was fixed
- Less than 15 percent of retirees participated
- Permitted premiums to stop if participant elected Option 4

### **PL 90-485 (13 Aug 68)**

- Election must be made before member completes 19 years of service
- Option 4 automatic if member retired on or after 13 Aug 68
- Children remained eligible until age 23 if unmarried and full-time student

## SURVIVOR BENEFIT PLAN (SBP)

### **PL 92-425 (21 Sep 72)**

- Repealed the RSFPP and established the SBP
- Open enrollment for retirees, including Reservists who were age 60 or older (21 Sep 72 - 20 Sep 73)
- Retiring members and spouses to be informed of SBP options and effects (10 USC 1455(a)(1)(A))
- Spouse cost: 2.5 percent of first \$300 of the base amount, plus 10 percent of remaining base amount
- Spouse annuity payments:
  - Until age 62, payment is 55 percent of base amount
  - Age 62 or older, payment is reduced, dollar-for-dollar, by Social Security entitlement resulting from member's military service performed after 1956 (Social Security offset [SSO])
- Cost-of-living adjustments (COLAs) applied to base amount and annuity
- Premium deductions continued after loss of spouse
- Active duty death coverage for surviving spouses, if member had 20 or more years of active service
- Annuity reduced by Dependency and Indemnity Compensation (DIC) awarded by VA if death is service-connected
- Remarriage of surviving spouse before age 60 suspended payment
- Two-year waiting period for new spouse eligibility following post-retirement remarriage
- Minimum Income Widow's (MIW) benefit: Widow must be receiving VA's non-service connected death benefit; member had to have been retired before 21 Sep 72 and died before 20 Sep 73 (later extended to 20 Mar 74)

### **PL 93-155 (16 Nov 73)**

- Extended enrollment deadline until 20 Mar 74

### **PL 93-406 (2 Sep 74)**

- Exempted SBP costs from Federal income taxes

**PL 94-496 (14 Oct 76, but effective 1 Oct 76)**

- Spouse costs suspended if marriage ends in death or divorce
- Waiting period for new spouse's eligibility reduced to 1 year following post-retirement marriage
- Child-only coverage permitted even if member is married (this feature made retroactive to 21 Sep 72, clarifying intent of original SBP legislation)
- New child cost factors became effective 13 Jul 77

**PL 95-397 (30 Sep 78)**

- Eliminated SSO for working widows age 62 or older (SBP will be reduced at age 70, regardless of employment status)
- Restored SBP for widows who remarry after age 60 and lose DIC
- COLA increase applied to RSFPP annuities if member died before 20 Mar 74 and increase mechanism for subsequent COLAs
- Continuation of RSFPP for widows who remarry after age 60
- Reserve Component Survivor Benefit Plan (RCSBP); open enrollment (1 Oct 78 - 30 Sep 79; later extended to 31 Mar 80)
- Increased MIW annuity and provided adjustment mechanism for additional COLAs

**PL 96-402 (9 Oct 80, but effective 1 Dec 80)**

- New method for recomputing costs after COLA
  - Previously, COLA was applied to base amount, then 2.5 percent/10 percent formula was applied to determine new cost; beginning Mar 81, cost simply increased by COLA)
- SSO limited to 40 percent of pre-62 annuity amount
- Awarded SBP to widows of retirement-eligible members who died on active duty before 21 Sep 72
- Withdrawal clause for members rated totally disabled by the VA
- Technical amendment on COLA to SBP where member dies on the day before a COLA effective date
- Elimination of SSO for widows of Reservists on service periods excluded for which members received a Federal tax refund

**PL 97-35 (13 Aug 81)**

- One-year open enrollment period (1 Oct 81 - 30 Sep 82) for members entitled to retired pay on or before 13 Aug 81
  - Option to enroll or increase previously elected coverage
  - Add spouse to child only coverage (couldn't add child to spouse coverage)
  - Member had to live for two years before beneficiary(ies) became eligible

**PL 97-252 (8 Sep 82)**

- Uniformed Services Former Spouses' Protection Act (USFSPA) was provision of this legislation; later amended by PLs 98-525 and 100-456
- Former spouse coverage authorized for retiring members (elections became effective no earlier than 1 Feb 83)
  - Established under the provisions of insurable interest coverage
- Open enrollment for Reservists who were eligible for retired pay except for being age 60 as of 13 Aug 81

**PL 97-253 (8 Sep 82)**

- New child cost rates effective 1 Apr 83
- Revised the effective date of annuity COLA adjustment during FY 83 and provided annuity COLA increase without limitation

**PL 98-94 (24 Sep 83)**

- Former spouse coverage for retired members (Reservists, too)
- Insurable interest option authorized for beneficiaries following divorce if previously covered under spouse option
- One-year open enrollment (24 Sep 83 - 23 Sep 84)
- Changed date to qualify for MIW's benefit to coincide with 6-month extension of initial enrollment period (member's death must have occurred on or before 20 Mar 74, rather than 20 Sep 73)
- Rounding annuity to next lower multiple of one dollar

**PL 98-525 (19 Oct 84)**

- Deemed elections by former spouses within one year of court order requiring SBP to be established on former spouse's behalf
  - Member must have agreed to provide coverage
  - Former spouses must request coverage before 1 Oct 85, or within one year of the date of court order, whichever was later
- SBP paid if missing retiree is presumed dead
- Thurmond amendment eliminated or reduced SSO for surviving spouses entitled to Social Security in their own right (repealed before it took effect by PL 99-145)  
*3.3 or 3.6 percent COLA effective 1 Dec 84; higher rate for retirees 62 or older*

**PL 99-145 (8 Nov 85, but effective 1 Mar 86)**

- Spouse's written concurrence required for retiring member's election that provides less than maximum spouse coverage (10 USC 1448(a)(3)(A))
    - In rare instances, concurrence may be waived if it would be otherwise inappropriate to obtain it (e.g., spouse's whereabouts are not known, or spouse is mentally or physically challenged)
  - Removed enlisted time-in-grade restrictions for retirement-eligible active duty death benefits
  - Active duty death benefit for former spouses if valid request for "deemed" election on file
  - Former spouse election under same provisions (options, cost, annuity payment) as spouse coverage
    - Changes from insurable interest coverage permitted with former spouse's concurrence until 8 Nov 86
    - Open season permitted members with any SBP option to make new former spouse elections until 8 Nov 86
      - Former spouse and child coverage permitted (open season until 8 Nov 86)
  - Two-tier system (55/35 percent) used to determine SBP annuities
    - First tier: 55 percent of base amount until surviving spouse is age 62
    - Second tier: 35 percent of base amount for surviving spouses age 62 or older
    - Annuitants are "grandfathered" if member was retired or retirement-eligible on or before 1 Oct 85, but SSO formula may be used if more favorable
      - Applied to disabled children's annuities (later repealed by PL 99-661)
  - Eliminated SSO for widow (under age 62) with one child (Sec 1451)
  - Thurmond amendment repealed
    - Members who retired between 19 Oct 84 and 8 Nov 85 permitted to withdraw (request must be submitted before 8 Nov 86); premiums were refunded
  - Expanded active duty death provision for Reservists who die after completing 20 years' satisfactory service, but before receiving Notification of Eligibility (NOE) or die during the 90 day period after NOE
  - Provided authority to repay refunded SBP premiums in installments when SBP is reinstated after loss of DIC
  - Effective date of DIC offset from SBP annuity to coincide with DIC payment effective date
  - SBP for children if retirement-eligible member and spouse die as result of common accident
  - "Threshold" amount -- low-cost portion (\$300) of formula for computing premiums -- now to be indexed; will increase by same percentage and at the same time as active duty pay raises
  - Remarriage options
    - Resume coverage
    - Increase coverage
    - Withdraw
      - Change must be made prior to first anniversary; or else previously suspended coverage resumes by default
- No COLA effective 1 Dec 85; effective 1 Mar 86, threshold increased from \$300 to \$309*

**PL 99-348 (1 Jul 86) Military Retirement Reform Act**

- Payments to surviving spouses of members who first entered active duty after 1 Aug 86 will be increased by CPI-1 until member would have been age 62, then a one-time COLA "catch-up" will be applied

**PL 99-576 (28 Oct 86)**

- Authorized offsetting VA compensation in order to collect certain Service debts, such as SBP premiums

**PL 99-661 (14 Nov 86)**

- Extended deadline to add child to former spouse coverage to 1 Mar 87
  - Courts empowered to mandate former spouse coverage (without member's agreement) in court orders issued on or after 14 Nov 86
  - Remarriage before age 55 suspends coverage or annuity payments
  - No age 62 reduction to annuities of disabled children
  - Active duty death benefits for children if: there is no surviving spouse, or the spouse subsequently dies
  - Repeal of the common accident limitation under active duty death provision (formerly, child eligibility contingent upon member and spouse dying as a result of a common accident)
- 1.3 percent COLA effective 1 Dec 86; effective 1 Jan 87, threshold amount increased to \$318*

NOTES:

>Comptroller General Decision B-236224, 23 Dec 91, found it appropriate to pay the children even if their mother -- the deceased member's surviving former spouse -- was alive.

>*Croteau vs. US (823 F.2d 539)*, 15 Jul 87, held that there should be no DIC offset to a widow's SBP if DIC resulted from one person and SBP was based on another person's military service.

**PL 100-180 (4 Dec 87)**

- Permitted retired members with previously suspended spouse coverage to withdraw from participation
  - If remarried before 1 Mar 86
  - Spouse's written concurrence required
  - One-year period to request termination of participation (3 Mar 88 - 2 Mar 89)

*4.2 percent COLA effective 1 Dec 87; effective 1 Jan 88, threshold amount increased to \$324*

**PL 100-456 (29 Sep 88)**

- Supplemental SBP annuity (in addition to the MIW benefit) for certain unremarried widows of retired members who died before 1 Nov 53
- New child and spouse/child cost rates effective 1 Oct 88

*4.0 percent COLA effective 1 Dec 88; effective 1 Jan 89, threshold amount increased to \$337*

**PL 101-189 (29 Nov 89)**

- New computation for spouse and former spouse costs (effective 1 Mar 90)
    - Flat rate of 6.5 percent of base amount
    - Old formula (2.5 percent of threshold amount, plus 10 percent of remaining base amount) will be used if more favorable for members who were on active duty on or before 28 Feb 90, or members retired for disability (Ch 61) or non-Regular service (Ch 1223)
  - Established Supplemental SBP (SSBP) option for retiring members (effective 1 Oct 91, but deferred until 1 Apr 92)
    - Actuarially neutral cost, based on member's age at time of election (no Federal subsidy)
    - SSBP annuity (5, 10, 15, 20 percent of full retired pay) to be paid in addition to standard 35 percent tier payment for surviving spouses age 62 or older
    - Member electing SSBP must waive SSO computation even if more favorable
  - Authorized one-year open enrollment period scheduled to begin 1 Oct 91 (deferred to 1 Apr 92)
    - Non-participants may select any option available to retiring members
    - Participants with child only coverage may add coverage for a spouse or former spouse, but could not add a child to spouse or former spouse coverage
      - SSBP available with standard coverage (based on full retired pay) for spouse or former spouse
      - Elections are not valid unless member lives for two years from effective date of election
        - First day of the month following the month the finance center receives the election
        - Premiums are deducted during the two-year period
        - Premiums are refunded to designated beneficiary in the event member dies before end of two years
  - Eliminated officer time-in-grade restrictions for retirement-eligible members who die on active duty to permit survivors' payments to be based on grade member held at time of death
    - Recomputed annuities for widows of such officers effective 1 Mar 90
  - Eliminated technical error that exempted some former spouse annuities from reduction at age 62
    - Annuities of former spouses whose divorces were finalized after 29 Nov 89 are subject to reduction
- 4.7 percent COLA effective 1 Dec 89; effective 1 Jan 90, threshold amount increased to \$349*

**PL 101-510 (5 Nov 90)**

- Delayed implementation of open enrollment and SSBP until 1 Apr 92
- 5.4 percent COLA effective 1 Dec 90; effective 1 Jan 91, threshold amount increased to \$363**

**PL 101-508 (15 Nov 90)**

- VA limited payment of DIC to widows who do not remarry (effective 1 Nov 90)

**PL 102-190 (5 Dec 91)**

- Authorized an additional premium for open enrollment elections (up to 4.5 percent for members retired more than 18 years) (NOTE: This charge not required if member has RSFPP coverage [beneficiary must be currently eligible], or if member had previously withdrawn under PL 96-402 [DoD policy memo])
- SSBP annuity must be based on full retired pay
- Member may elect SSBP in increment of 5 percent up to 20 percent (effective 1 Apr 92)
- Authorized payment of an annuity to a representative payee of a minor, mentally incompetent, or otherwise legally disabled person, without requiring the payee to be appointed by the court

**3.7 percent COLA effective 1 Dec 91; effective 1 Jan 92, threshold amount increased to \$378**

**PL 102-484 (23 Oct 92)**

- Eliminated the two-year survival period for members making an open enrollment election if married to widows who were entitled, before 1 Nov 90, to receive DIC based on a previous marriage
- Authorized protection for dependent victims of abuse by military members who have lost the right to retirement benefits

**3.0 percent COLA effective 1 Dec 92; effective 1 Jan 93, threshold amount increased to \$392**

**PL 102-568 (29 Oct 92)**

- Eliminated grade-based DIC payments
  - Surviving spouses of members who died on or after 1 Jan 93, receive \$750, regardless of member's grade
    - If married to member for 8 years or more, flat rate would be increased by \$165 per month if member was rated totally disabled for that period
    - DIC rates for children: \$100 effective 1 Dec 92
  - Survivors of veterans who died before 1 Jan 93 are grandfathered, receive grade-based DIC rate
- Increased Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) from \$100,000 to \$200,000 effective 1 Dec 92
- New child cost rates effective 1 Aug 94

**Spouse DIC rate increased to \$769, child rate to \$150 effective 1 Dec 93; effective 1 Jan 94, threshold amount increased to \$401**

**PL 103-66 (10 Aug 93)**

- COLA delayed until 1 Mar 94
- Air Force retired pay accounts converted from DFAS-Denver to DFAS-Cleveland 18 Oct 93

**2.6 percent COLA effective 1 Mar 94**

**PL 103-337 (5 Oct 94)**

- Clarified RCSBP cost reduction -- "by an amount prescribed" -- is required without regard to whether there is an eligible child
  - Insurable interest coverage (not the member's former spouse) may be arbitrarily discontinued at any time without changing to spouse or child coverage
  - Study of SBP improvements must be convened, results submitted to committee not later than 1 Apr 95
- Effective 1 Jan 95, threshold amount increased to \$411; 2.8 percent COLA delayed until 1 Mar 95; spouse DIC rate increased to \$790, child rate to \$200 effective 1 Dec 94**

**PL 104 106 (10 Feb 96)**

- Repealed link between RCSBP election and eligibility for medical benefits (via military ID card) for widows of retirement-eligible Reservists who died before attaining age 60
- Effective 1 Jan 96, threshold amount increased to \$421; 2.6 percent COLA delayed until 1 Mar 96; new child cost factors and SSBP rates effective 1 Aug 96; effective 1 Dec 95, DIC spouse rate increased to \$810, child to \$205**

**PL 104-201 (23 Sep 96)**

- Provided a non-substantive restatement of the SBP statute
  - Established closer coordination of administration of the MIW benefit with the VA
  - Required increased SBP premiums be concurrently effective at time COLAs are applied to retired pay
- Effective 1 Jan 97, threshold amount increased to \$434; 2.9 percent COLA effective 1 Dec 96; effective 1 Dec 96, DIC spouse rate increased to \$833, child to \$211**

**PL 105-85 (18 Nov 97)**

- Established option to terminate SBP participation
    - For members retired for more than two years (as of 17 May 98), authorized a one-year opportunity (17 May 98 - 16 May 99) to disenroll (must provide spouse/former spouse's written concurrence and release of requirement to provide former spouse SBP, if appropriate)
    - Members retired less than two year on the effective date may terminate participation (with the spouse/former spouse's concurrence and release of requirement to provide former spouse SBP, if appropriate) during the one-year period commencing on the second anniversary of their receipt of retired pay
  - Removed the one-year restriction for members to change from former spouse to spouse coverage
  - Provided an SBP annuity for certain surviving spouses; would expire 30 Sep 01
    - Member must have been retired and died prior to 21 Mar 74
    - Reservist who died between 21 Sep 72 and 1 Oct 78 and who at time of death would have been entitled to retired pay but was not yet age 60
    - Surviving spouse must not have remarried or otherwise be entitled to SBP or DIC
  - Modified the administration of MIW to authorize the VA to make payments
  - Called for a review of Federal former spouse protection laws
- Effective 1 Jan 98, threshold amount increased to \$446; 2.1 percent COLA effective 1 Dec 97; effective 1 Dec 97, DIC spouse rate increased to \$850, child to \$215**

**PL 105-178 (9 Jun 98) (Federal Transit Act of 1998, not FY99 NDAA)**

- Restored a widow's eligibility to receive DIC (effective 1 Oct 98) when a disqualifying remarriage ends; Omnibus Budget Reconciliation Act of 1990 had terminated a widow's ability to requalify for DIC when a subsequent marriage ended, restricting payment of DIC to widows who never remarried.

**PL 105-261 (17 Oct 98)**

- Added paid-up provision for participants age 70 or older, whose retired pay has been reduced for 360 months or more; to become effective 1 Oct 08
  - Established open enrollment period (1 Mar 99 - 29 Feb 00) for members not participating to the fullest possible extent:
    - May add children to spouse coverage, increase existing coverage, elect coverage if none in effect, or elect or increase Supplemental SBP
    - One-time buy-in premium required
      - Amount determined by date retiree first had eligible beneficiary
      - Debt may be paid in one lump-sum amount, or 24 monthly premiums from retired pay, or combination of lump-sum amount and balance in 24 monthly deductions
    - Effective date is the first day of the month following the month DFAS-CL receives the election
    - Two-year survival clause; if retiree dies within two years of the effective date, premiums refunded to person who would have been the beneficiary
    - Prohibited members who withdrew under PL 105-85 from submitting elections during this enrollment
  - Made all SBP elections for former spouse coverage (submitted by the member, or deemed by the former spouse) to become effective the month following the date of the court order or filing
- Effective 1 Jan 99, threshold amount increased to \$462, 1.3 percent COLA effective 1 Dec 98, also effective 1 Dec 98, DIC spouse rate increased to \$861, child to \$217**

**PL 106-65 (5 Oct 99)**

- Authorized two active duty pay increases; one effective 1 Jan 00 for all grades, the second, a special pay increase for selected grades effective 1 Jul 00, resulting in two SBP threshold amounts (see below)
- Extended credit for "paid up" SBP beginning 1 Oct 08 to members electing coverage during PL 105-261 open enrollment (with make-up premiums) for the months as if the person had elected SBP coverage at first opportunity available to them
- Allow RSFPP participants to be "paid-up" after the latter of 360 months and age 70 beginning 1 Oct 08
- Made payment of ACMSS permanent
- Removed criteria that Reservists had to have died after 21 Sep 72 (but retained "before" 1 Oct 78 date) in order for their surviving spouses to be entitled to ACMSS
- Career Status Bonus (CSB) for members, who first became a member on or after 1 Aug 86, and agree to remain on active duty for 20 years, accepting future reduced retired pay under REDUX
  - Maximum SBP costs and coverage would be based on High-3 pay although retired pay actually received would be under REDUX
- Permitted SBP annuity for former spouses when not elected because of retiree's untimely death; must have been required by court order, or in written agreement on or after 21 Aug 83, but before 19 Oct 84 and the member died within 21 days (private relief for Navy former spouse; see PL 106-398)  
**Effective 1 Jan 00, threshold amount increased to \$484 then 1 Jul 00, threshold increased to \$491, 2.4 percent COLA effective 1 Dec 99, also effective 1 Dec 99, DIC spouse rate increased to \$881, child to \$222**

**PL 106-398 (30 Oct 00)**

- Requires Reserve and Guard members, who have completed their service obligation, considered entitled for retired pay, but who are not yet age 60, to obtain their spouses concurrence in RCSBP elections that do not provide maximum spouse coverage (immediate option). Applies to members receiving notification of service-completion after 1 Jan 01
- Private relief for former spouse granted in PL 106-65 amended to reflect 19 Aug 83 vice 21 Aug 83
- Contained a "Sense of Congress" to reduce, eventually eliminating the different levels of SBP annuities paid to widows under and over age 62  
**Effective 1 Jan 01, threshold amount increased to \$509, 3.5 percent COLA effective 1 Dec 00, also effective 1 Dec 00, DIC spouse rate increased to \$911, child to \$229**

**PL 107-107 (28 Dec 01)**

- SBP eligibility extended to spouse or eligible children of all active duty deaths classified in the line-of-duty (LOD) since 10 Sep 01.
- Annuity computed as if the member was retired with full disability rating on the date of death.
- No change to the eligibility or the computation of the SBP annuity for retirement-eligible member whose death is determined NOT in the line of duty.  
**Effective 1 Jan 02, threshold amount increased to \$547; 2.6 percent retiree COLA effective 1 Dec 01; DIC rates increased effective 1 Dec 01, DIC spouse increased to \$935, child to \$234.**

**PL 107-234 (2 Dec 02)**

- Effective 1 Jan 03, threshold amount increased to \$572, 1.4 percent COLA effective 1 Dec 02, also effective 1 Dec 02, DIC spouse rate increased to \$948, child to \$237.**

**PL 108-136 (24 Nov 03)**

- Extended Child Only and limited deemed Insurable Interest elections to survivors of active duty deaths on or after 24 Nov 03.
- Disability retirements on or after 24 Nov 03 will have SSBP and Insurable Interest elections invalidated if the retiree dies within one year of retirement for a cause related to a disability for which retired.
- Extended RCSBP to survivors of Reserve Soldiers who die in the line of duty on inactive duty for training. SBP goes to the spouse and only to the children if no spouse or spouse dies. Former spouse with court ordered RCSBP is primary beneficiary.

**PL 108-183 (16 Dec 03)**

- Effective January 1, 2004, when a surviving spouse remarries after age 57, DIC will continue  
**Effective 1 Jan 04, threshold amount increased to \$595, 2.1 percent COLA effective 1 Dec 03, also effective 1 Dec 03, DIC spouse rate increased to \$967, child to \$241.**

**PL 108-375, (28 Oct 04)**

-- eliminated the post age 62 Spouse or Former Spouse 35 percent annuity by incrementally increasing the annuity to 55 percent incrementally as follows: 1 Oct 05, increases to 40%; 1 Apr 06, increases to 45%; 1 Apr 07, increases to 50%; 1 Apr 08, increases to 55%.

-- SSBP will be phased out incrementally as the post age 62 annuity is increased.

-- changed the computation of the high-36 month calculation to determine retired pay for reservist with a DIEMS on or after 8 September 1980 who die or retire for disability while on active duty. This change applies to reservists who: (1) while serving on active duty, become entitled to disability retired pay with an effective date on or after October 28, 2004, under sections 1201 and 1202 of Title 10, United States Code; or (2) die while serving on active duty on or after September 10, 2001, for purposes of determining SBP annuities.

-- Established open enrollment period (1 Oct 05 – 30 Sep 06) for members not participating to the fullest possible extent:

**Effective 1 Jan 05, threshold amount increased to \$616, 2.7 percent COLA effective 1 Dec 04, also effective 1 Dec 04, DIC spouse rate increased to \$993, child to \$247.**

**PL109-163, (6 Jan 06)**

-- directs the Comptroller General to submit, not later than July 31, 2006, to the Committees on Armed Services of the Senate and the House of Representatives a report on the actuarial soundness of the Survivor Benefit Plan program.

**Effective 1 Jan 06, threshold amount increased to \$635; 4.1 percent COLA effective 1 Dec 05; effective 1 Dec 05, DIC spouse rate increased to \$1,033, child to \$257; Effective 1 Dec 05, ACMSS increased to \$205.61.**

**PL109-364, (17 Oct 06)**

-- allows retirees with Insurable Interest coverage to elect a new Insurable Interest beneficiary within 180 days of the death of the previous Insurable Interest beneficiary.

-- allows surviving spouses of Soldiers who died on active duty after 7 October 2001 but before 24 November 2003 to request the SBP election be changed from Spouse, by law, to Child Only, Spouse Excluded. The approved Child Only annuity will not be payable retroactive to the Soldier's death. The Child Only annuity will be payable only for months beginning on or after 17 October 2006, the date PL 109-364 was enacted.

**Effective 1 Jan 07, threshold amount increased to \$649 and on 1 Apr 07 to 652; 3.3 percent COLA effective 1 Dec 06; effective 1 Dec 06, DIC spouse rate increased to \$1,067, child to \$265; Effective 1 Dec 06, ACMSS increased to \$212.40.**

**PL110-181, (28 Jan 08)**

-- surviving spouses affected by required SBP annuity offset for DIC will be paid monthly special survivor indemnity allowance (SSIA) if the surviving spouse is entitled to DIC and is eligible to receive an annuity by reason of an election of SBP who, except for the DIC offset, would be eligible to receive the annuity

**Effective 1 Jan 08, threshold amount increased to \$675; 2.3 percent COLA effective 1 Dec 07; effective 1 Dec 07, DIC spouse rate increased to \$1,091, child to \$271; Effective 1 Dec 07, ACMSS increased to \$217.29.**

**PL 110-417 (14 Oct 08)**

-- The two SBP related provisions contained in the NDAA09 are technical corrections to previous provisions.

-- Extended SSIA to certain members who die on active duty to clarify provision in NDAA08 that established SSIA.

-- Corrected unintended reduction in SBP due to the phased elimination of the two-tiered annuity computation and Supplemental SBP for approximately 300 annuitants with SSBP who had all or part of the annuity represented by SSBP eliminated when the SSBP portion of the annuity was replaced with the phased SBP increase. Restored the annuity lost when the SSBP was phased out and became SBP subject to the SBP/DIC offset.

**Effective 1 Jan 09, threshold amount increased to \$701; 5.8 percent COLA effective 1 Dec 08; effective 1 Dec 08, DIC spouse rate increased to \$1,154, child to \$286, ACMSS increased to \$229.89.; SSIA FY09 \$50.**

**PL 111-31 (22 Jun 09)**

- A provision changed Special Survivor Indemnity Allowance (SSIA) for spouses affected by the DIC offset of the SBP annuity starting with fiscal year (FY) 2014.

**Sharp V. United States (26 Aug 09)**

- The United States Court of Appeals for the Federal District court upheld the Sharp V. United States allowing three surviving military spouses to receive DIC and SBP without offset based on their remarriage after age 57. A Memo dated 22 Oct 09 from the OSD Deputy Under Secretary, Military Personnel Policy, directed DFAS to treat all other spouses who are eligible to receive both SBP and DIC and remarry after age 57 the same as the Sharp plaintiffs. Surviving spouses must first repay any SBP premium refunds that may have resulted from the DIC offset before full SBP will resume.

**PL 111-84 (28 Oct 09) NDAA10**

- There were no changes to SBP in the NDAA10.

***Effective 1 Jan 10, threshold amount increased to \$725; no COLA Increase on 1 Dec 09, DIC spouse rate remained \$1,154, child DIC remained \$286; ACMSS remained \$229.89; SSIA FY10 \$60***

**PL 110-383 (7 Jan 11)**

- A provision changed the retired pay calculation for active duty deaths that occur on or after 7 Jan 11. Previously the service multiplier used could not exceed 75 percent for a medical retirement or active duty death. This change allows the service multiplier to exceed 75 percent in a medical retirement or active duty death SBP calculation when the Soldier has more than 30 years of AFS.

***Effective 1 Jan 11, threshold amount increased to \$735; no COLA Increase on 1 Dec 10, DIC spouse rate remained \$1,154, child DIC remained \$286; ACMSS remained \$229.89; SSIA FY11 \$70.***

**PL 112-81 (31 Dec 11)**

- There were no changes to SBP in the NDAA12.

***Effective 1 Jan 12, threshold amount increased to \$747; 3.6COLA Increase effective 1 Dec 12, DIC spouse rate \$1,195, child DIC \$296; ACMSS \$238.17; SSIA FY12 \$80.***

Current as of January 2012