

This fact sheet provides information to help you understand the provisions of the Survivor Benefit Plan (SBP), but is not a contract document. The basic statutory provisions of the SBP law are in [Chapter 73, Title 10, United States Code](#).

History of Public Laws Controlling the Survivor Benefit Plan

Uniformed Services Contingency Option Act (USCOA)

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 Aug. 13, 1968
- Children remained eligible until age 23 if unmarried and full-time student

PL 92-425 (21 Sep 72) Survivor Benefit Plan (SBP)

- Repealed the RSFPP and established the SBP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
- Election could be made in behalf of a mentally incompetent Air Force retiree by the Secretary of the Air Force
- If member's competency later restored, member could terminate/change election within 180 days of being found competent
- 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