

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](#).

**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charge not required if member has RSFPP coverage (beneficiary must be currently eligible), or if member had previously withdrawn under PL 96-402 (DoD policy memo) SSBP annuity must be based on full retired pay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 Annuity Certain Military Surviving Spouses (ACMSS)  
-- 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, DIC, or RSFPP  
-- Authority to pay these annuities expired 30 Sep 01  
-- 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)**

-- Effective 1 Oct 98, reinstated the eligibility of certain remarried surviving spouses for Dependency and Indemnity Compensation (DIC) upon termination of that remarriage. The 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  
-- The first month of eligibility for payment of DIC to a surviving spouse shall be the month after the month of the termination of such remarriage.  
-- No payment may be made for any month before October 1998.

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

-- Added paid-up provision for SBP participants age 70 or older, whose retired pay has been reduced for 360 months or more; to become effective 1 Oct 08

- Established SBP 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 court-ordered 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)
- Made payment of ACMSS (see PL 105-85) permanent
- Extended eligibility for ACMSS to eligible surviving spouses of Reservist who died prior to 21 Sep 72 and who, at time of death, would have been entitled to retired pay but were not yet age 60
- Previously eligibility was limited to spouses of Reservists who died between 21 Sep 72 and 1 Oct 78
- Extended credit toward paid-up provision (age 70 and 360 payments) to members electing coverage during the PL 105-261 open enrollment (required a lump-sum buy-in premium).
- Members who elected SBP coverage during the open enrollment will be treated as if they elected coverage at their first opportunity (time will be used in computing 360 payments for the paid-up provision)
- Extended the paid-up provision (age 70 and 360 payments) to the RSFPP to become effective 1 Oct 08
- Authorized eligible members (members on active duty who first became members of the Uniformed Service on or after 1 Aug 86) the option to elect to receive a Career Status Bonus (CSB) (\$30,000) after 15 years of active duty in the Uniformed Services provided they agree to remain on active duty for 20

years, and agree to have their retired pay computed under the provision of the Military Retirement Reform Act of 1986 (86 MRRA, also known as REDUX)

- Maximum SBP costs and coverage based on High-3 pay although retired pay actually received will be computed under REDUX
- Authorized a special compensation for severely disabled uniformed services retirees
- To be eligible, retiree must meet all of the following requirements:
  - Not be retired under disability retirement law
  - Active duty retirees must have 20 or more years of service for purposes of computing retired pay; Reservist must have 7,200 or more points to qualify
  - Must hold a continuous VA service-connected disability rating of 70 percent or higher awarded within 4 years following retirement
  - Eliminated dual-compensation restrictions for all retired military members (regardless of grade or commissioning type) who are employed in Civil Service positions effective 1 Oct 99.
  - Recomputed retired pay for general officers (O7 and above)
  - Effective 1 Jan 00, threshold amount increased to \$484, 2.4 percent COLA effective 1 Dec 99, also effective 1 Dec 99, DIC spouse rate increased to \$881, child to \$222
  - Effective 1 Jul 00, threshold amount increased to \$491, rate of monthly basic pay for active duty members increased based upon the member's pay grade.

**PL 106-117 (30 Nov 99)**

- Amended section 1318, Title 38, US Code, to extend Dependency and Indemnity Compensation (DIC) eligibility to survivors of veterans who were former prisoners of war (POW) who died after 30 Sep 99, and who, at the time of death, had been rated as totally disabled by the VA for a period of not less than 1 year immediately preceding death.
- A legislative proposal has been made to change the SBP law to allow members who were former POWs, who are rated as totally disabled by the VA for a period of at least 1 year, to withdraw from the SBP.