

Public Law 100-224
100th Congress

An Act

Dec. 30, 1987
[H.R. 2974]

To amend title 10, United States Code, to make technical corrections in provisions of law enacted by the Military Retirement Reform Act of 1986.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Wages.

SECTION 1. COST-OF-LIVING ADJUSTMENTS OF MILITARY RETIRED PAY.

(a) **RULE FOR CPI-1 FORMULA FOR NEW ENTRANTS.**—Subsection (b) of section 1401a of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) **SPECIAL RULE FOR PARAGRAPH (3).**—If in any case in which an increase in retired pay that would otherwise be made under paragraph (3) is not made by reason of law (other than any provision of this section), then (unless otherwise provided by law) when the next increase in retired pay is made under this subsection, the increase under paragraph (3) shall be carried out so as to achieve the same net increase in retired pay under that paragraph that would have been the case if that law had not been enacted.”

(b) **PRO RATING OF INITIAL CPI ADJUSTMENT FOR NEW MEMBERS.**—Subsection (e) of such section is amended by striking out “only by” and all that follows in that subsection and inserting in lieu thereof the following: “by the percent (adjusted to the nearest one-tenth of 1 percent) equal to the difference between—

“(1) the percent by which—

“(A) the price index for the base quarter of that year, exceeds

“(B) the price index for the calendar quarter immediately before the calendar quarter during which the member became entitled to retired pay; and

“(2) one-fourth of 1 percent for each calendar quarter from the quarter described in paragraph (1)(B) to the quarter described in paragraph (1)(A).

If in any case the percent described in paragraph (2) exceeds the percent determined under paragraph (1), such an increase shall not be made.”

SEC. 2. RESTORAL OF BENEFITS AT AGE 62 FOR NEW RETIREMENT MEMBERS.

Section 1410 of title 10, United States Code, is amended—

(1) by striking out “(a) **GENERAL RULE.**—” and

(2) by striking out “the amount equal to—” and all that follows and inserting in lieu thereof “the amount equal to the amount of retired pay to which the member would be entitled on that date if—

“(1) increases in the member’s retired pay under section 1401a(b) of this title had been computed as provided in para-

graph (2) of that section (rather than under paragraph (3) of that section); and

“(2) in the case of a member whose retired pay was subject to section 1409(b)(2) of this title, no reduction in the member’s retired pay had been made under that section.”.

SEC. 3. SURVIVOR BENEFIT PLAN AMENDMENTS.

(a) **ADJUSTMENT AT AGE 62 IN BASE AMOUNT.**—(1) Section 1451 of title 10, United States Code, is amended—

(A) by inserting after subsection (g) the following:

“(h)(1) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the base amount applicable to each participant in the Plan shall be increased at the same time. The increase shall be by the same percent as the percent by which the retired pay of the participant is increased.

“(2) When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person’s becoming 62 years of age, the base amount applicable to that person shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of the base amount that would be in effect on that date if increases in such base amount under paragraph (1) had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).”; and

(B) by striking out “(h) Computation” and inserting in lieu thereof “(3) Computation”.

(2) Subsection (a) of such section is amended by striking out “(as the base amount is adjusted from time to time under section 1401a of this title)” in paragraphs (1)(A), (1)(B), (2)(A), and (2)(B).

(b) **ADJUSTMENT AT AGE 62 IN AMOUNT OF REDUCTION IN RETIRED PAY.**—Section 1452 of such title is amended by adding at the end the following new subsection:

“(i) When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person’s becoming 62 years of age, the amount of the reduction in such retired pay under this section shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of such reduction that would be in effect on that date if increases in such retired pay under section 1401a(b) of this title, and increases in reductions in such retired pay under subsection (h), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).”.

(c) **ADJUSTMENT OF AMOUNT OF ANNUITY.**—Section 1451(i) of such title is amended by striking out “on the basis of” the second place it appears and all that follows and inserting in lieu thereof “so as to be the amount equal to the amount of the annuity that would be in effect on that date if increases under subsection (h)(1) in the base amount applicable to that annuity to the time of the death of the member or former member, and increases in such annuity under subsection (g)(1), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).”.

SEC. 4. INVOLUNTARY RELEASE FROM ACTIVE DUTY FOR CERTAIN RESERVE MEMBERS.

Section 1163(d) of title 10, United States Code, is amended by inserting "(other than for training)" after "active duty".

SEC. 5. OTHER TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 100-180.—(1) The table relating to warrant officers in section 305a(b) of title 37, United States Code (as amended by section 621(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180)), is amended by striking out "Over 13" and inserting in lieu thereof "Over 14".

(2) Section 301c(b) of title 37, United States Code (as amended by section 623(b) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180)), is amended in the matter preceding the tables by striking out "(b) The monthly rates for special pay under subsection (a) are as follows:".

10 USC 2437.

(3) Section 803(b) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) is amended by striking out "Section 2437" and inserting in lieu thereof "Section 2437(a)".

10 USC 2437
note.

(4) The amendments made by this subsection shall apply as if included in Public Law 100-180 as enacted on December 4, 1987.

(b) TITLE 10.—(1) Section 1450(f)(3)(A) of title 10, United States Code, is amended by striking out the second comma after "required by a court order to make such an election".

(2) Section 2327 of such title is amended by inserting "App." after "(50 U.S.C." in subsections (a) and (b)(2).

(3) The item relating to section 2690 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:
"2690. Fuel sources for heating systems; prohibition on converting certain heating facilities."

(4) The item relating to section 5898 in the table of sections at the beginning of chapter 549 of such title is amended to read as follows:
"5898. Action on reports of selection boards."

Approved December 30, 1987.

LEGISLATIVE HISTORY—H.R. 2974:

HOUSE REPORTS: No. 100-231 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 133 (1987):

July 28, considered and passed House.

Aug. 6, considered and passed Senate, amended.

Dec. 16, House concurred in Senate amendment with an amendment.

Dec. 17, Senate concurred in House amendment.