

The original documents are located in Box 58, folder “1976/10/01 S2090 Authorizing Benefits Under the Retired Serviceman's Family Protection Plan to Survivors of Certain Deceased Reservists” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED
OCT 1 - 1976

S 10/1/76

ACTION

THE WHITE HOUSE
WASHINGTON
October 1, 1976

Last Day: October 4

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *JDC/Quern*

SUBJECT:

S. 2090 - Authorizing benefits under the Retired Serviceman's Family Protection Plan to survivors of certain deceased reservists

Attached for your consideration is S. 2090, sponsored by Senator Huddleston.

The enrolled bill would correct an inequitable provision of the Retired Serviceman's Family Protection Plan.

In 1968, a technical deficiency which denied benefits to a small number of persons was changed. Unfortunately, it did not make the change retroactively.

The purpose of this bill is to correct the problem retroactively to November 1, 1953, when the program went into effect.

There is only one known beneficiary and the Department of Defense advises that there would not be more than 50 beneficiaries. The Department estimates that first year costs associated with S. 2090 would not exceed \$80,000.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg), NSC and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2090 at Tab B.

*Posted
10/2/76*

*archives
10/4/76*





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

SEP 23 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2090 - Authorizing
benefits under the Retired Service-
man's Family Protection Plan to
survivors of certain deceased reservists
Sponsor - Sen. Huddleston (D) Kentucky

Last Day for Action

October 4, 1976 - Monday

Purpose

Corrects an inequity in annuity entitlement pro-
visions for non-regular retired personnel.

Agency Recommendations

Office of Management and Budget Approval

Department of Defense Approval

Discussion

The Retired Serviceman's Family Protection Plan (RSFPP) became effective November 1, 1953. Under the plan's provisions, survivors of non-regular personnel became eligible for RSFPP benefits only if the member they survived elected to receive such benefits and died after the date of retired pay entitlement. Retired pay entitlement occurred on the first day of the month following the date of retirement eligibility (usually when attaining the age of 60). If an otherwise qualified reservist died during the period of time between the date on which he met all requirements for retired pay and the first day of the following month (when entitlement to retired pay occurred), his survivors were denied RSFPP survivor annuities.



In 1968, Congress passed P.L. 90-485 which provided that a retired reservist would become entitled to retired pay effective from the date on which he became qualified to receive such pay, rather than from the first day of the following month. Accordingly, the survivors of retired reservists who had elected to participate in the RSFPP and died after qualifying for retired pay but before the first day of the following month were henceforth eligible for RSFPP benefits. While this law took care of all living reservists as of its effective date, it overlooked any currently living survivors of retirees who had elected to participate in RSFPP, but who had already died in the period between their achieving eligibility to retirement pay and the first day of the following month.

S. 2090 would in effect make the provisions of P.L. 90-485 described in the above paragraph retroactive to November 1, 1953, the effective date of the RSFPP program. However, the enrolled bill specifies that no benefits would be paid retroactively.

The House Committee report states that only one potential beneficiary of this Act has been brought to the Committee's attention. The sponsor, however, prefers general legislation to a private relief bill in case others are entitled.

The Department of Defense advises that there would not be more than 50 beneficiaries of S. 2090, since the bill would only affect survivors of non-regular personnel who both became eligible to receive retired pay between 1953 and 1968 and died after attaining eligibility and before the first day of the following month. The number of beneficiaries is also reduced by death among survivors and because not all non-regular personnel participated in RSFPP.

In its attached enrolled bill letter, the Department of Defense strongly supports this bill. The Department estimates that first year costs

associated with S. 2090 would not exceed \$80,000 and provides assurance that the bill would not result in any increase in budgetary requirements of the Department of Defense.



Paul H. O'Neill
Acting Director

Enclosure



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

23 September 1976

Honorable James T. Lynn
Director, Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

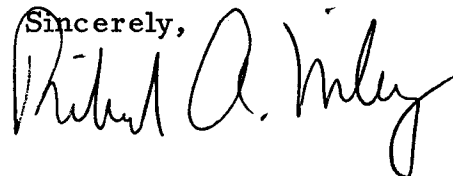
This is in response to your request for the views of the Department of Defense with respect to the enrolled enactment of S. 2090, 94th Congress, an Act "To make the provisions of section 1331(e) of title 10, United States Code, retroactive to November 1, 1953."

The purpose of the bill is to allow for the payment of a widow's annuity under the Retired Serviceman's Family Protection Plan (RSFPP) in the case of a Reservist who died before August 13, 1968, and whose death occurred after his 60th birthday but before the first day of the next month. Before August 13, 1968, a member of a Reserve component who was otherwise qualified for retired pay under Chapter 67 of title 10, United States Code, and had applied therefor, would become entitled to that pay on the first day of the month following the month in which he attained age 60. If such a member who had elected participation in the RSFPP died after he attained age 60 but before the first day of the month following his 60th birthday, his survivors were not eligible for benefits under the RSFPP.

Section 1331(e) of title 10, United States Code, was added by Public Law 90-485, August 13, 1968. Its provisions, however, did not apply to members of the Reserve components who died before the enactment date. Therefore, the widow of such a Reservist who had met all statutory requirements for retired pay, but who died before the first day of the month after attaining age 60, could not qualify for an annuity under the RSFPP.

S. 2090 will authorize an RSFPP annuity to the few widows involved. However, it will not authorize any retroactive entitlement to that annuity or to retired pay for the applicable portion of the month in which the retired member died, since Section 2 precludes such payment.

The Department of Defense strongly endorses this legislation and recommends that the President approve S. 2090. While the number of widows who would be eligible for benefits under this legislation is unknown, it is believed that the number would not be more than 50. Therefore, it is estimated that the first year cost will not exceed \$80,000. In any event, approval will not result in any increase in budgetary requirements in the Department of Defense.

Sincerely,


THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: ~~September~~ 25

Time: 1030am

FOR ACTION: NSC/S *on*
Max Friedersdorf *on*
Bobbie Kilberg *on*

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 28

Time: noon

SUBJECT:

H. 2090-Authorizing benefits under the Retired Serviceman Family Protection Plan to survivors of certain deceased reservists

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

WASHINGTON

September 27, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.*
SUBJECT: S.2090 - Authorizing benefits under the
Retired Serviceman Family Protection Plan
to survivors of certain deceased reservists

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

To -
J. Johnson
9-24-76
8:30 p.m.

SEP 23 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2090 - Authorizing benefits under the Retired Serviceman's Family Protection Plan to survivors of certain deceased reservists
Sponsor - Sen. Huddleston (D) Kentucky

Last Day for Action

October 4, 1976 - Monday

Purpose

Corrects an inequity in annuity entitlement provisions for non-regular retired personnel.

Agency Recommendations

Office of Management and Budget	Approval
Department of Defense	Approval

Discussion

The Retired Serviceman's Family Protection Plan (RSFPP) became effective November 1, 1953. Under the plan's provisions, survivors of non-regular personnel became eligible for RSFPP benefits only if the member they survived elected to receive such benefits and died after the date of retired pay entitlement. Retired pay entitlement occurred on the first day of the month following the date of retirement eligibility (usually when attaining the age of 60). If an otherwise qualified reservist died during the period of time between the date on which he met all requirements for retired pay and the first day of the following month (when entitlement to retired pay occurred), his survivors were denied RSFPP survivor annuities.

MAKING CERTAIN ANNUITY ENTITLEMENT PROVISIONS FOR SURVIVORS OF NON-REGULAR RETIRED PERSONNEL RETROACTIVE TO NOVEMBER 1, 1953

DECEMBER 15, 1975.—Ordered to be printed

Mr. NUNN, from the Committee on Armed Services,
submitted the following

R E P O R T

[To accompany S. 2090]

The Committee on Armed Services, to which was referred the bill (S. 2090) to make the provisions of section 1331(e) of title 10, United States Code, retroactive to November 1, 1953, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

WHAT THE BILL DOES

The bill would make survivor benefits payable to survivors of retired non-Regular personnel who had elected the survivor benefit plan and who died before 1968 after they became eligible for retirement but before the first day of the month following the date of eligibility, on which day they would have become entitled to retired pay. Under existing law, non-Regular personnel who retired before August 13, 1968 were entitled to retired pay on the first day of the month following the date of retirement. If such a member had elected participation in the Retired Serviceman's Family Protection Plan (RSFPP) and had retired and died before August 13, 1968 and before the first day of the month following the month in which he became entitled to retired pay, his survivors are not eligible for benefits under the RSFPP. The bill would correct an inequity in the law by making the survivors of non-Regular personnel in this category eligible for RSFPP benefits. Survivors of non-Regular retired personnel who retired after August 13, 1968 are currently eligible for RSFPP benefits as of the date of the member's retirement eligibility.

No benefits paid under the authority of S. 2090 would be paid for any period prior to the enactment of the legislation.

BACKGROUND

Prior to August 13, 1968, any member of a reserve component who was qualified (under chapter 67, title 10, U.S. Code) and had applied for retired pay would begin to receive that pay on the first day of the month following the month in which he became eligible. Under the Retired Serviceman's Family Protection Plan (RSFPP), survivors of retired non-Regular personnel became eligible for RSFPP benefits only if the member they survived elected to receive such benefits and died after the date of retired pay entitlement, i.e., after the first day of the month following the date of retirement eligibility. Thus, the survivors of an otherwise qualified retired reservist who died during the period of time between the date on which he met all the requirements for retired pay (10 U.S.C. 1331) and the date of entitlement to such pay were denied RSFPP survivor annuities.

In 1968, Congress passed legislation (Public Law 90-485) to disentangle the non-Regular retired military benefits structure from the Uniform Retirement Act of 1930. In so doing, section 1331 title 10, United States Code was amended by adding subsection (e) to provide that a retired reservist would become entitled to retired pay effective from the date on which he became qualified for such pay. Accordingly, the survivors of retired reservists who had elected to participate in the RSFPP and died after qualifying for retired pay but before the first day of the following month would henceforth be eligible for RSFPP benefits. This has been the case since August 13, 1968, the date of enactment of Public Law 90-485.

However, in 1968 Congress failed to take into account those instances in which retired reservists in the RSFPP program died during the time period between retired pay eligibility and entitlement prior to August 13, 1968. S. 2090 would take such cases into account by making the provision of section 1331(e), title 10, U.S. Code, retroactive to November 1, 1953, the effective date of the Retired Serviceman's Family Protection Plan program.

The number of survivors who would be affected by this bill is expected to be small.

DEPARTMENTAL POSITION

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,

Washington, D.C., November 17, 1975.

HON. JOHN C. STENNIS,
*Chairman, Committee on Armed Services, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: In accordance with your request, the provisions of S. 2090, 94th Congress, a bill "To make the provisions of section 1331(e) of title 10, United States Code, retroactive to November 1, 1953," have been reviewed.

Before August 13, 1968, a member of a reserve component who was otherwise qualified for retired pay under chapter 67 of title 10, United States Code, and had applied therefor, would begin to receive that pay on the first day of the month following the month in which he attained age 60. If such a member who had elected participation in the Retired Serviceman's Family Protection Plan (RSFPP), died after he at-

tained age 60 but before the first day of the month following the month in which he attained that age, his survivors would not be eligible for benefits under the RSFPP.

Public Law 90-485 amended section 1331 of chapter 67 of title 10, United States Code, by adding subsection (e), effective August 13, 1968, which had the effect of providing that thereafter a member or former member of a reserve component who was otherwise qualified for retired pay would be entitled to that pay effective from the date he attained age 60. Accordingly, the designated survivor of such a person who had elected to participate in the RSFPP and died after attaining age 60 but before the first day of the following month would be eligible for benefits under the RSFPP.

The apparent purpose of S. 2090 is to provide survivor benefit coverage under the RSFPP for a designated eligible beneficiary of a member of a reserve component who, on or before August 13, 1968 was qualified for retired pay under chapter 73 of title 10, United States Code, but who died on or before the first day of the month following the month in which he attained age 60.

The Department of Defense has no objection to enactment of S. 2090.

COST AND BUDGET

The number of survivors who would be eligible for benefits under this legislation is not known. It is believed that the legislation would result in negligible costs to the Department of Defense.

Sincerely,

L. NIEDERLEHNER,
Acting General Counsel.

FISCAL DATA

The Department of Defense believes that the enactment of this legislation would result in negligible costs to the Department. The number of survivors who would be eligible for benefits under the legislation is not known.

○

AUTHORIZING BENEFITS UNDER THE RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN TO WIDOWS OF CERTAIN DECEASED RESERVISTS

—————
AUGUST 25, 1976.—Ordered to be printed
—————

Mr. STRATTON, from the Committee on Armed Services,
submitted the following

REPORT

[To accompany S. 2090]

The Committee on Armed Services, to whom was referred the bill (S. 2090) to make the provisions of section 1331(e) of title 10, United States Code, retroactive to November 1, 1953, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the bill is to allow for the payment of widow's annuity under the Retired Serviceman's Family Protection Plan (RSFPP) in the case of a reservist who died before August 13, 1968, and whose death occurred after his 60th birthday but before the first day of the next month. (The problem would not occur in the case of a reservist who died after August 13, 1968, because the law was changed on that date to provide eligibility for benefits on the date the reservist reaches age 60, rather than the first day of the next month.)

BACKGROUND

Under the current provisions of subsection 1331(e) of title 10, United States Code (which were enacted effective August 13, 1968), a reservist who has completed the necessary years of service to qualify for retired pay is, on application, entitled to receive that pay on his 60th birthday. If such a reservist has elected to participate in the Retired Serviceman's Family Protection Plan (or the successor Survivor Benefit Plan), his survivors would be entitled to a survivor annuity if he dies at any time after he attains age 60.

Before August 13, 1968, a reservist who was otherwise qualified for retired pay was entitled to retired pay only from the first day of the month after he attained age 60. If such a reservist died after attaining

age 60 but before the first day of the next month, his survivors would not be entitled to a survivor annuity even though he had elected participation in the Retired Serviceman's Family Protection Plan.

S. 2090, by specifying that for the purposes of survivor annuities authorized by subchapter I of chapter 73 of title 10, United States Code, and predecessor laws, the provisions of subsection 1331(e) of title 10 would be effective from November 1, 1953, would have the effect of providing survivor annuities to eligible survivors in those rare instances in which a reservist who, having completed the years of service required to qualify for Reserve retired pay, and having elected to participate in the Retired Serviceman's Family Protection Plan, died after age 60 but before the first day of the following month.

DEPARTMENTAL DATA

The Department of Defense has no objection to the enactment of S. 2090, as is indicated by the following letter which is hereby made a part of this report:

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., August 3, 1976.

HON. MELVIN PRICE,
*Chairman, Committee on Armed Services,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In accordance with your request, the provisions of S. 2090, 94th Congress, a bill "To make the provisions of section 1331(e) of title 10, United States Code, retroactive to November 1, 1953," have been reviewed.

Before August 13, 1968, a member of a reserve component who was otherwise qualified for retired pay under chapter 67 of title 10, United States Code, and had applied therefor, would begin to receive that pay on the first day of the month following the month in which he attained age 60. If such a member who had elected participation in the Retired Serviceman's Family Protection Plan (RSFPP), died after he attained age 60 but before the first day of the month following the month in which he attained the age, his survivors would not be eligible for benefits under the RSFPP.

Public Law 90-485 amended section 1331 of chapter 67 of title 10, United States Code, by adding subsection (e), effective August 13, 1968, which had the effect of providing that thereafter a member or former member of a reserve component who was otherwise qualified for retired pay would be entitled to that pay effective from the date he attained age 60. Accordingly, the designated survivor of such a person who had elected to participate in the RSFPP and died after attaining age 60 but before the first day of the following month would be eligible for benefits under the RSFPP.

The apparent purpose of S. 2090 is to provide survivor benefit coverage under the RSFPP for a designated eligible beneficiary of a member of a reserve component who, on or before August 13, 1968 was qualified for retired pay under chapter 73 of title 10, United States Code, but who died on or before the first day of the month following the month in which he attained age 60.

The Department of Defense has no objection to enactment of S. 2090.

COST AND BUDGET DATA

The number of survivors who would be eligible for benefits under this legislation is not known. It is believed that the legislation would result in negligible costs to the Department of Defense.

Sincerely,

RICHARD A. WILEY.

COMMITTEE POSITION

The Committee on Armed Services, on August 24, 1976, a quorum being present, approved S. 2090 by a rollcall vote of 25 to 0, with 1 voting present.

FISCAL DATA

Only one potential beneficiary has been brought to the attention of the committee. While there may be a few other potential beneficiaries, the number would be extremely small and the cost negligible.

EXECUTIVE BRANCH ESTIMATE

The Department of Defense states that the bill would result in negligible costs to the Department.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office and submitted pursuant to section 403 of the Congressional Budget Act of 1974 is included hereafter:

AUGUST 23, 1976.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill No.: S. 2090.
2. Bill title: Survivor pay for certain survivors of Reserve retirees.
3. Purpose of the bill: This bill makes the provisions of Section 1331(e) of Title 10, United States Code, retroactive to 1 November 1953.

Before August 1968, a member of a reserve component who was otherwise qualified for retired pay, and had applied for retired pay, would begin to receive that pay on the first day of the month following the month in which he attained age 60. If such a member had elected participation in the Retired Serviceman's Family Protection Plan (RSFPP), and died after he attained age 60 but before the first day of the following month, his survivors would not be eligible for benefits under the RSFPP.

Under a change in the law effective after August 1968, survivors of those retired reserves who elected coverage under RSFPP received survivor's benefits even if the reservist died between the day he reached

age 60 and the first day of the following month. This bill makes this provision of the August 1968 law retroactive to 1 November 1953.

4. Budget impact: It is estimated that this bill would increase costs in the military retired pay appropriation by less than \$25,000 per year.

5. Basis of estimate: Costs of S. 2090 are small because the bill would only affect survivors of reserves who both reached age 60 between 1953 and 1968 and died between their 60th birthday and the first day of the following month. In addition, costs are reduced by deaths among survivors, because not all reserves participated in RSFPP, and because RSFPP survivors do not receive CPI adjustments.

Estimates are based on actuarial reconstructions since no data was available.

6. Estimate comparison: DOD did not estimate the costs of this bill, but indicated they felt they were negligible.

INFLATION-IMPACT STATEMENT

Because it affects only a relatively small group of people, this legislation will not have a significant impact on the national economy.

OVERSIGHT FINDINGS

With reference to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, there is herewith printed in parallel columns the text of existing law which would be repealed or amended by the various provisions of the bill as reported.

EXISTING LAW

TITLE 10, UNITED STATES CODE

Chapter 67.—RETIRED PAY FOR NON-REGULAR SERVICE

- Sec.
1331. Age and service requirements.
1332. Computation of years of service in determining entitlement to retired pay.
1333. Computation of years of service in computing retired pay.
1334. Time not creditable towards years of service.
1335. Inactive status list.
1336. Service credited for retired pay benefits not excluded for other benefits.
1337. Limitation on active.

§ 1331. Age and service requirements.

(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 1401 of this title, if—

- (1) he is at least 60 years of age;
- (2) he has performed at least 20 years of service computed under section 1332 of this title;

THE BILL AS REPORTED

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

(3) he performed the last eight years of qualifying service while a member of any category named in section 1332(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

(4) he is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of the Treasury, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

(c) No person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 1332(a)(1) of this title except a regular component, is eligible for retired pay under this chapter, unless he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947, or unless he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953.

(d) The Secretary concerned shall provide for notifying each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice must be sent, in writing, to the person concerned within one year after he has completed that service.

H.R. 1436

(e) Notwithstanding section 8301 of title 5, United States Code, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed. (Aug. 10, 1956, ch. 1041, 70A Stat. 102; Aug. 21, 1958, Pub. L. 85-704, 72 Stat. 702; Sept. 2, 1958, Pub. L. 85-861, § 3(a)(8), 72 Stat. 1564; Oct. 14, 1966, Pub. L. 89-652, § 1, 80 Stat. 902; Aug. 13, 1968, Pub. L. 90-485, § 2, 82 Stat. 754.)

That for the purposes of survivor annuities under subchapter I of chapter 73 of title 10, United States Code, and under prior corresponding provisions of law, the provisions of section 1331(e) of such title 10, relating to the date of entitlement to retired pay under chapter 67 of such title 10, shall be effective as of November 1, 1953.

SEC. 2. No benefits shall be paid to any person for any period prior to the date of enactment of this Act as a result of the enactment of this Act.

H.R. 1436

6

7

SUMMARY**PURPOSE**

The purpose of the bill is to allow for payment of a widow's annuity under the Retired Serviceman's Family Protection Plan (RSFPP) in the case of a reservist who died before August 13, 1968, and whose death occurred after his 60th birthday but before the first day of the next month.

FISCAL DATA

There will be, at most, only a small number of beneficiaries and, therefore, the cost of the bill will be negligible.

DEPARTMENTAL POSITION

The Department of Defense has no objection to the enactment of S. 2090.

COMMITTEE POSITION

The Committee on Armed Services, on August 24, 1976, a quorum being present, approved S. 2090 by a rollcall vote of 25 to 0, with 1 voting present.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 25

Time: 1030am

FOR ACTION: NSC/S
 Max Friedersdorf
 Bobbie Kilberg

cc (for information): Jack Marsh
 Jim Connor
 Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 28

Time: noon

SUBJECT:

S. 2090-Authorizing benefits under the Retired Serviceman
 Family Protection Plan to survivors of certain deceased
 reservists

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

approx Kilberg 9/28/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
 delay in submitting the required material, please
 telephone the Staff Secretary immediately.

James M. Cannon
 For the President

NATIONAL SECURITY COUNCIL

September 27, 1976

MEMORANDUM FOR: JAMES M. CANNON
FROM: Jeanne W. Davis *JW*
SUBJECT: S. 2090

The NSC Staff concurs in Enrolled Bill S. 2090 - Authorizing Benefits under the Retired Serviceman's Family Protection Plan to Survivors of Certain Deceased Reservists.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To make the provisions of section 1331(e) of title 10, United States Code, retroactive to November 1, 1953.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of survivor annuities under subchapter I of chapter 73 of title 10, United States Code, and under prior corresponding provisions of law, the provisions of section 1331(e) of such title 10, relating to the date of entitlement to retired pay under chapter 67 of such title 10, shall be effective as of November 1, 1953.

SEC. 2. No benefits shall be paid to any person for any period prior to the date of enactment of this Act as a result of the enactment of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*