

103^D CONGRESS
1ST SESSION

H. R. 3574

To amend title 10, United States Code, to provide improved benefits for former spouses of certain members of the uniformed services voluntarily or involuntarily discharged during the reduction in levels of military personnel.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1993

Mrs. SCHROEDER introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide improved benefits for former spouses of certain members of the uniformed services voluntarily or involuntarily discharged during the reduction in levels of military personnel.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FORMER SPOUSE SHARE OF SEPARATION BEN-**
4 **EFITS.**

5 (a) SPECIAL SEPARATION BENEFIT.—Section 1174a
6 of title 10, United States Code, is amended by adding at
7 the end the following new subsection:

1 “(i) FORMER SPOUSE SHARE.—(1) Payment of sepa-
2 ration pay under this section shall be subject to a court
3 order treating the separation pay as property of the mem-
4 ber and the member’s spouse or former spouse in the same
5 manner as retired pay is treated under section 1408 of
6 this title.

7 “(2) This subsection shall apply only in the case of
8 a decree of divorce, dissolution, or annulment that be-
9 comes final on or after the date of the enactment of this
10 subsection, except that this subsection shall apply in the
11 case of a decree of divorce, dissolution, or annulment that
12 became final before such date if the spouse or former
13 spouse has a court order (authorized by section 1408 of
14 this title) providing for the treatment of the retired pay
15 of the member, or the treatment of the Special Separation
16 Benefit, as the property of the member and the member’s
17 spouse or former spouse. In such a case, the Secretary
18 concerned shall treat the court order as if it referred to
19 separation pay under this section rather than to retired
20 pay.”.

21 (b) VARIABLE SEPARATION INCENTIVE.—Section
22 1175 of title 10, United States Code, is amended by add-
23 ing at the end the following new subsection:

24 “(k) FORMER SPOUSE SHARE.—(1) Payment of a
25 voluntary separation incentive under this section shall be

1 subject to a court order treating the voluntary separation
2 incentive as property of the member and the member's
3 spouse or former spouse in the same manner as retired
4 pay is treated under section 1408 of this title.

5 “(2) This subsection shall apply only in the case of
6 a decree of divorce, dissolution, or annulment that be-
7 comes final on or after the date of the enactment of this
8 subsection, except that this subsection shall apply in the
9 case of a decree of divorce, dissolution, or annulment that
10 became final before such date if the spouse or former
11 spouse has a court order (authorized by section 1408 of
12 this title) providing for the treatment of the retired pay
13 of the member, or the treatment of the Variable Separation
14 Incentive, as the property of the member and the
15 member's spouse or former spouse. In such a case, the
16 Secretary concerned shall treat the court order as if it re-
17 ferred to voluntary separation incentive payments under
18 this section rather than to retired pay.”.

19 **SEC. 2. CONTINUATION OF TRANSITIONAL COMMISSARY**
20 **AND EXCHANGE BENEFITS FOR FORMER**
21 **SPOUSES.**

22 Section 1146 of title 10, United States Code, is
23 amended—

24 (1) by inserting “(a) BENEFITS AUTHOR-
25 IZED.—” before “The Secretary”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(b) EFFECT OF DIVORCE, DISSOLUTION, OR AN-
4 NULMENT.—If after the date of the enactment of this sub-
5 section, a decree of divorce, dissolution, or annulment re-
6 garding a member and the spouse of the member becomes
7 final during the two-year period specified in subsection (a)
8 with respect to the member, the former spouse shall con-
9 tinue to be eligible to use commissary and exchange stores
10 for the remainder of such period in the same manner as
11 if the former spouse was still married to the member.”.

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