104TH CONGRESS
2D SESSION

H. R. 3408

To amend title 10, United States Code, to revise the provisions of law relating to payment of retired pay of retired members of the Armed Forces to former spouses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1996

Mr. SCARBOROUGH introduced the following bill; which was referred to the Committee on National Security

A BILL

To amend title 10, United States Code, to revise the provisions of law relating to payment of retired pay of retired members of the Armed Forces to former spouses, and for other purposes.

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. AMENDMENTS TO UNIFORMED SERVICES**

4   **FORMER SPOUSES' PROTECTIONS ACT.**

5   (a) DIVISION OF RETIRED PAY TO BE BASED ON

6 GRADE AND YEARS OF SERVICE OF SERVICEMEMBER

7 WHEN DIVORCED.—(1) Section 1408(c) of title 10,

1 United States Code, is amended by adding at the end the

2 following new paragraph:

3   "(5)(A) In the case of a member as to whom a final

4 decree of divorce, dissolution, annulment, or legal separa-

5 tion is issued before the date the member begins to receive

6 retired pay, the disposable retired pay of the member that

7 a court may treat in the manner described in paragraph

8 (1) shall be computed based on the pay grade, and the

9 length of service, of the member while married that are

10 creditable for purposes of determining entitlement to basic

11 pay and to retired pay on the date of the final decree.

12 Amounts so calculated shall be increased by the cumu-

13 lative percentage of increases in basic pay between the

14 date of the final decree and the effective date of the mem-

15 ber's retirement.

16   "(B) With respect to payments to a former spouse

17 from a member's disposable retired pay pursuant to a

18 court order issued before the date of the enactment of this

19 paragraph, the Secretary shall—

20   "(i) within 90 days of such date, recompute the

21   amounts of those payments in accordance with sub-

22   paragraph (A); and

23   "(ii) within 180 days of such date, adjust the

24   amount of disposable retired pay payable to the

25   former spouse accordingly.".

1 (2) The amendment made by paragraph (1) shall
2 apply with respect to decrees of divorce, dissolution, or an-
3 nulment that are issued after the date of the enactment
4 of this Act.

5 (b) STATUTE OF LIMITATIONS FOR FORMER SPOUSE
6 ASSERTION OF RIGHTS.—Section 1408(c) of title 10,
7 United States Code, is amended by adding after para-
8 graph (5), as added by subsection (a), the following new
9 paragraph:

10 ''(6) A court may not treat the disposable retired pay
11 of a member in the manner described in paragraph (1)
12 unless the member's spouse or former spouse makes prop-
13 er application to a court for division or partition of retired
14 pay of the member as property of the member and the
15 member's spouse or former spouse within one year of the
16 date of a final decree of divorce, dissolution, annulment,
17 or legal separation, including a court ordered, ratified, or
18 approved property settlement incident to such a decree.''.

19 (2) The amendment made by paragraph (1) shall
20 apply with respect to decrees of divorce, dissolution, or an-
21 nulment that are issued after the date of the enactment
22 of this Act.

23 (c) COMMISSARY AND EXCHANGE PRIVILEGES.—(1)
24 Section 1005 of the Uniformed Services Former Spouses'

1 Protection Act (10 U.S.C. 1408 note) is amended to read

2 as follows:

3   ''COMMISSARY AND EXCHANGE PRIVILEGES

4   ''SEC. 1005. The Secretary of Defense shall prescribe

5 such regulations as may be neceesary to provide that a

6 former spouse of a member of the uniformed services loses

7 commissary and exchange privileges when a decree of di-

8 vorce, dissolution, or annulment becomes final.''.

9   (2) The amendment made by paragraph (1) shall

10 take effect on the date of the enactment of this Act and

11 shall apply with respect to decrees of divorce, dissolution,

12 or annulment that are issued before, on, or after that date.

○