

103^D CONGRESS
1ST SESSION

H. R. 3456

To amend title 38, United States Code, to restore certain benefits eligibility to unremarried surviving spouses of veterans.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 1993

Mr. SLATTERY (for himself, Mr. MONTGOMERY, Mr. STUMP, Mr. APPELATE, Mr. EVERETT, Mr. EVANS, Mr. STEARNS, Mr. KING, Mr. EDWARDS of Texas, Mr. TEJEDA, Ms. WATERS, and Mr. SPENCE) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to restore certain benefits eligibility to unremarried surviving spouses of veterans.

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. SHORT TITLE.**

4 This Act may be cited as the “Surviving Spouses’
5 Benefits Act of 1993”.

1 **SEC. 2. SPECIAL DEATH GRATUITY FOR UNREMARIED**
2 **SURVIVING SPOUSES.**

3 (a) IN GENERAL.—Chapter 13 of title 38, United
4 States Code, is amended by adding at the end of sub-
5 chapter II the following new section:

6 **“§ 1319. Special death gratuity**

7 “In any case in which benefits under this chapter
8 have been terminated or denied as the result of a marriage
9 by a surviving spouse and in which such marriage has sub-
10 sequently been terminated by death or divorce, a special
11 monthly death gratuity shall be payable to an unremarried
12 surviving spouse in an amount equal to the amount pay-
13 able under section 1311(a)(1) of this title, subject to a
14 reduction of \$1 for each \$1 of income countable under
15 section 1315(f)(1) of this title.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by inserting
18 after the item relating to section 1318 the following new
19 item:

“1319. Special death gratuity.”.

20 **SEC. 3. RESTORATION OF PENSION ELIGIBILITY FOR**
21 **UNREMARIED SPOUSES.**

22 Section 1501 of title 38, United States Code, is
23 amended by adding at the end the following new para-
24 graph:

1 “(5) The term ‘surviving spouse’ includes the spouse
2 of a deceased veteran whose eligibility for benefits under
3 this chapter as a surviving spouse was terminated or de-
4 nied by reason of a subsequent remarriage if such subse-
5 quent remarriage is terminated by death or divorce.”.

6 **SEC. 4. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Subject to subsection (b), the
8 amendments made by sections 2 and 3 shall take effect
9 on December 1, 1994.

10 (b) CONTINGENCY.—The amendments made by sec-
11 tions 2 and 3 shall not take effect if there has not been
12 enacted as of December 1, 1994, a law providing a cost-
13 of-living adjustment in the rates of compensation payable
14 under chapter 11 or dependency and indemnity compensa-
15 tion payable under chapter 13 of title 38, United States
16 Code, for fiscal year 1995.

17 **SEC. 5. POLICY REGARDING COST-OF-LIVING ADJUSTMENT**
18 **IN COMPENSATION RATES FOR FISCAL YEAR**
19 **1995.**

20 (a) ROUNDING DOWN.—The fiscal year 1995 cost-of-
21 living adjustments in the rates of and limitations for com-
22 pensation payable under chapter 11 of title 38, United
23 States Code, and of dependency and indemnity compensa-
24 tion payable under chapter 13 of such title will be no more
25 than a percentage equal to the percentage by which benefit

1 amounts payable under title II of the Social Security Act
2 (42 U.S.C. 401 et seq.) are increased effective December
3 1, 1994, as a result of a determination under section
4 215(i) of such Act (42 U.S.C. 415(i)), with all increased
5 monthly rates and limitations (other than increased rates
6 or limitations equal to a whole dollar amount) rounded
7 down to the next lower dollar.

8 (b) LIMITATION ON FISCAL YEAR 1995 COST-OF-
9 LIVING ADJUSTMENT FOR CERTAIN DIC RECIPIENTS.—

10 (1) During fiscal year 1995, the amount of any increase
11 in any of the rates of dependency and indemnity com-
12 pensation in effect under section 1311(a)(3) of title 38,
13 United States Code, will not exceed 50 percent of the new
14 law increase, rounded down (if not an even dollar amount)
15 to the next lower dollar.

16 (2) For purposes of paragraph (1), the new law in-
17 crease is the amount by which the rate of dependency and
18 indemnity compensation provided for recipients under sec-
19 tion 1311(a)(1) of such title is increased for fiscal year
20 1995.

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