

111TH CONGRESS
1ST SESSION

S. 1118

To amend title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2009

Mrs. LINCOLN (for herself, Mr. KOHL, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for an increase in the amount of monthly dependency and indemnity compensation payable to surviving spouses by the Secretary of Veterans Affairs, 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. INCREASE IN AMOUNT OF DEPENDENCY AND**
4 **INDEMNITY COMPENSATION PAYABLE TO**
5 **SURVIVING SPOUSES.**

6 (a) INCREASE.—Section 1311 of title 38, United
7 States Code, is amended—

1 (1) in subsection (a)(1), by striking “of
2 \$1,091” and inserting “equal to 55 percent of the
3 rate of monthly compensation in effect under section
4 1114(j) of this title”; and

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

7 “(g) Notwithstanding any other provision of law
8 (other than section 5304(b)(3) of this title), in the case
9 of an individual who is eligible for dependency and indem-
10 nity compensation under this section who is also eligible
11 for benefits under another provision of law by reason of
12 such individual’s status as the surviving spouse of a vet-
13 eran, then, neither a reduction nor an offset in benefits
14 under such provision shall be made by reason of such indi-
15 vidual’s eligibility for benefits under this section.”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall apply with respect to compensation
18 paid under chapter 13 of title 38, United States Code,
19 for months beginning after the date that is 180 days after
20 the date of the enactment of this Act.

1 **SEC. 2. PHASE-IN OF PAYMENT OF DEPENDENCY AND IN-**
 2 **DEMNITY COMPENSATION WITH RESPECT TO**
 3 **VETERANS WHO DIE OF NON-SERVICE CON-**
 4 **NECTED DISABILITY AFTER ENTITLEMENT**
 5 **TO COMPENSATION FOR SERVICE-CON-**
 6 **NECTED DISABILITY RATED AS TOTALLY DIS-**
 7 **ABLING FOR AT LEAST FIVE YEARS.**

8 Section 1318 of title 38, United States Code, is
 9 amended—

10 (1) in subsection (b)(1), by striking “10 years”
 11 and inserting “five years”;

12 (2) by redesignating subsections (c), (d), and
 13 (e) as subsections (d), (e), and (f), respectively; and

14 (3) by inserting after subsection (b) the fol-
 15 lowing new subsection (c):

16 “(c) In the case of a deceased veteran described in
 17 subsection (b)(1), benefits under this chapter shall be pay-
 18 able under subsection (a) in amounts as follows:

19 “(1) If the disability of the veteran described in
 20 subsection (b)(1) was continuously rated totally dis-
 21 abling for a period of at least five years, but less
 22 than six years, immediately preceding death, at the
 23 rate of 50 percent of the benefits otherwise so pay-
 24 able.

25 “(2) If the disability of the veteran so described
 26 was continuously rated totally disabling for a period

1 of at least six years, but less than seven years, im-
2 mediately preceding death, at the rate of 60 percent
3 of the benefits otherwise so payable.

4 “(3) If the disability of the veteran so described
5 was continuously rated totally disabling for a period
6 of at least seven years, but less than eight years, im-
7 mediately preceding death, at the rate of 70 percent
8 of the benefits otherwise so payable.

9 “(4) If the disability of the veteran so described
10 was continuously rated totally disabling for a period
11 of at least eight years, but less than nine years, im-
12 mediately preceding death, at the rate of 80 percent
13 of the benefits otherwise so payable.

14 “(5) If the disability of the veteran so described
15 was continuously rated totally disabling for a period
16 of at least nine years, but less than 10 years, imme-
17 diately preceding death, at the rate of 90 percent of
18 the benefits otherwise so payable.

19 “(6) If the disability of the veteran so described
20 was continuously rated totally disabling for a period
21 of at least 10 years immediately preceding death, at
22 the rate otherwise so payable.”

1 **SEC. 3. REDUCTION FROM AGE 57 TO AGE 55 OF AGE AFTER**
2 **WHICH REMARRIAGE OF SURVIVING SPOUSE**
3 **SHALL NOT TERMINATE DEPENDENCY AND**
4 **INDEMNITY COMPENSATION.**

5 (a) **REDUCTION IN AGE.**—Section 103(d)(2)(B) of
6 title 38, United States Code, is amended—

7 (1) in the first sentence, by striking “age 57”
8 and inserting “age 55”; and

9 (2) by striking the second sentence.

10 (b) **EFFECTIVE DATE.**—The amendments made by
11 subsection (a) shall take effect on the date that is the later
12 of—

13 (1) the first day of the first month that begins
14 after the date of the enactment of this Act; and

15 (2) the first day of the fiscal year that begins
16 in the calendar year in which this Act is enacted.

17 (c) **RETROACTIVE BENEFITS PROHIBITED.**—No ben-
18 efit may be paid to any person by reason of the amend-
19 ment made by subsection (a) for any period before the
20 effective date specified in subsection (b).

21 (d) **APPLICATION FOR BENEFITS.**—In the case of an
22 individual who but for having remarried would be eligible
23 for benefits under title 38, United States Code, by reason
24 of the amendment made by subsection (a) and whose re-
25 marriage was before the date of the enactment of this Act
26 and after the individual had attained age 55, the indi-

1 individual shall be eligible for such benefits by reason of such
2 amendment only if the individual submits an application
3 for such benefits to the Secretary of Veterans Affairs not
4 later than the end of the one-year period beginning on the
5 date of the enactment of this Act.

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