

114TH CONGRESS  
1ST SESSION

# S. 241

To amend title 38, United States Code, to provide for the payment of temporary compensation to a surviving spouse of a veteran upon the death of the veteran, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2015

Mr. TESTER (for himself and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide for the payment of temporary compensation to a surviving spouse of a veteran upon the death of the veteran, 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. SHORT TITLE.**

4       This Act may be cited as the “Military Family Relief  
5       Act of 2015”.

1 **SEC. 2. AUTHORIZATION FOR TEMPORARY PAYMENT OF**  
2 **DEPENDENCY AND INDEMNITY COMPENSA-**  
3 **TION OR DEATH PENSION UPON THE DEATH**  
4 **OF A VETERAN.**

5 (a) TEMPORARY DEPENDENCY AND INDEMNITY  
6 COMPENSATION.—Section 1318 of title 38, United States  
7 Code, is amended—

8 (1) by redesignating subsections (d) and (e) as  
9 subsections (e) and (f), respectively; and

10 (2) by inserting after subsection (c) the fol-  
11 lowing new subsection (d):

12 “(d)(1) Notwithstanding subsection (b) and section  
13 5101(a)(1) of this title and subject to paragraphs (2) and  
14 (3), the Secretary may pay temporary dependency and in-  
15 demnity compensation under this chapter to an individual  
16 described in paragraph (2) without regard to whether that  
17 individual has submitted a claim for such compensation  
18 if, at the time of the death of the veteran, the veteran  
19 was in receipt of or entitled to receive (or but for the re-  
20 ceipt of retired or retirement pay was entitled to receive)  
21 compensation for a service-connected disability continu-  
22 ously rated as total for not less than one year immediately  
23 preceding the death of the veteran.

24 “(2) An individual described in this paragraph is an  
25 individual determined by the Secretary, based on evidence  
26 in the file of the deceased veteran on the date of the death

1 of the veteran, including the veteran's death certificate,  
2 to be the surviving spouse of the deceased veteran.

3 “(3) Any compensation paid under this subsection  
4 shall be made for a period not to exceed six months begin-  
5 ning on the first day of the month in which the veteran  
6 died.

7 “(4) No individual may receive compensation under  
8 this subsection and receive during the same period—

9 “(A) dependency and indemnity compensation  
10 under any other provision of this title; or

11 “(B) pension under section 1541 of this title,  
12 except as provided in subsection (h)(5) of that sec-  
13 tion.”.

14 (b) TEMPORARY PENSION.—Section 1541 of such  
15 title is amended—

16 (1) by redesignating subsection (h) as sub-  
17 section (i); and

18 (2) by inserting after subsection (g) the fol-  
19 lowing new subsection (h):

20 “(h)(1) Notwithstanding section 5101(a)(1) of this  
21 title, the Secretary may pay pension at the monthly rate  
22 of  $\frac{1}{12}$  of the annual rate specified in subsection (b) to  
23 an individual described in paragraph (2) without regard  
24 to whether the individual has submitted a claim for such  
25 pension if, at the time of the death of the veteran, the

1 veteran was in receipt of pension under section 1513 or  
2 1521 of this title as a married veteran based on the mar-  
3 riage of the veteran to the individual.

4 “(2) An individual described in this paragraph is an  
5 individual determined by the Secretary, based on evidence  
6 in the file of the deceased veteran on the date of the death  
7 of the veteran, to be the surviving spouse of the deceased  
8 veteran.

9 “(3) Any pension paid under this subsection shall be  
10 made for a period not to exceed six months beginning on  
11 the first day of the month in which the veteran died.

12 “(4) Pension authorized by this subsection shall be  
13 paid without regard to the annual income and net worth  
14 of the individual.

15 “(5) If an individual who is paid pension under this  
16 subsection is entitled to pension under another provision  
17 of this chapter or to dependency and indemnity compensa-  
18 tion under chapter 13 of this title for the period for which  
19 the individual was paid pension under this subsection or  
20 any part of that period, the individual shall be paid pen-  
21 sion under such other provision of this chapter or depend-  
22 ency and indemnity compensation under chapter 13 of this  
23 title for that period in the amount by which the pension  
24 or compensation to which the individual is entitled exceeds

1 the amount of pension paid under this section for that  
2 period.”.

3 (c) CONFORMING AMENDMENT.—Section 5101(a)(1)  
4 of title 38, United States Code, is amended by striking  
5 “A specific claim” and inserting “Except as otherwise pro-  
6 vided in this title, a specific claim”.

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