

103D CONGRESS  
1ST SESSION

# H. R. 3456

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 18 (legislative day, NOVEMBER 2), 1993

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

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”.

6 **SEC. 2. SPECIAL DEATH GRATUITY FOR UNREMARIED**  
7 **SURVIVING SPOUSES.**

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

1 **“§ 1319. Special death gratuity**

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

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of such chapter is amended by inserting  
13 after the item relating to section 1318 the following new  
14 item:

“1319. Special death gratuity.”.

15 **SEC. 3. RESTORATION OF PENSION ELIGIBILITY FOR**  
16 **UNREMARIED SPOUSES.**

17 Section 1501 of title 38, United States Code, is  
18 amended by adding at the end the following new para-  
19 graph:

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

1 **SEC. 4. RESTORATION OF BURIAL ELIGIBILITY FOR**  
 2 **UNREMARIED SPOUSES.**

3 Section 2402(5) of title 38, United States Code, is  
 4 amended by inserting “(which for purposes of this chapter  
 5 includes an unremarried surviving spouse who had a sub-  
 6 sequent remarriage which was terminated by death or di-  
 7 vorce)” after “surviving spouse”.

8 **SEC. 5. EFFECTIVE DATE.**

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

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

19 **SEC. 6. POLICY REGARDING COST-OF-LIVING ADJUSTMENT**  
 20 **IN COMPENSATION RATES FOR FISCAL YEAR**  
 21 **1995.**

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

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

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

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

17 (2) For purposes of paragraph (1), the new law in-  
18 crease is the amount by which the rate of dependency and  
19 indemnity compensation provided for recipients under sec-  
20 tion 1311(a)(1) of such title is increased for fiscal year  
21 1995.

Passed the House of Representatives November 16,  
1993.

Attest: DONNALD K. ANDERSON,  
*Clerk.*