

**Union Calendar No. 189**

103D CONGRESS  
1ST SESSION

**H. R. 3456**

**[Report No. 103-350]**

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**A BILL**

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

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NOVEMBER 10, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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### 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

NOVEMBER 10, 1993

Additional sponsors: Mr. BISHOP, Mr. SMITH of New Jersey, Mr. HEFNER, Mr. RIDGE, Mr. RICHARDSON, Mr. QUINN, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. BILIRAKIS

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[Omit the part struck through and insert the part printed in italic]

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## 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”.

6 **SEC. 2. SPECIAL DEATH GRATUITY FOR UNREARRIED**  
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:

11 **“§ 1319. Special death gratuity**

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

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of such chapter is amended by inserting  
23 after the item relating to section 1318 the following new  
24 item:

“1319. Special death gratuity.”.

1 **SEC. 3. RESTORATION OF PENSION ELIGIBILITY FOR**  
2 **UNREMARIED SPOUSES.**

3 Section 1501 of title 38, United States Code, is  
4 amended by adding at the end the following new para-  
5 graph:

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

11 **SEC. 4. RESTORATION OF BURIAL ELIGIBILITY FOR**  
12 **UNREMARIED SPOUSES.**

13 *Section 2402(5) of title 38, United States Code, is*  
14 *amended by inserting “(which for purposes of this chapter*  
15 *includes an unremarried surviving spouse who had a subse-*  
16 *quent remarriage which was terminated by death or di-*  
17 *vorce)” after “surviving spouse”.*

18 **SEC. 4. 5. EFFECTIVE DATE.**

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

22 (b) CONTINGENCY.—The amendments made by sec-  
23 tions 2 and 3 shall not take effect if there has not been  
24 enacted as of December 1, 1994, a law providing a cost-  
25 of-living adjustment in the rates of compensation payable  
26 under chapter 11 or dependency and indemnity compensa-

1 tion payable under chapter 13 of title 38, United States  
2 Code, for fiscal year 1995.

3 **SEC. 5. 6. POLICY REGARDING COST-OF-LIVING ADJUST-**  
4 **MENT IN COMPENSATION RATES FOR FISCAL**  
5 **YEAR 1995.**

6 (a) ROUNDING DOWN.—The fiscal year 1995 cost-of-  
7 living adjustments in the rates of and limitations for com-  
8 pensation payable under chapter 11 of title 38, United  
9 States Code, and of dependency and indemnity compensa-  
10 tion payable under chapter 13 of such title will be no more  
11 than a percentage equal to the percentage by which benefit  
12 amounts payable under title II of the Social Security Act  
13 (42 U.S.C. 401 et seq.) are increased effective December  
14 1, 1994, as a result of a determination under section  
15 215(i) of such Act (42 U.S.C. 415(i)), with all increased  
16 monthly rates and limitations (other than increased rates  
17 or limitations equal to a whole dollar amount) rounded  
18 down to the next lower dollar.

19 (b) LIMITATION ON FISCAL YEAR 1995 COST-OF-  
20 LIVING ADJUSTMENT FOR CERTAIN DIC RECIPIENTS.—  
21 (1) During fiscal year 1995, the amount of any increase  
22 in any of the rates of dependency and indemnity com-  
23 pensation in effect under section 1311(a)(3) of title 38,  
24 United States Code, will not exceed 50 percent of the new

1 law increase, rounded down (if not an even dollar amount)  
2 to the next lower dollar.

3 (2) For purposes of paragraph (1), the new law in-  
4 crease is the amount by which the rate of dependency and  
5 indemnity compensation provided for recipients under sec-  
6 tion 1311(a)(1) of such title is increased for fiscal year  
7 1995.