

104TH CONGRESS
1ST SESSION

H. R. 109

To amend title 38, United States Code, to provide that the effective date for discontinuance of compensation and pension paid by the Secretary of Veterans Affairs shall be the date on which the recipient dies, rather than the last day of the preceding month, in the case of a veteran with a surviving spouse, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. BILIRAKIS introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide that the effective date for discontinuance of compensation and pension paid by the Secretary of Veterans Affairs shall be the date on which the recipient dies, rather than the last day of the preceding month, in the case of a veteran with a surviving spouse, 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,*

1 **SECTION 1. EFFECTIVE DATE OF DISCONTINUANCE OF**
2 **CERTAIN VETERANS' BENEFITS BY REASON**
3 **OF DEATH OF RECIPIENT.**

4 (a) IN GENERAL.—Section 5112(b)(1) of title 38,
5 United States Code, is amended to read as follows:

6 “(1) by reason of—

7 “(A) the marriage or remarriage of the
8 payee, shall be the last day of the month before
9 the month during which such marriage or re-
10 marriage occurs; and

11 “(B) the death of the payee, shall be (i)
12 the last day of the month before the month dur-
13 ing which the death occurs, or (ii) in the case
14 of a payee who was in receipt of compensation
15 or pension and who has a surviving spouse, the
16 date on which the death occurs;”.

17 (b) PAYMENT OF BENEFIT FOR FINAL MONTH.—
18 Section 5112 of such title is further amended by adding
19 at the end the following new subsection:

20 “(d) In the case of discontinuance of payment of com-
21 pensation or pension covered by subsection (b)(1)(B)(ii),
22 the payment for the final calendar month (or any portion
23 thereof) for which such benefit is payable shall (notwith-
24 standing any other provision of law) be payable to the sur-
25 viving spouse.”.

1 (c) COMMENCEMENT DATE FOR DIC.—Section
2 5110(d) of such title is amended by adding at the end
3 the following new paragraph:

4 “(3) Notwithstanding paragraph (1), the effective
5 date of an award of dependency and indemnity compensa-
6 tion for which application is received within one year from
7 the date of death shall, in the case of a surviving spouse
8 to whom an amount is payable pursuant to section
9 5111(d) of this title, be the day following the date on
10 which the death occurred.”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall apply with respect to the death of com-
13 pensation and pension recipients occurring after the later
14 of (1) September 30, 1995, or (2) the date of the enact-
15 ment of this Act.

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