

105TH CONGRESS
1ST SESSION

H. R. 2220

To amend title 38, United States Code, to reinstate eligibility for dependency and indemnity compensation for certain surviving spouses of veterans.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1997

Mr. SMITH of New Jersey (for himself and Mr. HUTCHINSON) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to reinstate eligibility for dependency and indemnity compensation for certain 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 “Dependency and In-
5 demnity Compensation Restoration Act of 1997”.

1 **SEC. 2. PROVISION OF ELIGIBILITY OF CERTAIN SURVIV-**
2 **ING SPOUSES FOR REINSTATEMENT OF DE-**
3 **PENDENCY AND INDEMNITY COMPENSATION**
4 **UPON TERMINATION OF SUBSEQUENT MAR-**
5 **RIAGE.**

6 (a) IN GENERAL.—Section 1311 of title 38, United
7 States Code, is amended by adding at the end the follow-
8 ing new subsection:

9 “(e)(1) A remarriage before November 1, 1990, of
10 the surviving spouse of a veteran shall not bar the furnish-
11 ing of dependency and indemnity compensation to such
12 person as the surviving spouse of the veteran if the remar-
13 riage is terminated by death or divorce, unless the Sec-
14 retary determines that the divorce was secured through
15 fraud by the surviving spouse or collusion.

16 “(2) In the case of a surviving spouse of a veteran
17 who, before November 1, 1990, was living with another
18 person and holding himself or herself out openly to the
19 public as that person’s spouse and who subsequently
20 ceases living with that person and holding himself or her-
21 self out openly to the public as that person’s spouse, the
22 bar to granting that person dependency and indemnity
23 compensation as the surviving spouse of the veteran shall
24 not apply.

25 “(3) The first month of eligibility for payment of de-
26 pendency and indemnity compensation to a surviving

1 spouse by reason of this subsection shall be the month
2 after—

3 “(A) the month of the termination of such re-
4 marriage, in the case of a surviving spouse described
5 in paragraph (1); or

6 “(B) the month of the cessation described in
7 paragraph (2), in the case of a surviving spouse de-
8 scribed in that paragraph.

9 “(4) The rate of dependency and indemnity com-
10 pensation payable to a surviving spouse who is eligible for
11 such compensation by reason of this subsection shall be
12 50 percent of the rate payable to a surviving spouse under
13 paragraphs (1) and (2) of subsection (a).”.

14 (b) NOTICE TO ELIGIBLE SURVIVING SPOUSES.—
15 The Secretary shall notify each surviving spouse eligible
16 for dependency and indemnity compensation, and each
17 surviving spouse whose eligibility for such compensation
18 was terminated by section 8004(a)(1) of the Omnibus
19 Budget Reconciliation Act of 1990 (Public Law 101–508),
20 of the provisions of section 1311(e) of title 38, United
21 States Code, as added by subsection (a).

22 (c) EFFECTIVE DATE.—No payment may be made by
23 reason of section 1311(e) for any month before October
24 1, 1997.

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