

107TH CONGRESS
2D SESSION

H. R. 5127

To amend title 38, United States Code, to provide for payment by the Secretary of Veterans Affairs of dependency and indemnity compensation to the surviving spouse of a deceased veteran who for at least one year preceding death had a combination of service-connected disabilities rated totally disabling that included a compensable service-connected cold-weather injury.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2002

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for payment by the Secretary of Veterans Affairs of dependency and indemnity compensation to the surviving spouse of a deceased veteran who for at least one year preceding death had a combination of service-connected disabilities rated totally disabling that included a compensable service-connected cold-weather injury.

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. DEPENDENCY AND INDEMNITY COMPENSATION**
2 **FOR SURVIVING SPOUSES OF CERTAIN VET-**
3 **ERANS WHO INCURRED COMPENSABLE**
4 **COLD-WEATHER INJURIES WHILE IN SERV-**
5 **ICE.**

6 (a) DISABILITY RATED TOTALLY DISABLING FOR
7 ONE YEAR PRECEDING DEATH.—Section 1318(b) of title
8 38, United States Code, is amended by adding at the end
9 the following new paragraph:

10 “(4) The veteran’s last discharge or other re-
11 lease from active duty was before August 13, 1998,
12 and the disability—

13 “(A) was continuously rated totally dis-
14 abling for a period of not less than one year im-
15 mediately preceding death; and

16 “(B) included, as part of a combination of
17 service-connected diseases or injuries considered
18 to form the rating of total disability, a compen-
19 sable cold-weather injury that was determined
20 by the Secretary after August 13, 1998, to be
21 service-connected.”.

22 (b) TECHNICAL AMENDMENTS.—Such section is fur-
23 ther amended—

24 (1) by striking “if—” in the matter preceding
25 paragraph (1) and inserting “if any of the following
26 applies:”;

- 1 (2) by striking “the” at the beginning of para-
- 2 graphs (1), (2), and (3) and inserting “The”;
- 3 (3) by striking the semicolon at the end of
- 4 paragraph (1) and inserting a period; and
- 5 (4) by striking “; or” at the end of paragraph
- 6 (2) and inserting a period.

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