

115TH CONGRESS
1ST SESSION

S. 1990

To amend title 38, United States Code, to increase amounts payable by the Department of Veterans Affairs for dependency and indemnity compensation, to modify the requirements for dependency and indemnity compensation for survivors of certain veterans rated totally disabled at the time of death, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2017

Mr. TESTER (for himself, Mr. BLUMENTHAL, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to increase amounts payable by the Department of Veterans Affairs for dependency and indemnity compensation, to modify the requirements for dependency and indemnity compensation for survivors of certain veterans rated totally disabled at the time of death, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dependency and In-
5 demnity Compensation Improvement Act of 2017”.

1 **SEC. 2. INCREASE IN AMOUNT OF DEPENDENCY AND IN-**
 2 **DEMUNITY COMPENSATION PAYABLE TO SUR-**
 3 **VIVING SPOUSES BY THE SECRETARY OF**
 4 **VETERANS AFFAIRS.**

5 (a) INCREASE.—Section 1311(a) of title 38, United
 6 States Code, is amended—

7 (1) in paragraph (1), by striking “of \$1,154”
 8 and inserting “equal to 55 percent of the rate of
 9 monthly compensation in effect under section
 10 1114(j) of this title”; and

11 (2) by striking paragraph (3).

12 (b) EFFECTIVE DATE.—

13 (1) IN GENERAL.—Except as provided by para-
 14 graph (2), the amendments made by subsection (a)
 15 shall apply with respect to compensation paid under
 16 chapter 13 of title 38, United States Code, for
 17 months beginning after the date that is six months
 18 after the date of the enactment of this Act.

19 (2) SPECIAL RULE FOR CERTAIN INDIVID-
 20 UALS.—

21 (A) IN GENERAL.—For months beginning
 22 after the date that is six months after the date
 23 of the enactment of this Act, the Secretary of
 24 Veterans Affairs shall pay to an individual de-
 25 scribed in subparagraph (B) dependency and
 26 indemnity compensation under section 1311 of

1 title 38, United States Code, in the monthly
2 amount that is the greater of the following:

3 (i) The amount determined under sub-
4 section (a)(3) of such section 1311, as in
5 effect on the day before the date of the en-
6 actment of this Act.

7 (ii) The amount determined under
8 subsection (a)(1) of such section 1311, as
9 amended by subsection (a).

10 (B) INDIVIDUALS DESCRIBED.—An indi-
11 vidual described in this subparagraph is an in-
12 dividual eligible for dependency and indemnity
13 compensation under section 1311 of title 38,
14 United States Code, that is predicated on the
15 death of a veteran before January 1, 1993.

16 **SEC. 3. MODIFICATION OF REQUIREMENTS FOR DEPEND-**
17 **ENCY AND INDEMNITY COMPENSATION PAY-**
18 **ABLE BY DEPARTMENT OF VETERANS AF-**
19 **FAIRS FOR SURVIVORS OF CERTAIN VET-**
20 **ERANS RATED TOTALLY DISABLED AT TIME**
21 **OF DEATH.**

22 (a) IN GENERAL.—Section 1318 of title 38, United
23 States Code, is amended—

24 (1) in subsection (a)—

1 (A) by striking “The Secretary” and in-
2 serting “(1) Except as provided in paragraph
3 (2), the Secretary”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(2) In any case in which the Secretary makes a pay-
7 ment under paragraph (1) of this subsection by reason
8 of subsection (b)(1) and the period of continuous rating
9 immediately preceding death is less than 10 years, the
10 amount payable under paragraph (1) of this subsection
11 shall be an amount which bears the same relationship to
12 the amount otherwise payable under such paragraph as
13 the duration of such period bears to 10 years.”; and

14 (2) in subsection (b)(1), by striking “10 or
15 more years” and inserting “five or more years”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall apply with respect to compensation
18 paid under chapter 13 of title 38, United States Code,
19 for months beginning after the date that is six months
20 after the date of the enactment of this Act.

1 **SEC. 4. ELIGIBILITY FOR DEPENDENCY AND INDEMNITY**
2 **COMPENSATION PAYABLE BY DEPARTMENT**
3 **OF VETERANS AFFAIRS FOR SURVIVING**
4 **SPOUSES WHO REMARRY AFTER AGE 55.**

5 Section 103(d)(2)(B) of title 38, United States Code,
6 is amended in the second sentence by inserting “chapter
7 13 or” after “benefits under”.

