

Union Calendar No. 164

103D CONGRESS
1ST SESSION

H. R. 3340

[Report No. 103-312]

A BILL

To amend 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes.

OCTOBER 28, 1993

Reported with amendments, 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

OCTOBER 21, 1993

Mr. SLATTERY (for himself, Mr. BILIRAKIS, Mr. MONTGOMERY, Mr. STUMP, Mr. APPELATE, Mr. EVERETT, Mr. EVANS, Mr. STEARNS, Mr. SANGMEISTER, Mr. KING, Mr. EDWARDS of Texas, Mr. TEJEDA, and Mr. SPENCE) introduced the following bill; which was referred to the Committee on Veterans' Affairs

OCTOBER 28, 1993

Additional sponsors: Ms. BROWN of Florida, Mr. RIDGE, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. ORTIZ

OCTOBER 28, 1993

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

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

A BILL

To amend 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the

rates of dependency and indemnity compensation for survivors of such veterans, 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; REFERENCES TO TITLE 38, UNIT-**
4 **ED STATES CODE.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Veterans’ ~~Benefits~~ *Compensation Rates* Amendments of
7 1993”.

8 (b) REFERENCES.—Except as otherwise expressly
9 provided, whenever in this Act an amendment or repeal
10 is expressed in terms of an amendment to, or repeal of,
11 a section or other provision, the reference shall be consid-
12 ered to be made to a section or other provision of title
13 38, United States Code.

14 ~~TITLE I—COMPENSATION AND DIC RATE~~
15 ~~INCREASES~~

16 **SEC. ~~101.2.~~ DISABILITY COMPENSATION.**

17 Section 1114 is amended—

18 (1) by striking out “\$85” in subsection (a) and
19 inserting in lieu thereof “\$87”;

20 (2) by striking out “\$162” in subsection (b)
21 and inserting in lieu thereof “\$166”;

22 (3) by striking out “\$247” in subsection (c)
23 and inserting in lieu thereof “\$253”;

1 (4) by striking out “\$352” in subsection (d)
2 and inserting in lieu thereof “\$361”;

3 (5) by striking out “\$502” in subsection (e)
4 and inserting in lieu thereof “\$515”;

5 (6) by striking out “\$632” in subsection (f)
6 and inserting in lieu thereof ~~“\$639”~~ “\$648”;

7 (7) by striking out “\$799” in subsection (g)
8 and inserting in lieu thereof “\$819”;

9 (8) by striking out “\$924” in subsection (h)
10 and inserting in lieu thereof “\$948”;

11 (9) by striking out “\$1,040” in subsection (i)
12 and inserting in lieu thereof “\$1,067”;

13 (10) by striking out “\$1,730” in subsection (j)
14 and inserting in lieu thereof “\$1,774”;

15 (11) by striking out “\$2,152” and “\$3,015” in
16 subsection (k) and inserting in lieu thereof “\$2,207”
17 and “\$3,093”, respectively;

18 (12) by striking out “\$2,152” in subsection (l)
19 and inserting in lieu thereof “\$2,207”;

20 (13) by striking out “\$2,371” in subsection (m)
21 and inserting in lieu thereof “\$2,432”;

22 (14) by striking out “\$2,698” in subsection (n)
23 and inserting in lieu thereof “\$2,768”;

1 (15) by striking out “\$3,015” each place it ap-
2 pears in subsections (o) and (p) and inserting in lieu
3 thereof “\$3,093”;

4 (16) by striking out “\$1,295” and “\$1,928” in
5 subsection (r) and inserting in lieu thereof “\$1,328”
6 and “\$1,978”, respectively; and

7 (17) by striking out “\$1,935” in subsection (s)
8 and inserting in lieu thereof “\$1,985”.

9 **SEC. 102. 3. ADDITIONAL COMPENSATION FOR DEPEND-**
10 **ENTS.**

11 Section 1115(1) is amended—

12 (1) by striking out “\$103” in clause (A) and
13 inserting in lieu thereof “\$105”;

14 (2) by striking out “\$174” and “\$54” in clause
15 (B) and inserting in lieu thereof “\$178” and “\$55”,
16 respectively;

17 (3) by striking out “\$71” and “\$54” in clause
18 (C) and inserting in lieu thereof “\$72” and “\$55”,
19 respectively;

20 (4) by striking out “\$82” in clause (D) and in-
21 serting in lieu thereof “\$84”;

22 (5) by striking out “\$191” in clause (E) and
23 inserting in lieu thereof “\$195”; and

24 (6) by striking out “\$160” in clause (F) and
25 inserting in lieu thereof “\$164”.

1 **SEC. 103. 4. CLOTHING ALLOWANCE FOR CERTAIN DIS-**
 2 **ABLED VETERANS.**

3 Section 1162 is amended by striking out “\$466” and
 4 inserting in lieu thereof “\$478”.

5 **SEC. 104. 5. DEPENDENCY AND INDEMNITY COMPENSATION**
 6 **FOR SURVIVING SPOUSES.**

7 Section 1311 is amended—

8 (1) in subsection (a)(1), by striking out “\$750”
 9 and inserting in lieu thereof “\$769”;

10 (2) in subsection (a)(2), by striking out “\$165”
 11 and inserting in lieu thereof “\$169”;

12 (3) in subsection (a)(3), by striking out the
 13 table therein and inserting in lieu thereof the follow-
 14 ing:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E-7	\$794	O-3	\$897
E-8	838	O-4	948
E-9	¹ 875	O-5	1,044
W-1	812	O-6	1,177
W-2	844	O-7	1,271
W-3	869	O-8	1,392
W-4	920	O-9	1,492
O-1	812	O-10	² 1,636
O-2	838

¹If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse’s rate shall be \$943.

²If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse’s rate shall be \$1,743 *\$1,753*.”;

15 (4) in subsection (c), by striking out “\$191”
 16 and inserting in lieu thereof “\$195”; and

17 (5) in subsection (d), by striking out “\$93” and
 18 inserting in lieu thereof “\$95”.

1 **SEC. 105. 6. DEPENDENCY AND INDEMNITY COMPENSATION**
2 **FOR CHILDREN.**

3 (a) DIC FOR ORPHAN CHILDREN.—Section 1313(a)
4 is amended—

5 (1) by striking out “\$319” in clause (1) and in-
6 serting in lieu thereof “\$327”;

7 (2) by striking out “\$460” in clause (2) and in-
8 serting in lieu thereof “\$471”;

9 (3) by striking out “\$595” in clause (3) and in-
10 serting in lieu thereof “\$610”; and

11 (4) by striking out “\$595” and “\$117” in
12 clause (4) and inserting in lieu thereof “\$610” and
13 “\$120”, respectively.

14 (b) SUPPLEMENTAL DIC FOR DISABLED ADULT
15 CHILDREN.—Section 1314 is amended—

16 (1) by striking out “\$191” in subsection (a)
17 and inserting in lieu thereof “\$195”;

18 (2) by striking out “\$319” in subsection (b)
19 and inserting in lieu thereof “\$327”; and

20 (3) by striking out “\$162” in subsection (c)
21 and inserting in lieu thereof “\$166”.

22 **SEC. 106. 7. EFFECTIVE DATE.**

23 The amendments made by this ~~title~~ Act shall take ef-
24 fect on December 1, 1993.

1 **TITLE II—BENEFITS FOR**
 2 **UNREMARIED SURVIVING**
 3 **SPOUSES**

4 **SEC. 201. SPECIAL DEATH GRATUITY FOR UNREMARIED**
 5 **SURVIVING SPOUSES.**

6 (a) IN GENERAL.—Chapter 13 is amended by adding
 7 at the end of subchapter II the following new section:

8 **“§ 1319. Special death gratuity**

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

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of such chapter is amended by inserting
 20 after the item relating to section 1318 the following new
 21 item:
 “1319. Special death gratuity.”.

22 **SEC. 202. RESTORATION OF PENSION ELIGIBILITY FOR**
 23 **UNREMARIED SPOUSES.**

24 Section 1501 is amended by adding at the end the
 25 following new paragraph:

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

6 **SEC. 203. RESTORATION OF BURIAL ELIGIBILITY FOR**
 7 **UNREMARIED SPOUSES.**

8 Section 2402(5) is amended by inserting “(which for
 9 purposes of this chapter includes an unremarried surviving
 10 spouse who had a subsequent remarriage which was termi-
 11 nated by death or divorce)” after “surviving spouse”.

12 **SEC. 204. EFFECTIVE DATE.**

13 (a) **IN GENERAL.**—Subject to subsection (b), the
 14 amendments made by sections 201 and 202 shall take ef-
 15 fect on December 1, 1994.

16 (b) **CONTINGENCY.**—The amendments made by sec-
 17 tions 201 and 202 shall not take effect if there has not
 18 been enacted as of December 1, 1994, a law providing a
 19 cost of living adjustment in the rates of compensation pay-
 20 able under chapter 11 or dependency and indemnity com-
 21 pensation payable under chapter 13 of title 38, United
 22 States Code, for fiscal year 1995.

1 **TITLE III—COST SAVINGS**
2 **PROVISION**

3 **SEC. 301. POLICY REGARDING COST OF LIVING ADJUST-**
4 **MENT IN COMPENSATION RATES FOR FISCAL**
5 **YEAR 1995.**

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

 Amend the title so as to read: “A bill to amend title
38, United States Code, to provide a cost-of-living adjust-
ment in the rates of disability compensation for veterans
with service-connected disabilities and the rates of de-
pendency and indemnity compensation for survivors of
such veterans.”.