

117TH CONGRESS
1ST SESSION

H. R. 3402

To amend title 38, United States Code, to improve and to expand eligibility for dependency and indemnity compensation paid to certain survivors of certain veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

Mrs. HAYES (for herself, Ms. LOIS FRANKEL of Florida, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve and to expand eligibility for dependency and indemnity compensation paid to certain survivors of certain 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.**

4 This Act may be cited as the “Caring for Survivors
5 Act of 2021”.

1 **SEC. 2. INCREASE IN AMOUNT OF DEPENDENCY AND IN-**
2 **DEMNITY COMPENSATION FOR SURVIVING**
3 **SPOUSES.**

4 (a) INCREASE.—Section 1311(a) of title 38, United
5 States Code, is amended in paragraph (1), by striking “of
6 \$1,154” and inserting “equal to 55 percent of the rate
7 of monthly compensation in effect under section 1114(j)
8 of this title”.

9 (b) EFFECTIVE DATE.—

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

16 (2) SPECIAL RULE FOR CERTAIN INDIVID-
17 UALS.—

18 (A) IN GENERAL.—For months beginning
19 after the date that is six months after the date
20 of the enactment of this Act, the Secretary of
21 Veterans Affairs shall pay to an individual de-
22 scribed in subparagraph (B) dependents and
23 survivors income security benefit under section
24 1311 of title 38, United States Code, in the
25 monthly amount that is the greater of the fol-
26 lowing:

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

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

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

15 **SEC. 3. MODIFICATION OF REQUIREMENTS FOR DEPEND-**
 16 **ENCY AND INDEMNITY COMPENSATION FOR**
 17 **SURVIVORS OF CERTAIN VETERANS RATED**
 18 **TOTALLY DISABLED AT TIME OF DEATH.**

19 Section 1318 of title 38, United States Code, is
 20 amended—

21 (1) in subsection (a)—

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

1 (B) by adding at the end the following new
2 paragraph:

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

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

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