

By Senator Storms

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Senate Memorial

A memorial to the Congress of the United States, urging Congress to amend federal law to eliminate the offset for Dependency and Indemnity Compensation administered by the United States Department of Veterans Affairs imposed on benefits received by military widows and widowers through the Survivor Benefit Plan administered by the United States Department of Defense.

WHEREAS, President Abraham Lincoln advised the nation in his second inaugural address to "care for him who shall have borne the battle and for his widow and his orphan," and

WHEREAS, in 1957 Congress established the Dependency and Indemnity Compensation (DIC) program in the Department of Veterans Affairs for survivors of servicemembers who died as the result of military service, and

WHEREAS, the stated purpose of DIC was to compensate for the loss of family income and to indemnify the deceased servicemember's family for the pain, suffering, and diminished quality of life caused by the servicemember's death, and

WHEREAS, DIC payments to surviving spouses are based on the individual servicemember's pay grade and time in service, and

WHEREAS, in 1972, Congress created the Survivor Benefit Plan (SBP) within the Department of Defense as a retirement benefit earned when a servicemember died on active duty as "retired eligible" with 20 years of military service, retired with a disability retirement of less than 20 years of military service, or retired with 20 years of military service, and

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30 WHEREAS, SBP is an insurance-style program created to be
31 similar to the federal Civil Service Retirement System's
32 survivor benefit plan that allows eligible servicemembers and
33 military retirees to elect to have premiums deducted from their
34 pay in order to provide the servicemember's family with a
35 continued portion of his or her earned retirement pay after the
36 servicemember's death, and

37 WHEREAS, since 1972 there have been a number of legislative
38 actions and court cases that have had an impact on both the
39 Department of Veterans Affairs' Dependency and Indemnity
40 Compensation program, the Department of Defense's Survivor
41 Benefit Plan, and what is commonly referred to as the "DIC-SBP
42 offset," and

43 WHEREAS, at present, military widows and widowers who are
44 eligible to receive both DIC and SBP are being unfairly deprived
45 of monetary benefits to which they are entitled through the
46 reduction, in the form of an offset, of Dependency and Indemnity
47 Compensation from benefits they receive through the United
48 States Department of Defense's Survivor Benefit Plan, and

49 WHEREAS, however, this offset is not imposed upon veterans
50 or military retirees employed as civil servants by the Federal
51 Government who enroll in the Federal Civil Service survivor
52 benefit plan and die of service-connected causes, and

53 WHEREAS, many of these military widows and widowers have
54 their entire annuity eliminated by the DIC-SBP offset, and

55 WHEREAS, many of these military widows and widowers are
56 elderly and live on a fixed income and, as a result of the DIC-
57 SBP offset, are being deprived of their full benefits, thus
58 further compounding their pain and suffering by making them bear

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59 an unjust financial hardship, and

60 WHEREAS, in 2009, a Federal Court of Appeals affirmed the
61 findings of the United States Court of Federal Claims in Sharp
62 v. United States, recognizing a partial repeal of the DIC-SBP
63 offset and directing the Department of Defense to pay full
64 survivor benefit plan annuities to widows and widowers who
65 remarry on or after December 16, 2003, and on or after attaining
66 age 57, and

67 WHEREAS, however, over 53,000 military widows and widowers
68 are still subject to the DIC-SBP offset, and

69 WHEREAS, this nation should never fail to recognize and
70 acknowledge the need for the equitable and appropriate care and
71 treatment of military widows and widowers whose spouses have
72 died in battle defending the United States or as a result of
73 service-connected causes in service to our nation, and

74 WHEREAS, to that end, it is imperative that Congress amend
75 federal law to eliminate the offset for Dependency and Indemnity
76 Compensation administered by the United States Department of
77 Veterans Affairs imposed on benefits received by military widows
78 and widowers through the United States Department of Defense's
79 Survivor Benefit Plan, NOW, THEREFORE,

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81 Be It Resolved by the Legislature of the State of Florida:

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83 That the Congress of the United States is requested to
84 amend federal law to eliminate the offset for Dependency and
85 Indemnity Compensation established within the Department of
86 Veterans Affairs imposed on benefits received by military widows
87 and widowers through the United States Department of Defense's

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88 Survivor Benefit Plan.

89 BE IT FURTHER RESOLVED that copies of this memorial be
90 dispatched to the President of the United States, to the
91 President of the United States Senate, to the Speaker of the
92 United States House of Representatives, and to each member of
93 the Florida delegation to the United States Congress.