

HM 781

2010

1 House Memorial

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

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

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

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

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

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

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

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

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

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

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

53 WHEREAS, many of these military widows and widowers are
54 elderly and live on a fixed income and, as a result of the DIC-
55 SBP offset, are being deprived of their full benefits, thus

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56 further compounding their pain and suffering by making them bear
57 an unjust financial hardship, and

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

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

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

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

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

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81 That the Congress of the United States is requested to
82 amend federal law to eliminate the offset for Dependency and
83 Indemnity Compensation established within the Department of

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84 Veterans Affairs imposed on benefits received by military widows
85 and widowers through the United States Department of Defense's
86 Survivor Benefit Plan.

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