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SENATE MEMORIAL 11

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Dede Feldman

A MEMORIAL

REQUESTING THE UNITED STATES CONGRESS TO AMEND CHAPTER 73,
TITLE 10, UNITED STATES CODE TO ALLOW FOR PAYMENTS OF BOTH THE
SURVIVOR BENEFIT PLAN ANNUITY AND THE DEPENDENCY AND INDEMNITY
COMPENSATION.

WHEREAS, the legislature recognizes the pain and suffering
of military widows and widowers whose spouses have died on the
battlefield or through other service to the United States of
America; and

WHEREAS, this nation has an obligation to care for its
military widows and widowers; and

WHEREAS, military widows and widowers are unfairly
deprived of monetary benefits from the survivor benefit plan,
which their military spouses purchased and earned, when they
receive dependency and indemnity compensation payments from the

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1 department of veterans affairs; and

2 WHEREAS, survivor benefit plan payments are reduced by the
3 amount of the payments received from the dependency and
4 indemnity compensation; and

5 WHEREAS, that reduction does not apply to veterans or
6 military retirees employed as federal government civil servants
7 enrolled in the civil service survivor benefit plan; and

8 WHEREAS, often the dependency and indemnity compensation
9 payment completely offsets the survivor benefit plan payment;
10 and

11 WHEREAS, many military widows and widowers are elderly and
12 live on a fixed income and are in need of payments from both
13 the survivor benefit plan and the dependency and indemnity
14 compensation; and

15 WHEREAS, a federal court of appeals decision will require
16 the department of defense to eliminate the dependency and
17 indemnity compensation offset for widows and widowers who
18 remarry at or after the age of fifty-seven; and

19 WHEREAS, President Abraham Lincoln committed this nation
20 "to care for him who shall have borne the battle and for his
21 widow and his orphan";

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
23 OF NEW MEXICO that it request the United States congress to
24 allow for payments from both the survivor benefit plan and the
25 dependency and indemnity compensation; and

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