

A JOINT 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 federal department of veterans affairs; and

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

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

WHEREAS, often the dependency and indemnity compensation

payment completely offsets the survivor benefit plan payment;  
and

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the United States congress be requested to allow for payments from both the survivor benefit plan and the dependency and indemnity compensation; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the president of the United States, the speaker of the United States house of representatives, the president of the United States senate and the New Mexico congressional delegation.