

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.