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Elimination of Remarriage Penalty 117th Congress (2021-2022)

Objective: Change current law to allow Surviving Spouses to retain financial benefits upon remarriage.

Background:

- With the enactment of the Veterans Benefit Act of 2003, Surviving Spouses aged 57 or over are allowed to retain DIC benefit upon remarriage.
- Effective January 1, 2004, SBP-DIC offset surviving spouses who remarried after attaining the age of 57 became eligible to receive both the full SBP and DIC. This concurrent receipt benefit for those remarrying after attaining age 57 is called the "Special Rule Concerning DIC Offset."
- As of December 2020, the age was lowered from age 57 to 55 to bring these financial benefits into parity with other Federal programs.
- The lowering of the age limit sets precedent for the future elimination for all ages.
- Service members enter the military with the expectation that their dependents will receive financial benefits in the event of the service member's death.
- DIC is a compensation for loss of income earned by the servicemember.
- SBP is an annuity and should not be subject to elimination due to a remarriage.
- The law should treat all surviving spouses the same regardless of age.
- Surviving Spouses must choose between a financial benefit and moving forward to make the best choices for the family.
- Surviving Spouses who have lost their financial benefits due to remarriage would experience a positive impact in their lives by the resumption of these benefits.