

TECHNICAL AMENDMENT

SEC. 203. The table of sections for chapter 33 of title 44, United States Code, is amended by adding at the end thereof the following new items:

- "3315. Definitions.
- "3316. Establishment of Commission.
- "3317. Duties of Commission.
- "3318. Membership.
- "3319. Director and staff; experts and consultants.
- "3320. Powers of Commission.
- "3321. Support services.
- "3322. Report.
- "3323. Termination.
- "3324. Authorization of appropriations."

Approved December 19, 1974.

Public Law 93-527

December 21, 1974
[S. 4040]

AN ACT

To amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension and dependency and indemnity compensation, to increase income limitations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans and Survivors Pension Adjustment Act of 1974".

SEC. 2. Section 521 of title 38, United States Code, is amended as follows:

(1) by amending subsection (b) to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is \$300 or less, the monthly rate of pension shall be \$160. For each \$1 of annual income in excess of \$300 up to and including \$500, the monthly rate shall be reduced 3 cents; for each \$1 annual income in excess of \$500 up to and including \$900, the monthly rate shall be reduced 4 cents; for each \$1 of annual income in excess of \$900 up to and including \$1,500, the monthly rate shall be reduced 5 cents; for each \$1 of annual income in excess of \$1,500 up to and including \$1,900, the monthly rate shall be reduced 6 cents; for each \$1 of annual income in excess of \$1,900 up to and including \$2,300, the monthly rate shall be reduced 7 cents; and for each \$1 of annual income in excess of \$2,300 up to and including \$3,000, the monthly rate shall be reduced 8 cents; but in no event shall the monthly rate of pension be less than \$5. No pension shall be paid if annual income exceeds \$3,000."

(2) by amending subsection (c) to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is \$500 or less, the monthly rate of pension shall be \$172 for a veteran and one dependent, \$177 for a veteran and two dependents, and \$182 for three or more dependents. For each \$1 of annual income in excess of \$500 up to and including \$700, the monthly rate shall be reduced 2 cents; for each \$1 of annual income in excess of \$700 up to

Veterans and
Survivors Pen-
sion Adjustment
Act of 1974.
38 USC 521
note.
Unmarried vet-
erans.

Veterans with
dependents.

and including \$1,800, the monthly rate shall be reduced 3 cents; for each \$1 of annual income in excess of \$1,800 up to and including \$3,000, the monthly rate shall be reduced 4 cents; for each \$1 of annual income in excess of \$3,000 up to and including \$3,500, the monthly rate shall be reduced 5 cents; for each \$1 of annual income in excess of \$3,500 up to and including \$3,800, the monthly rate shall be reduced 6 cents; for each \$1 of annual income in excess of \$3,800 up to and including \$4,000, the monthly rate shall be reduced 7 cents; and for each \$1 of annual income in excess of \$4,000 up to and including \$4,200, the monthly rate shall be reduced 8 cents. No pension shall be paid if annual income exceeds \$4,200.”;

(3) by amending subsection (d) by striking out “\$110” and inserting in lieu thereof “\$123”; and

(4) by amending subsection (e) by striking out “\$44” and inserting in lieu thereof “\$49”.

SEC. 3. Section 541 of title 38, United States Code, is amended as follows:

Widows with no children.

(1) by amending subsection (b) to read as follows:

“(b) If there is no child, pension shall be paid according to the following formula: If annual income is \$300 or less, the monthly rate of pension shall be \$108. For each \$1 of annual income in excess of \$300 up to and including \$600, the monthly rate shall be reduced 1 cent; for each \$1 of annual income in excess of \$600 up to and including \$900, the monthly rate shall be reduced 3 cents; for each \$1 of annual income in excess of \$900 up to and including \$2,100, the monthly rate shall be reduced 4 cents; and for each \$1 of annual income in excess of \$2,100 up to and including \$3,000, the monthly rate shall be reduced 5 cents; but in no event shall the monthly rate of pension be less than \$5. No pension shall be paid if annual income exceeds \$3,000.”;

(2) by amending subsection (c) to read as follows:

“(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is \$700 or less, the monthly rate of pension shall be \$128. For each \$1 of annual income in excess of \$700 up to and including \$1,100, the monthly rate shall be reduced 1 cent; for each \$1 of annual income in excess of \$1,100 up to and including \$2,100, the monthly rate shall be reduced 2 cents; for each \$1 of annual income in excess of \$2,100 up to and including \$3,000, the monthly rate shall be reduced 3 cents; and for each \$1 of annual income in excess of \$3,000 up to and including \$4,200, the monthly rate shall be reduced 4 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child’s rate. No pension shall be paid if the annual income exceeds \$4,200.”;

Widows with one child.

(3) by amending subsection (d) by striking out “\$18” and inserting in lieu thereof “\$20”; and

(4) by adding at the end thereof the following new subsection:

“(f) As used in this section and section 542 of this title, the term ‘veteran’ includes a person who has completed at least two years of honorable active military, naval, or air service, as certified by the Secretary concerned, but whose death in such service was not in line of duty.”.

“Veterans.”

SEC. 4. Section 542 of title 38, United States Code, is amended as follows:

Children.

- (1) by amending subsection (a) by striking out “\$44” and “\$18” and inserting in lieu thereof “\$49” “\$20”, respectively; and
- (2) by amending subsection (c) by striking out “\$2,000” and inserting in lieu thereof “\$2,400”.

SEC. 5. Section 544 of title 38, United States Code, is amended by striking out “\$55” and inserting in lieu thereof “\$64”.

SEC. 6. Section 4 of Public Law 90-275 (82 Stat. 68) is amended to read as follows:

“SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans’ Pension Act of 1959 hereafter shall be \$2,600 and \$3,900, instead of \$2,200 and \$3,500, respectively.”

SEC. 7. Section 415 of title 38, United States Code, is amended as follows:

- (1) by amending subsection (b) to read as follows:

“(b) (1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is \$800 or less, the monthly rate of dependency and indemnity compensation shall be \$123. For each \$1 of annual income in excess of \$800 up to and including \$1,000, the monthly rate shall be reduced 3 cents; for each \$1 of annual income in excess of \$1,000 up to and including \$1,300, the monthly rate shall be reduced 4 cents; for each \$1 of annual income in excess of \$1,300 up to and including \$1,600, the monthly rate shall be reduced 5 cents; for each \$1 of annual income in excess of \$1,600 up to and including \$1,800, the monthly rate shall be reduced 6 cents; for each \$1 of annual income in excess of \$1,800 up to and including \$2,000, the monthly rate shall be reduced 7 cents; and for each \$1 annual income in excess of \$2,000 up to and including \$3,000, the monthly rate shall be reduced 8 cents; but in no event shall the monthly rate of dependency and indemnity compensation be less than \$4. No dependency and indemnity compensation shall be paid if annual income exceeds \$3,000.

“(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.”;

- (2) by amending subsection (c) to read as follows:

“(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is \$800 or less, the monthly rate of dependency and indemnity payable to each shall be \$86. For each \$1 of annual income in excess of \$800 up to and including \$1,100, the monthly rate shall be reduced 2 cents; for each \$1 of annual income in excess of \$1,100 up to and including \$2,100, the monthly rate shall be reduced 4 cents; for each \$1 of annual income in excess of \$2,100 up to and including \$2,500, the monthly rate shall be reduced 5 cents; and for each \$1 of annual income in excess of \$2,500 up to and including \$3,000, the monthly rate shall be reduced 6 cents; but in no event shall the monthly rate of dependency and indemnity compensation be less than \$4. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds \$3,000.”;

Annual income limitations, increase.

38 USC 521 note.

38 USC 521 note.

One parent.

Two parents.

(3) by amending subsection (d) to read as follows:

“(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is \$1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be \$83. For each \$1 of annual income in excess of \$1,000 up to and including \$1,100, the monthly rate shall be reduced 1 cent; for each \$1 of annual income in excess of \$1,100 up to and including \$2,500, the monthly rate shall be reduced 2 cents; for each \$1 of annual income in excess of \$2,500 up to and including \$3,500, the monthly rate shall be reduced 3 cents; and for each \$1 of annual income in excess of \$3,500 up to and including \$4,200, the monthly rate shall be reduced 4 cents; but in no event shall the monthly rate of dependency and indemnity compensation be less than \$4. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds \$4,200.”; and

(4) by amending subsection (h) by striking out “\$55” and inserting in lieu thereof “\$64”.

SEC. 8. (a) The Administrator of Veterans' Affairs shall carry out an original study of the needs and problems of veterans and their widows seventy-two years of age or older. The study shall include (1) a profile of the current income characteristics of such veterans and their widows, describing the proportion and amount of income from all sources and the average necessary for all necessities such as rent, food, medical care, and other items; (2) an evaluation of the adequacy of the present veterans pension system to meet the needs of such veterans and widows; and (3) actuarial information concerning the present expected mortality rates of such veterans and their widows.

Elderly veterans and widows, study.
38 USC 501 note.

(b) The Administrator shall report to the Congress and the President not later than one hundred and eighty days after the convening of the first session of the Ninety-fourth Congress the results of the study carried out under this section together with any recommendations for legislative or administrative action to improve the present program of pension benefits for such veterans and widows.

Report to Congress and President.

SEC. 9. (a) Subsection (e) of section 103 of title 38, United States Code, is amended—

Married children, benefits.

(1) by adding “(1)” immediately before “The”; and

(2) by adding at the end thereof the following new paragraph:

“(2) The marriage of a child of a veteran shall not bar the recognition of such child as the child of the veteran for benefit purposes if the marriage has been terminated by death or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by either party or collusion.”.

(b) Subsection (l) of section 3010 of title 38, United States Code, is amended to read as follows:

Awards, effective date.

“(1) The effective date of an award of benefits to a widow based upon a termination of a remarriage by death or divorce, or of an award or increase of benefits based on recognition of a child upon termination of the child's marriage by death or divorce, shall be the date of death or the date the judicial decree or divorce becomes final, if an application therefor is received within one year from such termination.”.

SEC. 10. This Act shall take effect on January 1, 1975.

Effective date.
38 USC 521 note.

Approved December 21, 1974.