

Public Law 94-71
94th Congress

An Act

To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes.

Aug. 5, 1975
[H.R. 7767]

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 Disability Compensation and Survivor Benefits Act of 1975".

Veterans
Disability
Compensation
and Survivor
Benefits Act of
1975.

38 USC 101
note.

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "\$32" in subsection (a) and inserting in lieu thereof "\$35";

(2) by striking out "\$59" in subsection (b) and inserting in lieu thereof "\$65";

(3) by striking out "\$89" in subsection (c) and inserting in lieu thereof "\$98";

(4) by striking out "\$122" in subsection (d) and inserting in lieu thereof "\$134";

(5) by striking out "\$171" in subsection (e) and inserting in lieu thereof "\$188";

(6) by striking out "\$211" in subsection (f) and inserting in lieu thereof "\$236";

(7) by striking out "\$250" in subsection (g) and inserting in lieu thereof "\$280";

(8) by striking out "\$289" in subsection (h) and inserting in lieu thereof "\$324";

(9) by striking out "\$325" in subsection (i) and inserting in lieu thereof "\$364";

(10) by striking out "\$584" in subsection (j) and inserting in lieu thereof "\$655";

(11) by striking out "\$727" and "\$1,017" in subsection (k) and inserting in lieu thereof "\$814" and "\$1,139", respectively;

(12) by striking out "\$727" in subsection (l) and inserting in lieu thereof "\$814";

(13) by striking out "\$800" in subsection (m) and inserting in lieu thereof "\$896";

(14) by striking out "\$909" in subsection (n) and inserting in lieu thereof "\$1,018";

(15) by striking out "\$1,017" in subsections (o) and (p) and inserting in lieu thereof "\$1,139";

(16) by striking out "\$437" in subsection (r) and inserting in lieu thereof "\$489"; and

(17) by striking out "\$654" in subsection (s) and inserting in lieu thereof "\$732".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

Rate adjustment,
38 USC 314 note.

38 USC prec.
101.
38 USC 301.

SEC. 102. Section 315 (1) of title 38, United States Code, is amended—

- (1) by striking out “\$36” in subparagraph (A) and inserting in lieu thereof “\$40”;
- (2) by striking out “\$61” in subparagraph (B) and inserting in lieu thereof “\$67”;
- (3) by striking out “\$77” in subparagraph (C) and inserting in lieu thereof “\$85”;
- (4) by striking out “\$95” and “\$17” in subparagraph (D) and inserting in lieu thereof “\$105” and “\$19”, respectively;
- (5) by striking out “\$24” in subparagraph (E) and inserting in lieu thereof “\$26”;
- (6) by striking out “\$41” in subparagraph (F) and inserting in lieu thereof “\$45”;
- (7) by striking out “\$61” and “\$17” in subparagraph (G) and inserting in lieu thereof “\$67” and “\$19”, respectively;
- (8) by striking out “\$29” in subparagraph (H) and inserting in lieu thereof “\$32”; and
- (9) by striking out “\$55” in subparagraph (I) and inserting in lieu thereof “\$61”.

SEC. 103. Section 362 of title 38, United States Code, is amended by striking out “\$150” and inserting in lieu thereof “\$175”.

SEC. 104. Section 3010 of title 38, United States Code, is amended—

- (1) by redesignating paragraph (2) of subsection (b) as paragraph (3); and
- (2) by inserting immediately after paragraph (1) thereof the following new paragraph:

“(2) The effective date of an award of increased compensation shall be the earliest date as of which it is ascertainable that an increase in disability had occurred, if application is received within one year from such date.”.

Increased compensation, effective date.

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

Widows.

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows:

“(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	\$241	W-4	\$344
E-2	248	O-1	304
E-3	255	O-2	315
E-4	270	O-3	337
E-5	278	O-4	356
E-6	284	O-5	392
E-7	298	O-6	441
E-8	315	O-7	478
E-9	329	O-8	523
W-1	304	O-9	562
W-2	316	O-10	615
W-3	326		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the widow's rate shall be \$354.

² If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be \$660.

“(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by \$29 for each such child.

“(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by \$72 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.”

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows: Children.

“Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

“(1) One child, \$121.

“(2) Two children, \$175.

“(3) Three children, \$225.

“(4) More than three children, \$225, plus \$45 for each child in excess of three.”

SEC. 203. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out “\$64” and inserting in lieu thereof “\$72”. Children,
supplemental
compensation.

(b) Subsection (b) of section 414 of such title is amended by striking out “\$108” and inserting in lieu thereof “\$121”.

(c) Subsection (c) of section 414 of such title is amended by striking out “\$55” and inserting in lieu thereof “\$62”.

SEC. 204. (a) The Administrator of Veterans' Affairs shall make a detailed study of claims for dependency and indemnity compensation relating to veterans, as defined in section 101(2), title 38, United States Code, who at time of death during the six-month period September 1, 1975, to March 1, 1976, were receiving disability compensation from the Veterans' Administration based upon a rating total and permanent in nature. Study.
38 USC 411 note.

(b) The report of such study shall include (1) the number of the described cases; (2) the number of cases in which the specified benefit was denied; (3) an analysis of the reasons for each such denial; (4) an analysis of any difficulty which may have been encountered by the claimant in attempting to establish that the death of the veteran concerned was connected with his or her military, naval, or air service in the Armed Forces of the United States; (5) data regarding the current financial status of the widow, widower, children, and parents in each case of denial; and (6) an analysis of whether there has been a significant increase in the use of discretionary authority consistent with revised Veterans' Administration program guide instructions issued March 27, 1975 concerning rating practices and procedures. Report.

Report, submitted to Speaker of the House and President of the Senate.

(c) The report together with such comments and recommendations as the Administrator deems appropriate shall be submitted to the Speaker of the House and the President of the Senate not later than October 1, 1976.

TITLE III—EFFECTIVE DATE

38 USC 314
note.

SEC. 301. The provisions of this Act shall become effective August 1, 1975.

Approved August 5, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-287 (Comm. on Veterans' Affairs).
 SENATE REPORT No. 94-214 accompanying S. 1597 (Comm. on Veterans' Affairs).
 CONGRESSIONAL RECORD, Vol. 121 (1975):
 June 16, considered and passed House.
 June 23, considered and passed Senate, amended, in lieu of S. 1597.
 July 22, House concurred in Senate amendment with an amendment.
 July 24, Senate concurred in House amendment.
 WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 32:
 Aug. 6, Presidential statement.