

Public Law 89-730

AN ACT

To liberalize the provisions for payment to parents and children of dependency and indemnity compensation, and for other purposes.

November 2, 1966
[H. R. 14347]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 415(b), title 38, United States Code, is amended to read as follows:

“(b)(1) Except as provided in subsection (b)(2), if there is only one parent, dependency and indemnity compensation shall be paid to him at a monthly rate equal to the amount under column II of the following table opposite his total annual income as shown in column I:

Veterans.
Dependency and
indemnity compen-
sation.
72 Stat. 1129.

“Column I		Column II
Total annual income		
More than—	but Equal to or less than—	
-----	\$800	\$87
\$800	1,100	69
1,100	1,300	52
1,300	1,500	35
1,500	1,800	18
1,800	-----	No amount payable”

“(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 table in subsection (b)(1) or the table 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 table.”

(b) The table in section 415(c), title 38, United States Code, is amended to read as follows:

“Column I		Column II
Total annual income		
More than—	but Equal to or less than—	
-----	\$800	\$58
\$800	1,100	46
1,100	1,300	35
1,300	1,500	23
1,500	1,800	12
1,800	-----	No amount payable”

(c) The table in section 415(d), title 38, United States Code, is amended to read as follows:

"Column I		Column II
Total combined annual income		
More than—	but Equal to or less than—	
-----	\$1, 000	\$58
\$1, 000	1, 500	46
1, 500	2, 000	35
2, 000	2, 500	23
2, 500	3, 000	12
3, 000	-----	No amount payable"

SEC. 2. Section 415(g) of title 38, United States Code, is amended—

(1) by striking out "chapter 11" in paragraph (1)(C) and inserting in lieu thereof "chapters 11 and 15";

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof a semicolon; and

(3) by adding at the end of paragraph (1) thereof the following new clauses:

"(F) payments under policies of servicemen's group life insurance, United States Government life insurance or national service life insurance, and payments of servicemen's indemnity;

"(G) 10 per centum of the amount of payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs;

"(H) amounts equal to amounts paid by a parent of a deceased veteran for—

"(i) a deceased spouse's just debts,

"(ii) the expenses of the spouse's last illness to the extent such expenses are not reimbursed under chapter 51 of this title, and

"(iii) the expenses of the spouse's burial to the extent that such expenses are not reimbursed under chapter 23 or chapter 51 of this title;

"(I) proceeds of fire insurance policies;

"(J) amounts equal to amounts paid by a parent of a deceased veteran for—

"(i) the expenses of the veteran's last illness, and

"(ii) the expenses of his burial to the extent that such expenses are not reimbursed under chapter 23 of this title;

"(K) profit realized from the disposition of real or personal property other than in the course of a business;

"(L) payments received for discharge of jury duty or obligatory civic duties."

SEC. 3. Section 3012(b)(4), title 38, United States Code, is amended by inserting before the semicolon at the end thereof the following: “, except that when a change in income is due to an increase in payments under a public or private retirement plan or program the effective date of a reduction or discontinuance resulting therefrom shall be the last day of the calendar year in which the change occurred”.

SEC. 4. Section 413, title 38, United States Code, is amended—

77 Stat. 17.

(1) by striking out “\$77” in paragraph (1) and inserting in lieu thereof “\$80”;

(2) by striking out “\$110” in paragraph (2) and inserting in lieu thereof “\$115”;

(3) by striking out “\$143” in paragraphs (3) and (4) and inserting in lieu thereof “\$149”; and

(4) by striking out “\$28” in paragraph (4) and inserting in lieu thereof “\$29”.

SEC. 5. Section 414, title 38, United States Code, is amended—

(1) by striking out “\$28” in subsection (a) and inserting in lieu thereof “\$29”.

(2) by striking out “\$77” in subsection (b) and inserting in lieu thereof “\$80”; and

(3) by striking out “\$39” in subsection (c) and inserting in lieu thereof “\$41”.

SEC. 6. (a) Subsection (a) of section 3 of the Act entitled “An Act to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones, and for other purposes”, approved September 29, 1965 (79 Stat. 886), is amended by striking out the remaining portion of such subsection beginning with “but only if” and inserting in lieu thereof the following: “but only if application is made for such death gratuity within one year after the date of enactment of this Act.”.

38 USC 776
note.

(b) Paragraph (1) of section 3(c) of such Act is amended to read as follows:

“(1) The death gratuity authorized by this section shall be \$5,000 reduced by the aggregate amount of United States Government Life Insurance and National Service Life Insurance paid or payable on account of the death of such veteran.”

(c) Paragraph (2) of section 3(c) of such Act is repealed.

(d) Paragraph (3) of section 3(c) of such Act is redesignated as paragraph (2).

(e) Any waiver of future benefits executed by any person under section 3(a) of the Act of September 29, 1965 (79 Stat. 886), as in effect prior to the date of the enactment of this Act, shall be of no effect.

(f) In any case in which the death gratuity paid to any person under section 3 of the Act of September 29, 1965, was reduced pursuant to clause (B) of subsection (c)(1) of such section, as in effect prior to the date of enactment of this Act, the Administrator of Veterans' Affairs shall pay to such person an amount equal to the amount by which such death gratuity was reduced.

(g) Notwithstanding the time limitation prescribed in section 3(a) of the Act of September 29, 1965, any application for death gratuity filed under such section shall be valid if filed within one year after the date of enactment of this Act.

SEC. 7. (a) Except section 6 and as otherwise provided in subsection (b) of this section, this Act shall take effect on the first day of the second calendar month following the date of enactment of this Act.

(b) Section 2 of this Act shall take effect on January 1, 1967, but paragraph (G) of section 415(g)(1), title 38, United States Code, as added by such section 2, shall not apply to any parent receiving dependency and indemnity compensation on December 31, 1966, or subsequently determined entitled to that benefit for said day, until his contributions to the described plans or programs have been recouped.

Approved November 2, 1966.

Public Law 89-731

AN ACT

November 2, 1966

[H. R. 14741]

To authorize an increase in the number of Marine Corps officers who may serve in the combined grades of brigadier general and major general.

Marine Corps
officers, increase.
70A Stat. 302.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5443(a), title 10, United States Code, is amended by deleting in the table contained therein all tabulated numbers under the heading "Brigadier general and major general" and substituting in place thereof the following numbers:

"58
62
69
72
75
79
82
84
85
87
89."

10 USC 5443
note.

SEC. 2. Section 2 of the Act of August 3, 1961, Public Law 87-123 (75 Stat. 263), is repealed so far as it applies to the readjustment of authorized numbers of brigadier generals and major generals in the Marine Corps.

72 Stat. 1504.

SEC. 3. Section 5902(c) of title 10, United States Code, is amended to read as follows:

"(c) An officer of the Marine Corps Reserve whose name is on a promotion list established under this chapter is eligible for promotion to the grade for which selected when the officer who is to be his running mate in the higher grade becomes eligible for promotion under chapter 545 of this title. When promoted, he shall be given the same date of rank as that given to his running mate in the grade to which promoted."

70A Stat. 345.
10 USC 5751-
5792.

Repeal.
74 Stat. 274.

SEC. 4. Section 5902(d) is repealed.

SEC. 5. Section 5902(e) is redesignated "5902(d)".

Approved November 2, 1966.