

Public Law 94-169
94th Congress

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.

Dec. 23, 1975

[H.R. 10355]

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 Interim Adjustment Act of 1975".

Veterans and
Survivors
Pension Interim
Adjustment Act
of 1975.
38 USC 101 note.

TITLE I—INTERIM ADJUSTMENTS IN CURRENT
STATUTORY PENSION PROVISIONS

SEC. 101. Effective January 1, 1976, title 38, United States Code, is amended as follows:

Effective date.

(1) chapter 1 of title 38, United States Code, is amended—

38 USC 101 *et*
seq.

(A) by striking out in paragraph (3) of section 101 "widow", "woman", "wife", "his", "him", "man", and "herself" each time they appear and inserting in lieu thereof "surviving spouse", "person of the opposite sex", "spouse", "the veteran's", "the veteran", "person", and "himself or herself", respectively;

(B) by striking out in the second sentence of paragraph (4) of section 101 "his support" and "his spouse" and inserting in lieu thereof "the person's support" and "the veteran's spouse", respectively;

(C) by striking out in paragraph (5) of section 101 "his" and inserting in lieu thereof "the veteran's";

(D) by striking out in paragraph (13) of section 101 "widow" and inserting in lieu thereof "surviving spouse";

(E) by striking out in paragraph (14) of section 101 "widow" each time it appears and inserting in lieu thereof "surviving spouse";

(F) by striking out in paragraph (15) of section 101 "widow" and inserting in lieu thereof "surviving spouse"; and

(G) by adding at the end of section 101 the following new paragraph:

"(31) The term 'spouse' means a person of the opposite sex who is a wife or husband and the term 'surviving spouse' means a person of the opposite sex who is a widow or widower."; and

"Spouse."
"Surviving
spouse."

(2) chapter 15 of title 38, United States Code, is amended—

38 USC 501 *et*
seq.

(A) by inserting in subsection (a) of section 503 "and" after the semicolon at the end of clause (16) of such subsection;

(B) by striking out in subsection (a) of section 541 "widow" and inserting in lieu thereof "surviving spouse" and by striking out "his" preceding the word "death";

38 USC 541.

(C) by striking out in subsection (e) of section 541 the language preceding clause (1) of such subsection and inserting in lieu thereof "No pension shall be paid to a surviving spouse of a veteran under this section unless the spouse was married to the veteran—" and by amending subclause (D) of clause (1) of such subsection, to read as follows: "(D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran; or";

(D) by striking out in section 542 "widow" and inserting in lieu thereof "surviving spouse" and by striking out "his" preceding the word "death";

(E) by striking out in section 543 "widow" and inserting in lieu thereof "surviving spouse";

Repeals.

(F) by repealing sections 510 and 531;

(G) by striking out in the heading of subchapter III "Widows" and inserting in lieu thereof "Surviving Spouses";

(H) by striking out in the catchline of section 541 "Widows" and inserting in lieu thereof "Surviving Spouses";

(I) by striking out in the subheading of subchapter III immediately following section 543 "WIDOWS" and inserting in lieu thereof "SURVIVING SPOUSES"; and

(J) by amending the table of sections at the beginning of such chapter 15—

(i) by striking out

"510. Confederate forces veterans.";

(ii) by striking out

"SUBCHAPTER III—PENSIONS TO WIDOWS AND CHILDREN"

and inserting in lieu thereof

"SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN";

(iii) by striking out

"531. Widows of Mexican War veterans.";

(iv) by striking out

"541. Widows of Mexican border period, World War I, and World War II, Korean conflict, or Vietnam era veterans."

and inserting in lieu thereof

"541. Surviving spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans."; and

(v) by striking out

"Widows of Veterans of All Periods of War"

and inserting in lieu thereof

"Surviving Spouses of Veterans of All Periods of War".

Effective date.

SEC. 102. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 521 of title 38, United States Code, is amended—

(1) by amending subsections (b) and (c) to read as follows:

Unmarried veterans.

"(b)(1) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of such veteran's

spouse) and has no child, pension shall be paid to the veteran according to the following formula :

"The monthly rate of pension shall be \$173 reduced by—"	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0. 00	0	\$300
. 03	\$300	500
. 04	500	700
. 05	700	1, 200
. 06	1, 200	1, 700
. 07	1, 700	2, 000
. 08	2, 000	3. 300

"(2) In no case may the amount of pension payable to any veteran under this subsection be less than \$5 monthly.

"(3) In no case may pension be paid under this subsection to any veteran if the annual income of such veteran exceeds \$3,300.

"(c) (1) If the veteran is married and living with or reasonably contributing to the support of such veteran's spouse, or has a child or children, pension shall be paid to the veteran according to the following formula :

Married veterans.

"The monthly rate of pension for a veteran shall be— \$186 if such veteran has one such dependent; \$191 if such veteran has two such dependents; and \$196 if such veteran has three or more such dependents; reduced by—"	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0. 00	0	\$500
. 02	\$500	700
. 03	700	1, 300
. 04	1, 300	2, 800
. 05	2, 800	3, 200
. 06	3, 200	3, 800
. 08	3, 800	4, 500

"(2) In no case may the amount of pension payable to any veteran under this subsection be less than \$5 monthly.

"(3) In no case may pension be paid under this subsection to any veteran if the annual income of such veteran exceeds \$4,500.;"

(2) by striking out in subsection (d) "him" and "\$123" and inserting in lieu thereof "such veteran" and "\$133", respectively; and

(3) by striking out in subsection (e) "his", "him", and "\$49" and inserting in lieu thereof "such veteran's", "such veteran", and "\$53", respectively.

Effective date. SEC. 103. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 541 of title 38, United States Code, is amended—

Surviving spouse with no children. (1) by amending subsections (b) and (c) to read as follows:
“(b) (1) If there is no child, pension shall be paid to the surviving spouse according to the following formula :

“The monthly rate of pension shall be \$117 reduced by—	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0. 00	0	\$300
. 01	\$300	600
. 03	600	900
. 04	900	1, 500
. 05	1, 500	2, 700
. 06	2, 700	3, 300

“(2) In no case may the amount of pension payable to any surviving spouse under this subsection be less than \$5 monthly.

“(3) In no case may pension be paid under this subsection to any surviving spouse if the annual income of such surviving spouse exceeds \$3,300.

Surviving spouse with one child. “(c) (1) If there is a surviving spouse and one child, pension shall be paid to the surviving spouse according to the following formula :

“The monthly rate of pension shall be \$139 reduced by—	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0. 00	0	\$700
. 01	\$700	1, 100
. 02	1, 100	1, 800
. 03	1, 800	2, 700
. 04	2, 700	3, 500
. 05	3, 500	4, 500

“(2) In no case may pension be paid under this subsection to any surviving spouse if the annual income of such surviving spouse exceeds \$4,500.

38 USC 542. “(3) Whenever the monthly rate payable to any surviving spouse under paragraph (1) of this subsection is less than the amount which would be payable for one child under section 542 of this title if the surviving spouse were not entitled, the surviving spouse shall be paid at the child’s rate.”; and

(2) by striking out in subsection (d) “widow” and “\$20” and inserting in lieu thereof “surviving spouse” and “\$22”, respectively.

Effective date. SEC. 104. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 542 of title 38, United States Code, is amended—

(1) by striking out in subsection (a) “\$49” and “\$20” and inserting in lieu thereof “\$53” and “\$22”, respectively; and

(2) by striking out in subsection (c) “\$2,400” and inserting in lieu thereof “\$2,700”.

SEC. 105. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 544 of title 38, United States Code, is amended to read as follows: Effective date.

“§ 544. Aid and attendance allowance

“If any surviving spouse is entitled to pension under this subchapter and is in need of regular aid and attendance, the monthly rate of pension payable to the surviving spouse shall be increased by \$69.”.

SEC. 106. Effective January 1, 1976, chapter 15 of title 38, United States Code, is amended— Effective date
38 USC 501 *et*
seq.

(1) by striking out in section 501(2) “him” and inserting in lieu thereof “such veteran”;

(2) by striking out in subsections (a), (b), and (c) of section 502 “he” and “his” each time they appear and inserting in lieu thereof “such person” and “such veteran’s”, respectively;

(3) by striking out in section 503(a)(7) “wife”, “his”, and “widow” and inserting in lieu thereof “spouse”, “such veteran’s”, and “surviving spouse”, respectively;

(4) by striking out in subclauses (A), (B), and (C) of section 503(a)(7) “his” each time it appears and inserting in lieu thereof “such veteran’s”;

(5) by striking out in subclauses (A) and (B) of section 503(a)(9) “his”, “widow”, and “wife” each time they appear and inserting in lieu thereof “such veteran’s”, “surviving spouse”, and “spouse”, respectively;

(6) by striking out in section 503(a)(14) “his widow” and inserting in lieu thereof “such veteran’s surviving spouse”;

(7) by striking out in section 503(a)(16) “his” and inserting in lieu thereof “such employee’s”;

(8) by striking out in section 503(c) “widow” and inserting in lieu thereof “surviving spouse”;

(9) by striking out in section 505(a) “his” each time it appears and inserting in lieu thereof “such individual’s”;

(10) by striking out in section 505(b) “his wife” and inserting in lieu thereof “such veteran’s spouse”;

(11) by striking out in section 505(c), including clauses (1) and (2), “widow” each time it appears and inserting in lieu thereof “surviving spouse”;

(12) by striking out in section 506(a)(1) “he” and inserting in lieu thereof “the Administrator”;

(13) by striking out in section 506(a)(2) “him”, “he”, and “his” each time they appear and inserting in lieu thereof “the Administrator”, “such person”, and “such person’s”, respectively;

(14) by striking out in section 506(a)(3) “his” each time it appears and inserting in lieu thereof “such person’s”;

(15) by striking out in section 507 “, in his discretion,”; by striking out in such section “his wife” and inserting in lieu thereof “such veteran’s spouse”; and by striking out in such section “wife” the second time it appears and inserting in lieu thereof “spouse”;

(16) by striking out in subsections (b) and (c) of section 511 “he” each time it appears and inserting in lieu thereof “such veteran”;

(17) by striking out in subsections (a) and (b) of section 512 “he” each time it appears and inserting in lieu thereof “such veteran”;

38 USC 521.

(18) by striking out in section 521 (g) "he" and inserting in lieu thereof "such veteran";

(19) by striking out in section 523 (b) "him" and inserting in lieu thereof "such veteran";

(20) by striking out in section 532 (a) "widow", "she", "wife", and "his" each time they appear and inserting in lieu thereof "surviving spouse", "such surviving spouse", "spouse", and "such veteran's", respectively;

(21) by striking out in subsections (b) and (c) of section 532 "widow" and "he" each time they appear and inserting in lieu thereof "surviving spouse" and "such veteran", respectively;

(22) by striking out in section 532 (d) "widow", "she", and "him" and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "such veteran", respectively;

(23) by striking out in the catchline of section 532 "Widows" and inserting in lieu thereof "Surviving spouses";

(24) by striking out in the table of sections at the beginning of such chapter 15

"532. Widows of Civil War veterans."

and inserting in lieu thereof

"532. Surviving spouses of Civil War veterans.";

(25) by striking out in section 533 "widow" and inserting in lieu thereof "surviving spouse";

(26) by striking out in section 534 (a) "widow", "she", "wife", and "his" each time they appear and inserting in lieu thereof "surviving spouse", "such surviving spouse", "spouse", and "such veteran's", respectively;

(27) by striking out in section 534 (b) "widow" and inserting in lieu thereof "surviving spouse";

(28) by striking out in section 534 (c) "widow", "she", and "him" and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "such veteran", respectively;

(29) by striking out in the catchline of section 534 "Widows" and inserting in lieu thereof "Surviving spouses";

(30) by striking out in the table of sections at the beginning of such chapter 15

"534. Widows of Indian War veterans."

and inserting in lieu thereof

"534. Surviving spouses of Indian War veterans.";

(31) by striking out in section 535 "widow" and inserting in lieu thereof "surviving spouse";

(32) by striking out in section 536 (a) "widow", "she", "wife", and "his" and inserting in lieu thereof "surviving spouse", "such surviving spouse", "spouse", and "such veteran's", respectively;

(33) by striking out in subsections (b) and (c) of section 536 "widow", "she", and "him" each time they appear and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "such veteran", respectively;

(34) by striking out in section 536 (d) (1) "widow", "she", and "widows" and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "surviving spouses", respectively;

(35) by striking out in section 536(d) (2) “widow” and inserting in lieu thereof “surviving spouse”; 38 USC 536.

(36) by striking out in clauses (A) and (B) of section 536(d) (2) “her” and “widow” each time they appear and inserting in lieu thereof “such surviving spouse” and “surviving spouse”, respectively;

(37) by striking out in the catchline of section 536 “Widows” and inserting in lieu thereof “Surviving spouses”;

(38) by striking out in the table of sections at the beginning of such chapter 15

“536. Widows of Spanish-American War veterans.”

and inserting in lieu thereof

“536. Surviving spouses of Spanish-American War veterans.”;

(39) by striking out in section 537 “widow” and inserting in lieu thereof “surviving spouse”;

(40) by striking out in subclauses (A), (B), and (C) of section 541(e) (1) “widow” each time it appears and inserting in lieu thereof “surviving spouse”;

(41) by striking out in section 560(b) “himself” and “his” and inserting in lieu thereof “such person” and “such person’s”, respectively;

(42) by striking out in subsections (a) and (b) of section 561 “his”, “him”, and “he” each time they appear and inserting in lieu thereof “such person’s”, “such person”, and “such person”, respectively;

(43) by striking out in section 561(c) “by him”;

(44) by striking out in section 562(a) “him” and inserting in lieu thereof “the Administrator”; and

(45) by striking out in subsections (b) and (d) of section 562 “he” each time it appears and inserting in lieu thereof “such person”.

SEC. 107. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 4 of Public Law 90-275 (82 Stat. 68) is amended to read as follows:

Effective date.

38 USC 521 note.

“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 \$2,900 and \$4,200, instead of \$2,600 and \$3,900, respectively.”.

38 USC 521 note.

TITLE II—INTERIM ADJUSTMENTS IN CURRENT STATUTORY PROVISIONS RELATING TO DEPENDENCY AND INDEMNITY COMPENSATION FOR PARENTS

SEC. 201. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 415 of title 38, United States Code, is amended—

Effective date.

(1) by redesignating paragraph (2) of subsection (b) as paragraph (4) of subsection (b) and by striking out in the redesignated paragraph (4) of subsection (b) “he”, “him”, and “his” each time they appear and inserting in lieu thereof “such parent”, “such parent”, and “such parent’s”, respectively;

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

One parent.

“(b)(1) Except as provided in paragraph (4) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to the parent according to the following formula:

“The monthly rate of dependency and indemnity compensation shall be \$133 reduced by—	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0.00	0	\$800
.03	\$800	1,000
.04	1,000	1,200
.05	1,200	1,500
.06	1,500	1,700
.08	1,700	3,300

“(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than \$5 monthly.

“(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds \$3,300.”;

Two parents.

(3) by amending subsections (c) and (d) to read as follows:
 “(c)(1) Except as provided in subsection (d) of this section, if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each parent according to the following formula:

“The monthly rate of dependency and indemnity compensation shall be \$93 reduced by—	For each \$1 of annual income of such parent	
	Which is more than—	But not more than—
\$0.00	0	\$800
.02	\$800	1,100
.04	1,100	1,600
.05	1,600	2,400
.06	2,400	3,300

“(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than \$5 monthly.

“(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds \$3,300.

“(d)(1) If there are two parents who are living together, or if a parent has remarried and is living with such parent's spouse, depend-

ency and indemnity compensation shall be paid to each such parent according to the following formula:

"The monthly rate of dependency and indemnity compensation shall be \$90 reduced by—"	For each \$1 of the total combined annual income	
	Which is more than—	But not more than—
\$0.00	0	\$1,000
.02	\$1,000	2,300
.03	2,300	3,300
.04	3,300	4,500

"(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than \$5 monthly.

"(3) In no case may dependency and indemnity compensation be paid under this subsection to a parent if the total combined annual income of the parent and such parent's spouse exceeds \$4,500.";

(4) by striking out in subsection (e) "him" each time it appears and inserting in lieu thereof "the Administrator";

(5) by striking out in subsection (f) "he" and inserting in lieu thereof "the Administrator";

(6) by striking out in subsection (g) (1) (J) (ii) "his" and inserting in lieu thereof "such veteran's"; and

(7) by striking out in subsection (h) "\$64" and inserting in lieu thereof "\$69".

Sec. 202. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 322 of title 38, United States Code, is amended by striking out in subsection (b) "\$64" and inserting in lieu thereof "\$69".

Effective date.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-601 (Comm. on Veterans' Affairs).

SENATE REPORT No. 94-568 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Nov. 4, considered and passed House.

Dec. 17, considered and passed Senate, amended.

Dec. 18, House concurred in Senate amendment.