

Public Law 95-117
95th Congress

An Act

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

Oct. 3, 1977
[H.R. 1862]

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 1977".

Veterans
Disability
Compensation
and Survivor
Benefits Act of
1977.
38 USC. 101
note.

TITLE I—VETERANS DISABILITY COMPENSATION

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

- (1) striking out in subsection (a) "\$38" and inserting in lieu thereof "\$41";
- (2) striking out in subsection (b) "\$70" and inserting in lieu thereof "\$75";
- (3) striking out in subsection (c) "\$106" and inserting in lieu thereof "\$113";
- (4) striking out in subsection (d) "\$145" and inserting in lieu thereof "\$155";
- (5) striking out in subsection (e) "\$203" and inserting in lieu thereof "\$216";
- (6) striking out in subsection (f) "\$255" and inserting in lieu thereof "\$272";
- (7) striking out in subsection (g) "\$302" and inserting in lieu thereof "\$322";
- (8) striking out in subsection (h) "\$350" and inserting in lieu thereof "\$373";
- (9) striking out in subsection (i) "\$393" and inserting in lieu thereof "\$419";
- (10) striking out in subsection (j) "\$707" and inserting in lieu thereof "\$754";
- (11) striking out in subsection (k) "\$879" and "\$1,231" and inserting in lieu thereof "\$937" and "\$1,312", respectively;
- (12) striking out in subsection (l) "\$879" and inserting in lieu thereof "\$937";
- (13) striking out in subsection (m) "\$968" and inserting in lieu thereof "\$1,032";
- (14) striking out in subsection (n) "\$1,099" and inserting in lieu thereof "\$1,172";
- (15) striking out in subsections (o) and (p) "\$1,231" each time it appears and inserting in lieu thereof "\$1,312";
- (16) striking out in subsection (r) "\$528" and inserting in lieu thereof "\$563"; and
- (17) striking out in subsection (s) "\$791" and inserting in lieu thereof "\$843".

(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

Disability
compensation,
adjustment.
38 USC 314 note.
38 USC note
prec. 101.

38 USC 301 *et*
seq.

compensation payable pursuant to chapter 11 of title 38, United States Code.

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

- (1) striking out in subparagraph (A) "\$43" and inserting in lieu thereof "\$46";
- (2) striking out in subparagraph (B) "\$72" and inserting in lieu thereof "\$77";
- (3) striking out in subparagraph (C) "\$92" and inserting in lieu thereof "\$98";
- (4) striking out in subparagraph (D) "\$113" and "\$21" and inserting in lieu thereof "\$120" and "\$22", respectively;
- (5) striking out in subparagraph (E) "\$28" and inserting in lieu thereof "\$30";
- (6) striking out in subparagraph (F) "\$49" and inserting in lieu thereof "\$52";
- (7) striking out in subparagraph (G) "\$72" and "\$21" and inserting in lieu thereof "\$77" and "\$22", respectively;
- (8) striking out in subparagraph (H) "\$35" and inserting in lieu thereof "\$37";
- (9) striking out in subparagraph (I) "\$78" and inserting in lieu thereof "\$83"; and
- (10) striking out in subparagraph (J) "\$66" and inserting in lieu thereof "\$70".

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

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

"§ 411. Dependency and indemnity compensation to a surviving spouse

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1 -----	\$277	W-4 -----	\$397
E-2 -----	286	O-1 -----	350
E-3 -----	293	O-2 -----	362
E-4 -----	311	O-3 -----	388
E-5 -----	320	O-4 -----	409
E-6 -----	327	O-5 -----	451
E-7 -----	343	O-6 -----	507
E-8 -----	362	O-7 -----	550
E-9 -----	378	O-8 -----	602
W-1 -----	350	O-9 -----	647
W-2 -----	364	O-10 -----	708
W-3 -----	375		

"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 surviving spouse's rate shall be \$407.

"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 surviving spouse's rate shall be \$759.

"(b) If there is a surviving spouse with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by \$33 for each such child.

“(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by \$83 if the spouse 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.”

Ill or
handicapped
spouse.

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

Children.

“Whenever there is no surviving spouse 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, \$140;

“(2) two children, \$201;

“(3) three children, \$259; and

“(4) more than three children, \$259, plus \$52 for each child in excess of three.”

SEC. 203. Section 414 of title 38, United States Code, is amended by—

Children,
supplemental
compensation.

(1) striking out in subsection (a) “\$78” and inserting in lieu thereof “\$83”;

(2) striking out in subsection (b) “\$131” and inserting in lieu thereof “\$140”; and

(3) striking out in subsection (c) “\$67” and inserting in lieu thereof “\$71”.

TITLE III—CLOTHING ALLOWANCE

SEC. 301. Section 362 of title 38, United States Code, is amended by striking out “\$190” and inserting in lieu thereof “\$203”.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. Clause (3) of section 801 of title 38, United States Code, is amended to read as follows:

Veterans eligible
for assistance.

“(3) due to the loss or loss of use of one lower extremity together with (A) residuals of organic disease or injury, or (B) the loss or loss of use of one upper extremity, which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.”

SEC. 402. (a) Section 3020 of title 38, United States Code, is amended by adding at the end thereof the following new subsections:

Payment of
benefits,
delivery.

“(d) Notwithstanding subsection (a) of this section, pursuant to an agreement with the Department of the Treasury under which the Administrator certifies such benefits for payment, monetary benefits under laws administered by the Veterans’ Administration may be paid other than by check upon the written request of the person to whom such benefits are to be paid, if such noncheck payment is determined by the Administrator to be in the best interest of such payees and the management of monetary benefits programs by the Veterans’ Administration.

“(e) Whenever the first day of any calendar month falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103 of title 5), the Administrator shall, to the maximum extent practicable, certify benefit payments for such month in such a way that such payments will be delivered by mail, or transmitted for credit to the payee’s account pursuant to subsection (d) of this section, on the Friday immediately preceding such Saturday or Sunday, or in the case of a

legal holiday, the weekday (other than Saturday) immediately preceding such legal public holiday, notwithstanding that such delivery or transmission of such payments is made in the same calendar month for which such payments are issued.”.

(b) (1) The catchline of section 3020 of such title is amended to read as follows:

“§ 3020. Payment of benefits; delivery”.

(2) The table of sections at the beginning of such chapter is amended by striking out

“3020. Payment of benefits by check; delivery.”

and inserting in lieu thereof

“3020. Payment of benefits; delivery.”.

(c) The amendments made by this section shall be effective on the date of enactment of this Act.

SEC. 403. (a) Section 1820 of title 38, United States Code, is amended by inserting before the semicolon in clause (1) of subsection (a) a comma and “but nothing in this clause shall be construed as authorizing garnishment or attachment against the Administrator, the Veterans’ Administration, or any of its employees”.

(b) The amendment made by subsection (a) of this section shall be effective on the date of enactment of this Act.

Effective date.
38 USC 3020
note.
Garnishment.

Effective date.
38 USC 1820
note.

TITLE V—EFFECTIVE DATE PROVISIONS

38 USC 314 note.

SEC. 501. Except as otherwise provided in this Act, the amendments made by this Act to title 38, United States Code, shall become effective on October 1, 1977.

Approved October 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-356 (Comm. on Veterans’ Affairs).

SENATE REPORT No. 95-412 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 23, considered and passed House.

Sept. 9, considered and passed Senate, amended.

Sept. 21, House agreed to Senate amendment with amendments; Senate agreed to House amendments.