

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-204 effective Jan. 1, 1978, see section 302 of Pub. L. 95-204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94-432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Pub. L. 94-169, title I, §101, Dec. 23, 1975, 89 Stat. 1013, provided that the amendment made by that section is effective Jan. 1, 1976.

Pub. L. 94-169, title I, §104, Dec. 23, 1975, 89 Stat. 1016, as amended by Pub. L. 94-432, title I, §101, Sept. 30, 1976, 90 Stat. 1369, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-527 effective Jan. 1, 1975, see section 10 of Pub. L. 93-527, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-177 effective Jan. 1, 1974, see section 8 of Pub. L. 93-177, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-198 effective Jan. 1, 1972, see section 6 of Pub. L. 92-198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-664 effective Jan. 1, 1965, see section 11 of Pub. L. 88-664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as a note under section 1521 of this title.

§ 1543. Net worth limitation

(a)(1) The Secretary shall deny or discontinue payment of pension to a surviving spouse under section 1541 of this title when the corpus of the estate of the surviving spouse is such that under all the circumstances, including consideration of the income of the surviving spouse and the income of any child from whom the surviving spouse is receiving increased pension, it is reasonable that some part of the corpus of such estate be consumed for the surviving spouse's maintenance.

(2) The Secretary shall deny or discontinue the payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child when the corpus of such child's estate is such that under all the circumstances, including consideration of the in-

come of the surviving spouse and such child and the income of any other child for whom the surviving spouse is receiving increased pension, it is reasonable that some part of the corpus of the child's estate be consumed for the child's maintenance. During the period such denial or discontinuance remains in effect, such child shall not be considered as the surviving spouse's child for purposes of this chapter.

(b) The Secretary shall deny or discontinue payment of pension to a child under section 1542 of this title when the corpus of the estate of the child is such that under all the circumstances, including consideration of the income of the child, the income of any person with whom such child is residing who is legally responsible for such child's support, and the corpus of the estate of such person, it is reasonable that some part of the corpus of such estates be consumed for the child's maintenance.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1138, §543; Pub. L. 86-211, §4, Aug. 29, 1959, 73 Stat. 435; Pub. L. 94-169, title I, §101(2)(E), Dec. 23, 1975, 89 Stat. 1014; Pub. L. 95-588, title I, §111, Nov. 4, 1978, 92 Stat. 2504; renumbered §1543 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 543 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1541” for “541” in pars. (1) and (2).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in pars. (1) and (2).

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “1542” for “542”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1978—Pub. L. 95-588 designated existing provisions relating to denial or discontinuance of pension payments to surviving spouses as subsec. (a), expanded existing provisions relating to denial or discontinuance of pension payments to children of veterans, and designated such expanded provisions as subsections (a)(2) and (b).

1975—Pub. L. 94-169 substituted “surviving spouse” for “widow”.

1959—Pub. L. 86-211 substituted provisions requiring the denial or discontinuance of payment of pension to a widow or child when the corpus of the estate of the survivor concerned is such that under all the circumstances, including consideration of income, it is reasonable that some part of the corpus be consumed for the survivor's maintenance for provisions which authorized the payment of a pension to widows of World War II or Korean conflict veterans. See section 1541 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Pub. L. 94-169, title I, §101, Dec. 23, 1975, 89 Stat. 1013, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as a note under section 1521 of this title.

[SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR—REPEALED]

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-588, title I, §112(a)(2), Nov. 4, 1978, 92 Stat. 2505, struck out heading “SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR” below section 543 [now 1543].

1975—Pub. L. 94-169, title I, §101(2)(I), Dec. 23, 1975, 89 Stat. 1014, substituted “SURVIVING SPOUSES” for “WIDOWS” in heading below section 543.

[§ 1544. Vacant]

Editorial Notes

CODIFICATION

Prior to renumbering of sections 501 to 543 of this chapter as sections 1501 to 1543 by Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406, section 544 of this chapter, added Pub. L. 90-77, title I, §108(a), Aug. 31, 1967, 81 Stat. 180; amended Pub. L. 91-588, §3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 93-527, §5, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94-169, title I, §105, Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94-432, title II, §205, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95-204, title I, §104, Dec. 2, 1977, 91 Stat. 1457, which authorized an increase by \$79 of the monthly rate of pension payable to the surviving spouse if the surviving spouse was entitled to pension under this subchapter and was in need of regular aid and attendance, was repealed by Pub. L. 95-588, title I, §112(a)(1), title IV, §401, Nov. 4, 1978, 92 Stat. 2505, 2511, effective Jan. 1, 1979.

SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL

Editorial Notes

AMENDMENTS

1963—Pub. L. 88-77, §5(3), July 25, 1963, 77 Stat. 96, substituted “ARMY, NAVY, AIR FORCE, AND COAST GUARD” for “ARMY, NAVY, AND AIR FORCE” in subchapter heading.

[§§ 1560, 1561. Repealed. Pub. L. 113-66, div. A, title V, § 563(c)(1), Dec. 26, 2013, 127 Stat. 768]

Section 1560, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, §560; Pub. L. 87-138, §1, Aug. 14, 1961, 75 Stat. 338; Pub. L. 88-77, §5(1), July 25, 1963, 77 Stat. 95; Pub. L. 88-651, Oct. 13, 1964, 78 Stat. 1078; Pub. L. 89-311, §4, Oct. 31, 1965, 79 Stat. 1156; Pub. L. 91-24, §5, June 11, 1969, 83 Stat. 33; Pub. L. 94-169, title I, §106(41), Dec. 23, 1975, 89 Stat. 1019; renumbered §1560 and amended Pub. L. 102-83, §§4(b)(4)(A), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 405, 406; Pub. L. 107-296, title XVII, §1704(d), Nov. 25, 2002, 116 Stat. 2315, related to persons eligible for Medal of Honor Roll.

Section 1561, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, §561; Pub. L. 87-138, §2(a), Aug. 14, 1961, 75 Stat. 338; Pub. L. 88-77, §5(2), July 25, 1963, 77 Stat. 95; Pub. L. 94-169, title I, §106(42), (43), Dec. 23, 1975, 89 Stat. 1019; renumbered §1561 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406, related to certificates issued to persons on the Medal of Honor Roll.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to Medals of Honor awarded on or after Dec. 26, 2013, see section 563(d) of Pub. L. 113-66, set out as an Effective Date note under section 1134a of Title 10, Armed Forces.

§ 1562. Special provisions relating to pension

(a)(1) The Secretary shall pay monthly to each living person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, and a copy of whose certificate has been delivered to the Secretary under subsection (d) of section 1134a of title 10, a special pension at the rate of \$1,406.73, as adjusted from time to time under subsection (e),¹ beginning as of the date on which the person's name is entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll under subsection (b) of such section.

(2)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall pay special pension under this section to the surviving spouse of a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll and a copy of whose certificate has been delivered to the Secretary under section 1134a(d) of title 10.

(B) No special pension shall be paid to a surviving spouse of a person under this section unless such surviving spouse was married to such person—

(i) for one year or more prior to the veteran's death; or

(ii) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(C) No special pension shall be paid to a surviving spouse of a person under this section if such surviving spouse is receiving benefits under section 1311 or 1318 of this title.

(b) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which such person is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

(c) Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.

(d) If any person has been awarded more than one medal of honor, or married to more than one person who has been awarded a medal of honor, such person shall not receive more than one special pension.

(e) Effective as of December 1 each year, the Secretary shall increase the amount of monthly special pension payable under subsection (a) as of November 30 of such year by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1 of such year as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).

(f)(1) The Secretary shall pay, in a lump sum, to each person who is in receipt of special pension payable under paragraph (1) of subsection (a), or under paragraph (2) of such subsection in the case of a posthumous entry on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, an amount equal to the total amount of special pension that the person would have received during the period beginning on the

¹ See Special Benefit Allowance Rates note below.