EFFECTIVE DATE OF 1984 AMENDMENTS

Amendment by Pub. L. 98–543 effective Dec. 1, 1984, see section 107 of Pub. L. 98–543, set out as a note under section 1114 of this title.

Amendment by Pub. L. 98–223 effective Apr. 1, 1984, see section 107 of Pub. L. 98–223, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–306 effective Oct. 1, 1982, see section 108 of Pub. L. 97–306, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Oct. 1, 1981, see section 701(a) of Pub. L. 97–66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–385 applicable only to payments for months beginning after Sept. 30, 1980, see section 601(a) of Pub. L. 96–385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96–128, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95–479, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–117 effective Oct. 1, 1977, see section 501 of Pub. L. 95–117, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–433 effective Oct. 1, 1976, see section 406 of Pub. L. 94–433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94–71 effective Aug. 1, 1975, see section 301 of Pub. L. 94–71, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–262 effective first day of second calendar month following May 1970, see section 4 of Pub. L. 91–262, set out as a note under section 1313 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–730 effective first day of second calendar month following Nov. 2, 1966, see section 7(a) of Pub. L. 89–730, set out as a note under section 1315 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89–311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89–311, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–21 effective first day of second calendar month beginning after May 15, 1963, see section 5 of Pub. L. 88–21, set out as a note under section 1311 of this title.

REPEAL

Section 405(g) of Pub. L. 97–253, cited as a credit to this section, was repealed by Pub. L. 97–306, §§ 107, 108, Oct. 14, 1982, 96 Stat. 1431, 1432, eff. Oct. 1, 1982.

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

For increases in rates and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation, see notes set out under section 1114 of this title.

§ 1315. Dependency and indemnity compensation to parents

(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section.

(b)(1) Except as provided in paragraph (4) of this subsection, if there is only one parent, the monthly rate of dependency and indemnity compensation paid to such parent shall be $163, as increased from time to time under section 5312(b)(1) of this title and reduced by an amount, based upon the amount of such parent's annual income, determined in accordance with regulations which the Secretary shall prescribe under section 5312(b)(2) of this title.

(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 $4,038, as increased from time to time under section 5312 of this title.

(4) If there is only one parent and such parent has remarried and is living with such parent's spouse, dependency and indemnity compensation shall be paid to such parent under either paragraph (1) of this subsection or under subsection (d) of this section, whichever will result in the greater amount of such compensation being paid to such parent. In such a case of remarriage the total combined annual income of the parent and such parent's spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.

(c)(1) Except as provided in subsection (d) of this section, if there are two parents, but they are not living together, the monthly rate of dependency and indemnity compensation paid to each such parent shall be $115, as increased from time to time under section 5312(b)(1) of this title and reduced by an amount, based upon the amount of such parent's annual income, determined in accordance with regulations which the Secretary shall prescribe under section 5312(b)(2) of this title.

(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 $4,038, as increased from time to time under section 5312 of this title.

(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, the monthly rate of dependency and indemnity compensation paid to such parent shall be $109, as increased from time to time under section 5312(b)(1) of this title and reduced by an amount, based upon the amount of the combined annual income of the parents or the parent and the parent's spouse, determined in accordance with regulations which the Secretary shall prescribe under section 5312(b)(2) of this title.

(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 $5,430, as increased from time to time under section 5312 of this title.

(e) The Secretary may require as a condition of granting or continuing dependency and indemnity compensation to a parent that such parent, other than one who has attained seventy-two years of age and has been paid dependency and indemnity compensation during two consecutive calendar years, file for a calendar year with the Secretary (on the form prescribed by the Secretary) a report showing the total income which such parent expects to receive in that year and the total income which such parent received in the preceding year. The parent or parents shall notify the Secretary whenever there is a material change in annual income.

(f)(1) In determining income under this section, all payments of any kind or from any source shall be included, except—

(A) payments of the six-months' death gratuity;

(B) donations from public or private relief or welfare organizations;

(C) payments under this chapter (except section 1312(a)) and chapters 11 and 15 of this title and under the first sentence of section 9(b) of the Veterans' Pension Act of 1959;

(D) lump-sum death payments under title II of the Social Security Act (42 U.S.C. 401 et seq.);

(E) payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces;

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

(G) 10 percent 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) reimbursements of any kind for any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause may not exceed the greater of the fair market value or the reasonable replacement value of the property involved at the time immediately preceding the loss;

(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 such veteran's 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;

(M) payments of annuities elected under subchapter I of chapter 73 of title 10.

(2) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

(3) The Secretary may provide by regulation for the exclusion from income under this section of amounts paid by a parent for unusual medical expenses.

(g) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $85, as increased from time to time under section 5312 of this title, if such parent is (1) a patient in a nursing home or (2) blind, or so nearly blind or significantly disabled as to need or require the regular aid and attendance of another person.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1129, § 415; Pub. L. 87–268, § 1(b), Sept. 21, 1961, 75 Stat. 566; Pub. L. 88–21, § 4, May 15, 1963, 77 Stat. 17; Pub. L. 89–730, §§ 1, 2, Nov. 2, 1966, 80 Stat. 1157, 1158; Pub. L. 90–275, § 2, Mar. 28, 1968, 82 Stat. 66; Pub. L. 91–588, §§ 2, 8(a), Dec. 24, 1970, 84 Stat. 1582, 1584; Pub. L. 92–197, § 4, Dec. 15, 1971, 85 Stat. 661; Pub. L. 92–425, § 6(1), Sept. 21, 1972, 86 Stat. 713; Pub. L. 93–177, § 4, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 7, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94–169, title II, § 201, Dec. 23, 1975, 89 Stat. 1019; Pub. L. 94–432, title III, § 301, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95–204, title II, § 201, Dec. 2, 1977, 91 Stat. 1457; Pub. L. 95–588, title II, § 201, Nov. 4, 1978, 92 Stat. 2505; Pub. L. 96–466, title VI, § 605(c)(1), Oct. 17, 1980, 94 Stat. 2211; Pub. L. 97–295, § 4(10), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 100–687, div. B, title XIV, § 1402(a), Nov. 18, 1988, 102 Stat. 4129; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1315 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L.

102–86, title I, § 102, Aug. 14, 1991, 105 Stat. 414; Pub. L. 103–271, § 9(a), July 1, 1994, 108 Stat. 743; Pub. L. 104–275, title IV, § 405(c)(1), Oct. 9, 1996, 110 Stat. 3340; Pub. L. 109–233, title V, § 502(3), June 15, 2006, 120 Stat. 415.)

REFERENCES IN TEXT

Section 9(b) of the Veterans' Pension Act of 1959, referred to in subsec. (f)(1)(C), is section 9(b) of Pub. L. 86–211, Aug. 29, 1959, 73 Stat. 432, which was set out as a Savings Provisions note under section 1521 of this title, and was repealed, effective Jan. 1, 1979, by section 306(b)(1) of Pub. L. 95–588, which is set out as a Savings Provisions for Persons Entitled to Pension as of December 31, 1978: Other Provisions note under section 1521 of this title.

The Social Security Act, referred to in subsec. (f)(1)(D), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2006—Subsec. (g)(2). Pub. L. 109–233 substituted ''blind, or so nearly blind or significantly disabled as to'' for ''helpless or blind, or so nearly helpless or blind as to''.

1996—Subsec. (f)(1)(F). Pub. L. 104–275 substituted ''servicemembers' group'' for ''servicemen's group''.

1994—Subsec. (e). Pub. L. 103–271, in first sentence, substituted ''may require'' for ''shall require'' and ''for a calendar year'' for ''each year'' and, in second sentence, substituted ''notify the Secretary'' for ''file with the Secretary a revised report'' and struck out ''the estimated'' after ''material change in''.

1991—Pub. L. 102–83, § 5(a), renumbered section 415 of this title as this section.

Subsec. (a). Pub. L. 102–86 amended this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by amending subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.''

Subsec. (b)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Pub. L. 102–40 substituted ''5312(b)(1)'' for ''3112(b)(1)'' and ''5312(b)(2)'' for ''3112(b)(2)''.

Subsec. (b)(3). Pub. L. 102–40 substituted ''5312'' for ''3112''.

Subsec. (c)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Pub. L. 102–40 substituted ''5312(b)(1)'' for ''3112(b)(1)'' and ''5312(b)(2)'' for ''3112(b)(2)''.

Subsec. (c)(3). Pub. L. 102–40 substituted ''5312'' for ''3112''.

Subsec. (d)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Pub. L. 102–40 substituted ''5312(b)(1)'' for ''3112(b)(1)'' and ''5312(b)(2)'' for ''3112(b)(2)''.

Subsec. (d)(3). Pub. L. 102–40 substituted ''5312'' for ''3112''.

Subsec. (e). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (f)(1)(C). Pub. L. 102–83, § 5(c)(1), substituted ''1312(a)'' for ''412(a)''.

Subsec. (f)(1)(I), (3). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Subsec. (g). Pub. L. 102–40 substituted ''5312'' for ''3112''.

1988—Subsec. (f)(1)(I). Pub. L. 100–687 amended cl. (I) generally. Prior to amendment, cl. (I) read as follows: ''proceeds of fire insurance policies;''.

1982—Subsec. (f)(1)(D). Pub. L. 97–295, § 4(10)(A), substituted ''title II of the Social Security Act (42 U.S.C. 401 et seq.)'' for ''subchapter II of chapter 7 of title 42''.

Subsec. (f)(1)(G). Pub. L. 97–295, § 4(10)(B), substituted ''percent'' for ''per centum''.

1980—Subsec. (f). Pub. L. 96–466 redesignated subsec. (g) as (f). Former subsec. (f), which directed the Administrator, upon ascertaining that there had been overpayments to a parent under this section, to deduct such overpayments (unless waived) from any future payments made to such parent under this section, was struck out.

Subsecs. (g), (h). Pub. L. 96–466 redesignated subsecs. (g) and (h) as (f) and (g), respectively.

1978—Subsec. (b)(1). Pub. L. 95–588, § 201(a)(1), substituted a fixed monthly amount of $163, subject to certain increases and deductions, as parental compensation for a formula for computing the monthly award under this subsection based upon the annual income of the recipient.

Subsec. (b)(3). Pub. L. 95–588, § 201(a)(2), substituted ''$4,038, as increased from time to time under section 3112 of this title'' for ''$3,770''.

Subsec. (b)(4). Pub. L. 95–588, § 201(a)(3), struck out references to the award computation formula formerly contained in subsec. (b)(1) of this section and inserted provision relating to election between subsecs. (b)(1) and (d) of this section in order to procure the greatest amount of compensation for the recipient.

Subsec. (c)(1). Pub. L. 95–588, § 201(b)(1), substituted a fixed amount of $115 a month as compensation under this subsection for a computation formula based upon the annual income of the recipient.

Subsec. (c)(3). Pub. L. 95–588, § 201(b)(2), substituted ''$4,038, as increased from time to time under section 3112 of this title'' for ''$3,770''.

Subsec. (d)(1). Pub. L. 95–588, § 201(c)(1), substituted a fixed amount of $109 a month as compensation under this subsection for a computation formula based upon combined annual income of recipients.

Subsec. (d)(3). Pub. L. 95–588, § 201(c)(2), substituted ''$5,430, as increased from time to time under section 3112 of this title'' for ''$5,070''.

Subsec. (h). Pub. L. 95–588, § 201(d), substituted ''$85, as increased from time to time under section 3112 of this title'' for ''$79''.

1977—Subsec. (b)(1). Pub. L. 95–204, § 201(1), increased monthly rate of compensation from $142 to $152, substituted ''.05'' for ''.04'', ''.06'' for ''.05'', ''.08'' for ''.06'', ''1,500'' for ''1,400'' in two places, and ''3,770'' for ''1,600'', and struck out provision reducing compensation by .08 for income more than 1,600 but not more than 3,540.

Subsec. (b)(3). Pub. L. 95–204, § 201(2), substituted ''$3,770'' for ''$3,540''.

Subsec. (c)(1). Pub. L. 95–204, § 201(3), increased monthly rate of compensation from $100 to $107, substituted ''.05'' for ''.04'', ''.06'' for ''.05'', ''2,000'' for ''1,300'' in two places, and ''3,770'' for ''2,300'', and struck out provision reducing compensation by .06 for income more than 2,300 but not more than 3,540.

Subsec. (c)(3). Pub. L. 95–204, § 201(4), substituted ''$3,770'' for ''$3,540''.

Subsec. (d)(1). Pub. L. 95–204, § 201(5), increased monthly rate of compensation from $96 to $102, and substituted ''2,000'' for ''2,100'' in two places, ''2,900'' for ''3,100'' in two places, ''3,600'' for ''3,800'' in two places, and ''5,070'' for ''4,760''.

Subsec. (d)(3). Pub. L. 95–204, § 201(6), substituted ''$5,070'' for ''$4,760''.

Subsec. (h). Pub. L. 95–204, § 201(7), substituted ''$79'' for ''$74''.

1976—Subsec. (b)(1). Pub. L. 94–432, § 301(1), increased monthly rate of compensation from $133 to $142 and substituted $1,200 to $1,400 for $1,200 to $1,500, $1,400 to $1,600 for $1,500 to $1,700 and $1,600 to $3,540 for $1,700 to $3,300.

Subsec. (b)(3). Pub. L. 94–432, § 301(2), substituted ''$3,540'' for ''$3,300''.

Subsec. (c)(1). Pub. L. 94–432, § 301(3), increased monthly rate of compensation from $93 to $100 and substituted $1,100 to $1,300 for $1,100 to $1,600, $1,300 to $2,300 for $1,600 to $2,400 and $2,300 to $3,540 for $2,400 to $3,300.

Subsec. (c)(3). Pub. L. 94–432, § 301(4), substituted ''$3,540'' for ''$3,300''.

Subsec. (d)(1). Pub. L. 94–432, § 301(5), increased monthly compensation from $90 to $96 and substituted $1,000 to $2,100 for $1,000 to $2,300, $2,100 to $3,100 for $2,300 to $3,300 and $3,100 to $3,800 for $3,300 to $4,500, and inserted provision for reduction by $.05 for each $1 of total combined annual income which is more than $3,800 but not more than $4,760.

Subsec. (d)(3). Pub. L. 94–432, § 301(6), substituted ''$4,760'' for ''$4,500''.

Subsec. (h). Pub. L. 94–432, § 301(7), substituted ''$74'' for ''$69''.

1975—Subsec. (b)(1). Pub. L. 94–169, § 201(2), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of compensation from $123 to $133, substituted $1000 to $1200 for $1000 to $1300, $1200 to $1500 for $1300 to $1600, $1500 to $1700 for $1600 to $1800 and $1700 to $3300 for $2000 to $3000, the minimum and maximum income ranges for which the compensation rate will be reduced by 4, 5, 6 and 8 cents per dollar, respectively, struck out the income range of $1800 to $2000 for which the reduction rate is 7 cents per dollar, increased from $4.00 to $5.00 the minimum payable compensation, and increased from $3,000 to $3300 the income in excess of which no compensation will be paid.

Subsec. (b)(2). Pub. L. 94–169, § 201(1), redesignated, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, subsec. (b)(2) as (b)(4), and in subsec. (b)(4) as so redesignated, substituted ''such parent has remarried'' for ''he has remarried'', ''with such parent's spouse'' for ''with his spouse'', ''paid to such parent'' for ''paid to him'' and ''parent and such parent's spouse'' for ''parent and his spouse''.

Subsec. (c). Pub. L. 94–169, § 201(3), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of compensation from $86 to $93, substituted $1100 to $1600 for $1100 to $2100, $1600 to $2400 for $2100 to $2500 and $2400 to $3300 for $2500 to $3000, the minimum and maximum income ranges for which the compensation rate will be reduced 4, 5 and 6 cents, respectively, increased from $4.00 to $5.00 the minimum payable compensation, and increased from $3000 to $3300 the income in excess of which no compensation will be paid.

Subsec. (d). Pub. L. 94–169, § 201(3), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, basic rate of monthly compensation from $83 to $90, substituted $1000 to $2300 for $1100 to $2500, $2300 to $3300 for $2500 to $3500 and $3300 to $4500 for $3500 to $4200 the minimum and maximum income ranges for which the compensation rate will be reduced by 2, 3, and 4 cents, respectively, struck out the income range of $1000 to $1100 for which the reduction rate is 1 cent per dollar, increased from $4.00 to $5.00 the minimum payable compensation, and increased from $4200 to $4500 the income in excess of which no compensation will be paid.

Subsec. (e). Pub. L. 94–169, § 201(4), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''with the Administrator'' for ''with him'' and ''prescribed by the Administrator'' for ''prescribed by him''.

Subsec. (f). Pub. L. 94–169, § 201(5), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''the Administrator shall deduct'' for ''he shall deduct''.

Subsec. (g)(1)(J)(ii). Pub. L. 94–169, § 201(6), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''such veteran's'' for ''his''.

Subsec. (h). Pub. L. 94–169, § 201(7), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''$69'' for ''$64''.

1974—Subsec. (b)(1). Pub. L. 93–527, § 7(1), substituted ''$123'' for ''$110'', ''$1000'' for ''$1100'' wherever appearing, ''$1300'' for ''$1500'' wherever appearing, ''$1600'' for ''$1700'' wherever appearing, ''$1800'' for ''$2000'' wherever appearing, ''$2000'' for ''$2300'' wherever appearing, and ''$3000'' for ''$2600'' wherever appearing, and provided that in no event shall the monthly rate be less than $4.00.

Subsec. (b)(2). Pub. L. 93–527, § 7(1), reenacted par. (2) without change.

Subsec. (c). Pub. L. 93–527, § 7(2), substituted ''$86'' for ''$77'', ''$2100'' for ''$1400'' wherever appearing, ''$2500'' for ''$2300'' wherever appearing, ''3000'' for ''2600'' wherever appearing, and ''4 cents'', ''5 cents'' and ''6 cents'' for ''3 cents'', ''4 cents'' and ''5 cents'', and inserted provision that in no event shall the monthly rate of dependency and indemnity compensation be less than $4.

Subsec. (d). Pub. L. 93–527, § 7(3), substituted ''$83'' for ''$74'', ''$1,000'' for ''$1,200'' wherever appearing, ''$2500'' for ''$2900'' wherever appearing, and ''3500'' for ''$3800'', and inserted provisions for reduction of 4 cents in the monthly rate for each dollar of annual income in excess of $3500 up to and including $4200, for not less than $4 for the monthly rate of dependency and indemnity compensation, and raised the maximum combined income for which compensation will be paid from $3800 to $4200.

Subsec. (h). Pub. L. 93–527, § 7(4), substituted ''$64'' for ''$55''.

1973—Subsec. (b)(1). Pub. L. 93–177, § 4(a), substituted ''$110'' for ''$100'', ''$1,100'' for ''$1,200'', ''$1,500'' for ''$1,600'', ''$1,700'' for ''$1,900'', ''$2,000'' for ''$2,100'', and ''$2,300'' for ''$2,600'' in existing provisions and inserted provisions for a reduction of 8 cents in the monthly rate for each $1 annual income in excess of $2,300 up to and including $2,600.

Subsec. (b)(2). Pub. L. 93–177, § 4(a), reenacted par. (2) without change.

Subsec. (c). Pub. L. 93–177, § 4(b), substituted ''$77'' for ''$70'', ''$1,400'' for ''$1,700'', and ''$2,300'' for ''$2,600'' in existing provisions and inserted provision for a reduction of 5 cents in the monthly rate for each $1 of annual income in excess of $2,300 up to and including $2,600.

Subsec. (d). Pub. L. 93–177, § 4(c), substituted ''$74'' for ''$67'', ''$1,200'' for ''$1,300'', and ''$2,900'' for ''$3,400''.

1972—Subsec. (g)(1)(M). Pub. L. 92–425 substituted ''subchapter I of chapter 73 of title 10'' for ''chapter 73 of title 10''.

1971—Subsec. (b)(1). Pub. L. 92–197, § 4(a), substituted formula to measure monthly compensation rate of one parent by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $2,600 from $2,300.

Subsec. (b)(2). Pub. L. 92–197, § 4(a), substituted reference to formula in subsecs. (b)(1) and (d), for reference to tables in subsecs. (b)(1) and (d).

Subsec. (c). Pub. L. 92–197, § 4(b), substituted formula to measure dependency and indemnity compensation rates of two parents not living together by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $2,600 from $2,300.

Subsec. (d). Pub. L. 92–197, § 4(c), substituted formula to measure dependency and indemnity compensation to two parents living together or a remarried parent living with his spouse by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $3,800 from $3,500.

Subsec. (g)(2), (3). Pub. L. 92–197, § 4(d), redesignated par. (2) as par. (3) and added par. (2).

Subsec. (h). Pub. L. 92–197, § 4(e), added subsec. (h).

1970—Subsec. (b)(1). Pub. L. 91–588, § 2(a), provided new annual income limits to measure monthly compensation of one parent by adding minimum income limits of $2,000, $2,100, and $2,200 with maximum limits

of $2,100, $2,200, and $2,300 for monthly benefits of $18, $12, and $10, respectively, and within existing annual income limits from a maximum of $800 to a maximum of $2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$96'' for ''$87'', ''94'' for ''81'', ''91'' for ''75'', ''87'' for ''69'', ''81'' for ''62'', ''75'' for ''54'', ''69'' for ''46'', ''62'' for ''38'', ''54'' for ''31'', ''46'' for ''25'', ''38'' for ''18'', ''31'' for ''12'', and ''25'' for ''10''.

Subsec. (c). Pub. L. 91–588, § 2(b), provided new annual income limits to measure monthly compensation of two parents not living together by adding minimum income limits of $2,000, $2,100, and $2,200 with maximum limits of $2,100, $2,200, and $2,300 for monthly benefits of $14, $12, and $10, respectively, and within existing annual income limits from a maximum of $800 to a maximum of $2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$66'' for ''$58'', ''64'' for ''54'', ''61'' for ''50'', ''58'' for ''46'', ''54'' for ''41'', ''50'' for ''35'', ''46'' for ''29'', ''41'' for ''23'', ''35'' for ''20'', ''29'' for ''16'', ''23'' for ''12'', ''20'' for ''11'', and ''16'' for ''10''.

Subsec. (d). Pub. L. 91–588, § 2(c), provided new annual income limits to measure monthly compensation of two parents living together by adding minimum income limits of $3,200, $3,300, and $3,400 with maximum limits of $3,300, $3,400, and $3,500 for monthly benefits of $14, $12, and $10, respectively, and within existing annual income limits from a maximum of $1,000 to a maximum of $3,200, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$64'' for ''$58'', ''62'' for ''56'', ''60'' for ''54'', ''58'' for ''52'', ''56'' for ''49'', ''54'' for ''46'', ''52'' for ''44'', ''49'' for ''42'', ''46'' for ''40'', ''44'' for ''38'', ''42'' for ''35'', ''40'' for ''33'', ''38'' for ''31'', ''35'' for ''29'', ''33'' for ''26'', ''31'' for ''23'', ''29'' for ''21'', ''27'' for ''19'', ''25'' for ''17'', ''23'' for ''15'', ''21'' for ''12'', ''19'' for ''11'', and ''17'' for ''10''.

Subsec. (e). Pub. L. 91–588, § 2(d), exempted from filing requirement any parent who has attained 72 years of age and has been paid dependency and indemnity compensation during two consecutive calendar years.

Subsec. (g)(1)(C). Pub. L. 91–588, § 8(a), inserted reference to first sentence of section 9(b) of the Veterans' Pension Act of 1959.

Subsec. (g)(1)(M). Pub. L. 91–588, § 8(a), added subpar. (M).

1968—Subsec. (b)(1). Pub. L. 90–275, § 2(a), in providing new annual income limits to measure monthly compensation of one parent, reenacted minimum income limit of $800 for monthly benefit of $87, struck out prohibition against payments when income is in excess of $1,800, and substituted a sliding scale of payments based on one hundred dollar increments from more than $800 to more than $1,900 to $2,000 for payments of $81 to 10 for former sliding scale based on limits of $800 to 1,100, $1,100 to 1,300, $1,300 to 1,500, and $1,500 to 1,800 for payments of $69, $52, $35, and $18, respectively.

Subsec. (c). Pub. L. 90–275, § 2(b), in providing new annual income limits to measure monthly compensation of two parents not living together, reenacted minimum income limit of $800 for monthly benefit of $58, struck out prohibition against payments when income is in excess of $1,800, and substituted a sliding scale of payments based on one hundred dollar increments from more than $800 to more than $1,900 to $2,000 for payments of $54 to 10 for former sliding scale based on limits of $800 to 1,100, $1,100 to 1,300, $1,300 to 1,500, and $1,500 to 1,800 for payments of $46, $35, $23, and $12, respectively.

Subsec. (d). Pub. L. 90–275, § 2(c), in providing new annual income limits to measure monthly compensation of two parents living together, reenacted minimum combined income limit of $1,000 for monthly benefit of $58, struck out prohibition against payments when income is in excess of $3,000, and substituted a sliding scale of payments based on one hundred dollar increments from more than $1,000 to $3,100 for payments of $56 to 11 for former sliding scale based on five hundred dollar increments from more than $1,000 to $3,000 for payments of $58, $46, $35, $23, and $12.

1966—Subsec. (b). Pub. L. 89–730, § 1(a), designated existing subsection as par. (1), and in par. (1) as so designated, substituted reference to subsec. (b)(2) for subsec. (d), amended table by providing for increased indemnity compensation while permitting the recipient to earn a higher maximum annual income, and added par. (2).

Subsec. (c). Pub. L. 89–730, § 1(b), amended table by providing for increased indemnity compensation while permitting the recipient to earn a higher maximum annual income.

Subsec. (d). Pub. L. 89–730, § 1(c), amended table by providing for increased indemnity compensation while permitting the recipients to earn a higher combined maximum annual income.

Subsec. (g)(1). Pub. L. 89–730, § 2, in cl. (C) struck out ''chapter 11'' and substituted ''chapters 11 and 15'', and added cls. (F) to (L).

1963—Subsec. (b). Pub. L. 88–21, § 4(a), substituted in Column II of table ''$83'', ''$66'', ''$50'', ''$33'', and ''$17'' for ''$75'', ''$60'', ''$45'', ''$30'', and ''$15'', respectively.

Subsecs. (c), (d). Pub. L. 88–21, § 4(b), substituted in Column II of tables ''$55'', ''$44'', ''$33'', ''$22'', and ''$11'' for ''50'', ''$40'', ''$30'', ''$20'' and ''$10'', respectively.

1961—Subsec. (g)(1)(C). Pub. L. 87–268 substituted ''section 412(a)'' for ''section 412''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96–466, set out as an Effective Date note under section 5314 of this title.

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 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

Section 201 of Pub. L. 94–169, as amended by section 101 of Pub. L. 94–432, 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. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by sections 2(a)–(c) and 8(a) of Pub. L. 91–588, effective Jan. 1, 1971, and amendment by section 2(d) of Pub. L. 91–588, effective on Jan. 1, 1972, see sec-

tion 10 of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–275 effective Jan. 1, 1969, see section 6(a) of Pub. L. 90–275, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 7 of Pub. L. 89–730 provided that:

''(a) Except section 6 [enacting and amending provisions set out as notes under section 1976 of this title] and as otherwise provided in subsection (b) of this section, this Act [amending this section and sections 413, 414, and 3012 [now 1313, 1314, and 1512] of this title] shall take effect on the first day of the second calendar month following the date of enactment of this Act [Nov. 2, 1966].

''(b) Section 2 of this Act [amending this section] shall take effect on January 1, 1967, but paragraph (G) of section 415(g)(1) [now 1315(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.''

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–21 effective first day of second calendar month beginning after May 15, 1963, see section 5 of Pub. L. 88–21, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87–268 effective Oct. 1, 1961, see section 3 of Pub. L. 87–268, set out as a note under section 1312 of this title.

PENSION, DEPENDENCY, AND INDEMNITY COMPENSATION; RELATION TO SOCIAL SECURITY AMENDMENTS OF 1967

Payments for balance of calendar year 1968 and calendar year 1969, calendar year 1970, and during each successive calendar year at prescribed monthly rates when payments would be less under this title as a result of increase in monthly insurance benefits provided by Social Security Amendments of 1967, see section 3 of Pub. L. 90–275, set out as a note under section 1521 of this title.

§ 1316. Dependency and indemnity compensation in cases of prior deaths

(a)(1) Any person who is eligible as a surviving spouse or child for death compensation by reason of a death occurring before January 1, 1957, may receive dependency and indemnity compensation upon application therefor.

(2) Any person who is eligible as a parent, or, but for such person's annual income, would be eligible as a parent, for death compensation by reason of a death occurring before January 1, 1957, may receive dependency and indemnity compensation upon application therefor; however, the annual income limitations established by section 1315 of this title shall apply to each such parent.

(b)(1) Whenever the surviving spouse of a veteran has been granted dependency and indemnity compensation by reason of this section, payments to such surviving spouse and to the children of the veteran shall thereafter be made under this chapter, and shall not thereafter be made to them by reason of the death of the veteran under (A) other provisions of law administered by the Secretary providing for the payment of compensation or pension, or (B) subchapter I of chapter 81 of title 5.

(2) Whenever the child or parent of any veteran is granted dependency and indemnity compensation, payments shall not thereafter be made to such child or parent by reason of the death of the veteran under (A) other provisions of law administered by the Secretary providing for the payment of compensation or pension, or (B) subchapter I of chapter 81 of title 5.

(c) If children of a deceased individual are receiving death compensation, and all such children have not applied for dependency and indemnity compensation, (1) dependency and indemnity compensation paid to each child who has applied therefor shall not exceed the amounts which would be paid if the application had been made by, or on behalf of, all such children, and (2) benefits paid under other provisions of law administered by the Secretary providing for the payment of compensation or pension, or under subchapter I of chapter 81 of title 5, to each child who has not so applied therefor shall not exceed the amounts which would be paid to such child if no such application had been made.

(d) If there are two parents of a deceased individual eligible for benefits by reason of subsection (a), and an application for dependency and indemnity compensation is not made by both parents, (1) dependency and indemnity compensation paid to the parent who applies therefor shall not exceed the amounts which would be paid to such parent if both parents had so applied, and (2) benefits paid under other provisions of law administered by the Secretary providing for the payment of compensation, or under subchapter I of chapter 81 of title 5, to the parent who has not so applied therefor shall not exceed the amounts which would be paid to such parent if no such application had been made.

(e)(1) Except as provided in paragraphs (3) and (4), no person who, on January 1, 1957, was a principal or contingent beneficiary of any payments under the Servicemen's Indemnity Act of 1951 may receive any such payments based upon the death giving rise to such payments after such person has been granted dependency and indemnity compensation based upon that death. No principal or contingent beneficiary who has assigned such beneficiary's interest in payments under the Servicemen's Indemnity Act of 1951 after June 28, 1956, may receive any payments under this chapter based upon the death giving rise to such payments until the portion of the indemnity so assigned is no longer payable to any person.

(2) Where a beneficiary is barred from the receipt of payments under the Servicemen's Indemnity Act of 1951 by virtue of the first sentence of paragraph (1), no payments of the portion of indemnity in which such beneficiary had an interest shall be made to any other beneficiary.

(3) In the case of a child who has applied for dependency and indemnity compensation pursuant to this section or prior corresponding provisions of law, and who is or becomes a beneficiary under the Servicemen's Indemnity Act of 1951 by reason of the death giving rise to such child's eligibility for dependency and indemnity compensation, the Secretary shall determine and