Pars. (9) to (13). Pub. L. 88–664, § 1(b), added pars. (9) to (13).

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

1959—Pub. L. 86–211 among other changes, required the inclusion of all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived), and permitted the exclusion of donations from public or private relief or welfare organizations, payments under policies of United States Government life insurance or National Service Life Insurance, and payments of servicemen's indemnity, lump sum death payments, payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs equal to his contributions thereto, amounts equal to amounts paid by a widow or child for the veteran's just debts, expenses of his last illness, and expenses of his burial to the extent such expenses are not reimbursed under chapter 23 of this title, and proceeds of life insurance policies.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–275, title VI, § 604(b), Oct. 13, 2010, 124 Stat. 2885, provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.''

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

Sections 101 and 106 of Pub. L. 94–169 provided that the amendments made by those sections are effective Jan. 1, 1976.

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

Section 11 of Pub. L. 88–664 provided that:

''(a) Except as otherwise provided herein, this Act [amending this section and sections 502, 506, 521, 541, 542, 612, and 3104 [now 1502, 1506, 1521, 1541, 1542, 1712, and 5304] of this title and enacting provisions set out as a note under section 1521 of this title] shall take effect on January 1, 1965.

''(b) The amendment to paragraph (6) of section 503 [now 1503], title 38, United States Code, shall not apply to any individual receiving pension on December 31, 1964, under chapter 15 of said title, or subsequently determined entitled to such pension for said day, until his contributions have been recouped under the provision of that paragraph in effect on December 31, 1964.''

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.

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 an Effective Date note under section 1506 of this title.

§ 1504. Persons heretofore having a pensionable status

The pension benefits of subchapters II and III of this chapter shall, notwithstanding the service requirements of such subchapters, be granted to persons heretofore recognized by law as having a pensionable status.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1134, § 504; renumbered § 1504, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1504 was renumbered section 3104 of this title.

Another prior section 1504, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1172; Pub. L. 89–137, § 1(a), Aug. 26, 1965, 79 Stat. 576; Pub. L. 90–431, July 26, 1968, 82 Stat. 447; Pub. L. 91–219, title I, § 101, Mar. 26, 1970, 84 Stat. 76; Pub. L. 92–540, title I, § 101(2), Oct. 24, 1972, 86 Stat. 1074; Pub. L. 93–508, title I, § 101(3), Dec. 3, 1974, 88 Stat. 1579; Pub. L. 93–602, title II, § 202, Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94–502, title I, §§ 101, 104(4), Oct. 15, 1976, 90 Stat. 2383, 2384; Pub. L. 95–202, title I, § 101, Nov. 23, 1977, 91 Stat. 1433, related to subsistence allowances to be paid veterans while pursuing a course of vocational rehabilitation training under chapter 31 of this title, prior to repeal, effective Oct. 1, 1980, by Pub. L. 96–466, title VIII, § 802(a)(4), Oct. 17, 1980, 94 Stat. 2218. See section 3108 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 504 of this title as this section.

§ 1505. Payment of pension during confinement in penal institutions

(a) No pension under public or private laws administered by the Secretary shall be paid to or for an individual who has been imprisoned in a Federal, State, local, or other penal institution or correctional facility as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after such individual's imprisonment begins and ending when such individual's imprisonment ends.

(b) Where any veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Secretary may apportion and pay to such veteran's spouse or children the pension which such veteran would receive for that period but for this section.

(c) Where any surviving spouse or child of a veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Secretary may (1) if the surviving spouse is so disqualified, pay to the child, or children, the pension which would be payable if there were no such surviving spouse or (2) if a child is so disqualified, pay to the surviving spouse or other children, as applicable, the pension which would be payable if there were no such child.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1134, § 505; Pub. L. 94–169, title I, § 106(9)–(11), Dec. 23, 1975, 89 Stat. 1017; renumbered § 1505 and amended Pub. L. 102–83, §§ 4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 109–461, title X, § 1002(a), Dec. 22, 2006, 120 Stat. 3464.)

PRIOR PROVISIONS

Prior section 1505 was renumbered section 3105 of this title.

Another prior section 1505, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1172; Pub. L. 94–502, title I, § 104(5), Oct. 15,

1976, 90 Stat. 2384, related to leaves of absence to veterans pursuing a course of vocational rehabilitation training under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96–466. Section 802(a)(3) of Pub. L. 96–466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1505 continue in effect until Mar. 31, 1981. See section 3110 of this title.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–461 substituted ''local, or other penal institution or correctional facility'' for ''or local penal institution''.

1991—Pub. L. 102–83, § 5(a), renumbered section 505 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration''.

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

1975—Subsec. (a). Pub. L. 94–169, § 106(9), substituted ''such individual's'' for ''his'' wherever appearing.

Subsec. (b). Pub. L. 94–169, § 106(10), substituted ''such veteran's spouse'' for ''his wife''.

Subsec. (c). Pub. L. 94–169, § 106(11), substituted ''surviving spouse'' for ''widow'' wherever appearing.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided that the amendment made by that section is effective Jan. 1, 1976.

§ 1506. Resource reports and overpayment adjustments

As a condition of granting or continuing pension under section 1521, 1541, or 1542 of this title, the Secretary—

(1) may require from any person who is an applicant for or a recipient of pension such information, proofs, and evidence as the Secretary determines to be necessary in order to determine the annual income and the value of the corpus of the estate of such person, and of any spouse or child for whom the person is receiving or is to receive increased pension (such a child is hereinafter in this subsection referred to as a ''dependent child''), and, in the case of a child applying for or in receipt of pension under section 1542 of this title (hereinafter in this subsection referred to as a ''surviving child''), of any person with whom such child is residing who is legally responsible for such child's support;

(2) may require that any such applicant or recipient file for a calendar year with the Department (on such form as may be prescribed for such purpose by the Secretary) a report showing—

(A) the annual income which such applicant or recipient (and any such spouse or dependent child) received during the preceding year, the corpus of the estate of such applicant or recipient (and of any such spouse or dependent child) at the end of such year, and in the case of a surviving child, the income and corpus of the estate of any person with whom such child is residing who is legally responsible for such child's support;

(B) such applicant's or recipient's estimate for the then current year of the annual income such applicant or recipient (and any such spouse or dependent child) expects to receive and of any expected increase in the value of the corpus of the estate of such applicant or recipient (and for any such spouse or dependent child); and

(C) in the case of a surviving child, an estimate for the then current year of the annual income of any person with whom such child is residing who is legally responsible for such child's support and of any expected increase in the value of the corpus of the estate of such person;

(3) shall require that any such applicant or recipient promptly notify the Secretary whenever there is a material change in the annual income of such applicant or recipient (or of any such spouse or dependent child) or a material change in the value of the corpus of the estate of such applicant or recipient (or of any such spouse or dependent child), and in the case of a surviving child, a material change in the annual income or value of the corpus of the estate of any person with whom such child is residing who is legally responsible for such child's support; and

(4) shall require that any such applicant or recipient applying for or in receipt of increased pension on account of a person who is a spouse or child of such applicant or recipient promptly notify the Secretary if such person ceases to meet the applicable definition of spouse or child.

(Added Pub. L. 86–211, § 2(b), Aug. 29, 1959, 73 Stat. 432, § 506; amended Pub. L. 88–664, § 2, Oct. 13, 1964, 78 Stat. 1094; Pub. L. 91–588, § 6, Dec. 24, 1970, 84 Stat. 1584; Pub. L. 94–169, title I, § 106(12)–(14), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95–588, title I, § 103, Nov. 4, 1978, 92 Stat. 2498; Pub. L. 96–466, title VI, § 605(c)(2), Oct. 17, 1980, 94 Stat. 2211; renumbered § 1506 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–271, § 9(b), July 1, 1994, 108 Stat. 743.)

PRIOR PROVISIONS

Prior section 1506 was renumbered section 3106 of this title.

Another prior section 1506, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1173, authorized Administrator to furnish veterans receiving vocational rehabilitation such medical care, treatment, hospitalization, and prosthesis as were necessary to accomplish the purposes of chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96–466. Section 802(a)(3) of Pub. L. 96–466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1506 continue in effect until Mar. 31, 1981. See section 3104 of this title.

AMENDMENTS

1994—Par. (2). Pub. L. 103–271, § 9(b)(1), substituted ''may require'' for ''shall require'' and ''file for a calendar year'' for ''file each year'' in introductory provisions.

Par. (3). Pub. L. 103–271, § 9(b)(2), substituted ''notify the Secretary'' for ''file a revised report'', struck out ''estimated'' before ''annual income'' in two places, and struck out ''such applicant's or recipient's estimate of'' before ''the value of the corpus of the estate of such applicant''.

1991—Pub. L. 102–83, § 5(a), renumbered section 506 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1521, 1541, or 1542'' for ''521, 541, or 542'' in introductory provisions and ''1542'' for ''542'' in par. (1).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions and pars. (1), (2), and (4).

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in par. (2) introductory provisions.