

- Sec.
1513. Veterans 65 years of age and older.
- NON-SERVICE-CONNECTED DISABILITY PENSION
1521. Veterans of a period of war.
1522. Net worth limitation.
1523. Combination of ratings.
1524. Vocational training for certain pension recipients.
1525. Protection of health-care eligibility.
- SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN
- WARS BEFORE WORLD WAR I
1532. Surviving spouses of Civil War veterans.
1533. Children of Civil War veterans.
1534. Surviving spouses of Indian War veterans.
1535. Children of Indian War veterans.
1536. Surviving spouses of Spanish-American War veterans.
1537. Children of Spanish-American War veterans.
- OTHER PERIODS OF WAR
1541. Surviving spouses of veterans of a period of war.
1542. Children of veterans of a period of war.
1543. Net worth limitation.
- SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL
1560. Medal of Honor Roll; persons eligible.
1561. Certificate.
1562. Special provisions relating to pension.

AMENDMENTS

- 2001—Pub. L. 107-103, title II, §207(a)(2), Dec. 27, 2001, 115 Stat. 991, added item 1513.
- 1992—Pub. L. 102-568, title IV, §§402(c)(2)(B), 403(b)(2), Oct. 29, 1992, 106 Stat. 4337, 4338, substituted "Vocational training for certain pension recipients" for "Temporary program of vocational training for certain new pension recipients" in item 1524 and "Protection" for "Temporary protection" in item 1525.
- 1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 501 to 562 as 1501 to 1562, respectively.
- Pub. L. 102-25, title III, §333(c)(2), Apr. 6, 1991, 105 Stat. 88, substituted "OTHER PERIODS OF WAR" for "MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND THE VIETNAM ERA" as subheading preceding item 541.
- 1986—Pub. L. 99-576, title VII, §703(b)(3), Oct. 28, 1986, 100 Stat. 3303, inserted "program of" after "Temporary" in item 524.
- 1984—Pub. L. 98-543, title III, §301(a)(2), Oct. 24, 1984, 98 Stat. 2746, added items 524 and 525.
- 1982—Pub. L. 97-295, §4(14), Oct. 12, 1982, 96 Stat. 1305, substituted "Honor Roll" for "honor roll" in item 560.
- 1978—Pub. L. 95-588, title I, §§104(b), 106(b), 109(b), 110(b), 112(b), Nov. 4, 1978, 92 Stat. 2499, 2502, 2504, 2505, added item 508, substituted "Veterans of a period of war" for "Veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era" in item 521, substituted "Surviving spouses of veterans of a period of war" for "Surviving spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans" in item 541, substituted "Children of veterans of a period of war" for "Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans" in item 542, struck out heading "SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR" following item 543, and struck out item 544.
- 1975—Pub. L. 94-169, title I, §§101(2)(J), 106(24), (30), (38), Dec. 23, 1975, 89 Stat. 1014, 1018, 1019, struck out items 510 relating to confederate forces veterans, and 531 relating to widows of Mexican War veterans, substituted "Surviving Spouses" for "Widows" in heading

of Subchapter III and subheading preceding item 544, and substituted "Surviving spouses" for "Widows" in items 532, 534, 536 and 541.

1970—Pub. L. 91-588, §9(h), Dec. 24, 1970, 84 Stat. 1585, inserted references to the Mexican border period in subheading preceding item 541 and in items 521, 541, and 542, respectively.

1967—Pub. L. 90-77, title I, §108(b), title II, §202(i), Aug. 31, 1967, 81 Stat. 180, 183, added item 544 and included references to Vietnam era in subheading preceding item 541 and in items 521, 541, and 542, respectively.

1966—Pub. L. 89-467, §1(b), June 22, 1966, 80 Stat. 218, added item 507.

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 heading of Subchapter IV.

1961—Pub. L. 87-138, §2(b), Aug. 14, 1961, 75 Stat. 339, struck out "entitling holder to pension" after "Certificate" in item 561.

1959—Pub. L. 86-211, §7(a), Aug. 29, 1959, 73 Stat. 436, substituted "Determinations with respect to annual income" for "Items not considered in determining income" in item 503, "Net worth limitation" for "Income limitations" in item 522, and "Net worth limitation" for "Widows of World War II or Korean conflict veterans" in item 543, included widows of World War II and Korean conflict veterans in item 541 and children of World War II and Korean conflict veterans in item 542, added item 506, and struck out items 544 and 545 which related to children of World War II or Korean conflict veterans and to income limitations.

SUBCHAPTER I—GENERAL

§ 1501. Definitions

For the purposes of this chapter—

(1) The term "Indian Wars" means the campaigns, engagements, and expeditions of the United States military forces against Indian tribes or nations, service in which has been recognized heretofore as pensionable service.

(2) The term "World War I" includes, in the case of any veteran, any period of service performed by such veteran after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918.

(3) The term "Civil War veteran" includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term "active military or naval service" includes active service in those forces.

(4) The term "period of war" means the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, §501; Pub. L. 94-169, title I, §106(1), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95-588, title I, §101, Nov. 4, 1978, 92 Stat. 2497; Pub. L. 102-25, title III, §333(a), Apr. 6, 1991, 105 Stat. 88; renumbered §1501, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior sections 1500 and 1501 were renumbered sections 3100 and 3101 of this title, respectively.

Another prior section 1501, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171; Pub. L. 93-508, title I, §101(1), Dec. 3,

1974, 88 Stat. 1578, defined "World War II" and "vocational rehabilitation" for 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 1501 continue in effect until Mar. 31, 1981.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 501 of this title as this section.

Par. (4). Pub. L. 102-25 inserted "the Persian Gulf War," after "the Vietnam era."

1978—Par. (4). Pub. L. 95-588 added par. (4).

1975—Par. (2). Pub. L. 94-169 substituted "such veteran" for "him".

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

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

PENSION PROGRAM FOR NONSERVICE-CONNECTED DISABILITY OR DEATH; REPORT BY ADMINISTRATOR

Pub. L. 94-432, title IV, §404, Sept. 30, 1976, 90 Stat. 1372, provided that, due to certain insufficiencies in pension program for nonservice-connected disability or death authorized by this chapter, and lack of sufficient long-range information as to actual and anticipated financial characteristics of potential pensioners and their families upon which to estimate costs of existing alternative pension programs, it was necessary for Administrator of Veterans' Affairs to study existing and alternative nonservice-connected pension programs and to submit a report to Congress and the President not later than Oct. 1, 1977, on alternative courses of legislative and administrative action and long-range cost estimates therefor.

STUDY OF NEEDS AND PROBLEMS OF VETERANS AND THEIR WIDOWS SEVENTY-TWO YEARS OF AGE OR OLDER; REPORT BY ADMINISTRATOR

Pub. L. 93-527, §8, Dec. 21, 1974, 88 Stat. 1705, directed Administrator of Veterans' Affairs to study needs and problems of veterans and their widows seventy-two years of age or older and required him to report to Congress and President not later than one hundred and eighty days after convening of Ninety-fourth Congress results of study together with any recommendations for legislative or administrative action.

§ 1502. Determinations with respect to disability

(a) For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is any of the following:

(1) A patient in a nursing home for long-term care because of disability.

(2) Disabled, as determined by the Commissioner of Social Security for purposes of any benefits administered by the Commissioner.

(3) Unemployable as a result of disability reasonably certain to continue throughout the life of the person.

(4) Suffering from—

(A) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the person; or

(B) any disease or disorder determined by the Secretary to be of such a nature or ex-

tent as to justify a determination that persons suffering therefrom are permanently and totally disabled.

(b) For the purposes of this chapter, a person shall be considered to be in need of regular aid and attendance if such person 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.

(c) For the purposes of this chapter, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to such veteran's house (ward or clinical areas, if institutionalized) or immediate premises due to a disability or disabilities which it is reasonably certain will remain throughout such veteran's lifetime.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, §502; Pub. L. 88-664, §6(b), Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90-77, title I, §102, Aug. 31, 1967, 81 Stat. 178; Pub. L. 94-169, title I, §106(2), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94-432, title II, §201, Sept. 30, 1976, 90 Stat. 1369; Pub. L. 101-508, title VIII, §8002(a), Nov. 5, 1990, 104 Stat. 1388-342; renumbered §1502 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-103, title II, §206(a), Dec. 27, 2001, 115 Stat. 990; Pub. L. 109-233, title V, §502(3), June 15, 2006, 120 Stat. 415.)

PRIOR PROVISIONS

Prior section 1502 was renumbered section 3102 of this title.

Another prior section 1502, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171; Pub. L. 86-721, §3, Sept. 8, 1960, 74 Stat. 820; Pub. L. 87-815, §7, Oct. 15, 1962, 76 Stat. 927; Pub. L. 89-138, §2(2), Aug. 26, 1965, 79 Stat. 578; Pub. L. 90-631, §1(a), Oct. 23, 1968, 82 Stat. 1331; Pub. L. 92-540, title I, §101(1), title III, §301, Oct. 24, 1972, 86 Stat. 1074, 1080; Pub. L. 93-508, title I, §101(2), Dec. 3, 1974, 88 Stat. 1578; Pub. L. 94-502, title I, §104(1), Oct. 15, 1976, 90 Stat. 2384, related to the basic entitlement of veterans with service-connected disabilities to vocational rehabilitation 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 1502 continue in effect until Mar. 31, 1981.

Prior section 1502A, Pub. L. 87-591, §1, Aug. 16, 1962, 76 Stat. 393, which related to vocational rehabilitation for blinded veterans, was repealed by Pub. L. 89-138, §2(3), Aug. 26, 1965, 79 Stat. 578.

AMENDMENTS

2006—Subsec. (b)(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".

2001—Subsec. (a). Pub. L. 107-103 substituted "such person is any of the following:" and pars. (1) to (4) for "such a person is unemployable as a result of disability reasonably certain to continue throughout the life of the disabled person, or is suffering from—

"(1) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the disabled person; or

"(2) any disease or disorder determined by the Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled."

1991—Pub. L. 102-83, §5(a), renumbered section 502 of this title as this section.

Subsec. (a)(2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1990—Subsec. (a). Pub. L. 101-508 amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: "For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is sixty-five years of age or older or became unemployable after age 65, or suffering from—".

1976—Subsec. (a). Pub. L. 94-432 inserted "or became unemployable after age 65," after "or older".

1975—Subsecs. (a) and (b). Pub. L. 94-169 substituted "such person" for "he".

Subsec. (c). Pub. L. 94-169 substituted "such veteran's" for "his" wherever appearing.

1967—Subsec. (a). Pub. L. 90-77, §102(a), provided for consideration of a person sixty-five years of age or older as permanently and totally disabled.

Subsec. (b). Pub. L. 90-77, §102(b), added cl. (1) and designated existing provisions as cl. (2).

1964—Subsec. (c). Pub. L. 88-664 added subsec. (c).

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title II, §206(b), Dec. 27, 2001, 115 Stat. 991, provided that: "The amendment made by subsection (a) [amending this section] shall take effect as of September 17, 2001."

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8002(b) of Pub. L. 101-508 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to claims filed after October 31, 1990."

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

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.

§ 1503. Determinations with respect to annual income

(a) In determining annual income under this chapter, all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived, irrespective of whether the waiver was made pursuant to statute, contract, or otherwise) shall be included except—

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

(2) payments under this chapter;

(3) amounts equal to amounts paid by a spouse of a veteran for the expenses of such veteran's last illness, and by a surviving spouse or child of a deceased veteran for—

(A) such veteran's just debts,

(B) the expenses of such veteran's last illness, and

(C) the expenses of such veteran's burial to the extent such expenses are not reimbursed under chapter 23 of this title;

(4) amounts equal to amounts paid—

(A) by a veteran for the last illness and burial of such veteran's deceased spouse or child, or

(B) by the spouse of a living veteran or the surviving spouse of a deceased veteran for the last illness and burial of a child of such veteran;

(5) 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 reasonable replacement value of the property involved at the time immediately preceding the loss;

(6) profit realized from the disposition of real or personal property other than in the course of a business;

(7) amounts in joint accounts in banks and similar institutions acquired by reason of death of other joint owner;

(8) amounts equal to amounts paid by a veteran, veterans' spouse, or surviving spouse or by or on behalf of a veteran's child for unreimbursed medical expenses, to the extent that such amounts exceed 5 percent of the maximum annual rate of pension (including any amount of increased pension payable on account of family members but not including any amount of pension payable because a person is in need of regular aid and attendance or because a person is permanently housebound) payable to such veteran, surviving spouse, or child;

(9) in the case of a veteran or surviving spouse pursuing a course of education or vocational rehabilitation or training, amounts equal to amounts paid by such veteran or surviving spouse for such course of education or vocational rehabilitation or training, including (A) amounts paid for tuition, fees, books, and materials, and (B) in the case of such a veteran or surviving spouse in need of regular aid and attendance, unreimbursed amounts paid for unusual transportation expenses in connection with the pursuit of such course of education or vocational rehabilitation or training, to the extent that such amounts exceed the reasonable expenses which would have been incurred by a nondisabled person using an appropriate means of transportation (public transportation, if reasonably available);

(10) in the case of a child, any current-work income received during the year, to the extent that the total amount of such income does not exceed an amount equal to the sum of—

(A) the lowest amount of gross income for which an income tax return is required under section 6012(a) of the Internal Revenue Code of 1986, to be filed by an individual who is not married (as determined under section 7703 of such Code), is not a surviving spouse (as defined in section 2(a) of such Code), and is not a head of household (as defined in section 2(b) of such Code); and

(B) if the child is pursuing a course of post-secondary education or vocational rehabilitation or training, the amount paid by such child for such course of education or vocational rehabilitation or training, including

the amount paid for tuition, fees, books, and materials;

(11) payment of a monetary amount of up to \$5,000 to a veteran from a State or municipality that is paid as a veterans' benefit due to injury or disease; and

(12) lump-sum proceeds of any life insurance policy on a veteran, for purposes of pension under subchapter III of this chapter.

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

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, § 503; Pub. L. 86-211, § 2(a), Aug. 29, 1959, 73 Stat. 432; Pub. L. 87-268, § 1(b), Sept. 21, 1961, 75 Stat. 566; Pub. L. 88-664, § 1, Oct. 13, 1964, 78 Stat. 1094; Pub. L. 90-77, title I, § 103, Aug. 31, 1967, 81 Stat. 178; Pub. L. 91-588, § 7, Dec. 24, 1970, 84 Stat. 1584; Pub. L. 92-198, § 2, Dec. 15, 1971, 85 Stat. 664; Pub. L. 92-425, § 6(2), Sept. 21, 1972, 86 Stat. 713; Pub. L. 94-169, title I, §§ 101(2)(A), 106(3)-(8), Dec. 23, 1975, 89 Stat. 1013, 1017; Pub. L. 95-588, title I, § 102, Nov. 4, 1978, 92 Stat. 2497; Pub. L. 97-295, § 4(13), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 100-687, div. B, title XIV, § 1402(b), Nov. 18, 1988, 102 Stat. 4130; Pub. L. 102-54, § 14(b)(5), June 13, 1991, 105 Stat. 283; renumbered § 1503 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 108-454, title III, § 303, Dec. 10, 2004, 118 Stat. 3611; Pub. L. 111-275, title VI, § 604(a), Oct. 13, 2010, 124 Stat. 2885.)

REFERENCES IN TEXT

Sections 2, 6012(a), and 7703 of the Internal Revenue Code of 1986, referred to in subsec. (a)(10)(A), are classified to sections 2, 6012(a), and 7703 of Title 26, Internal Revenue Code, respectively.

PRIOR PROVISIONS

Prior section 1503 was renumbered section 3103 of this title.

Another prior section 1503, added Pub. L. 89-138, § 1, Aug. 26, 1965, 79 Stat. 577; amended Pub. L. 91-24, § 8, June 11, 1969, 83 Stat. 34; Pub. L. 94-502, title I, §§ 102, 104(2), (3), Oct. 15, 1976, 90 Stat. 2384, related to periods of eligibility for vocational rehabilitation 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 1503 continue in effect until Mar. 31, 1981.

Another prior section 1503, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171, was renumbered 1511 by Pub. L. 89-138, § 2(4), Aug. 26, 1965, 79 Stat. 578.

AMENDMENTS

2010—Subsec. (a)(11), (12). Pub. L. 111-275 added par. (11) and redesignated former par. (11) as (12).

2004—Subsec. (a)(11). Pub. L. 108-454 added par. (11).

1991—Pub. L. 102-83, § 5(a), renumbered section 503 of this title as this section.

Subsec. (a)(5). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (a)(8). Pub. L. 102-54, § 14(b)(5)(A), substituted "percent" for "per centum".

Subsec. (a)(10)(A). Pub. L. 102-54, § 14(b)(5)(B), substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954 (26 U.S.C. 6012(a))" and "section 7703" for "section 143".

1988—Subsec. (a)(5). Pub. L. 100-687 amended par. (5) generally. Prior to amendment, par. (5) read as follows: "proceeds of fire insurance policies".

1982—Subsec. (a)(10)(A). Pub. L. 97-295 inserted "(26 U.S.C. 6012(a))" after "Code of 1954".

1978—Subsec. (a)(1). Pub. L. 95-588, § 102(a)(1), (2), redesignated par. (2) as (1) and struck out former par. (1) which related to payments of six-months death gratuity.

Subsec. (a)(2). Pub. L. 95-588, § 102(a)(3), redesignated par. (3) as (2) and, as so redesignated, struck out ", and chapters 11 and 13 (except section 412(a)) of this title" after "chapter". Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 95-588, § 102(a)(5), redesignated par. (7) as (3). Former par. (3) redesignated (2).

Subsec. (a)(4). Pub. L. 95-588, § 102(a)(4), (6), added par. (4) and struck out former par. (4) which related to payments under servicemen's life insurance or servicemen's indemnity.

Subsec. (a)(5). Pub. L. 95-588, § 102(a)(4), (7), redesignated par. (8) as (5) and struck out former par. (5) which related to lump sum death payments.

Subsec. (a)(6). Pub. L. 95-588, § 102(a)(4), (9), redesignated par. (10) as (6) and struck out former par. (6) which related to the ten per cent exclusion for individuals under public or private retirement, annuity, endowment, or similar programs.

Subsec. (a)(7). Pub. L. 95-588, § 102(a)(11), redesignated par. (15) as (7). Former par. (7) redesignated (3).

Subsec. (a)(8). Pub. L. 95-588, § 102(a)(13), added par. (8). Former par. (8) redesignated (5).

Subsec. (a)(9). Pub. L. 95-588, § 102(a)(8), (13), added par. (9) and struck out former par. (9) which related to payments for final illness and burial.

Subsec. (a)(10). Pub. L. 95-588, § 102(a)(13), added par. (10). Former subsec. (10) redesignated (6).

Subsec. (a)(11) to (14). Pub. L. 95-588, § 102(a)(10), struck out pars. (11) to (14) which related to payments for discharge of jury duty, educational assistance allowances, bonuses based on service in the Armed Forces, and indebtednesses secured by mortgages, respectively.

Subsec. (a)(15). Pub. L. 95-588, § 102(a)(11), redesignated par. (15) as (7).

Subsec. (a)(16), (17). Pub. L. 95-588, § 102(a)(12), struck out pars. (16) and (17) which related to payments received by retired persons and payments of annuities, respectively.

Subsec. (c). Pub. L. 95-588, § 102(b), struck out former subsec. (c) which related to the power of the Administrator to exclude from income amounts paid by a veteran, surviving spouse, or child for unusual medical expenses.

1975—Subsec. (a)(7). Pub. L. 94-169, § 106(3), (4), substituted "spouse" for "wife", "such veteran's" for "his" and "surviving spouse" for "widow" in introductory clause and "such veteran's" for "his" in subcls. (A), (B) and (C).

Subsec. (a)(9). Pub. L. 94-169, § 106(5), substituted "such veteran's" for "his" in subcl. (A) and "surviving spouse" and "spouse" for "widow" and "wife", respectively, in subcl. (B).

Subsec. (a)(14). Pub. L. 94-169, § 106(6), substituted "such veteran's surviving spouse" for "his widow".

Subsec. (a)(16). Pub. L. 94-169, §§ 101(2)(A), 106(7), inserted "and" after "as amended;", and substituted "such employee's" for "his", respectively.

Subsec. (c). Pub. L. 94-169, § 106(8), substituted "surviving spouse" for "widow".

1972—Par. (17). Pub. L. 92-425 substituted "subchapter I of chapter 73 of title 10" for "chapter 73 of title 10".

1971—Pub. L. 92-198 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1970—Par. (4). Pub. L. 91-588, § 7(1), inserted reference to servicemen's group life insurance.

Pars. (14) to (17). Pub. L. 91-588, § 7(3), added pars. (14) to (17).

1967—Par. (7). Pub. L. 90-77, § 103(a), provided for exclusion of amounts paid by a wife of a veteran for the expenses of his past illness.

Par. (9). Pub. L. 90-77, § 103(b), designated existing provisions as subpar. (A) and added subpar. (B).

1964—Par. (6). Pub. L. 88-664, § 1(a), inserted "10 per centum of the amount of" before "payments" and struck out "equal to his contributions thereto" after "programs".

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.

1980—Pub. L. 96-466 struck out “(a)” before “As a condition” and struck out subsec. (b) which provided that in the event of an overpayment of pension under section 521, 541, or 542 of this title, the amount thereof be deducted (unless waived) from any future payments made thereunder to the person concerned.

1978—Subsec. (a). Pub. L. 95-588 inserted provision authorizing the Administrator to consider the income of a spouse or child prior to granting a pension in par. (1), struck out exclusion from filing report for a child or person of 72 years of age or more who has been paid a pension for two consecutive years in par. (2), required changes in income of spouse or dependent child be included in the necessary revised income report in par. (3), and added par. (4).

1975—Subsec. (a). Pub. L. 94-169 substituted “the Administrator” for “he” in par. (1), “the Administrator” for “him”, “such person” for “he” and “such person’s” for “his” wherever appearing, in par. (2), and “such person’s” for “his” wherever appearing, in par. (3).

1970—Subsec. (a)(2). Pub. L. 91-588 exempted from filing requirements of this section any person who has attained 72 years of age and has been paid a pension under sections 521, 541, or 542 of this title during two consecutive calendar years.

1964—Subsec. (a)(2). Pub. L. 88-664 inserted “, other than a child,” after “person”.

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 a 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 1975 AMENDMENT

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

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1972, see section 10(b) of Pub. L. 91-588, set out as a note under section 1521 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

Section 10 of Pub. L. 86-211 provided that: “This Act [see Tables for classification] shall take effect on July 1, 1960.”

§ 1507. Disappearance

Where a veteran receiving pension under subchapter II of this chapter disappears, the Secretary may pay the pension otherwise payable to such veteran’s spouse and children. In applying the provisions of this section, the Secretary may presume, without reports pursuant to section 1506(a) of this title, that the status of the veteran at the time of disappearance, with respect to permanent and total disability, income, and net worth, continues unchanged. Payments made to a spouse or child under this section shall not exceed the amount to which each would be entitled if the veteran died of a non-service-connected disability.

(Added Pub. L. 89-467, §1(a), June 22, 1966, 80 Stat. 218, §507; amended Pub. L. 94-169, title I,

§106(15), Dec. 23, 1975, 89 Stat. 1017; renumbered §1507 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1507 was renumbered section 3107 of this title.

Another prior section 1507, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 92-540, title I, §101(3), Oct. 24, 1972, 86 Stat. 1074; Pub. L. 94-502, title I, §104(6), Oct. 15, 1976, 90 Stat. 2384, related to loans to trainees commencing or undertaking courses of vocational rehabilitation 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 3112 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 507 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1506(a)” for “506(a)”.

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

1975—Pub. L. 94-169 struck out “in his discretion” after “Administrator” and substituted “payable to such veteran’s spouse” for “payable to his wife,” and “made to a spouse” for “made to a wife”.

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.

§ 1508. Frequency of payment of pension benefits

(a) Except as provided under subsection (b) of this section, benefits under sections 1521, 1541, and 1542 of this title shall be paid monthly.

(b) Under regulations which the Secretary shall prescribe, benefits under sections 1521, 1541, and 1542 of this title 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 to a veteran under section 1521(b) of this title.

(Added Pub. L. 95-588, title I, §104(a), Nov. 4, 1978, 92 Stat. 2499, §508; amended Pub. L. 102-54, §14(b)(6), June 13, 1991, 105 Stat. 283; renumbered §1508 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1508 was renumbered section 3108 of this title.

Another prior section 1508, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94-502, title I, §104(7), Oct. 15, 1976, 90 Stat. 2384, authorized Administrator to prescribe rules and regulations to promote good conduct and cooperation on the part of veterans receiving vocational rehabilitation 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 1508 continue in effect until Mar. 31, 1981. See section 3111 of this title.

Prior section 1509 was renumbered section 3109 of this title.

Another prior section 1509, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94-502, title I, §104(8), (9), Oct. 15, 1976, 90 Stat. 2384, related to books, supplies, and equipment furnished a veteran 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 1509 continue in effect until Mar. 31, 1981.

Prior section 1510 was renumbered section 3110 of this title.

Another prior section 1510, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94-502, title I, §104(10), Oct. 15, 1976, 90 Stat. 2384, related to vocational rehabilitation of persons hospitalized pending final discharge from the active military, naval, or air service, 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 chapter 31 of this title, provided that this prior section 1510 continue in effect until Mar. 31, 1981. See section 3113 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 508 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1521, 1541, and 1542” for “521, 541, and 542”.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “1521, 1541, and 1542” for “521, 541, and 542” and “1521(b)” for “521(b)”.

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

Pub. L. 102-54 substituted “percent” for “per centum”.

EFFECTIVE DATE

Section effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SUBCHAPTER II—VETERANS' PENSIONS

SERVICE PENSION

[§ 1510. Vacant]

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 510 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1135, which provided monthly pension for persons who served in military or naval forces of Confederate States of America, was repealed by Pub. L. 94-169, title I, §101(2)(F), Dec. 23, 1975, 89 Stat. 1014, effective Jan. 1, 1976.

§ 1511. Indian War veterans

(a) The Secretary shall pay to each veteran of the Indian Wars who meets the service requirements of this section a pension at the following monthly rate:

(1) \$101.59; or

(2) \$135.45 if the veteran is in need of regular aid and attendance.

(b) A veteran meets the service requirements of this section if such veteran served in one of the Indian Wars—

(1) for thirty days or more; or

(2) for the duration of such Indian War;

in any military organization, whether or not such service was the result of regular muster into the service of the United States, if such service was under the authority or by the approval of the United States or any State.

(c)(1) Any veteran eligible for pension under this section shall, if such veteran so elects, be paid pension at the rates prescribed by section 1521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2).

(2) The Secretary shall pay each month to each veteran of the Indian Wars who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that provided by paragraph (2) of subsection (a) of this section, or (B) that which is payable to the veteran under section 1521 of this title if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to paragraph (1) of this subsection. Each change in the amount of pension payment required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1135, §511; Pub. L. 86-670, §1, July 14, 1960, 74 Stat. 545; Pub. L. 90-77, title I, §111(a), Aug. 31, 1967, 81 Stat. 181; Pub. L. 94-169, title I, §106(16), Dec. 23, 1975, 89 Stat. 1017; renumbered §1511 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1511 was renumbered section 3111 of this title.

Another prior section 1511, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171, §1503, renumbered Pub. L. 89-138, §2(4), Aug. 26, 1965, 79 Stat. 578, and amended Pub. L. 94-502, title I, §§103, 104(11), Oct. 15, 1976, 90 Stat. 2384, related to training and training facilities 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 1511 continue in effect until Mar. 31, 1981. See section 3115 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 511 of this title as this section.

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

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “1521” for “521” in pars. (1) and (2).

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

1975—Subsecs. (b), (c). Pub. L. 94-169 substituted “such veteran” for “he” wherever appearing.

1967—Subsec. (c). Pub. L. 90-77 designated existing provisions as par. (1), inserted “except as provided in paragraph (2)”, and added par. (2).

1960—Subsec. (c). Pub. L. 86-670 added subsec. (c).

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.

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 1960 AMENDMENT

Section 3 of Pub. L. 86-670 provided that: “This Act [amending this section and section 512 [now 1512] of this title] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [July 14, 1960].”

§ 1512. Spanish-American War veterans

(a)(1) The Secretary shall pay to each veteran of the Spanish-American War who meets the