

## INCOME RESTRICTIONS ON PENSIONS; EFFECTIVE DATES

Section 4 of Pub. L. 90-275, as amended by Pub. L. 91-588, § 5; Pub. L. 92-198, § 4; Pub. L. 93-527, § 6; Pub. L. 94-169, § 107; Pub. L. 94-432, § 206; Pub. L. 95-204, § 105, provided that: "The income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] hereafter shall be \$3,300 and \$4,760 instead of \$3,100 and \$4,460, respectively."

Section 4 of Pub. L. 90-275, as originally enacted, was eff. Jan. 1, 1969, pursuant to Pub. L. 90-275, § 6(a). Subsequent amendments to said section 4 by Pub. L. 91-588, Pub. L. 92-198, and Pub. L. 94-169 were effective Jan. 1, 1971, Jan. 1, 1972, and for a period beginning Jan. 1, 1976 and ending Sept. 30, 1976, respectively. Pub. L. 94-432, §§ 101, 405(b) amended said section 4 of Pub. L. 90-275 and section 107 of Pub. L. 94-169 to be effective Jan. 1, 1976 and Jan. 1, 1977, respectively. Pub. L. 95-204, § 302 amended said section 4 of Pub. L. 90-275 to be effective Jan. 1, 1978.

## AID AND ATTENDANCE ALLOWANCE FOR WIDOWS OF VETERANS OF ALL PERIODS OF WAR

Pub. L. 90-77, title I, § 108(c), Aug. 31, 1967, 81 Stat. 180, provided that: "If any widow is entitled to pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] and is in need of regular aid and attendance, the monthly rate of pension payable to her shall be increased by \$50."

## PENSION FOR HOUSEBOUND VETERANS

Pub. L. 90-77, title I, § 110, Aug. 31, 1967, 81 Stat. 180, provided that: "The Administrator of Veterans' Affairs shall pay to a veteran who is entitled to pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] and who—

- "(1) has, in addition to a disability rated as permanent and total, additional disability or disabilities independently ratable at 60 per centum or more, or
- "(2) by reason of his disability or disabilities, is permanently housebound but does not qualify for pension based on need of regular aid and attendance, in lieu of the pension otherwise payable to him, a pension at the monthly rate of \$100."

## RETIREMENT INCOME EXCLUSION

Section 10 of Pub. L. 88-664 provided that: "In computing the income of persons whose pension eligibility is subject to the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] there shall be excluded 10 per centum of the amount of payments received under public or private retirement, annuity, endowment or similar plans or programs."

**§ 1522. Net worth limitation**

(a) The Secretary shall deny or discontinue the payment of pension to a veteran under section 1513 or 1521 of this title when the corpus of the estate of the veteran or, if the veteran has a spouse, the corpus of the estates of the veteran and of the veteran's spouse is such that under all the circumstances, including consideration of the annual income of the veteran, the veteran's spouse, and the veteran's children, it is reasonable that some part of the corpus of such estates be consumed for the veteran's maintenance.

(b) The Secretary shall deny or discontinue the payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child when the corpus of such child's estate is such that under all the cir-

cumstances, including consideration of the veteran's and spouse's income, and the income of the veteran's children, it is reasonable that some part of the corpus of such child's estate be consumed for the child's maintenance. During the period such denial or discontinuance remains in effect, such child shall not be considered as the veteran's child for purposes of this chapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1136, § 522; Pub. L. 86-211, § 3(b), Aug. 29, 1959, 73 Stat. 434; Pub. L. 95-588, title I, § 107, Nov. 4, 1978, 92 Stat. 2502; renumbered § 1522 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-103, title II, § 207(b)(2), Dec. 27, 2001, 115 Stat. 991.)

## AMENDMENTS

2001—Subsec. (a). Pub. L. 107-103 inserted "1513 or" before "1521 of this title".

1991—Pub. L. 102-83, § 5(a), renumbered section 522 of this title as this section.

Pub. L. 102-83, § 5(c)(1), substituted "1521" for "521" in subsecs. (a) and (b).

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

1978—Pub. L. 95-588 designated existing provisions as subsec. (a), inserted provisions relating to consideration of the income and estates of the spouse and children of an eligible veteran, and added subsec. (b).

1959—Pub. L. 86-211 substituted provisions requiring the denial or discontinuance of payment of pension when the corpus of the veteran's estate is such that under all the circumstances, including consideration of the veteran's income, it is reasonable that some part of the corpus be consumed for the veteran's maintenance for provisions which prohibited the payment of a pension to any unmarried veteran whose annual income exceeds \$1,400 or to any married veteran or any veteran with children whose annual income exceeds \$2,700.

## EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Sept. 17, 2001, see section 207(c) of Pub. L. 107-103, set out as an Effective Date note under section 1513 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 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 1521 of this title.

**§ 1523. Combination of ratings**

(a) The Secretary shall provide that, for the purpose of determining whether or not a veteran is permanently and totally disabled, ratings for service-connected disabilities may be combined with ratings for non-service-connected disabilities.

(b) Where a veteran, by virtue of subsection (a), is found to be entitled to a pension under section 1521 of this title, and is entitled to compensation for a service-connected disability, the Secretary shall pay such veteran the greater benefit.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1136, § 523; Pub. L. 94-169, title I, § 106(19), Dec. 23, 1975, 89 Stat. 1018; renumbered § 1523 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)