pension elections formerly provided pursuant to subpar. (B).

Subsec. (a)(3)(B). Pub. L. 95–588, § 105(2), substituted ''as in effect on December 31, 1978, under regulations which the Administrator shall prescribe'' for ''if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to subparagraph (A) of this paragraph''.

1975—Subsec. (a). Pub. L. 94–169 substituted ''such veteran'' for ''he'' wherever appearing.

Subsec. (b). Pub. L. 94–169 substituted ''such veteran'' for ''he''.

1967—Subsec. (a)(3). Pub. L. 90–77 designated existing provisions as subpar. (A), inserted ''except as provided in subparagraph (B)'', and added subpar. (B).

1960—Subsec. (a)(3). Pub. L. 86–670 added cl. (3).

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 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

Amendment by Pub. L. 86–670 effective first day of second calendar month which begins after July 14, 1960, see section 3 of Pub. L. 86–670, set out as a note under section 1511 of this title.

§ 1513. Veterans 65 years of age and older

(a) The Secretary shall pay to each veteran of a period of war who is 65 years of age or older and who meets the service requirements of section 1521 of this title (as prescribed in subsection (j) of that section) pension at the rates prescribed by section 1521 of this title and under the conditions (other than the permanent and total disability requirement) applicable to pension paid under that section.

(b) If a veteran is eligible for pension under both this section and section 1521 of this title, pension shall be paid to the veteran only under section 1521 of this title.

(Added Pub. L. 107–103, title II, § 207(a)(1), Dec. 27, 2001, 115 Stat. 991; amended Pub. L. 109–233, title V, § 503(2), June 15, 2006, 120 Stat. 416.)

PRIOR PROVISIONS

Prior sections 1513 to 1520 were renumbered sections 3113 to 3120 of this title, respectively.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–233 inserted ''section'' after ''prescribed by''.

EFFECTIVE DATE

Pub. L. 107–103, title II, § 207(c), Dec. 27, 2001, 115 Stat. 991, provided that: ''The amendments made by this section [enacting this section and amending sections 1521 and 1522 of this title] shall take effect as of September 17, 2001.''

NON-SERVICE-CONNECTED DISABILITY PENSION

§ 1521. Veterans of a period of war

(a) The Secretary shall pay to each veteran of a period of war who meets the service requirements of this section (as prescribed in subsection (j) of this section) and who is permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct, pension at the rate prescribed by this section, as increased from time to time under section 5312 of this title.

(b) If the veteran is unmarried (or married but not living with or reasonably contributing to the support of such veteran's spouse) and there is no child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, and unless the veteran is entitled to pension at the rate provided by subsection (d)(1) or (e) of this section, pension shall be paid to the veteran at the annual rate of $11,830, reduced by the amount of the veteran's annual income.

(c) If the veteran is married and living with or reasonably contributing to the support of such veteran's spouse, or if there is a child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, pension shall be paid to the veteran at the annual rate of $15,493, unless the veteran is entitled to pension at the rate provided by subsection (d)(2), (e), or (f) of this section. If the veteran has two or more such family members, such annual rate shall be increased by $2,020 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.

(d)(1) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (b) of this section shall be $19,736, reduced by the amount of the veteran's annual income.

(2) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (c) of this section shall be $23,396. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by $2,020 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.

(e) If the veteran has a disability rated as permanent and total and (1) has additional disability or disabilities independently ratable at 60 per centum or more, or (2) by reason of a disability or disabilities, is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to the veteran under subsection (b) of this section shall be $14,457 and the annual rate of pension payable to the veteran under subsection (c) of this section shall be $18,120. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by $2,020 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the annual income of such family members.

(f)(1) If two veterans are married to one another and each meets the disability and service requirements prescribed in subsections (a) and (j), respectively, of this section, or the age and service requirements prescribed in section 1513 of this title, the annual rate of pension payable to such veterans shall be a combined annual rate of $15,493.

(2) If either such veteran is in need of regular aid and attendance, the annual rate provided by paragraph (1) of this subsection shall be $23,396. If both such veterans are in need of regular aid and attendance, such rate shall be $30,480.

(3) If either such veteran would be entitled (if not married to a veteran) to pension at the rate provided by subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be $18,120. If both such veterans would be entitled (if not married to one another) to such rate, such rate shall be $20,747.

(4) If one such veteran is in need of regular aid and attendance and the other would be entitled (if not married to a veteran) to the rate provided for under subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be $26,018.

(5) The annual rate provided by paragraph (1), (2), (3), or (4) of this subsection, as appropriate, shall (A) be increased by $2,020 for each child of such veterans (or of either such veteran) who is in the custody of either or both such veterans or to whose support either such veteran is, or both such veterans are, reasonably contributing, and (B) be reduced by the amount of the annual income of both such veterans and, subject to subsection (h)(1) of this section, the annual income of each such child.

(g) The annual rate of pension payable under subsection (b), (c), (d), (e), or (f) of this section to any veteran who is a veteran of a period of war shall be increased by $2,686 if veterans of such period of war were not provided educational benefits or home loan benefits similar to those provided to veterans of later periods of war under chapters 34 and 37, respectively, of this title or under prior corresponding provisions of law.

(h) For the purposes of this section:

(1) In determining the annual income of a veteran, if there is a child of the veteran who is in the custody of the veteran or to whose support the veteran is reasonably contributing, that portion of the annual income of the child that is reasonably available to or for the veteran shall be considered to be income of the veteran, unless in the judgment of the Secretary to do so would work a hardship on the veteran.

(2) A veteran shall be considered as living with a spouse, even though they reside apart, unless they are estranged.

(i) If the veteran is entitled under this section to pension on the basis of such veteran's own service and is also entitled to pension on the basis of any other person's service, the Secretary shall pay such veteran only the greater benefit.

(j) A veteran meets the service requirements of this section if such veteran served in the active military, naval, or air service—

(1) for ninety days or more during a period of war;

(2) during a period of war and was discharged or released from such service for a service-connected disability;

(3) for a period of ninety consecutive days or more and such period began or ended during a period of war; or

(4) for an aggregate of ninety days or more in two or more separate periods of service during more than one period of war.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1136, § 521; Pub. L. 86–211, § 3(a), Aug. 29, 1959, 73 Stat. 433; Pub. L. 87–101, § 1, July 21, 1961, 75 Stat. 218; Pub. L. 88–664, §§ 3(a), (b), 5, 6(a), 7, Oct. 13, 1964, 78 Stat. 1094, 1095; Pub. L. 90–77, title I, § 104, title II, § 202(a)–(c), Aug. 31, 1967, 81 Stat. 179, 182; Pub. L. 90–275, § 1(a), (b), Mar. 28, 1968, 82 Stat. 64, 65; Pub. L. 91–588, §§ 1(a), (b), 3(b), 9(c), Dec. 24, 1970, 84 Stat. 1580, 1583, 1584; Pub. L. 92–198, §§ 1(a), (b), 5(b), Dec. 15, 1971, 85 Stat. 663, 664; Pub. L. 93–177, § 1(a), (b), Dec. 6, 1973, 87 Stat. 694; Pub. L. 93–527, § 2, Dec. 21, 1974, 88 Stat. 1702; Pub. L. 94–169, title I, §§ 102, 106(18), Dec. 23, 1975, 89 Stat. 1014, 1018; Pub. L. 94–432, title II, § 202, Sept. 30, 1976, 90 Stat. 1369; Pub. L. 95–204, title I, § 101, Dec. 2, 1977, 91 Stat. 1455; Pub. L. 95–588, title I, § 106(a), Nov. 4, 1978, 92 Stat. 2500; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1521 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, § 207(b)(1), Dec. 27, 2001, 115 Stat. 991; Pub. L. 111–275, title VI, § 608(a), Oct. 13, 2010, 124 Stat. 2886.)

PRIOR PROVISIONS

Prior section 1521 was renumbered section 3121 of this title.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111–275, § 608(a)(1), substituted "$11,830" for "$3,550".

Subsec. (c). Pub. L. 111–275, § 608(a)(2), substituted "$15,493" for "$4,651" and "$2,020" for "$600".

Subsec. (d)(1). Pub. L. 111–275, § 608(a)(3)(A), substituted "$19,736" for "$5,680".

Subsec. (d)(2). Pub. L. 111–275, § 608(a)(3)(B), substituted "$23,396" for "$6,781" and "$2,020" for "$600".

Subsec. (e). Pub. L. 111–275, § 608(a)(4), substituted "$14,457" for "$4,340", "$18,120" for "$5,441", and "$2,020" for "$600".

Subsec. (f)(1). Pub. L. 111–275, § 608(a)(5)(A), substituted "$15,493" for "$4,651".

Subsec. (f)(2). Pub. L. 111–275, § 608(a)(5)(B), substituted "$23,396" for "$6,781" and "$30,480" for "$8,911".

Subsec. (f)(3). Pub. L. 111–275, § 608(a)(5)(C), substituted "$18,120" for "$5,441" and "$20,747" for "$6,231".

Subsec. (f)(4). Pub. L. 111–275, § 608(a)(5)(D), substituted "$26,018" for "$7,571".

Subsec. (f)(5). Pub. L. 111–275, § 608(a)(5)(E), substituted "$2,020" for "$600".

Subsec. (g). Pub. L. 111–275, § 608(a)(6), substituted "$2,686" for "$800".

2001—Subsec. (f)(1). Pub. L. 107–103 inserted "or the age and service requirements prescribed in section 1513 of this title," after "of this section,".

1991—Pub. L. 102–83, § 5(a), renumbered section 521 of this title as this section.

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

Pub. L. 102–40 substituted "5312" for "3112".

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

1978—Subsec. (a). Pub. L. 95–588 revised pension eligibility requirements to speak in terms of a veteran of any period of war rather than veterans of specifically named wars and inserted reference to periodic pension increases pursuant to section 3112 of this title.

Subsec. (b). Pub. L. 95–588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of $3,550 for a formula for determining such annual pension based upon the annual income of the veteran, and struck out monthly minimum and maximum pension payments.

Subsec. (c). Pub. L. 95–588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of $4,651 for a formula for determining such annual pension based upon annual income of the veteran, and inserted provision authorizing an annual pension rate increase of $600 for each family member of the eligible veteran in excess of one.

Subsec. (d). Pub. L. 95–588 substituted $5,680 as annual rate of pension payable to a veteran in need of regular aid and attendance under subsec. (b) of this section and $6,781 as such rate payable to such veteran under subsec. (c) of this section for provision authorizing a rate increase of $165 over and above the rate of pension payable under the applicable subsection in order to determine the rate payable to eligible veterans under this section and revised the method of reducing payments under this section by use of the recipient's annual income.

Subsec. (e). Pub. L. 95–588 substituted $4,340 as annual rate of pension payable under subsec. (b) of this section for veterans eligible as recipients under this section and $5,441 as such annual rate under subsec. (c) of this section for provision authorizing rate increases of $61 per month for eligible veterans over and above the appropriate rate of pension payment under the applicable subsection, inserted provision authorizing increases of $600 per year in pension rates for recipients with eligible family members in excess of one, and provided for an annual income reduction in the pension rate payable.

Subsec. (f). Pub. L. 95–588 substituted provisions relating to pension payments to veterans married to each other for provisions authorizing the inclusion of a spouse's annual income reasonably available to an eligible veteran in the computation of the annual income of an eligible veteran.

Subsec. (g). Pub. L. 95–588 substituted provisions authorizing annual pension payment rate increases of $800 per year for eligible veterans who served in periods of war which did not entitle them to educational or home loan benefits similar to those paid veterans of subsequent periods of war for provisions specifying the eligibility service requirements of this section.

Subsec. (h). Pub. L. 95–588 substituted provisions authorizing inclusion of income of a dependent child in custody of recipient veteran in computing annual income of such veteran and authorizing consideration of a veteran and his or her spouse as living together, even though they actually live apart, for provisions authorizing a twenty-five per cent rate increase in pension payments to a veteran who has attained age seventy-eight.

Subsecs. (i), (j). Pub. L. 95–588 added subsecs. (i) and (j).

1977—Subsec. (b)(1). Pub. L. 95–204, § 101(1), increased monthly rate of pension from $185 to $197, and substituted ''1,100'' for ''1,500'' in two places, ''1,700'' for ''1,800'' in two places, and ''3,770'' for ''3,540''.

Subsec. (b)(3). Pub. L. 95–204, § 101(2), substituted ''$3,770'' for ''$3,540''.

Subsec. (c)(1). Pub. L. 95–204, § 101(3), increased monthly rates of pension from $199 to $212, $204 to $217, and $209 to $222, and substituted ''1,000'' for ''1,100'' in two places, ''2,000'' for ''2,400'' in two places, ''3,000'' for ''3,100'' in two places, ''3,200'' for ''3,500'' in two places, ''3,600'' for ''3,700'' in two places and ''5,070'' for ''4,760''.

Subsec. (c)(3). Pub. L. 95–204, § 101(4), substituted ''$5,070'' for ''$4,760''.

Subsec. (d). Pub. L. 95–204, § 101(5), substituted ''$165'' for ''$155'' in pars. (1) and (2).

Subsec. (e). Pub. L. 95–204, § 101(6), substituted ''$61'' for ''$57''.

1976—Subsec. (b)(1). Pub. L. 94–432, § 202(1), increased monthly rate of pension from $173 to $185 and substituted $700 to $900 for $700 to $1,200, $900 to $1,500 for $1,200 to $1,700, $1,500 to $1,800 for $1,700 to $2,000, and $1,800 to $3,540 for $2,000 to $3,300.

Subsec. (b)(3). Pub. L. 94–432, § 202(2), substituted ''$3,540'' for ''$3,300''.

Subsec. (c)(1). Pub. L. 94–432, § 202(3), increased monthly rate of pension by $13 from $186 to $199, from $191 to $204, and from $196 to $209, of a veteran with 1, 2, and 3 dependents, substituting ''he or she'' for ''such veteran'' in three places, substituted $700 to $1100 for $700 to $1,300, $1,100 to $2,400 for $1,300 to $2,800, $2,400 to $3,100 for $2,800 to $3,200, $3,100 to $3,500 for $3,200 to $3,800, and $3,700 to $4,760 for $3,800 to $4,500, and inserted ''.07'' ranging from $3,500 to $3,700.

Subsec. (c)(3). Pub. L. 94–432, § 202(4), substituted ''$4,760'' for ''$4,500''.

Subsec. (d). Pub. L. 94–432, § 202(5), designated existing provisions as par. (1), substituted ''$155'' for ''$133'' and added par. (2).

Subsec. (e). Pub. L. 94–432, § 202(6), substituted ''$57'' for ''$53''.

Subsec. (h). Pub. L. 94–432, § 202(7), added subsec. (h).

1975—Subsec. (b). Pub. L. 94–169, § 102(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of pension from $160 to $173, substituted $500 to $700 for $500 to $900, $700 to $1200 for $900 to $1500, $1200 to $1700 for $1500 to $1900, $1700 to $2000 for $1900 to $2300, $2000 to $3300 for $2300 to $3000 the minimum and maximum income ranges for which the pension rate will be reduced by 4, 5, 6, 7 and 8 cents per dollar, respectively, and increased from $3000 to $3300 the maximum income in excess of which no pension shall be paid.

Subsec. (c). Pub. L. 94–169, § 102(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, from $172 to $186, from $177 to $191 and from $182 to $196 the rate of pension of a veteran with 1, 2 and 3 dependents, respectively, substituted $700 to $1300 for $700 to $1800, $1300 to $2800 for $1800 to $3000, $2800 to $3200 for $3000 to $3500, $3200 to $3800 for $3500 to $3800, and $3800 to $4500 for $4000 to $4200 the minimum and maximum income ranges for which the pension rate will be reduced by 3, 4, 5, 6 and 8 cents per dollar, respectively, struck out the income range of $3800 to $4000 for which the reduction rate is 7 cents per dollar, increased from $4200 to $4500 the income in excess of which no pension shall be paid, and inserted provision that in no case may the amount of pension be less than $5 monthly.

Subsec. (d). Pub. L. 94–169, § 102(2), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''such veteran'' for ''him'' and ''$133'' for ''$123''.

Subsec. (e). Pub. L. 94–169, § 102(3), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''such veteran's'' for ''his'', ''such veteran'' for ''him'' and ''$53'' for ''$49''.

Subsec. (g). Pub. L. 94–169, § 106(18), substituted ''such veteran'' for ''he''.

1974—Subsec. (b). Pub. L. 93–527, § 2(1), substituted ''$160'' for ''$143'', ''$500'' for ''$800'' wherever appearing, ''$900'' for ''$1300'' wherever appearing, ''$1500'' for ''$1600'' wherever appearing, ''$1900'' for ''$2200'' wherever appearing, ''$2300'' for ''$2500'' wherever appearing, and ''$3000'' for ''$2600'' wherever appearing, and inserted provision that in no event should monthly rate of pension be less than $5.00.

Subsec. (c). Pub. L. 93–527, § 2(2), substituted ''$172'' for ''$154'', ''$177'' for ''$159'', ''$182'' for ''$164'', ''$700'' for ''$800'' wherever appearing, ''$1800'' for ''$2600'' wherever appearing, ''$3000'' for ''$3200'' wherever appearing, ''$3500'' for ''$3700'' wherever appearing, and inserted provisions for the reduction by 7 cents for each dollar of annual income in excess of $3800 up to and including $4000, and reduction by 8 cents for each dollar of annual income in excess of $4000 up to and including $4200, and raised maximum income from $3800 to $4200.

Subsec. (d). Pub. L. 93–527, § 2(3), substituted ''$123'' for ''$110''.

Subsec. (e). Pub. L. 93–527, § 2(4), substituted ''$49'' for ''$44''.

1973—Subsec. (b). Pub. L. 93–177, § 1(a), substituted ''$143'' for ''$130'', ''$800'' for ''$1,000'', ''$1,300'' for ''$1,500'', ''$1,600'' for ''$1,800'', and ''$2,500'' for ''$2,600'' in existing provisions and inserted provision for a reduction of 8 cents in monthly rate for each $1 of annual income in excess of $2,500 up to and including $2,600.

Subsec. (c). Pub. L. 93–177, § 1(b), substituted ''$154'' for ''$140'', ''$159'' for ''$145'', ''$164'' for ''$150'', ''$800'' for ''$900'', ''$2,600'' for ''$3,200'', and ''$3,700'' for ''$3,800'' in existing provisions and inserted provisions for a reduction of 4 cents in monthly rate for each $1 of annual income in excess of $2,600 up to and including $3,200 and for a reduction of 6 cents in monthly rate for each $1 of annual income in excess of $3,700 up to and including $3,800.

1971—Subsec. (b). Pub. L. 92–198, § 1(a), substituted formula for computing monthly pension rates of single veteran providing for a maximum monthly pension for each group within designated income category and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out the income and pension rates, and raised the maximum income from $2300 to $2600.

Subsec. (c). Pub. L. 92–198, § 1(b), substituted formula for computing monthly pension rates of veteran with dependents by providing for maximum monthly pension for each group within designated income category depending on the number of dependents and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out the income and pension rates, and raised the maximum income limit from $3500 to $3800.

Subsec. (g)(3). Pub. L. 92–198, § 5(b), inserted reference to Mexican border period.

1970—Pub. L. 91–588, § 9(c)(3), inserted reference to Mexican border period in section catchline.

Subsec. (a). Pub. L. 91–588, § 9(c)(1), inserted reference to Mexican border period.

Subsec. (b). Pub. L. 91–588, § 1(a), provided new annual income limits to measure monthly pension rates of single veteran 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 $45, $37 and $29, respectively, and within existing annual income limits from a maximum of $300 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 ''121'' for ''$110'', ''119'' for ''108'', ''117'' for ''106'', ''115'' for ''104'', ''112'' for ''100'', ''108'' for ''96'', ''104'' for ''92'', ''100'' for ''88'', ''96'' for ''84'', ''92'' for ''79'', ''88'' for ''75'', ''84'' for ''69'' ''79'' for ''63'' ''75'' for ''57'', ''69'' for ''51'', ''63'' for ''45'', ''57'' for ''37'', and ''51'' for ''29''.

Subsec. (c). Pub. L. 91–588, § 1(b), provided new annual income limits to measure monthly pension rates of veteran with dependents 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 $50, and within existing annual income limits from a maximum of $500 to a maximum of $3,200, as well as in-between limits set out in one-hundred dollar increments, the applicable monthly benefits for each limit was amended, respectively, by substituting in column II (one dependent) ''$132'' for ''$120'', ''130'' for ''118'', ''128'' for ''116'', ''126'' for ''114'', ''124'' for ''112'', ''122'' for ''109'', in column III (two dependents) ''$137'' for ''$125'', ''135'' for ''123, ''133'' for ''121'', ''131'' for ''119'', ''129'' for ''117'', ''127'' for ''114'', in column IV (three or more dependents) ''$142'' for ''$130'', ''140'' for ''128'', ''138'' for ''126'', ''136'' for ''124'', ''134'' for ''122'', ''132'' for ''119'', and in columns II, III, and IV (for any number of dependents) ''119'' for ''107'', ''116'' for ''105'', ''113'' for ''103'', ''110'' for ''101'', ''107'' for ''99'', ''104'' for ''96'', ''101'' for ''93'' ''99'' for ''90'', ''96'' for ''87'', ''93'' for ''84'', ''90'' for ''81'', ''87'' for ''78'', ''84'' for ''75'', ''81'' for ''72'', ''78'' for ''69'', ''75'' for ''66'', ''72'' for ''62'', ''69'' for ''58'', ''66'' for ''54'', ''62'' for ''50'', ''58'' for ''42'', and ''54'' for ''34''.

Subsec. (d). Pub. L. 91–588, § 3(b)(1), substituted ''$110'' for ''$100''.

Subsec. (e). Pub. L. 91–588, § 3(b)(2), substituted ''44'' for ''$40''.

Subsec. (g)(1), (2). Pub. L. 91–588, § 9(c)(2), inserted reference to Mexican border period.

1968—Subsec. (b). Pub. L. 90–275, § 1(a), in providing new annual income limits to measure monthly pension rates of single veteran, substituted minimum income limit of $300 for monthly benefit of $110 for former $600 limit for monthly benefit of $104, maximum income limit of $2,000 for monthly benefit of $29 for former $1,800 limit for monthly benefit of $45, and sixteen other in-between limits in one hundred dollar increments from more than $300 to less than $1,900 for monthly benefits of $108–37 for former in-between limit of more than $600 but less than $1,200 for monthly benefit of $79.

Subsec. (c). Pub. L. 90–275, § 1(b), in providing new annual income limits to measure monthly pension rates of veteran with dependents, substituted minimum income limit of $500 for monthly benefit of $120 (one dependent), $125 (two dependents), and $130 (three or more dependents) for former $1,000 limit for monthly benefit of $109 (one dependent), $114 (two dependents), and $119 (three or more dependents), maximum income limit of $3,200 for monthly benefit of $34 (for any number of dependents) for former $3,000 limit for monthly benefit of $50 (for any number of dependents), and twenty-six other in-between limits in one hundred dollar increments from more than $500 to less than $3,100 for monthly benefits of $118 to 42 (one dependent), $123 to 42 (two dependents), and $128 to 42 (three or more dependents) for former in-between limit of more than $1,000 but less than $2,000 for monthly benefit of $84 (for any number of dependents).

1967—Pub. L. 90–77, § 202(c), inserted reference to Vietnam era in section catchline.

Subsec. (a). Pub. L. 90–77, § 202(a), inserted reference to Vietnam era.

Subsec. (b). Pub. L. 90–77, § 104(a), increased monthly pension rate in column II from $100, $75, and $43 to $104, $79,and $45 respectively.

Subsec. (c). Pub. L. 90–77, § 104(b), increased monthly pension rate in column II from $105, $80, and $48 to $109, $84, and $50; column III from $110, $80, and $48 to $114, $84, and $50; and column IV from $115, $80, and $48 to $119, $84, and $50, respectively.

Subsec. (e). Pub. L. 90–77, § 104(c), substituted ''$40'' for ''$35''.

Subsec. (g). Pub. L. 90–77, § 202(b), inserted references to Vietnam era in pars. (1) to (3).

1964—Subsec. (b). Pub. L. 88–664, § 3(a), increased monthly pension rate in column II from $85, $70, and $40 to $100, $75, and $43, respectively.

Subsec. (c). Pub. L. 88–664, § 3(b), increased monthly pension rate in column II from $90, $75, and $45 to $105, $80, and $48; column III from $95, $75, and $45 to $110, $80, and $48; and column IV from $100, $75, and $45 to $115, $80, and $48, respectively.

Subsec. (d). Pub. L. 88–664, § 5, increased additional monthly rate of veterans in need of aid and attendance from $70 to $100.

Subsecs. (e), (f). Pub. L. 88–664, §§ 6(a), 7, added subsec. (e), redesignated former subsec. (e) as (f) and substituted ''in excess of whichever is the greater, $1,200 or the total earned income of the spouse,'' for ''except $1,200 of such income'' in par. (1). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 88–664, § 6(a), redesignated former subsec. (f) as (g).

1961—Subsec. (f)(4). Pub. L. 87–101 added par. (4).

1959—Subsec. (a). Pub. L. 86–211, § 3(a)(2), struck out provisions that prescribed amount of monthly pension payable. See subsecs. (b) to (d) of this section.

Subsecs. (b) to (e). Pub. L. 86–211, § 3(a)(3), added subsecs. (b) to (e). Former subsec. (b) redesignated (f).

Subsec. (f). Pub. L. 86–211, §3(a)(1), redesignated former subsec. (b) as (f).

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–275, title VI, §608(d), Oct. 13, 2010, 124 Stat. 2887, provided that: ''The amendments made by subsections (a), (b), and (c) [amending this section and sections 1541 and 1542 of this title] shall apply with respect to pensions paid on or after December 1, 2009.''

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 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

Section 405 of Pub. L. 94–432 provided that:

''(a) The provisions of this Act [see Tables for classification], other than titles II and III and section 401, shall take effect on the date of the enactment of this Act [Sept. 30, 1976].

''(b) Titles II and III [see Tables for classification] and section 401 of this Act [amending section 322 [now 1122] of this title] shall take effect January 1, 1977.''

EFFECTIVE DATE OF 1975 AMENDMENT

Section 102 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.

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

EFFECTIVE DATE OF 1974 AMENDMENT

Section 10 of Pub. L. 93–527 provided that: ''This Act [see Tables for classification] shall take effect on January 1, 1975.''

EFFECTIVE DATE OF 1973 AMENDMENT

Section 8 of Pub. L. 93–177 provided that: ''This Act [see Tables for classification] shall take effect on January 1, 1974.''

EFFECTIVE DATE OF 1971 AMENDMENT

Section 6 of Pub. L. 92–198 provided that: ''This Act [see Tables for classification] shall take effect on January 1, 1972.''

EFFECTIVE DATE OF 1970 AMENDMENT

Section 10 of Pub. L. 91–588 provided that:

''(a) Sections 1, 2(a), (b), and (c), 3, 4, 5, 6, 7, 8, and 9 [see Tables for classification] shall take effect on January 1, 1971.

''(b) Sections 2(d) and 6 [amending sections 415 and 506 [now 1315 and 1506] of this title] shall take effect on January 1, 1972.''

[In view of the similarity of subject matter covered by amendments made by sections 2(d) and 6 of Pub. L. 91–588, the effective date for the amendment made by section 6 was probably intended by Congress to be Jan. 1, 1972, as called for in subsec. (b) of section 10 of Pub. L. 91–588, rather than Jan. 1, 1971, as called for in subsec. (a) of that section.]

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6 of Pub. L. 90–275 provided that:

''(a) The first section and sections 2 and 4 of this Act [amending this section and sections 415 and 541 [now 1315 and 1541] of this title and enacting provisions set out below] shall take effect on January 1, 1969.

''(b) Sections 3 and 5 of this Act [enacting provisions set out below and amending section 3012 [now 5112] of this title] shall take effect on the first day of the first calendar month following the month of initial payment of increases in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note under section 302 of Title 42, the Public Health and Welfare].''

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 and provisions of section 10 of Pub. L. 88–664, set out as a note below, effective Jan. 1, 1965, see section 11 of Pub. L. 88–664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 2 of Pub. L. 87–101 provided that: ''Pension shall not be paid for any period prior to the effective date of this Act [July 21, 1961] to any person whose eligibility for pension is established solely by virtue of this Act [amending this section].''

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.

SAVINGS PROVISION FOR PERSONS ENTITLED TO PENSION AS OF DECEMBER 31, 1978; OTHER PROVISIONS

Section 306 of Pub. L. 95–588, as amended by Pub. L. 102–40, title IV, §402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102–83, §§5(c)(2), 6(c), Aug. 6, 1991, 105 Stat. 406, 407, provided that:

''(a)(1)(A) Except as provided in subparagraph (B), any person who as of December 31, 1978, is entitled to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, may elect to receive pension under such section as in effect after such date, subject to the terms and conditions in effect with respect to the receipt of such pension. Any such election shall be made in such form and manner as the Secretary of Veterans Affairs (hereinafter in this section referred to as the 'Secretary') may prescribe. If pension is paid pursuant to such an election, the election shall be irrevocable.

''(B) Any veteran eligible to make an election under subparagraph (A) who is married to another veteran who is also eligible to make such an election may not make such an election unless both such veterans make such an election.

''(2) Any person eligible to make an election under paragraph (1) who does not make such an election shall continue to receive pension at the monthly rate being paid to such person on December 31, 1978, subject to all provisions of law applicable to basic eligibility for and payment of pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542], as appropriate, of title 38, United States Code, as in effect on December 31, 1978, except that—

''(A) pension may not be paid to such person if such person's annual income (determined in accordance with section 1503 [formerly 503] of title 38, United States Code, as in effect on December 31, 1978) exceeds $4,038, in the case of a veteran or surviving spouse without dependents, $5,430, in the case of a veteran or surviving spouse with one or more dependents, or $3,299, in the case of a child; and

''(B) the amount prescribed in subsection (f)(1) of section 1521 [formerly 521] of such title (as in effect on December 31, 1978) shall be $1,285;

as each such amount is increased from time to time under paragraph (3).

''(3) Whenever there is an increase under section 5312 [formerly 3112] of title 38, United States Code (as added by section 304 of this Act), in the maximum annual rates of pension under sections 1521, 1541, and 1542 [formerly 521, 541, and 542] of such title, as in effect after December 31, 1978, the Secretary shall, effective on the date of such increase under such section 5312 [formerly 3112], increase—

''(A) the annual income limitations in effect under paragraph (2); and

''(B) the amount of income of a veteran's spouse excluded from the annual income of such veteran under section 1521(f)(1) [formerly 521(f)(1)] of such title, as in effect on December 31, 1978;

by the same percentage as the percentage by which such maximum annual rates under such sections 1521, 1541, and 1542 [formerly 521, 541, and 542] are increased.

''(b)(1) [Subsec. (b)(1) which provided for the repeal, effective Jan. 1, 1979, of section 9 of the Veterans' Pension Act of 1959, Pub. L. 86–211, § 9, Aug. 29, 1959, 73 Stat. 436, has been executed to note set out under this section.]

''(2)(A) Except as provided in subparagraph (B), any person who as of December 31, 1978, is entitled to receive pension under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86–211, § 9, Aug. 29, 1959, 73 Stat. 436 [formerly set out as a note under this section] may elect to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, as in effect after such date, subject to the terms and conditions in effect with respect to the receipt of such pension. Any such election shall be made in such form and manner as the Secretary may prescribe. If pension is paid pursuant to such an election, the election shall be irrevocable.

''(B) Any veteran eligible to make an election under subparagraph (A) who is married to another veteran who is also eligible to make such an election may not make such an election unless both such veterans make such an election.

''(3) Any person eligible to make an election under paragraph (2) who does not make such an election shall continue to receive pension at the monthly rate being paid to such person on December 31, 1978, subject to all provisions of law applicable to basic eligibility for and payment of pension under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86–211, § 9(b), Aug. 29, 1959, 73 Stat. 436 [formerly set out below], as in effect on December 31, 1978, except that pension may not be paid to such person if such person's annual income (determined in accordance with the applicable provisions of law, as in effect on December 31, 1978) exceeds $3,534, in the case of a veteran or surviving spouse without dependents or in the case of a child, or $5,098, in the case of a veteran or surviving spouse with one or more dependents, as each such amount is increased from time to time under paragraph (4).

''(4) Whenever there is an increase under section 5312 [formerly 3112] of title 38, United States Code (as added by section 304 of this Act), in the maximum annual rates of pension under sections 1521, 1541, and 1542 [formerly 521, 541, and 542] of such title, as in effect after December 31, 1978, the Secretary shall, effective on the date of such increase under such section 5312 [formerly 3112], increase the annual income limitations in effect under paragraph (3) by the same percentage as the percentage by which the maximum annual rates under such sections 1521, 1542, and 1543 [formerly 521, 542, and 543] are increased.

''(c) Any case in which—

''(1) a claim for pension is pending in the Veterans' Administration on December 31, 1978;

''(2) a claim for pension is filed by a veteran after December 31, 1978, and within one year after the date on which such veteran became totally and permanently disabled, if such veteran became totally and permanently disabled before January 1, 1979; or

''(3) a claim for pension is filed by a surviving spouse or by a child after December 31, 1978, and within one year after the date of death of the veteran through whose relationship such claim is made, if the death of such veteran occurred before January 1, 1979;

shall be adjudicated under title 38, United States Code, as in effect on December 31, 1978. Any benefits determined to be payable as the result of the adjudication of such a claim shall be subject to the provisions of subsection (a).

''(d) In any case in which any person who as of December 31, 1978, is entitled to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, or under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86–211, 6, 9(b), Aug. 29, 1959, 73 Stat. 436 [formerly set out as a note under this section], elects (in accordance with subsection (a)(1) or (b)(2), as appropriate) before October 1, 1979, to receive pension under such section as in effect after December 31, 1978, the Administrator of Veterans' Affairs shall pay to such person an amount equal to the amount by which the amount of pension benefits such person would have received had such election been made on January 1, 1979, exceeds the amount of pension benefits actually paid to such person for the period beginning on January 1, 1979, and ending on the date preceding the date of such election.

''(e) Whenever there is an increase under subsections (a)(3) and (b)(4) in the annual income limitations with respect to persons being paid pension under subsections (a)(2) and (b)(3), the Secretary shall publish such annual income limitations, as increased pursuant to such subsections, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act [section 415(i)(2)(D) of Title 42, The Public Health and Welfare] is published by reason of a determination under section 215(i) of such Act.''

SAVINGS PROVISION

Section 9 of Pub. L. 86–211, which provided (1) that any claim for pension which was pending on June 30, 1960, or any claim for death pension filed thereafter within one year from the date of death of a veteran which occurred prior to July 1, 1960, would be adjudicated under this title in effect on June 30, 1960, with respect to the period before July 1, 1960, and, except as provided below, under this title, as amended by Pub. L. 86–211, thereafter; (2) that nothing in Pub. L. 86–211 would affect the eligibility of any person receiving pension under this title on June 30, 1960, for pension under all applicable provisions of this title in effect on that date for such period or periods thereafter with respect to which he could qualify under such provisions and that this provision would not apply in any case for any period after pension was granted, pursuant to application, under this title as amended by Pub. L. 86–211; and (3) that provision (2) would not apply to those claims within the purview of provision (1) in which it was determined that pension was payable for June 30, 1960, was repealed, effective Jan. 1, 1979, by section 306(b)(1) of Pub. L. 95–588, set out as a note above.

INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION

Pub. L. 105–178, title VIII, § 8206, June 9, 1998, 112 Stat. 494, provided that: ''Effective October 1, 1998, the maximum annual rates of pension in effect as of September 30, 1998, under the following provisions of chapter 15 of title 38, United States Code, are increased by $600:

''(1) Subsections (d)(1), (d)(2), (f)(2), and (f)(4) of section 1521.

''(2) Section 1536(d)(2).''

REPORT TO CONGRESSIONAL COMMITTEES; MEDICAL EXAMINATIONS OF CERTAIN PENSION RECIPIENTS

Pub. L. 98–543, title III, § 302, Oct. 24, 1984, 98 Stat. 2747, directed Administrator of Veterans' Affairs to report to Committees on Veterans' Affairs of House of Representatives and Senate not later than 28 months after Oct. 24, 1984, on results of medical examinations conducted on certain individuals awarded pensions under this section as permanently and totally disabled

by reason of being 65 years of age or older or becoming unemployable after age 65.

STUDY OF PENSION BENEFITS PAID TO PERSONS RESIDING OUTSIDE UNITED STATES; TRANSMITTAL OF REPORT AND RECOMMENDATIONS TO PRESIDENT AND CONGRESS

Pub. L. 95–588, title III, § 308, Nov. 4, 1978, 92 Stat. 2510, directed Administrator of Veterans' Affairs, in consultation with Secretary of State, to carry out a comprehensive study of income characteristics of veterans of a period of war, as defined in section 101(11) of this title, and their survivors residing outside the fifty States and the District of Columbia, required submission of a report to Congress and President on results of such study not later than Feb. 1, 1980.

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

Section 3 of Pub. L. 90–275 provided that:

''(a) If the monthly rate of pension or dependency and indemnity compensation payable to a person under title 38, United States Code, would be less, solely as a result of an increase in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42, The Public Health and Welfare], than the monthly rate payable for the month immediately preceding the effective date of this Act [see Effective Date of 1968 Amendment note set out above], the Administrator of Veterans' Affairs shall pay the person as follows:

''(1) for the balance of calendar year 1968 and during calendar year 1969, at the prior monthly rate;

''(2) during the calendar year 1970, at the rate for the next $100 annual income limitation higher than the maximum annual income limitation corresponding to the prior monthly rate; and

''(3) during each successive calendar year, at the rate for the next $100 annual income limitation higher than the one applied for the preceding year, until the rate corresponding to actual countable income is reached.

''(b) Subsection (a) shall not apply for any period during which annual income of such person, exclusive of an increase in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42], exceeds the amount of annual income upon which was based the pension or dependency and indemnity compensation payable to the person immediately prior to receipt of the increase.''

[Provisions of section 3 of Pub. L. 90–275 effective on first day of first calendar month following month of initial payment of increases in monthly insurance benefits provided by Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42], see section 6(b) of Pub. L. 90–275, set out as an Effective Date of 1968 Amendment note above.]

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 circumstances, 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.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 523 of this title as this section.

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

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''1521'' for ''521''.

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

1975—Subsec. (b). Pub. L. 94–169 substituted ''such veteran'' for ''him''.

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.

§ 1524. Vocational training for certain pension recipients

(a)(1) In the case of a veteran under age 45 who is awarded a pension during the program period, the Secretary shall, based on information on file with the Department of Veterans Affairs, make a preliminary finding whether such veteran, with the assistance of a vocational training program under this section, has a good potential for achieving employment. If such potential is found to exist, the Secretary shall solicit from the veteran an application for vocational training under this section. If the veteran thereafter applies for such training, the Secretary shall provide the veteran with an evaluation, which may include a personal interview, to determine whether the achievement of a vocational goal is reasonably feasible.

(2) If a veteran who is 45 years of age or older and is awarded pension during the program period, or a veteran who was awarded pension before the beginning of the program period, applies for vocational training under this section and the Secretary makes a preliminary finding on the basis of information in the application that, with the assistance of a vocational training program under subsection (b) of this section, the veteran has a good potential for achieving employment, the Secretary shall provide the veteran with an evaluation in order to determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such evaluation shall include a personal interview by a Department employee trained in vocational counseling.

(3) For the purposes of this section, the term ''program period'' means the period beginning on February 1, 1985, and ending on December 31, 1995.

(b)(1) If the Secretary, based upon an evaluation under subsection (a) of this section, determines that the achievement of a vocational goal by a veteran is reasonably feasible, the veteran shall be offered and may elect to pursue a vocational training program under this subsection. If the veteran elects to pursue such a program, the program shall be designed in consultation with the veteran in order to meet the veteran's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation of the kind described in section 3107 of this title.

(2)(A) Subject to subparagraph (B) of this paragraph, a vocational training program under this subsection shall consist of vocationally oriented services and assistance of the kind provided under chapter 31 of this title and such other services and assistance of the kind provided under that chapter as are necessary to enable the veteran to prepare for and participate in vocational training or employment.

(B) A vocational training program under this subsection—

(i) may not exceed 24 months unless, based on a determination by the Secretary that an extension is necessary in order for the veteran to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan formulated for the veteran, the Secretary grants an extension for a period not to exceed 24 months;

(ii) may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment of the kind provided under chapter 39 of this title; and

(iii) may include a program of education at an institution of higher learning (as defined in

sections 3452(b) and 3452(f), respectively, of this title) only in a case in which the Secretary determines that the program involved is predominantly vocational in content.

(3) When a veteran completes a vocational training program under this subsection, the Secretary may provide the veteran with counseling of the kind described in section 3104(a)(2) of this title, placement and postplacement services of the kind described in section 3104(a)(5) of this title, and training of the kind described in section 3104(a)(6) of this title during a period not to exceed 18 months beginning on the date of such completion.

(4) A veteran may not begin pursuit of a vocational training program under this subsection after the later of (A) December 31, 1995, or (B) the end of a reasonable period of time, as determined by the Secretary, following either the evaluation of the veteran under subsection (a) of this section or the award of pension to the veteran as described in subsection (a)(2) of this section. Any determination by the Secretary of such a reasonable period of time shall be made pursuant to regulations which the Secretary shall prescribe.

(c) In the case of a veteran who has been determined to have a permanent and total non-service-connected disability and who, not later than one year after the date the veteran's eligibility for counseling under subsection (b)(3) of this section expires, secures employment within the scope of a vocational goal identified in the veteran's individualized written plan of vocational rehabilitation (or in a related field which requires reasonably developed skills and the use of some or all of the training or services furnished the veteran under such plan), the evaluation of the veteran as having a permanent and total disability may not be terminated by reason of the veteran's capacity to engage in such employment until the veteran first maintains such employment for a period of not less than 12 consecutive months.

(d) A veteran who pursues a vocational training program under subsection (b) of this section shall have the benefit of the provisions of subsection (a) of section 1525 of this title beginning at such time as the veteran's entitlement to pension is terminated by reason of income from work or training (as defined in subsection (b)(1) of that section) without regard to the date on which the veteran's entitlement to pension is terminated.

(e) Payments by the Secretary for education, training, and other services and assistance under subsection (b) of this section (other than the services of Department employees) shall be made from the Department appropriations account from which payments for pension are made.

(Added Pub. L. 98–543, title III, § 301(a)(1), Oct. 24, 1984, 98 Stat. 2744, § 524; amended Pub. L. 99–576, title VII, § 703(b)(1), Oct. 28, 1986, 100 Stat. 3303; Pub. L. 100–227, title II, § 202, Dec. 31, 1987, 101 Stat. 1555; Pub. L. 100–687, div. B, title XIII, § 1303(a), (b), Nov. 18, 1988, 102 Stat. 4128; Pub. L. 101–237, title I, § 114, Dec. 18, 1989, 103 Stat. 2065; renumbered § 1524 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. 102–291, § 2(b), May 20, 1992, 106 Stat. 178; Pub. L. 102–568, title IV, § 402(a)–(c)(2)(A), Oct. 29, 1992, 106 Stat. 4337; Pub. L. 103–446, title XII, § 1201(g)(2), Nov. 2, 1994, 108 Stat. 4687.)

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103–446 substituted "If" for "Subject to paragraph (3) of this subsection, if".

1992—Pub. L. 102–568, § 402(c)(2)(A), substituted "Vocational training for certain pension recipients" for "Temporary program of vocational training for certain new pension recipients" as section catchline.

Subsec. (a)(1). Pub. L. 102–568, § 402(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "Subject to paragraph (3) of this subsection, in the case of a veteran under the age of 45 who is awarded pension during the program period, the Secretary shall determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such determination shall be made only after evaluation of the veteran's potential for rehabilitation, and any such evaluation shall include a personal interview of the veteran by a Department employee who is trained in vocational counseling. If the veteran fails, for reasons other than those beyond the veteran's control, to participate in the evaluation in the manner required by the Secretary in order to make such determination, the Secretary shall suspend the veteran's pension for the duration of such failure."

Subsec. (a)(3). Pub. L. 102–568, § 402(b), redesignated par. (4) as (3), substituted "December 31, 1995" for "December 31, 1992", and struck out former par. (3) which read as follows: "Not more than 3,500 veterans may be given evaluations under this subsection during any 12-month period beginning on February 1 of a year."

Subsec. (a)(4). Pub. L. 102–568, § 402(b)(2), redesignated par. (4) as (3).

Pub. L. 102–291 substituted "December 31, 1992" for "January 31, 1992".

Subsec. (b)(4). Pub. L. 102–568, § 402(c)(1), substituted "December 31, 1995" for "January 31, 1992".

1991—Pub. L. 102–83, § 5(a), renumbered section 524 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing in pars. (1) and (2).

Pub. L. 102–83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in pars. (1) and (2).

Subsec. (b)(1). Pub. L. 102–83, § 5(c)(1), substituted "3107" for "1507".

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

Subsec. (b)(2)(B)(i). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Subsec. (b)(2)(B)(iii). Pub. L. 102–83, § 5(c)(1), substituted "3452(b) and 3452(f)" for "1652(b) and 1652(f)".

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

Subsec. (b)(3). Pub. L. 102–83, § 5(c)(1), substituted "3104(a)(2)" for "1504(a)(2)", "3104(a)(5)" for "1504(a)(5)", and "3104(a)(6)" for "1504(a)(6)".

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

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

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted "1525" for "525".

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

Pub. L. 102–83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in two places.

1989—Subsec. (a)(1), (2). Pub. L. 101–237, § 114(a), substituted "45" for "50".

Subsecs. (c) to (e). Pub. L. 101–237, § 114(b), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1988—Subsec. (a)(2). Pub. L. 100–687, §1303(a), substituted ''is awarded pension during the program period, or a veteran who was awarded pension before the beginning of the program period,'' for ''who is awarded pension during the program period''.

Subsecs. (a)(4), (b)(4)(A). Pub. L. 100–687, §1303(b), substituted ''1992'' for ''1989''.

1987—Subsec. (a)(3). Pub. L. 100–227 substituted ''3,500'' for ''2,500''.

1986—Subsec. (a)(2). Pub. L. 99–576, §703(b)(1)(A), substituted ''subsection (b) of this section'' for ''subsection (d) of this section''.

Subsec. (b)(4). Pub. L. 99–576, §703(b)(1)(B), substituted ''subsection (a) of this section'' for ''subsection (a)(1) of this section''.

Subsec. (c). Pub. L. 99–576, §703(b)(1)(C), substituted ''A veteran'' for ''Notwithstanding subsection (c) of section 525 of this title, a veteran'' and ''defined in subsection (b)(1) of that section'' for ''defined in subsection (b) of that section'', and inserted ''without regard to the date on which the veteran's entitlement to pension is terminated.''

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–291 effective Jan. 31, 1992, see section 2(d) of Pub. L. 102–291, set out as a note under section 1163 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–576 effective as if included in Pub. L. 98–543, see section 703(c) of Pub. L. 99–576, set out as a note under section 1313 of this title.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Provision of a vocational training program to a veteran under this section and the making of related determinations under this section ratified with respect to period beginning Feb. 1, 1992, and ending May 20, 1992, see section 2(e) of Pub. L. 102–291, set out as a note under section 1163 of this title.

REPORT TO CONGRESSIONAL COMMITTEES; NEW PENSION RECIPIENTS; HEALTH-CARE ELIGIBILITY

Section 301(b) of Pub. L. 98–543 directed Administrator of Veterans' Affairs to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Apr. 15, 1988, a report on results of implementation of this section and section 525 [now 1525] of this title during period beginning on Feb. 1, 1985, and ending on Jan. 31, 1988.

§1525. Protection of health-care eligibility

(a) In the case of a veteran whose entitlement to pension is terminated after January 31, 1985, by reason of income from work or training, the veteran shall retain for a period of three years beginning on the date of such termination all eligibility for care and services under such chapter that the veteran would have had if the veteran's entitlement to pension had not been terminated. Care and services for which such a veteran retains eligibility include, when applicable, drugs and medicines under section 1712(d) of this title.

(b) For purposes of this section, the term ''terminated by reason of income from work or training'' means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or with gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.

(Added Pub. L. 98–543, title III, §301(a)(1), Oct. 24, 1984, 98 Stat. 2746, §525; amended Pub. L. 99–272, title XIX, §19011(d)(1), Apr. 7, 1986, 100 Stat. 378; Pub. L. 99–576, title VII, §703(b)(2), Oct. 28, 1986, 100 Stat. 3303; Pub. L. 100–687, div. B, title XIII, §1303(c), Nov. 18, 1988, 102 Stat. 4128; renumbered §1525 and amended Pub. L. 102–83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–291, §2(c), May 20, 1992, 106 Stat. 178; Pub. L. 102–568, title IV, §403(a), (b)(1), Oct. 29, 1992, 106 Stat. 4337; Pub. L. 104–262, title I, §101(e)(1), Oct. 9, 1996, 110 Stat. 3180.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–262, §101(e)(1)(A), substituted ''section 1712(d) of this title'' for ''section 1712(h) of this title and special priority with respect to such care and services under clauses (5) and (6) of section 1712(i)''.

Subsec. (b). Pub. L. 104–262, §101(e)(1)(B), substituted ''remuneration'' for ''renumeration''.

1992—Pub. L. 102–568, §403(b)(1), substituted ''Protection'' for ''Temporary protection'' in section catchline.

Subsec. (a). Pub. L. 102–568, §403(a)(1), substituted ''after January 31, 1985,'' for ''during the program period''.

Subsec. (b). Pub. L. 102–568, §403(a)(2), added subsec. (b) and struck out former subsec. (b) which read as follows: ''For the purposes of this section:

''(1) The term 'terminated by reason of income from work or training' means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.

''(2) The term 'program period' means the period beginning on February 1, 1985, and ending on December 31, 1992.''

Pub. L. 102–291 substituted ''December 31, 1992'' for ''January 31, 1992'' in par. (2).

1991—Pub. L. 102–83, §5(a), renumbered section 525 of this title as this section.

Subsec. (a). Pub. L. 102–83, §5(c)(1), substituted ''1712(h)'' for ''612(h)'' and ''1712(i)'' for ''612(i)''.

1988—Subsec. (b)(2). Pub. L. 100–687 substituted ''1992'' for ''1989''.

1986—Subsec. (a). Pub. L. 99–576 struck out ''under section 521 of this title'' after ''entitlement to pension''.

Pub. L. 99–272 substituted ''clauses (5) and (6) of section 612(i)'' for ''section 612(i)(5) of this title''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–291 effective Jan. 31, 1992, see section 2(d) of Pub. L. 102–291, set out as a note under section 1163 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99–576 effective as if included in Pub. L. 98–543, see section 703(c) of Pub. L. 99–576, set out as a note under section 1313 of this title.

Amendment by Pub. L. 99–272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99–272, set out as a note under section 1710 of this title.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Provision of health care and services to a veteran pursuant to this section ratified with respect to period beginning Feb. 1, 1992, and ending May 20, 1992, see section 2(e) of Pub. L. 102–291, set out as a note under section 1163 of this title.

SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN

AMENDMENTS

1975—Pub. L. 94–169, title I, §101(2)(G), Dec. 23, 1975, 89 Stat. 1014, substituted ''SURVIVING SPOUSES'' for ''WIDOWS'' in subchapter heading.