

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 require-

ments 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.