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 , §§ 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 service requirements of this subsection a pension at the following monthly rate:

(A) $101.59; or

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

(2) A veteran meets the service requirements of this subsection if such veteran served in the active military or naval service—

(A) for ninety days or more during the Spanish-American War;

(B) during the Spanish-American War and was discharged or released from such service for a service-connected disability; or

(C) for a period of ninety consecutive days or more and such period began or ended during the Spanish-American War.

(3)(A) Any veteran eligible for pension under this subsection shall, if such veteran so elects, be paid pension at the rates prescribed by section 1521 of this title (except the rate provided under subsection (g) of such section), and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of a period of war. If pension is paid pursuant to such an election, the election shall be irrevocable.

(B) The Secretary shall pay each month to each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (i) that provided by subparagraph (B) of subsection (a)(1) of this section, or (ii) that which is payable to the veteran under section 1521 of this title as in effect on December 31, 1978, under regulations which the Secretary shall prescribe. Each change in the amount of pension payment required by this subparagraph 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.

(b)(1) The Secretary shall pay to each veteran of the Spanish-American War who does not meet the service requirements of subsection (a), but who meets the service requirements of this subsection, a pension at the following monthly rate:

(A) $67.73; or

(B) $88.04 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if such veteran served in the active military or naval service—

(A) for seventy days or more during the Spanish-American War; or

(B) for a period of seventy consecutive days or more and such period began or ended during the Spanish-American War.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1135, § 512; Pub. L. 86–670, § 2, July 14, 1960, 74 Stat. 545; Pub. L. 90–77, title I, § 111(b), Aug. 31, 1967, 81 Stat. 181; Pub. L. 94–169, title I, § 106(17), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95–588, title I, § 105, Nov. 4, 1978, 92 Stat. 2500; renumbered § 1512 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

A prior section 1512 was renumbered section 3112 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 512 of this title as this section.

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

Subsec. (a)(3)(A). Pub. L. 102–83, § 5(c)(1), substituted ''1521'' for ''521''.

Subsec. (a)(3)(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'' in two places.

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

1978—Subsec. (a)(3)(A). Pub. L. 95–588, § 105(1), inserted ''(except the rate provided under subsection (g) of such section)'' after ''of this title'', substituted ''a period of war'' for ''World War I'', and struck out exception to

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.