Public Law 94-433
94th Congress

An Act

Sept. 30, 1976
[H.R. 14299]

To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Disability Compensation and Survivor Benefits Act of 1976".

Veterans Disability Compensation and Survivor Benefits Act of 1976.
38 USC 101 note.

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out in subsection (a) "$35" and inserting in lieu thereof "$38";

(2) by striking out in subsection (b) "$65" and inserting in lieu thereof "$70";

(3) by striking out in subsection (c) "$98" and inserting in lieu thereof "$106";

(4) by striking out in subsection (d) "$134" and inserting in lieu thereof "$145";

(5) by striking out in subsection (e) "$188" and inserting in lieu thereof "$203";

(6) by striking out in subsection (f) "$236" and inserting in lieu thereof "$255";

(7) by striking out in subsection (g) "$280" and inserting in lieu thereof "$302";

(8) by striking out in subsection (h) "$324" and inserting in lieu thereof "$350";

(9) by striking out in subsection (i) "$364" and inserting in lieu thereof "$393";

(10) by striking out in subsection (j) "$655" and inserting in lieu thereof "$707";

(11) by striking out in subsection (k) "$52" and "$814" and "$1,139" each time they appear and inserting in lieu thereof "$56" and "$879" and "$1,231", respectively;

(12) by striking out in subsection (l) "$814" and inserting in lieu thereof "$879";

(13) by striking out in subsection (m) "$896" and inserting in lieu thereof "$968";

(14) by striking out in subsection (n) "$1,018" and inserting in lieu thereof "$1,099";

(15) by striking out in subsection (o) and (p) "$1,139" each time it appears and inserting in lieu thereof "$1,231";

(16) by striking out in subsection (r) "$489" and inserting in lieu thereof "$528"; and

(17) by striking out in subsection (s) "$732" and inserting in lieu thereof "$791".

Rate adjustment.
38 USC 314 note.
38 USC prec. 101.

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

38 USC 301, *et seq.*

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SEC. 102. Section 315(1) of title 38, United States Code, as amended—

(1) by striking out in subparagraph (A) "$40" and inserting in lieu thereof "$43";

(2) by striking out in subparagraph (B) "$67" and inserting in lieu thereof "$72";

(3) by striking out in subparagraph (C) "$85" and inserting in lieu thereof "$92";

(4) by striking out in subparagraph (D) "$105" and "$19" and inserting in lieu thereof "$113" and "$21", respectively;

(5) by striking out in subparagraph (E) "$26" and inserting in lieu thereof "$28";

(6) by striking out in subparagraph (F) "$45" and inserting in lieu thereof "$49";

(7) by striking out in subparagraph (G) "$67" and "$19" and inserting in lieu thereof "$72" and "$21", respectively;

(8) by striking out in subparagraph (H) "$32" and inserting in lieu thereof "$35" and by striking out in such subparagraph after the semicolon "and";

(9) by striking out in subparagraph (I) "$61" and inserting in lieu thereof "$66"; and

(10) by redesignating subparagraph (I) as subparagraph (J) and inserting the new subparagraph (I) as follows:

"(I) notwithstanding the other provisions of this subsection, the monthly payable amount on account of a spouse who is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be $78 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this subsection; and".

TITLE II—SURVIVORS, DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows: Widows.

"§ 411. Dependency and indemnity compensation to a surviving spouse

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	*Monthly rate*	*Pay grade*	*Monthly rate*
E-1	$260	W-4	$372
E-2	268	O-1	328
E-3	275	O-2	340
E-4	292	O-3	364
E-5	300	O-4	384
E-6	307	O-5	423
E-7	322	O-6	476
E-8	340	O-7	516
E-9	[1] 355	O-8	565
W-1	328	O-9	607
W-2	341	O-10	[2] 664
W-3	352		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the surviving spouse's rate shall be $382.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the surviving spouse's rate shall be $712.

"(b) If there is a surviving spouse with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $31 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by $78 if the spouse is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.".

Children.

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no suriving spouse of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) one child, $131;

"(2) two children, $189;

"(3) three children, $243; and

"(4) more than three children, $243, plus $49 for each child in excess of three.".

Children, supplemental compensation.

SEC. 203. Section 414 of title 38, United States Code, is amended—

(1) by striking out in subsection (a) "$72" and inserting in lieu thereof "$78";

(2) by striking out in subsection (b) "$121" and inserting in lieu thereof "$131"; and

(3) by striking out in subsection (c) "$62" and inserting in lieu thereof "$67".

Study.
38 USC 410 note.
38 USC 401 *et seq.*

SEC. 204. (a) The Administrator shall carry out a thorough and detailed study of the dependency and indemnity compensation program authorized under chapter 13 of this title and of its beneficiaries to measure and evaluate the adequacy of benefits provided under this program and to determine whether, or to what extent, benefits should be based on the military pay grade of the person upon whose death entitlement is predicated.

Report.

(b) The report of such study shall include such full statistical data as may be obtained concerning surviving spouses and dependents in receipt of dependency and indemnity compensation other than under section 415 of title 38, United States Code, and in each instance the data shall include a breakdown of the distribution of the surviving spouses and dependents amongst the pay grade levels set forth in section 411(a) of title 38, United States Code. Data concerning such surviving spouses and dependents shall include (1) full statistical information concerning the number and ages of surviving spouses and dependents, the number of surviving spouses that remarry, the number of surviving spouses with dependents, and the number of surviving spouses in receipt of aid and attendance; (2) full statistical information concerning the number of surviving spouses and the number of dependents in receipt of old-age, survivors, and disability insurance (OASDI) cash benefits and the amount and type thereof, the number of surviving spouses and the number of dependents in receipt of other Federal or State assistance and the amount and type thereof, the number of surviving spouses in receipt of State survivor benefits and the amount and type thereof to include a breakdown by State, and the number of surviving spouses who work and their earnings therefrom; (3) full statistical information concerning the educational attainment of the survivor's deceased spouse; and (4) full statistical information concerning those surviving spouses whose veteran spouse was in receipt

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of disability compensation pursuant to chapter 11 of title 38, prior to death and the rating of disability thereof. 38 USC 301 *et seq.*

(c) The report together with such comments and recommendations by the Administrator for improving the program as are appropriate shall be submitted to the Congress and the President not later than October 1, 1977. Submittal to Congress and President.

TITLE III—OTHER DISABLED VETERANS PROGRAM IMPROVEMENTS

SEC. 301. Section 362 of title 38, United States Code, is amended by striking out "$175" and inserting in lieu thereof "$190". Clothing allowance.

SEC. 302. Section 806 of title 38, United States Code, is amended by striking out in subsection (c) "$30,000," and inserting in lieu thereof "$40,000,". Mortgage Protection Life Insurance.

SEC. 303. Section 1901 of title 38, United States Code, is amended—

(1) by striking out in paragraph (1) before the colon at the end of clause (A) "during World War II or thereafter" and inserting in lieu thereof "on or after September 16, 1940"; and

(2) by striking out in paragraph (1) before the period at the end of clause (B) "during World War II or thereafter" and inserting in lieu thereof "on or after September 16, 1940".

SEC. 304. (a) Chapter 23 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 908. Transportation of deceased veteran to a national cemetery 38 USC 908.

"Where a veteran dies as the result of a service-connected disability, or is in receipt of (but for the receipt of retirement pay or pension under this title would have been entitled to) disability compensation, the Administrator may pay, in addition to any amount paid pursuant to section 902 or 907 of this title, the cost of transportation of the deceased veteran for burial in a national cemetery. Such payment shall not exceed the cost of transportation to the national cemetery nearest the veteran's last place of residence in which burial space is available.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"908. Transportation of deceased veterans to a national cemetery.".

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS AND EFFECTIVE DATE PROVISIONS

SEC. 401. Chapter 11 of title 38, United States Code, is amended— 38 USC 301.

(1) by striking out in the table of sections at the beginning of such chapter 11

"356. Minimum rating for arrested tuberculosis.";

(2) by striking out in paragraph (3) of section 301 "Leprosy" and inserting in lieu thereof "Hansen's disease";

(3) by striking out in paragraph (4) of section 301 "Leprosy", and by inserting in paragraph (4) of such section "Hansen's disease" between "Filiariasis" and "Leishmaniasis, including kala-azar";

(4) by striking out in clause (o) of section 314 "in combination with total blindness with 5/200 visual acuity or less,"; and

(5) by striking out in clause (r) of section 314 "3203(f)" and inserting in lieu thereof "3203(e)".

SEC. 402. Section 3012(b) of title 38, United States Code, is amended—

(1) by inserting in clause (2) "annulment," immediately before "divorce" each time it appears; and

(2) by striking out in clause (9) "his" and inserting in lieu thereof "the beneficiary's".

Amputees, cardiovascular disorders, study. 38 USC 301 note.

SEC. 403. (a) The Administrator of Veterans' Affairs shall conduct a scientific study to determine if there is a causal relationship between the amputation of an extremity and the subsequent development of cardiovascular disorders.

(b) The report of the study shall include (1) a comprehensive review and professional analysis of the literature covering other such studies conducted or underway of such relationship; and (2) an analysis of statistically valid samples of disability claims of veterans having service-connected extremity amputation matched by age, sex and war period with nonamputee veterans.

Report to Speaker of the House and President of the Senate. 38 USC 301.

(c) The report, together with such comments and recommendations as the Administrator deems appropriate, shall be submitted to the Speaker of the House and the President of the Senate not later than June 30, 1977.

SEC. 404. Chapter 11 of title 38, United States Code, is further amended—

(1) by striking out in clauses (A) and (B) of section 301(2) "him" and inserting in lieu thereof "such veteran";

(2) by striking out in section 302(a) "widow of a veteran under this chapter unless she was married to him" and inserting in lieu thereof "surviving spouse of a veteran under this chapter unless such surviving spouse was married to such veteran";

(3) by striking out in section 302(b) "widow" each time it appears and inserting in lieu thereof "surviving spouse";

(4) by striking out in the catchline of section 302 "**widows**" and inserting in lieu thereof "**surviving spouses**";

(5) by striking out in the table of sections at the beginning of such chapter 11.

"302. Special provisions relating to widows."

and inserting in lieu thereof

"302. Special provisions relating to surviving spouses.";

(6) by striking out in clauses (m) and (o) of section 314 "him" and inserting in lieu thereof "such veteran";

(7) by striking out in section 314(p) ", in his discretion,";

(8) by striking out in clauses (r) and (s) of section 314 "he" and "his" each time they appear and inserting in lieu thereof "such veteran" and "such veteran's", respectively;

(9) by striking out in clauses (A), (B), (C), (D), (E), (F), and (G) of section 315(1) "wife" each time it appears and inserting in lieu thereof "spouse";

(10) by striking out in section 315(1)(H) "mother or father, either or both dependent upon him" and inserting in lieu thereof "parent dependent upon such veteran";

(11) by striking out in section 315(2) "his";

(12) by striking out in section 321 "widow" and inserting in lieu thereof "spouse";

(13) by striking out in paragraphs (1) and (2) of section 322(a) "Widow" and inserting in lieu thereof "Surviving spouse";

(14) by striking out in paragraphs (3), (4), and (5) of section 322(a) "widow" and inserting in lieu thereof "surviving spouse";

(15) by striking out in section 322(a)(6) "mother or father" and inserting in lieu thereof "parent";

(16) by striking out in section 322(a)(7) "Dependent mother and father" and inserting in lieu thereof "Both dependent parents"; 38 USC 322.

(17) by striking out in section 322(b) "widow" and inserting in lieu thereof "surviving spouse";

(18) by striking out in section 341 "widow" and inserting in lieu thereof "spouse";

(19) by striking out in section 351 "him", and by striking out in such section "his" and inserting in lieu thereof "such veteran's";

(20) by striking out in section 354(a) "his" and "he" each time they appear and inserting in lieu thereof "such veteran's" and "such veteran", respectively;

(21) by striking out in section 358 ", in his discretion ,", and by striking out in such section "his wife" and "a wife" and inserting in lieu thereof "such veteran's spouse" and "such spouse", respectively;

(22) by striking out in section 360 "his" each time it appears and inserting in lieu thereof "such veteran's";

(23) by striking out in section 361 "his" and inserting in lieu thereof "such former member's"; and

(24) by striking out in section 362 "he" and inserting in lieu thereof "the Administrator".

SEC. 405. Chapter 13 of title 38, United States Code, is amended— 38 USC 401 *et seq.*

(1) by striking out in subsections (a) and (b) of section 402 "his" and "he" each time they appear and inserting in lieu thereof "such veteran's" and "such veteran", respectively;

(2) by striking out in subsections (c) and (d) of section 402 "he" and "his widow" and inserting in lieu thereof "such veteran" and "such veteran's surviving spouse", respectively;

(3) by striking out in section 402(e) "his" and "he" each time they appear and inserting in lieu thereof "such person's" and "such person", respectively;

(4) by striking out in section 404 "widow", "she", and "him", and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "such veteran", respectively;

(5) by striking out in the catchline of section 404 **"widows"** and inserting in lieu thereof **"surviving spouses"**;

(6) by striking out in the table of sections at the beginning of such chapter 13

"404. Special provisions relating to widows."

and inserting in lieu thereof

"404. Special provisions relating to surviving spouses.";

(7) by striking out in subsections (a) and (b) of section 410 "his widow", "widow", "he", and "his" and inserting in lieu thereof "such veteran's surviving spouse", "surviving spouse", "such veteran", and "such veteran's", respectively;

(8) by striking out in the table of sections at the beginning of such chapter 13

"411. Dependency and indemnity compensation to a widow."

and inserting in lieu thereof

"411. Dependency and indemnity compensation to a surviving spouse.";

(9) by striking out in subsections (a) and (b) of section 412 "his", "he", and "widow" each time they appear and inserting in lieu thereof "such veteran's", "such veteran", and "surviving spouse", respectively;

38 USC 414.

(10) by striking out in subsections (a), (b), and (c) of section 414 "him", "woman", "widow", and "her deceased husband" each time they appear and inserting in lieu thereof "such child", "person", "surviving spouse", and "such person's deceased spouse", respectively;

(11) by striking out in paragraphs (1) and (2) of section 416(a) "widow" and "his" and inserting in lieu thereof "surviving spouse" and "such person's", respectively;

(12) by striking out in section 416(b)(1) "widow" and "her" and inserting in lieu thereof "surviving spouse" and "such surviving spouse", respectively;

(13) by striking out in section 416(c) "him" and inserting in lieu thereof "such child";

(14) by striking out in section 416(d) "him" each time it appears and inserting in lieu thereof "such parent";

(15) by striking out in section 416(e)(1) "he" and "his" and inserting in lieu thereof "such person" and "such beneficiary's", respectively;

(16) by striking out in section 416(e)(3) "his" and "he" and inserting in lieu thereof "such child's" and "the Administrator", respectively;

(17) by striking out in section 421 "him" and inserting in lieu thereof "the Administrator";

(18) by striking out in section 422(a) "his" and "him" and inserting in lieu thereof "such veteran's" and "such Secretary", respectively; and

(19) by striking out in section 423 "him" and "he" each time they appear and inserting in lieu thereof "the Administrator".

Effective date.
38 USC 301 note.

SEC. 406. The provisions of this Act shall become effective on October 1, 1976.

Approved September 30, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1270 (Comm. on Veterans' Affairs).
SENATE REPORT No. 94-1226 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 122 (1976):
June 21, considered and passed House.
Sept. 20, considered and passed Senate, amended.
Sept. 21, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 40:
Sept. 30, Presidential statement.