

Public Law 94-432
94th Congress

An Act

To amend title 38 of the United States Code to increase the rates of disability and death pension and to increase the rates of dependency and indemnity compensation for parents, and for other purposes.

Sept. 30, 1976
[H.R. 14298]

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 and Survivors Pension Adjustment Act of 1976".

Veterans and
Survivors
Pension
Adjustment Act
of 1976.
38 USC 101 note.

TITLE I—EXTENSION OF CERTAIN INTERIM ADJUSTMENTS OF PENSION AND OF DEPENDENCY AND INDEMNITY COMPENSATION RATES UNTIL JANUARY 1, 1977

SEC. 101. Sections 102, 103, 104, 105, 107, 201, and 202 of Public Law 94-169 (89 Stat. 1014) are each amended by striking out "for the period beginning January 1, 1976, and ending September 30, 1976" and inserting in lieu thereof "January 1, 1976".

38 USC 521,
541, 542 note,
544 note, 521
notes, 415 note,
322 note.

TITLE II—VETERANS' AND SURVIVORS' PENSIONS

SEC. 201. Section 502(a) of title 38, United States Code, is amended by inserting immediately after "or older" the following: "or became unemployable after age 65."

Disability
determinations.
Unmarried
veterans.
38 USC 521.

SEC. 202. Section 521 of title 38, United States Code, is amended—
(1) by amending the table in section (b) (1) to read as follows:

"The monthly rate of pension shall be \$185 reduced by—"	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0.00	0	\$300
.03	\$300	500
.04	500	700
.05	700	900
.06	900	1,500
.07	1,500	1,800
.08	1,800	3,540";

(2) by striking out "\$3,300" in subsection (b) (3) and inserting in lieu thereof "\$3,540".

(3) by amending the table in subsection (c) (1) to read as follows:

Married veterans.

"The monthly rate of pension for a veteran shall be— \$199 if he or she has one dependent; \$204 if he or she has two dependents; and \$209 if he or she has three or more dependents; reduced by—"	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0.00	0	\$500
.02	\$500	700
.03	700	1,100
.04	1,100	2,400
.05	2,400	3,100
.06	3,100	3,500
.07	3,500	3,700
.08	3,700	4,760";

38 USC 521.

(4) by striking out "\$4,500" in subsection (c) (3) and inserting in lieu thereof "\$4,760";

(5) by amending subsection (d) to read as follows:

"(d) (1) If the veteran is in need of regular aid and attendance, the monthly rate payable to such veteran under subsection (b) or (c) shall be increased by \$155.

"(2) In any case in which—

"(A) any veteran is denied pension under subsection (b) or (c) of this section solely for the reason that his annual income exceeds the maximum income limitation set forth in such subsection, or

"(B) payment of pension to any veteran under such subsection (b) or (c) is discontinued for such reason,

and such veteran is in need of aid and attendance, such veteran shall be entitled to a monthly rate of \$155 reduced by 16.6 per centum for each \$100, or portion thereof, by which the veteran's annual income exceeds the applicable maximum annual income limitation; but no monthly rate shall be payable under this paragraph if the veteran's annual income exceeds such limitation by more than \$500."

(6) by striking out "\$53" in subsection (e) and inserting in lieu thereof "\$57"; and

(7) by adding at the end thereof the following new paragraph:

"(h) The rate of pension payable to any veteran receiving benefits under subsections (b), (c), (d), and (e) of this section shall be increased by 25 per centum beginning on the first day of the month during which the veteran attains age 78."

SEC. 203. Section 541 of title 38, United States Code, is amended—

(1) by amending the table in subsection (b) (1) to read as follows:

"The monthly rate of pension shall be \$125 reduced by—"	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0.00	0	\$300
.01	\$300	600
.03	600	900
.04	900	1,300
.05	1,200	2,300
.06	2,300	3,540";

(2) by striking out "\$3,300" in subsection (b) (3) and inserting in lieu thereof "\$3,540";

(3) by amending the table in subsection (c) (1) to read as follows:

"The monthly rate of pension shall be \$149 reduced by—"	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0.00	0	\$700
.01	\$700	1,100
.02	1,100	1,700
.03	1,700	2,500
.04	2,500	3,300
.05	3,300	4,760";

(4) by striking out "\$4,500" in subsection (c) (2) and inserting in lieu thereof "\$4,760"; and

(5) by striking out "\$22" in subsection (d) and inserting in lieu thereof "\$24".

Surviving spouse
with no children.
38 USC 541 note.

Surviving spouse
with one child.

SEC. 204. Section 542 of title 38, United States Code, is amended—

(1) by striking out “\$53” and “\$22” in subsection (a) and inserting in lieu thereof “\$57” and “\$24”, respectively; and

(2) by striking out “\$2,700” in subsection (c) and inserting in lieu thereof “\$2,890”.

SEC. 205. Section 544 of title 38, United States Code, is amended by striking out “\$69” and inserting in lieu thereof “\$74”.

SEC. 206. Section 4 of Public Law 90-275 (82 Stat. 68) is amended to read as follows: 38 USC 521 note.

“SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans’ Pension Act of 1959 hereafter shall be \$3,100 and \$4,460 instead of \$2,900 and \$4,200, respectively.”. 38 USC 521 note.

TITLE III—DEPENDENCY AND INDEMNITY COMPENSATION FOR PARENTS

SEC. 301. Section 415 of title 38, United States Code, is amended— One parent.
38 USC 415.

(1) by amending the table in subsection (b)(1) to read as follows:

“The monthly rate of dependency and indemnity compensation shall be \$142 reduced by—	For each \$1 of annual income	
	Which is more than—	But not more than—
\$0.00	0	\$800
.03	\$800	1,000
.04	1,000	1,200
.05	1,200	1,400
.06	1,400	1,600
.08	1,600	3,540”;

(2) by striking out “\$3,300” in subsection (b)(3) and inserting in lieu thereof “\$3,540”;

(3) by amending the table in subsection (c)(1) to read as follows: Two parents.

“The monthly rate of dependency and indemnity compensation shall be \$100 reduced by—	For each \$1 of annual income of such parent	
	Which is more than—	But not more than—
\$0.00	0	\$800
.02	\$800	1,100
.04	1,100	1,300
.05	1,300	2,300
.06	2,300	3,540”;

(4) by striking out “\$3,300” in subsection (c)(3) and inserting in lieu thereof “\$3,540”;

(5) by amending the table in subsection (d)(1) to read as follows:

“The monthly rate of dependency and indemnity compensation shall be \$96 reduced by—	For each \$1 of the total combined annual income	
	Which is more than—	But not more than—
\$0.00	0	\$1,000
.02	\$1,000	2,100
.03	2,100	3,100
.04	3,100	3,800
.05	3,800	4,760”;

38 USC 415.

- (6) by striking out "\$4,500" in subsection (d) (3) and inserting in lieu thereof "\$4,760"; and
- (7) by striking out "\$69" in subsection (h) and inserting in lieu thereof "\$74".

TITLE IV—MISCELLANEOUS AND EFFECTIVE DATE PROVISIONS

Dependent
parents.

SEC. 401. Section 322 (b) of title 38, United States Code, is amended by striking out "\$69" and inserting in lieu thereof "\$74".

SEC. 402. Subsection 102 (a) (2) of title 38, United States Code, is amended to read as follows:

"(2) Dependency of a parent shall not be denied (A) solely because of remarriage, or (B) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Administrator shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support."

38 USC 3001 *et*
seq.

SEC. 403. Chapter 51 of title 38, United States Code, is amended as follows:

- (1) the analysis of subchapter I is amended by adding at the end the following:

"3006. Furnishing of information by other agencies.";

and

- (2) subchapter I is amended by adding at the end thereof the following new section:

38 USC 3006.

"§ 3006. Furnishing of information by other agencies

"The head of any Federal department or agency shall provide such information to the Administrator as he may request for purposes of determining eligibility for or amount of benefits, or verifying other information with respect thereto."

Nonservice-
connected
disability or
death.

38 USC 501 note.
38 USC 501 *et*
seq.

SEC. 404. (a) The Congress finds and declares that the pension program for nonservice-connected disability or death, authorized in chapter 15 of title 38, United States Code, and administered by the Veterans' Administration—

- (1) does not provide sufficient assistance to meet the needs of some eligible veterans and survivors;

(2) has developed some inconsistencies, inequities, and anomalies which prevent it from operating in the most efficient and equitable manner; and

- (3) subjects many pensioners annually to reductions in their pensions.

The Congress further finds and declares that it lacks sufficient long-range information as to actual and anticipated financial characteristics of potential pensioners (and their families) upon which to estimate costs of existing alternative pension programs.

Report to
Congress and
President.

(b) No later than October 1, 1977, the Administrator of Veterans' Affairs shall submit a report to Congress and the President. The report shall contain the findings and recommendations of a comprehensive investigation, analysis, and evaluation of existing and alternative nonservice-connected pension programs, and shall include, but not be limited to, the following:

- (1) Income characteristics of veterans and survivors currently in receipt of nonservice-connected pension.

(2) Actual and anticipated long-term financial characteristics of pensioners including those veterans and survivors (and their families) who may be potentially eligible for benefits under the nonservice-connected pension program during the next 25 years.

(3) Identification and analysis of existing inequities, anomalies, and inconsistencies contained in the current nonservice-connected pension program.

(4) Current and proposed income exclusions.

(5) Particular problems and needs of catastrophically disabled nonservice-connected pensioners.

(6) Alternative proposals which—

(A) assure a level of income for eligible veterans at or above the national minimum standard of need;

(B) treat similarly circumstanced pensioners alike; and

(C) provide the greatest amount of assistance to those with the greatest amount of need.

(c) On the basis of the investigation, analysis, and evaluation required to be made in subsection (b), the report shall identify alternative courses of legislative or administrative action (including proposed legislation) and long-range cost estimates therefor which, in the judgment of the Administrator, would result in a more equitable nonservice-connected pension program.

SEC. 405. (a) The provisions of this Act, other than titles II and III and section 401, shall take effect on the date of the enactment of this Act.

(b) Titles II and III and section 401 of this Act shall take effect January 1, 1977.

Effective dates.
38 USC 521 note.

Approved September 30, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1269 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 122 (1976):

June 21, considered and passed House.

Aug. 4, considered and passed Senate, amended.

Sept. 9, House concurred in Senate amendment with an amendment.

Sept. 20, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 40:

Sept. 30, Presidential statement.