

Public Law 86-210

August 25, 1959
[H. R. 6500]

AN ACT

To amend Public Law 85-818.

Valparaiso, Fla.
Conveyance.
72 Stat. 982.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4 of Public Law 85-818 is amended to read as follows:

"SEC. 4. Conveyance authorized by this Act shall be conditional upon the city of Valparaiso, Florida, paying to the Secretary of the Air Force as consideration for the tract of land conveyed under the provisions of this Act, an amount equal to 50 per centum of the fair market value as determined by the Secretary of the Air Force after appraisal of such tract. The cost of any surveys and appraisals necessary as an incident to the conveyance authorized herein shall be borne by the city of Valparaiso, Florida."

Approved August 25, 1959.

Public Law 86-211

August 29, 1959
[H. R. 7650]

AN ACT

To modify the pension programs for veterans of World War I, World War II, and the Korean conflict, and their widows and children.

Veterans Pension Act of 1959.

72 Stat. 1134.

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' Pension Act of 1959".

SEC. 2. (a) Section 503 of title 38, United States Code, is amended to read as follows:

"§ 503. Determinations with respect to annual income

"In determining annual income under this chapter, all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived, irrespective of whether the waiver was made pursuant to statute, contract, or otherwise) shall be included except—

"(1) payments of the six-months' death gratuity;

"(2) donations from public or private relief or welfare organizations;

38 USC 301, 401.

"(3) payments under this chapter, and chapters 11 and 13 (except section 412) of this title;

72 Stat. 1148.
38 USC 740, 701.

"(4) payments under policies of United States Government life insurance or National Service Life Insurance, and payments of servicemen's indemnity;

42 USC 401 et seq.

"(5) lump sum death payments under subchapter II of chapter 7 of title 42;

"(6) payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs equal to his contributions thereto;

"(7) amounts equal to amounts paid by a widow or child of a deceased veteran for—

"(A) his just debts,

"(B) the expenses of his last illness, and

"(C) the expenses of his burial to the extent such expenses are not reimbursed under chapter 23 of this title;

"(8) proceeds of fire insurance policies."

72 Stat. 1169.
38 USC 901.

72 Stat. 1133.
38 USC 501-505.

(b) Subchapter I of chapter 15 of title 38, United States Code, is amended by adding at the end thereof the following:

“§ 506. Resource reports and overpayment adjustments

“(a) As a condition of granting or continuing pension under sections 521, 541, or 542 of this title, the Administrator—

72 Stat. 1136,
1138.

“(1) may require from any person applying for, or in receipt of, pension thereunder such information, proofs, or evidence as he desires in order to determine the annual income and the corpus of the estate of such person;

“(2) shall require that any such person file each year with the Veterans' Administration (on the form prescribed by him) a report showing the total income which he received during the preceding year, the corpus of his estate at the end of that year, and his estimate for the then current year of the total income he expects to receive and of any expected increase in the corpus of his estate; and

“(3) shall require that any such person promptly file a revised report whenever there is a material change in his estimated annual income or a material change in his estimate of the corpus of his estate.

“(b) If there is an overpayment of pension under section 521, 541, or 542 of this title, the amount thereof shall be deducted (unless waived) from any future payments made thereunder to the person concerned.”

72 Stat. 1136.

SEC. 3. (a) Section 521 of title 38, United States Code, is amended (1) by redesignating subsection (b) as subsection (f); (2) by striking out all that follows “habits,” in subsection (a) and inserting in lieu thereof “pension at the rate prescribed by this section.”; and (3) by inserting immediately after subsection (a) the following:

“(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid at the monthly rate set forth in column II of the following table opposite the veteran's annual income as shown in column I:

“Column I		Column II
Annual income		
More than—	Equal to or less than—	
\$600	\$600	\$85
1,200	1,200	70
	1,800	40

“(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid at the monthly rate set forth in columns II, III, or IV of the following table opposite the veteran's annual income as shown in column I:

“Column I		Column II One dependent	Column III Two dependents	Column IV Three or more dependents
Annual income				
More than—	Equal to or less than—			
\$1,000	\$1,000	\$90	\$95	\$100
2,000	2,000	75	75	75
	3,000	45	45	45

“(d) If the veteran is in need of regular aid and attendance, the monthly rate payable to him under subsection (b) or (c) shall be increased by \$70.

“(e) For the purposes of this section—

“(1) in determining annual income, where a veteran is living with his spouse, all income of the spouse which is reasonably available to or for the veteran except \$1,200 of such income shall be considered as the income of the veteran, unless in the judgment of the Administrator to do so would work a hardship upon the veteran;

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

72 Stat. 1136.

(b) Section 522 of title 38, United States Code, is amended to read as follows:

“§ 522. Net worth limitation

“The Administrator shall deny or discontinue payment of pension under section 521 of this title 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.”

72 Stat. 1137.
38 U S C 531 et
seq.

SEC. 4. Subchapter III of chapter 15 of title 38, United States Code, is amended by striking out sections 541 through 545 and inserting in lieu thereof the following:

“§ 541. Widows of World War I, World War II, or Korean conflict veterans

“(a) The Administrator shall pay to the widow of each veteran of World War I, World War II, or the Korean conflict who met the service requirements of section 521 of this title, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section.

“(b) If there is no child, pension shall be paid at the monthly rate set forth in column II of the following table opposite the widow’s annual income as shown in column I:

“Column I		Column II
Annual income		
More than—	but Equal to or less than—	
\$600	\$600	\$60
1,200	1,200	45
	1,800	25

“(c) If there is a widow and one child, pension shall be paid at the monthly rate set forth in column II of the following table opposite the widow’s annual income as shown in column I:

“Column I		Column II
Annual income		
More than—	but Equal to or less than—	
\$1,000	\$1,000	\$75
2,000	2,000	60
	3,000	40

“(d) If there is a widow and more than one child, the monthly rate payable under subsection (c) shall be increased by \$15 for each additional child.

“(e) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

“(1) before (A) December 14, 1944, in the case of a widow of a World War I veteran, or (B) January 1, 1957, in the case of a widow of a World War II veteran, or (C) February 1, 1965, in the case of a widow of a Korean conflict veteran; or

“(2) for five or more years; or

“(3) for any period of time if a child was born of the marriage.

“§ 542. Children of World War I, World War II, or Korean conflict veterans

“(a) Whenever there is no widow entitled to pension under section 541 of this title, the Administrator shall pay to the child or children of each veteran of World War I, World War II, or the Korean conflict who met the service requirements of section 521 of this title, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the monthly rate of \$35 for one child, and \$15 for each additional child.

72 Stat. 1138.

“(b) Pension prescribed by this section shall be paid to eligible children in equal shares.

“(c) No pension shall be paid under this section to a child whose annual income, excluding earned income, exceeds \$1,800.

“§ 543. Net worth limitation

“The Administrator shall deny or discontinue payment of pension under sections 541 or 542 of this title to a widow or child when the corpus of the estate of the survivor concerned is such that under all the circumstances, including consideration of income, it is reasonable that some part of the corpus be consumed for the survivor's maintenance.”

72 Stat. 1138.

SEC. 5. Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

72 Stat. 1140.
38 USC 610-616.

“§ 617. Invalid lift for pensioners

“The Administrator may furnish an invalid lift, if medically indicated, to any veteran in receipt of pension under chapter 15 of this title based on the need of regular aid and attendance.”

38 USC 501 et seq.

SEC. 6. Section 3203 of title 38, United States Code, is amended (1) by deleting “pension, compensation, or” wherever it appears in subsections (a) (1) and (b) (1) and inserting in lieu thereof “compensation or”; (2) by redesignating subsection (d) as “(e)”; and (3) by inserting a new subsection (d), as follows:

72 Stat. 1234.

“(d) (1) Where any veteran is being furnished hospital treatment, institutional, or domiciliary care by the Veterans' Administration, no pension in excess of \$30 per month shall be paid to or for the veteran for any period after (a) the end of the second full calendar month following the month of admission for treatment or care or (b) readmission for treatment or care within six months following termination of a period of treatment or care of not less than two full calendar months.

“(2) Where the payment of pension to any veteran is subject to the provisions of paragraph (1) of this subsection the Administrator may apportion and pay to his wife or children the balance of the pension which the veteran would receive but for such paragraph (1).”

72 Stat. 1133.
38 USC 501 et
seq.

SEC. 7. (a) The analysis of chapter 15 of title 38, United States Code, is amended as follows:

(1) By striking out "503. Items not considered in determining income." and inserting "503. Determinations with respect to annual income.";

(2) By inserting "506. Resource reports and overpayment adjustments." immediately after "505. Payment of pension during confinement in penal institutions.";

(3) By striking out "522. Income limitations." and inserting "522. Net worth limitation."; and

(4) By striking out "541. Widows of World War I veterans." through "545. Income limitations." and inserting

"541. Widows of World War I, World War II, or Korean conflict veterans.
"542. Children of World War I, World War II, or Korean conflict veterans.
"543. Net worth limitation."

72 Stat. 1140.
38 USC 601 et
seq.

(b) The analysis of chapter 17 of title 38, United States Code, is amended by inserting immediately below

"616. Hospital care by other agencies of the United States."

the following:

"617. Invalid lift for pensioners."

72 Stat. 1266,
1452.

SEC. 8. (a) Section 1441 of title 10 of the United States Code is amended by inserting "and chapter 15" after "415(g)".

72 Stat. 1265.

(b) Section 608 of the Federal Employees' Pay Act of 1945 (5 U.S.C. 948) is amended by striking out "annual income or" and "section 522 of title 38, United States Code, or".

Repeal.
Ante, p. 28.

(c) Subsection (b) of section 20 of the Railroad Retirement Act of 1937 (45 U.S.C. 228 s-1(b)) is repealed.

SEC. 9. (a) Any claim for pension which is pending in the Veterans' Administration 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, shall be adjudicated under title 38, United States Code, in effect on June 30, 1960, with respect to the period before July 1, 1960, and, except as provided in subsection (c), under such title, as amended by this Act, thereafter.

(b) Nothing in this Act shall affect the eligibility of any person receiving pension under title 38, United States Code, on June 30, 1960, for pension under all applicable provisions of that title in effect on that date for such period or periods thereafter with respect to which he can qualify under such provisions. This subsection shall not apply in any case for any period after pension is granted, pursuant to application, under title 38, United States Code, as amended by this Act.

(c) Subsection (b) shall apply to those claims within the purview of subsection (a) in which it is determined that pension is payable for June 30, 1960.

Effective date.

SEC. 10. This Act shall take effect on July 1, 1960.

Approved August 29, 1959.

Public Law 86-212

AN ACT

September 1, 1959
[H. R. 255]

To amend section 358 of title 38, United States Code, to provide for apportionment of compensation of veterans who disappear.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358 of title 38, United States Code, is amended by striking out "an incompetent veteran" and inserting "a veteran".

72 Stat. 1125.

Approved September 1, 1959.