

Public Law 92-328

AN ACT

To amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

June 30, 1972
[S. 3338]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans' Compensation and Relief Act of 1972.

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Compensation and Relief Act of 1972".

TITLE I—COMPENSATION AND OTHER BENEFITS

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

84 Stat. 787.

(1) by striking out "\$25" in subsection (a) and inserting in lieu thereof "\$28";

(2) by striking out "\$46" in subsection (b) and inserting in lieu thereof "\$51";

(3) by striking out "\$70" in subsection (c) and inserting in lieu thereof "\$77";

(4) by striking out "\$96" in subsection (d) and inserting in lieu thereof "\$106";

(5) by striking out "\$135" in subsection (e) and inserting in lieu thereof "\$149";

(6) by striking out "\$163" in subsection (f) and inserting in lieu thereof "\$179";

(7) by striking out "\$193" in subsection (g) and inserting in lieu thereof "\$212";

(8) by striking out "\$223" in subsection (h) and inserting in lieu thereof "\$245";

(9) by striking out "\$250" in subsection (i) and inserting in lieu thereof "\$275";

(10) by striking out "\$450" in subsection (j) and inserting in lieu thereof "\$495";

(11) by striking out "\$560" and "\$784" in subsection (k) and inserting in lieu thereof "\$616" and "\$862", respectively;

(12) by striking out "\$560" in subsection (l) and inserting in lieu thereof "\$616";

(13) by striking out "\$616" in subsection (m) and inserting in lieu thereof "\$678";

(14) by striking out "\$700" in subsection (n) and inserting in lieu thereof "\$770";

(15) by striking out "\$784" in subsections (o) and (p) and inserting in lieu thereof "\$862";

(16) by striking out "\$336" in subsection (r) and inserting in lieu thereof "\$370"; and

(17) by striking out "\$504" in subsection (s) and inserting in lieu thereof "\$554".

(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.

Rate adjustment.

72 Stat. 1263.
38 USC prec.
101 note.
38 USC 301.

Dependents,
additional comp-
ensation.
84 Stat. 788.

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

(1) by striking out “\$28” in subparagraph (A) and inserting in lieu thereof “\$31”;

(2) by striking out “\$48” in subparagraph (B) and inserting in lieu thereof “\$53”;

(3) by striking out “\$61” in subparagraph (C) and inserting in lieu thereof “\$67”;

(4) by striking out “\$75” and “\$14” in subparagraph (D) and inserting in lieu thereof “\$83” and “\$15”, respectively;

(5) by striking out “\$19” in subparagraph (E) and inserting in lieu thereof “\$21”;

(6) by striking out “\$33” in subparagraph (F) and inserting in lieu thereof “\$36”;

(7) by striking out “\$48” and “\$14” in subparagraph (G) and inserting in lieu thereof “\$53” and “\$15”, respectively;

(8) by striking out “\$23” in subparagraph (H) and inserting in lieu thereof “\$25”; and

(9) by striking out “\$44” in subparagraph (I) and inserting in lieu thereof “\$48”.

SEC. 103. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“§ 362. Clothing allowance

“The Administrator under regulations which he shall prescribe, shall pay a clothing allowance of \$150 per year to each veteran who because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran.”

(b) The analysis of such chapter 11 is amended by adding at the end thereof the following:

“362. Clothing allowance.”.

SEC. 104. (a) Subsection (a) of section 3203 of title 38, United States Code, is repealed.

(b) Subsection (d) of such section 3203 is redesignated as subsection (a) of such section 3203.

(c) Paragraphs (1) and (2) of subsection (b) of such section 3203 are redesignated as paragraph (1) and as so redesignated are amended to read as follows:

“(b) (1) In any case in which a veteran having neither wife nor child is being furnished hospital treatment, institutional or domiciliary care without charge or otherwise by the United States, or any political subdivision thereof, is rated by the Veterans’ Administration in accordance with regulations as being incompetent by reason of mental illness, and his estate from any source equals or exceeds \$1,500, further payments of pension, compensation, or emergency officers’ retirement pay shall not be made until the estate is reduced to \$500. The amount which would be payable but for this paragraph shall be paid to the veteran in a lump sum; however, no payment of a lump sum herein authorized shall be made to the veteran until after the expiration of six months following a finding of competency and in the event of the veteran’s death before payment of such lump sum no part thereof shall be payable.”

(d) Paragraphs (3) and (4) of subsection (b) of such section 3203 are redesignated as paragraphs (2) and (3), respectively; and the references in said redesignated paragraph (2) to “paragraph (2)”

72 Stat. 1117;
84 Stat. 203.
38 USC 301-
361.

Repeal.

72 Stat. 1234.

73 Stat. 435.

Incompetent
veterans, pay-
ments.

73 Stat. 298.

72 Stat. 1235;
73 Stat. 298.

and "Paragraph (2)" are changed to "paragraph (1)" and "Paragraph (1)", respectively.

(e) Subsection (c) of such section 3203 is amended by deleting "(a) or".

(f) Subsection (e) of such section 3203 is amended by deleting "compensation, or retirement pay"; and as so amended is redesignated as subsection (d).

(g) Subsection (f) of such section 3203 is redesignated as subsection (e).

SEC. 105. (a) Subsection (d) of section 3202 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "No payment shall be made under the two preceding sentences of this subsection unless claim therefor is filed with the Veterans' Administration within five years after the death of the veteran, except that, if any person so entitled under said two sentences is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability."

(b) Section 3021(a) of title 38, United States Code, is amended by deleting "section 3203(a)(2)(A) of this title and".

SEC. 106. All compensation or retirement pay which is being withheld pursuant to the provisions of subsections (a) and (b)(1) of section 3203, title 38, United States Code, in effect on the day before the effective date of this Act, shall be paid to the veteran, if competent, in a lump sum. If the veteran is incompetent, the withheld amounts shall be paid in a lump sum, or successive lump sums, subject to the \$1,500 and \$500 limitations of subsection (b)(1) of such section 3203 as amended by this Act. If a competent veteran dies before payment is made the withheld amounts shall be paid according to the order of precedence, and subject to the time limitation, of subsection (a)(2) of such section 3203 in effect the day before the effective date of this Act. In the event of the death of an incompetent veteran before payment of all withheld amounts, no part of the remainder shall be payable.

SEC. 107. Section 536 of title 38, United States Code, is amended by adding the following new subsection at the end thereof:

"(d)(1) Any widow eligible for pension under this section shall, if she so elects, be paid pension at the rates prescribed by section 541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to widows of 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 Administrator shall pay each month to the widow of 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 (A) that which is payable to her under subsections (a) and (b) of this section as increased by section 544 of this title; or (B) that which is payable under section 541 of this title, as increased by such section 544, to a widow of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension 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."

72 Stat. 1235.
73 Stat. 435.
78 Stat. 504.
Filing for death benefit payments, exception.
72 Stat. 1233;
73 Stat. 297.
72 Stat. 1228.
Lump-sum compensation; retirement payments.
Ante, p. 394.
Spanish-American War veterans, widows' pension.
72 Stat. 1138;
81 Stat. 178, 179.
73 Stat. 434;
85 Stat. 663, 664.
81 Stat. 180;
84 Stat. 1583.
Effective date.

72 Stat. 1123.

SEC. 108. (a) Section 334 of title 38, United States Code, is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "that specified in section 314 of this title."

(b) Section 335 of such title is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "as provided in section 315 of this title."

Repeal.

(c) Section 336 of such title is hereby repealed.

(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"336. Conditions under which wartime rates are payable."

TITLE II—RELIEF FROM ADMINISTRATIVE ERROR, OVERPAYMENTS, AND FORFEITURE

80 Stat. 1376.

SEC. 201. Section 210(c) of title 38, United States Code, is amended by adding an additional subsection (3), reading as follows:

"(3) (A) If the Administrator determines that any veteran, widow, child of a veteran, or other person, has suffered loss as a consequence of reliance upon a determination by the Veterans' Administration of eligibility or entitlement to benefits, without knowledge that it was erroneously made, he is authorized to provide such relief on account of such error as he determines equitable, including the payment of moneys to any person whom he determines equitably entitled thereto.

Report to Congress.

"(B) The Administrator shall submit an annual report to the Congress on January 1, 1973, and each succeeding year containing a brief summary, including a statement as to the disposition of each case recommended to him for equitable relief under this paragraph."

72 Stat. 1230.

SEC. 202. (a) Section 3102 of title 38, United States Code, is amended to read as follows:

"§ 3102. Waiver of recovery of claims by the United States

"(a) There shall be no recovery of payments or overpayments of any benefits under any of the laws administered by the Veterans' Administration whenever the Administrator determines that recovery would be against equity and good conscience, if an application for relief is made within two years from the date of notification of the indebtedness by the Administrator to the payee.

38 USC 1801.

"(b) With respect to any loan guaranteed, insured, or made under chapter 37 of this title, the Administrator may waive payment of an indebtedness to the Veterans' Administration by the veteran (as defined in sections 101 and 1801), or his spouse, following default and loss of the property, where the Administrator determines that collection of such indebtedness would be against equity and good conscience.

72 Stat. 1106.

84 Stat. 1576.

"(c) The Administrator may not exercise his authority under subsection (a) or (b) of this section to waive recovery of any payment or the collection of any indebtedness if, in his opinion, there exists in connection with the claim for such waiver an indication of fraud, misrepresentation, material fault, or lack of good faith on the part of the person or persons having an interest in obtaining a waiver of such recovery or the collection of such indebtedness.

"(d) No certifying or disbursing officer shall be liable for any amount paid to any person where the recovery of such amount is waived under subsection (a) or (b).

"(e) Where the recovery of a payment or overpayment made from the National Service Life Insurance Fund or United States Government Life Insurance Fund is waived under this section, the fund from which the payment was made shall be reimbursed from the National

Service Life Insurance appropriation or the military and naval insurance appropriation, as applicable.”

(b) The waiver authority provided by section 3102(a) of title 38, United States Code, as amended by subsection (a) of this section shall apply to improper payments, overpayments, and indebtedness established by the Administrator prior to the effective date of this Act if application for relief was pending on the date of enactment of this Act, or such an application is made within two years from the date of enactment of this Act.

SEC. 203. The analysis of chapter 53 of title 38, United States Code, is amended by striking therefrom “3102. Waiver of recovery of overpayments.” and inserting in lieu thereof the following:

“3102. Waiver of recovery of claims by the United States.”

SEC. 204. Section 1817 of title 38, United States Code, is amended by inserting “(a)” immediately before “Whenever any veteran” and by adding a new subsection (b) as follows:

“(b) If any veteran disposes of residential property securing a guaranteed, insured, or direct loan obtained by him under this chapter without receiving a release from liability with respect to such loan under subsection (a), and a default subsequently occurs which results in liability of the veteran to the Administrator on account of the loan, the Administrator may relieve the veteran of such liability if he determines, after such investigation as he deems appropriate, that the property was disposed of by the veteran in such a manner, and subject to such conditions, that the Administrator would have issued the veteran a release from liability under subsection (a) with respect to the loan if the veteran had made application therefor incident to such disposal. Failure of a transferee to assume by contract all of the liabilities of the original veteran-borrower shall bar such release of liability only in cases in which no acceptable transferee, either immediate or remote, is legally liable to the Administrator for the indebtedness of the original veteran-borrower arising from termination of the loan. The failure of a veteran to qualify for release from liability under this subsection does not preclude relief from being granted under subsection 3102(b) of this title, if eligible thereunder.”

SEC. 205. Section 1820(a)(4) of title 38, United States Code, is amended by striking out that part of the section beginning with “and the authority to waive” and ending with “a severe hardship upon the veteran;”.

SEC. 206. Subsection (d) of section 3503 of title 38, United States Code, is amended by inserting “(1)” after “(d)” and adding at the end thereof the following:

“(2) The Administrator is hereby authorized and directed to review all cases in which, because of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, a forfeiture of gratuitous benefits under laws administered by the Veterans' Administration was imposed, pursuant to this section or prior provisions of law, on or before September 1, 1959. In any such case in which he determines that the forfeiture would not have been imposed under the provisions of this section in effect after September 1, 1959, he shall remit the forfeiture, effective the date of enactment of this amendatory Act. Benefits to which the individual concerned becomes eligible by virtue of any such remission may be awarded, upon application therefor, and the effective date of any award of compensation, dependency and indemnity compensation, or pension made in such a case shall be fixed in accordance with the provisions of section 3010(g) of this title.”

Ante, p. 396.

72 Stat. 1212.

Liability, release.

77 Stat. 271.

73 Stat. 452.

Forfeiture of benefits, remission.

76 Stat. 948.

TITLE III—EFFECTIVE DATES

SEC. 301. (a) Sections 101 through 107 of this Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

(b) Section 108 shall take effect on July 1, 1973.

(c) Sections 201 through 206 of this Act shall take effect upon the date of enactment of this Act.

Approved June 30, 1972.

Public Law 92-329

AN ACT

To provide for a six-month extension of the emergency unemployment compensation program.

June 30, 1972
[H. R. 15587]

Emergency unem-
ployment compen-
sation program.
Extension.
85 Stat. 811.
26 USC 3304
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(f) of Public Law 92-224 (relating to termination dates for purposes of the Emergency Unemployment Compensation Act of 1971) is amended—

(1) by striking out “June 30, 1972” and inserting in lieu thereof “December 31, 1972”,

(2) by striking out “September 30, 1972” and inserting in lieu thereof “March 31, 1973”, and

(3) by striking out “July 1, 1972” and inserting in lieu thereof “January 1, 1973”.

84 Stat. 713.
26 USC 3301.

SEC. 2. (a) Section 3301 of the Internal Revenue Code of 1954 (relating to rate of Federal unemployment tax) is amended by adding at the end thereof the following new sentence: “In the case of wages paid during the calendar year 1973, the rate of such tax shall be 3.28 percent in lieu of 3.2 percent.”

83 Stat. 91;
84 Stat. 696.

(b) Section 6157(b) of the Internal Revenue Code of 1954 (relating to payment of Federal unemployment tax on quarterly or other time period basis) is amended by adding at the end thereof the following new sentence: “In the case of wages paid in any calendar quarter or other period during 1973, the amount of such wages shall be multiplied by 0.58 percent in lieu of 0.5 percent.”

84 Stat. 716.
42 USC 1105.

(c) Section 905(b)(1) of the Social Security Act is amended by adding at the end thereof the following new sentence: “In the case of any month after March 1973 and before April 1974, the first sentence of this paragraph shall be applied by substituting ‘thirteen fiftieths’ for ‘one-tenth.’”

85 Stat. 814.
42 USC 1103.

(d) Section 903(b)(3) of the Social Security Act is amended by adding at the end thereof the following new sentence: “No reduction shall be made under this subsection in the amount transferable to the account of any State by reason of emergency compensation paid to any individual for a week of unemployment ending after June 30, 1972.”

(e) The second sentence of section 204(b) of the Emergency Unemployment Compensation Act of 1971 is amended to read as follows: “Amounts appropriated as repayable advances and paid to the States under section 203 shall be repaid, without interest (1) in the case of weeks of unemployment ending before July 1, 1972, as provided in section 903(b)(3) of the Social Security Act, and (2) in the case of weeks of unemployment ending after June 30, 1972, as provided in section 905(d) of such Act.”

Approved June 30, 1972.