

Public Law 96-127  
96th Congress

An Act

To amend section 201 of the Agricultural Act of 1949, as amended, to extend until September 30, 1981, the requirement that the price of milk be supported at not less than 80 per centum of the parity price therefor.

Nov. 28, 1979

[H.R. 4167]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the second sentence of subsection (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended by striking out "March 31, 1979" and inserting in lieu thereof "September 30, 1981".

Milk price  
support,  
extension.

(b) The first sentence of subsection (d) of such section (7 U.S.C. 1446(d)) is amended by striking out "March 31, 1981" and inserting in lieu thereof "September 30, 1981".

Approved November 28, 1979.

**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 96-278 (Comm. on Agriculture).

SENATE REPORT No. 96-400 accompanying S. 6 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 125 (1979):

Oct. 29, Nov. 8, considered and passed House.

Nov. 15, S. 6 considered in Senate and indefinitely postponed; H.R. 4167 considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 48:

Nov. 28, Presidential statement.

Public Law 96-128  
96th Congress

An Act

Nov. 28, 1979

[H.R. 2282]

To amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation paid to veterans with service-connected disabilities and in the rates of dependency and indemnity compensation paid to survivors of veterans, to modify certain veterans' life insurance programs, and to exempt Veterans' Administration home loans from State anti-usury laws; to provide for certain assistance in locating individuals who were exposed to occupational hazards during military service; and for other purposes

Veterans'  
Disability  
Compensation  
and Survivors'  
Benefits  
Amendments of  
1979.  
38 USC 101 note.

*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 Survivors' Benefits Amendments of 1979".

SEC. 2. Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' DISABILITY COMPENSATION  
BENEFITS

RATES OF DISABILITY COMPENSATION

92 Stat. 1560.  
38 USC 314.

SEC. 101. (a) Section 314 is amended—

(1) by striking out "\$44" in subsection (a) and inserting in lieu thereof "\$48";

(2) by striking out "\$80" in subsection (b) and inserting in lieu thereof "\$88";

(3) by striking out "\$121" in subsection (c) and inserting in lieu thereof "\$133";

(4) by striking out "\$166" in subsection (d) and inserting in lieu thereof "\$182";

(5) by striking out "\$232" in subsection (e) and inserting in lieu thereof "\$255";

(6) by striking out "\$292" in subsection (f) and inserting in lieu thereof "\$321";

(7) by striking out "\$346" in subsection (g) and inserting in lieu thereof "\$380";

(8) by striking out "\$400" in subsection (h) and inserting in lieu thereof "\$440";

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

(10) by striking out "\$809" in subsection (j) and inserting in lieu thereof "\$889";

(11) by striking out "\$56", "\$1,005", and "\$1,408" in subsection (k) and inserting in lieu thereof "\$62", "\$1,104", and "\$1,547", respectively;

(12) by striking out "\$1,005" in subsection (l) and inserting in lieu thereof "\$1,104";

(13) by striking out "\$1,107" in subsection (m) and inserting in lieu thereof "\$1,217";

(14) by striking out "\$1,258" in subsection (n) and inserting in lieu thereof "\$1,383";

(15) by striking out "\$1,408" each place it appears in subsections (o) and (p) and inserting in lieu thereof "\$1,547";

(16) by striking out "\$604" and "\$900" in subsection (r) and inserting in lieu thereof "\$664" and "\$989", respectively;

(17) by striking out "\$905" in subsection (s) and inserting in lieu thereof "\$995"; and

(18) by striking out "\$175" in subsection (t) and inserting in lieu thereof "\$192".

(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.

Rates of compensation.  
38 USC 314 note.

38 USC prec. 101 note.

38 USC 301 *et seq.*

#### RATES OF ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. (a) Section 315(1) is amended—

92 Stat. 1562.  
38 USC 315.

(1) by striking out "\$49" in clause (A) and inserting in lieu thereof "\$54";

(2) by striking out "\$83" in clause (B) and inserting in lieu thereof "\$91";

(3) by striking out "\$110" in clause (C) and inserting in lieu thereof "\$121";

(4) by striking out "\$137" and "\$27" in clause (D) and inserting in lieu thereof "\$151" and "\$30", respectively;

(5) by striking out "\$34" in clause (E) and inserting in lieu thereof "\$37";

(6) by striking out "\$61" in clause (F) and inserting in lieu thereof "\$67";

(7) by striking out "\$88" and "\$27" in clause (G) and inserting in lieu thereof "\$97" and "\$30", respectively;

(8) by striking out "\$40" in clause (H) and inserting in lieu thereof "\$44";

(9) by striking out "\$89" in clause (I) and inserting in lieu thereof "\$98"; and

(10) by striking out "\$75" in clause (J) and inserting in lieu thereof "\$82".

(b)(1)(A) Clause (I) of such section (as amended by subsection (a)) is further amended—

(i) by striking out "subsection" the first time it appears and inserting in lieu thereof "paragraph";

(ii) by striking out "(1)" and "or (2)" and inserting in lieu thereof "(i)" and "or (ii)", respectively; and

(iii) by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "paragraph (2) of this section".

(B) Clause (J) of such section (as amended by subsection (a)) is further amended—

(i) by striking out "subsection" the first time it appears and inserting in lieu thereof "paragraph"; and

(ii) by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "paragraph (2) of this section".

(2) Section 315(2) is amended by inserting "of this section" after "paragraph (1)".

**CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS**

92 Stat. 1562.  
38 USC 362.

**SEC. 103.** Section 362 is amended by striking out “\$218” and inserting in lieu thereof “\$240”.

**ELIGIBILITY FOR AID AND ATTENDANCE ALLOWANCE FOR CERTAIN VETERANS**

92 Stat. 1561.  
38 USC 314.

**SEC. 104.** Section 314(r) is amended—

- (1) by striking out “the” the first place it appears;
- (2) by striking out “or” after “this section” and inserting in lieu thereof a comma;
- (3) by inserting “or at the intermediate rate authorized between the rates authorized under subsections (n) and (o) of this section and at the rate authorized under subsection (k) of this section,” after “subsection (p) of this section,”; and
- (4) by striking out “compensation under subsection (o) or (p) of this section—” and inserting in lieu thereof “compensation—”.

**DETERMINATION OF INTERMEDIATE RATES**

**SEC. 105.** Subsection (p) of section 314 is amended by inserting before the semicolon at the end thereof a period and “Any intermediate rate under this subsection shall be established at the arithmetic mean, rounded to the nearest dollar, between the two rates concerned”.

**TITLE II—SURVIVORS’ DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS**

**RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES**

92 Stat. 1562.  
38 USC 411.

**SEC. 201.** (a) Subsection (a) of section 411 is amended to read as follows:

“(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 .....	\$326	W-4 .....	\$468
E-2 .....	337	O-1 .....	413
E-3 .....	345	O-2 .....	426
E-4 .....	367	O-3 .....	457
E-5 .....	377	O-4 .....	482
E-6 .....	386	O-5 .....	532
E-7 .....	404	O-6 .....	598
E-8 .....	426	O-7 .....	648
E-9 .....	446	O-8 .....	710
W-1 .....	413	O-9 .....	763
W-2 .....	430	O-10 .....	835
W-3 .....	442		

“<sup>1</sup> 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 section 402 of this title, the surviving spouse’s rate shall be \$430.

“<sup>2</sup> 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 section 402 of this title, the surviving spouse’s rate shall be \$895.”

(b) Subsection (b) of such section is amended by striking out “\$35” and inserting in lieu thereof “\$38”.

(c) Subsection (c) of such section is amended by striking out “\$89” and inserting in lieu thereof “\$98”.

(d) Subsection (d) of such section is amended by striking out “\$45” and inserting in lieu thereof “\$49”.

#### RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 202. Section 413 is amended—

92 Stat. 1563.  
38 USC 413.

(1) by striking out “\$150” in clause (1) and inserting in lieu thereof “\$165”;

(2) by striking out “\$216” in clause (2) and inserting in lieu thereof “\$237”;

(3) by striking out “\$278” in clause (3) and inserting in lieu thereof “\$306”; and

(4) by striking out “\$278” and “\$56” in clause (4) and inserting in lieu thereof “\$306” and “\$62”, respectively.

#### RATES OF SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 203. Section 414 is amended—

38 USC 414.

(1) by striking out “\$89” in subsection (a) and inserting in lieu thereof “\$98”;

(2) by striking out “\$150” in subsection (b) and inserting in lieu thereof “\$165”; and

(3) by striking out “\$76” in subsection (c) and inserting in lieu thereof “\$84”.

### TITLE III—AMENDMENTS TO CERTAIN VETERANS' LIFE INSURANCE PROVISIONS

#### AUTHORITY FOR DIVIDENDS—VETERANS' REOPENED INSURANCE

SEC. 301. (a) Subsection (b) of section 725 is amended—

38 USC 725.

(1) by inserting “and” after the semicolon at the end of clause (6); and

(2) by striking out the semicolon at the end of clause (7) and all that follows in such subsection and inserting in lieu thereof a period.

(b) Subsection (c) of such section is amended—

(1) by striking out clause (4);

(2) by redesignating clauses (5), (6), and (7) as clauses (4), (5), and (6), respectively; and

(3) by inserting “and” after the semicolon at the end of clause (5) (as so redesignated).

(c) The first sentence of subsection (d) of such section is amended by striking out “shall be made from that fund” and inserting in lieu thereof a comma and “including payments of dividends and refunds of unearned premiums, shall be made from that fund and the interest earned on the assets of that fund”.

AUTHORITY FOR HIGHER INTEREST RATES FOR AMOUNTS PAYABLE TO  
BENEFICIARIES

SEC. 302. (a) Subchapter I of chapter 19 is amended by adding at the end thereof the following new section:

38 USC 726.

**“§ 726. Authority for higher interest rates for amounts payable to beneficiaries**

“Notwithstanding sections 702, 723, and 725 of this title, if the beneficiary of an insurance policy receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in the appropriate section of this subchapter. The Administrator may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound for the program of insurance concerned. Any such higher interest rate shall be paid on the unpaid balance of such monthly installments.”

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 725 the following new item:

“726. Authority for higher interest rates for amounts payable to beneficiaries.”

SEC. 303. (a) Subchapter II of chapter 19 is amended by adding at the end thereof the following new section:

38 USC 761.

**“§ 761. Authority for higher interest rates for amounts payable to beneficiaries**

“Notwithstanding section 744(b) of this title, if the beneficiary of an insurance policy issued under the provisions of this subchapter receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in such section. The Administrator may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound. Any such higher interest rate shall be paid on the unpaid balance of such monthly installments.”

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 760 the following new item:

“761. Authority for higher interest rates for amounts payable to beneficiaries.”

TECHNICAL AMENDMENTS

38 USC 718, 753.

SEC. 304. Sections 718(b) and 753 are amended by striking out “his” and inserting in lieu thereof “such person’s”.

TITLE IV—EXEMPTION OF VETERANS' ADMINISTRATION  
HOME LOANS FROM STATE ANTI-USURY PROVISIONS

SEC. 401. (a) Chapter 37 is amended by adding at the end thereof the following new section:

38 USC 1828.

**“§ 1828. Exemption from State anti-usury provisions**

“If, under any law of the United States, loans and mortgages insured under title I or title II of the National Housing Act are

exempt from the application of the provisions of any State constitution or law limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved by lenders, then loans guaranteed or insured under this chapter are also exempt from the application of such provisions.”.

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item: “1828. Exemption from State anti-usury provisions.”.

## TITLE V—MISCELLANEOUS PROVISIONS

### TECHNICAL AMENDMENTS

SEC. 501. (a) Section 611(c)(1) is amended by striking out “recognized by the Administrator for the purposes of” and inserting in lieu thereof “named in, or approved by the Administrator under”.

*Ante*, p. 54.

(b) Section 612A(d) is amended by striking out the comma after “this title”.

*Ante*, p. 48.

(c) Section 620A is amended—

*Ante*, p. 50.

(1) by striking out “of” after “treatment facilities” in paragraph (1) of subsection (a) and inserting in lieu thereof “for”; and

(2) by striking out the comma after “such request” in paragraph (2) of subsection (d).

(d) Section 663(d) is amended by striking out “order to carry” and inserting in lieu thereof “carrying”.

*Ante*, p. 52.

(e) Section 5005(a) is amended by striking out “section 5031 of this title” and inserting in lieu thereof “subchapter III of this chapter”.

*Ante*, p. 57.

38 USC 5031.

### ASSISTANCE IN LOCATING CERTAIN INDIVIDUALS EXPOSED TO OCCUPATIONAL HAZARDS DURING MILITARY SERVICE

SEC. 502. In order to effectuate more fully the policy underlying the enactment of section 6103(m)(3) of the Internal Revenue Code of 1954 regarding the location, for certain purposes, of individuals who are, or may have been, exposed to occupational hazards, the Director of the National Institute of Occupational Safety and Health, upon request by the Administrator of Veterans' Affairs (or the head of any other Federal department, agency, or instrumentality), shall (1) pursuant to such section 6103(m)(3), request the mailing addresses of individuals who such Administrator (or such department, agency, or instrumentality head) certifies may have been exposed to occupational hazards during active military, naval, or air service (as defined in section 101(24) of title 38, United States Code), and (2) provide such addresses to such Administrator (or such department, agency, or instrumentality head) to be used solely for the purpose of locating such individuals as part of an activity being carried out by or on behalf of the Veterans' Administration (or such other department, agency, or instrumentality) to determine the status of their health or to inform them of the possible need for medical care and treatment and of benefits to which they may be entitled based on disability resulting from exposure to such occupational hazards.

26 USC 6103

note.

92 Stat. 2921.

26 USC 6103.

## TITLE VI—EFFECTIVE DATES

### EFFECTIVE DATES

SEC. 601. (a)(1) Except as provided in paragraph (2) of this subsection, the amendments made by titles I and II and the provisions of section 101(b) shall take effect as of October 1, 1979.

38 USC 314 note.

(2) With respect to the amendment made by clause (1) of section 101(a), that portion of the amendment amending subsection (k) of section 314 to increase certain monthly rates of compensation shall take effect as of September 1, 1980, and that portion of the amendment amending such subsection to increase certain maximum monthly amounts of compensation shall take effect as of October 1, 1979.

(b) The amendments made by titles III, IV, and V shall take effect on the date of the enactment of this Act.

Approved November 28, 1979.

**LEGISLATIVE HISTORY:**

- HOUSE REPORT No. 96-310 (Comm. on Veterans' Affairs).
- SENATE REPORTS: No. 96-260 (Comm. on Veterans' Affairs) and No. 96-280 (Comm. on Appropriations), both accompanying S. 689.
- CONGRESSIONAL RECORD, Vol. 125 (1979):
  - July 16, considered and passed House.
  - Aug. 3, considered and passed Senate, amended, in lieu of S. 689.
  - Oct. 30, House concurred in Senate amendments with amendments.
  - Nov. 15, Senate concurred in House amendments with amendments.
  - Nov. 16, House concurred in Senate amendments.
- WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 48:
  - Nov. 28, Presidential statement.