EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective first day of second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92–328, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION

Maximum annual pension rates under subsec. (d)(2) of this section increased by $600, effective Oct. 1, 1998, see section 8206 of Pub. L. 105–178, set out as a note under section 1521 of this title.

§ 1537. Children of Spanish-American War veterans

Whenever there is no surviving spouse entitled to pension under section 1536 of this title, the Secretary shall pay to the children of each Spanish-American War veteran who met the service requirements of section 1512(a) of this title a pension at the monthly rate of $73.13 for one child, plus $8.13 for each additional child, with the total amount equally divided.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 537; Pub. L. 94–169, title I, § 106(39), Dec. 23, 1975, 89 Stat. 1019; renumbered § 1537 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 537 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1536'' for ''536'' and ''1512(a)'' for ''512(a)''.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

1975—Pub. L. 94–169 substituted ''surviving spouse'' for ''widow''.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94–169 provided that the amendment made by that section is effective Jan. 1, 1976.

OTHER PERIODS OF WAR

AMENDMENTS

1991—Pub. L. 102–25, title III, § 333(c)(1), Apr. 6, 1991, 105 Stat. 88, substituted ''OTHER PERIODS OF WAR'' for ''MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, THE KOREAN CONFLICT, AND THE VIETNAM ERA'' as subheading.

1970—Pub. L. 91–588, § 9(d)(3), Dec. 24, 1970, 84 Stat. 1585, inserted reference to Mexican border period in subheading.

1967—Pub. L. 90–77, title III, § 202(j), Aug. 31, 1967, 81 Stat. 183, inserted reference to Vietnam era in subheading.

§ 1541. Surviving spouses of veterans of a period of war

(a) The Secretary shall pay to the surviving spouse of each veteran of a period of war who met the service requirements prescribed in section 1521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section, as increased from time to time under section 5312 of this title.

(b) If no child of the veteran is in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of $2,379, reduced by the amount of the surviving spouse's annual income.

(c) If there is a child of the veteran in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of $3,116. If the surviving spouse has custody of two or more such children, the annual pension rate shall be increased by $600 for each such child in excess of one. In each case, the rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.

(d)(1) If a surviving spouse who is entitled to pension under subsection (b) of this section is in need of regular aid and attendance, the annual rate of pension payable to such surviving spouse shall be $3,806, reduced by the amount of the surviving spouse's annual income.

(2) If a surviving spouse who is entitled to pension under subsection (c) of this section is in need of regular aid and attendance, the annual rate of pension payable to the surviving spouse shall be $4,543. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by $600 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.

(e)(1) If the surviving spouse is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to such surviving spouse under subsection (b) of this section shall be $2,908 and the annual rate of pension payable to such surviving spouse under subsection (c) of this section shall be $3,645. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by $600 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the income of any child of the veteran for whom the surviving spouse is receiving increased pension.

(2) For purposes of paragraph (1) of this subsection, the requirement of ''permanently housebound'' shall be met when the surviving spouse is substantially confined to such surviving spouse's house (ward or clinical areas, if institutionalized) or immediate premises by reason of a disability or disabilities reasonably certain to remain throughout such surviving spouse's lifetime.

(f) No pension shall be paid under this section to a surviving spouse of a veteran unless the spouse was married to the veteran—

(1) before (A) December 14, 1944, in the case of a surviving spouse of a Mexican border period or World War I veteran, (B) January 1, 1957, in the case of a surviving spouse of a World War II veteran, (C) February 1, 1965, in the case of a surviving spouse of a Korean conflict veteran, (D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran, or

(E) January 1, 2001, in the case of a surviving spouse of a veteran of the Persian Gulf War;

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(g) In determining the annual income of a surviving spouse for the purposes of this section, if there is a child of the veteran in the custody of the surviving spouse, that portion of the annual income of the child that is reasonably available to or for the surviving spouse shall be considered to be income of the surviving spouse, unless in the judgment of the Secretary to do so would work a hardship on the surviving spouse.

(h) As used in this section and section 1542 of this title, the term ''veteran'' includes a person who has completed at least two years of honorable active military, naval, or air service, as certified by the Secretary concerned, but whose death in such service was not in line of duty.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 541; Pub. L. 86–211, § 4, Aug. 29, 1959, 73 Stat. 434; Pub. L. 88–664, § 3(c), (d), Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90–77, title I, §§ 101(a), 106, title II, § 202(d)–(f), Aug. 31, 1967, 81 Stat. 178, 179, 182; Pub. L. 90–275, § 1(c), (d), Mar. 28, 1968, 82 Stat. 65, 66; Pub. L. 91–588, §§ 1(c), (d), 9(d), Dec. 24, 1970, 84 Stat. 1581, 1584; Pub. L. 92–198, § 1(c)–(e), Dec. 15, 1971, 85 Stat. 663, 664; Pub. L. 93–177, § 1(c), (d), 2, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 3, Dec. 21, 1974, 88 Stat. 1703; Pub. L. 94–169, title I, §§ 101(2)(B), (C), (H), 103, 106(40), Dec. 23, 1975, 89 Stat. 1013, 1014, 1016, 1019; Pub. L. 94–432, title II, § 203, Sept. 30, 1976, 90 Stat. 1370; Pub. L. 95–204, title I, § 102, Dec. 2, 1977, 91 Stat. 1456; Pub. L. 95–588, title I, § 109(a), Nov. 4, 1978, 92 Stat. 2503; Pub. L. 102–25, title III, § 333(b), Apr. 6, 1991, 105 Stat. 88; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1541 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 541 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1521(j)'' for ''521(j)''.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Pub. L. 102–40 substituted ''5312'' for ''3112''.

Subsec. (f)(1)(E). Pub. L. 102–25 added cl. (E).

Subsec. (g). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Subsec. (h). Pub. L. 102–83, § 5(c)(1), substituted ''1542'' for ''542''.

1978—Subsec. (a). Pub. L. 95–588 revised eligibility provisions relating to surviving spouses to apply to veterans of any period of war rather than veterans of specifically named wars and inserted reference to periodic increases of rate of pension payments pursuant to section 3112 of this title.

Subsec. (b). Pub. L. 95–588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of $2,379 for a formula for determining such annual pension based upon annual income of the veteran, and struck out minimum and maximum monthly payment requirements.

Subsec. (c). Pub. L. 95–588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of $3,116 for a formula for determining such annual pension based upon annual income of the veteran, and inserted a provision authorizing an annual pension rate increase of $600 for each family member of an eligible veteran in excess of one.

Subsec. (d). Pub. L. 95–588 substituted provisions prescribing a fixed amount of $3,806, as reduced by an annual income deduction, as the annual rate of pension payable to a surviving spouse entitled to a pension under subsec. (b) of this section and in need of regular aid and attendance and a fixed amount of $4,543, subject to a similar deduction for income of spouse and child, as the annual rate of pension payable to a surviving spouse entitled to a pension under subsec. (c) of this section and in need of such aid for provision prescribing the monthly rate of pension payable under subsec. (c) of this section where there is a surviving spouse and more than one child.

Subsec. (e). Pub. L. 95–588 substituted provisions relating to a surviving spouse who is permanently housebound for provisions specifying the eligibility requirements for such surviving spouses.

Subsec. (f). Pub. L. 95–588 substituted provisions specifying the eligibility requirements for surviving spouses for provision defining ''veteran''.

Subsecs. (g), (h). Pub. L. 95–588 added subsecs. (g) and (h).

1977—Subsec. (b)(1). Pub. L. 95–204, § 102(1), increased monthly rate of pension from $125 to $133, inserted authorization for reductions by .07 for amounts more than 2,800 but not more than 3,770, and substituted ''1,100'' for ''1,200'' in two places, ''1,800'' for ''2,300'' in two places, and ''2,800'' for ''3,540''.

Subsec. (b)(3). Pub. L. 95–204, § 102(2), substituted ''$3,770'' for ''$3,540''.

Subsec. (c)(1). Pub. L. 95–204, § 102(3), increased monthly rate of pension from $149 to $159, and substituted ''1,600'' for ''1,700'' in two places, ''2,400'' for ''2,500'' in two places, ''2,900'' for ''3,300'' in two places, and ''5,070'' for ''4,760''.

Subsec. (c)(2). Pub. L. 95–204, § 102(4), substituted ''$5,070'' for ''$4,760''.

Subsec. (d). Pub. L. 95–204, § 102(5), substituted ''$26'' for ''$24''.

1976—Subsec. (b)(1). Pub. L. 94–432, § 203(1), increased monthly rate of pension from $117 to $125 and substituted $900 to $1,200 for $900 to $1,500, $1,200 to $2,300 for $1,500 to $2,700 and $2,300 to $3,540 for $2,700 to $3,300.

Subsec. (b)(3). Pub. L. 94–432, § 203(2), substituted ''$3,540'' for ''$3,300''.

Subsec. (c)(1). Pub. L. 94–432, § 203(3), increased monthly rate of pension from $139 to $149 and substituted $1,100 to $1,700 for $1,100 to $1,800, $1,700 to $2,500 for $1,800 to $2,700, $2,500 to $3,300 for $2,700 to $3,500 and $3,300 to $4,760 for $3,500 to $4,500.

Subsec. (c)(2). Pub. L. 94–432, § 203(4), substituted ''$4,760'' for ''$4,500''.

Subsec. (d). Pub. L. 94–432, § 203(5), substituted ''$24'' for ''$22''.

1975—Pub. L. 94–169, § 101(2)(H), substituted ''Surviving Spouses'' for ''Widows'' in section catchline.

Subsec. (a). Pub. L. 94–169, § 101(2)(B), substituted ''surviving spouse'' for ''widow'' and struck out ''his'' before ''death''.

Subsec. (b). Pub. L. 94–169, § 103(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of pension from $108 to $117, substituted $900 to $1500 for $900 to $2100, $1500 to $2700 for $2100 to $3000 the minimum and maximum income ranges for which the pension rates will be reduced by 4 and 5 cents per dollar, respectively, inserted income range of $2700 to $3300 for which the pension rate will be reduced by 6 cents, and increased from $3000 to $3300 the maximum income in excess of which no pension will be paid.

Subsec. (c). Pub. L. 94–169, § 103(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, pension rate from $128 to $139, substituted $1100 to $1800 for $1100 to $2100, $1800 to $2700 for $2100 to $3000, $2700 to $3500 for $3000 to $4200 the minimum and maximum income ranges for which the pension rates will be reduced by 2, 3 and 4 cents per dollar, respectively, in-

serted income range of $3500 to $4500 for which the rate will be reduced by 5 cents, and increased the maximum income from $4200 to $4500 in excess of which no pension will be paid.

Subsec. (d). Pub. L. 94–169, § 103(2), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''surviving spouse'' for ''widow'' and ''$22'' for ''$20''.

Subsec. (e). Pub. L. 94–169, § 101(2)(C), substituted ''to a surviving spouse of a veteran under this section unless the spouse was married to the veteran'' for ''to a widow of a veteran under this section unless she was married to him'', and ''(D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran'' for ''(D) before the expiration of ten years following termination of the Vietnam era in the case of a widow of a Vietnam era veteran''.

Subsec. (e)(1). Pub. L. 94–169, § 106(40), substituted ''surviving spouse'' for ''widow'' in subcls. (A), (B) and (C).

1974—Subsec. (b). Pub. L. 93–527, § 3(1), substituted ''$108'' for ''$96'', ''$900'' for ''$1400'' wherever appearing, and ''$2100'' for ''$2600'', and inserted provisions for reduction by 5 cents for each dollar of annual income in excess of $2100 up to and including $3000, that in no event shall monthly rate of pension be less than $5.00, and raising the maximum income from $2600 to $3000.

Subsec. (c). Pub. L. 93–527, § 3(2), substituted ''$128'' for ''$114'', and ''$2100'' for ''$2500'' wherever appearing, ''$3000'' for ''$3400'' wherever appearing, and ''$4200'' for ''$3800'' wherever appearing.

Subsec. (d). Pub. L. 93–527, § 3(3), substituted ''$20'' for ''$18''.

Subsec. (f). Pub. L. 93–527, § 3(4), added subsec. (f).

1973—Subsec. (b). Pub. L. 93–177, § 1(c), substituted ''$86'' for ''$87'' and ''$1,400'' for ''$1,900''.

Subsec. (c). Pub. L. 93–177, § 1(d), substituted ''$700'' for ''$600'', ''$114'' for ''$104'', ''$1,100'' for ''$1,400'', ''$2,500'' for ''$2,700'', and ''$3,400'' for ''$3,800'' in existing provisions and inserted provision for a reduction of 4 cents in monthly rate for each $1 of annual income in excess of $3,400 up to and including $3,800.

Subsec. (d). Pub. L. 93–177, § 2, substituted ''$18'' for ''$17''.

1971—Subsec. (b). Pub. L. 92–198, § 1(c), substituted formula for computing monthly pension rates of widow without child by providing for a maximum monthly pension for each group within designated income category and for computing each individual's monthly pension by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out income and pension rates, and raised the maximum income from $2,300 to $2,600.

Subsec. (c). Pub. L. 92–198, § 1(d), substituted formula for computing monthly pension rates of widow with one child by providing for a maximum monthly pension for each group with designated annual income category and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out income and pension rates, and further providing that whenever the monthly rate payable is less than the amount payable to the child under section 542 of this title, the widow would be paid at the child's rate, and raised the maximum income from $3,500 to $3,800.

Subsec. (d). Pub. L. 92–198, § 1(e), substituted ''$17'' for ''$16''.

1970—Pub. L. 91–588, § 9(d)(3), inserted reference to Mexican border period in section catchline.

Subsec. (a). Pub. L. 91–588, § 9(d)(1), inserted reference to Mexican border period.

Subsec. (b). Pub. L. 91–588, § 1(c), provided new annual income limits to measure monthly pension rates of widow without child by inserting minimum income limits of $2,000, $2,100, and $2,200 with maximum limits of $2,100, $2,200, and $2,300 for monthly benefits of $29, $23, and $17, respectively, and within existing annual income limits from a maximum of $300 to a maximum of $2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$81'' for ''$74'', ''80'' for ''73'', ''79'' for ''72'', ''78'' for ''70'', ''76'' for ''67'', ''73'' for ''64'', ''70'' for ''61'', ''67'' for ''58'', ''64'' for ''55'', ''61'' for ''51'', ''58'' for ''48'', ''55'' for ''45'', ''51'' for ''41'', ''48'' for ''37'', ''45'' for ''33'', ''41'' for ''29'', ''37'' for ''23'', and ''33'' for ''17''.

Subsec. (c). Pub. L. 91–588, § 1(d), provided new annual income limits to measure monthly pension rates of widow with one child by inserting minimum income limits of $3,200, $3,300, and $3,400 with maximum limits of $3,300, $3,400, and $3,500 for monthly benefits of $45, $43, and $41, respectively, and within existing annual income limits from a maximum of $600 to a maximum of $3,200, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$99'' for ''$90'', ''98'' for ''89'', ''97'' for ''88'', ''96'' for ''87'', ''95'' for ''86'', ''94'' for ''85'', ''92'' for ''83'', ''90'' for ''81'', ''88'' for ''79'', ''86'' for ''77'', ''84'' for ''75'', ''82'' for ''73'', ''80'' for ''71'', ''78'' for ''69'', ''76'' for ''67'', ''74'' for ''65'', ''72'' for ''63'', ''70'' for ''61'', ''68'' for ''59'', ''66'' for ''57'', ''64'' for ''55'', ''62'' for ''53'', ''59'' for ''51'', ''56'' for ''48'', ''53'' for ''45'', ''51'' for ''43'', and ''48'' for ''41''.

Subsec. (e)(1). Pub. L. 91–588, § 9(d)(2), inserted reference to Mexican border period.

1968—Subsec. (b). Pub. L. 90–275, § 1(c), in providing new annual income limits to measure monthly pension rates of widow without child, substituted minimum income limit of $300 for monthly benefit of $74 for former $600 limit for monthly benefit of $70, maximum income limit of $2,000 for monthly benefit of $17 for former $1,800 limit for monthly benefit of $29, and sixteen other in-between limits in one hundred dollar increments from more than $300 to less than $1,900 for monthly benefits of $73 to $23 for former in-between limit of more than $600 but less than $1,200 for monthly benefit of $51.

Subsec. (c). Pub. L. 90–275, § 1(d), in providing new annual income limits to measure monthly pension rates of widow with one child, substituted minimum income limit of $600 for monthly benefit of $90 for former $1,000 limit for monthly benefit of $86, maximum income limit of $3,200 for monthly benefit of $41 for former $3,000 limit for monthly benefit of $45, and twenty-five other in-between limits in one hundred dollar increments from more than $600 to less than $3,100 for monthly benefits of $89 to $43 for former in-between limit of more than $1,000 but less than $2,000 for monthly benefit of $67.

1967—Pub. L. 90–77, § 202(f), inserted reference to Vietnam era in section catchline.

Subsec. (a). Pub. L. 90–77, § 202(d), inserted reference to Vietnam era.

Subsec. (b). Pub. L. 90–77, § 106(a), increased monthly pension rate in column II from $64, $48, and $27 to $70, $51, and $29, respectively.

Subsec. (c). Pub. L. 90–77, § 106(b), increased monthly pension rate in column II from $80, $64, and $43 to $86, $67, and $45, respectively.

Subsec. (d). Pub. L. 90–77, § 106(c), substituted ''$16'' for ''$15''.

Subsec. (e)(1). Pub. L. 90–77, § 202(e), added item (D).

Subsec. (e)(2), (3). Pub. L. 90–77, § 101(a), qualified widow of a veteran for a pension by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

1964—Subsec. (b). Pub. L. 88–664, § 3(c), increased monthly pension rate in column II from $60, $45, and $25 to $64, $48, and $27, respectively.

Subsec. (c). Pub. L. 88–664, § 3(d), increased monthly pension rate in column II from $75, $60, and $40 to $80, $64, and $43, respectively.

1959—Pub. L. 86–211 included widows of World War II and Korean conflict veterans in section catchline.

Subsec. (a). Pub. L. 86–211 included widows of World War II and Korean conflict veterans, and struck out provisions which authorized payment of a monthly pension of $50.40 to a widow with no child and $63 to a widow with one child, with $7.56 for each additional child. See subsecs. (b) to (d) of this section.

Subsecs. (b) to (e). Pub. L. 86–211 added subsecs. (b) to (d), redesignated former subsec. (b) as (e), and inserted provisions relating to the date by which a widow was required to be married to a veteran of World War II or the Korean conflict.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–588 effective Jan. 1, 1979, see section 401 of Pub. L. 95–588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–204 effective Jan. 1, 1978, see section 302 of Pub. L. 95–204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94–432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Sections 101 and 106 of Pub. L. 94–169 provided that the amendments made by those sections are effective Jan. 1, 1976.

Section 103 of Pub. L. 94–169, as amended by section 101 of Pub. L. 94–432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–177 effective Jan. 1, 1974, see section 8 of Pub. L. 93–177, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment Pub. L. 90–275 effective Jan. 1, 1969, see section 6(a) of Pub. L. 90–275, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–664 effective Jan. 1, 1965, see section 11 of Pub. L. 88–664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–211 effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as a note under section 1521 of this title.

PENSION, DEPENDENCY, AND INDEMNITY COMPENSATION; RELATION TO SOCIAL SECURITY AMENDMENTS OF 1967

Payments for balance of calendar year 1968 and calendar year 1969, calendar year 1970, and during each successive calendar year at prescribed monthly rates when payments would be less under this title as a result of increase in monthly insurance benefits provided by Social Security Amendments of 1967, see section 3 of Pub. L. 90–275, set out as a note under section 1521 of this title.

§ 1542. Children of veterans of a period of war

The Secretary shall pay to each child (1) who is the child of a deceased veteran of a period of war who met the service requirements prescribed in section 1521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, and (2) who is not in the custody of a surviving spouse eligible for pension under section 1541 of this title, pension at the annual rate of $600, as increased from time to time under section 5312 of this title and reduced by the amount of such child's annual income; or, if such child is residing with a person who is legally responsible for such child's support, at an annual rate equal to the amount by which the appropriate annual rate provided under section 1541(c) of this title exceeds the sum of the annual income of such child and such person, but in no event may such annual rate of pension exceed the amount by which $600, as increased from time to time under section 5312 of this title, exceeds the annual income of such child. The appropriate annual rate under such section 1541(c) for the purposes of the preceding sentence shall be determined in accordance with regulations which the Secretary shall prescribe.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 542; Pub. L. 86–211, § 4, Aug. 29, 1959, 73 Stat. 435; Pub. L. 88–664, § 4, Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90–77, title I, § 107, title II, § 202(g), (h), Aug. 31, 1967, 81 Stat. 180, 182; Pub. L. 91–588, §§ 3(c), 9(e), Dec. 24, 1970, 84 Stat. 1583, 1585; Pub. L. 92–198, § 1(f), Dec. 15, 1971, 85 Stat. 664; Pub. L. 93–177, § 3, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 4, Dec. 21, 1974, 88 Stat. 1703; Pub. L. 94–169, title I, §§ 101(2)(D), 104, Dec. 23, 1975, 89 Stat. 1014, 1016; Pub. L. 94–432, title II, § 204, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95–204, title I, § 103, Dec. 2, 1977, 91 Stat. 1457; Pub. L. 95–588, title I, § 110(a), Nov. 4, 1978, 92 Stat. 2504; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1542 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 542 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1521(j)'' for ''521(j)'', ''1541'' for ''541'', and ''1541(c)'' for ''541(c)'' in two places.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in two places.

Pub. L. 102–40 substituted ''5312'' for ''3112'' in two places.

1978—Pub. L. 95–588 amended section generally to speak in terms of children of veterans of any period of war rather than children of veterans of specifically named conflicts, restructured section to eliminate subsection designations, struck out provision formerly comprising subsec. (b) of this section which related to payment of pensions to recipient children in equal shares, and inserted reference to periodic pension increases pursuant to section 3112 of this title.

1977—Subsec. (a). Pub. L. 95–204, § 103(1), substituted ''$61'' and ''$26'' for ''$57'' and ''$24'', respectively.