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. 1137, § 535; Pub. L. 94–169, title I, § 106(31), Dec. 23, 1975, 89 Stat. 1018; renumbered § 1535 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 535 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1534'' for ''534'' and ''1511'' for ''511''.

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.

§ 1536. Surviving spouses of Spanish-American War veterans

(a) The Secretary shall pay to the surviving spouse 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 $70, unless such surviving spouse was the spouse of the veteran during such veteran's service in the Spanish-American War, in which case the monthly rate shall be $75.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by $8.13 per month for each such child.

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

(1) before January 1, 1938; or

(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.

(d)(1) Any surviving spouse eligible for pension under this section shall, if such surviving spouse so elects, be paid pension at the rates prescribed by section 1541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to surviving spouses of veterans of a period of war. If pension is paid pursuant to such an election, the election shall be irrevocable.

(2) The Secretary shall pay each month to the surviving spouse 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 such surviving spouse under subsections (a) and (b) of this section as increased by section 544[1] of this title, as in effect on December 31, 1978; or (B) that which is payable under section 1541 of this title, as in effect on December 31, 1978, as increased by such section 544,[1] as in effect on such date, to a surviving spouse 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.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 536; Pub. L. 90–77, title I, §§ 101(a), 105, Aug. 31, 1967, 81 Stat. 178, 179; Pub. L. 92–328, title I, § 107, June 30, 1972, 86 Stat. 395; Pub. L. 94–169, title I, § 106(32)–(37), Dec. 23, 1975, 89 Stat. 1018, 1019; Pub. L. 95–588, title I, § 108, Nov. 4, 1978, 92 Stat. 2502; renumbered § 1536 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Section 544 of this title, referred to in subsec. (d)(2), was repealed by Pub. L. 95–588, title I, § 112(a)(1), Nov. 4, 1978, 92 Stat. 2505, eff. Jan. 1, 1979.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 536 of this title as this section.

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

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

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1541'' for ''541'' in pars. (1) and (2).

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

1978—Subsec. (d)(1). Pub. L. 95–588, § 108(1), substituted ''a period of war'' for ''World War I'', and struck out '', except as provided in paragraph (2)'' after ''irrevocable''.

Subsec. (d)(2). Pub. L. 95–588, § 108(2), inserted '', as in effect on December 31, 1978'' after ''of this title'' in two places, and ''as in effect on such date'' after ''such section 544''.

1975—Pub. L. 94–169, § 106(37), substituted ''Surviving spouses'' for ''Widows'' in section catchline.

Subsec. (a). Pub. L. 94–169, § 106(32), substituted ''pay to the surviving spouse'' for ''pay to the widow'', ''unless such surviving spouse'' for ''unless she'', ''the spouse'' for ''the wife'' and ''such veteran's'' for ''his''.

Subsec. (b). Pub. L. 94–169, § 106(33), substituted ''surviving spouse'' for ''widow''.

Subsec. (c). Pub. L. 94–169, § 106(33), substituted ''paid to a surviving spouse'' for ''paid to a widow'', ''unless such surviving spouse'' for ''unless she'' and ''such veteran'' for ''him''.

Subsec. (d)(1). Pub. L. 94–169, § 106(34), substituted ''Any surviving spouse'' for ''Any widow'', ''if such surviving spouse'' for ''if she'' and ''surviving spouses'' for ''widows''.

Subsec. (d)(2). Pub. L. 94–169, § 106(35), (36), substituted ''surviving spouse'' for ''widow'' wherever appearing, and ''such surviving spouse'' for ''her''.

1972—Subsec. (d). Pub. L. 92–328 added subsec. (d).

1967—Subsec. (a). Pub. L. 90–77, § 105, substituted ''$70'' for ''$65''.

Subsec. (c). 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.

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 1975 AMENDMENT

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

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective first day of second calendar month which begins after June 30, 1972,

[1] See References in Text note below.

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;