(1) before March 4, 1917; 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.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1137, § 534; Pub. L. 90–77, title I, §§ 101(a), 105, Aug. 31, 1967, 81 Stat. 178, 179; Pub. L. 94–169, title I, § 106(26)–(29), Dec. 23, 1975, 89 Stat. 1018; Pub. L. 102–54, § 14(b)(7), June 13, 1991, 105 Stat. 283; renumbered § 1534 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 534 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1511'' for ''511'' in introductory provisions.

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

Pub. L. 102–54 substituted a period for semicolon at end of par. (2) and struck out at end ''; unless such surviving spouse was the spouse of the veteran during such veteran's service in one of the Indian Wars, in which case the monthly rate shall be $75.''

1975—Pub. L. 94–169, § 106(29), substituted ''Surviving spouses'' for ''Widows'' in section catchline.

Subsec. (a). Pub. L. 94–169, § 106(26), substituted ''pay to a surviving spouse'' for ''paid to a widow'', ''unless such surviving spouse'' for ''she'' wherever appearing, ''was the spouse'' for ''was the wife'' and ''such veteran's'' for ''his''.

Subsec. (b). Pub. L. 94–169, § 106(27), substituted ''surviving spouse'' for ''widow''.

Subsec. (c). Pub. L. 94–169, § 106(28), substituted ''paid to a surviving spouse'' for ''paid to a widow'', ''unless such surviving spouse'' for ''unless she'' and ''such veteran'' for ''him''.

1967—Subsec. (a)(2). 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 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 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.

§ 1535. Children of Indian War veterans

Whenever there is no surviving spouse entitled to pension under section 1534 of this title, the Secretary shall pay to the children of each Indian War veteran who met the service requirements of section 1511 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. 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,

[1] See References in Text note below.