

1065; Pub. L. 99-576, title VII, §701(75), Oct. 28, 1986, 100 Stat. 3297; renumbered §5309 and amended Pub. L. 102-40, title IV, §402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102-83, §4(a)(1), (3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405.)

AMENDMENTS

1991—Pub. L. 102-40, §402(b)(1), renumbered section 3109 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places in last sentence.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in last sentence.

Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration" in first sentence.

Pub. L. 102-40, §402(d)(1), substituted "5308" for "3108" in two places in first sentence.

1986—Subsec. (a). Pub. L. 99-576, §701(75)(A), substituted "such person's" for "his" in two places.

Subsec. (b). Pub. L. 99-576, §701(75)(B), substituted "such person" for "he".

1982—Subsec. (a). Pub. L. 97-258 substituted "sections 3329 and 3330 of title 31" for "sections 123-128 of title 31" wherever appearing.

§ 5310. Payment of benefits for month of death

(a) If, in accordance with the provisions of section 5110(d) of this title, a surviving spouse is entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which a veteran's death occurs, the amount of such death benefits for that month shall be not less than the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

(b)(1) If the surviving spouse of a veteran who was in receipt of compensation or pension at the time of death is not entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which the veteran's death occurs, that surviving spouse shall be entitled to a benefit for that month in the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

(2) If (notwithstanding section 5112(b)(1) of this title) a check or other payment is issued to, and in the name of, the deceased veteran as a benefit payment under chapter 11 or 15 of this title for the month in which death occurs, that check or other payment (A) shall be treated for all purposes as being payable to the surviving spouse, and (B) if that check or other payment is negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under paragraph (1). However, if such check or other payment is in an amount less than the amount of the benefit under paragraph (1), the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of this title.

(Added Pub. L. 87-825, §4(a), Oct. 15, 1962, 76 Stat. 950, §3110; amended Pub. L. 98-160, title VII, §703(3), Nov. 21, 1983, 97 Stat. 1010; renumbered §5310 and amended Pub. L. 102-40, title IV, §402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 104-275, title V, §506(a), Oct. 9, 1996, 110 Stat. 3343; Pub. L. 105-114, title IV, §401(f), Nov. 21, 1997, 111 Stat. 2294.)

AMENDMENTS

1997—Subsec. (b)(2). Pub. L. 105-114 substituted "under paragraph (1)" for "under this paragraph" before period at end of first sentence.

1996—Pub. L. 104-275 designated existing provisions as subsec. (a) and added subsec. (b).

1991—Pub. L. 102-40 renumbered section 3110 of this title as this section and substituted "5110(d)" for "3010(d)".

1983—Pub. L. 98-160 substituted "surviving spouse" for "widow", and "the death of the veteran" for "his death".

EFFECTIVE DATE OF 1996 AMENDMENT

Section 506(b) of Pub. L. 104-275 provided that: "The amendments made by this section [amending this section] shall apply with respect to the death of compensation and pension recipients occurring after December 31, 1996."

EFFECTIVE DATE

Section effective first day of second calendar month which begins after Oct. 15, 1962, see section 7 of Pub. L. 87-825, set out as an Effective Date of 1962 Amendment note under section 110 of this title.

§ 5311. Prohibition of certain benefit payments

There shall be no payment of dependency and indemnity compensation, death compensation, or death pension which, because of a widow's relationship with another man before enactment of Public Law 87-674, would not have been payable by the Veterans' Administration under the standard for determining remarriage applied by that agency before said enactment.

(Added Pub. L. 91-376, §8(b), Aug. 12, 1970, 84 Stat. 790, §3111; renumbered §5311, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238.)

REFERENCES IN TEXT

Public Law 87-674, referred to in text, is Pub. L. 87-674, Sept. 19, 1962, 76 Stat. 558, which was enacted Sept. 19, 1962, and amended sections 101, 103, and 3010 [now 5110] of this title to provide for the restoration of certain widows and children to the benefit rolls upon annulment of their marriages or remarriages.

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3111 of this title as this section.

§ 5312. Annual adjustment of certain benefit rates

(a) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase each maximum annual rate of pension under sections 1521, 1541, and 1542 of this title, the rate of increased pension paid under such sections 1521 and 1541 on account of children, and each rate of monthly allowance paid under section 1805 of this title, as such rates were in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.

(b)(1) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a