

death, that in the case of a promotion after death while the veteran is in a missing status, the pay grade determination date is the date of such promotion.

1969—Pub. L. 91-96 substituted "Determination of pay grade" for "Computation of basic pay" in section catchline.

Subsec. (a). Pub. L. 91-96 substituted provisions determining the pay grade of a veteran who died in the active service for provisions determining the basic pay of a veteran who died in the active service as that prescribed on Jan. 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank and years of service.

Subsec. (b). Pub. L. 91-96 substituted provisions determining the pay grade of a veteran who did not die in the active service for provisions determining the basic pay of a veteran who did not die in the active service as that prescribed on Jan. 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank and years of service.

Subsec. (c). Pub. L. 91-96 redesignated former subsec. (c)(1) as (c) and substituted "pay grade" for "basic pay" and "assigned" for "entitled". Former subsec. (c)(2) redesignated (e).

Subsec. (d). Pub. L. 91-96 substituted provisions determining the applicability of a higher pay grade of a veteran who had served six months or more in a pay grade higher than that specified in subsec. (a) or (b) for provisions determining the basic pay of a veteran who had served six months or more in a rank higher than that specified in the former provisions of subsec. (a) or (b).

Subsec. (e). Pub. L. 91-96 redesignated former subsec. (c)(2) as (e), substituted "pay grade" for "basic pay", and struck out "and years of service" after "responsibilities".

1966—Subsec. (d). Pub. L. 89-622 substituted "any subsequent discharge or release from active duty was under conditions other than dishonorable" for "was so serving in such rank within one hundred and twenty days before death in the active military, naval, or air service or before last discharge or release from active duty under conditions other than dishonorable".

1960—Subsec. (d). Pub. L. 86-492 added subsec. (d).

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

#### EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 92-169, § 3, Nov. 24, 1971, 85 Stat. 489, provided that: "For the purposes of chapter 13 of title 38, United States Code, this Act [amending this section and section 552 of Title 37, Pay and Allowances of the Uniformed Services] becomes effective upon the date of enactment [Nov. 24, 1971]. For all other purposes this Act becomes effective as of February 28, 1961."

#### EFFECTIVE DATE OF 1969 AMENDMENT

Pub. L. 91-96, § 8, Oct. 27, 1969, 83 Stat. 146, provided that: "This Act [amending this section and sections 322 [now 1122], 401 [now 1301], 403, 411 [now 1311], and 421 [now 1321] of this title] shall take effect on the first day of the second calendar month which begins after the date of enactment [Oct. 27, 1969]."

#### EFFECTIVE DATE OF 1966 AMENDMENT

Pub. L. 89-622, § 2, Oct. 4, 1966, 80 Stat. 873, provided that: "The amendment made by this Act [amending this section] shall take effect on the first day of the second calendar month after the date of enactment of this Act [Oct. 4, 1966]."

### § 1303. Cost-of-living adjustments

(a) In the computation of cost-of-living adjustments for fiscal years 1998 through 2013 in the

rates of dependency and indemnity compensation payable under this chapter, such adjustments (except as provided in subsection (b)) shall be made by a uniform percentage that is no more than the percentage equal to the social security increase for that fiscal year, with all increased monthly rates (other than increased rates equal to a whole dollar amount) rounded down to the next lower whole dollar amount.

(b) For purposes of this section, the term "social security increase" means the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased for any fiscal year as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(Added Pub. L. 105-33, title VIII, § 8031(b)(1), Aug. 5, 1997, 111 Stat. 668; amended Pub. L. 107-103, title II, § 205, Dec. 27, 2001, 115 Stat. 990; Pub. L. 108-183, title VII, § 706, Dec. 16, 2003, 117 Stat. 2672.)

#### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§ 401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### AMENDMENTS

2003—Subsec. (a). Pub. L. 108-183 substituted "2013" for "2011".

2001—Subsec. (a). Pub. L. 107-103 substituted "2011" for "2002".

### § 1304. Special provisions relating to surviving spouses

No dependency and indemnity compensation shall be paid to the surviving spouse of a veteran dying after December 31, 1956, unless such surviving spouse was married to such veteran—

(1) before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; 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. 1127, § 404; Pub. L. 90-77, title I, § 101(a), Aug. 31, 1967, 81 Stat. 178; Pub. L. 94-433, title IV, § 405(4), (5), Sept. 30, 1976, 90 Stat. 1379; renumbered § 1304, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

#### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 404 of this title as this section.

1976—Pub. L. 94-433, § 405(4), (5), substituted "surviving spouse", "such surviving spouse", and "such veteran" for "widow", "she", and "him", respectively, in introductory clause and "surviving spouses" for "widows" in section catchline.

1967—Pub. L. 90-77 qualified widow of a veteran for receipt of compensation 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 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.