

Pub. L. 117-16, §7(a)(1), renumbered section 1164 of this title, relating to specialized teams to evaluate claims involving military sexual trauma, as this section.

CHAPTER 13—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

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Editorial Notes

AMENDMENTS

1997—Pub. L. 105-33, title VIII, §8031(b)(2), Aug. 5, 1997, 111 Stat. 669, added item 1303.

1991—Pub. L. 102-83, §§4(b)(3)(B), 5(b)(1), Aug. 6, 1991, 105 Stat. 405, 406, renumbered items 401 to 423 as 1301 to 1323, respectively, and in item 1323 substituted “with respect to circumstances of death” for “by Administrator”.

1988—Pub. L. 100-687, div. B, title XIV, §1403(a)(2), Nov. 18, 1988, 102 Stat. 4130, added item 418.

1982—Pub. L. 97-306, title I, §113(b)(2), Oct. 14, 1982, 96 Stat. 1432, struck out item 403 “Coverage of members of Reserve Officers' Training Corps”.

1976—Pub. L. 94-433, §405(6), (8), Sept. 30, 1976, 90 Stat. 1379, substituted “surviving spouses” for “widows” in item 404 and “surviving spouse” for “widow” in item 411.

1969—Pub. L. 91-96, §6, Oct. 27, 1969, 83 Stat. 145, substituted “Determination of pay grade” for “Computation of basic pay” in item 402 and “Certifications with respect to pay grade” for “Certifications with respect to basic pay” in item 421.

Statutory Notes and Related Subsidiaries

UNIFORMED SERVICES, PROMOTION OF MEMBERS IN MISSING STATUS; EFFECTIVE DATE

Provisions of section 552(a) of Title 37, Pay and Allowances of the Uniformed Services, for full effectiveness for all purposes of promotion of a member while in a missing status notwithstanding a determination of death before the making of the promotion effective as

of Nov. 24, 1971, for the purposes of this chapter, see section 2 of Pub. L. 93-26, Apr. 27, 1973, 87 Stat. 26, set out as an Effective Date of 1973 Amendment note under section 552 of Title 37.

SUBCHAPTER I—GENERAL

§ 1301. Definitions

As used in this chapter—

The term “veteran” includes a person who died in the active military, naval, air, or space service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1126, §401; Pub. L. 91-24, §4(a), June 11, 1969, 83 Stat. 33; Pub. L. 91-96, §5, Oct. 27, 1969, 83 Stat. 145; renumbered §1301, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 116-283, div. A, title IX, §926(a)(16), Jan. 1, 2021, 134 Stat. 3830.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “air, or space service” for “or air service”.

1991—Pub. L. 102-83 renumbered section 401 of this title as this section.

1969—Pub. L. 91-96 struck out par. (1) which defined “basic pay”.

Par. (1). Pub. L. 91-24 substituted “sections 201, 202, 203, 204, 205, or 207 of title 37” for “sections 232(a), 232(e), or 308 of Title 37”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91-96, set out as a note under section 1302 of this title.

COST-OF-LIVING INCREASES IN COMPENSATION RATES

For limitation on increases in dependency and indemnity compensation payable under this chapter, see section 8005 of Pub. L. 101-508, set out as a note under section 1101 of this title.

§ 1302. Determination of pay grade

(a) With respect to a veteran who died in the active military, naval, air, or space service, such veteran's pay grade shall be determined as of the date of such veteran's death or as of the date of a promotion after death while in a missing status.

(b) With respect to a veteran who did not die in the active military, naval, air, or space service, such veteran's pay grade shall be determined as of—

(1) the time of such veteran's last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of such veteran's discharge or release from any period of active duty for training or inactive duty training, if such veteran's death results from service-connected disability incurred during such period and if such veteran was not thereafter discharged or released under conditions other than dishonorable from active duty.

(c) The pay grade of any veteran described in section 106(b) of this title shall be that to which such veteran would have been assigned upon final acceptance or entry upon active duty.