medical and scientific evidence that a positive association exists between—

(i) the exposure of humans or animals to a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine known or presumed to be associated with service in the Southwest Asia theater of operations during the Persian Gulf War; and

(ii) the occurrence of a diagnosed or undiagnosed illness in humans or animals.

(2)(A) In making determinations for purposes of paragraph (1), the Secretary shall take into account—

(i) the reports submitted to the Secretary by the National Academy of Sciences under section 1603 of the Persian Gulf War Veterans Act of 1998; and

(ii) all other sound medical and scientific information and analyses available to the Secretary.

(B) In evaluating any report, information, or analysis for purposes of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

(3) An association between the occurrence of an illness in humans or animals and exposure to an agent, hazard, or medicine or vaccine shall be considered to be positive for purposes of this subsection if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

(c)(1) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 1603 of the Persian Gulf War Veterans Act of 1998, the Secretary shall determine whether or not a presumption of service connection is warranted for each illness, if any, covered by the report.

(2) If the Secretary determines under this subsection that a presumption of service connection is warranted, the Secretary shall, not later than 60 days after making the determination, issue proposed regulations setting forth the Secretary's determination.

(3)(A) If the Secretary determines under this subsection that a presumption of service connection is not warranted, the Secretary shall, not later than 60 days after making the determination, publish in the Federal Register a notice of the determination. The notice shall include an explanation of the scientific basis for the determination.

(B) If an illness already presumed to be service connected under this section is subject to a determination under subparagraph (A), the Secretary shall, not later than 60 days after publication of the notice under that subparagraph, issue proposed regulations removing the presumption of service connection for the illness.

(4) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

(d) Whenever the presumption of service connection for an illness under this section is removed under subsection (c)—

(1) a veteran who was awarded compensation for the illness on the basis of the presumption before the effective date of the removal of the presumption shall continue to be entitled to receive compensation on that basis; and

(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the illness on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

(e) Subsections (b) through (d) shall cease to be effective on September 30, 2011.

(Added Pub. L. 105–277, div. C, title XVI, § 1602(a)(1), Oct. 21, 1998, 112 Stat. 2681–742; amended Pub. L. 107–103, title II, § 202(b)(2), (d)(1), Dec. 27, 2001, 115 Stat. 989.)

REFERENCES IN TEXT

Section 1603 of the Persian Gulf War Veterans Act of 1998, referred to in subsecs. (b)(2)(A)(i) and (c)(1), is section 1603 of Pub. L. 105–277, which is set out in a note under section 1117 of this title.

AMENDMENTS

2001—Subsec. (a)(4). Pub. L. 107–103, § 202(b)(2), added par. (4).

Subsec. (e). Pub. L. 107–103, § 202(d)(1), substituted ''on September 30, 2011'' for ''10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 1603 of the Persian Gulf War Veterans Act of 1998''.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 202(b)(2) of Pub. L. 107–103 effective Mar. 1, 2002, see section 202(c) of Pub. L. 107–103, set out as a note under section 1117 of this title.

SUBCHAPTER III—WARTIME DEATH COMPENSATION

§ 1121. Basic entitlement

The surviving spouse, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during a period of war, shall be entitled to receive compensation at the monthly rates specified in section 1122 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1122, § 321; Pub. L. 92–197, § 6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94–433, title IV, § 404(12), Sept. 30, 1976, 90 Stat. 1378; renumbered § 1121 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 321 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1122'' for ''322''.

1976—Pub. L. 94–433 substituted ''spouse'' for ''widow''.

1971—Pub. L. 92–197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) of this title.

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

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

§ 1122. Rates of wartime death compensation

(a) The monthly rates of death compensation shall be as follows:

(1) Surviving spouse but no child, $87;

(2) Surviving spouse with one child, $121 (with $29 for each additional child);

(3) No surviving spouse but one child, $67;

(4) No surviving spouse but two children, $94 (equally divided);

(5) No surviving spouse but three children, $122 (equally divided) (with $23 for each additional child, total amount to be equally divided);

(6) Dependent parent, $75;

(7) Both dependent parents, $40 each.

(b) The monthly rate of death compensation payable to a surviving spouse or dependent parent under subsection (a) of this section shall be increased by $79 if the payee is (1) a patient in a nursing home or (2) blind, or so nearly blind or significantly disabled as to need or require the regular aid and attendance of another person.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1122, § 322; Pub. L. 91–96, § 7, Oct. 27, 1969, 83 Stat. 146; Pub. L. 91–588, § 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 92–197, § 9, Dec. 15, 1971, 85 Stat. 662; Pub. L. 93–295, title II, § 204, May 31, 1974, 88 Stat. 183; Pub. L. 94–169, title II, § 202, Dec. 23, 1975, 89 Stat. 1021; Pub. L. 94–432, title IV, § 401, Sept. 30, 1976, 90 Stat. 1372; Pub. L. 94–433, title IV, § 404(13)–(17), Sept. 30, 1976, 90 Stat. 1378, 1379; Pub. L. 95–204, title III, § 301, Dec. 2, 1977, 91 Stat. 1459; renumbered § 1122, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109–233, title V, § 502(3), June 15, 2006, 120 Stat. 415.)

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109–233 substituted ''blind, or so nearly blind or significantly disabled as to'' for ''helpless or blind, or so nearly helpless or blind as to''.

1991—Pub. L. 102–83 renumbered section 322 of this title as this section.

1977—Subsec. (b). Pub. L. 95–204 substituted ''$79'' for ''$74''.

1976—Subsec. (a). Pub. L. 94–433, § 404(13)–(16), substituted ''Surviving spouse'' for ''Widow'' in pars. (1) and (2); ''surviving spouse'' for ''widow'' in pars. (3), (4), and (5); ''parent'' for ''mother or father'' in par. (6); and ''Both dependent parents'' for ''Dependent mother and father'' in par. (7).

Subsec. (b). Pub. L. 94–433, § 404(17), substituted ''surviving spouse'' for ''widow''.

Pub. L. 94–432 substituted ''$74'' for ''$69''.

1975—Subsec. (b). Pub. L. 94–169 substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''$69'' for ''$64''.

1974—Subsec. (b). Pub. L. 93–295 substituted ''$64'' for ''$55''.

1971—Subsec. (b). Pub. L. 92–197 extended benefits to dependent parents under subsec. (a) of this section and increased the increase in benefits from $50 to $55.

1970—Subsec. (b). Pub. L. 91–588 substituted ''$55'' for ''$50''.

1969—Pub. L. 91–96 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1977 AMENDMENT

Section 302 of Pub. L. 95–204 provided that: ''The provisions of this Act [see Tables for classification] shall take effect January 1, 1978.''

EFFECTIVE DATE OF 1976 AMENDMENTS

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.

Amendment by Pub. L. 94–432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94–432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 202 of Pub. L. 94–169, as amended by section 101 of Pub. L. 94–432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–295 effective May 1, 1974, see section 401 of Pub. L. 93–295, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

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.

SUBCHAPTER IV—PEACETIME DISABILITY COMPENSATION

§ 1131. Basic entitlement

For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during other than a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1122, § 331; Pub. L. 101–508, title VIII, § 8052(a)(3), Nov. 5, 1990, 104 Stat. 1388–351; renumbered § 1131, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105–178, title VIII, § 8202(b), June 9, 1998, 112 Stat. 492; Pub. L. 105–206, title IX, § 9014(a), July 22, 1998, 112 Stat. 865.)

AMENDMENTS

1998—Pub. L. 105–178, which directed the substitution of '', abuse of alcohol or drugs, or use of tobacco products'' for ''or abuse of alcohol or drugs'' before the period at end, was amended generally by Pub. L. 105–206, which provided that the amendments made by that section as originally enacted shall be treated for all purposes as not having been made. See Effective Date of 1998 Amendment note below.

1991—Pub. L. 102–83 renumbered section 331 of this title as this section.

1990—Pub. L. 101–508 substituted ''a result of the veteran's own willful misconduct or abuse of alcohol or