

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

drugs" for "the result of the veteran's own willful misconduct".

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective with respect to claims filed after Oct. 31, 1990, see section 8052(b) of Pub. L. 101-508, set out as a note under section 105 of this title.

CONSTRUCTION OF 1998 AMENDMENT

Pub. L. 105-206, title IX, §9014(a), July 22, 1998, 112 Stat. 865, provided that section 8202 of Pub. L. 105-178 is amended generally and that the amendments made by that section as originally enacted shall be treated for all purposes as not having been made.

§ 1132. Presumption of sound condition

For the purposes of section 1131 of this title, every person employed in the active military, naval, or air service for six months or more shall be taken to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed before acceptance and enrollment.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, §332; renumbered §1132 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 332 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1131" for "331".

§ 1133. Presumptions relating to certain diseases

(a) For the purposes of section 1131 of this title, and subject to the provisions of subsections (b) and (c) of this section, any veteran who served for six months or more and contracts a tropical disease or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease, or as a preventative thereof, shall be deemed to have incurred such disability in the active military, naval, or air service when it is shown to exist within one year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period thereof commenced during active service.

(b) Service-connection shall not be granted pursuant to subsection (a), in any case where the disease or disorder is shown by clear and unmistakable evidence to have had its inception before or after active military, naval, or air service.

(c) Nothing in this section shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or ag-

gravated by active military, naval, or air service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, §333; renumbered §1133 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 333 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1131" for "331".

§ 1134. Rates of peacetime disability compensation

For the purposes of section 1131 of this title, the compensation payable for the disability shall be that specified in section 1114 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, §334; Pub. L. 92-328, title I, §108(a), June 30, 1972, 86 Stat. 396; renumbered §1134 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 334 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1131" for "331" and "1114" for "314".

1972—Pub. L. 92-328 substituted provisions that compensation payable for the disability be that specified in section 314 of this title, for provisions that compensation payable for the disability be equal to 80% of the compensation payable for such disability under section 314 of this title, adjusted upward or downward to the nearest dollar.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(b) of Pub. L. 92-328 provided that: "Section 108 [repealing section 336 of this title and amending this section and section 335 [now 1135] of this title] shall take effect on July 1, 1973."

§ 1135. Additional compensation for dependents

Any veteran entitled to compensation at the rates provided in section 1134 of this title, and whose disability is rated not less than 30 percent, shall be entitled to additional monthly compensation for dependents as provided in section 1115 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, §335; Pub. L. 92-328, title I, §108(b), June 30, 1972, 86 Stat. 396; Pub. L. 98-543, title I, §112(a), Oct. 24, 1984, 98 Stat. 2740; renumbered §1135 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 335 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1134" for "334" and "1115" for "315".

1984—Pub. L. 98-543 substituted "30 percent" for "50 per centum".

1972—Pub. L. 92-328 substituted provisions that the veteran be entitled to additional monthly compensation for dependents as provided in section 315 of this title, for provisions that the veteran be entitled to additional monthly compensation for dependents equal to 80% of the additional compensation for dependents provided in section 315 of this title, and subject to the limitations thereof, and adjusted upward or downward to the nearest dollar.