

force in which the United States is not a belligerent party.”

1963—Subsec. (a). Pub. L. 88-77 inserted references to Department of the Treasury and to Coast Guard.

Subsec. (b). Pub. L. 88-77 enlarged the authority to enter and record names on the Medal of Honor Roll, which was limited to persons who served in the active military, naval or air service of the United States in any war, and who distinguished themselves by gallantry or intrepidity in action involving actual conflict with an enemy, to permit entering and recording names of persons who served on active duty in the Armed Forces of the United States distinguish themselves by gallantry and intrepidity while engaged in action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

1961—Subsec. (b). Pub. L. 87-138, §1(a), reduced the age requirement for entry on the Medal of Honor Roll from 65 to 50 years and struck out requirement that such person must have received an honorable discharge.

Subsec. (c). Pub. L. 87-138, §1(b), required applicants to indicate if they wished to receive the pension provided by section 562 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89-311, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 4 of Pub. L. 87-138 provided that: “The amendments made by this Act [amending this section and sections 561 and 562 [now 1561 and 1562] of this title] shall take effect on the first day of the first month which begins after the date of the enactment of this Act [Aug. 14, 1961], except that the amendments made by subsection (b) of the first section [amending subsec. (c) of this section] and by section 2 [amending section 561 [now 1561] of this title] shall not apply with respect to any application under section 560 [now 1560] of title 38, United States Code, made before such first day by any person who fulfilled the qualifications prescribed by subsection (b) of such section at the time such application was made.”

§ 1561. Certificate

(a) The Secretary concerned shall determine whether or not each applicant is entitled to have such person's name entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll. If the official award of the Medal of Honor to the applicant, or the official notice to such person thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 1560 of this title, such award or notice shall be sufficient to entitle the applicant to have such person's name entered on such roll without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file

in any public office or department shall be considered.

(b) Each person whose name is entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the Medal of Honor was awarded, of enrollment on such roll, and, if such person has indicated such person's desire to receive the special pension provided by section 1562 of this title, of such person's right to such special pension.

(c) The Secretary concerned shall deliver to the Secretary a certified copy of each certificate issued under subsection (b) in which the right of the person named in the certificate to the special pension provided by section 1562 of this title is set forth. Such copy shall authorize the Secretary to pay such special pension to the person named in the certificate.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1139, §561; Pub. L. 87-138, §2(a), Aug. 14, 1961, 75 Stat. 338; Pub. L. 88-77, §5(2), July 25, 1963, 77 Stat. 95; Pub. L. 94-169, title I, §106(42), (43), Dec. 23, 1975, 89 Stat. 1019; renumbered §1561 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 561 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1560” for “560”.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “1562” for “562”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “1562” for “562”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” after “the” in two places.

1975—Subsec. (a). Pub. L. 94-169, §106(42), substituted “such person's” for “his” wherever appearing, and “such person” for “him”.

Subsec. (b). Pub. L. 94-169, §106(42), substituted “such person” for “he” and “such person's” for “his” wherever appearing.

Subsec. (c). Pub. L. 94-169, §106(43), struck out “by him” after “certificate issued”.

1963—Subsecs. (a), (b). Pub. L. 88-77 inserted references to the Coast Guard.

1961—Pub. L. 87-138 struck out “entitling holder to pension”, after “Certificate” in section catchline.

Subsec. (a). Pub. L. 87-138 substituted “have his name entered on the Army, Navy, and Air Force Medal of Honor Roll” for “the benefits of this subchapter”, and “have his name entered on such roll” for “special pension under this subchapter”.

Subsec. (b). Pub. L. 87-138 inserted provisions relating to the enrollee's indication of desire to receive pension.

Subsec. (c). Pub. L. 87-138 required the copy to set forth the right of the person named in the certificate to the pension.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-138 effective Sept. 1, 1961, except that it shall not apply with respect to applications under section 1560 [formerly 560] of this title made prior to Sept. 1, 1961, by anyone who fulfilled the qualifications prescribed by subsec. (b) of such section 1560 [formerly 560] at the time such application was made, see section 4 of Pub. L. 87-138, set out as a note under section 1560 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1562. Special provisions relating to pension

(a) The Secretary shall pay monthly to each person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll, and a copy of whose certificate has been delivered to the Secretary under subsection (c) of section 1561 of this title, a special pension at the rate of \$1,000, as adjusted from time to time under subsection (e), beginning as of the date of application therefor under section 1560 of this title.

(b) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which such person is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

(c) Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.

(d) If any person has been awarded more than one medal of honor, such person shall not receive more than one special pension.

(e) Effective as of December 1 each year, the Secretary shall increase the amount of monthly special pension payable under subsection (a) as of November 30 of such year by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1 of such year as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).

(f)(1) The Secretary shall pay, in a lump sum, to each person who is in receipt of special pension payable under this section an amount equal to the total amount of special pension that the person would have received during the period beginning on the first day of the first month beginning after the date of the act for which the person was awarded the Medal of Honor and ending on the last day of the month preceding the month in which the person's special pension in fact commenced.

(2) For each month of a period referred to in paragraph (1), the amount of special pension payable to a person shall be determined using the rate of special pension that was in effect for such month, and shall be payable only if the person would have been entitled to payment of special pension for such month under laws for eligibility for special pension (with the exception of the eligibility law requiring a person to have been awarded a Medal of Honor) in effect at the beginning of such month.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1140, §562; Pub. L. 87-138, §3, Aug. 14, 1961, 75 Stat. 339; Pub. L. 88-77, §5(2), July 25, 1963, 77 Stat. 95; Pub. L. 94-169, title I, §106(44), (45), Dec. 23, 1975, 89 Stat.

1019; Pub. L. 95-479, title III, §302, Oct. 18, 1978, 92 Stat. 1565; renumbered §1562 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 103-161, §1(a), Nov. 30, 1993, 107 Stat. 1967; Pub. L. 105-368, title III, §301(a), Nov. 11, 1998, 112 Stat. 3332; Pub. L. 107-330, title III, §304(a)-(c), Dec. 6, 2002, 116 Stat. 2826.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (e), 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 chapter 7 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.

PRIOR PROVISIONS

Prior sections 1601, 1602, 1621 to 1625, 1631 to 1634, 1641, and 1643, which comprised chapter 32, were renumbered sections 3201, 3202, 3221 to 3225, 3231 to 3234, 3241, and 3243 of this title, respectively. Prior section 1642, Pub. L. 94-502, title IV, §404, Oct. 15, 1976, 90 Stat. 2397; amended Pub. L. 97-295, §4(37), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 101-237, title IV, §423(b)(1)(A), (4)(A), Dec. 18, 1989, 103 Stat. 2092, directed Secretary of Veterans Affairs and Secretary of Defense to submit a joint report annually on operations of program provided under chapter 32 of this title, prior to repeal by Pub. L. 102-16, §5(a), Mar. 22, 1991, 105 Stat. 50.

Other prior sections 1601, 1610 to 1613, 1620 to 1626, 1631 to 1634, 1641 to 1645, 1651 to 1656, and 1661 to 1669, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1174-1192; Pub. L. 86-150, Aug. 11, 1964, 73 Stat. 332; Pub. L. 87-815, §1, Oct. 15, 1962, 76 Stat. 926; Pub. L. 88-361, §7, July 7, 1964, 78 Stat. 298, comprised chapter 33, Education of Korean Conflict Veterans, prior to repeal by Pub. L. 89-358, §4(a), Mar. 3, 1966, 80 Stat. 23.

Section 1601 defined "basic service period", "eligible veteran", "program of education or training", "course", "dependent", "educational institutions", "training establishments", "State", and "Commissioner", made benefits unavailable to individuals serving as commissioned officers of Coast and Geodetic Survey or of Regular or Reserve Corps of the Public Health Service unless the service qualified those individuals for benefits under title II of the Veteran's Readjustment Assistance Act of 1952, and declared Congressional policy. See sections 3451(3), (4) and 3452(a)(1), (3)(A), (B), (b) to (d) of this title.

Section 1610 provided for entitlement to education or training generally. See section 3461(a) of this title.

Section 1611 related to duration of veteran's education or training. See sections 3452(a)(3)(A), (B), 3461(a), (b)(1), (3), (4), (c), and 3482(c)(2) of this title.

Section 1612 related to commencement of education and time limitations. See section 3462 of this title.

Section 1613 provided for expiration of all education and training. See section 3462(a) of this title.

Section 1620 related to selections of program. See sections 3470 and 3476 of this title.

Section 1621 provided for applications and approval of applications. See section 3471 of this title.

Section 1622 related to change of program. See section 3691 of this title.

Section 1623 provided for disapproval of enrollment in certain courses. See section 3473(a) and (d) of this title.

Section 1624 provided discontinuance for unsatisfactory progress. See section 3474 of this title.

Section 1625 provided for a period of operation for approval. See section 3689 of this title.

Section 1626 related to institutions listed by Attorney General. Similar provisions were classified to section 1789 of this title, renumbered section 1793, and subsequently repealed by section 511(1) of Pub. L. 94-502.

Section 1631 provided for education and training allowance. See section 3481(a), (b), (d), and (e) of this title.