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.

Section 1632 provided for computation of education and training allowances for institutional courses, apprentice and on-the-job training, on-farm training, correspondence and flight training courses, and less-than-half time basis courses. See sections 3482(a), (b)(2), (c)(1) and 3681 of this title.

Section 1633 related to measurement of courses.

Section 1634 related to overcharges by educational institutions.

Section 1641 related to designation of State approving agencies. See section 3671 of this title.

Section 1642 related to approval of courses. See section 3672 of this title.

Section 1643 provided for cooperation between the Administrator and the State approving agencies. See section 3673 of this title.

Section 1644 provided for use of Office of Education and other Federal agencies. See section 3690 of this title.

Section 1645 provided for reimbursement of expenses. See section 3674 of this title.

Section 1651 provided for apprentice or other training on the job.

Section 1652 provided for institutional on-farm training for Korean conflict veterans.

Section 1653 provided for approval of accredited courses for Korean conflict veterans. See section 3675 of this title.

Section 1654 provided for approval of nonaccredited courses for Korean conflict veterans. See section 3676 of this title.

Section 1655 provided for notice of approval of courses for Korean conflict veterans. See section 3677 of this title.

Section 1656 provided for disapproval of courses and discontinuance of allowances for Korean conflict veterans. See section 3678 of this title.

Section 1661 related to authority and duties of Administrator concerning education of Korean conflict veterans.

Section 1662 related to Advisory Committee. See section 3688 of this title.

Section 1663 provided for control by agencies of United States. See section 3682 of this title.

Section 1664 related to conflicting interests by officers or employees of the Veterans Administration, Office of Education, or State approving agency. See section 3683 of this title.

Section 1665 related to reports by institutions concerning Korean conflict veterans. See section 3684 of this title.

Section 1666 related to overpayments to Korean conflict veterans. See section 3685 of this title.

Section 1667 related to examination of records of Korean conflict veterans. See section 3686 of this title.

Section 1668 related to submitting false and misleading claims by Korean conflict veterans or educational institutions. See section 3687 of this title.

Section 1669 related to information furnished by Federal Trade Commission to State approving agencies.

Prior sections 1651, 1652, 1661, 1662, 1670, 1671, 1673, 1674, 1676, 1681, 1682, 1683 to 1685, and 1690 to 1693, which comprised chapter 34, were renumbered 3451, 3452, 3461, 3462, 3470, 3471, 3473, 3474, 3476, 3481, 3482, 3483 to 3485, and 3490 to 3493, respectively, of this title.

Prior section 1663, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 15; amended Pub. L. 94–502, title II, § 211(4), Oct. 15, 1976, 90 Stat. 2388; Pub. L. 95–202, title III, § 302(a), Nov. 23, 1977, 91 Stat. 1440; Pub. L. 99–576, title III, § 312, Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092, related to educational and vocational counseling, prior to repeal by Pub. L. 102–16, § 2(b)(1)(A), Mar. 22, 1991, 105 Stat. 49. See section 3697A of this title.

Prior section 1672, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 15, related to change of program by veteran, prior to repeal by Pub. L. 92–540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090. See section 3691 of this title.

Prior section 1675, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 16, related to period of operation for approval by Administrator, prior to repeal by Pub. L. 92–540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090. See section 3689 of this title.

Prior section 1677, added Pub. L. 90–77, title III, § 302(b), Aug. 31, 1967, 81 Stat. 185; amended Pub. L. 90–631, § 5, Oct. 23, 1968, 82 Stat. 1335; Pub. L. 91–219, title I, § 102, title II, § 203, Mar. 26, 1970, 84 Stat. 76, 78; Pub. L. 92–540, title I, § 102(1), title IV, § 401(3), Oct. 24, 1972, 86 Stat. 1075, 1090; Pub. L. 93–508, title I, § 102(1), Dec. 3, 1974, 88 Stat. 1579; Pub. L. 93–602, title II, § 203(a), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 95–202, title I, § 102(1), Nov. 23, 1977, 91 Stat. 1433; Pub. L. 96–466, title II, §§ 201(1), 211(1), title VI, § 603(a), Oct. 17, 1980, 94 Stat. 2187, 2189, 2209, set forth provisions respecting eligibility, approval, etc., for flight training, prior to repeal by Pub. L. 97–35, title XX, §§ 2003(b)(3)(A), 2006, Aug. 13, 1981, 95 Stat. 782, 783, effective Oct. 1, 1981, except as otherwise provided for persons receiving educational assistance.

Prior section 1678, added Pub. L. 90–77, title III, § 306(a), Aug. 31, 1967, 81 Stat. 188, related to special training for educationally disadvantaged, prior to repeal by Pub. L. 91–219, title II, § 204(a)(2), Mar. 26, 1970, 84 Stat. 79. See subchapter V of chapter 34 of this title.

Prior section 1682A, added Pub. L. 95–202, title II, § 201(a), Nov. 23, 1977, 91 Stat. 1436; amended Pub. L. 97–295, § 4(41), Oct. 12, 1982, 96 Stat. 1308, related to accelerated payment of educational assistance allowances, prior to repeal by Pub. L. 100–689, title I, § 124(a), Nov. 18, 1988, 102 Stat. 4174.

Another prior section 1683, which related to measurement of courses, was renumbered section 1684 and subsequently repealed by Pub. L. 92–540, title III, § 304, Oct. 24, 1972, 86 Stat. 1081.

Another prior section 1683, added Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 91–219, title I, § 103(e), Mar. 26, 1970, 84 Stat. 77; Pub. L. 91–584, § 7, Dec. 24, 1970, 84 Stat. 1576, related to apprenticeship or other on-job training, prior to repeal by Pub. L. 92–540, title IV, § 401(6), Oct. 24, 1972, 84 Stat. 1090. See section 3687 of this title.

Another prior section 1684, which related to overcharging of eligible veterans by educational institutions, was renumbered section 1685 and subsequently repealed by Pub. L. 92–540, title II, § 203, Oct. 24, 1972, 86 Stat. 1079.

Another prior section 1684, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 18, § 1683; renumbered § 1684, Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 91–219, title II, § 206(a), Mar. 26, 1970, 84 Stat. 81; Pub. L. 91–584, §§ 8, 11, Dec. 24, 1970, 84 Stat. 1577, related to measurement of courses, prior to repeal by Pub. L. 92–540, title III, § 304, Oct. 24, 1972, 86 Stat. 1081. See section 3688 of this title.

Another prior section 1685, which related to approval of courses, was renumbered section 1683.

Another prior section 1685, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 19, § 1684; renumbered § 1865, Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, related to overcharging of eligible veterans by educational institutions, prior to repeal by Pub. L. 92–540, title II, § 203, Oct. 24, 1972, 86 Stat. 1079. See section 3690 of this title.

Prior section 1686, added Pub. L. 93–508, title III, § 302(a), Dec. 3, 1974, 88 Stat. 1591; amended Pub. L. 97–35, title XX, § 2005(b), Aug. 13, 1981, 95 Stat. 783, related to educational loans to any eligible veteran to whom section 1662(a)(2) of this title applied, prior to repeal by Pub. L. 100–689, title I, § 124(a), Nov. 18, 1988, 102 Stat. 4174.

Another prior section 1686, which related to approval of courses, was renumbered section 1683.

Another prior section 1686, which related to discontinuance of educational assistance allowance by Administrator, was renumbered section 1687 and subsequently repealed by Pub. L. 92–540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090.

Prior section 1687, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 19, § 1686; renumbered § 1687, Pub. L. 90–77, title III, § 304(a), Aug. 31, 1967, 81 Stat. 186, related to discontinuance of educational assistance allowance by

Administrator, prior to repeal by Pub. L. 92–540, title IV, §401(6), Oct. 24, 1972, 86 Stat. 1090. See section 3690(b) of this title.

Prior sections 1695 to 1698 were repealed, effective Oct. 1, 1980, by Pub. L. 96–466, title VI, §601(a)(1), title VIII, §802(f), Oct. 17, 1980, 94 Stat. 2208, 2218.

Section 1695, added Pub. L. 91–219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80, set forth purpose of former subchapter VI relating to a predischarge education program and defined ''eligible person'' for purposes of subchapter VI of chapter 34.

Section 1696, added Pub. L. 91–219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80; amended Pub. L. 92–540, title I, §102(5), title III, §307, Oct. 24, 1972, 86 Stat. 1075, 1081; Pub. L. 93–508, title I, §102(5), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93–602, title II, §203(c), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94–502, title II, §§201(4), 210(5), 211(13), Oct. 15, 1976, 90 Stat. 2385, 2388, 2389; Pub. L. 95–202, title I, §102(6), Nov. 23, 1977, 91 Stat. 1434, related to payment of an educational assistance allowance.

Section 1697, added Pub. L. 91–219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 81, related to educational and vocational guidance.

Section 1698, added Pub. L. 92–540, title III, §308, Oct. 24, 1972, 86 Stat. 1082, §1697A; renumbered §1698 and amended Pub. L. 94–502, title II, §§210(3), 211(14), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 95–202, title III, §302(b), Nov. 23, 1977, 91 Stat. 1441, related to coordination with and participation by Department of Defense in carrying out functions and duties of Department of Defense under predischarge education program.

Prior section 1700, which comprised the first section of chapter 35, was renumbered section 3500 of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–330, §304(a), substituted ''$1,000, as adjusted from time to time under subsection (e)'' for ''$600''.

Subsec. (e). Pub. L. 107–330, §304(b), added subsec. (e).

Subsec. (f). Pub. L. 107–330, §304(c), added subsec. (f).

1998—Subsec. (a). Pub. L. 105–368 substituted ''$600'' for ''$400''.

1993—Subsec. (a). Pub. L. 103–161 substituted ''$400'' for ''$200''.

1991—Pub. L. 102–83, §5(a), renumbered section 562 of this title as this section.

Subsec. (a). Pub. L. 102–83, §5(c)(1), substituted ''1561'' for ''561'' and ''1560'' for ''560''.

Pub. L. 102–83, §4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in two places.

1978—Subsec. (a). Pub. L. 95–479 increased from $100 to $200 the special pension.

1975—Subsec. (a). Pub. L. 94–169, §106(44), substituted ''delivered to the Administrator'' for ''delivered to him''.

Subsecs. (b), (d). Pub. L. 94–169, §106(45), substituted ''such person'' for ''he''.

1963—Subsec. (a). Pub. L. 88–77 inserted references to the Coast Guard.

1961—Subsec. (a). Pub. L. 87–138 inserted '', and a copy of whose certificate has been delivered to him under subsection (c) of section 561 of this title,'' after ''Medal of Honor roll'', and increased pension from $10 to $100.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–330, title III, §304(d), Dec. 6, 2002, 116 Stat. 2826, provided that:

''(1) Except as provided in paragraph (2), the amendments made by subsections (a) and (b) [amending this section] shall take effect on September 1, 2003. No payment may be made pursuant to subsection (f) of section 1562 of title 38, United States Code, as added by subsection (c) of this section, before October 1, 2003.

''(2) The Secretary of Veterans Affairs shall not make any adjustment under subsection (e) of section 1562 of title 38, United States Code, as added by subsection (b) of this section, in 2003.''

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–368, title III, §301(b), Nov. 11, 1998, 112 Stat. 3332, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [Nov. 11, 1998].''

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1(b) of Pub. L. 103–161 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to months beginning after the date of the enactment of this Act [Nov. 30, 1993].''

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Jan. 1, 1979, see section 401(b) of Pub. L. 95–479, set out as a note under section 1114 of this title.

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.

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.

CHAPTER 17—HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

SUBCHAPTER I—GENERAL

Sec.
1701. Definitions.
1702. Presumption relating to psychosis.
1703. Contracts for hospital care and medical services in non-Department facilities.
1704. Preventive health services: annual report.
1705. Management of health care: patient enrollment system.
1706. Management of health care: other requirements.
1707. Limitations.
1708. Temporary lodging.

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR DOMICILIARY CARE AND MEDICAL TREATMENT

1710. Eligibility for hospital, nursing home, and domiciliary care.
1710A. Required nursing home care.
1710B. Extended care services.
1711. Care during examinations and in emergencies.
1712. Dental care; drugs and medicines for certain disabled veterans; vaccines.
1712A. Eligibility for readjustment counseling and related mental health services.
1712B. Counseling for former prisoners of war.
[1713. Renumbered.]
1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs.
1715. Tobacco for hospitalized veterans.
1716. Hospital care by other agencies of the United States.
1717. Home health services; invalid lifts and other devices.
1718. Therapeutic and rehabilitative activities.
1719. Repair or replacement of certain prosthetic and other appliances.
1720. Transfers for nursing home care; adult day health care.
1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency.
1720B. Respite care.
1720C. Noninstitutional alternatives to nursing home care.