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AMENDMENTS

2001—Pub. L. 107–103, title II, § 207(a)(2), Dec. 27, 2001, 115 Stat. 991, added item 1513.

1992—Pub. L. 102–568, title IV, §§ 402(c)(2)(B), 403(b)(2), Oct. 29, 1992, 106 Stat. 4337, 4338, substituted ''Vocational training for certain pension recipients'' for ''Temporary program of vocational training for certain new pension recipients'' in item 1524 and ''Protection'' for ''Temporary protection'' in item 1525.

1991—Pub. L. 102–83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 501 to 562 as 1501 to 1562, respectively.

Pub. L. 102–25, title III, § 333(c)(2), Apr. 6, 1991, 105 Stat. 88, substituted ''OTHER PERIODS OF WAR'' for ''MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, KOREAN CONFLICT, AND THE VIETNAM ERA'' as subheading preceding item 541.

1986—Pub. L. 99–576, title VII, § 703(b)(3), Oct. 28, 1986, 100 Stat. 3303, inserted ''program of'' after ''Temporary'' in item 524.

1984—Pub. L. 98–543, title III, § 301(a)(2), Oct. 24, 1984, 98 Stat. 2746, added items 524 and 525.

1982—Pub. L. 97–295, § 4(14), Oct. 12, 1982, 96 Stat. 1305, substituted ''Honor Roll'' for ''honor roll'' in item 560.

1978—Pub. L. 95–588, title I, §§ 104(b), 106(b), 109(b), 110(b), 112(b), Nov. 4, 1978, 92 Stat. 2499, 2502, 2504, 2505, added item 508, substituted ''Veterans of a period of war'' for ''Veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era'' in item 521, substituted ''Surviving spouses of veterans of a period of war'' for ''Surviving spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans'' in item 541, substituted ''Children of veterans of a period of war'' for ''Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans'' in item 542, struck out heading ''SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR'' following item 543, and struck out item 544.

1975—Pub. L. 94–169, title I, §§ 101(2)(J), 106(24), (30), (38), Dec. 23, 1975, 89 Stat. 1014, 1018, 1019, struck out items 510 relating to confederate forces veterans, and 531 relating to widows of Mexican War veterans, substituted ''Surviving Spouses'' for ''Widows'' in heading of Subchapter III and subheading preceding item 544, and substituted ''Surviving spouses'' for ''Widows'' in items 532, 534, 536 and 541.

1970—Pub. L. 91–588, § 9(h), Dec. 24, 1970, 84 Stat. 1585, inserted references to the Mexican border period in subheading preceding item 541 and in items 521, 541, and 542, respectively.

1967—Pub. L. 90–77, title I, § 108(b), title II, § 202(i), Aug. 31, 1967, 81 Stat. 180, 183, added item 544 and included references to Vietnam era in subheading preceding item 541 and in items 521, 541, and 542, respectively.

1966—Pub. L. 89–467, § 1(b), June 22, 1966, 80 Stat. 218, added item 507.

1963—Pub. L. 88–77, § 5(3), July 25, 1963, 77 Stat. 96, substituted ''ARMY, NAVY, AIR FORCE, AND COAST GUARD'' for ''ARMY, NAVY, AND AIR FORCE'', in heading of Subchapter IV.

1961—Pub. L. 87–138, § 2(b), Aug. 14, 1961, 75 Stat. 339, struck out ''entitling holder to pension'' after ''Certificate'' in item 561.

1959—Pub. L. 86–211, § 7(a), Aug. 29, 1959, 73 Stat. 436, substituted ''Determinations with respect to annual income'' for ''Items not considered in determining income'' in item 503, ''Net worth limitation'' for ''Income limitations'' in item 522, and ''Net worth limitation'' for ''Widows of World War II or Korean conflict veterans'' in item 543, included widows of World War II and Korean conflict veterans in item 541 and children of World War II and Korean conflict veterans in item 542, added item 506, and struck out items 544 and 545 which related to children of World War II or Korean conflict veterans and to income limitations.

SUBCHAPTER I—GENERAL

§ 1501. Definitions

For the purposes of this chapter—

(1) The term ''Indian Wars'' means the campaigns, engagements, and expeditions of the United States military forces against Indian tribes or nations, service in which has been recognized heretofore as pensionable service.

(2) The term ''World War I'' includes, in the case of any veteran, any period of service performed by such veteran after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918.

(3) The term ''Civil War veteran'' includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term ''active military or naval service'' includes active service in those forces.

(4) The term ''period of war'' means the Mexican border period, World War I, World War II,

the Korean conflict, the Vietnam era, the Persian Gulf War, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1134, § 501; Pub. L. 94–169, title I, § 106(1), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95–588, title I, § 101, Nov. 4, 1978, 92 Stat. 2497; Pub. L. 102–25, title III, § 333(a), Apr. 6, 1991, 105 Stat. 88; renumbered § 1501, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior sections 1500 and 1501 were renumbered sections 3100 and 3101 of this title, respectively.

Another prior section 1501, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1171; Pub. L. 93–508, title I, § 101(1), Dec. 3, 1974, 88 Stat. 1578, defined ''World War II'' and ''vocational rehabilitation'' for purposes of chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96–466. Section 802(a)(3) of Pub. L. 96–466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1501 continue in effect until Mar. 31, 1981.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 501 of this title as this section.

Par. (4). Pub. L. 102–25 inserted ''the Persian Gulf War,'' after ''the Vietnam era,''.

1978—Par. (4). Pub. L. 95–588 added par. (4).

1975—Par. (2). Pub. L. 94–169 substituted ''such veteran'' for ''him''.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–588 effective Jan. 1, 1979, see section 401 of Pub. L. 95–588, set out as a note under section 101 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.

PENSION PROGRAM FOR NONSERVICE-CONNECTED DISABILITY OR DEATH; REPORT BY ADMINISTRATOR

Pub. L. 94–432, title IV, § 404, Sept. 30, 1976, 90 Stat. 1372, provided that, due to certain insufficiencies in pension program for nonservice-connected disability or death authorized by this chapter, and lack of sufficient long-range information as to actual and anticipated financial characteristics of potential pensioners and their families upon which to estimate costs of existing alternative pension programs, it was necessary for Administrator of Veterans' Affairs to study existing and alternative nonservice-connected pension programs and to submit a report to Congress and the President not later than Oct. 1, 1977, on alternative courses of legislative and administrative action and long-range cost estimates therefor.

STUDY OF NEEDS AND PROBLEMS OF VETERANS AND THEIR WIDOWS SEVENTY-TWO YEARS OF AGE OR OLDER; REPORT BY ADMINISTRATOR

Pub. L. 93–527, § 8, Dec. 21, 1974, 88 Stat. 1705, directed Administrator of Veterans' Affairs to study needs and problems of veterans and their widows seventy-two years of age or older and required him to report to Congress and President not later than one hundred and eighty days after convening of Ninety-fourth Congress results of study together with any recommendations for legislative or administrative action.

§ 1502. Determinations with respect to disability

(a) For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is any of the following:

(1) A patient in a nursing home for long-term care because of disability.

(2) Disabled, as determined by the Commissioner of Social Security for purposes of any benefits administered by the Commissioner.

(3) Unemployable as a result of disability reasonably certain to continue throughout the life of the person.

(4) Suffering from—

(A) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the person; or

(B) any disease or disorder determined by the Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled.

(b) For the purposes of this chapter, a person shall be considered to be in need of regular aid and attendance if such person 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.

(c) For the purposes of this chapter, the requirement of ''permanently housebound'' will be considered to have been met when the veteran is substantially confined to such veteran's house (ward or clinical areas, if institutionalized) or immediate premises due to a disability or disabilities which it is reasonably certain will remain throughout such veteran's lifetime.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1134, § 502; Pub. L. 88–664, § 6(b), Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90–77, title I, § 102, Aug. 31, 1967, 81 Stat. 178; Pub. L. 94–169, title I, § 106(2), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94–432, title II, § 201, Sept. 30, 1976, 90 Stat. 1369; Pub. L. 101–508, title VIII, § 8002(a), Nov. 5, 1990, 104 Stat. 1388–342; renumbered § 1502 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 107–103, title II, § 206(a), Dec. 27, 2001, 115 Stat. 990; Pub. L. 109–233, title V, § 502(3), June 15, 2006, 120 Stat. 415.)

PRIOR PROVISIONS

Prior section 1502 was renumbered section 3102 of this title.

Another prior section 1502, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1171; Pub. L. 86–721, § 3, Sept. 8, 1960, 74 Stat. 820; Pub. L. 87–815, § 7, Oct. 15, 1962, 76 Stat. 927; Pub. L. 89–138, § 2(2), Aug. 26, 1965, 79 Stat. 578; Pub. L. 90–631, § 1(a), Oct. 23, 1968, 82 Stat. 1331; Pub. L. 92–540, title I, § 101(1), title III, § 301, Oct. 24, 1972, 86 Stat. 1074, 1080; Pub. L. 93–508, title I, § 101(2), Dec. 3, 1974, 88 Stat. 1578; Pub. L. 94–502, title I, § 104(1), Oct. 15, 1976, 90 Stat. 2384, related to the basic entitlement of veterans with service-connected disabilities to vocational rehabilitation under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96–466. Section 802(a)(3) of Pub. L. 96–466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1502 continue in effect until Mar. 31, 1981.

Prior section 1502A, Pub. L. 87–591, § 1, Aug. 16, 1962, 76 Stat. 393, which related to vocational rehabilitation for blinded veterans, was repealed by Pub. L. 89–138, § 2(3), Aug. 26, 1965, 79 Stat. 578.