

recting that a disability which has been continuously rated at or above any percentage for twenty or more years for compensation purposes shall not thereafter be rated at less than such percentage, except upon a showing that such rating was based on fraud.

1962—Pub. L. 87-825 provided for computation of the period from the date the Administrator determines as the date the status commenced for rating purposes.

EFFECTIVE DATE OF 1969 AMENDMENT

Section 1 of Pub. L. 91-32 provided that the amendment made by that section is effective Aug. 19, 1964.

EFFECTIVE DATE OF 1962 AMENDMENT

Section 7 of Pub. L. 87-825 provided that: "This Act [see Tables for classification] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [Oct. 15, 1962], but no payments shall be made by reason of this Act for any period before such effective date. Payments for any period before such effective date shall be made under prior laws and regulations. The provisions of this Act with respect to reductions and discontinuances shall be applicable only where the event requiring such reduction or discontinuance occurs on or after such effective date. If such event occurred before such effective date, action shall be taken pursuant to the prior laws and regulations."

**§ 111. Payments or allowances for beneficiary travel**

(a) Under regulations prescribed by the President pursuant to the provisions of this section, the Secretary may pay the actual necessary expense of travel (including lodging and subsistence), or in lieu thereof an allowance based upon mileage (at a rate of 41.5 cents per mile), of any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care. Actual necessary expense of travel includes the reasonable costs of airfare if travel by air is the only practical way to reach a Department facility. In addition to the mileage allowance authorized by this section, there may be allowed reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls.

(b)(1) Except as provided in subsection (c) of this section and notwithstanding subsection (g)(2)(A)<sup>1</sup> of this section or any other provision of law, if, with respect to any fiscal year, the Secretary exercises the authority under this section to make any payments, the Secretary shall make the payments provided for in this section to or for the following persons for travel during such fiscal year for examination, treatment, or care for which the person is eligible:

(A) A veteran or other person whose travel is in connection with treatment or care for a service-connected disability.

(B) A veteran with a service-connected disability rated at 30 percent or more.

(C) A veteran receiving pension under section 1521 of this title.

(D) A veteran (i) who is not traveling by air and whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension which would be payable to such veteran if such vet-

eran were eligible for pension under section 1521 of this title, or (ii) who is determined, under regulations prescribed by the Secretary, to be unable to defray the expenses of the travel for which payment under this section is claimed.

(E) Subject to paragraph (3) of this subsection, a veteran or other person whose travel to or from a Department facility is medically required to be performed by a special mode of travel and who is determined under such regulations to be unable to defray the expenses of the travel for which payment under this section is claimed.

(F) A veteran whose travel to a Department facility is incident to a scheduled compensation and pension examination.

(2) The Secretary may make payments provided for in this section to or for any person not covered by paragraph (1) of this subsection for travel by such person for examination, treatment, or care. Such payments shall be made in accordance with regulations which the Secretary shall prescribe.

(3)(A) Except as provided in subparagraph (B) of this paragraph, the Secretary shall not make payments under this section for travel performed by a special mode of travel unless (i) the travel by such mode is medically required and is authorized by the Secretary before the travel begins, or (ii) the travel by such mode is in connection with a medical emergency of such a nature that the delay incident to obtaining authorization from the Secretary to use that mode of travel would have been hazardous to the person's life or health.

(B) In the case of travel by a person to or from a Department facility by special mode of travel, the Secretary may provide payment under this section to the provider of the transportation by special mode before determining the eligibility of such person for such payment if the Secretary determines that providing such payment is in the best interest of furnishing care and services. Such a payment shall be made subject to subsequently recovering from such person the amount of the payment if such person is determined to have been ineligible for payment for such travel.

(4) In determining for purposes of subsection (a) whether travel by air is the only practical way for a veteran to reach a Department facility, the Secretary shall consider the medical condition of the veteran and any other impediments to the use of ground transportation by the veteran.

(c)(1) Except as otherwise provided in this subsection, the Secretary, in making a payment under this section to or for a person described in subparagraph (A), (B), (C), or (D) of subsection (b)(1) of this section for travel for examination, treatment, or care, shall deduct from the amount otherwise payable an amount equal to \$3 for each one-way trip.

(2) In the case of a person who is determined by the Secretary to be a person who is required to make six or more one-way trips for needed examination, treatment, or care during the remainder of the calendar month in which the determination is made or during any subsequent calendar month during the one-year period following the last day of the month in which the

<sup>1</sup> See References in Text note below.

determination is made, the amount deducted by the Secretary pursuant to paragraph (1) of this subsection from payments for trips made to or from such facility during any such month shall not exceed \$18.

(3) No deduction shall be made pursuant to paragraph (1) of this subsection in the case of a person whose travel to or from a Department facility is performed by a special mode of travel for which payment under this section is authorized under subsection (b)(3) of this section.

(4) The Secretary may waive the deduction requirement of paragraph (1) of this subsection in the case of the travel of any veteran for whom the imposition of the deduction would cause severe financial hardship. The Secretary shall prescribe in regulations the conditions under which a finding of severe financial hardship is warranted for purposes of this paragraph.

(d) Payment of the following expenses or allowances in connection with vocational rehabilitation, counseling, or upon termination of examination, treatment, or care, may be made before the completion of travel:

(1) The mileage allowance authorized by subsection (a) of this section.

(2) Actual local travel expenses.

(3) The expense of hiring an automobile or ambulance, or the fee authorized for the services of a nonemployee attendant.

(e)(1) Except as provided in paragraph (2), when any person entitled to mileage under this section requires an attendant (other than an employee of the Department) in order to perform such travel, the attendant may be allowed expenses of travel upon the same basis as such person.

(2)(A) Without regard to whether an eligible veteran entitled to mileage under this section for travel to a Department facility for the purpose of medical examination, treatment, or care requires an attendant in order to perform such travel, an attendant of such veteran described in subparagraph (B) may be allowed expenses of travel (including lodging and subsistence) upon the same basis as such veteran during—

(i) the period of time in which such veteran is traveling to and from a Department facility for the purpose of medical examination, treatment, or care; and

(ii) the duration of the medical examination, treatment, or care episode for such veteran.

(B) An attendant of a veteran described in this subparagraph is a provider of personal care services for such veteran who is approved under paragraph (6) of section 1720G(a) of this title or designated under paragraph (7) of such section 1720G(a).

(C) The Secretary may prescribe regulations to carry out this paragraph. Such regulations may include provisions—

(i) to limit the number of attendants that may receive expenses of travel under this paragraph for a single medical examination, treatment, or care episode of an eligible veteran; and

(ii) to require such attendants to use certain travel services.

(D) In this subsection, the term “eligible veteran” has the meaning given that term in section 1720G(a)(2) of this title.

(f) The Secretary may provide for the purchase of printed reduced-fare requests for use by veterans and their authorized attendants when traveling at their own expense to or from any Department facility.

(g)(1) Beginning one year after the date of the enactment of the Caregivers and Veterans Omnibus Health Services Act of 2010, the Secretary may adjust the mileage rate described in subsection (a) to be equal to the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

(2) If an adjustment in the mileage rate under paragraph (1) results in a lower mileage rate than the mileage rate otherwise specified in subsection (a), the Secretary shall, not later than 60 days before the date of the implementation of the mileage rate as so adjusted, submit to Congress a written report setting forth the adjustment in the mileage rate under this subsection, together with a justification for the decision to make the adjustment in the mileage rate under this subsection.

(h) The Secretary, in consultation and coordination with the Secretary of Transportation and appropriate representatives of veterans' service organizations, shall take all appropriate steps to facilitate the establishment and maintenance of a program under which such organizations, or individuals who are volunteering their services to the Department, would take responsibility for the transportation, without reimbursement from the Department, to Department facilities of veterans (primarily those residing in areas which are geographically accessible to such facilities) who seek services or benefits from the Department under chapter 17 or other provisions of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1113; Pub. L. 86-590, July 5, 1960, 74 Stat. 329; Pub. L. 89-358, §4(g), Mar. 3, 1966, 80 Stat. 24; Pub. L. 89-455, June 18, 1966, 80 Stat. 208; Pub. L. 94-581, title I, §101, Oct. 21, 1976, 90 Stat. 2842; Pub. L. 96-151, title II, §201(a), Dec. 20, 1979, 93 Stat. 1093; Pub. L. 97-295, §4(5), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 100-322, title I, §108(a), (b)(1), (c)-(e)(1), May 20, 1988, 102 Stat. 496-498; Pub. L. 102-83, §§4(a)(3), (4), (6), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 103-446, title XII, §1201(e)(1), Nov. 2, 1994, 108 Stat. 4685; Pub. L. 110-387, title IV, §401(a)(1), (b), Oct. 10, 2008, 122 Stat. 4122; Pub. L. 111-163, title I, §104, title III, §305(a)-(d), May 5, 2010, 124 Stat. 1140, 1151, 1152.)

#### REFERENCES IN TEXT

Subsection (g)(2) of this section, referred to in subsec. (b)(1), was amended generally by section 305(a)(2) of Pub. L. 111-163 and, as so amended, no longer contains subpars.

The date of the enactment of the Caregivers and Veterans Omnibus Health Services Act of 2010, referred to in subsec. (g)(1), is the date of enactment of Pub. L. 111-163, which was approved May 5, 2010.

#### AMENDMENTS

2010—Subsec. (a). Pub. L. 111-163, §305(a)(1), (b), substituted “(at a rate of 41.5 cents per mile),” for “traveled,” and inserted before last sentence “Actual necessary expense of travel includes the reasonable costs

of airfare if travel by air is the only practical way to reach a Department facility.”

Subsec. (b)(1)(D)(i). Pub. L. 111-163, §305(c), inserted “who is not traveling by air and” before “whose annual”.

Subsec. (b)(4). Pub. L. 111-163, §305(d), added par. (4).  
Subsec. (e). Pub. L. 111-163, §104, designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), when” for “When”, and added par. (2).

Subsec. (g). Pub. L. 111-163, §305(a)(2), amended subsec. (g) generally. Prior to amendment, subsec. (g) related to use of mileage reimbursement rate for use of privately owned vehicles by Government employees on official business to determine amount of allowances or reimbursement to be paid under this section and limitations.

2008—Subsec. (c)(2). Pub. L. 110-387, §401(a)(1)(B), struck out “, except as provided in paragraph (5) of this subsection,” after “shall not”.

Subsec. (c)(5). Pub. L. 110-387, §401(a)(1)(A), struck out par. (5) which read as follows: “Whenever the Secretary increases or decreases the rates of allowances or reimbursement to be paid under this section, the Secretary shall, effective on the date on which such increase or decrease takes effect, adjust proportionately the dollar amounts specified in paragraphs (1) and (2) of this subsection as such amounts may have been increased or decreased pursuant to this paragraph before such date.”

Subsec. (g)(1). Pub. L. 110-387, §401(b)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “In carrying out the purposes of this section, the Secretary, in consultation with the Administrator of General Services, the Secretary of Transportation, the Comptroller General of the United States, and representatives of organizations of veterans, shall conduct periodic investigations of the actual cost of travel (including lodging and subsistence) to beneficiaries while traveling to or from a Department facility or other place pursuant to the provisions of this section, and the estimated cost of alternative modes of travel, including public transportation and the operation of privately owned vehicles. The Secretary shall conduct such investigations immediately following any alteration in the rates described in paragraph (3)(C) of this subsection, and, in any event, immediately following the enactment of this subsection and not less often than annually thereafter, and based thereon, shall determine rates of allowances or reimbursement to be paid under this section.”

Subsec. (g)(3). Pub. L. 110-387, §401(b)(2), (3), added par. (3) and struck out former par. (3) which related to the Secretary’s review and analysis of factors in conducting investigations and determining rates of mileage allowance or reimbursement.

Subsec. (g)(4). Pub. L. 110-387, §401(b)(2), struck out par. (4) which read as follows: “Before determining rates or adjusting amounts under this section and not later than sixty days after any alteration in the rates described in paragraph (3)(C) of this subsection, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report containing the rates and amounts the Secretary proposes to establish or continue with a full justification therefor in terms of each of the limitations and factors set forth in this section.”

1994—Subsec. (b)(3)(B). Pub. L. 103-446 substituted “a Department facility” for “the Department facility”.

1991—Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b)(1)(C), (D). Pub. L. 102-83, §5(c)(1), substituted “1521” for “521” in subpar. (C) and “1503” for “503” and “1521” for “521” in subpar. (D).

Subsec. (b)(1)(E), (F). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b)(3)(B). Pub. L. 102-83, §4(a)(6), substituted “Department facility” for “Veterans’ Administration facility”.

Subsec. (c)(1), (2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (c)(3). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (c)(4), (5). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (e). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (f). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (g)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for first and third references to “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (g)(2)(A). Pub. L. 102-83, §5(c)(1), substituted “1521” for “521” in two places and “1503” for “503”.

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

Subsec. (g)(3), (4). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (h). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for first reference to “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” wherever appearing.

1988—Pub. L. 100-322, §108(e)(1), substituted “Payments or allowances for beneficiary travel” for “Travel expenses” in section catchline.

Subsecs. (b), (c). Pub. L. 100-322, §108(a)(2), added subsecs. (b) and (c). Former subsecs. (b) and (c) redesignated (d) and (e), respectively.

Subsec. (d). Pub. L. 100-322, §108(a)(1), (d), redesignated subsec. (b) as (d), and in par. (1) substituted “The mileage” for “the mileage” and “of this section.” for “hereof;”, in par. (2) substituted “Actual” for “actual” and a period for a semicolon, and in par. (3) substituted “The expense” for “the expense”. Former subsec. (d) redesignated (f).

Subsecs. (e), (f). Pub. L. 100-322, §108(a)(1), redesignated subsecs. (c) and (d) as (e) and (f), respectively. Former subsec. (e) redesignated (g).

Subsec. (g). Pub. L. 100-322, §108(a)(1), (c), redesignated subsec. (e) as (g), and in par. (4) substituted “Before determining rates or adjusting amounts” for “Before determining rates” and “containing the rates and amounts” for “containing the rates”.

Subsec. (h). Pub. L. 100-322, §108(b)(1), added subsec. (h).

1982—Subsec. (e)(4). Pub. L. 97-295 substituted “and” for “, and not later than sixty days after the effective date of this subsection, and thereafter” after “under this section”.

1979—Subsec. (e)(2)(A). Pub. L. 96-151 substituted provisions respecting determinations pursuant to regulations prescribed by the Administrator, subject to applicable exceptions, for provisions respecting determinations based on annual declarations and certifications by persons claiming reimbursements, subject to applicable exceptions.

1976—Subsec. (a). Pub. L. 94-581, §101(1), inserted “pursuant to the provisions of this section” after “President”.

Subsec. (e). Pub. L. 94-581, §101(2), added subsec. (e).

1966—Subsec. (a). Pub. L. 89-358 substituted reference to chapter 34 for 33.

Subsec. (b). Pub. L. 89-455 authorized the prepayment of actual local travel expenses and the expense of hiring an automobile or ambulance, or the fee authorized for the services of a nonemployee attendant.

1960—Subsec. (a). Pub. L. 86-590 allowed reimbursement for actual cost of ferry fares, and bridge, road, and tunnel tolls.

## EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-387, title IV, §401(d), Oct. 10, 2008, 122 Stat. 4123, provided that: "The amendments made by this section [amending this section] shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act [Oct. 10, 2008]."

## EFFECTIVE DATE OF 1988 AMENDMENT

Section 108(g) of Pub. L. 100-322 provided that: "The amendments made by subsection (a) [amending this section] shall take effect with respect to travel performed after June 30, 1988."

## EFFECTIVE DATE OF 1979 AMENDMENT

Section 206 of title II of Pub. L. 96-151 provided that: "Except as otherwise provided in section 205(b), the amendments made by this title [amending this section and sections 601, 614, and 628 [now 1701, 1714, and 1728] of this title] shall take effect on January 1, 1980."

## EFFECTIVE DATE OF 1976 AMENDMENT

Section 211 of Pub. L. 94-581 provided that: "Except as otherwise provided in this Act, the amendments made by this Act [see Tables for classification] to title 38, United States Code, shall take effect on October 1, 1976, or on the date of enactment [Oct. 21, 1976], whichever is later."

## TRANSITION PROVISION FOR 1988 AMENDMENT

Section 108(f) of Pub. L. 100-322 provided that: "In determining for the purposes of subsection (b)(1) of section 111 of title 38, United States Code, as amended by subsection (a), whether during fiscal year 1988 the Administrator has exercised the authority under that section to make payments there shall be disregarded any exercise of authority under that section before the date of the enactment of this Act [May 20, 1988]."

## CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111-163, title III, §305(e), May 5, 2010, 124 Stat. 1152, provided that: "The amendments made by subsections (b) and (d) of this section [amending this section] may not be construed as expanding or otherwise modifying eligibility for payments or allowances for beneficiary travel under section 111 of title 38, United States Code, as in effect on the day before the date of the enactment of this Act [May 5, 2010]."

## CLARIFICATION OF RELATION TO PUBLIC TRANSPORTATION IN VETERANS HEALTH ADMINISTRATION HANDBOOK

Pub. L. 111-163, title III, §305(f), May 5, 2010, 124 Stat. 1152, provided that: "Not later than 30 days after the date of the enactment of this Act [May 5, 2010], the Secretary of Veterans Affairs shall revise the Veterans Health Administration Handbook to clarify that an allowance for travel based on mileage paid under section 111(a) of title 38, United States Code, may exceed the cost of such travel by public transportation regardless of medical necessity."

## REINSTATEMENT OF AMOUNT OF DEDUCTION SPECIFIED BY STATUTE

Pub. L. 110-387, title IV, §401(a)(2), Oct. 10, 2008, 122 Stat. 4122, provided that: "Notwithstanding any adjustment made by the Secretary of Veterans Affairs under paragraph (5) of section 111(c) of title 38, United States Code, as such paragraph was in effect before the date of the enactment of this Act [Oct. 10, 2008], the amount deducted under paragraph (1) of such section 111(c) on or after such date shall be the amount specified in such paragraph."

## INTERIM GUIDELINES FOR BENEFICIARY TRAVEL BETWEEN JANUARY 1, 1984, AND THE PROMULGATION OF REGULATIONS BY ADMINISTRATOR OF VETERANS' AFFAIRS

Pub. L. 98-160, title I, §108, Nov. 21, 1983, 97 Stat. 999, provided that promulgation of guidelines pending issu-

ance of regulations covering the travel of beneficiaries during an interim period beginning Jan. 1, 1984, and directed that a report be made to Congress not later than Apr. 1, 1984, regarding travel payments.

## AVAILABILITY OF FUNDS FOR TRAVEL OF ELIGIBLE VETERANS, DEPENDENTS, OR SURVIVORS

Pub. L. 96-330, title IV, §406, Aug. 26, 1980, 94 Stat. 1052, provided that: "No provision of law enacted after the date of the enactment of this Act [Aug. 26, 1980] which imposes any restriction or limitation on the availability of funds for the travel and transportation of officers and employees of the executive branch of the Government and their dependents, or on the transportation of things of such officers and employees and their dependents, shall be applicable to the travel of eligible veterans, dependents, or survivors, for which reimbursement is authorized under title 38, United States Code, pursuant to the terms and conditions of section 111 of such title, unless such provision is expressly made applicable to the travel of such veterans, dependents, or survivors."

## EXECUTIVE ORDER NO. 10810

Ex. Ord. No. 10810, Apr. 22, 1959, 24 F.R. 3179, as amended by Ex. Ord. No. 10881, July 6, 1960, 25 F.R. 6414, which prescribed regulations governing allowances, was superseded by Ex. Ord. No. 11142, Feb. 12, 1964, 29 F.R. 2479.

## EXECUTIVE ORDER NO. 11142

Ex. Ord. No. 11142, Feb. 12, 1964, 29 F.R. 2479, which prescribed regulations governing allowances, was superseded by Ex. Ord. No. 11302, Sept. 6, 1966, 31 F.R. 11741, set out below.

## EX. ORD. NO. 11302. REGULATIONS GOVERNING ALLOWANCES

Ex. Ord. No. 11302, Sept. 6, 1966, 31 F.R. 11741, as amended Ex. Ord. No. 11429, Sept. 9, 1968, 33 F.R. 12817; Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, provided:

By virtue of the authority vested in me by Section 111 of Title 38 of the United States Code, as amended by the Act of June 18, 1966 (Public Law 89-455), it is hereby ordered as follows:

SECTION 1. The Administrator of Veterans' Affairs may authorize or approve the payment of the actual necessary expenses of travel, including lodging and subsistence, of any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. The Administrator may authorize or approve such payment to the claimant or beneficiary, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 2. The Administrator of Veterans' Affairs may authorize or approve in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance, in such amount per mile as the Administrator shall from time to time fix pursuant to 38 U.S.C. 111 as affected by this order, to any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize or approve such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 3. Whenever a claimant or beneficiary requires an attendant other than an employee of the Veterans' Administration for the performance of travel specified

in Section 1 and 2 hereof, the travel expenses of such attendant may be allowed in the same manner and to the same extent that travel expenses are allowed to such claimant or beneficiary.

SEC. 4. Payment of the following expenses or allowances in connection with vocational rehabilitation, counseling, or upon termination of examination, treatment, or care, may be made before the completion of travel:

a. The mileage allowance and fare and tolls authorized by Section 2 hereof.

b. Actual local travel expenses.

c. The expense of hiring an automobile or ambulance, or the fee authorized for services of a non-employee attendant.

SEC. 5. The Administrator of Veterans' Affairs may prescribe such rules and regulations not inconsistent herewith as may be necessary to effectuate the provisions of this order.

SEC. 6. Executive Order No. 11142 of February 12, 1964, is hereby superseded.

### § 112. Presidential memorial certificate program

(a) At the request of the President the Secretary may conduct a program for honoring the memory of deceased veterans, discharged under honorable conditions, by preparing and sending to eligible recipients a certificate bearing the signature of the President and expressing the country's grateful recognition of the veteran's service in the Armed Forces. The award of a certificate to one eligible recipient will not preclude authorization of another certificate if a request is received from some other eligible recipient.

(b) For the purpose of this section an "eligible recipient" means the next of kin, a relative or friend upon request, or an authorized service representative acting on behalf of such relative or friend.

(c) A certificate may not be furnished under the program under subsection (a) on behalf of a deceased person described in section 2411(b) of this title.

(Added Pub. L. 89-88, § 1(a), July 24, 1965, 79 Stat. 264; amended Pub. L. 102-83, § 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405; Pub. L. 107-330, title II, § 201(a), Dec. 6, 2002, 116 Stat. 2823.)

#### AMENDMENTS

2002—Subsec. (c). Pub. L. 107-330 added subsec. (c).

1991—Subsec. (a). Pub. L. 102-83 substituted "Secretary" for "Administrator".

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-330, title II, § 201(d), Dec. 6, 2002, 116 Stat. 2823, provided that: "The amendments made by this section [amending this section and sections 2301 and 2306 of this title] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Dec. 6, 2002]."

### § 113. Treatment of certain programs under sequestration procedures

(a) The following programs shall be exempt from sequestration or reduction under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other sequestration law and shall not be included in any report specifying reductions in Federal spending:

(1) Benefits under chapter 21 of this title, relating to specially adapted housing and mort-

gage-protection life insurance for certain veterans with service-connected disabilities.

(2) Benefits under section 2307 of this title, relating to burial benefits for veterans who die as the result of a service-connected disability.

(3) Benefits under chapter 39 of this title, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

(4) Assistance and services under chapter 31 of this title, relating to training and rehabilitation for certain veterans with service-connected disabilities.

(5) Benefits under chapter 35 of this title, relating to educational assistance for survivors and dependents of certain veterans with service-connected disabilities.

(6) Benefits under subchapters I, II, and III of chapter 37 of this title, relating to housing loans for certain veterans and for the spouses and surviving spouses of certain veterans.

(b) The following accounts of the Department shall be exempt from sequestration or reduction under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other sequestration law and shall not be included in any report specifying reductions in Federal spending:

(1) The following life insurance accounts:

(A) The National Service Life Insurance Fund authorized by section 1920 of this title.

(B) The Service-Disabled Veterans Insurance Fund authorized by section 1922 of this title.

(C) The Veterans Special Life Insurance Fund authorized by section 1923 of this title.

(D) The Veterans Reopened Insurance Fund authorized by section 1925 of this title.

(E) The United States Government Life Insurance Fund authorized by section 1955 of this title.

(F) The Veterans Insurance and Indemnity appropriation authorized by section 1919 of this title.

(2) The following revolving fund accounts:

(A) The Department of Veterans Affairs Special Therapeutic and Rehabilitation Activities Fund established by section 1718(c) of this title.

(B) The Veterans' Canteen Service revolving fund authorized by section 7804 of this title.

(c)(1) A benefit under section 2301, 2302, 2303, 2306, or 2308 of this title that is subject to reduction under a sequestration order or sequestration law shall be paid in accordance with the rates determined under the sequestration order or law (if any) in effect on the date of the death of the veteran concerned.

(2) A benefit paid to, or on behalf of, an eligible veteran for pursuit of a program of education or training under chapter 30, 31, 34, 35, or 36 of this title that is subject to a sequestration order or a sequestration law shall be paid in accordance with the rates determined under the sequestration order or law (if any) in effect during the period of education or training for which the benefit is paid.

(3) In implementation of a sequestration order or law with respect to each account from which