

vided for the anticipated increases and repealed section 405 of Pub. L. 97-253.

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

Pub. L. 111-247, §§2(a)-(c), 3, Sept. 30, 2010, 124 Stat. 2623, 2624, provided that:

“SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

“(a) RATE ADJUSTMENT.—Effective on December 1, 2010, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2010, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

“(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

“(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

“(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

“(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

“(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

“(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

“(c) DETERMINATION OF INCREASE.—

“(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased 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, 2010, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

“(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

“SEC. 3. PUBLICATION OF ADJUSTED RATES.

“The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2011.”

Similar provisions were contained in the following acts:

Pub. L. 111-37, §2(a)-(c), (e), June 30, 2009, 123 Stat. 1927, 1928.

Pub. L. 110-324, §2(a)-(c), (e), Sept. 24, 2008, 122 Stat. 3549, 3550.

Pub. L. 110-111, §§2(a)-(c), 3, Nov. 5, 2007, 121 Stat. 1035, 1036.

Pub. L. 109-361, §§2(a)-(c), 3, Oct. 16, 2006, 120 Stat. 2062, 2063.

Pub. L. 108-363, §§2(a)-(c), 3, Oct. 25, 2004, 118 Stat. 1705, 1706.

Pub. L. 108-147, §§2(a)-(c), 3, Dec. 3, 2003, 117 Stat. 1885, 1886.

Pub. L. 107-247, §§2(a)-(c), 3, Oct. 23, 2002, 116 Stat. 1517, 1518.

Pub. L. 106-413, §§2(a)-(c), 3, Nov. 1, 2000, 114 Stat. 1798, 1799.

Pub. L. 105-368, title XI, §§1101(a)-(c), 1102, Nov. 11, 1998, 112 Stat. 3366, 3367.

Pub. L. 104-263, §2(a), (c), Oct. 9, 1996, 110 Stat. 3212.

Pub. L. 104-57, §§2(a)-(c), 3, Nov. 22, 1995, 109 Stat. 555, 556.

Pub. L. 103-418, §§2(a)-(c), 3, Oct. 25, 1994, 108 Stat. 4336, 4337.

Pub. L. 102-510, §2(a), (c), Oct. 24, 1992, 106 Stat. 3318, 3319.

ADMINISTRATIVE ADJUSTMENT OF DISABILITY RATES OF CERTAIN PERSONS NOT COVERED BY THIS CHAPTER

Pub. L. 111-247, §2(d), Sept. 30, 2010, 124 Stat. 2624, provided that: “The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a) [set out as a note above], the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) [set out as a note preceding section 101 of this title] who have not received compensation under chapter 11 of title 38, United States Code.”

Similar provisions were contained in the following acts:

Pub. L. 111-37, §2(d), June 30, 2009, 123 Stat. 1928.

Pub. L. 110-324, §2(d), Sept. 24, 2008, 122 Stat. 3550.

Pub. L. 110-111, §2(d), Nov. 5, 2007, 121 Stat. 1036.

Pub. L. 109-361, §2(d), Oct. 16, 2006, 120 Stat. 2063.

Pub. L. 109-111, §2(g), Nov. 22, 2005, 119 Stat. 2364.

Pub. L. 108-363, §2(d), Oct. 25, 2004, 118 Stat. 1706.

Pub. L. 108-147, §2(d), Dec. 3, 2003, 117 Stat. 1886.

Pub. L. 107-247, §2(d), Oct. 23, 2002, 116 Stat. 1518.

Pub. L. 107-94, §2(b), Dec. 21, 2001, 115 Stat. 901.

Pub. L. 106-413, §2(d), Nov. 1, 2000, 114 Stat. 1799.

Pub. L. 106-118, §2(b), Nov. 30, 1999, 113 Stat. 1602.

Pub. L. 105-368, title XI, §1101(d), Nov. 11, 1998, 112 Stat. 3366.

Pub. L. 105-98, §2(b), Nov. 19, 1997, 111 Stat. 2156.

Pub. L. 104-263, §2(b), Oct. 9, 1996, 110 Stat. 3212.

Pub. L. 104-57, §2(d), Nov. 22, 1995, 109 Stat. 556.

Pub. L. 103-418, §2(d), Oct. 25, 1994, 108 Stat. 4337.

Pub. L. 102-510, §2(b), Oct. 24, 1992, 106 Stat. 3318.

Pub. L. 102-152, §2(b), Nov. 12, 1991, 105 Stat. 986.

Pub. L. 102-3, §2(b), Feb. 6, 1991, 105 Stat. 8.

Pub. L. 101-237, title I, §101(b), Dec. 18, 1989, 103 Stat. 2063.

Pub. L. 100-687, div. B, title XI, §1101(b), Nov. 18, 1988, 102 Stat. 4123.

Pub. L. 100-227, title I, §101(b), Dec. 31, 1987, 101 Stat. 1553.

Pub. L. 99-576, title I, §101(b), Oct. 28, 1986, 100 Stat. 3251.

Pub. L. 99-238, title I, §101(b), Jan. 13, 1986, 99 Stat. 1766.

Pub. L. 98-543, title I, §101(b), Oct. 24, 1984, 98 Stat. 2736.

Pub. L. 98-223, title I, §101(b), Mar. 2, 1984, 98 Stat. 38.

Pub. L. 97-306, title I, §101(b), Oct. 14, 1982, 96 Stat. 1430.

Pub. L. 97-66, title I, §101(b), Oct. 17, 1981, 95 Stat. 1027.

Pub. L. 96-385, title I, §101(b), Oct. 7, 1980, 94 Stat. 1529.

Pub. L. 96-128, title I, §101(b), Nov. 28, 1979, 93 Stat. 983.

Pub. L. 95-479, title I, §101(e), Oct. 18, 1978, 92 Stat. 1562.

Pub. L. 95-117, title I, §101(b), Oct. 3, 1977, 91 Stat. 1063.

Pub. L. 94-433, title I, §101(b), Sept. 30, 1976, 90 Stat. 1374.

Pub. L. 94-71, title I, §101(b), Aug. 5, 1975, 89 Stat. 395.

Pub. L. 93-295, title I, §101(b), May 31, 1974, 88 Stat. 181.

Pub. L. 92-328, title I, §101(b), June 30, 1972, 86 Stat. 393.

Pub. L. 91-376, §1(b), Aug. 12, 1970, 84 Stat. 788.

Pub. L. 90-493, §1(b), Aug. 19, 1968, 82 Stat. 809.

Pub. L. 89-311, §1(b), Oct. 31, 1965, 79 Stat. 1154.

Pub. L. 87-645, §1(b), Sept. 7, 1962, 76 Stat. 441.

§ 1115. Additional compensation for dependents

Any veteran entitled to compensation at the rates provided in section 1114 of this title, and

whose disability is rated not less than 30 percent, shall be entitled to additional compensation for dependents in the following monthly amounts:

(1) If and while rated totally disabled and—

(A) has a spouse but no child, \$150;

(B) has a spouse and one or more children, \$259 plus \$75 for each child in excess of one;

(C) has no spouse but one or more children, \$101 plus \$75 for each child in excess of one;

(D) has a parent dependent upon such veteran for support, then, in addition to the above amounts, \$120 for each parent so dependent;

(E) notwithstanding the other provisions of this paragraph, the monthly payable amount on account of a spouse who is (i) a patient in a nursing home or (ii) blind, or so nearly blind or significantly disabled as to need or require the regular aid and attendance of another person, shall be \$286 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this section; and

(F) notwithstanding the other provisions of this paragraph, the monthly amount payable on account of each child who has attained the age of eighteen years and who is pursuing a course of instruction at an approved educational institution shall be \$240 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this section.

(2) If and while rated partially disabled, but not less than 30 percent, in an amount having the same ratio to the amount specified in paragraph (1) of this section as the degree of disability bears to total disability. The amounts payable under this paragraph, if not a multiple of \$1, shall be rounded down to the nearest dollar.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1121, §315; Pub. L. 86-499, §1, June 8, 1960, 74 Stat. 165; Pub. L. 89-137, §1(b), Aug. 26, 1965, 79 Stat. 576; Pub. L. 89-311, §2(a), (b), Oct. 31, 1965, 79 Stat. 1154, 1155; Pub. L. 91-376, §2, Aug. 12, 1970, 84 Stat. 788; Pub. L. 92-328, title I, §102, June 30, 1972, 86 Stat. 394; Pub. L. 93-295, title I, §102, May 31, 1974, 88 Stat. 181; Pub. L. 94-71, title I, §102, Aug. 5, 1975, 89 Stat. 396; Pub. L. 94-433, title I, §102, title IV, §404(9)-(11), Sept. 30, 1976, 90 Stat. 1375, 1378; Pub. L. 95-117, title I, §102, Oct. 3, 1977, 91 Stat. 1064; Pub. L. 95-479, title I, §102, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96-128, title I, §102, Nov. 28, 1979, 93 Stat. 983; Pub. L. 96-385, title I, §102, Oct. 7, 1980, 94 Stat. 1529; Pub. L. 97-66, title I, §102, Oct. 17, 1981, 95 Stat. 1027; Pub. L. 97-253, title IV, §§404(b), 405(c), Sept. 8, 1982, 96 Stat. 803; Pub. L. 97-306, title I, §§102, 107, Oct. 14, 1982, 96 Stat. 1430, 1431; Pub. L. 98-223, title I, §102, Mar. 2, 1984, 98 Stat. 38; Pub. L. 98-543, title I, §102, Oct. 24, 1984, 98 Stat. 2736; Pub. L. 99-238, title I, §102, Jan. 13, 1986, 99 Stat. 1766; Pub. L. 99-576, title I, §102, Oct. 28, 1986, 100 Stat. 3251; Pub. L. 100-227, title I, §102, Dec. 31, 1987, 101 Stat. 1553; Pub. L. 100-687, div. B, title XI, §1102, Nov. 18, 1988, 102 Stat. 4123; Pub. L. 101-237, title I, §102, Dec. 18, 1989, 103 Stat. 2063; Pub. L. 102-3, §3, Feb. 6, 1991,

105 Stat. 8; renumbered §1115 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-152, §3, Nov. 12, 1991, 105 Stat. 986; Pub. L. 103-78, §2, Aug. 13, 1993, 107 Stat. 768; Pub. L. 103-140, §3, Nov. 11, 1993, 107 Stat. 1486; Pub. L. 105-98, §3, Nov. 19, 1997, 111 Stat. 2156; Pub. L. 106-118, §3, Nov. 30, 1999, 113 Stat. 1602; Pub. L. 107-94, §3, Dec. 21, 2001, 115 Stat. 901; Pub. L. 107-330, title III, §309(b), Dec. 6, 2002, 116 Stat. 2830; Pub. L. 108-454, title III, §307(b), Dec. 10, 2004, 118 Stat. 3613; Pub. L. 109-111, §2(b), Nov. 22, 2005, 119 Stat. 2363; Pub. L. 109-233, title V, §502(3), June 15, 2006, 120 Stat. 415; Pub. L. 109-444, §9(b), Dec. 21, 2006, 120 Stat. 3314; Pub. L. 109-461, title X, §§1005(b), 1006(b), Dec. 22, 2006, 120 Stat. 3467, 3468; Pub. L. 110-324, §3(b), Sept. 24, 2008, 122 Stat. 3551; Pub. L. 111-37, §3(b), June 30, 2009, 123 Stat. 1929.)

AMENDMENTS

2009—Par. (1)(A). Pub. L. 111-37, §3(b)(1), substituted “\$150” for “\$142”.

Par. (1)(B). Pub. L. 111-37, §3(b)(2), substituted “\$259” and “\$75” for “\$245” and “\$71”, respectively.

Par. (1)(C). Pub. L. 111-37, §3(b)(3), substituted “\$101” and “\$75” for “\$96” and “\$71”, respectively.

Par. (1)(D). Pub. L. 111-37, §3(b)(4), substituted “\$120” for “\$114”.

Par. (1)(E). Pub. L. 111-37, §3(b)(5), substituted “\$286” for “\$271”.

Par. (1)(F). Pub. L. 111-37, §3(b)(6), substituted “\$240” for “\$227”.

2008—Par. (1)(A). Pub. L. 110-324, §3(b)(1), substituted “\$142” for “\$139”.

Par. (1)(B). Pub. L. 110-324, §3(b)(2), substituted “\$245” and “\$71” for “\$240” and “\$70”, respectively.

Par. (1)(C). Pub. L. 110-324, §3(b)(3), substituted “\$96” and “\$71” for “\$94” and “\$70”, respectively.

Par. (1)(D). Pub. L. 110-324, §3(b)(4), substituted “\$114” for “\$112”.

Par. (1)(E). Pub. L. 110-324, §3(b)(5), substituted “\$271” for “\$265”.

Par. (1)(F). Pub. L. 110-324, §3(b)(6), substituted “\$227” for “\$222”.

2006—Pub. L. 109-461, §1006(b), provided that as of the enactment of Pub. L. 109-461, the amendments made by Pub. L. 109-444 were deemed for all purposes not to have taken effect and that Pub. L. 109-444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109-461, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

Par. (1)(A). Pub. L. 109-461, §1005(b)(1), substituted “\$139” for “\$135”.

Pub. L. 109-444, §9(b)(1), which substituted “\$139” for “\$135”, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Par. (1)(B). Pub. L. 109-461, §1005(b)(2), substituted “\$240” and “\$70” for “\$233” and “\$68”, respectively.

Pub. L. 109-444, §9(b)(2), which substituted “\$240” and “\$70” for “\$233” and “\$68”, respectively, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Par. (1)(C). Pub. L. 109-461, §1005(b)(3), substituted “\$94” and “\$70” for “\$91” and “\$68”, respectively.

Pub. L. 109-444, §9(b)(3), which substituted “\$94” and “\$70” for “\$91” and “\$68”, respectively, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Par. (1)(D). Pub. L. 109-461, §1005(b)(4), substituted “\$112” for “\$109”.

Pub. L. 109-444, §9(b)(4), which substituted “\$112” for “\$109”, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Par. (1)(E). Pub. L. 109-461, §1005(b)(5), substituted “\$265” for “\$257”.

Pub. L. 109-444, §9(b)(5), which substituted “\$265” for “\$257”, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Par. (1)(E)(ii). 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".

Par. (1)(F). Pub. L. 109-461, §1005(b)(6), substituted "\$222" for "\$215".

Pub. L. 109-444, §9(b)(6), which substituted "\$222" for "\$215", was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

2005—Par. (1)(A). Pub. L. 109-111, §2(b)(1), substituted "\$135" for "\$127".

Par. (1)(B). Pub. L. 109-111, §2(b)(2), substituted "\$233" and "\$68" for "\$219" and "\$65", respectively.

Par. (1)(C). Pub. L. 109-111, §2(b)(3), substituted "\$91" and "\$68" for "\$86" and "\$65", respectively.

Par. (1)(D). Pub. L. 109-111, §2(b)(4), substituted "\$109" for "\$103".

Par. (1)(E). Pub. L. 109-111, §2(b)(5), substituted "\$257" for "\$241".

Par. (1)(F). Pub. L. 109-111, §2(b)(6), substituted "\$215" for "\$202".

2004—Par. (1)(A). Pub. L. 108-454, §307(b)(1), substituted "\$127" for "\$125".

Par. (1)(B). Pub. L. 108-454, §307(b)(2), substituted "\$219" and "\$65" for "\$215" and "\$64", respectively.

Par. (1)(C). Pub. L. 108-454, §307(b)(3), substituted "\$86" and "\$65" for "\$85" and "\$64", respectively.

Par. (1)(D). Pub. L. 108-454, §307(b)(4), substituted "\$103" for "\$101".

Par. (1)(E). Pub. L. 108-454, §307(b)(5), substituted "\$241" for "\$237".

Par. (1)(F). Pub. L. 108-454, §307(b)(6), substituted "\$202" for "\$198".

2002—Par. (1)(A). Pub. L. 107-330, §309(b)(1), substituted "\$125" for "\$124".

Par. (1)(B). Pub. L. 107-330, §309(b)(2), substituted "\$215" for "\$213".

Par. (1)(C). Pub. L. 107-330, §309(b)(3), substituted "\$85" for "\$84".

Par. (1)(D). Pub. L. 107-330, §309(b)(4), substituted "\$101" for "\$100".

Par. (1)(E). Pub. L. 107-330, §309(b)(5), substituted "\$237" for "\$234".

Par. (1)(F). Pub. L. 107-330, §309(b)(6), substituted "\$198" for "\$196".

2001—Par. (1)(A). Pub. L. 107-94, §3(1), substituted "\$124" for "\$117".

Par. (1)(B). Pub. L. 107-94, §3(2), substituted "\$213" and "\$64" for "\$201" and "\$61", respectively.

Par. (1)(C). Pub. L. 107-94, §3(3), substituted "\$84" and "\$64" for "\$80" and "\$61", respectively.

Par. (1)(D). Pub. L. 107-94, §3(4), substituted "\$100" for "\$95".

Par. (1)(E). Pub. L. 107-94, §3(5), substituted "\$234" for "\$222".

Par. (1)(F). Pub. L. 107-94, §3(6), substituted "\$196" for "\$186".

1999—Par. (1)(A). Pub. L. 106-118, §3(1), substituted "\$117" for "\$114".

Par. (1)(B). Pub. L. 106-118, §3(2), substituted "\$201" and "\$61" for "\$195" and "\$60", respectively.

Par. (1)(C). Pub. L. 106-118, §3(3), substituted "\$80" and "\$61" for "\$78" and "\$60", respectively.

Par. (1)(D). Pub. L. 106-118, §3(4), substituted "\$95" for "\$92".

Par. (1)(E). Pub. L. 106-118, §3(5), substituted "\$222" for "\$215".

Par. (1)(F). Pub. L. 106-118, §3(6), substituted "\$186" for "\$180".

1997—Par. (1)(A). Pub. L. 105-98, §3(1), substituted "\$114" for "\$105".

Par. (1)(B). Pub. L. 105-98, §3(2), substituted "\$195" and "\$60" for "\$178" and "\$55", respectively.

Par. (1)(C). Pub. L. 105-98, §3(3), substituted "\$78" and "\$60" for "\$72" and "\$55", respectively.

Par. (1)(D). Pub. L. 105-98, §3(4), substituted "\$92" for "\$84".

Par. (1)(E). Pub. L. 105-98, §3(5), substituted "\$215" for "\$195".

Par. (1)(F). Pub. L. 105-98, §3(6), substituted "\$180" for "\$164".

1993—Par. (1)(A). Pub. L. 103-140, §3(1), substituted "\$105" for "\$103".

Pub. L. 103-78, §2(1), substituted "\$103" for "\$100".

Par. (1)(B). Pub. L. 103-140, §3(2), substituted "\$178" for "\$174" and "\$55" for "\$54".

Pub. L. 103-78, §2(2), substituted "\$174" for "\$169" and "\$54" for "\$52".

Par. (1)(C). Pub. L. 103-140, §3(3), substituted "\$72" for "\$71" and "\$55" for "\$54".

Pub. L. 103-78, §2(3), substituted "\$71" for "\$69" and "\$54" for "\$52".

Par. (1)(D). Pub. L. 103-140, §3(4), substituted "\$84" for "\$82".

Pub. L. 103-78, §2(4), substituted "\$82" for "\$80".

Par. (1)(E). Pub. L. 103-140, §3(5), substituted "\$195" for "\$191".

Pub. L. 103-78, §2(5), substituted "\$191" for "\$185".

Par. (1)(F). Pub. L. 103-140, §3(6), substituted "\$164" for "\$160".

Pub. L. 103-78, §2(6), substituted "\$160" for "\$155".

1991—Pub. L. 102-83, §5(a), renumbered section 315 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted "1114" for "314" in introductory provisions.

Par. (1)(A). Pub. L. 102-152, §3(1), substituted "\$100" for "\$96".

Pub. L. 102-3, §3(1), substituted "\$96" for "\$92".

Par. (1)(B). Pub. L. 102-152, §3(2), substituted "\$169" for "\$163" and "\$52" for "\$50".

Pub. L. 102-3, §3(2), substituted "\$163" for "\$155" and "\$50" for "\$48".

Par. (1)(C). Pub. L. 102-152, §3(3), substituted "\$69" for "\$67" and "\$52" for "\$50".

Pub. L. 102-3, §3(3), substituted "\$67" for "\$64" and "\$50" for "\$48".

Par. (1)(D). Pub. L. 102-152, §3(4), substituted "\$80" for "\$77".

Pub. L. 102-3, §3(4), substituted "\$77" for "\$74".

Par. (1)(E). Pub. L. 102-152, §3(5), substituted "\$185" for "\$178".

Pub. L. 102-3, §3(5), substituted "\$178" for "\$169".

Par. (1)(F). Pub. L. 102-152, §3(6), substituted "\$155" for "\$149".

Pub. L. 102-3, §3(6), substituted "\$149" for "\$142".

1989—Par. (1)(A). Pub. L. 101-237, §102(1), substituted "\$92" for "\$88".

Par. (1)(B). Pub. L. 101-237, §102(2), substituted "\$155" and "\$48" for "\$148" and "\$46", respectively.

Par. (1)(C). Pub. L. 101-237, §102(3), substituted "\$64" and "\$48" for "\$61" and "\$46", respectively.

Par. (1)(D). Pub. L. 101-237, §102(4), substituted "\$74" for "\$71".

Par. (1)(E). Pub. L. 101-237, §102(5), substituted "\$169" for "\$161".

Par. (1)(F). Pub. L. 101-237, §102(6), substituted "\$142" for "\$136".

1988—Par. (1)(A). Pub. L. 100-687, §1102(1), substituted "\$88" for "\$85".

Par. (1)(B). Pub. L. 100-687, §1102(2), substituted "\$148" and "\$46" for "\$143" and "\$45", respectively.

Par. (1)(C). Pub. L. 100-687, §1102(3), substituted "\$61" and "\$46" for "\$59" and "\$45", respectively.

Par. (1)(D). Pub. L. 100-687, §1102(4), substituted "\$71" for "\$69".

Par. (1)(E). Pub. L. 100-687, §1102(5), substituted "\$161" for "\$155".

Par. (1)(F). Pub. L. 100-687, §1102(6), substituted "\$136" for "\$131".

1987—Par. (1)(A). Pub. L. 100-227, §102(1), substituted "\$85" for "\$82".

Par. (1)(B). Pub. L. 100-227, §102(2), substituted "\$143" and "\$45" for "\$138" and "\$44", respectively.

Par. (1)(C). Pub. L. 100-227, §102(3), substituted "\$59" and "\$45" for "\$57" and "\$44", respectively.

Par. (1)(D). Pub. L. 100-227, §102(4), substituted "\$69" for "\$67".

Par. (1)(E). Pub. L. 100-227, §102(5), substituted "\$155" for "\$149".

Par. (1)(F). Pub. L. 100-227, §102(6), substituted "\$131" for "\$126".

1986—Par. (1)(A). Pub. L. 99-576, §102(1), substituted “\$82” for “\$81”.

Pub. L. 99-238, §102(1), substituted “\$81” for “\$79”.

Par. (1)(B). Pub. L. 99-576, §102(2), substituted “\$138” and “\$44” for “\$136” and “\$43”, respectively.

Pub. L. 99-238, §102(2), substituted “\$136” and “\$43” for “\$132” and “\$42”, respectively.

Par. (1)(C). Pub. L. 99-576, §102(3), substituted “\$57” and “\$44” for “\$56” and “\$43”, respectively.

Pub. L. 99-238, §102(3), substituted “\$56” and “\$43” for “\$54” and “\$42”, respectively.

Par. (1)(D). Pub. L. 99-576, §102(4), substituted “\$67” for “\$66”.

Pub. L. 99-238, §102(4), substituted “\$66” for “\$64”.

Par. (1)(E). Pub. L. 99-576, §102(5), substituted “\$149” for “\$147”.

Pub. L. 99-238, §102(5), substituted “\$147” for “\$143”.

Par. (1)(F). Pub. L. 99-576, §102(6), substituted “\$126” for “\$124”.

Pub. L. 99-238, §102(6), substituted “\$124” for “\$120”.

1984—Pub. L. 98-223, §102(b), substituted “percent” for “per centum” in provision preceding par. (1).

Par. (1)(A). Pub. L. 98-543, §102(1), substituted “\$79” for “\$77”.

Pub. L. 98-223, §102(a)(1), substituted “\$77” for “\$74”.

Par. (1)(B). Pub. L. 98-543, §102(2), substituted “\$132” and “\$42” for “\$128” and “\$41”, respectively.

Pub. L. 98-223, §102(a)(2), substituted “\$128” and “\$41” for “\$124” and “\$40”, respectively.

Par. (1)(C). Pub. L. 98-543, §102(3), substituted “\$54” and “\$42” for “\$52” and “\$41”, respectively.

Pub. L. 98-223, §102(a)(3), substituted “\$52” and “\$41” for “\$50” and “\$40”, respectively.

Par. (1)(D). Pub. L. 98-543, §102(4), substituted “\$64” for “\$62”.

Pub. L. 98-223, §102(a)(4), substituted “\$62” for “\$60”.

Par. (1)(E). Pub. L. 98-543, §102(5), substituted “\$143” for “\$139”.

Pub. L. 98-223, §102(a)(5), substituted “\$139” for “\$134”.

Par. (1)(F). Pub. L. 98-543, §102(6), substituted “\$120” for “\$116”.

Pub. L. 98-223, §102(a)(6), substituted “\$116” for “\$112”.

Par. (2). Pub. L. 98-223, §102(b), substituted “percent” for “per centum”.

1982—Par. (1)(A). Pub. L. 97-306, §102(1), added subpar. (A) and struck out former subpar. (A) which provided \$69 for a veteran with a spouse but no child living.

Par. (1)(B). Pub. L. 97-306, §§102(1), 107, 108, added subpar. (B), repealed amendment made by Pub. L. 97-253, §405(c)(1), eff. Oct. 1, 1982, and struck out former subpar. (B) which provided \$116 for a veteran with a spouse and one child living.

Pub. L. 97-253, §405(c)(1), (h), eff. Jan. 1, 1983, substituted “\$115” for “\$116”.

Par. (1)(C). Pub. L. 97-306, §102(1), added subpar. (C) and struck out former subpar. (C) which provided \$153 for a veteran with a spouse and two children living.

Par. (1)(D). Pub. L. 97-306, §§102(1)–(3), 107, 108, redesignated subpar. (H) as (D), in subpar. (D) as so redesignated, substituted “\$60” for “\$56”, struck out former subpar. (D) which provided \$192 for a veteran with a spouse and three or more children living (plus \$38 for each living child in excess of three), and repealed amendment made by Pub. L. 97-253, §405(c)(2), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(c)(2), (h), eff. Jan. 1, 1983, substituted “\$37” for “\$38” after “plus”.

Par. (1)(E). Pub. L. 97-306, §102(1), (2), (4), redesignated subpar. (I) as (E), substituted “\$134” for “\$125”, and struck out former subpar. (E) which provided \$47 for a veteran with no spouse but one child living.

Par. (1)(F). Pub. L. 97-306, §102(1), (2), (5), redesignated subpar. (J) as (F), substituted “\$112” for “\$105”, and struck out former subpar. (F) which provided \$86 for a veteran with no spouse but two children living.

Par. (1)(G). Pub. L. 97-306, §§102(1), 107, 108, struck out subpar. (G) which provided \$123 for a veteran with no spouse but three or more children living (plus \$38 for

each living child in excess of three), and repealed amendment made by Pub. L. 97-253, §405(c)(3), eff. Oct. 1, 1982.

Pub. L. 97-253, §405(c)(3), (h), eff. Jan. 1, 1983, substituted “\$37” for “\$38” after “plus”.

Par. (1)(H) to (J). Pub. L. 97-306, §102(2), redesignated subpars. (H), (I), and (J) as (D), (E), and (F), respectively.

Par. (2). Pub. L. 97-253, §404(b), substituted provisions that the amounts payable under this paragraph, if not a multiple of \$1, be rounded down to the nearest dollar for provisions that such amounts would be adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar.

1981—Par. (1)(A) to (J). Pub. L. 97-66 increased compensation figures as follows: in subpar. (A) from \$62 to \$69, in subpar. (B) from \$104 to \$116, in subpar. (C) from \$138 to \$153, in subpar. (D) from \$173 to \$192 and from \$34 to \$38, in subpar. (E) from \$42 to \$47, in subpar. (F) from \$77 to \$86, in subpar. (G) from \$111 to \$123 and from \$34 to \$38, in subpar. (H) from \$50 to \$56, in subpar. (I) from \$112 to \$125, and in subpar. (J) from \$94 to \$105.

1980—Par. (1)(A) to (J). Pub. L. 96-385, §102(1)–(10), increased additional compensation in subpar. (A) from \$54 to \$62, in subpar. (B) from \$91 to \$104, in subpar. (C) from \$121 to \$138, in subpar. (D) from \$151 and \$30 to \$173 and \$34, respectively, in subpar. (E) from \$37 to \$42, in subpar. (F) from \$67 to \$77, in subpar. (G) from \$97 and \$30 to \$111 and \$34, respectively, in subpar. (H) from \$44 to \$50, in subpar. (I) from \$98 to \$112, and in subpar. (J) from \$82 to \$94.

1979—Par. (1)(A) to (H). Pub. L. 96-128, §102(a)(1)–(8), increased additional compensation in subpar. (A) from \$49 to \$54, in subpar. (B) from \$83 to \$91, in subpar. (C) from \$110 to \$121, in subpar. (D) from \$137 and \$27 to \$151 and \$30, respectively, in subpar. (E) from \$34 to \$37, in subpar. (F) from \$61 to \$67, in subpar. (G) from \$88 and \$27 to \$97 and \$30, respectively, and in subpar. (H) from \$40 to \$44.

Par. (1)(I). Pub. L. 96-128, §102(a)(9), (b)(1)(A), substituted “paragraph” for “subsection”, “(i)” for “(1)”, “(ii)” for “(2)”, “\$98” for “\$89”, and “section” for “subsection”.

Par. (1)(J). Pub. L. 96-128, §102(a)(10), (b)(1)(B), substituted “paragraph” for “subsection”, “\$82” for “\$75”, and “section” for “subsection”.

Par. (2). Pub. L. 96-128, §102(b)(2), inserted “of this section” after “(1)”.

1978—Pub. L. 95-479, §102(b), substituted “30 per centum” for “50 per centum” in provisions preceding par. (1).

Par. (1). Pub. L. 95-479, §102(a), substituted \$49 for \$46 in subpar. (A), \$83 for \$77 in subpar. (B), \$110 for \$98 in subpar. (C), \$137 and \$27 for \$120 and \$22, respectively, in subpar. (D), \$34 for \$30 in subpar. (E), \$61 for \$52 in subpar. (F), \$88 and \$27 for \$77 and \$22, respectively, in subpar. (G), \$40 for \$37 in subpar. (H), \$89 for \$83 in subpar. (I), and \$75 for \$70 in subpar. (J).

Par. (2). Pub. L. 95-479, §102(b), substituted “30 per centum” for “50 per centum”.

1977—Par. (1). Pub. L. 95-117 substituted \$46 for \$43 in subpar. (A), \$77 for \$72 in subpar. (B), \$98 for \$92 in subpar. (C), \$120 and \$22 for \$113 and \$21, respectively, in subpar. (D), \$30 for \$28 in subpar. (E), \$52 for \$49 in subpar. (F), \$77 and \$22 for \$72 and \$21, respectively, in subpar. (G), \$37 for \$35 in subpar. (H), \$83 for \$78 in subpar. (I), and \$70 for \$66 in subpar. (J).

1976—Par. (1). Pub. L. 94-433, §102, substituted \$43 for \$40 in subpar. (A), \$72 for \$67 in subpar. (B), \$92 for \$85 in subpar. (C), \$113 and \$21 for \$105 and \$19, respectively, in subpar. (D), \$28 for \$26 in subpar. (E), \$49 for \$45 in subpar. (F), \$72 and \$21 for \$67 and \$19, respectively, in subpar. (G), \$35 for \$32 in subpar. (H), added subpar. (I), and substituted \$66 for \$61 in subpar. (J), formerly (I), but redesignated (J).

Pub. L. 94-433, §§404(9), (10), substituted “spouse” for “wife” in subpars. (A) through (G) and “parent dependent upon such veteran” for “mother or father, either or both dependent upon him” in subpar. (H).

Par. (2). Pub. L. 94-433, §404(11), struck out “his” before “disability bears”.

1975—Par. (1). Pub. L. 94-71 substituted \$40 for \$36 in subpar. (A), \$67 for \$61 in subpar. (B), \$85 for \$77 in subpar. (C), \$105 and \$19 for \$95 and \$17, respectively, in subpar. (D), \$26 for \$24 in subpar. (E), \$45 for \$41 in subpar. (F), \$67 and \$19 for \$61 and \$17, respectively, in subpar. (G), \$32 for \$29 in subpar. (H) and \$61 for \$55 in subpar. (I).

1974—Par. (1). Pub. L. 93-295 substituted \$36 for \$31 in subpar. (A), \$61 for \$53 in subpar. (B), \$77 for \$67 in subpar. (C), \$95 and \$17 for \$83 and \$15, respectively, in subpar. (D), \$24 for \$21 in subpar. (E), \$41 for \$36 in subpar. (F), \$61 and \$17 for \$53 and \$15, respectively, in subpar. (G), \$29 for \$25 in subpar. (H), and \$55 for \$48 in subpar. (I).

1972—Par. (1). Pub. L. 92-328 substituted \$31 for \$28 in subpar. (A), \$53 for \$48 in subpar. (B), \$67 for \$61 in subpar. (C), \$83 and \$15 for \$75 and \$14, respectively, in subpar. (D), \$21 for \$19 in subpar. (E), \$36 for \$33 in subpar. (F), \$53 and \$15 for \$48 and \$14, respectively, in subpar. (G), \$25 for \$23 in subpar. (H), and \$48 for \$44 in subpar. (I).

1970—Par. (1). Pub. L. 91-376 substituted \$28 for \$25 in subpar. (A), \$48 for \$43 in subpar. (B), \$61 for \$55 in subpar. (C), \$75 and \$14 for \$68 and \$13, respectively, in subpar. (D), \$19 for \$17 in subpar. (E), \$33 for \$30 in subpar. (F), \$48 and \$14 for \$43 and \$13, respectively, in subpar. (G), \$23 for \$21 in subpar. (H), and \$44 for \$40 in subpar. (I).

1965—Par. (1). Pub. L. 89-311 substituted \$25 for \$23 in subpar. (A), \$43 for \$39 in subpar. (B), \$55 for \$50 in subpar. (C), \$68 and \$13 for \$62 and \$12 respectively in subpar. (D), \$17 for \$15 in subpar. (E), \$30 for \$27 in subpar. (F), \$43 and \$13 for \$39 and \$12 respectively in subpar. (G), and \$21 for \$19 in subpar. (H), and added subpar. (I).

Pub. L. 89-137 struck out subsec. (b) which prohibited payment of the additional compensation to any veteran during any period he is in receipt of an increased rate of subsistence allowance or education and training allowance on account of a dependent or dependents, and redesignated subsec. (a) as entire section.

1960—Subsec. (a). Pub. L. 86-499 authorized payment of \$12 for each living child in excess of three.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-37 effective Dec. 1, 2008, see section 3(g) of Pub. L. 111-37, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-324 effective Dec. 1, 2007, see section 3(f) of Pub. L. 110-324, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-111 effective Dec. 1, 2005, see section 2(f) of Pub. L. 109-111, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-94 effective Dec. 1, 2001, see section 7 of Pub. L. 107-94, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-118 effective Dec. 1, 1999, see section 7 of Pub. L. 106-118, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-98 effective Dec. 1, 1997, see section 7 of Pub. L. 105-98, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-140 effective Dec. 1, 1993, see section 7 of Pub. L. 103-140, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1991 AMENDMENTS

Amendment by Pub. L. 102-152 effective Dec. 1, 1991, see section 7 of Pub. L. 102-152, set out as a note under section 1114 of this title.

Amendment by Pub. L. 102-3 effective Jan. 1, 1991, see section 7 of Pub. L. 102-3, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-237 effective Dec. 1, 1989, see section 106 of Pub. L. 101-237, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-687 effective Dec. 1, 1988, see section 1106 of Pub. L. 100-687, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-227 effective Dec. 1, 1987, see section 107 of Pub. L. 100-227, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99-576 effective Dec. 1, 1986, but not effective unless benefit amounts payable under section 401 et seq. of Title 42, The Public Health and Welfare, are increased effective Dec. 1, 1986, as a result of a determination under section 415(i) of Title 42, see section 107 of Pub. L. 99-576, set out as a note under section 1114 of this title.

Amendment by Pub. L. 99-238 effective Dec. 1, 1985, see section 107 of Pub. L. 99-238, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1984 AMENDMENTS

Amendment by Pub. L. 98-543 effective Dec. 1, 1984, see section 107 of Pub. L. 98-543, set out as a note under section 1114 of this title.

Amendment by Pub. L. 98-223 effective Apr. 1, 1984, see section 107 of Pub. L. 98-223, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1982 AMENDMENTS

Amendments by section 102 of Pub. L. 97-306 effective Oct. 1, 1982, see section 108 of Pub. L. 97-306, set out as a note under section 1114 of this title.

Amendment by section 404(b) of Pub. L. 97-253 effective Oct. 1, 1982, see section 404(c) of Pub. L. 97-253, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 effective Oct. 1, 1981, see section 701(a) of Pub. L. 97-66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-385 applicable only to payments for months beginning after Sept. 30, 1980, see section 601(a) of Pub. L. 96-385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96-128, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95-479, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-117 effective Oct. 1, 1977, see section 501 of Pub. L. 95-117, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

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.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 94-71 effective Aug. 1, 1975, see section 301 of Pub. L. 94-71, set out as a note under section 1114 of this title.

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 1972 AMENDMENT

Amendment by Pub. L. 92-328 effective first day of second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92-328, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-376 effective July 1, 1970, see section 9 of Pub. L. 91-376, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1965 AMENDMENTS

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.

Section 2 of Pub. L. 89-137 provided that: "The foregoing provisions of this Act [amending this section and former section 1504 of this title] shall become effective on the first day of the second calendar month which begins following the date of enactment of this Act [Aug. 26, 1965]."

EFFECTIVE DATE OF 1960 AMENDMENT

Section 2 of Pub. L. 86-499 provided that: "The amendments made by this Act [amending this section] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [June 8, 1960]."

REPEAL

Section 405(c) of Pub. L. 97-253, cited as a credit to this section, was repealed by Pub. L. 97-306, §§107, 108, Oct. 14, 1982, 96 Stat. 1431, 1432, eff. Oct. 1, 1982.

SAVINGS PROVISION

Section 1(c) of Pub. L. 89-137 provided that: "Any veteran-trainee receiving subsistence allowance on the date of the enactment of this Act [Aug. 26, 1965] while pursuing a course of vocational rehabilitation authorized by chapter 31 of title 38, United States Code [former section 1501 et seq. of this title], shall not have such allowance reduced by reason of the amendments contained in such Act [amending this section and former section 1504 of this title]."

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

For increases in rates and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation, see notes set out under section 1114 of this title.

§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam

(a)(1) For the purposes of section 1110 of this title, and subject to section 1113 of this title—

(A) a disease specified in paragraph (2) of this subsection becoming manifest as specified

in that paragraph in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975; and

(B) each additional disease (if any) that (i) the Secretary determines in regulations prescribed under this section warrants a presumption of service-connection by reason of having positive association with exposure to an herbicide agent, and (ii) becomes manifest within the period (if any) prescribed in such regulations in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, and while so serving was exposed to that herbicide agent,

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

(2) The diseases referred to in paragraph (1)(A) of this subsection are the following:

(A) Non-Hodgkin's lymphoma becoming manifest to a degree of disability of 10 percent or more.

(B) Each soft-tissue sarcoma becoming manifest to a degree of disability of 10 percent or more other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.

(C) Chloracne or another acneform disease consistent with chloracne becoming manifest to a degree of disability of 10 percent or more within one year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(D) Hodgkin's disease becoming manifest to a degree of disability of 10 percent or more.

(E) Porphyria cutanea tarda becoming manifest to a degree of disability of 10 percent or more within a year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(F) Respiratory cancers (cancer of the lung, bronchus, larynx, or trachea) becoming manifest to a degree of disability of 10 percent or more.

(G) Multiple myeloma becoming manifest to a degree of disability of 10 percent or more.

(H) Diabetes Mellitus (Type 2).

(3) For purposes of this section, the term "herbicide agent" means a chemical in an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(b)(1) Whenever the Secretary determines, on the basis of sound medical and scientific evidence, that a positive association exists between (A) the exposure of humans to an herbicide agent, and (B) the occurrence of a disease in humans, the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for that disease for the purposes of this section.