use of tobacco products by the veteran during the veteran's service.

(b) Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which is otherwise shown to have been incurred or aggravated in active military, naval, or air service or which became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of this title.

(Added Pub. L. 105–178, title VIII, § 8202(a)(1), as added Pub. L. 105–206, title IX, § 9014(a), July 22, 1998, 112 Stat. 865.)

PRIOR PROVISIONS

A prior section 1103 was renumbered section 1104 of this title.

EFFECTIVE DATE

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, see section 9016 of Pub. L. 105–206, set out as an Effective Date of 1998 Amendment note under section 101 of Title 23, Highways.

Pub. L. 105–178, title VIII, § 8202(b), as amended by Pub. L. 105–206, title IX, § 9014(a), July 22, 1998, 112 Stat. 865, provided that: ''Section 1103 of title 38, United States Code, as added by subsection (a), shall apply with respect to claims received by the Secretary of Veterans Affairs after the date of the enactment of this Act [June 9, 1998].''

§ 1104. Cost-of-living adjustments

(a) In the computation of cost-of-living adjustments for fiscal years 1998 through 2013 in the rates of, and dollar limitations applicable to, compensation payable under this chapter, such adjustments shall be made by a uniform percentage that is no more than the percentage equal to the social security increase for that fiscal year, with all increased monthly rates and limitations (other than increased rates or limitations equal to a whole dollar amount) rounded down to the next lower whole dollar amount.

(b) For purposes of this section, the term ''social security increase'' means the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased for any fiscal year as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(Added Pub. L. 105–33, title VIII, § 8031(a)(1), Aug. 5, 1997, 111 Stat. 668, § 1103; renumbered § 1104, Pub. L. 105–368, title X, § 1005(a), Nov. 11, 1998, 112 Stat. 3364; amended Pub. L. 107–103, title II, § 205, Dec. 27, 2001, 115 Stat. 990; Pub. L. 108–183, title VII, § 706, Dec. 16, 2003, 117 Stat. 2672.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b), 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 Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–183 substituted ''2013'' for ''2011''.

2001—Subsec. (a). Pub. L. 107–103 substituted ''2011'' for ''2002''.

1998—Pub. L. 105–368 renumbered section 1103 of this title as this section.

SUBCHAPTER II—WARTIME DISABILITY COMPENSATION

§ 1110. Basic entitlement

For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1119, § 310; Pub. L. 101–508, title VIII, § 8052(a)(2), Nov. 5, 1990, 104 Stat. 1388–351; renumbered § 1110, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105–178, title VIII, § 8202(a), June 9, 1998, 112 Stat. 492; Pub. L. 105–206, title IX, § 9014(a), July 22, 1998, 112 Stat. 865.)

AMENDMENTS

1998—Pub. L. 105–178, which directed the substitution of '', abuse of alcohol or drugs, or use of tobacco products'' for ''or abuse of alcohol or drugs'' before the period at end, was amended generally by Pub. L. 105–206, which provided that the amendments made by that section as originally enacted shall be treated for all purposes as not having been made. See Effective Date of 1998 Amendment note below.

1991—Pub. L. 102–83 renumbered section 310 of this title as this section.

1990—Pub. L. 101–508 substituted ''a result of the veteran's own willful misconduct or abuse of alcohol or drugs'' for ''the result of the veteran's own willful misconduct''.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178 as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–508 effective with respect to claims filed after Oct. 31, 1990, see section 8052(b) of Pub. L. 101–508, set out as a note under section 105 of this title.

CONSTRUCTION OF 1998 AMENDMENT

Pub. L. 105–206, title IX, § 9014(a), July 22, 1998, 112 Stat. 865, provided that section 8202 of Pub. L. 105–178 is amended generally and that the amendments made by that section as originally enacted shall be treated for all purposes as not having been made.

§ 1111. Presumption of sound condition

For the purposes of section 1110 of this title, every veteran shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, infir-