(b) The amount of the allowance that the Secretary may pay under this section—

(1) may be based on estimated average costs or actual costs;

(2) may vary by geographic regions; and

(3) except as provided in subsection (c), may not exceed $200 in a fiscal year for any police officer.

(c) The amount of an allowance under this section may be increased to an amount up to $400 for not more than one fiscal year in the case of any Department police officer. In the case of a person who is appointed as a Department police officer on or after January 1, 1990, an allowance in an amount established under this subsection shall be paid at the beginning of such person's employment as such an officer. In the case of any other Department police officer, an allowance in an amount established under this subsection shall be paid upon the request of the officer.

(d) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this section shall repay to the Department a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such an allowance, as the case may be.

(e) An allowance may not be paid to a Department police officer under this section and under section 5901 of title 5 for the same fiscal year.

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 398.)

PRIOR PROVISIONS

Prior section 903 was renumbered section 2303 of this title.

Provisions similar to those in this section were contained in section 218(c) of this title prior to repeal by Pub. L. 102–83, §2(a).

§904. Equipment and weapons

The Secretary shall furnish Department police officers with such weapons and related equipment as the Secretary determines to be necessary and appropriate.

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 399.)

PRIOR PROVISIONS

Prior section 904 was renumbered section 2304 of this title.

Provisions similar to those in this section were contained in section 218(d) of this title prior to repeal by Pub. L. 102–83, §2(a).

§905. Use of facilities and services of other law enforcement agencies

With the permission of the head of the agency concerned, the Secretary may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 399.)

PRIOR PROVISIONS

Prior section 905 was renumbered section 2305 of this title.

Provisions similar to those in this section were contained in section 218(e) of this title prior to repeal by Pub. L. 102–83, §2(a).

Prior sections 906 to 908 and 1000 to 1010 were renumbered sections 2306 to 2308 and 2400 to 2410 of this title, respectively.

PART II—GENERAL BENEFITS

Chap.		Sec.
11.	Compensation for Service-Connected Disability or Death	1101
13.	Dependency and Indemnity Compensation for Service-Connected Deaths	1301
15.	Pension for Non-Service-Connected Disability or Death or for Service	1501
17.	Hospital, Nursing Home, Domiciliary, and Medical Care	1701
18.	Benefits for Children of Vietnam Veterans Who Are Born With Spina Bifida	1801
19.	Insurance	1901
21.	Specially Adapted Housing for Disabled Veterans	2101
23.	Burial Benefits	2301
24.	National Cemeteries and Memorials	2400

AMENDMENTS

1996—Pub. L. 104–204, title IV, §421(b)(2), Sept. 26, 1996, 110 Stat. 2926, added item for chapter 18.

1991—Pub. L. 102–83, §5(b)(2), Aug. 6, 1991, 105 Stat. 406, renumbered references to section numbers by substituting ''1101'' for ''301'' in item for chapter 11, ''1301'' for ''401'' in item for chapter 13, ''1501'' for ''501'' in item for chapter 15, ''1701'' for ''601'' in item for chapter 17, ''1901'' for ''701'' in item for chapter 19, ''2101'' for ''801'' in item for chapter 21, ''2301'' for ''901'' in item for chapter 23, and ''2400'' for ''1000'' in item for chapter 24.

1976—Pub. L. 94–581, title II, §203(a), Oct. 21, 1976, 90 Stat. 2856, inserted ''Nursing Home,'' in item for chapter 17.

1973—Pub. L. 93–43, §2(b), June 18, 1973, 87 Stat. 78, added item for chapter 24.

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 42 section 3013.

CHAPTER 11—COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER I—GENERAL

Sec.	
1101.	Definitions.
1102.	Special provisions relating to surviving spouses.
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SUBCHAPTER II—WARTIME DISABILITY COMPENSATION

1110.	Basic entitlement.
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1118.	Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War.

Sec.

SUBCHAPTER III—WARTIME DEATH COMPENSATION

1121. Basic entitlement.
1122. Rates of wartime death compensation.

SUBCHAPTER IV—PEACETIME DISABILITY COMPENSATION

1131. Basic entitlement.
1132. Presumption of sound condition.
1133. Presumptions relating to certain diseases.
1134. Rates of peacetime disability compensation.
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1137. Wartime presumptions for certain veterans.

SUBCHAPTER V—PEACETIME DEATH COMPENSATION

1141. Basic entitlement.
1142. Rates of peacetime death compensation.

SUBCHAPTER VI—GENERAL COMPENSATION PROVISIONS

1151. Benefits for persons disabled by treatment or vocational rehabilitation.
1152. Persons heretofore having a compensable status.
1153. Aggravation.
1154. Consideration to be accorded time, place, and circumstances of service.
1155. Authority for schedule for rating disabilities.
1157. Combination of certain ratings.
1158. Disappearance.
1159. Protection of service connection.
1160. Special consideration for certain cases of loss of paired organs or extremities.
1161. Payment of disability compensation in disability severance cases.
1162. Clothing allowance.
1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings.

AMENDMENTS

1998—Pub. L. 105–368, title X, § 1005(a), Nov. 11, 1998, 112 Stat. 3364, renumbered item 1103 ''Cost-of-living adjustments'' as 1104.

Pub. L. 105–277, div. C, title XVI, § 1602(a)(2), Oct. 21, 1998, 112 Stat. 2681–744, added item 1118.

Pub. L. 105–178, title VIII, § 8202(a)(2), as added by Pub. L. 105–206, title IX, § 9014(a), July 22, 1998, 112 Stat. 865, added item 1103 ''Special provisions relating to claims based upon effects of tobacco products''.

1997—Pub. L. 105–33, title VIII, § 8031(a)(2), Aug. 5, 1997, 111 Stat. 668, added item 1103 ''Cost-of-living adjustments''.

1994—Pub. L. 103–446, title I, § 106(a)(2), Nov. 2, 1994, 108 Stat. 4651, added item 1117.

1992—Pub. L. 102–568, title IV, § 401(d)(2), Oct. 29, 1992, 106 Stat. 4336, substituted ''Trial work periods and vocational rehabilitation for certain veterans with total disability ratings'' for ''Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings'' in item 1163.

1991—Pub. L. 102–83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 301 to 363 as 1101 to 1163, respectively.

Pub. L. 102–4, § 2(a)(2), Feb. 6, 1991, 105 Stat. 13, added item 316.

1986—Pub. L. 99–576, title I, § 109(a)(2), Oct. 28, 1986, 100 Stat. 3253, amended item 360 generally, substituting ''loss of paired organs or extremities'' for ''blindness or bilateral kidney involvement or bilateral deafness''.

1984—Pub. L. 98–543, title I, § 111(a)(2), Oct. 24, 1984, 98 Stat. 2739, added item 363.

1982—Pub. L. 97–295, § 4(9), Oct. 12, 1982, 96 Stat. 1305, added item 361.

1976—Pub. L. 94–433, title IV, §§ 401(1), 404(5), Sept. 30, 1976, 90 Stat. 1377, 1378, substituted ''surviving spouses'' for ''widows'' in item 302 and struck out item 356 ''Minimum rating for arrested tuberculosis''.

1974—Pub. L. 93–295, title II, § 206(c), May 31, 1974, 88 Stat. 183, struck out item 343 ''Conditions under which wartime rates payable''.

1972—Pub. L. 92–328, title I, §§ 103(b), 108(d), June 30, 1972, 86 Stat. 394, 396, struck out item 336 ''Conditions under which wartime rates payable'' and added item 362.

1970—Pub. L. 91–376, § 3(c), Aug. 12, 1970, 84 Stat. 789, inserted reference to disabilities in item 312.

1966—Pub. L. 89–358, § 7(b), Mar. 3, 1966, 80 Stat. 27, added item 337.

1965—Pub. L. 89–311, § 3(c), Oct. 31, 1965, 79 Stat. 1155, inserted reference to bilateral deafness in item 360.

1962—Pub. L. 87–610, § 2, Aug. 28, 1962, 76 Stat. 406, added item 360.

1960—Pub. L. 86–501, § 2, June 10, 1960, 74 Stat. 195, added item 359.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 106, 107, 1310, 1315, 1712, 2101, 3102, 3485, 3501, 3901, 4213, 5125, 5303A, 5310, 5317 of this title; title 10 sections 1086, 1437, 1446, 1450; title 26 section 6103; title 31 section 3803; title 42 section 6862.

SUBCHAPTER I—GENERAL

§ 1101. Definitions

For the purposes of this chapter—

(1) The term ''veteran'' includes a person who died in the active military, naval, or air service.

(2) The term ''period of war'' includes, in the case of any veteran—

(A) 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; and

(B) any period of continuous service performed by such veteran after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

(3) The term ''chronic disease'' includes—

Anemia, primary
Arteriosclerosis
Arthritis
Atrophy, progressive muscular
Brain hemorrhage
Brain thrombosis
Bronchiectasis
Calculi of the kidney, bladder, or gallbladder
Cardiovascular-renal disease, including hypertension
Cirrhosis of the liver
Coccidioidomycosis
Diabetes mellitus
Encephalitis lethargica residuals
Endocarditis
Endocrinopathies
Epilepsies
Hansen's disease
Hodgkin's disease
Leukemia
Lupus erythematosus, systemic
Myasthenia gravis
Myelitis
Myocarditis
Nephritis
Organic diseases of the nervous system
Osteitis deformans (Paget's disease)
Osteomalacia
Palsy, bulbar
Paralysis agitans

Psychoses
Purpura idiopathic, hemorrhagic
Raynaud's disease
Sarcoidosis
Scleroderma
Sclerosis, amyotrophic lateral
Sclerosis, multiple
Syringomyelia
Thromboangiitis obliterans (Buerger's disease)
Tuberculosis, active
Tumors, malignant, or of the brain or spinal cord or peripheral nerves
Ulcers, peptic (gastric or duodenal)

and such other chronic diseases as the Secretary may add to this list.

(4) The term ''tropical disease'' includes—

Amebiasis
Blackwater fever
Cholera
Dracontiasis
Dysentery
Filiariasis
Hansen's disease
Leishmaniasis, including kala-azar
Loiasis
Malaria
Onchocerciasis
Oroya fever
Pinta
Plague
Schistosomiasis
Yaws
Yellow fever

and such other tropical diseases as the Secretary may add to this list.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1118, § 301; Pub. L. 94–433, title IV, §§ 401(2), (3), 404(1), Sept. 30, 1976, 90 Stat. 1377, 1378; Pub. L. 98–160, title VII, § 702(2), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 100–322, title III, § 313, May 20, 1988, 102 Stat. 535; renumbered § 1101 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 301 of this title as this section.

Pars. (3), (4). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

1988—Par. (3). Pub. L. 100–322 inserted ''Lupus erythematosus, systemic'' after ''Leukemia''.

1983—Par. (3). Pub. L. 98–160 substituted a period for the semicolon at end of paragraph following ''may add to this list''.

1976—Par. (2)(A), (B). Pub. L. 94–433, § 404(1), substituted ''such veteran'' for ''him'' in subpars. (A) and (B).

Par. (3). Pub. L. 94–433, § 401(2), substituted ''Hansen's disease'' for ''Leprosy''.

Par. (4). Pub. L. 94–433, § 401(3), inserted ''Hansen's disease'' after ''Filiariasis'' and struck out ''Leprosy'' before ''Loiasis''.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 406 of Pub. L. 94–433 provided that: ''The provisions of this Act [see Tables for classification] shall become effective on October 1, 1976.''

EFFECTIVE DATE OF FUTURE INCREASES

Pub. L. 98–223, title I, § 108, Mar. 2, 1984, 98 Stat. 40, provided that: ''It is the sense of the Congress that any increase provided by law to take effect after fiscal year 1984 in the rates of disability compensation and dependency and indemnity compensation payable under chapters 11 and 13, respectively, of title 38, United States Code, shall take effect on December 1 of the fiscal year involved and that the budgets for any such fiscal year include amounts to achieve such purpose.''

[Section 108 of 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.]

TREATMENT OF CERTAIN INCOME OF ALASKA NATIVES FOR PURPOSES OF NEED-BASED BENEFITS

Pub. L. 103–446, title V, § 506, Nov. 2, 1994, 108 Stat. 4664, provided that: ''Any receipt by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) of cash, stock, land, or other interests referred to in subparagraphs (A) through (E) of section 29(c) of that Act (43 U.S.C. 1626(c)) (whether such receipt is attributable to the disposition of real property, profits from the operation of real property, or otherwise) shall not be countable as income for purposes of any law administered by the Secretary of Veterans Affairs.''

COST-OF-LIVING INCREASES IN COMPENSATION RATES

Pub. L. 103–446, title I, § 111(b), Nov. 2, 1994, 108 Stat. 4654, provided that: ''The fiscal year 1995 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title will be no more than a percentage equal to 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, 1994, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), 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 dollar.''

Pub. L. 103–66, title XII, § 12008, Aug. 10, 1993, 107 Stat. 415, provided that:

''(a) POLICY.—The fiscal year 1994 cost-of-living adjustments in the rates of and limitations for compensation payable under chapter 11 of title 38, United States Code, and of dependency and indemnity compensation payable under chapter 13 of such title, except as provided in subsection (b) of this section, will be no more than a percentage equal to 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, 1993, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), 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 dollar.

''(b) LIMITATION ON FISCAL YEAR 1994 COST-OF-LIVING ADJUSTMENT FOR CERTAIN DIC RECIPIENTS.—(1) During fiscal year 1994, the amount of any increase in any of the rates of dependency and indemnity compensation in effect under section 1311(a)(3) of title 38, United States Code, will not exceed 50 percent of the new law increase, rounded down (if not an even dollar amount) to the next lower dollar.

''(2) For purposes of paragraph (1), the new law increase is the amount by which the rate of dependency and indemnity compensation provided for recipients under section 1311(a)(1) of such title is increased for fiscal year 1994.''

Pub. L. 101–508, title VIII, § 8005, Nov. 5, 1990, 104 Stat. 1388–343, provided that:

''(a) POLICY REGARDING FISCAL YEAR 1991.—The fiscal year 1991 cost-of-living adjustments in the rates of compensation payable under chapter 11 of title 38, United States Code, and of the dependency and indemnity compensation payable under chapter 13 of such title will be no more than a 5.4 percent increase, with all increased monthly rates rounded down to the next lower dollar. The effective date for such adjustments will not be earlier than January 1, 1991.

''(b) INCREASE PAYABLE AS OF JANUARY 1992.—The amount of compensation or dependency and indemnity compensation payable to any individual for the month of January 1992 who is entitled to such benefits as of January 1, 1992, shall be increased for such month by the amount equal to the amount of the monthly increase provided for that individual's benefit level as of January 1, 1991, pursuant to the adjustments described in subsection (a).''

BENEFITS AND SERVICES FOR FORMER PRISONERS OF WAR; IMPLEMENTATION OF PROGRAMS; RECORDS FOR DISPOSITION OF CLAIMS; DEFINITION

Pub. L. 97–37, § 6, Aug. 14, 1981, 95 Stat. 937, provided that:

''(a) Not later than ninety days after the date of the enactment of this Act [Aug. 14, 1981] and at appropriate times thereafter, the Administrator shall, to the maximum extent feasible and in order to carry out the requirements of the veterans outreach services program under subchapter IV of chapter 3 [see subchapter II of chapter 77] of title 38, United States Code, seek out former prisoners of war and provide them with information regarding applicable changes in law, regulations, policies, guidelines, or other directives affecting the benefits and services to which former prisoners of war are entitled under such title by virtue of the amendments made by this Act [see Tables for classification].

''(b)(1) The Administrator shall, for not less than the three-year period beginning ninety days after the date of the enactment of this Act [Aug. 14, 1981], maintain a centralized record showing all claims for benefits under chapter 11 of such title that are submitted by former prisoners of war and the disposition of such claims.

''(2) Not later than ninety days after the end of the three-year period described in paragraph (1), the Administrator shall, after consulting with and receiving the views of the Advisory Committee on Former Prisoners of War required to be established pursuant to section 221 [see 541] of such title, submit a report on the results of the disposition of claims described in such paragraph, together with any comments or recommendations that the Administrator may have, to the appropriate committees of Congress. The Administrator may also submit to such committees interim reports on such results.

''(c) For the purposes of this section, the term ''former prisoner of war'' has the meaning given such term in paragraph (32) of section 101 of title 38, United States Code (as added by section 3(a) of this Act).''

STUDY ON DISABILITY COMPENSATION AND HEALTH-CARE NEEDS OF FORMER PRISONERS OF WAR; REPORT TO PRESIDENT AND CONGRESS

Pub. L. 95–479, title III, § 305, Oct. 18, 1978, 92 Stat. 1565, directed Administrator of Veterans' Affairs, in consultation with Secretary of Defense, to carry out a comprehensive study of disability compensation awarded to, and health care needs of veterans who are former prisoners of war and to submit a report on results of such study to Congress and President not later than Feb. 1, 1980.

AMPUTEES, CARDIOVASCULAR DISORDERS; STUDY

Section 403 of Pub. L. 94–433 directed Administrator to conduct a scientific study to determine if there is causal relationship between amputation of an extremity and subsequent development of cardiovascular disorders and to report to Speaker and President of Senate not later than June 30, 1977.

STUDY OF CLAIMS FOR DEPENDENCY AND INDEMNITY COMPENSATION

Pub. L. 93–295, title II, § 207, May 31, 1974, 88 Stat. 183, directed Administrator of Veterans' Affairs to make a detailed study of claims for dependency and indemnity compensation relating to veterans, as defined in section 101(2) of this title, who at time of death within six months prior to May 31, 1974, were receiving disability compensation from Veterans' Administration based upon a rating total and permanent in nature, and submit a report together with such comments and recommendations as Administrator deemed appropriate to Speaker of the House and President of the Senate not more than thirty days after Jan. 14, 1975.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 3501, 5532, 6303, 8332, 8411; title 8 sections 1612, 1613, 1622; title 50 section 2082.

§ 1102. Special provisions relating to surviving spouses

(a) No compensation shall be paid to the surviving spouse of a veteran under this chapter unless such surviving spouse was married to such veteran—

(1) before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(b) Subsection (a) shall not be applicable to any surviving spouse who, with respect to date of marriage, could have qualified as a surviving spouse for death compensation under any law administered by the Secretary in effect on December 31, 1957.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1119, § 302; Pub. L. 86–491, June 8, 1960, 74 Stat. 161; Pub. L. 90–77, title I, § 101(a), Aug. 31, 1967, 81 Stat. 178; Pub. L. 94–433, title IV, § 404(2)–(4), Sept. 30, 1976, 90 Stat. 1378; renumbered § 1102 and amended Pub. L. 102–83, §§ 4(a)(1), 5(a), Aug. 6, 1991, 105 Stat. 403, 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 302 of this title as this section.

Subsec. (b). Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration''.

1976—Pub. L. 94–433, § 404(4), substituted ''surviving spouses'' for ''widows'' in section catchline.

Subsec. (a). Pub. L. 94–433, § 404(2), substituted ''surviving spouse of a veteran under this chapter unless such surviving spouse was married to such veteran'' for ''widow of a veteran under this chapter unless she was married to him''.

Subsec. (b). Pub. L. 94–433, § 404(3), substituted ''surviving spouse'' for ''widow'' in two places.

1967—Subsec. (a)(2), (3). Pub. L. 90–77 qualified widow of a veteran for receipt of compensation by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

1960—Subsec. (a)(1). Pub. L. 86–491 substituted ''fifteen years'' for ''ten years''.

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 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

§ 1103. Special provisions relating to claims based upon effects of tobacco products

(a) Notwithstanding any other provision of law, a veteran's disability or death shall not be considered to have resulted from personal injury suffered or disease contracted in the line of duty in the active military, naval, or air service for purposes of this title on the basis that it resulted from injury or disease attributable to the 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 2002 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.)

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

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

SUBCHAPTER II—WARTIME DISABILITY COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1157 of this title; title 26 section 6334.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1111, 1112, 1114, 1116, 1118 of this title.

§ 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, infirmities, or disorders noted at the time of the examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed before acceptance and enrollment and was not aggravated by such service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1119, § 311; renumbered § 1111 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 311 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1110'' for ''310''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1137 of this title.

§ 1112. Presumptions relating to certain diseases and disabilities

(a) For the purposes of section 1110 of this title, and subject to the provisions of section 1113 of this title, in the case of any veteran who served for ninety days or more during a period of war—

(1) a chronic disease becoming manifest to a degree of 10 percent or more within one year from the date of separation from such service;

(2) a tropical disease, and the resultant disorders or disease originating because of therapy, administered in connection with such diseases, or as a preventative thereof, becoming manifest to a degree of 10 percent or more within one year from the date of separation from such service, or at a time when standard or accepted treatises indicate that the incubation period thereof commenced during such service;

(3) active tuberculous disease developing a 10 percent degree of disability or more within three years from the date of separation from such service;

(4) multiple sclerosis developing a 10 percent degree of disability or more within seven years from the date of separation from such service;

(5) Hansen's disease developing a 10 percent degree of disability or more within three years from the date of separation from such service;

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

(b) For the purposes of section 1110 of this title and subject to the provisions of section 1113 of this title, in the case of a veteran who is a former prisoner of war and who was detained or interned for not less than thirty days, the disease of—

(1) avitaminosis,

(2) beriberi (including beriberi heart disease),

(3) chronic dysentery,

(4) helminthiasis,

(5) malnutrition (including optic atrophy associated with malnutrition),

(6) pellagra,

(7) any other nutritional deficiency,

(8) psychosis,

(9) any of the anxiety states,

(10) dysthymic disorder (or depressive neurosis),

(11) organic residuals of frostbite, if the Secretary determines that the veteran was interned in climatic conditions consistent with the occurrence of frostbite,

(12) post-traumatic osteoarthritis,

(13) peripheral neuropathy except where directly related to infectious causes,

(14) irritable bowel syndrome, or

(15) peptic ulcer disease,

which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.

(c)(1) For the purposes of section 1110 of this title, and subject to the provisions of section 1113 of this title, a disease specified in paragraph (2) of this subsection becoming manifest in a radiation-exposed veteran shall be considered to have been incurred in or aggravated during active military, naval, or air service, notwithstanding that there is no record of evidence of such disease during a period of such service.

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

(A) Leukemia (other than chronic lymphocytic leukemia).

(B) Cancer of the thyroid.

(C) Cancer of the breast.

(D) Cancer of the pharynx.

(E) Cancer of the esophagus.

(F) Cancer of the stomach.

(G) Cancer of the small intestine.

(H) Cancer of the pancreas.

(I) Multiple myeloma.

(J) Lymphomas (except Hodgkin's disease).

(K) Cancer of the bile ducts.

(L) Cancer of the gall bladder.

(M) Primary liver cancer (except if cirrhosis or hepatitis B is indicated).

(N) Cancer of the salivary gland.

(O) Cancer of the urinary tract.

(3) For the purposes of this subsection:

(A) The term ''radiation-exposed veteran'' means (i) a veteran who, while serving on active duty, participated in a radiation-risk activity, or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training.

(B) The term ''radiation-risk activity'' means any of the following:

(i) Onsite participation in a test involving the atmospheric detonation of a nuclear device (without regard to whether the nation

conducting the test was the United States or another nation).

(ii) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.

(iii) Internment as prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which (as determined by the Secretary) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1120, § 312; Pub. L. 86–187, Aug. 25, 1959, 73 Stat. 418; Pub. L. 86–188, Aug. 25, 1959, 73 Stat. 418; Pub. L. 87–645, § 3, Sept. 7, 1962, 76 Stat. 442; Pub. L. 91–376, § 3(a), (b), Aug. 12, 1970, 84 Stat. 788, 789; Pub. L. 97–37, § 4(a), Aug. 14, 1981, 95 Stat. 936; Pub. L. 98–223, title I, §§ 101(c), 111, Mar. 2, 1984, 98 Stat. 38, 40; Pub. L. 99–576, title I, § 108(a), Oct. 28, 1986, 100 Stat. 3252; Pub. L. 100–321, § 2(a), May 20, 1988, 102 Stat. 485; Pub. L. 100–322, title III, § 312, May 20, 1988, 102 Stat. 534; renumbered § 1112 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–86, title I, §§ 104(a), 105, Aug. 14, 1991, 105 Stat. 415; Pub. L. 102–578, § 2(a), Oct. 30, 1992, 106 Stat. 4774; Pub. L. 103–446, title V, § 501(a), Nov. 2, 1994, 108 Stat. 4663.)

AMENDMENTS

1994—Subsec. (c)(3)(B)(i). Pub. L. 103–446 inserted before period at end "(without regard to whether the nation conducting the test was the United States or another nation)".

1992—Subsec. (c)(1). Pub. L. 102–578, § 2(a)(1), struck out "to a degree of 10 percent or more within the presumption period (as specified in paragraph (3) of this subsection)" after "radiation-exposed veteran".

Subsec. (c)(2)(N), (O). Pub. L. 102–578, § 2(a)(2), added subpars. (N) and (O).

Subsec. (c)(3), (4). Pub. L. 102–578, § 2(a)(3), (4), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: "The presumption period for purposes of paragraph (1) of this subsection is the 40-year period beginning on the last date on which the veteran participated in a radiation-risk activity."

1991—Pub. L. 102–83, § 5(a), renumbered section 312 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "1110" for "310" and "1113" for "313" in introductory provisions.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted "1110" for "310" and "1113" for "313" in introductory provisions.

Subsec. (b)(11). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (c)(1). Pub. L. 102–86, § 105(1), amended subsec. (c)(1) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting "during active military, naval, or air service" for "during the veteran's service on active duty" and "during a period" for "during the period".

Pub. L. 102–83, § 5(c)(1), substituted "1110" for "310" and "1113" for "313".

Subsec. (c)(3). Pub. L. 102–86, § 104(a), amended subsec. (c)(3) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by striking out before period at end ", except that such period shall be the 30-year period beginning on that date in the case of leukemia (other than chronic lymphocytic leukemia)".

Subsec. (c)(4)(A). Pub. L. 102–86, § 105(2), amended subsec. (c)(4)(A) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by inserting "(i)" after "means" and adding cl. (ii).

Subsec. (c)(4)(B)(iii). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1988—Subsec. (b)(13) to (15). Pub. L. 100–322 added pars. (13) to (15).

Subsec. (c). Pub. L. 100–321 added subsec. (c).

1986—Subsec. (b)(11), (12). Pub. L. 99–576 added pars. (11) and (12).

1984—Subsec. (a)(1) to (5). Pub. L. 98–223, § 101(c), substituted "percent" for "per centum".

Subsec. (b). Pub. L. 98–223, § 111, added par. (10).

Pub. L. 98–223, § 101(c), substituted "percent" for "per centum" in provision following par. (10).

1981—Subsecs. (b), (c). Pub. L. 97–37, § 4(a)(1), (2), redesignated subsec. (c) as (b) and generally revised structure so as to include anxiety states as a listed disease, and exclude the enumerated armed conflicts and resulting treatment incurred. Former subsec. (b), relating to treatment as a prisoner of war as deemed in violation of the Geneva Conventions of 1929 and 1949, was struck out.

1970—Pub. L. 91–376 inserted reference to disabilities in section catchline, designated existing provisions as subsec. (a), and added subsecs. (b) and (c).

1962—Pub. L. 87–645 substituted "seven years" for "three years" in par. (4).

1959—Pub. L. 86–188 inserted par. (5).

Pub. L. 86–187 substituted "three years" for "two years" in par. (4).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2(b) of Pub. L. 102–578 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1992."

EFFECTIVE DATE OF 1991 AMENDMENT

Section 104(b) of Pub. L. 102–86 provided that: "No benefit may be paid by reason of the amendment made by subsection (a) [amending this section] for any period before the date of the enactment of this Act [Aug. 14, 1991]."

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2(b) of Pub. L. 100–321 provided that: "Subsection (c) of section 312 [now 1112] of title 38, United States Code, as added by subsection (a), shall take effect on May 1, 1988."

EFFECTIVE DATE OF 1986 AMENDMENT

Section 108(b) of Pub. L. 99–576 provided that: "The amendments made by subsection (a) [amending this section] shall take effect as of October 1, 1986."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 101(c) of 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.

Section 114 of Pub. L. 98–223 provided that: "The amendments made by this part [part B (§§ 111–114) of title I of Pub. L. 98–223, amending this section and sections 314 and 3011 [now 1114 and 5111] of this title] shall take effect as of October 1, 1983."

EFFECTIVE DATE OF 1981 AMENDMENT

Section 4(b) of Pub. L. 97–37 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1981."

EFFECTIVE DATE OF 1962 AMENDMENT

Section 4 of Pub. L. 87–645 provided that: "This Act [amending this section and sections 314 and 3203 [now 1114 and 5503] of this title and enacting provisions set out as a note under section 1114 of this title] shall take effect on the first day of the first calendar month which begins after the date of enactment of this Act [Sept. 7, 1962] but no payments shall be made by reason of this Act for any period before such effective date.

The increased rate of compensation payable to any veteran entitled thereto on such first day shall be further increased, for such month only, in an amount equal to three times the monthly increase provided for such veteran by the amendments made by this Act.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1103, 1113, 1137, 1710 of this title.

§ 1113. Presumptions rebuttable

(a) Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases or disabilities within the purview of section 1112, 1116, 1117, or 1118 of this title, has been suffered between the date of separation from service and the onset of any such diseases or disabilities, or the disability is due to the veteran's own willful misconduct, service-connection pursuant to section 1112, 1116, or 1118 of this title, or payments of compensation pursuant to section 1117 of this title, will not be in order.

(b) Nothing in section 1112, 1116, 1117, or 1118 of this title, subsection (a) of this section, or section 5 of Public Law 98–542 (38 U.S.C. 1154 note) shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1120, § 313; Pub. L. 102–4, § 2(b), Feb. 6, 1991, 105 Stat. 13; renumbered § 1113 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–446, title I, § 106(b), title V, § 501(b)(1), Nov. 2, 1994, 108 Stat. 4651, 4663; Pub. L. 105–277, div. C, title XVI, § 1602(b), Oct. 21, 1998, 112 Stat. 2681–744.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277 substituted ''1117, or 1118'' for ''or 1117'' and '', 1116, or 1118'' for ''or 1116''.

Subsec. (b). Pub. L. 105–277, § 1602(b)(1), substituted ''1117, or 1118'' for ''or 1117''.

1994—Subsec. (a). Pub. L. 103–446, § 106(b), inserted ''or disabilities'' after ''diseases'' in two places, substituted ''purview of section 1112, 1116, or 1117'' for ''purview of section 1112 or 1116'', and inserted '', or payments of compensation pursuant to section 1117 of this title,'' before ''will not''.

Subsec. (b). Pub. L. 103–446, § 501(b)(1), substituted ''title,'' for ''title or'' and inserted '', or section 5 of Public Law 98–542 (38 U.S.C. 1154 note)'' after ''of this section''.

Pub. L. 103–446, § 106(b)(1), substituted ''section 1112, 1116, or 1117'' for ''section 1112 or 1116''.

1991—Pub. L. 102–83, § 5(a), renumbered section 313 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1112 or 1116'' for ''312 or 316'' wherever appearing.

Pub. L. 102–4 inserted ''or 316'' after ''section 312'' wherever appearing.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 501(b)(2) of Pub. L. 103–446 provided that: ''The amendments made by paragraph (1) [amending this section] shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act [Nov. 2, 1994].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1112, 1116, 1118, 1137 of this title.

§ 1114. Rates of wartime disability compensation

For the purposes of section 1110 of this title—

(a) if and while the disability is rated 10 percent the monthly compensation shall be $95;

(b) if and while the disability is rated 20 percent the monthly compensation shall be $182;

(c) if and while the disability is rated 30 percent the monthly compensation shall be $279;

(d) if and while the disability is rated 40 percent the monthly compensation shall be $399;

(e) if and while the disability is rated 50 percent the monthly compensation shall be $569;

(f) if and while the disability is rated 60 percent the monthly compensation shall be $717;

(g) if and while the disability is rated 70 percent the monthly compensation shall be $905;

(h) if and while the disability is rated 80 percent the monthly compensation shall be $1,049;

(i) if and while the disability is rated 90 percent the monthly compensation shall be $1,181;

(j) if and while the disability is rated as total the monthly compensation shall be $1,964;

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction, the rate of compensation therefor shall be $75 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) through (j) or subsection (s) of this section but in no event to exceed $2,443 per month; and in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection, in addition to the requirement for any of the rates specified in subsections (*l*) through (n) of this section, the rate of compensation shall be increased by $75 per month for each such loss or loss of use, but in no event to exceed $3,426 per month;

(*l*) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly compensation shall be $2,443;

(m) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both hands, or of both legs at a level, or with complications, preventing natural knee action with prostheses in place, or of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place, or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering such veteran so helpless as to be in need of regular aid and attendance, the monthly compensation shall be $2,694;

(n) if the veteran, as the result of service-connected disability, has suffered the anatom-

ical loss or loss of use of both arms at levels, or with complications, preventing natural elbow action with prostheses in place, has suffered the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances, or has suffered the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances, or has suffered the anatomical loss of both eyes, or has suffered blindness without light perception in both eyes, the monthly compensation shall be $3,066;

(*o*) if the veteran, as the result of service-connected disability, has suffered disability under conditions which would entitle such veteran to two or more of the rates provided in one or more subsections (*l*) through (n) of this section, no condition being considered twice in the determination, or if the veteran has suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 60 percent or more disabling and the veteran has also suffered service-connected total blindness with 5/200 visual acuity or less, or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less, or if the veteran has suffered the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances, the monthly compensation shall be $3,426;

(p) in the event the veteran's service-connected disabilities exceed the requirements for any of the rates prescribed in this section, the Secretary may allow the next higher rate or an intermediate rate, but in no event in excess of $3,426. In the event the veteran has suffered service-connected blindness with 5/200 visual acuity or less and (1) has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at no less than 30 percent disabling, the Secretary shall allow the next higher rate, or (2) has also suffered service-connected total deafness in one ear or service-connected anatomical loss or loss of use of one hand or one foot, the Secretary shall allow the next intermediate rate, but in no event in excess of $3,426. In the event the veteran has suffered service-connected blindness, having only light perception or less, and has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 10 or 20 percent disabling, the Secretary shall allow the next intermediate rate, but in no event in excess of $3,426. In the event the veteran has suffered the anatomical loss or loss of use, or a combination of anatomical loss and loss of use, of three extremities, the Secretary shall allow the next higher rate or intermediate rate, but in no event in excess of $3,426. Any intermediate rate under this subsection shall be established at the arithmetic mean, rounded down to the nearest dollar, between the two rates concerned;

[(q) Repealed. Pub. L. 90–493, § 4(a), Aug. 19, 1968, 82 Stat. 809.]

(r) Subject to section 5503(e) of this title, if any veteran, otherwise entitled to compensation authorized under subsection (*o*) of this section, at the maximum rate authorized under subsection (p) of this section, or at the intermediate rate authorized between the rates authorized under subsections (n) and (*o*) of this section and at the rate authorized under subsection (k) of this section, is in need of regular aid and attendance, then, in addition to such compensation—

(1) the veteran shall be paid a monthly aid and attendance allowance at the rate of $1,471; or

(2) if the veteran, in addition to such need for regular aid and attendance, is in need of a higher level of care, such veteran shall be paid a monthly aid and attendance allowance at the rate of $2,190, in lieu of the allowance authorized in clause (1) of this subsection, if the Secretary finds that the veteran, in the absence of the provision of such care, would require hospitalization, nursing home care, or other residential institutional care.

For the purposes of clause (2) of this subsection, need for a higher level of care shall be considered to be need for personal health-care services provided on a daily basis in the veteran's home by a person who is licensed to provide such services or who provides such services under the regular supervision of a licensed health-care professional. The existence of the need for such care shall be determined by a physician employed by the Department or, in areas where no such physician is available, by a physician carrying out such function under contract or fee arrangement based on an examination by such physician. For the purposes of section 1134 of this title, such allowance shall be considered as additional compensation payable for disability.

(s) If the veteran has a service-connected disability rated as total, and (1) has additional service-connected disability or disabilities independently ratable at 60 percent or more, or, (2) by reason of such veteran's service-connected disability or disabilities, is permanently housebound, then the monthly compensation shall be $2,199. For the purpose of this subsection, 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 service-connected disability or disabilities which it is reasonably certain will remain throughout such veteran's lifetime.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1120, § 314; Pub. L. 85–782, § 2, Aug. 27, 1958, 72 Stat. 936; Pub. L. 86–663, § 1, July 14, 1960, 74 Stat. 528; Pub. L. 87–645, §§ 1(a), 2(a), Sept. 7, 1962, 76 Stat. 441; Pub. L. 88–20, § 1, May 15, 1963, 77 Stat. 17; Pub. L. 88–22, § 1, May 15, 1963, 77 Stat. 18; Pub. L. 89–311, §§ 1(a), 3(d), (e), Oct. 31, 1965, 79 Stat. 1154, 1155; Pub. L. 90–77, title IV, § 401, Aug. 31, 1967, 81 Stat. 190; Pub. L. 90–493, §§ 1(a), 4(a), Aug. 19, 1968, 82 Stat. 808, 809; Pub. L. 91–376, § 1(a), Aug. 12, 1970, 84 Stat. 787; Pub. L. 92–328, title I, § 101(a), June

30, 1972, 86 Stat. 393; Pub. L. 93–295, title I, § 101(a), May 31, 1974, 88 Stat. 181; Pub. L. 94–71, title I, § 101(a), Aug. 5, 1975, 89 Stat. 395; Pub. L. 94–433, title I, § 101(a), title IV, §§ 401(4), (5), 404(6)–(8), Sept. 30, 1976, 90 Stat. 1374, 1377, 1378; Pub. L. 95–117, title I, § 101(a), Oct. 3, 1977, 91 Stat. 1063; Pub. L. 95–479, title I, § 101(a)–(d), Oct. 18, 1978, 92 Stat. 1560, 1561; Pub. L. 96–128, title I, §§ 101(a), 104, 105, Nov. 28, 1979, 93 Stat. 982, 984; Pub. L. 96–385, title I, § 101(a), Oct. 7, 1980, 94 Stat. 1528; Pub. L. 97–66, title I, §§ 101(a), 104, Oct. 17, 1981, 95 Stat. 1026, 1027; Pub. L. 97–253, title IV, §§ 404(a), 405(b), Sept. 8, 1982, 96 Stat. 803; Pub. L. 97–306, title I, §§ 101(a), 107, 111(a), (b), Oct. 14, 1982, 96 Stat. 1429, 1431, 1432; Pub. L. 98–223, title I, §§ 101(a), 112, Mar. 2, 1984, 98 Stat. 37, 40; Pub. L. 98–543, title I, § 101(a), Oct. 24, 1984, 98 Stat. 2735; Pub. L. 99–238, title I, § 101(a), Jan. 13, 1986, 99 Stat. 1765; Pub. L. 99–576, title I, §§ 101(a), 109(b), Oct. 28, 1986, 100 Stat. 3250, 3253; Pub. L. 100–227, title I, § 101(a), Dec. 31, 1987, 101 Stat. 1552; Pub. L. 100–687, div. B, title XI, § 1101(a), Nov. 18, 1988, 102 Stat. 4123; Pub. L. 101–237, title I, § 101(a), Dec. 18, 1989, 103 Stat. 2062; Pub. L. 102–3, § 2(a), Feb. 6, 1991, 105 Stat. 7; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1114 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–152, § 2(a), Nov. 12, 1991, 105 Stat. 985; Pub. L. 103–78, § 1, Aug. 13, 1993, 107 Stat. 767; Pub. L. 103–140, § 2, Nov. 11, 1993, 107 Stat. 1485; Pub. L. 105–98, § 2(a), Nov. 19, 1997, 111 Stat. 2155.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–98, § 2(a)(1), substituted "$95" for "$87".

Subsec. (b). Pub. L. 105–98, § 2(a)(2), substituted "$182" for "$166".

Subsec. (c). Pub. L. 105–98, § 2(a)(3), substituted "$279" for "$253".

Subsec. (d). Pub. L. 105–98, § 2(a)(4), substituted "$399" for "$361".

Subsec. (e). Pub. L. 105–98, § 2(a)(5), substituted "$569" for "$515".

Subsec. (f). Pub. L. 105–98, § 2(a)(6), substituted "$717" for "$648".

Subsec. (g). Pub. L. 105–98, § 2(a)(7), substituted "$905" for "$819".

Subsec. (h). Pub. L. 105–98, § 2(a)(8), substituted "$1,049" for "$948".

Subsec. (i). Pub. L. 105–98, § 2(a)(9), substituted "$1,181" for "$1,067".

Subsec. (j). Pub. L. 105–98, § 2(a)(10), substituted "$1,964" for "$1,774".

Subsec. (k). Pub. L. 105–98, § 2(a)(11), substituted "$75" for "$70" in two places and substituted "$2,443" and "$3,426" for "$2,207" and "$3,093", respectively.

Subsec. (*l*). Pub. L. 105–98, § 2(a)(12), substituted "$2,443" for "$2,207".

Subsec. (m). Pub. L. 105–98, § 2(a)(13), substituted "$2,694" for "$2,432".

Subsec. (n). Pub. L. 105–98, § 2(a)(14), substituted "$3,066" for "$2,768".

Subsecs. (*o*), (p). Pub. L. 105–98, § 2(a)(15), substituted "$3,426" for "$3,093" wherever appearing.

Subsec. (r). Pub. L. 105–98, § 2(a)(16), substituted "$1,471" and "$2,190" for "$1,328" and "$1,978", respectively.

Subsec. (s). Pub. L. 105–98, § 2(a)(17), substituted "$2,199" for "$1,985".

1993—Subsec. (a). Pub. L. 103–140, § 2(1), substituted "$87" for "$85".

Pub. L. 103–78, § 1(1), substituted "$85" for "$83".

Subsec. (b). Pub. L. 103–140, § 2(2), substituted "$166" for "$162".

Pub. L. 103–78, § 1(2), substituted "$162" for "$157".

Subsec. (c). Pub. L. 103–140, § 2(3), substituted "$253" for "$247".

Pub. L. 103–78, § 1(3), substituted "$247" for "$240".

Subsec. (d). Pub. L. 103–140, § 2(4), substituted "$361" for "$352".

Pub. L. 103–78, § 1(4), substituted "$352" for "$342".

Subsec. (e). Pub. L. 103–140, § 2(5), substituted "$515" for "$502".

Pub. L. 103–78, § 1(5), substituted "$502" for "$487".

Subsec. (f). Pub. L. 103–140, § 2(6), substituted "$648" for "$632".

Pub. L. 103–78, § 1(6), substituted "$632" for "$614".

Subsec. (g). Pub. L. 103–140, § 2(7), substituted "$819" for "$799".

Pub. L. 103–78, § 1(7), substituted "$799" for "$776".

Subsec. (h). Pub. L. 103–140, § 2(8), substituted "$948" for "$924".

Pub. L. 103–78, § 1(8), substituted "$924" for "$897".

Subsec. (i). Pub. L. 103–140, § 2(9), substituted "$1,067" for "$1,040".

Pub. L. 103–78, § 1(9), substituted "$1,040" for "$1,010".

Subsec. (j). Pub. L. 103–140, § 2(10), substituted "$1,774" for "$1,730".

Pub. L. 103–78, § 1(10), substituted "$1,730" for "$1,680".

Subsec. (k). Pub. L. 103–140, § 2(11), substituted "$2,207" and "$3,093" for "$2,152" and "$3,015", respectively.

Pub. L. 103–78, § 1(11), which directed the substitution of "$70" for "$68", was executed by making the substitution in two places to reflect the probable intent of Congress.

Pub. L. 103–78, § 1(11), substituted "$2,152" and "$3,015" for "$2,089" and "$2,927", respectively.

Subsec. (*l*). Pub. L. 103–140, § 2(12), substituted "$2,207" for "$2,152".

Pub. L. 103–78, § 1(12), substituted "$2,152" for "$2,089".

Subsec. (m). Pub. L. 103–140, § 2(13), substituted "$2,432" for "$2,371".

Pub. L. 103–78, § 1(13), substituted "$2,371" for "$2,302".

Subsec. (n). Pub. L. 103–140, § 2(14), substituted "$2,768" for "$2,698".

Pub. L. 103–78, § 1(14), substituted "$2,698" for "$2,619".

Subsec. (*o*). Pub. L. 103–140, § 2(15), substituted "$3,093" for "$3,015".

Pub. L. 103–78, § 1(15), substituted "$3,015" for "$2,927".

Subsec. (p). Pub. L. 103–140, § 2(15), substituted "$3,093" for "$3,015" wherever appearing.

Pub. L. 103–78, § 1(15), substituted "$3,015" for "$2,927" wherever appearing.

Subsec. (r). Pub. L. 103–140, § 2(16), substituted "$1,328" for "$1,295" in par. (1) and "$1,978" for "$1,928" in par. (2).

Pub. L. 103–78, § 1(16), substituted "$1,295" for "$1,257" in par. (1) and "$1,928" for "$1,872" in par. (2).

Subsec. (s). Pub. L. 103–140, § 2(17), substituted "$1,985" for "$1,935".

Pub. L. 103–78, § 1(17), substituted "$1,935" for "$1,879".

1991—Pub. L. 102–83, § 5(a), renumbered section 314 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted "1110" for "310" in introductory provisions.

Subsec. (a). Pub. L. 102–152, § 2(a)(1), substituted "$83" for "$80".

Pub. L. 102–3, § 2(a)(1), substituted "$80" for "$76".

Subsec. (b). Pub. L. 102–152, § 2(a)(2), substituted "$157" for "$151".

Pub. L. 102–3, § 2(a)(2), substituted "$151" for "$144".

Subsec. (c). Pub. L. 102–152, § 2(a)(3), substituted "$240" for "$231".

Pub. L. 102–3, § 2(a)(3), substituted "$231" for "$220".

Subsec. (d). Pub. L. 102–152, § 2(a)(4), substituted "$342" for "$330".

Pub. L. 102–3, § 2(a)(4), substituted "$330" for "$314".

Subsec. (e). Pub. L. 102–152, § 2(a)(5), substituted "$487" for "$470".

Pub. L. 102–3, § 2(a)(5), substituted "$470" for "$446".

Subsec. (f). Pub. L. 102–152, § 2(a)(6), substituted "$614" for "$592".

Pub. L. 102–3, § 2(a)(6), substituted "$592" for "$562".

Subsec. (g). Pub. L. 102–152, § 2(a)(7), substituted ''$776'' for ''$748''.

Pub. L. 102–3, § 2(a)(7), substituted ''$748'' for ''$710''.

Subsec. (h). Pub. L. 102–152, § 2(a)(8), substituted ''$897'' for ''$865''.

Pub. L. 102–3, § 2(a)(8), substituted ''$865'' for ''$821''.

Subsec. (i). Pub. L. 102–152, § 2(a)(9), substituted ''$1,010'' for ''$974''.

Pub. L. 102–3, § 2(a)(9), substituted ''$974'' for ''$925''.

Subsec. (j). Pub. L. 102–152, § 2(a)(10), substituted ''$1,680'' for ''$1,620''.

Pub. L. 102–3, § 2(a)(10), substituted ''$1,620'' for ''$1,537''.

Subsec. (k). Pub. L. 102–152, § 2(a)(11), substituted ''$68'' for ''$66'' in two places and ''$2,089'' and ''$2,927'' for ''$2,014'' and ''$2,823'', respectively.

Pub. L. 102–3, § 2(a)(11), substituted ''$2,014'' for ''$1,911'' and ''$2,823'' for ''$2,679''.

Subsec. (*l*). Pub. L. 102–152, § 2(a)(12), substituted ''$2,089'' for ''$2,014''.

Pub. L. 102–3, § 2(a)(12), substituted ''$2,014'' for ''$1,911''.

Subsec. (m). Pub. L. 102–152, § 2(a)(13), substituted ''$2,302'' for ''$2,220''.

Pub. L. 102–3, § 2(a)(13), substituted ''$2,220'' for ''$2,107''.

Subsec. (n). Pub. L. 102–152, § 2(a)(14), substituted ''$2,619'' for ''$2,526''.

Pub. L. 102–3, § 2(a)(14), substituted ''$2,526'' for ''$2,397''.

Subsec. (*o*). Pub. L. 102–152, § 2(a)(15), substituted ''$2,927'' for ''$2,823''.

Pub. L. 102–3, § 2(a)(15), substituted ''$2,823'' for ''$2,679''.

Subsec. (p). Pub. L. 102–152, § 2(a)(15), substituted ''$2,927'' for ''$2,823'' wherever appearing.

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

Pub. L. 102–3, § 2(a)(15), substituted ''$2,823'' for ''$2,679'' wherever appearing.

Subsec. (r). Pub. L. 102–152, § 2(a)(16), substituted ''$1,257'' for ''$1,212'' in par. (1) and ''$1,872'' for ''$1,805'' in par. (2).

Pub. L. 102–83, § 5(c)(1), substituted ''1134'' for ''334'' in last sentence.

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in penultimate sentence.

Pub. L. 102–40 substituted ''5503(e)'' for ''3203(e)'' in introductory provisions.

Pub. L. 102–3, § 2(a)(16), substituted ''$1,212'' for ''$1,150'' in par. (1) and ''$1,805'' for ''$1,713'' in par. (2).

Subsec. (s). Pub. L. 102–152, § 2(a)(17), substituted ''$1,879'' for ''$1,812''.

Pub. L. 102–3, § 2(a)(17), substituted ''$1,812'' for ''$1,720''.

1989—Subsec. (a). Pub. L. 101–237, § 101(a)(1), substituted ''$76'' for ''$73''.

Subsec. (b). Pub. L. 101–237, § 101(a)(2), substituted ''$144'' for ''$138''.

Subsec. (c). Pub. L. 101–237, § 101(a)(3), substituted ''$220'' for ''$210''.

Subsec. (d). Pub. L. 101–237, § 101(a)(4), substituted ''$314'' for ''$300''.

Subsec. (e). Pub. L. 101–237, § 101(a)(5), substituted ''$446'' for ''$426''.

Subsec. (f). Pub. L. 101–237, § 101(a)(6), substituted ''$562'' for ''$537''.

Subsec. (g). Pub. L. 101–237, § 101(a)(7), substituted ''$710'' for ''$678''.

Subsec. (h). Pub. L. 101–237, § 101(a)(8), substituted ''$821'' for ''$784''.

Subsec. (i). Pub. L. 101–237, § 101(a)(9), substituted ''$925'' for ''$883''.

Subsec. (j). Pub. L. 101–237, § 101(a)(10), substituted ''$1,537'' for ''$1,468''.

Subsec. (k). Pub. L. 101–237, § 101(a)(11), substituted ''$66'' for ''$63'' in two places and substituted ''$1,911'' and ''$2,679'' for ''$1,825'' and ''$2,559'', respectively.

Subsec. (*l*). Pub. L. 101–237, § 101(a)(12), substituted ''$1,911'' for ''$1,825''.

Subsec. (m). Pub. L. 101–237, § 101(a)(13), substituted ''$2,107'' for ''$2,012''.

Subsec. (n). Pub. L. 101–237, § 101(a)(14), substituted ''$2,397'' for ''$2,289''.

Subsecs. (*o*), (p). Pub. L. 101–237, § 101(a)(15), substituted ''$2,679'' for ''$2,559'' wherever appearing.

Subsec. (r). Pub. L. 101–237, § 101(a)(16), substituted ''$1,150'' and ''$1,713'' for ''$1,098'' and ''$1,636'', respectively.

Subsec. (s). Pub. L. 101–237, § 101(a)(17), substituted ''$1,720'' for ''$1,643''.

1988—Subsec. (a). Pub. L. 100–687, § 1101(a)(1), substituted ''$73'' for ''$71''.

Subsec. (b). Pub. L. 100–687, § 1101(a)(2), substituted ''$138'' for ''$133''.

Subsec. (c). Pub. L. 100–687, § 1101(a)(3), substituted ''$210'' for ''$202''.

Subsec. (d). Pub. L. 100–687, § 1101(a)(4), substituted ''$300'' for ''$289''.

Subsec. (e). Pub. L. 100–687, § 1101(a)(5), substituted ''$426'' for ''$410''.

Subsec. (f). Pub. L. 100–687, § 1101(a)(6), substituted ''$537'' for ''$516''.

Subsec. (g). Pub. L. 100–687, § 1101(a)(7), substituted ''$678'' for ''$652''.

Subsec. (h). Pub. L. 100–687, § 1101(a)(8), substituted ''$784'' for ''$754''.

Subsec. (i). Pub. L. 100–687, § 1101(a)(9), substituted ''$883'' for ''$849''.

Subsec. (j). Pub. L. 100–687, § 1101(a)(10), substituted ''$1,468'' for ''$1,411''.

Subsec. (k). Pub. L. 100–687, § 1101(a)(11), substituted ''$1,825'' and ''$2,559'' for ''$1,754'' and ''$2,459'', respectively.

Subsec. (*l*). Pub. L. 100–687, § 1101(a)(12), substituted ''$1,825'' for ''$1,754''.

Subsec. (m). Pub. L. 100–687, § 1101(a)(13), substituted ''$2,012'' for ''$1,933''.

Subsec. (n). Pub. L. 100–687, § 1101(a)(14), substituted ''$2,289'' for ''$2,199''.

Subsecs. (*o*), (p). Pub. L. 100–687, § 1101(a)(15), substituted ''$2,559'' for ''$2,459'' wherever appearing.

Subsec. (r). Pub. L. 100–687, § 1101(a)(16), substituted ''$1,098'' and ''$1,636'' for ''$1,055'' and ''$1,572'', respectively.

Subsec. (s). Pub. L. 100–687, § 1101(a)(17), substituted ''$1,643'' for ''$1,579''.

1987—Subsec. (a). Pub. L. 100–227, § 101(a)(1), substituted ''$71'' for ''$69''.

Subsec. (b). Pub. L. 100–227, § 101(a)(2), substituted ''$133'' for ''$128''.

Subsec. (c). Pub. L. 100–227, § 101(a)(3), substituted ''$202'' for ''$194''.

Subsec. (d). Pub. L. 100–227, § 101(a)(4), substituted ''$289'' for ''$278''.

Subsec. (e). Pub. L. 100–227, § 101(a)(5), substituted ''$410'' for ''$394''.

Subsec. (f). Pub. L. 100–227, § 101(a)(6), substituted ''$516'' for ''$496''.

Subsec. (g). Pub. L. 100–227, § 101(a)(7), substituted ''$652'' for ''$626''.

Subsec. (h). Pub. L. 100–227, § 101(a)(8), substituted ''$754'' for ''$724''.

Subsec. (i). Pub. L. 100–227, § 101(a)(9), substituted ''$849'' for ''$815''.

Subsec. (j). Pub. L. 100–227, § 101(a)(10), substituted ''$1,411'' for ''$1,355''.

Subsec. (k). Pub. L. 100–227, § 101(a)(11), substituted ''$1,754'' and ''$2,459'' for ''$1,684'' and ''$2,360'', respectively.

Subsec. (*l*). Pub. L. 100–227, § 101(a)(12), substituted ''$1,754'' for ''$1,684''.

Subsec. (m). Pub. L. 100–227, § 101(a)(13), substituted ''$1,933'' for ''$1,856''.

Subsec. (n). Pub. L. 100–227, § 101(a)(14), substituted ''$2,199'' for ''$2,111''.

Subsecs. (*o*), (p). Pub. L. 100–227, § 101(a)(15), substituted ''$2,459'' for ''$2,360'' wherever appearing.

Subsec. (r). Pub. L. 100–227, §101(a)(16), substituted ''$1,055'' and ''$1,572'' for ''$1,013'' and ''$1,509'', respectively.

Subsec. (s). Pub. L. 100–227, §101(a)(17), substituted ''$1,579'' for ''$1,516''.

1986—Subsec. (a). Pub. L. 99–576, §101(a)(1), substituted ''$69'' for ''$68''.

Pub. L. 99–238, §101(a)(1), substituted ''$68'' for ''$66''.

Subsec. (b). Pub. L. 99–576, §101(a)(2), substituted ''$128'' for ''$126''.

Pub. L. 99–238, §101(a)(2), substituted ''$126'' for ''$122''.

Subsec. (c). Pub. L. 99–576, §101(a)(3), substituted ''$194'' for ''$191''.

Pub. L. 99–238, §101(a)(3), substituted ''$191'' for ''$185''.

Subsec. (d). Pub. L. 99–576, §101(a)(4), substituted ''$278'' for ''$274''.

Pub. L. 99–238, §101(a)(4), substituted ''$274'' for ''$266''.

Subsec. (e). Pub. L. 99–576, §101(a)(5), substituted ''$394'' for ''$388''.

Pub. L. 99–238, §101(a)(5), substituted ''$388'' for ''$376''.

Subsec. (f). Pub. L. 99–576, §101(a)(6), substituted ''$496'' for ''$489''.

Pub. L. 99–238, §101(a)(6), substituted ''$489'' for ''$474''.

Subsec. (g). Pub. L. 99–576, §101(a)(7), substituted ''$626'' for ''$617''.

Pub. L. 99–238, §101(a)(7), substituted ''$617'' for ''$598''.

Subsec. (h). Pub. L. 99–576, §101(a)(8), substituted ''$724'' for ''$713''.

Pub. L. 99–238, §101(a)(8), substituted ''$713'' for ''$692''.

Subsec. (i). Pub. L. 99–576, §101(a)(9), substituted ''$815'' for ''$803''.

Pub. L. 99–238, §101(a)(9), substituted ''$803'' for ''$779''.

Subsec. (j). Pub. L. 99–576, §101(a)(10), substituted ''$1,355'' for ''$1,335''.

Pub. L. 99–238, §101(a)(10), substituted ''$1,335'' for ''$1,295''.

Subsec. (k). Pub. L. 99–576, §101(a)(11), substituted ''$63'', ''$1,684'', and ''$2,360'' for ''$62'', ''$1,659'', and ''$2,325'', respectively.

Pub. L. 99–238, §101(a)(11), substituted ''$1,659'' and ''$2,325'' for ''$1,609'' and ''$2,255'', respectively.

Subsec. (*l*). Pub. L. 99–576, §101(a)(12), substituted ''$1,684'' for ''$1,659''.

Pub. L. 99–238, §101(a)(12), substituted ''$1,659'' for ''$1,609''.

Subsec. (m). Pub. L. 99–576, §101(a)(13), substituted ''$1,856'' for ''$1,829''.

Pub. L. 99–238, §101(a)(13), substituted ''$1,829'' for ''$1,774''.

Subsec. (n). Pub. L. 99–576, §101(a)(14), substituted ''$2,111'' for ''$2,080''.

Pub. L. 99–238, §101(a)(14), substituted ''$2,080'' for ''$2,017''.

Subsecs. (*o*), (p). Pub. L. 99–576, §101(a)(15), substituted ''$2,360'' for ''$2,325'' wherever appearing.

Pub. L. 99–238, §101(a)(15), substituted ''$2,325'' for ''$2,255'' wherever appearing.

Subsec. (r). Pub. L. 99–576, §101(a)(16), substituted ''$1,013'' and ''$1,509'' for ''$998'' and ''$1,487'', respectively.

Pub. L. 99–238, §101(a)(16), substituted ''$998'' and ''$1,487'' for ''$968'' and ''$1,442'', respectively.

Subsec. (s). Pub. L. 99–576, §101(a)(17), substituted ''$1,516'' for ''$1,494''.

Pub. L. 99–238, §101(a)(17), substituted ''$1,494'' for ''$1,449''.

Subsec. (t). Pub. L. 99–576, §109(b), struck out subsec. (t) which read as follows:

''(1) If the veteran (A) is entitled to receive compensation at any rate provided for under subsections (a) through (i) of this section and compensation under subsection (k) of this section, (B) has suffered the loss or loss of use of an extremity as a result of a service-connected disability ratable at 40 percent or more, and (C) has suffered the loss or loss of use of the paired extremity as a result of a non-service-connected disability, not the result of the veteran's own willful misconduct, that would be rated, if service-connected, at 40 percent or more, the monthly rate of compensation payable to such veteran shall be increased by $289.

''(2) If a veteran described in paragraph (1) of this subsection receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the non-service-connected disability described in such paragraph, the increase in the rate of compensation otherwise payable under this subsection shall not be paid for any month following a month in which any such money or property is received until such time as the total of the amount of such increase that would otherwise have been payable equals the total of the amount of any such money received and the fair market value of any such property received.''

Pub. L. 99–238, §101(a)(18), substituted ''$289'' for ''$280'' in par. (1).

1984—Subsec. (a). Pub. L. 98–543, §101(a)(1), substituted ''$66'' for ''$64''.

Pub. L. 98–223, §101(a)(1), substituted ''$64'' for ''$62''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (b). Pub. L. 98–543, §101(a)(2), substituted ''$122'' for ''$118''.

Pub. L. 98–223, §101(a)(2), substituted ''$118'' for ''$114''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (c). Pub. L. 98–543, §101(a)(3), substituted ''$185'' for ''$179''.

Pub. L. 98–223, §101(a)(3), substituted ''$179'' for ''$173''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (d). Pub. L. 98–543, §101(a)(4), substituted ''$266'' for ''$258''.

Pub. L. 98–223, §101(a)(4), substituted ''$258'' for ''$249''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (e). Pub. L. 98–543, §101(a)(5), substituted ''376'' for ''364''.

Pub. L. 98–223, §101(a)(5), substituted ''$364'' for ''$352''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (f). Pub. L. 98–543, §101(a)(6), substituted ''$474'' for ''$459''.

Pub. L. 98–223, §101(a)(6), substituted ''$459'' for ''$443''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (g). Pub. L. 98–543, §101(a)(7), substituted ''$598'' for ''$579''.

Pub. L. 98–223, §101(a)(7), substituted ''$579'' for ''$559''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (h). Pub. L. 98–543, §101(a)(8), substituted ''$692'' for ''$671''.

Pub. L. 98–223, §101(a)(8), substituted ''$671'' for ''$648''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (i). Pub. L. 98–543, §101(a)(9), substituted ''$779'' for ''$755''.

Pub. L. 98–223, §101(a)(9), substituted ''$755'' for ''$729''.

Pub. L. 98–223, §101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (j). Pub. L. 98–543, §101(a)(10), substituted ''$1,295'' for ''$1,255''.

Pub. L. 98–223, §101(a)(10), substituted ''$1,255'' for ''$1,213''.

Subsec. (k). Pub. L. 98–543, § 101(a)(11), substituted ''$1,609'' and ''$2,255'' for ''$1,559'' and ''$2,185'', respectively.

Pub. L. 98–223, § 101(a)(11), substituted ''$1,559'' and ''$2,185'' for ''$1,506'' and ''$2,111'', respectively.

Subsec. (*l*). Pub. L. 98–543, § 101(a)(12), substituted ''$1,609'' for ''$1,559''.

Pub. L. 98–223, § 101(a)(12), substituted ''$1,559'' for ''$1,506''.

Subsec. (m). Pub. L. 98–543, § 101(a)(13), substituted ''$1,774'' for ''$1,719''.

Pub. L. 98–223, § 101(a)(13), substituted ''$1,719'' for ''$1,661''.

Subsec. (n). Pub. L. 98–543, § 101(a)(14), substituted ''$2,017'' for ''$1,954''.

Pub. L. 98–223, § 101(a)(14), substituted ''$1,954'' for ''$1,888''.

Subsec. (*o*). Pub. L. 98–543, § 101(a)(15), substituted ''$2,255'' for ''$2,185''.

Pub. L. 98–223, § 101(a)(15), substituted ''$2,185'' for ''$2,111''.

Pub. L. 98–223, § 101(a)(19), substituted ''percent'' for ''per centum''.

Pub. L. 98–223, § 112(a), inserted ''or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less,'' after ''5/200 visual acuity or less,''.

Subsec. (p). Pub. L. 98–543, § 101(a)(15), substituted ''$2,255'' for ''$2,185'' in four places.

Pub. L. 98–223, § 101(a)(15), substituted ''$2,185'' for ''$2,111'' in three places.

Pub. L. 98–223, § 101(a)(19), substituted ''percent'' for ''per centum''.

Pub. L. 98–223, § 112(b)(1), substituted ''30'' for ''40'' in cl. (1).

Pub. L. 98–223, § 112(b)(2), inserted provision authorizing the Administrator to allow the next intermediate rate, but in no event in excess of $2,185, in the event the veteran has suffered service-connected blindness, having only light perception or less, and has also suffered bilateral deafness, and the hearing impairment in either one or both ears is service connected, rated at 10 to 20 percent disabling.

Subsec. (r). Pub. L. 98–543, § 101(a)(16), substituted ''$968'' and ''$1,442'' for ''$938'' and ''$1,397'', respectively.

Pub. L. 98–223, § 101(a)(16), substituted ''$938'' and ''$1,397'' for ''$906'' and ''$1,350'', respectively.

Subsec. (s). Pub. L. 98–543, § 101(a)(17), substituted ''$1,449'' for ''$1,404''.

Pub. L. 98–223, § 101(a)(17), substituted ''$1,404'' for ''$1,357''.

Pub. L. 98–223, § 101(a)(19), substituted ''percent'' for ''per centum''.

Subsec. (t)(1). Pub. L. 98–543, § 101(a)(18), substituted ''$280'' for ''$271''.

Pub. L. 98–223, § 101(a)(18), substituted ''$271'' for ''$262''.

Pub. L. 98–223, § 101(a)(19), substituted ''percent'' for ''per centum'' in two places.

1982—Subsec. (a). Pub. L. 97–306, §§ 101(a)(1), 107, 108, substituted ''$62'' for ''$58'', and repealed amendment made by Pub. L. 97–253, § 405(b)(1), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(1), (h), eff. Jan. 1, 1983, substituted ''$57'' for ''$58''.

Subsec. (b). Pub. L. 97–306, § 101(a)(2), substituted ''$114'' for ''$107''.

Subsec. (c). Pub. L. 97–306, §§ 101(a)(3), 107, 108, substituted ''$173'' for ''$162'', and repealed amendment made by Pub. L. 97–253, § 405(b)(2), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(2), (h), eff. Jan. 1, 1983, substituted ''$161'' for ''$162''.

Subsec. (d). Pub. L. 97–306, § 101(a)(4), substituted ''$249'' for ''$232''.

Subsec. (e). Pub. L. 97–306, § 101(a)(5), substituted ''$352'' for ''$328''.

Subsec. (f). Pub. L. 97–306, §§ 101(a)(6), 107, 108, substituted ''$443'' for ''$413'', and repealed amendment made by Pub. L. 97–253, § 405(b)(3), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(3), (h), eff. Jan. 1, 1983, substituted ''$412'' for ''$413''.

Subsec. (g). Pub. L. 97–306, § 101(a)(7), substituted ''$559'' for ''$521''.

Subsec. (h). Pub. L. 97–306, §§ 101(a)(8), 107, 108, substituted ''$648'' for ''$604'', and repealed amendment made by Pub. L. 97–253, § 405(b)(4), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(4), (h), eff. Jan. 1, 1983, substituted ''$603'' for ''$604''.

Subsec. (i). Pub. L. 97–306, § 101(a)(9), substituted ''$729'' for ''$679''.

Subsec. (j). Pub. L. 97–306, § 101(a)(10), substituted ''$1,213'' for ''$1,130''.

Subsec. (k). Pub. L. 97–306, §§ 101(a)(11), 107, 108, substituted ''$1,506'' for ''$1,403'' and ''$2,111'' for ''$1,966'', and repealed amendment made by Pub. L. 97–253, § 405(b)(5), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(5), (h), eff. Jan. 1, 1983, substituted ''$61'' for ''$62'', ''$1,402'' for ''$1,403'', ''$61'' for ''$62'', and ''$1,965'' for ''$1,966''.

Subsec. (*l*). Pub. L. 97–306, §§ 101(a)(12), 107, 108, substituted ''$1,506'' for ''$1,403'', and repealed amendment made by Pub. L. 97–253, § 405(b)(6), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(6), (h), eff. Jan. 1, 1983, substituted ''$1,402'' for ''$1,403''.

Subsec. (m). Pub. L. 97–306, §§ 101(a)(13), 107, 108, substituted ''$1,661'' for ''$1,547'', and repealed amendment made by Pub. L. 97–253, § 405(b)(7), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(7), (h), eff. Jan. 1, 1983, substituted ''$1,546'' for ''$1,547''.

Subsec. (n). Pub. L. 97–306, §§ 101(a)(14), 107, 108, 111(a), inserted ''or has suffered blindness without light perception in both eyes,'' after ''anatomical loss of both eyes,'', substituted ''$1,888'' for ''$1,758'', and repealed amendment made by Pub. L. 97–253, § 405(b)(8), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(8), (h), eff. Jan. 1, 1983, substituted ''$1,757'' for ''$1,758''.

Subsec. (*o*). Pub. L. 97–306, §§ 101(a)(15), 107, 108, substituted ''$2,111'' for ''$1,966'', and repealed amendment made by Pub. L. 97–253, § 405(b)(9), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(9), (h), eff. Jan. 1, 1983, substituted ''$1,965'' for ''$1,966''.

Subsec. (p). Pub. L. 97–306, §§ 101(a)(15), 107, 108, 111(b), substituted ''$2,111'' for ''$1,966'' wherever appearing, inserted ''or service-connected anatomical loss or loss of use of one hand or one foot'' after ''in one ear'', and repealed amendment made by Pub. L. 97–253, § 405(b)(9), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(9), (h), eff. Jan. 1, 1983, substituted ''$1,965'' for ''$1,966'' wherever appearing.

Pub. L. 97–253, § 404(a), inserted ''down'' after ''arithmetic mean, rounded''.

Subsec. (r). Pub. L. 97–306, §§ 101(a)(16), 107, 108, substituted ''$906'' for ''$844'' in par. (1), ''$1,350'' for ''$1,257'' in par. (2), and repealed amendment made by Pub. L. 97–253, § 405(b)(10), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(10), (h), eff. Jan. 1, 1983, substituted ''$843'' for ''$844'' in par. (1), and ''$1,256'' for ''$1,257'' in par. (2).

Subsec. (s). Pub. L. 97–306, §§ 101(a)(17), 107, 108, substituted ''$1,357'' for ''$1,264'', and repealed amendment made by Pub. L. 97–253, § 405(b)(11), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(11), (h), eff. Jan. 1, 1983, substituted ''$1,263'' for ''$1,264''.

Subsec. (t)(1). Pub. L. 97–306, §§ 101(a)(18), 107, 108, substituted ''$262'' for ''$244'', and repealed amendment made by Pub. L. 97–253, § 405(b)(12), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(b)(12), (h), eff. Jan. 1, 1983, substituted ''$243'' for ''$244''.

1981—Subsecs. (a) to (k). Pub. L. 97–66, § 101(a)(1)–(11), increased compensation in subsec. (a) from $54 to $58, subsec. (b) from $99 to $107, subsec. (c) from $150 to $162, subsec. (d) from $206 to $232, subsec. (e) from $291 to $328, subsec. (f) from $367 to $413, subsec. (g) from $434 to $521, subsec. (h) from $503 to $604, subsec. (i) from $566 to $679, subsec. (j) from $1,016 to $1,130, and subsec. (k) from $1,262 to $1,403 and from $1,768 to $1,966.

Subsec. (*l*). Pub. L. 97–66, §§ 101(a)(12), 104(1), substituted ''loss of use of both feet'' for ''loss of use of both hands, or both feet'' and ''$1,403'' for ''$1,262''.

Subsec. (m). Pub. L. 97–66, §§101(a)(13), 104(2), substituted ''both hands, or of both legs at a level, or with complications, preventing natural knee action with prostheses in place, or of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses'' for ''two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis'' and ''$1,547'' for ''$1,391''.

Subsec. (n). Pub. L. 97–66, §§101(a)(14), 104(3), substituted ''or loss of use of both arms at levels, or with complications, preventing natural elbow action with prostheses in place, has suffered the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances, or has suffered the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances,'' for ''of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance'' and ''$1,758'' for ''$1,581''.

Subsec. (*o*). Pub. L. 97–66, §§101(a)(15), 104(4), substituted ''visual acuity or less, or if the veteran has suffered the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances, the monthly compensation shall be $1,966'' for ''visual acuity or less, the monthly compensation shall be $1,768''.

Subsec. (p). Pub. L. 97–66, §101(a)(15), substituted ''$1,966'' for ''$1,768'' in three places.

Subsec. (r). Pub. L. 97–66, §101(a)(16), substituted ''$844'' for ''$759'' in cl. (1) and ''$1,257'' for ''$1,130'' in cl. (2).

Subsec. (s). Pub. L. 97–66, §101(a)(17), increased compensation from $1,137 to $1,264.

Subsec. (t)(1). Pub. L. 97–66, §101(a)(18), increased compensation from $219 to $244.

1980—Subsecs. (a) to (*o*). Pub. L. 96–385, §101(a)(1)–(15), increased compensation in subsec. (a) from $48 to $54, subsec. (b) from $88 to $99, subsec. (c) from $133 to $150, subsec. (d) from $182 to $206, subsec. (e) from $255 to $291, subsec. (f) from $321 to $367, subsec. (g) from $380 to $434, subsec. (h) from $440 to $503, subsec. (i) from $495 to $566, subsec. (j) from $889 to $1,016, subsec. (k) from $1,104 and $1,547 to $1,262 and $1,768, subsec. (*l*) from $1,104 to $1,262, subsec. (m) from $1,217 to $1,391, subsec. (n) from $1,383 to $1,581, subsec. (*o*) from $1,547 to $1,768.

Subsec. (p). Pub. L. 96–385, §101(a)(15), substituted ''$1,768'' for ''$1,547'' in three places.

Subsec. (r). Pub. L. 96–385, §101(a)(16), substituted ''$759'' for ''$664'' in cl. (1) and ''$1,130'' for ''$989'' in cl. (2).

Subsec. (s). Pub. L. 96–385, §101(a)(17), increased compensation from $995 to $1,137.

Subsec. (t)(1). Pub. L. 96–385, §101(a)(18), increased compensation from $192 to $219.

1979—Subsecs. (a) to (*o*). Pub. L. 96–128, §101(a)(1)–(15), increased compensation in subsec. (a) from $44 to $48, subsec. (b) from $80 to $88, subsec. (c) from $121 to $133, subsec. (d) from $166 to $182, subsec. (e) from $232 to $255, subsec. (f) from $292 to $321, subsec. (g) from $346 to $380, subsec. (h) from $400 to $440, subsec. (i) from $450 to $495, subsec. (j) from $809 to $889, subsec. (k) from $56 to $62, from $1,005 to $1,104, and from $1,408 to $1,547, subsec. (*l*) from $1,005 to $1,104, subsec. (m) from $1,107 to $1,217, subsec. (n) from $1,258 to $1,383, and subsec. (*o*) from $1,408 to $1,547.

Subsec. (p). Pub. L. 96–128, §§101(a)(15), 105, inserted provisions respecting the establishment of any intermediate rate, and substituted ''$1,547'' for ''$1,408'' wherever appearing.

Subsec. (r). Pub. L. 96–128, §§101(a)(16), 104, inserted provisions relating to intermediate rates and struck out reference to subsections (*o*) or (p) of this section in introductory text, substituted ''$664'' for ''$604'' in cl. (1), and substituted ''$989'' for ''$900'' in cl. (2).

Subsec. (s). Pub. L. 96–128, §101(a)(17), increased compensation from $905 to $995.

Subsec. (t)(1). Pub. L. 96–128, §101(a)(18), increased compensation from $175 to $192.

1978—Subsecs. (a) to (*o*). Pub. L. 95–479, §101(a)(1)–(15), increased compensation in subsec. (a) from $41 to $44, subsec. (b) from $75 to $80, in subsec. (c) from $113 to $121, in subsec. (d) from $155 to $166, in subsec. (e) from $216 to $232, in subsec. (f) from $272 to $292, in subsec. (g) from $322 to $346, in subsec. (h) from $373 to $400, in subsec. (i) from $419 to $450, in subsec. (j) from $754 to $809, in subsec. (k) from $937 and $1,312 to $1,005 and $1,408, respectively, in subsec. (*l*) from $937 to $1,005, in subsec. (m) from $1,032 to $1,107, in subsec. (n) from $1,172 to $1,258, and in subsec. (*o*) from $1,312 to $1,408.

Subsec. (p). Pub. L. 95–479, §101(a)(15), (b), substituted ''$1,408'' for ''$1,312'' in two places, and inserted provision allowing next higher rate or intermediate rate but in no event in excess of $1,408 in event veteran has suffered anatomical loss or loss of use, or a combination thereof, of three extremities.

Subsec. (r). Pub. L. 95–479, §101(c), raised the monthly aid and attendance allowance from $563 to $604, and inserted provisions relating to need of higher level of care.

Subsec. (s). Pub. L. 95–479, §101(a)(16), substituted ''$905'' for ''$843''.

Subsec. (t). Pub. L. 95–479, §101(d), added subsec. (t).

1977—Subsecs. (a) to (p), (r), (s). Pub. L. 95–117 increased compensation in subsec. (a) from $38 to $41, subsec. (b) from $70 to $75, subsec. (c) from $106 to $113, subsec. (d) from $145 to $155, subsec. (e) from $203 to $216, subsec. (f) from $255 to $272, subsec. (g) from $302 to $322, subsec. (h) from $350 to $373, subsec. (i) from $393 to $419, subsec. (j) from $707 to $754, subsec. (k) from $879 and $1,231 to $937 and $1,312, respectively, subsec. (*l*) from $879 to $937, subsec. (m) from $968 to $1,032, subsec. (n) from $1,099 to $1,172, subsec. (*o*) from $1,231 to $1,312, subsec. (p) from $1,231 to $1,312, subsec. (r) from $528 to $563, and subsec. (s) from $791 to $843.

1976—Subsecs. (a) to (*l*). Pub. L. 94–433, §101(a)(1)–(12), increased compensation in subsec. (a) from $35 to $38, subsec. (b) from $65 to $70, subsec. (c) from $98 to $106, subsec. (d) from $134 to $145, subsec. (e) from $188 to $203, subsec. (f) from $236 to $255, subsec. (g) from $280 to $302, subsec. (h) from $324 to $350, subsec. (i) from $364 to $393, subsec. (j) from $655 to $707, subsec. (k) from $52, $814, and $1,139 to $56, $879, and $1,231, respectively, and subsec. (*l*) from $814 to $879.

Subsec. (m). Pub. L. 94–433, §101(a)(13), 404(6), increased compensation from $896 to $968 and substituted ''such veteran'' for ''him'', respectively.

Subsec. (n). Pub. L. 94–433, §101(a)(14), increased compensation from $1,018 to $1,099.

Subsec. (*o*). Pub. L. 94–433, §§101(a)(15), 401(4), 404(6), increased compensation from $1,139 to $1,231, struck out ''in combination with total blindness with 5/200 visual acuity or less,'' before ''the monthly compensation'', and substituted ''such veteran'' for ''him'', respectively.

Subsec. (p). Pub. L. 94–433, §§101(a)(15), 404(7), increased compensation from $1,139 to $1,231 and struck out '', in his discretion,'' before ''may allow'', respectively.

Subsec. (r). Pub. L. 94–433, §§101(a)(16), 401(5), 404(8), increased compensation from $489 to $528 and substituted reference to section ''3203(e)'' for ''3203(f)'' of this title and ''such veteran'' for ''he'', respectively.

Subsec. (s). Pub. L. 94–433, §§101(a)(17), 404(8), increased compensation from $732 to $791 and substituted ''such veteran's'' for ''his'' after ''by reason of'' and before ''house'', respectively.

1975—Subsecs. (a) to (p), (r), (s). Pub. L. 94–71 increased compensation in subsec. (a) from $32 to $35, subsec. (b) from $59 to $65, subsec. (c) from $89 to $98, subsec. (d) from $122 to $134, subsec. (e) from $171 to $188, subsec. (f) from $211 to $236, subsec. (g) from $250 to $280, subsec. (h) from $289 to $324, subsec. (i) from $325 to $364, subsec. (j) from $584 to $655, subsec. (k) from $727 and $1,017 to $814 and $1,139 respectively, subsec. (*l*) from $727 to $814, subsec. (m) from $800 to $896, subsec. (n) from $909 to $1,018, subsec. (*o*) from $1,017 to $1,139, subsec. (p) from $1,017 to $1,139, subsec. (r) from $437 to $489, and subsec. (s) from $654 to $732.

1974—Subsecs. (a) to (p), (r), (s). Pub. L. 93–295 increased compensation in subsec. (a) from $28 to $32, subsec. (b) from $51 to $59, subsec. (c) from $77 to $89, subsec. (d) from $106 to $122, subsec. (e) from $149 to $171, subsec. (f) from $179 to $211, subsec. (g) from $212 to $250, subsec. (h) from $245 to $289, subsec. (i) from $275 to $325, subsec. (j) from $495 to $584, subsec. (k) from $47, $616 and $862 to $52, $727 and $1,017, respectively, subsec. (*l*) from $616 to $727, subsec. (m) from $678 to $800, subsec. (n) from $770 to $909, subsec. (*o*) from $862 to $1,017, subsec. (p) from $862 to $1,017, subsec. (r) from $370 to $437, and subsec. (s) from $554 to $654.

1972—Subsecs. (a) to (p), (r), (s). Pub. L. 92–328 increased compensation in subsec. (a) from $25 to $28, subsec. (b) from $46 to $51, subsec. (c) from $70 to $77, subsec. (d) from $96 to $106, subsec. (e) from $135 to $149, subsec. (f) from $163 to $179, subsec. (g) from $193 to $212, subsec. (h) from $223 to $245, subsec. (i) from $250 to $275, subsec. (j) from $450 to $495, subsec. (k) from $560 to $616 and $784 to $862, respectively, subsec. (*l*) from $560 to $616, subsec. (m) from $616 to $678, subsec. (n) from $700 to $770, subsec. (*o*) from $784 to $862, subsec. (p) from $784 to $862, subsec. (r) from $336 to $370, and subsec. (s) from $504 to $554.

1970—Subsecs. (a) to (p), (r), (s). Pub. L. 91–376 increased compensation in subsec. (a) from $23 to $25, subsec. (b) from $43 to $46, subsec. (c) from $65 to $70, subsec. (d) from $89 to $96, subsec. (e) from $122 to $135, subsec. (f) from $147 to $163, subsec. (g) from $174 to $193, subsec. (h) from $201 to $223, subsec. (i) from $226 to $250, subsec. (j) from $400 to $450, subsec. (k) from $500 and $700 to $560 and $784, respectively, subsec. (*l*) from $500 to $560, subsec. (m) from $550 to $616, subsec. (n) from $625 to $700, subsec. (*o*) from $700 to $784, subsec. (p) from $700 to $784, subsec. (r) from $300 to $336, and subsec. (s) from $450 to $504.

1968—Subsecs. (a) to (p). Pub. L. 90–493, § 1(a)(1)–(14), (17), increased compensation in subsec. (a) from $21 to $23, subsec. (b) from $40 to $43, subsec. (c) from $60 to $65, subsec. (d) from $82 to $89, subsec. (e) from $113 to $122, subsec. (f) from $136 to $147, subsec. (g) from $161 to $174, subsec. (h) from $186 to $201, subsec. (i) from $209 to $226, subsec. (j) from $300 to $400, subsec. (k) from $600 and $400 to $700 and $500, respectively, subsec. (*l*) from $400 to $500, subsec. (m) from $450 to $550, subsec. (n) from $525 to $625, subsec. (*o*) from $600 to $700, and subsec. (p) from $600 to $700.

Subsec. (q). Pub. L. 90–493, § 4(a), struck out provision that if the veteran is shown to have had a service-connected disability resulting from an active tuberculous disease, the monthly compensation shall be not less than $67, provided that, in the judgment of the Administrator, the disease has reached a condition of complete arrest.

Subsecs. (r), (s). Pub. L. 90–493, § 1(a)(15), (16), increased compensation in subsec. (r) from $250 to $300, and in subsec. (s) from $350 to $450.

1967—Subsec. (k). Pub. L. 90–77 substituted ''one or more creative organs'' for ''a creative organ'' and ''in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection'' for ''in the event of anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction'' and inserted following ''$47 per month'' where initially appearing ''for each such loss or loss of use'', reference to subsec. (s) of this section and limitation of compensation to $400 per month.

1965—Subsecs. (a) to (m). Pub. L. 89–311, § 1(a)(1)–(14), increased compensation in subsec. (a) from $20 to $21, subsec. (b) from $38 to $40, subsec. (c) from $58 to $60, subsec. (d) from $77 to $82, subsec. (e) from $107 to $113, subsec. (f) from $128 to $136, subsec. (g) from $149 to $161, subsec. (h) from $170 to $186, subsec. (i) from $191 to $209, subsec. (j) from $250 to $300, subsec. (k) from $525 to $600, subsec. (*l*) from $340 to $400, subsec. (m) from $390 to $450, and subsec. (n) from $440 to $525.

Subsec. (*o*). Pub. L. 89–311, §§ 1(a)(11), 3(d), increased compensation from $525 to $600 and relaxed requirement of total deafness by requiring only bilateral deafness (if the hearing impairment in either one or both ears is service connected) rated at 60 per centum or more disabling.

Subsec. (p). Pub. L. 89–311, § 3(e), increased from $525 to $600 the allowable maximum rates when service-connected disabilities exceed the requirements for any of the prescribed rates and inserted specific reference to an increase to the next higher rate in the case of service-connected blindness and bilateral deafness and an increase to the next intermediate rate in the case of service-connected total deafness in one ear.

Subsec. (r). Pub. L. 89–311, § 1(a)(15), substituted ''$250'' for ''$200''.

Subsec. (s). Pub. L. 89–311, § 1(a)(16), substituted ''$350'' for ''$290''.

1963—Subsec. (k). Pub. L. 88–22 provided increased compensation for veterans suffering complete organic aphonia with constant inability to communicate by speech.

Pub. L. 88–20 provided increased compensation for veterans suffering deafness of both ears, having absence of air and bone conduction.

1962—Subsecs. (a) to (p). Pub. L. 87–645, § 1(a)(1)–(14), increased monthly compensation in subsec. (a) from $19 to $20, subsec. (b) from $36 to $38, subsec. (c) from $55 to $58, subsec. (d) from $73 to $77, subsec. (e) from $100 to $107, subsec. (f) from $120 to $128, subsec. (g) from $140 to $149, subsec. (h) from $160 to $170, subsec. (i) from $179 to $191, subsec. (j) from $225 to $250, subsec. (k) from $450 to $525, subsec. (*l*) from $309 to $340, subsec. (m) from $359 to $390, subsec. (n) from $401 to $440, and subsec. (*o*) and (p) from $450 to $525.

Subsec. (r). Pub. L. 87–645, §§ 1(a)(15), 2(a), increased monthly compensation from $150 to $200, and substituted '', subject to the limitations of section 3203(f) of this title'' for ''for all periods during which he is not hospitalized at Government expense''.

Subsec. (s). Pub. L. 87–645, § 1(a)(16), increased monthly compensation from $265 to $290.

1960—Subsec. (s). Pub. L. 86–663 added subsec. (s).

1958—Subsec. (r). Pub. L. 85–782 added subsec. (r).

EFFECTIVE DATE OF 1997 AMENDMENT

Section 7 of Pub. L. 105–98 provided that: ''The amendments made by this Act [amending this section and sections 1115, 1162, 1311, 1313, and 1314 of this title] shall take effect on December 1, 1997.''

EFFECTIVE DATE OF 1993 AMENDMENT

Section 7 of Pub. L. 103–140 provided that: ''The amendments made by this Act [amending this section and sections 1115, 1162, 1311, 1313, and 1314 of this title] shall take effect on December 1, 1993.''

EFFECTIVE DATE OF 1991 AMENDMENTS

Section 7 of Pub. L. 102–152 provided that: ''The amendments made by this Act [amending this section and sections 1115, 1162, 1311, 1313, and 1314 of this title] shall take effect on December 1, 1991.''

Section 7 of Pub. L. 102–3 provided that: ''Section 2(b) [set out as a note below] and the amendments made by this Act [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] shall take effect as of January 1, 1991.''

EFFECTIVE DATE OF 1989 AMENDMENT

Section 106 of Pub. L. 101–237 provided that: ''The amendments made by this part [part A (§§ 101–106) of title I of Pub. L. 101–237, amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] shall take effect on December 1, 1989.''

EFFECTIVE DATE OF 1988 AMENDMENT

Section 1106 of title XI of Pub. L. 100–687 provided that: ''The amendments made by this title [amending

this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title, and enacting provisions set out as a note below] shall take effect on December 1, 1988.''

EFFECTIVE DATE OF 1987 AMENDMENT

Section 107 of title I of Pub. L. 100–227 provided that: ''The amendments made by this title [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title and enacting provisions set out as notes under this section and section 101 of this title] shall take effect as of December 1, 1987.''

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 107 of Pub. L. 99–576 provided that: ''The amendments made by sections 101 through 106 [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] shall take effect on December 1, 1986, except that such amendments shall not take effect unless benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1986, as a result of a determination under section 215(i) of such Act (42 U.S.C 415(i)).''

Amendment by section 109(b) of Pub. L. 99–576 effective Oct. 28, 1986, see section 109(c)(1) of Pub. L. 99–576, set out as a note under section 1160 of this title.

Section 107 of title I of Pub. L. 99–238 provided that: ''The amendments made by this title [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title and enacting provisions set out as a note under this section] shall take effect as of December 1, 1985.''

EFFECTIVE DATE OF 1984 AMENDMENTS

Section 107 of Pub. L. 98–543 provided that: ''Sections 101 through 106 [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title and enacting provisions set out as a note under this section] shall take effect on December 1, 1984.''

Section 107 of Pub. L. 98–223 provided that: ''The amendments made by this part [part A (§§ 101–108) of title I of Pub. L. 98–223, see Tables for classification] shall take effect on April 1, 1984.''

Amendment by section 112 of Pub. L. 98–223 effective Oct. 1, 1983, see section 114 of Pub. L. 98–223, set out as a note under section 1112 of this title.

EFFECTIVE DATE OF 1982 AMENDMENTS

Section 108 of Pub. L. 97–306 provided that: ''The amendments made by this part [part A (§§ 101–108) of title I of Pub. L. 97–306, see Tables for classification] shall take effect on October 1, 1982.''

Section 111(c) of Pub. L. 97–306 provided that: ''The amendments made by subsections (a) and (b) [amending this section] shall take effect on October 1, 1982.''

Section 404(c) of Pub. L. 97–253 provided that: ''The amendments made by this section [amending this section and section 315 [now 1115] of this title] shall take effect on October 1, 1982.''

EFFECTIVE DATE OF 1981 AMENDMENT

Section 701 of Pub L. 97–66 provided that:

''(a) The amendments made by titles I, II, and III [see Tables for classification] shall take effect as of October 1, 1981.

''(b)(1) Except as otherwise provided in this subsection, the amendments made by titles IV, V, and VI [see Tables for classification] shall take effect on the date of the enactment of this Act [Oct. 17, 1981].

''(2) The amendments made by section 401 [amending sections 767 and 777 [now 1967 and 1977] of this title] shall take effect on December 1, 1981.

''(3) The amendments made by section 504 [amending section 1826 [now 3726] of this title] shall take effect as of October 17, 1980.

''(4) The amendments made by section 601(b)(1) [amending section 5010 [now 8110] of this title] shall take effect as of October 1, 1981.

''(5) The amendments made by section 602 [amending section 3203 [now 5503] of this title] shall take effect on the date of the enactment of this Act [Oct. 17, 1981] and shall apply with respect to veterans admitted to a Veterans' Administration hospital or nursing home on or after such date.

''(6) The amendments made by section 603 [amending sections 906 and 1003 [now 2306 and 2403] of this title] shall apply with respect to veterans dying before, on, or after the date of the enactment of this Act [Oct. 17, 1981].''

EFFECTIVE DATE OF 1980 AMENDMENT

Section 601 of Pub. L. 96–385 provided that:

''(a) The amendments made by titles I and II [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] shall apply only to payments for months beginning after September 30, 1980.

''(b) The amendments made by title III [amending sections 801, 802, 804, and 805 [now 2101, 2102, 2104, and 2105] of this title] and by sections 402, 501, 503 [amending sections 230, 1810 [now 3710], 1811 [now 3711], 1819 [now 3712], 3104 [now 5304], and 3203 [now 5503] of this title], and 506 [amending section 121 of former Title 36, Patriotic Societies and Observances] shall take effect on October 1, 1980.

''(c) The amendments made by section 502 [amending section 906 [now 2306] of this title] shall apply only with respect to individuals who die after September 30, 1980.

''(d) The amendments made by sections 401, 504, 505 [enacting sections 1810, 1819, 3113, and 3305 [now 3710, 3712, 5313, and 5705] of this title and amending sections 1803 and 1811 [now 3703 and 3711] of this title] and 507 [not classified to the Code] shall take effect on the date of the enactment of this Act [Oct. 7, 1980].

''(e) The amendments made by section 508 [amending former sections 4107 and 4109 of this title] shall take effect as of August 26, 1980.''

EFFECTIVE DATE OF 1979 AMENDMENTS

Section 601 of Pub. L. 96–128, as amended by Pub. L. 96–151, title III, § 306(a), Dec. 20, 1979, 93 Stat. 1097, provided that:

''(a)(1) Except as provided in paragraph (2) of this subsection, the amendments made by titles I and II [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title] and the provisions of section 101(b) [set out as a note below] shall take effect as of October 1, 1979.

''(2) With respect to the amendment made by clause (11) of section 101(a), that portion of the amendment amending subsection (k) of section 314 [now 1114] to increase certain monthly rates of compensation [substituting ''$62'' for ''$56'' in two places] shall take effect as of September 1, 1980, and that portion of the amendment amending such subsection to increase certain maximum monthly amounts of compensation [substituting ''$1,104'' for ''$1,005'' and ''$1,547'' for ''$1,408''] shall take effect as of October 1, 1979.

''(b) The amendments made by titles III, IV, and V [see Tables for classification] shall take effect on the date of the enactment of this Act [Nov. 28, 1979].''

[Section 306(b) of Pub. L. 96–151 provided that the amendment made to section 601(a)(2) of Pub. L. 96–128 [substituting ''clause (11)'' for ''clause (1)''], set out as a note above, shall take effect as of Nov. 28, 1979.]

EFFECTIVE DATE OF 1978 AMENDMENT

Section 401 of Pub. L. 95–479 provided that:

''(a) Except as provided in subsection (b), the amendments made by this Act [see Tables for classification] shall take effect on October 1, 1978.

''(b) The amendment made by section 302 [amending section 562 [now 1562] of this title] shall take effect on January 1, 1979.''

EFFECTIVE DATE OF 1977 AMENDMENT

Section 501 of Pub. L. 95–117 provided that: ''Except as otherwise provided in this Act, the amendments made

by this Act to title 38, United States Code [see Tables for classification], shall become effective on October 1, 1977.''

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

Section 301 of Pub. L. 94–71 provided that: ''The provisions of this Act [see Tables for classification] shall become effective August 1, 1975.''

EFFECTIVE DATE OF 1974 AMENDMENT

Section 401 of Pub. L. 93–295 provided that: ''The provisions of this Act [see Tables for classification] shall become effective on May 1, 1974, except that title III [amending sections 1701 and 3202 [now 3501 and 5502] of this title] shall become effective on the first day of the second calendar month following enactment [May 31, 1974].''

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(a) of Pub. L. 92–328 provided that: ''Sections 101 through 107 of 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 [June 30, 1972].''

EFFECTIVE DATE OF 1970 AMENDMENT

Section 9 of Pub. L. 91–376 provided that: ''The first two sections of this Act [amending this section and section 315 [now 1115] of this title and enacting provision set out as a note under this section] take effect July 1, 1970. Sections 4, 5, 6, and 7 [amending sections 103, 3010 [now 5110], and 3104 [now 5304] of this title, and enacting provision set out as a note under section 103 of this title] take effect January 1, 1971.''

EFFECTIVE DATE OF 1968 AMENDMENT

Section 2 of Pub. L. 90–493 provided that: ''The compensation payable pursuant to the amendments made by this Act [amending this section] shall be payable beginning with the first day of January 1969.''

Section 4(b) of Pub. L. 90–493 provided that: ''The repeals made by subsection (a) of this section [repealing subsec. (q) of this section and section 356 of this title] shall not apply in the case of any veteran who, on the date of enactment of this Act [Aug. 19, 1968], was receiving or entitled to receive compensation for tuberculosis which in the judgment of the Administrator had reached a condition of complete arrest.''

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Section 9 of Pub. L. 89–311 provided that: ''The amendments made by the first section and sections 2, 3, and 4 of this Act [amending this section and sections 101, 315 [now 1115], 360 [now 1160], 414 [now 1314], and 560 [now 1560] of this title and enacting provisions set out as a note under this section] shall take effect on the first day of the second calendar month following the date of enactment of this Act [Oct. 31, 1965].''

EFFECTIVE DATE OF 1963 AMENDMENTS

Section 2 of Pub. L. 88–22 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 [May 15, 1963].''

Section 2 of Pub. L. 88–20 provided that: ''The amendments made by this Act [amending this section] shall take effect on the first day of the second month which begins after the date of its enactment [May 15, 1963].''

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–645 effective first day of first calendar month which begins after Sept. 7, 1962, see section 4 of Pub. L. 87–645, set out as a note under section 1112 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 2 of Pub. L. 86–663 provided that: ''This Act [amending this section] shall be effective on and after the first day of the second calendar month following the date of its enactment [July 14, 1960].''

EFFECTIVE DATE OF 1958 AMENDMENT

Section 2 of Pub. L. 85–782 provided that the amendment made by that section is effective Jan. 1, 1959.

REPEAL OF TEMPORARY CHANGES IN FISCAL YEAR 1983 COMPENSATION

Section 405 of Pub. L. 97–253 [amending this section and sections 315, 362, 411, 413, and 414 [now 1115, 1162, 1311, 1313, and 1314] of this title and enacting provisions set out as notes under this section] was repealed by Pub. L. 97–306, title I, §107, Oct. 14, 1982, 96 Stat. 1431. Section 405 of Pub. L. 97–253 had amended those sections relating to compensation to be effective Jan. 1, 1983, in contemplation of the later enactment of a law providing for cost-of-living increases for fiscal year 1983, with the intent that the increases provided for under section 405 of Pub. L. 97–253 be superseded by increases provided for in the later law. Pub. L. 97–306 provided for the anticipated increases and repealed section 405 of Pub. L. 97–253.

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

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

''SEC. 1101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

''(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1998, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

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

''(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

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

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

''(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

''(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

''(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

''(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

''(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

''(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1998.

''(2) Except as provided in paragraph (3), each such amount 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, 1998, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

''(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

''SEC. 1102. PUBLICATION OF ADJUSTED RATES.

''At the same time as 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 1998, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 1101, as increased pursuant to that section.''

Similar provisions were contained in the following acts:

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.

Pub. L. 105–368, title XI, § 1101(d), Nov. 11, 1998, 112 Stat. 3366, provided that: ''The Secretary may adjust administratively, consistent with the increases made under subsection (a) [set out above], the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) [set out as a note preceding section 101 of this title] who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.''

Similar provisions were contained in the following acts:

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1115, 1134, 1717, 3108, 5313, 5503 of this title.

§ 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, $114;

(B) has a spouse and one or more children, $195 plus $60 for each child in excess of one;

(C) has no spouse but one or more children, $78 plus $60 for each child in excess of one;

(D) has a parent dependent upon such veteran for support, then, in addition to the above amounts, $92 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) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be $215 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 $180 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.)

AMENDMENTS

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 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1135 of this title.

§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents

(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[1] of 10 percent or more within 30 years 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.

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

(3) For the purposes of this subsection, 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 has a disease referred to in paragraph (1)(B) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

(4) 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.

(2) In making determinations for the purpose of this subsection, the Secretary shall take into account (A) reports received by the Secretary from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, and (B) all other sound medical and scientific information and analyses available to the Secretary. In evaluating any study for the purpose of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

(3) An association between the occurrence of a disease in humans and exposure to an herbicide agent shall be considered to be positive for the purposes of this section if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, the Secretary shall determine whether a presumption of service connection is warranted for each disease covered by the report. If the Secretary determines that such a presumption is warranted, the Secretary, not later than 60 days after making the determination, shall issue proposed regulations setting forth the Secretary's determination.

(B) If the Secretary determines that a presumption of service connection is not warranted, the Secretary, not later than 60 days after making the determination, shall publish in the Federal Register a notice of that determination. The notice shall include an explanation of the scientific basis for that determination. If the disease already is included in regulations providing for a presumption of service connection, the Secretary, not later than 60 days after publication of the notice of a determination that the presumption is not warranted, shall issue proposed regulations removing the presumption for the disease.

(2) Not later than 90 days after the date on which the Secretary issues any proposed regula-

[1] So in original. Probably should be followed by ''of disability''.

tions under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

(d) Whenever a disease is removed from regulations prescribed under this section—

(1) a veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) before the effective date of the removal shall continue to be entitled to receive compensation on that basis; and

(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under section 3 of the Agent Orange Act of 1991.

(Added Pub. L. 102–4, §2(a)(1), Feb. 6, 1991, 105 Stat. 11, §316; renumbered §1116 and amended Pub. L. 102–83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–446, title V, §505, title XII, §1201(e)(6), Nov. 2, 1994, 108 Stat. 4664, 4685; Pub. L. 104–275, title V, §505(b), Oct. 9, 1996, 110 Stat. 3342.)

REFERENCES IN TEXT

Section 3 of the Agent Orange Act of 1991, referred to in subsecs. (b)(2), (c)(1)(A), and (e), is section 3 of Pub. L. 102–4, which is set out below.

AMENDMENTS

1996—Subsec. (a)(1)(A). Pub. L. 104–275, §505(b)(2), substituted ''during the period beginning on January 9, 1962, and ending on May 7, 1975'' for ''during the Vietnam era''.

Subsec. (a)(1)(B). Pub. L. 104–275, §505(b)(1), substituted ''during the period beginning on January 9, 1962, and ending on May 7, 1975,'' for ''during the Vietnam era''.

Subsec. (a)(2)(C), (E), (F). Pub. L. 104–275, §505(b)(2), substituted ''during the period beginning on January 9, 1962, and ending on May 7, 1975'' for ''during the Vietnam era''.

Subsec. (a)(3). Pub. L. 104–275, §505(b)(1), substituted ''during the period beginning on January 9, 1962, and ending on May 7, 1975,'' for ''during the Vietnam era''.

Subsec. (a)(4). Pub. L. 104–275, §505(b)(2), substituted ''during the period beginning on January 9, 1962, and ending on May 7, 1975'' for ''during the Vietnam era''.

1994—Subsec. (a)(1)(B). Pub. L. 103–446, §1201(e)(6), substituted ''(i)'' for ''(1)'' and ''(ii)'' for ''(2)''.

Subsec. (a)(2)(D) to (G). Pub. L. 103–446, §505, added subpars. (D) to (G).

1991—Pub. L. 102–83, §5(a), renumbered section 316 of this title as this section.

Subsec. (a)(1). Pub. L. 102–83, §5(c)(1), substituted ''1110'' for ''310'' and ''1113'' for ''313'' in introductory provisions.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–275 effective Jan. 1, 1997, with no benefit to be paid or provided by reason of such amendment for any period before such date, see section 505(d) of Pub. L. 104–275, set out as a note under section 101 of this title.

AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES

Section 3 of Pub. L. 102–4, as amended by Pub. L. 102–83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–86, title V, §503(a), (b)(1), Aug. 14, 1991, 105 Stat. 424, 425, provided that:

''(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

''(b) AGREEMENT.—The Secretary shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section. The Secretary shall seek to enter into such agreement not later than two months after the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991 [Aug. 14, 1991].

''(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the Academy shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between exposure to an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era and each disease suspected to be associated with such exposure.

''(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—(1) For each disease reviewed, the Academy shall determine (to the extent that available scientific data permit meaningful determinations)—

''(A) whether a statistical association with herbicide exposure exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

''(B) the increased risk of the disease among those exposed to herbicides during service in the Republic of Vietnam during the Vietnam era; and

''(C) whether there exists a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease.

''(2) The Academy shall include in its reports under subsection (g) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

''(e) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—The Academy shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to herbicide exposure. In making recommendations for further study, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from additional studies, and the cost and feasibility of carrying out such additional studies.

''(f) SUBSEQUENT REVIEWS.—An agreement under subsection (b) shall require the National Academy of Sciences—

''(1) to conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) that became available since the last review of such evidence under this section; and

''(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

''(g) REPORTS.—(1) The agreement between the Secretary and the National Academy of Sciences shall require the Academy to transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives periodic written reports regarding the Academy's activities under the agreement. Such reports shall be submitted at least once every two years (as measured from the date of the first report).

''(2) The first report under this subsection shall be transmitted not later than the end of the 18-month period beginning on the date of the enactment of this Act [Feb. 6, 1991]. That report shall include (A) the determinations and discussion referred to in subsection (d), (B) any recommendations of the Academy under subsection (e), and (C) the recommendation of the Acad-

emy as to whether the provisions of each of sections 6 through 9 [set out below] should be implemented by the Secretary. In making its recommendation with respect to each such section, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from implementing that section, and the cost and feasibility of implementing that section. If the Academy recommends that the provisions of section 6 should be implemented, the Academy shall also recommend the means by which clinical data referred to in that section could be maintained in the most scientifically useful way.

''(h) LIMITATION ON AUTHORITY.—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

''(i) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (g).

''(j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—If the Secretary is unable within the time period prescribed in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the National Academy of Sciences. If the Secretary enters into such an agreement with another organization, then any reference in this section and in section 1116 [formerly 316] of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

''(k) LIABILITY INSURANCE.—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

''(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

''(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

''(C) The making of any recommendation for additional scientific study under subsection (e).

''(D) The conduct of any subsequent review referred to in subsection (f) and the making of any determination or estimate referred to in such subsection.

''(E) The preparation of the reports referred to in subsection (g).

''(2) A person referred to in paragraph (1) is—

''(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

''(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

''(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

''(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney's fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney's fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code.''

RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM

Section 6 of Pub. L. 102–4, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

''(a) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department after November 3, 1981, by reason of eligibility provided in section 1710(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

''(b) ANNUAL REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

''(1) the information compiled in accordance with subsection (a);

''(2) the Secretary's analysis of such information;

''(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

''(4) the Secretary's explanation for the incidence of such disabilities;

''(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary; and

''(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other toxic substance referred to in section 1710(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in the Republic of Vietnam during the Vietnam era.

''(c) FIRST REPORT.—The first report under subsection (b) shall be submitted not later than one year after the effective date of this section [see subsec. (e) of this section].

''(d) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

''(e) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) [set out above] is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

''(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

''(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

''(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.''

TISSUE ARCHIVING SYSTEM

Section 7 of Pub. L. 102–4 provided that:

''(a) ESTABLISHMENT OF SYSTEM.—Subject to subsections (e) and (f), for the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tissue of veterans who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

''(b) SECURITY OF SPECIMENS.—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

''(c) AUTHORIZED USE OF SPECIMENS.—The Secretary may make blood and tissue available from the system for research referred to in subsection (a). The Secretary shall carry out this section in a manner consistent with the privacy rights and interests of the blood and tissue donors.

''(d) LIMITATIONS ON ACCEPTANCE OF SAMPLES.—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in subsection (a).

''(e) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

''(f) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) [set out above] is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

''(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

''(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

''(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.''

SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM

Section 8 of Pub. L. 102–4 provided that:

''(a) ESTABLISHMENT OF PROGRAM.—Subject to subsections (e) and (f), the Secretary of Veterans Affairs shall establish a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on—

''(1) health hazards resulting from exposure to dioxin;

''(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era; and

''(3) health hazards resulting from active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

''(b) PROGRAM REQUIREMENTS.—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

''(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

''(c) REPORT.—The Secretary shall promptly report the results of studies conducted under the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

''(d) CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences under this Act [Pub. L. 102–4, see Short Title of 1991 Amendments note under section 101 of this title]—

''(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

''(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

''(2) The agreement shall require the Academy to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the Academy considers appropriate regarding any studies reviewed under the agreement.

''(e) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

''(f) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) [set out above] is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

''(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

''(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

''(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.''

BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS

Section 9 of Pub. L. 102–4, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

''(a) BLOOD TESTING.—Subject to subsections (d) and (e), in the case of a veteran described in section 1710(e)(1)(A) of title 38, United States Code, who—

''(1) has applied for medical care from the Department of Veterans Affairs; or

''(2) has filed a claim for, or is in receipt of disability compensation under chapter 11 of title 38, United States Code,

the Secretary of Veterans Affairs shall, upon the veteran's request, obtain a sufficient amount of blood serum from the veteran to enable the Secretary to conduct a test of the serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) which may be present in the veteran's body.

''(b) NOTIFICATION OF TEST RESULTS.—Upon completion of such test, the Secretary shall notify the veteran of the test results and provide the veteran a complete explanation as to what, if anything, the results of the test indicate regarding the likelihood of the veteran's exposure to TCDD while serving in the Republic of Vietnam.

''(c) INCORPORATION IN SYSTEM.—The Secretary shall maintain the veteran's blood sample and the results of the test as part of the system required by section 7 [set out above].

''(d) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts, but such amount shall not exceed $4,000,000 in any fiscal year.

''(e) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) [set out above] is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

''(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

''(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

''(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.''

STUDY OF EFFECT OF VIETNAM EXPERIENCE ON HEALTH STATUS OF WOMEN VIETNAM VETERANS

Pub. L. 99–272, title XIX, § 19031, Apr. 7, 1986, 100 Stat. 385, provided that:

''(a) REQUIREMENT FOR EPIDEMIOLOGICAL STUDY.—(1)(A) Except as provided in paragraph (2), the Administrator of Veterans' Affairs shall provide for the conduct of an epidemiological study of any long-term adverse health effects (particularly gender-specific health effects) which have been experienced by women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era and which may have resulted from traumatic experiences during such service, from exposure during such service to phenoxy herbicides (including the herbicide known as Agent Orange), to other herbicides, chemicals, or medications that may have deleterious health effects, or to environmental hazards, or from any other experience or exposure during such service.

''(B) The Administrator may include in the study conducted under this paragraph an evaluation of the means of detecting and treating long-term adverse health effects (particularly gender-specific health effects) found through the study.

''(2)(A) If the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that it is not feasible to conduct a scientifically valid study of an aspect of the matters described in paragraph (1)—

''(i) the Administrator shall promptly submit to the appropriate committees of the Congress a notice of that determination and the reasons for the determination; and

''(ii) the Director, not later than 60 days after the date on which such notice is submitted to the committees, shall submit to such committees a report evaluating and commenting on such determination.

''(B) The Administrator is not required to study any aspect of the matters described in paragraph (1) with respect to which a determination is made and a notice is submitted pursuant to subparagraph (A)(i).

''(C) If the Administrator submits to the Congress notice of a determination made pursuant to subparagraph (A) that it is not scientifically feasible to conduct the study described in paragraph (1)(A), this section (effective as of the date of such notice) shall cease to have effect as if repealed by law.

''(3) The Administrator shall provide for the study to be conducted through contracts or other agreements with private or public agencies or persons.

''(b) APPROVAL OF PROTOCOL.—(1) The study required by subsection (a) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

''(2) Not later than July 1, 1986, the Administrator shall publish a request for proposals for the design of the protocol to be used in conducting the study under this section.

''(3) In considering any proposed protocol for use or approval under this subsection, the Administrator and the Director shall take into consideration—

''(A) the protocol approved under section 307(a)(2)(A)(i) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96–151; 38 U.S.C. 219 note [1116 note]); and

''(B) the experience under the study being conducted pursuant to that protocol.

''(c) OTA REPORTS.—(1) Concurrent with the approval or disapproval of any protocol under subsection (b)(1), the Director shall submit to the appropriate committees of the Congress a report—

''(A) explaining the reasons for the Director's approval or disapproval of the protocol, as the case may be; and

''(B) containing the Director's conclusions regarding the scientific validity and objectivity of the protocol.

''(2) If the Director has not approved a protocol under subsection (b)(1) by the last day of the 180-day period beginning on the date of the enactment of this Act [Apr. 7, 1986], the Director—

''(A) shall, on such day, submit to the appropriate committees of the Congress a report describing the reasons why the Director has not approved such a protocol; and

''(B) shall, each 60 days thereafter until such a protocol is approved, submit to such committees an updated report on the report required by clause (A).

''(d) OTA MONITORING OF COMPLIANCE.—(1) In order to ensure compliance with the protocol approved under subsection (b)(1), the Director shall monitor the conduct of the study under subsection (a).

''(2)(A) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in subparagraph (B), a report on the Director's monitoring of the conduct of the study pursuant to paragraph (1).

''(B) A report shall be submitted under subparagraph (A)—

''(i) before the end of the 6-month period beginning on the date on which the Director approves the protocol referred to in paragraph (1);

''(ii) before the end of the 12-month period beginning on such date; and

''(iii) annually thereafter until the study is completed or terminated.

''(e) DURATION OF STUDY.—The study conducted pursuant to subsection (a) shall be continued for as long after the date on which the first report is submitted under subsection (f)(1) as the Administrator determines that there is a reasonable possibility of developing, through such study, significant new information on the health effects described in subsection (a)(1).

''(f) REPORTS.—(1) Not later than 24 months after the date of the approval of the protocol pursuant to subsection (b)(1) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing—

''(A) a description of the results obtained, before the date of such report, under the study conducted pursuant to subsection (a); and

''(B) any administrative actions or recommended legislation, or both, and any additional comments which the Administrator considers appropriate in light of such results.

''(2) Not later than 90 days after the date on which each report required by paragraph (1) is submitted, the Administrator shall publish in the Federal Register, for public review and comment, a description of any action that the Administrator plans or proposes to take with

respect to programs administered by the Veterans' Administration based on—

''(A) the results described in such report;

''(B) the comments and recommendations received on that report; and

''(C) any other available pertinent information.

Each such description shall include a justification or rationale for the planned or proposed action.

''(g) DEFINITIONS.—For the purposes of this section:

''(1) The term 'gender-specific health effects' includes—

''(A) effects on female reproductive capacity and reproductive organs;

''(B) effects on reproductive outcomes;

''(C) effects on female-specific organs and tissues; and

''(D) other effects unique to the physiology of females.

''(2) The term 'Vietnam era' has the meaning given such term in section 101(29) of title 38, United States Code.''

AGENT ORANGE STUDY; REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 96–151, title III, § 307, Dec. 20, 1979, 93 Stat. 1097, as amended by Pub. L. 97–72, title IV, § 401, Nov. 3, 1981, 95 Stat. 1061; Pub. L. 98–542, § 8(a), Oct. 24, 1984, 98 Stat. 2731, directed that a protocol be designed for an epidemiological study of the long-term health effects of Agent Orange on Armed Forces personnel who served in Vietnam, and that reports be submitted to Congress describing results with comments and recommendations.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1103, 1113 of this title.

§ 1117. Compensation for disabilities occurring in Persian Gulf War veterans

(a) The Secretary may pay compensation under this subchapter to any Persian Gulf veteran suffering from a chronic disability resulting from an undiagnosed illness (or combination of undiagnosed illnesses) that—

(1) became manifest during service on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; or

(2) became manifest to a degree of 10 percent or more within the presumptive period prescribed under subsection (b).

(b) The Secretary shall prescribe by regulation the period of time following service in the Southwest Asia theater of operations during the Persian Gulf War that the Secretary determines is appropriate for presumption of service connection for purposes of this section. The Secretary's determination of such period of time shall be made following a review of any available credible medical or scientific evidence and the historical treatment afforded disabilities for which manifestation periods have been established and shall take into account other pertinent circumstances regarding the experiences of veterans of the Persian Gulf War.

(c)(1) Whenever the Secretary determines under section 1118(c) of this title that a presumption of service connection for an undiagnosed illness (or combination of undiagnosed illnesses) previously established under this section is no longer warranted—

(A) a veteran who was awarded compensation under this section for such illness (or combination of illnesses) on the basis of the presumption shall continue to be entitled to receive compensation under this section on that basis; and

(B) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the disease on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

(2) This subsection shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 1603 of the Persian Gulf War Veterans Act of 1998.

(d)(1) The Secretary shall prescribe regulations to carry out this section.

(2) Those regulations shall include the following:

(A) A description of the period and geographical area or areas of military service in connection with which compensation under this section may be paid.

(B) A description of the illnesses for which compensation under this section may be paid.

(C) A description of any relevant medical characteristic (such as a latency period) associated with each such illness.

(e) A disability for which compensation under this subchapter is payable shall be considered to be service connected for purposes of all other laws of the United States.

(f) For purposes of this section, the term ''Persian Gulf veteran'' means a veteran who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(Added Pub. L. 103–446, title I, § 106(a)(1), Nov. 2, 1994, 108 Stat. 4650; amended Pub. L. 105–277, div. C, title XVI, § 1602(c), Oct. 21, 1998, 112 Stat. 2681–744.)

REFERENCES IN TEXT

Section 1603 of the Persian Gulf War Veterans Act of 1998, referred to in subsec. (c)(2), is section 1603 of Pub. L. 105–277, which is set out in a note below.

AMENDMENTS

1998—Subsecs. (c) to (f). Pub. L. 105–277 added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

REGULATIONS

Section 106(d) of Pub. L. 103–446 provided that: ''If the Secretary states in the report under subsection (c) [set out below] that the Secretary intends to pay compensation as provided in section 1117 of title 38, United States Code, as added by subsection (a), the Secretary shall, not later than 30 days after the date on which such report is submitted, publish in the Federal Register proposed regulations under subsections (b) and (c) of that section.''

IMPROVING EFFECTIVENESS OF CARE OF PERSIAN GULF WAR VETERANS

Pub. L. 105–368, title I, § 105, Nov. 11, 1998, 112 Stat. 3324, provided that:

''(a) ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.—Not later than April 1, 1999, the Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences to review the available scientific data in order to—

''(1) assess whether a methodology could be used by the Department of Veterans Affairs for determining the efficacy of treatments furnished to, and health outcomes (including functional status) of, Persian Gulf War veterans who have been treated for illnesses which may be associated with their service in the Persian Gulf War; and

''(2) identify, to the extent feasible, with respect to each undiagnosed illness prevalent among such veterans and for any other chronic illness that the Academy determines to warrant such review, empirically valid models of treatment for such illness which employ successful treatment modalities for populations with similar symptoms.

''(b) ACTION ON REPORT.—(1) After receiving the final report of the National Academy of Sciences under subsection (a), the Secretary shall, if a reasonable and scientifically feasible methodology is identified by the Academy, develop an appropriate mechanism to monitor and study the effectiveness of treatments furnished to, and health outcomes of, Persian Gulf War veterans who suffer from diagnosed and undiagnosed illnesses which may be associated with their service in the Persian Gulf War.

''(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of paragraph (1).

''(3) The Secretary shall carry out paragraphs (1) and (2) not later than 180 days after receiving the final report of the National Academy of Sciences under subsection (a).''

AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES REGARDING TOXIC DRUGS AND ILLNESSES ASSOCIATED WITH GULF WAR

Pub. L. 105–277, div. C, title XVI, §1603–1605, Oct. 21, 1998, 112 Stat. 2681–745 to 2681–748, provided that:

''SEC. 1603. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

''(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise, to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Gulf War service.

''(b) AGREEMENT.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the activities covered by this section. The Secretary shall seek to enter into the agreement not later than two months after the date of enactment of this Act [Oct. 21, 1998].

''(c) IDENTIFICATION OF AGENTS AND ILLNESSES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall—

''(A) identify the biological, chemical, or other toxic agents, environmental or wartime hazards, or preventive medicines or vaccines to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service; and

''(B) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) that are manifest in such members.

''(2) In identifying illnesses under paragraph (1)(B), the Academy shall review and summarize the relevant scientific evidence regarding illnesses among the members described in paragraph (1)(A) and among other appropriate populations of individuals, including mortality, symptoms, and adverse reproductive health outcomes among such members and individuals.

''(d) INITIAL CONSIDERATION OF SPECIFIC AGENTS.—(1) In identifying under subsection (c) the agents, hazards, or preventive medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of the first report under subsection (i), the National Academy of Sciences shall consider, within the first six months after the date of enactment of this Act [Oct. 21, 1998], the following:

''(A) The following organophosphorous pesticides:

''(i) Chlorpyrifos.

''(ii) Diazinon.

''(iii) Dichlorvos.

''(iv) Malathion.

''(B) The following carbamate pesticides:

''(i) Proxpur.

''(ii) Carbaryl.

''(iii) Methomyl.

''(C) The carbamate pyridostigmine bromide used as nerve agent prophylaxis.

''(D) The following chlorinated hydrocarbon and other pesticides and repellents:

''(i) Lindane.

''(ii) Pyrethrins.

''(iii) Permethrins.

''(iv) Rodenticides (bait).

''(v) Repellent (DEET).

''(E) The following low-level nerve agents and precursor compounds at exposure levels below those which produce immediately apparent incapacitating symptoms:

''(i) Sarin.

''(ii) Tabun.

''(F) The following synthetic chemical compounds:

''(i) Mustard agents at levels below those which cause immediate blistering.

''(ii) Volatile organic compounds.

''(iii) Hydrazine.

''(iv) Red fuming nitric acid.

''(v) Solvents.

''(vi) Uranium.

''(G) The following ionizing radiation:

''(i) Depleted uranium.

''(ii) Microwave radiation.

''(iii) Radio frequency radiation.

''(H) The following environmental particulates and pollutants:

''(i) Hydrogen sulfide.

''(ii) Oil fire byproducts.

''(iii) Diesel heater fumes.

''(iv) Sand micro-particles.

''(I) Diseases endemic to the region (including the following):

''(i) Leishmaniasis.

''(ii) Sandfly fever.

''(iii) Pathogenic escherechia coli.

''(iv) Shigellosis.

''(J) Time compressed administration of multiple live, 'attenuated', and toxoid vaccines.

''(2) The consideration of agents, hazards, and medicines and vaccines under paragraph (1) shall not preclude the Academy from identifying other agents, hazards, or medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of any report under subsection (i).

''(3) Not later than six months after the date of enactment of this Act [Oct. 21, 1998], the Academy shall submit to the designated congressional committees a report specifying the agents, hazards, and medicines and vaccines considered under paragraph (1).

''(e) DETERMINATIONS OF ASSOCIATIONS BETWEEN AGENTS AND ILLNESSES.—(1) For each agent, hazard, or medicine or vaccine and illness identified under subsection (c), the National Academy of Sciences shall determine, to the extent that available scientific data permit meaningful determinations—

''(A) whether a statistical association exists between exposure to the agent, hazard, or medicine or vaccine and the illness, taking into account the strength of the scientific evidence and the appropriateness of the scientific methodology used to detect the association;

''(B) the increased risk of the illness among human or animal populations exposed to the agent, hazard, or medicine or vaccine; and

''(C) whether a plausible biological mechanism or other evidence of a causal relationship exists between

exposure to the agent, hazard, or medicine or vaccine and the illness.

''(2) The Academy shall include in its reports under subsection (i) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

''(f) REVIEW OF POTENTIAL TREATMENT MODELS FOR CERTAIN ILLNESSES.—Under the agreement under subsection (b), the National Academy of Sciences shall separately review, for each chronic undiagnosed illness identified under subsection (c)(1)(B) and for any other chronic illness that the Academy determines to warrant such review, the available scientific data in order to identify empirically valid models of treatment for such illnesses which employ successful treatment modalities for populations with similar symptoms.

''(g) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Gulf War service.

''(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

''(h) SUBSEQUENT REVIEWS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

''(2) As part of each review under this subsection, the Academy shall—

''(A) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) and the data referred to in subsections (e), (f), and (g) that became available since the last review of such evidence and data under this section; and

''(B) make determinations under the subsections referred to in subparagraph (A) on the basis of the results of such review and all other reviews previously conducted for purposes of this section.

''(i) REPORTS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the committees and officials referred to in paragraph (5) periodic written reports regarding the Academy's activities under the agreement.

''(2) The first report under paragraph (1) shall be submitted not later than 18 months after the date of enactment of this Act [Oct. 21, 1998]. That report shall include—

''(A) the determinations and discussion referred to in subsection (e);

''(B) the results of the review of models of treatment under subsection (f); and

''(C) any recommendations of the Academy under subsection (g).

''(3) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

''(4) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the 2-year period ending on the date of such report.

''(5) Reports under this subsection shall be submitted to the following:

''(A) The designated congressional committees.

''(B) The Secretary of Veterans Affairs.

''(C) The Secretary of Defense.

''(j) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences submits the first report under subsection (i).

''(k) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period set forth in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for purposes of this section with another appropriate scientific organization that is not part of the Government, operates as a not-for-profit entity, and has expertise and objectivity comparable to that of the National Academy of Sciences.

''(2) If the Secretary enters into an agreement with another organization under this subsection, any reference in this section and section 1118 of title 38, United States Code (as added by section 1602(a)), to the National Academy of Sciences shall be treated as a reference to such other organization.

''SEC. 1604. REPEAL OF INCONSISTENT PROVISIONS OF LAW.

''In the event of the enactment, before, on, or after the date of the enactment of this Act [Oct. 21, 1998], of section 101 of the Veterans Programs Enhancement Act of 1998 [Pub. L. 105–368, 112 Stat. 3317], or any similar provision of law enacted during the second session of the 105th Congress requiring an agreement with the National Academy of Sciences regarding an evaluation of health consequences of service in Southwest Asia during the Persian Gulf War, such section 101 (or other provision of law) shall be treated as if never enacted, and shall have no force or effect.

''SEC. 1605. DEFINITIONS.

''In this title:

''(1) The term 'toxic agent, environmental or wartime hazard, or preventive medicine or vaccine associated with Gulf War service' means a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War, whether such association arises as a result of single, repeated, or sustained exposure and whether such association arises through exposure singularly or in combination.

''(2) The term 'designated congressional committees' means the following:

''(A) The Committees on Veterans' Affairs and Armed Services of the Senate.

''(B) The Committees on Veterans' Affairs and National Security [now Armed Services] of the House of Representatives.

''(3) The term 'Persian Gulf War' has the meaning given that term in section 101(33) of title 38, United States Code.''

[Pub. L. 105–368, title I, § 101, Nov. 11, 1998, 112 Stat. 3317, enacted provisions similar to those in sections 1603 and 1605 of Pub. L. 105–277, set out above. See section 1604 of Pub. L. 105–277, set out above.]

PERSIAN GULF WAR VETERANS' BENEFITS

Sections 102 to 105, 107, 109, and 110 of title I of Pub. L. 103–446, as amended by Pub. L. 104–262, title III, § 352(a), Oct. 9, 1996, 110 Stat. 3210; Pub. L. 105–368, title I, § 107, Nov. 11, 1998, 112 Stat. 3325, provided that:

''SEC. 102. FINDINGS.

''The Congress makes the following findings:

''(1) During the Persian Gulf War, members of the Armed Forces were exposed to numerous potentially toxic substances, including fumes and smoke from military operations, oil well fires, diesel exhaust, paints, pesticides, depleted uranium, infectious agents, investigational drugs and vaccines, and indigenous diseases, and were also given multiple immunizations. It is not known whether these servicemembers were exposed to chemical or biological warfare agents. However, threats of enemy use of chemical and biological warfare heightened the psychological stress associated with the military operation.

''(2) Significant numbers of veterans of the Persian Gulf War are suffering from illnesses, or are exhibit-

ing symptoms of illness, that cannot now be diagnosed or clearly defined. As a result, many of these conditions or illnesses are not considered to be service connected under current law for purposes of benefits administered by the Department of Veterans Affairs.

''(3) The National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, held in April 1994, concluded that the complex biological, chemical, physical, and psychological environment of the Southwest Asia theater of operations produced complex adverse health effects in Persian Gulf War veterans and that no single disease entity or syndrome is apparent. Rather, it may be that the illnesses suffered by those veterans result from multiple illnesses with overlapping symptoms and causes that have yet to be defined.

''(4) That workshop concluded that the information concerning the range and intensity of exposure to toxic substances by military personnel in the Southwest Asia theater of operations is very limited and that such information was collected only after a considerable delay.

''(5) In response to concerns regarding the health-care needs of Persian Gulf War veterans, particularly those who suffer from illnesses or conditions for which no diagnosis has been made, the Congress, in Public Law 102–585 [see Short Title of 1992 Amendments note under section 101 of this title], directed the establishment of a Persian Gulf War Veterans Health Registry, authorized health examinations for veterans of the Persian Gulf War, and provided for the National Academy of Sciences to conduct a comprehensive review and assessment of information regarding the health consequences of military service in the Persian Gulf theater of operations and to develop recommendations on avenues for research regarding such health consequences. In Public Law 103–210 [see Tables for classification], the Congress authorized the Department of Veterans Affairs to provide health care services on a priority basis to Persian Gulf War veterans. The Congress also provided in Public Law 103–160 (the National Defense Authorization Act for Fiscal Year 1994) [see Tables for classification] for the establishment of a specialized environmental medical facility for the conduct of research into the possible health effects of exposure to low levels of hazardous chemicals, especially among Persian Gulf veterans, and for research into the possible health effects of battlefield exposure in such veterans to depleted uranium.

''(6) In response to concerns about the lack of objective research on Gulf War illnesses, Congress included research provisions in the National Defense Authorization Act for Fiscal Year 1995 [Pub. L. 103–337, see Tables for classification], which was passed by the House and Senate in September 1994. This legislation requires the Secretary of Defense to provide research grants to non-Federal researchers to support three types of studies of the Gulf War syndrome. The first type of study will be an epidemiological study or studies of the incidence, prevalence, and nature of the illness and symptoms and the risk factors associated with symptoms or illnesses. This will include illnesses among spouses and birth defects and illnesses among offspring born before and after the Gulf War. The second group of studies shall be conducted to determine the health consequences of the use of pyridostigmine bromide as a pretreatment antidote enhancer during the Persian Gulf War, alone or in combination with exposure to pesticides, environmental toxins, and other hazardous substances. The final group of studies shall include clinical research and other studies on the causes, possible transmission, and treatment of Gulf War syndrome, and will include studies of veterans and their spouses and children.

''(7) Further research and studies must be undertaken to determine the underlying causes of the illnesses suffered by Persian Gulf War veterans and, pending the outcome of such research, veterans who are seriously ill as the result of such illnesses should be given the benefit of the doubt and be provided compensation benefits to offset the impairment in earnings capacities they may be experiencing.

''SEC. 103. PURPOSES.

''The purposes of this title [see Short Title of 1994 Amendments note under section 101 of this title] are—

''(1) to provide compensation to Persian Gulf War veterans who suffer disabilities resulting from illnesses that cannot now be diagnosed or defined, and for which other causes cannot be identified;

''(2) to require the Secretary of Veterans Affairs to develop at the earliest possible date case assessment strategies and definitions or diagnoses of such illnesses;

''(3) to promote greater outreach to Persian Gulf War veterans and their families to inform them of ongoing research activities, as well as the services and benefits to which they are currently entitled; and

''(4) to ensure that research activities and accompanying surveys of Persian Gulf War veterans are appropriately funded and undertaken by the Department of Veterans Affairs.

''SEC. 104. DEVELOPMENT OF MEDICAL EVALUATION PROTOCOL.

''(a) UNIFORM MEDICAL EVALUATION PROTOCOL.—(1) The Secretary of Veterans Affairs shall develop and implement a uniform and comprehensive medical evaluation protocol that will ensure appropriate medical assessment, diagnosis, and treatment of Persian Gulf War veterans who are suffering from illnesses the origins of which are (as of the date of the enactment of this Act [Nov. 2, 1994]) unknown and that may be attributable to service in the Southwest Asia theater of operations during the Persian Gulf War. The protocol shall include an evaluation of complaints relating to illnesses involving the reproductive system.

''(2) If such a protocol is not implemented before the end of the 120-day period beginning on the date of the enactment of this Act [Nov. 2, 1994], the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such a protocol has not yet been developed.

''(3)(A) The Secretary shall ensure that the evaluation under the protocol developed under this section is available at all Department medical centers that have the capability of providing the medical assessment, diagnosis, and treatment required under the protocol.

''(B) The Secretary may enter into contracts with non-Department medical facilities for the provision of the evaluation under the protocol.

''(C) In the case of a veteran whose residence is distant from a medical center described in subparagraph (A), the Secretary may provide the evaluation through a Department medical center described in that subparagraph and, in such a case, may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

''(4)(A) If the Secretary is unable to diagnose the symptoms or illness of a veteran provided an evaluation, or if the symptoms or illness of a veteran do not respond to treatment provided by the Secretary, the Secretary may use the authority in section 1703 of title 38, United States Code, in order to provide for the veteran to receive diagnostic tests or treatment at a non-Department medical facility that may have the capability of diagnosing or treating the symptoms or illness of the veteran. The Secretary may provide the veteran the travel and incidental expenses therefor pursuant to the provisions of section 111 of title 38, United States Code.

''(B) The Secretary shall request from each non-Department medical facility that examines or treats a veteran under this paragraph such information relating to the diagnosis or treatment as the Secretary considers appropriate.

''(5) In each year after the implementation of the protocol, the Secretary shall enter into an agreement with the National Academy of Sciences under which agreement appropriate experts shall review the adequacy of the protocol and its implementation by the Department of Veterans Affairs.

''(b) RELATIONSHIP TO OTHER COMPREHENSIVE CLINICAL EVALUATION PROTOCOLS.—The Secretary, in consultation with the Secretary of Defense, shall ensure that the information collected through the protocol described in this section is collected and maintained in a manner that permits the effective and efficient cross-reference of that information with information collected and maintained through the comprehensive clinical protocols of the Department of Defense for Persian Gulf War veterans.

''(c) CASE DEFINITIONS AND DIAGNOSES.—The Secretary shall develop case definitions or diagnoses for illnesses associated with the service described in subsection (a)(1). The Secretary shall develop such definitions or diagnoses at the earliest possible date.

''SEC. 105. OUTREACH TO PERSIAN GULF VETERANS.

''(a) IN GENERAL.—The Secretary of Veterans Affairs shall implement a comprehensive outreach program to inform Persian Gulf War veterans and their families of the medical care and other benefits that may be provided by the Department of Veterans Affairs and the Department of Defense arising from service in the Persian Gulf War.

''(b) NEWSLETTER.—(1) The outreach program shall include a newsletter which shall be updated and distributed at least semi-annually and shall be distributed to the veterans listed on the Persian Gulf War Veterans Health Registry. The newsletter shall include summaries of the status and findings of Government sponsored research on illnesses of Persian Gulf War veterans and their families, as well as on benefits available to such individuals through the Department of Veterans Affairs. The newsletter shall be prepared in consultation with veterans service organizations.

''(2) The requirement under this subsection for the distribution of the newsletter shall terminate on December 31, 1999.

''(c) TOLL-FREE NUMBER.—The outreach program shall include establishment of a toll-free telephone number to provide Persian Gulf War veterans and their families information on the Persian Gulf War Veterans Health Registry, health care and other benefits provided by the Department of Veterans Affairs, and such other information as the Secretary considers appropriate. Such toll-free telephone number shall be established not later than 90 days after the date of the enactment of this Act [Nov. 2, 1994].

''SEC. 107. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

''(a) EVALUATION PROGRAM.—Subject to subsection (c), the Secretary of Veterans Affairs shall conduct a program to evaluate the health status of spouses and children of Persian Gulf War veterans. Under the program, the Secretary shall provide for the conduct of diagnostic testing and appropriate medical examinations of any individual—

''(1) who is the spouse or child of a veteran who—

''(A) is listed in the Persian Gulf War Veterans Registry established under section 702 of Public Law 102–585 [set out in a note under section 527 of this title]; and

''(B) is suffering from an illness or disorder;

''(2) who is apparently suffering from, or may have suffered from, an illness or disorder (including a birth defect, miscarriage, or stillbirth) which cannot be disassociated from the veteran's service in the Southwest Asia theater of operations; and

''(3) who, in the case of a spouse, has granted the Secretary permission to include in the Registry relevant medical data (including a medical history and the results of diagnostic testing and medical examinations) and such other information as the Secretary considers relevant and appropriate with respect to such individual.

''(b) DURATION OF PROGRAM.—The program shall be carried out during the period beginning on November 1, 1994, and ending on December 31, 1999.

''(c) FUNDING LIMITATION.—The amount spent for the program under subsection (a) may not exceed $2,000,000.

''(d) CONTRACTING.—The Secretary may provide for the conduct of testing and examinations under subsection (a) through appropriate contract arrangements, including fee arrangements described in section 1703 of title 38, United States Code.

''(e) STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall seek to ensure uniform development of medical data through the development of standard protocols and guidelines for such testing and examinations. If such protocols and guidelines have not been adopted before the end of the 120-day period beginning on the date of the enactment of this Act [Nov. 2, 1994], the Secretary shall, before the end of such period, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report as to why such protocols and guidelines have not yet been developed.

''(f) ENTRY OF RESULTS IN REGISTRY.—The results of diagnostic tests, medical histories, and medical examinations conducted under subsection (a) shall be entered into the Persian Gulf War Veterans Health Registry.

''(g) OUTREACH.—The Secretary shall conduct such outreach activities as the Secretary determines necessary for the purposes of the program. In conducting such outreach activities, the Secretary shall advise that medical treatment is not available under the program.

''(h) USE OUTSIDE DEPARTMENT OF STANDARD PROTOCOLS AND GUIDELINES.—The Secretary shall—

''(1) make the standard protocols and guidelines developed under this section available to any entity which requests a copy of such protocols and guidelines; and

''(2) enter into the registry the results of any examination of the spouse or child of a veteran who served in the Persian Gulf theater which a licensed physician certifies was conducted using those standard protocols and guidelines.

''(i) REPORT TO CONGRESS.—Not later than July 31, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on activities with respect to the program, including the provision of services under subsection (d).

''(j) DEFINITIONS.—For purposes of this section, the terms 'child' and 'spouse' have the meanings given those terms in paragraphs (4) and (31), respectively, of section 101 of title 38, United States Code.

''SEC. 109. SURVEY OF PERSIAN GULF VETERANS.

''(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out a survey of Persian Gulf veterans to gather information on the incidence and nature of health problems occurring in Persian Gulf veterans and their families.

''(b) COORDINATION WITH DEPARTMENT OF DEFENSE.—Any survey under subsection (a) shall be carried out in coordination with the Secretary of Defense.

''(c) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War as defined in section 101(33) of title 38, United States Code.

''SEC. 110. AUTHORIZATION FOR EPIDEMIOLOGICAL STUDIES.

''(a) STUDY OF HEALTH CONSEQUENCES OF PERSIAN GULF SERVICE.—If the National Academy of Sciences includes in the report required by section 706(b) of the Veterans Health Care Act of 1992 (Public Law 102–585) [set out in a note under section 527 of this title] a finding that there is a sound basis for an epidemiological

study or studies on the health consequences of service in the Persian Gulf theater of operations during the Persian Gulf War and recommends the conduct of such a study or studies, the Secretary of Veterans Affairs is authorized to carry out such study.

''(b) OVERSIGHT.—(1) The Secretary shall seek to enter into an agreement with the Medical Follow-Up Agency (MFUA) of the Institute of Medicine of the National Academy of Sciences for (A) the review of proposals to conduct the research referred to in subsection (a), (B) oversight of such research, and (C) review of the research findings.

''(2) If the Secretary is unable to enter into an agreement under paragraph (1) with the entity specified in that paragraph, the Secretary shall enter into an agreement described in that paragraph with another appropriate scientific organization which does not have a connection to the Department of Veterans Affairs. In such a case, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, at least 90 days before the date on which the agreement is entered into, notice in writing identifying the organization with which the Secretary intends to enter into the agreement.

''(c) ACCESS TO DATA.—The Secretary shall enter into agreements with the Secretary of Defense and the Secretary of Health and Human Services to make available for the purposes of any study described in subsection (a) all data that the Secretary, in consultation with the National Academy of Sciences and the contractor for the study, considers relevant to the study.

''(d) AUTHORIZATION.—There are authorized to be appropriated to the Department such sums as are necessary for the conduct of studies described in subsection (a).''

[Pub. L. 104–262, title III, § 352(b), Oct. 9, 1996, 110 Stat. 3211, provided that: ''Any diagnostic testing and medical examinations undertaken by the Secretary of Veterans Affairs for the purpose of the study required by subsection (a) of such section [section 107(a) of Pub. L. 103–446, set out above] during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act [Oct. 9, 1996] is hereby ratified.'']

REPORT TO CONGRESS ON INTENTION TO PAY COMPENSATION

Section 106(c) of Pub. L. 103–446 directed Secretary of Veterans Affairs, not later than 60 days after Nov. 2, 1994, to submit to Congress a report stating whether or not the Secretary intended to pay compensation as provided in this section.

EX. ORD. NO. 12961. PRESIDENTIAL ADVISORY COMMITTEE ON GULF WAR VETERANS' ILLNESSES

Ex. Ord. No. 12961, May 26, 1995, 60 F.R. 28507, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Establishment*. (a) There is hereby established the Presidential Advisory Committee on Gulf War Veterans' Illnesses (the ''Committee''). The Committee shall be composed of not more than 12 members to be appointed by the President. The members of the Committee shall have expertise relevant to the functions of the Committee and shall not be full-time officials or employees of the executive branch of the Federal Government. The Committee shall be subject to the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

(b) The President shall designate a Chairperson from among the members of the Committee.

SEC. 2. *Functions*. (a) The Committee shall report to the President through the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Health and Human Services.

(b) The Committee shall provide advice and recommendations based on its review of the following matters:

(1) *Research*: epidemiological, clinical, and other research concerning Gulf War veterans' illnesses.

(2) *Coordinating Efforts*: the activities of the Persian Gulf Veterans Coordinating Board, including the Research Coordinating Council, the Clinical Working Group, and the Disability and Compensation Working Group.

(3) *Medical Treatment*: medical examinations and treatment in connection with Gulf War veterans' illnesses, including the Comprehensive Clinical Evaluation Program and the Persian Gulf Registry Medical Examination Program.

(4) *Outreach*: government-sponsored outreach efforts such as hotlines and newsletters related to Gulf War veterans' illnesses.

(5) *External Reviews*: the steps taken to implement recommendations in external reviews by the Institute of Medicine's Committee to Review the Health Consequences of Service During the Persian Gulf War, the Defense Science Board Task Force on Persian Gulf War Health Effects, the National Institutes of Health Technology Assessment Workshop on the Persian Gulf Experience and Health, the Persian Gulf Expert Scientific Committee, and other bodies.

(6) *Risk Factors*: the possible risks associated with service in the Persian Gulf Conflict in general and, specifically, with prophylactic drugs and vaccines, infectious diseases, environmental chemicals, radiation and toxic substances, smoke from oil well fires, depleted uranium, physical and psychological stress, and other factors applicable to the Persian Gulf Conflict.

(7) *Chemical and Biological Weapons*: information related to reports of the possible detection of chemical or biological weapons during the Persian Gulf Conflict.

(c) It shall not be a function of the Committee to conduct scientific research. The Committee shall review information and provide advice and recommendations on the activities undertaken related to the matters described in (b) above.

(d) It shall not be a function of the Committee to provide advice or recommendations on any legal liability of the Federal Government for any claims or potential claims against the Federal Government.

(e) As used herein, ''Gulf War Veterans' Illnesses'' means the symptoms and illnesses reported by United States uniformed services personnel who served in the Persian Gulf Conflict.

(f) The Committee shall submit an interim report within 6 months of the first meeting of the Committee and a final report by December 31, 1996, unless otherwise provided by the President.

SEC. 3. *Administration*. (a) The heads of executive departments and agencies shall, to the extent permitted by law, provide the Committee with such information as it may require for purposes of carrying out its functions.

(b) Members of the Committee shall be compensated in accordance with Federal law. Committee members may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(c) To the extent permitted by law, and subject to the availability of appropriations, the Department of Defense shall provide the Committee with such funds as may be necessary for the performance of its functions.

SEC. 4. *General Provisions*. (a) Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to the Committee, except that of reporting annually to the Congress, shall be performed by the Secretary of Defense, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Committee shall terminate 30 days after submitting its final report.

(c) This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law

or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON.

EX. ORD. NO. 13034. EXTENSION OF PRESIDENTIAL ADVISORY COMMITTEE ON GULF WAR VETERANS' ILLNESSES

Ex. Ord. No. 13034, Jan. 30, 1997, 62 F.R. 5137, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Extension*. The Presidential Advisory Committee on Gulf War Veterans' Illnesses (the ''Committee''), established pursuant to Executive Order 12961 [set out above] of May 26, 1995, is hereby extended for the purposes set forth herein. All provisions of that order relating to membership and administration shall remain in effect. All Committee appointments, as well as the President's designation of a Chairperson, shall remain in effect. The limitations set forth in section 2(c)–(e) and section 4(a) of Executive Order 12961 shall also remain in effect. The Committee shall remain subject to the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

SEC. 2. *Functions*. (a) The Committee shall report to the President through the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Health and Human Services.

(b) The Committee shall have two principal roles:

(1) Oversight of the ongoing investigation being conducted by the Department of Defense with the assistance, as appropriate, of other executive departments and agencies into possible chemical or biological warfare agent exposures during the Gulf War; and

(2) Evaluation of the Federal Government's plan for and progress towards the implementation of the Committee's recommendations contained in its Final Report submitted on December 31, 1996.

(c) The Committee shall provide advice and recommendations related to its oversight and evaluation responsibilities.

(d) The Committee may also provide additional advice and recommendations prompted by any new developments related to its original functions as set forth in section 2(b) of Executive Order 12961.

(e) The Committee shall submit by letter a status report by April 30, 1997, and a final supplemental report by October 31, 1997, unless otherwise directed by the President.

SEC. 3. *General Provisions*. (a) The Committee shall terminate 30 days after submitting its final supplemental report.

(b) This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1113 of this title.

§ 1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War

(a)(1) For purposes of section 1110 of this title, and subject to section 1113 of this title, each illness, if any, described in paragraph (2) shall be considered to have been incurred in or aggravated by service referred to in that paragraph, notwithstanding that there is no record of evidence of such illness during the period of such service.

(2) An illness referred to in paragraph (1) is any diagnosed or undiagnosed illness that—

(A) the Secretary determines in regulations prescribed under this section to warrant a presumption of service connection by reason of having a positive association with exposure to a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; and

(B) becomes manifest within the period, if any, prescribed in such regulations in a veteran who served on active duty in that theater of operations during that war and by reason of such service was exposed to such agent, hazard, or medicine or vaccine.

(3) For purposes of this subsection, a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and has an illness described in paragraph (2) shall be presumed to have been exposed by reason of such service to the agent, hazard, or medicine or vaccine associated with the illness in the regulations prescribed under this section unless there is conclusive evidence to establish that the veteran was not exposed to the agent, hazard, or medicine or vaccine by reason of such service.

(b)(1)(A) Whenever the Secretary makes a determination described in subparagraph (B), the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for the illness covered by that determination for purposes of this section.

(B) A determination referred to in subparagraph (A) is a determination based on sound medical and scientific evidence that a positive association exists between—

(i) the exposure of humans or animals to a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine known or presumed to be associated with service in the Southwest Asia theater of operations during the Persian Gulf War; and

(ii) the occurrence of a diagnosed or undiagnosed illness in humans or animals.

(2)(A) In making determinations for purposes of paragraph (1), the Secretary shall take into account—

(i) the reports submitted to the Secretary by the National Academy of Sciences under section 1603 of the Persian Gulf War Veterans Act of 1998; and

(ii) all other sound medical and scientific information and analyses available to the Secretary.

(B) In evaluating any report, information, or analysis for purposes of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

(3) An association between the occurrence of an illness in humans or animals and exposure to an agent, hazard, or medicine or vaccine shall be considered to be positive for purposes of this subsection if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

(c)(1) Not later than 60 days after the date on which the Secretary receives a report from the

National Academy of Sciences under section 1603 of the Persian Gulf War Veterans Act of 1998, the Secretary shall determine whether or not a presumption of service connection is warranted for each illness, if any, covered by the report.

(2) If the Secretary determines under this subsection that a presumption of service connection is warranted, the Secretary shall, not later than 60 days after making the determination, issue proposed regulations setting forth the Secretary's determination.

(3)(A) If the Secretary determines under this subsection that a presumption of service connection is not warranted, the Secretary shall, not later than 60 days after making the determination, publish in the Federal Register a notice of the determination. The notice shall include an explanation of the scientific basis for the determination.

(B) If an illness already presumed to be service connected under this section is subject to a determination under subparagraph (A), the Secretary shall, not later than 60 days after publication of the notice under that subparagraph, issue proposed regulations removing the presumption of service connection for the illness.

(4) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

(d) Whenever the presumption of service connection for an illness under this section is removed under subsection (c)—

(1) a veteran who was awarded compensation for the illness on the basis of the presumption before the effective date of the removal of the presumption shall continue to be entitled to receive compensation on that basis; and

(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the illness on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 1603 of the Persian Gulf War Veterans Act of 1998.

(Added Pub. L. 105–277, div. C, title XVI, § 1602(a)(1), oct. 21, 1998, 112 Stat. 2681–742.)

REFERENCES IN TEXT

Section 1603 of the Persian Gulf War Veterans Act of 1998, referred to in subsecs. (b)(2)(A)(i), (c)(1), and (e), is section 1603 of Pub. L. 105–277, which is set out in a note under section 1117 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1113, 1117 of this title.

SUBCHAPTER III—WARTIME DEATH COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 26 section 6334.

§ 1121. Basic entitlement

The surviving spouse, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during a period of war, shall be entitled to receive compensation at the monthly rates specified in section 1122 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1122, § 321; Pub. L. 92–197, § 6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94–433, title IV, § 404(12), Sept. 30, 1976, 90 Stat. 1378; renumbered § 1121 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 321 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1122'' for ''322''.

1976—Pub. L. 94–433 substituted ''spouse'' for ''widow''.

1971—Pub. L. 92–197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) 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 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5313 of this title.

§ 1122. Rates of wartime death compensation

(a) The monthly rates of death compensation shall be as follows:

(1) Surviving spouse but no child, $87;

(2) Surviving spouse with one child, $121 (with $29 for each additional child);

(3) No surviving spouse but one child, $67;

(4) No surviving spouse but two children, $94 (equally divided);

(5) No surviving spouse but three children, $122 (equally divided) (with $23 for each additional child, total amount to be equally divided);

(6) Dependent parent, $75;

(7) Both dependent parents, $40 each.

(b) The monthly rate of death compensation payable to a surviving spouse or dependent parent under subsection (a) of this section shall be increased by $79 if the payee is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1122, § 322; Pub. L. 91–96, § 7, Oct. 27, 1969, 83 Stat. 146; Pub. L. 91–588, § 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 92–197, § 9, Dec. 15, 1971, 85 Stat. 662; Pub. L. 93–295, title II, § 204, May 31, 1974, 88 Stat. 183; Pub. L. 94–169, title II, § 202, Dec. 23, 1975, 89 Stat. 1021; Pub. L. 94–432, title IV, § 401, Sept. 30, 1976, 90 Stat. 1372; Pub. L. 94–433, title IV, § 404(13)–(17), Sept. 30, 1976, 90 Stat. 1378, 1379; Pub. L. 95–204, title III, § 301, Dec. 2, 1977, 91 Stat.

1459; renumbered § 1122, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 322 of this title as this section.

1977—Subsec. (b). Pub. L. 95–204 substituted ''$79'' for ''$74''.

1976—Subsec. (a). Pub. L. 94–433, § 404(13)–(16), substituted ''Surviving spouse'' for ''Widow'' in pars. (1) and (2); ''surviving spouse'' for ''widow'' in pars. (3), (4), and (5); ''parent'' for ''mother or father'' in par. (6); and ''Both dependent parents'' for ''Dependent mother and father'' in par. (7).

Subsec. (b). Pub. L. 94–433, § 404(17), substituted ''surviving spouse'' for ''widow''.

Pub. L. 94–432 substituted ''$74'' for ''$69''.

1975—Subsec. (b). Pub. L. 94–169 substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''$69'' for ''$64''.

1974—Subsec. (b). Pub. L. 93–295 substituted ''$64'' for ''$55''.

1971—Subsec. (b). Pub. L. 92–197 extended benefits to dependent parents under subsec. (a) of this section and increased the increase in benefits from $50 to $55.

1970—Subsec. (b). Pub. L. 91–588 substituted ''$55'' for ''$50''.

1969—Pub. L. 91–96 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1977 AMENDMENT

Section 302 of Pub. L. 95–204 provided that: ''The provisions of this Act [see Tables for classification] shall take effect January 1, 1978.''

EFFECTIVE DATE OF 1976 AMENDMENTS

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.

Amendment by Pub. L. 94–432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94–432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 202 of Pub. L. 94–169, as amended by section 101 of Pub. L. 94–432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

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 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91–96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91–96, set out as a note under section 1302 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1121, 1142 of this title.

SUBCHAPTER IV—PEACETIME DISABILITY COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 26 section 6334.

§ 1131. 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 other than 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. 1122, § 331; Pub. L. 101–508, title VIII, § 8052(a)(3), Nov. 5, 1990, 104 Stat. 1388–351; renumbered § 1131, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105–178, title VIII, § 8202(b), 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 331 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.

CROSS REFERENCES

Naval Reserves and Marine Corps Reserve, disability and death benefits, see section 6148 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1132, 1133, 1134 of this title.

§ 1132. Presumption of sound condition

For the purposes of section 1131 of this title, every person employed in the active military,

naval, or air service for six months or more shall be taken to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed before acceptance and enrollment.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1122, § 332; renumbered § 1132 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 332 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1131'' for ''331''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1137 of this title.

§ 1133. Presumptions relating to certain diseases

(a) For the purposes of section 1131 of this title, and subject to the provisions of subsections (b) and (c) of this section, any veteran who served for six months or more and contracts a tropical disease or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease, or as a preventative thereof, shall be deemed to have incurred such disability in the active military, naval, or air service when it is shown to exist within one year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period thereof commenced during active service.

(b) Service-connection shall not be granted pursuant to subsection (a), in any case where the disease or disorder is shown by clear and unmistakable evidence to have had its inception before or after active military, naval, or air service.

(c) Nothing in this section shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1123, § 333; renumbered § 1133 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 333 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1131'' for ''331''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1137 of this title.

§ 1134. Rates of peacetime disability compensation

For the purposes of section 1131 of this title, the compensation payable for the disability shall be that specified in section 1114 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1123, § 334; Pub. L. 92–328, title I, § 108(a), June 30, 1972, 86 Stat. 396; renumbered § 1134 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 334 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1131'' for ''331'' and ''1114'' for ''314''.

1972—Pub. L. 92–328 substituted provisions that compensation payable for the disability be that specified in section 314 of this title, for provisions that compensation payable for the disability be equal to 80% of the compensation payable for such disability under section 314 of this title, adjusted upward or downward to the nearest dollar.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 301(b) of Pub. L. 92–328 provided that: ''Section 108 [repealing section 336 of this title and amending this section and section 335 [now 1135] of this title] shall take effect on July 1, 1973.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1114, 1135, 1717 of this title.

§ 1135. Additional compensation for dependents

Any veteran entitled to compensation at the rates provided in section 1134 of this title, and whose disability is rated not less than 30 percent, shall be entitled to additional monthly compensation for dependents as provided in section 1115 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1123, § 335; Pub. L. 92–328, title I, § 108(b), June 30, 1972, 86 Stat. 396; Pub. L. 98–543, title I, § 112(a), Oct. 24, 1984, 98 Stat. 2740; renumbered § 1135 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 335 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1134'' for ''334'' and ''1115'' for ''315''.

1984—Pub. L. 98–543 substituted ''30 percent'' for ''50 per centum''.

1972—Pub. L. 92–328 substituted provisions that the veteran be entitled to additional monthly compensation for dependents as provided in section 315 of this title, for provisions that the veteran be entitled to additional monthly compensation for dependents equal to 80% of the additional compensation for dependents provided in section 315 of this title, and subject to the limitations thereof, and adjusted upward or downward to the nearest dollar.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 112(b) of Pub. L. 98–543 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as of October 1, 1978.''

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–328 effective July 1, 1973, see section 301(b) of Pub. L. 92–328, set out as a note under section 1134 of this title.

[§ 1136. Vacant]

CODIFICATION

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 336 of this chapter, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1123, which set forth the conditions under which wartime rates were payable to any veteran otherwise entitled to compensation under the provisions of this subchapter, was repealed by Pub. L. 92–328, title I, § 108(c), title III,

§ 301(b), June 30, 1972, 86 Stat. 396, 398, effective July 1, 1973.

§ 1137. Wartime presumptions for certain veterans

For the purposes of this subchapter and subchapter V of this chapter and notwithstanding the provisions of sections 1132 and 1133 of this subchapter, the provisions of sections 1111, 1112, and 1113 of this chapter shall be applicable in the case of any veteran who served in the active military, naval, or air service after December 31, 1946.

(Added Pub. L. 89–358, § 7(a), Mar. 3, 1966, 80 Stat. 27, § 337; amended Pub. L. 93–295, title II, § 205, May 31, 1974, 88 Stat. 183; renumbered § 1137 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 337 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1132 and 1133'' for ''332 and 333'' and ''1111, 1112, and 1113'' for ''311, 312, and 313''.

1974—Pub. L. 93–295 substituted ''December 31, 1946'' for ''January 31, 1955''.

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.

SUBCHAPTER V—PEACETIME DEATH COMPENSATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1137 of this title; title 26 section 6334.

§ 1141. Basic entitlement

The surviving spouse, child or children, and dependent parent or parents of any veteran who died before January 1, 1957, as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during other than a period of war, shall be entitled to receive compensation as hereinafter provided in this subchapter.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1123, § 341; Pub. L. 92–197, § 6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94–433, title IV, § 404(18), Sept. 30, 1976, 90 Stat. 1379; renumbered § 1141, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 341 of this title as this section.

1976—Pub. L. 94–433 substituted ''spouse'' for ''widow''.

1971—Pub. L. 92–197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) 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 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1142, 5313 of this title.

§ 1142. Rates of peacetime death compensation

For the purposes of section 1141 of this title, the monthly rates of death compensation payable shall be those specified in section 1122 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1124, § 342; Pub. L. 93–295, title II, § 206(a), May 31, 1974, 88 Stat. 183; renumbered § 1142 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 342 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1141'' for ''341'' and ''1122'' for ''322''.

1974—Pub. L. 93–295 substituted ''those specified in section 322 of this title'' for ''equal to 80 per centum of the rates prescribed by section 322 of this title, adjusted upward or downward to the nearest dollar, counting fifty cents and over as a whole dollar''.

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.

[§ 1143. Vacant]

CODIFICATION

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 343 of this chapter, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1124, which prescribed conditions under which wartime rates of compensation were payable, was repealed by Pub. L. 93–295, title II, § 206(b), title IV, § 401, May 31, 1974, 88 Stat. 183, 184, effective May 1, 1974.

SUBCHAPTER VI—GENERAL COMPENSATION PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 26 section 6334.

§ 1151. Benefits for persons disabled by treatment or vocational rehabilitation

(a) Compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded for a qualifying additional disability or a qualifying death of a veteran in the same manner as if such additional disability or death were service-connected. For purposes of this section, a disability or death is a qualifying additional disability or qualifying death if the disability or death was not the result of the veteran's willful misconduct and—

(1) the disability or death was caused by hospital care, medical or surgical treatment, or examination furnished the veteran under any law administered by the Secretary, either by a Department employee or in a Department facility as defined in section 1701(3)(A) of this title, and the proximate cause of the disability or death was—

(A) carelessness, negligence, lack of proper skill, error in judgment, or similar instance of fault on the part of the Department in furnishing the hospital care, medical or surgical treatment, or examination; or

(B) an event not reasonably foreseeable; or

(2) the disability or death was proximately caused by the provision of training and rehabilitation services by the Secretary (including by a service-provider used by the Secretary for such purpose under section 3115 of this title) as part of an approved rehabilitation program under chapter 31 of this title.

(b) Where an individual is, on or after December 1, 1962, awarded a judgment against the United States in a civil action brought pursuant to section 1346(b) of title 28 or, on or after December 1, 1962, enters into a settlement or compromise under section 2672 or 2677 of title 28 by reason of a disability or death treated pursuant to this section as if it were service-connected, then no benefits shall be paid to such individual for any month beginning after the date such judgment, settlement, or compromise on account of such disability or death becomes final until the aggregate amount of benefits which would be paid but for this subsection equals the total amount included in such judgment, settlement, or compromise.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1124, § 351; Pub. L. 87–825, § 3, Oct. 15, 1962, 76 Stat. 950; Pub. L. 91–24, § 3, June 11, 1969, 83 Stat. 33; Pub. L. 94–433, title IV, § 404(19), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98–223, title II, § 213(1), Mar. 2, 1984, 98 Stat. 46; renumbered § 1151 and amended Pub. L. 102–83, §§ 4(a)(1), 5(a), Aug. 6, 1991, 105 Stat. 403, 406; Pub. L. 104–204, title IV, § 422(a), Sept. 26, 1996, 110 Stat. 2926.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–204, § 422(a)(1), added subsec. (a) and struck out former first sentence of section which read as follows: ''Where any veteran shall have suffered an injury, or an aggravation of an injury, as the result of hospitalization, medical or surgical treatment, or the pursuit of a course of vocational rehabilitation under chapter 31 of this title, awarded under any of the laws administered by the Secretary, or as a result of having submitted to an examination under any such law, and not the result of such veteran's own willful misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, disability or death compensation under this chapter and dependency and indemnity compensation under chapter 13 of this title shall be awarded in the same manner as if such disability, aggravation, or death were service-connected.''

Subsec. (b). Pub. L. 104–204, § 422(a)(2), designated second sentence of section as subsec. (b), struck out '', aggravation,'' after ''disability'' in two places, and substituted ''this subsection equals the total amount'' for ''this sentence equals the total amount''.

1991—Pub. L. 102–83, § 5(a), renumbered section 351 of this title as this section.

Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration''.

1984—Pub. L. 98–223 substituted ''title 28'' for ''title 28, United States Code,'' in two places.

1976—Pub. L. 94–433 struck out ''him'' before ''under any of the laws'' and substituted ''such veteran's'' for ''his'' in first sentence.

1969—Pub. L. 91–24 substituted '', on or after December 1, 1962,'' for ''hereafter'' wherever appearing.

1962—Pub. L. 87–825 provided that where an individual is awarded a judgment under section 1346(b) of title 28, enters a settlement or compromise under section 2672 or 2677 of such title by reason of a disability, aggravation, or death treated pursuant to this section as if service-connected, then no benefits shall be paid such individual for any month beginning after such judgment, settlement or compromise becomes final until the aggregate amount of benefits equals the total amount included in such judgment, settlement, or compromise, and struck out provisions which required that no benefits were to be awarded unless application was made therefor within two years after an injury or aggravation was suffered, or a death occurred.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 422(b), (c) of Pub. L. 104–204 provided that:

''(b)(1) The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1996.

''(2) Section 1151 of title 38, United States Code (as amended by subsection (a)), shall govern all administrative and judicial determinations of eligibility for benefits under such section that are made with respect to claims filed on or after the effective date set forth in paragraph (1) [Oct. 1, 1996], including those based on original applications and applications seeking to reopen, revise, reconsider, or otherwise readjudicate on any basis claims for benefits under such section 1151 or any provision of law that is a predecessor of such section.

''(c) Nothwithstanding [sic] subsection (b)(1), section 421(d) [set out as a note under section 1801 of this title], or any other provision of this Act [see Tables for classification], section 421 [enacting sections 1801 to 1806 of this title, amending section 5312 of this title, and enacting provisions set out as notes under section 1801 of this title] and this section [amending this section] shall not take effect until October 1, 1997, unless legislation other than this Act is enacted to provide for an earlier effective date.''

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 1962 AMENDMENT

Amendment by Pub. L. 87–825 effective first day of second calendar month which begins after Oct. 15, 1962, see section 7 of Pub. L. 87–825, set out as a note under section 110 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1710, 5110, 5313 of this title.

§ 1152. Persons heretofore having a compensable status

The death and disability benefits of this chapter shall, notwithstanding the service requirements thereof, be granted to persons heretofore recognized by law as having a compensable status, including persons whose claims are based on war or peacetime service rendered before April 21, 1898.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1124, § 352; renumbered § 1152, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 352 of this title as this section.

§ 1153. Aggravation

A preexisting injury or disease will be considered to have been aggravated by active military, naval, or air service, where there is an increase in disability during such service, unless there is a specific finding that the increase in disability is due to the natural progress of the disease.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1124, §353; renumbered §1153, Pub. L. 102–83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 353 of this title as this section.

§1154. Consideration to be accorded time, place, and circumstances of service

(a) The Secretary shall include in the regulations pertaining to service-connection of disabilities (1) additional provisions in effect requiring that in each case where a veteran is seeking service-connection for any disability due consideration shall be given to the places, types, and circumstances of such veteran's service as shown by such veteran's service record, the official history of each organization in which such veteran served, such veteran's medical records, and all pertinent medical and lay evidence, and (2) the provisions required by section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98–542; 98 Stat. 2727).

(b) In the case of any veteran who engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition, the Secretary shall accept as sufficient proof of service-connection of any disease or injury alleged to have been incurred in or aggravated by such service satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service-connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service-connection in each case shall be recorded in full.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1124, §354; Pub. L. 94–433, title IV, §404(20), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98–542, §4, Oct. 24, 1984, 98 Stat. 2727; Pub. L. 102–54, §14(b)(1), June 13, 1991, 105 Stat. 282; renumbered §1154 and amended Pub. L. 102–83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, referred to in subsec. (a), is set out below.

AMENDMENTS

1991—Pub. L. 102–83, §5(a), renumbered section 354 of this title as this section.

Pub. L. 102–54, §14(b)(1)(A), inserted a comma after "place" in section catchline.

Subsec. (a). Pub. L. 102–83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102–54, §14(b)(1)(B), inserted before period at end "(Public Law 98–542; 98 Stat. 2727)".

Subsec. (b). Pub. L. 102–83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1984—Subsec. (a). Pub. L. 98–542 designated existing provisions as cl. (1) and added cl. (2).

1976—Subsec. (a). Pub. L. 94–433 substituted "such veteran's" for "his" in three places and "such veteran" for "he".

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.

IONIZING RADIATION REGISTRY

Pub. L. 99–576, title II, §232, Oct. 28, 1986, 100 Stat. 3264, as amended by Pub. L. 102–83, §§5(c)(2), 6(h), Aug. 6, 1991, 105 Stat. 406, 408, provided that:

"(a) ESTABLISHMENT OF REGISTRY.—The Secretary of Veterans Affairs shall establish and maintain a special record to be known as the 'Ionizing Radiation Registry' (hereinafter in this section referred to as the 'Registry').

"(b) CONTENT OF REGISTRY.—Except as provided in subsection (c), the Registry shall include the following information:

"(1) A list containing the name of each veteran who was exposed to ionizing radiation under the conditions described in section 1710(e)(1)(B) of title 38, United States Code, and who—

"(A) applies for hospital or nursing home care from the Department of Veterans Affairs under chapter 17 of such title;

"(B) files a claim for compensation under chapter 11 of such title on the basis of a disability which may be associated with the exposure to ionizing radiation; or

"(C) dies and is survived by a spouse, child, or parent who files a claim for dependency and indemnity compensation under chapter 13 of such title on the basis of the exposure of such veteran to ionizing radiation.

"(2) Medical data relating to each veteran listed in the Registry, including—

"(A) the veteran's medical history, latest health status recorded by the Department of Veterans Affairs, physical examinations, and clinical findings; and

"(B) a statement describing birth defects, if any, in the natural children of the veteran.

"(3) Data on claims for the compensation referred to in paragraph (1), including decisions and determinations of the Department of Veterans Affairs relating to such claims.

"(4) An estimate of the dose of radiation to which each veteran listed in the Registry was exposed under the conditions described in section 1710(e)(1)(B) of such title.

"(c) VETERANS SUBMITTING CLAIMS BEFORE DATE OF ENACTMENT.—If in the case of a veteran described in subsection (b)(1) the application or claim referred to in such subsection was submitted or filed before October 28, 1986, the Secretary shall include in the Registry, to the extent feasible, such veteran's name and the data and information described in subsection (b) relating to the veteran.

"(d) CONSOLIDATION OF EXISTING INFORMATION.—(1) For the purpose of establishing and maintaining the Registry, the Secretary of Veterans Affairs shall compile and consolidate—

"(A) relevant information maintained by the Veterans Benefits Administration and the Veterans Health Administration of the Department of Veterans Affairs;

"(B) relevant information maintained by the Defense Nuclear Agency of the Department of Defense; and

"(C) any relevant information maintained by any other element of the Department of Veterans Affairs or the Department of Defense.

"(2) With respect to a veteran whose name is included in the Registry and for whom the information in the Registry is not complete, the Secretary of Veterans Affairs shall include information described in paragraph (1) with respect to that veteran (A) to the extent that such information is reasonably available in records of the Department of Veterans Affairs or Department of Defense, or (B) if such information is submitted by the veteran after October 28, 1986.

''(e) DEPARTMENT OF DEFENSE INFORMATION.—The Secretary of Defense shall furnish to the Secretary of Veterans Affairs such information maintained by the Department of Defense as the Secretary of Veterans Affairs considers necessary to establish and maintain the Registry.

''(f) DEFINITION.—For the purpose of this section, the term 'veteran' has the meaning given that term in section 101(2) of title 38, United States Code, and includes a person who died in the active military, naval, or air service.

''(g) EFFECTIVE DATE.—The Registry shall be established not later than 180 days after the date of the enactment of this Act [Oct. 28, 1986].''

VETERANS' DIOXIN AND RADIATION EXPOSURE COMPENSATION STANDARDS; CONGRESSIONAL FINDINGS AND STATEMENT OF PURPOSE

Sections 1–3 of Pub. L. 98–542, as amended by Pub. L. 102–4, § 10(a), (b), Feb. 6, 1991, 105 Stat. 19, provided that:

''SHORT TITLE

''SECTION 1. This Act [amending this section, enacting provisions set out as notes under this section, and amending provisions set out as notes under this section and section 1116 of this title] may be cited as the 'Veterans' Dioxin and Radiation Exposure Compensation Standards Act'.

''FINDINGS

''SEC. 2. The Congress makes the following findings:

''(1) Veterans who served in the Republic of Vietnam during the Vietnam era and veterans who participated in atmospheric nuclear tests or the American occupation of Hiroshima or Nagasaki, Japan, are deeply concerned about possible long-term health effects of exposure to herbicides containing dioxin or to ionizing radiation.

''(2) There is scientific and medical uncertainty regarding such long-term adverse health effects.

''(3) In section 102 of Public Law 97–22 [see Tables for classification], the Congress responded to that uncertainty by authorizing priority medical care at Veterans' Administration [now Department of Veterans Affairs] facilities for any disability of a veteran who may have been so exposed (even though there is insufficient medical evidence linking such disability with such exposure) unless the disability is found to have resulted from a cause other than the exposure.

''(4) The Congress has further responded to that medical and scientific uncertainty by requiring, in section 307 of Public Law 96–151 [set out as a note under section 1116 of this title] and section 601 of Public Law 98–160 [set out below], the conduct of thorough epidemiological studies of the health effects experienced by veterans in connection with exposure both to herbicides containing dioxin and (if not determined to be scientifically infeasible) to radiation, and by requiring in Public Law 97–414 [see Tables for classification], the development of radioepidemiological tables setting forth the probabilities of causation between various cancers and exposure to radiation.

''(5) There is some evidence that most types of leukemia, malignancies of the thyroid, female breast, lung, bone, liver, and skin, and polycythemia vera are associated with exposure to certain levels of ionizing radiation.

''(6) As of the date of the enactment of this Act [Oct. 24, 1984], there are sixty-six federally sponsored research projects being conducted relating to herbicides containing dioxin, at a cost to the Federal Government in excess of $130,000,000 and, as of 1981, federally sponsored research projects relating to ionizing radiation were costing the Federal Government more than $115,000,000.

''(7) The initial results of one project—an epidemiological study, conducted by the United States Air Force School of Aerospace Medicine, of the health status of the 'Ranch Hand' veterans who carried out the loading and aerial spraying of herbicides containing dioxin in Vietnam and in the process came into direct skin contact with such herbicides in their most concentrated liquid form—were released on February 24, 1984, and contained the conclusion 'that there is insufficient evidence to support a cause and effect relationship between herbicide exposure and adverse health in the Ranch Hand group at this time'.

''(8) The 'film badges' which were originally issued to members of the Armed Forces in connection with the atmospheric nuclear test program have previously constituted a primary source of dose information for veterans (and survivors of veterans) filing claims for Veterans' Administration [now Department of Veterans Affairs] disability compensation or dependency and indemnity compensation in connection with exposure to radiation.

''(9) These film badges often provide an incomplete measure of radiation exposure, since they were not capable of recording inhaled, ingested, or neutron doses (although the Defense Nuclear Agency currently has the capability to reconstruct individual estimates of such doses), were not issued to most of the participants in nuclear tests, often provided questionable readings because they were shielded during the detonation, and were worn for only limited periods during and after each nuclear detonation.

''(10) Standards governing the reporting of dose estimates in connection with radiation-related claims for Veterans' Administration [now Department of Veterans Affairs] disability compensation vary among the several branches of the Armed Forces, and no uniform minimum standards exist.

''(11) The Veterans' Administration [now Department of Veterans Affairs] has not promulgated permanent regulations setting forth specific guidelines, standards, and criteria for the adjudication of claims for Veterans' Administration disability compensation based on exposure to herbicides containing dioxin or to ionizing radiation.

''(12) Such claims (especially those involving health effects with long latency periods) present adjudicatory issues which are significantly different from issues generally presented in claims based upon the usual types of injuries incurred in military service.

''(13) It has always been the policy of the Veterans' Administration [now Department of Veterans Affairs] and is the policy of the United States, with respect to individual claims for service connection of diseases and disabilities, that when, after consideration of all evidence and material of record, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of a claim, the benefit of the doubt in resolving each such issue shall be given to the claimant.

''PURPOSE

''SEC. 3. The purpose of this Act is to ensure that Veterans' Administration [now Department of Veterans Affairs] disability compensation is provided to veterans who were exposed to ionizing radiation in connection with atmospheric nuclear tests or in connection with the American occupation of Hiroshima or Nagasaki, Japan, for all disabilities arising after that service that are connected, based on sound scientific and medical evidence, to such service (and that Veterans' Administration dependency and indemnity compensation is provided to survivors of those veterans for all deaths resulting from such disabilities).''

[Amendment by Pub. L. 102–4 to sections 2 and 3 of Pub. L. 98–542, set out above, effective at the end of the six-month period beginning on Feb. 6, 1991, except as

otherwise provided, see section 10(e) of Pub. L. 102–4, set out below under sections 5 to 7 of Pub. L. 98–542.]

REQUIREMENT FOR AND CONTENT OF REGULATIONS; ADVISORY COMMITTEE ON ENVIRONMENTAL STANDARDS; NUCLEAR RADIATION MATTERS INVOLVING OTHER AGENCIES

Sections 5–7 of Pub. L. 98–542, as amended by Pub. L. 100–321, § 2(c), May 20, 1988, 102 Stat. 486; Pub. L. 102–4, § 10(c), (d), Feb. 6, 1991, 105 Stat. 19, 20; Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

''REQUIREMENT FOR AND CONTENT OF REGULATIONS

''SEC. 5. (a) In carrying out the responsibilities of the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] under section 1154(a)(2) [formerly 354(a)(2)] of title 38, United States Code, and in order to promote consistency in claims processing and decisions, the Administrator shall prescribe regulations to—

''(1) establish guidelines and (where appropriate) standards and criteria for the resolution of claims for benefits under laws administered by the Veterans' Administration [now Department of Veterans Affairs] where the criteria for eligibility for a benefit include a requirement that a death or disability be service connected and the claim of service connection is based on a veteran's exposure during service in connection with such veteran's participation in atmospheric nuclear tests or with the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, to ionizing radiation from the detonation of a nuclear device; and

''(2) ensure that, with respect to those claims, the policy of the United States described in section 2(13) [set out above] is carried out.

''(b)(1)(A) The guidelines required to be established in regulations prescribed under this section shall include guidelines governing the evaluation of the findings of scientific studies relating to the possible increased risk of adverse health effects of exposure to ionizing radiation. Those guidelines shall require that, in the evaluation of those studies, the Administrator [now Secretary] shall take into account whether the results are statistically significant, are capable of replication, and withstand peer review.

''(B) The evaluations described in subparagraph (A) shall be made by the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] after receiving the advice of the Scientific Council of the Veterans' Advisory Committee on Environmental Hazards (established under section 6). Those evaluations shall be published in the notice section of the Federal Register.

''(C) The standards and criteria required to be established in regulations prescribed under this section shall include provisions governing the use in the adjudication of individual claims of the Administrator's [now Secretary's] evaluations made under subparagraph (B).

''(2)(A)(i) In prescribing regulations under this section, the Administrator [now Secretary] (after receiving the advice of the Advisory Committee and of the Scientific Council of the Veterans' Advisory Committee on Environmental Hazards regarding the diseases described in subparagraph (B)) shall make determinations, based on sound medical and scientific evidence, with respect to each disease described in subparagraph (B) as to whether service connection shall, subject to division (ii) of this subparagraph, be granted in the adjudication of individual cases. In making determinations regarding such diseases, the Administrator shall give due regard to the need to maintain the policy of the United States with respect to the resolution of contested issues as set forth in section 2(13) [set out above]. The Administrator shall set forth in such regulations such determinations, with any specification (relating to exposure or other relevant matter) of limitations on the circumstances under which service connection shall be granted, and shall implement such determinations in accordance with such regulations.

''(ii) If the Administrator [now Secretary] makes a determination, pursuant to this subparagraph, that service connection shall be granted in the case of a disease described in subparagraph (B), the Administrator shall specify in such regulations that, in the adjudication of individual cases, service connection shall not be granted where there is sufficient affirmative evidence to the contrary or evidence to establish that an intercurrent injury or disease which is a recognized cause of the described disease has been suffered between the date of separation from service and the onset of such disease or that the disability is due to the veteran's own willful misconduct.

''(iii) With regard to each disease described in subparagraph (B), the Administrator [now Secretary] shall include in the regulations prescribed under this section provisions specifying the factors to be considered in adjudicating issues relating to whether or not service connection should be granted in individual cases and the circumstances governing the granting of service connection for such disease.

''(B) The diseases referred to in subparagraph (A) are those specified in section 2(5) [set out above] and any other disease with respect to which the Administrator [now Secretary] finds (after receiving and considering the advice of the Scientific Council established under section 6(d)(2)) that there is sound scientific or medical evidence indicating a connection to exposure to ionizing radiation, in the case of a veteran who was exposed to ionizing radiation in connection with such veteran's participation in an atmospheric nuclear test or with the American occupation of Hiroshima or Nagasaki, Japan, before July 1, 1946.

''(3) The regulations prescribed under this section shall include—

''(A) specification of the maximum period of time after exposure to such ionizing radiation for the development of those diseases; and

''(B) a requirement that a claimant filing a claim based upon a veteran's exposure to ionizing radiation from the detonation of a nuclear device may not be required to produce evidence substantiating the veteran's exposure during active military, naval, or air service if the information in the veteran's service records and other records of the Department of Defense is not inconsistent with the claim that the veteran was present where and when the claimed exposure occurred.

''(c)(1) The Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] shall develop the regulations required by this section (and any amendment to those regulations) through a public review and comment process in accordance with the provisions of section 553 of title 5, United States Code. That process may include consideration by the Administrator of the recommendations of the Veterans' Advisory Committee on Environmental Hazards and the Scientific Council thereof (established under section 6) with respect to the proposed regulations, and that process shall include consideration by the Administrator of the recommendations of the Committee and the Council with respect to the final regulations and proposed and final amendments to such regulations. The period for public review and comment shall be completed not later than ninety days after the proposed regulations or proposed amendments are published in the Federal Register.

''(2)(A) Not later than one hundred and eighty days after the date of the enactment of this Act [Oct. 24, 1984], the Administrator [now Secretary] shall develop and publish in the Federal Register a proposed version of the regulations required to be prescribed by this section.

''(B) Not later than three hundred days after the date of the enactment of this Act [Oct. 24, 1984], the Administrator [now Secretary] shall publish in the Federal Register the final regulations (together with explanations of the bases for the guidelines, standards, and criteria contained therein) required to be prescribed by this section.

''ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS

''SEC. 6. (a) The advisory committee referred to in subsections (b) and (c) of section 5, to be known as the Veterans' Advisory Committee on Environmental Hazards (hereinafter in this section referred to as the 'Committee') shall consist of nine members appointed by the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] after requesting and considering recommendations from veteran organizations, including—

''(1) six individuals (of whom none may be members of the Armed Forces on active duty or employees of the Veterans' Administration [now Department of Veterans Affairs] or the Department of Defense and not more than three may be employees of other Federal departments or agencies), appointed, after requesting and considering the recommendations of the heads of Federal entities with particular expertise in biomedical and environmental science, including—

''(A) three individuals who are recognized medical or scientific authorities in fields pertinent to understanding the health effects of exposure to ionizing radiation; and

''(B) three individuals who are recognized medical or scientific authorities in fields, such as epidemiology and other scientific disciplines, pertinent to determining and assessing the health effects of exposure to ionizing radiation in exposed populations; and

''(2) three individuals from the general public, including at least one disabled veteran, having a demonstrated interest in and experience relating to veterans' concerns regarding exposure to ionizing radiation.

''(b) The Committee shall include, as ex officio, nonvoting members, the Chief Medical Director and the Chief Benefits Director of the Veterans' Administration [now Under Secretary for Health and Under Secretary for Benefits of the Department of Veterans Affairs], or their designees.

''(c) The Committee shall submit to the Administrator [now Secretary] any recommendations it considers appropriate for administrative or legislative action.

''(d)(1) The six members of the Committee described in subsection (a)(1) shall, in addition to serving as members of the Committee, constitute a Scientific Council of the Committee (hereinafter in this section referred to as the 'Council').

''(2) The Council shall have responsibility for evaluating scientific studies relating to possible adverse health effects of exposure to ionizing radiation.

''(3) The Council shall make findings and evaluations regarding pertinent scientific studies and shall submit to the Committee, the Administrator [now Secretary], and the Committees on Veterans' Affairs of the Senate and House of Representatives directly periodic reports on such findings and evaluations.

''(e) The Administrator [now Secretary] shall designate one of the members to chair the Committee and another member to chair the Council.

''(f) The Administrator [now Secretary] shall determine the terms of service and pay and allowances of members of the Committee, except that a term of service of any member may not exceed three years. The Administrator may reappoint any member for additional terms of service.

''(g) The Administrator [now Secretary] shall provide administrative support services and fiscal support for the Committee.

''NUCLEAR RADIATION MATTERS INVOLVING OTHER AGENCIES

''SEC. 7. (a) In connection with the duties of the Director of the Defense Nuclear Agency, as Department of Defense Executive Agent for the Nuclear Test Personnel Review Program, relating to the preparation of radiation dose estimates with regard to claims for Veterans' Administration [now Department of Veterans Affairs] disability compensation and dependency and indemnity compensation under chapters 11 and 13, respectively, of title 38, United States Code—

''(1) the Secretary of Defense shall prescribe guidelines (and any amendment to those guidelines) through a public review and comment process in accordance with the provisions of section 553 of title 5, United States Code—

''(A) specifying the minimum standards governing the preparation of radiation dose estimates in connection with claims for such compensation,

''(B) making such standards uniformly applicable to the several branches of the Armed Forces, and

''(C) requiring that each such estimate furnished to the Veterans' Administration [now Department of Veterans Affairs] and to any veteran or survivor include information regarding all material aspects of the radiation environment to which the veteran was exposed and which form the basis of the claim, including inhaled, ingested, and neutron doses; and

''(2) the Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall—

''(A) conduct a review of the reliability and accuracy of scientific and technical devices and techniques (such as 'whole body counters') which may be useful in determining previous radiation exposure;

''(B) submit to the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] and the Committees on Veterans' Affairs of the House of Representatives and the Senate, not later than July 1, 1985, a report regarding the results of such review, including information concerning the availability of such devices and techniques, the categories of exposed individuals as to whom use of such devices and techniques may be appropriate, and the reliability and accuracy of dose estimates which may be derived from such devices and techniques; and

''(C) enter into an interagency agreement with the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] for the purpose of assisting the Administrator in identifying agencies or other entities capable of furnishing services involving the use of such devices and techniques.

''(b) The Administrator of Veterans' Affairs [now Secretary of Veterans Affairs], in resolving material differences between a radiation dose estimate, from a credible source, submitted by a veteran or survivor and a radiation dose estimate prepared and transmitted by the Director of the Defense Nuclear Agency, shall provide for the preparation of a radiation dose estimate by an independent expert, who shall be selected by the Director of the National Institutes of Health and who shall not be affiliated with the Defense Nuclear Agency, and the Administrator shall provide for the consideration of such independent estimate in connection with the adjudication of the claim for Veterans' Administration [now Department of Veterans Affairs] compensation.''

[Pub. L. 102–4, §10(e), Feb. 6, 1991, 105 Stat. 20, as amended by Pub. L. 102–86, title V, §503(b)(2), Aug. 14, 1991, 105 Stat. 425, provided that:

[''(1) Except as provided in paragraph (2), the amendments made by this section [amending sections 2 and 3 of Pub. L. 98–542, set out above, and sections 5 and 6 of Pub. L. 98–542, set out above] shall take effect at the end of the two-month period beginning on the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991 [Aug. 14, 1991].

[''(2)(A) If the Secretary of Veterans Affairs determines before the end of such period that the Environmental Hazards Advisory Committee established under section 6 of Public Law 98–542 (38 U.S.C. 354 note) [set out above] has completed its responsibilities under that section and the directives of the Secretary pursuant to the Nehmer case court order, the amendments made by this section shall take effect as of the date of such determination.

[''(B) For purposes of this paragraph, the term 'Nehmer case court order' means the court order dated

May 2, 1989, in the case of Nehmer v. Department of Veterans Affairs, in the United States district court for the northern district of California (civil action docket number C–86–6160 TEH).

["(3) If the Secretary makes a determination under paragraph (2), the Secretary shall promptly publish in the Federal Register a notice that such determination has been made and that such amendments have thereby taken effect as of the date of such determination."]

IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE TO IONIZING RADIATION BEFORE JANUARY 1, 1970

Section 10 of Pub. L. 98–542, as added by Pub. L. 102–578, § 3, Oct. 30, 1992, 106 Stat. 4774, provided that:

"(a) IN GENERAL.—(1) In order to determine whether activities (other than the tests or occupation activities referred to in section 5(a)(1)(B) [probably means section 5(a)(1), set out above]) resulted in the exposure of veterans to ionizing radiation during the service of such veterans that occurred before January 1, 1970, and whether adverse health effects have been observed or may have resulted from such exposure in a significant number of such veterans, the Advisory Committee established under section 6 [set out above] shall—

"(A) review all available scientific studies and other relevant information relating to the exposure of such veterans to ionizing radiation during such service;

"(B) identify any activity during which significant numbers of veterans received exposure; and

"(C) on the basis of such review, submit to the Secretary of Veterans Affairs a report containing the recommendation of the Advisory Committee on the feasibility and appropriateness for the purpose of the determination under this paragraph of any additional investigation with respect to any activity of such veterans during such service.

"(2) Upon the request of the Advisory Committee, the Secretary of Veterans Affairs (after seeking such assistance from the Secretary of Defense as is necessary and appropriate) shall make available to the Advisory Committee records and other information relating to the service referred to in paragraph (1) that may assist the Advisory Committee in carrying out the review and recommendation referred to in that paragraph.

"(3) The Advisory Committee shall submit to the Secretary of Veterans Affairs the report referred to in paragraph (1)(C) not later than August 1, 1993.

"(b) INVESTIGATION PLAN AND REPORT.—(1) Upon receipt of the report referred to in subparagraph (C) of subsection (a)(1), the Secretary of Veterans Affairs shall—

"(A) identify which of the activities referred to in that subparagraph, if any, that the Secretary intends to investigate more fully for the purpose of making the determination referred to in that subsection; and

"(B) prepare a plan (including a deadline for the plan) to carry out that investigation and make that determination.

"(2) Not later than December 1, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

"(A) a list of the activities identified by the Secretary pursuant to paragraph (1)(A) and the basis of such identification;

"(B) a copy of the report of the Advisory Committee referred to in subsection (a)(1)(C); and

"(C) the plan referred to in paragraph (1)(B)."

INTERIM BENEFITS FOR DISABILITY OR DEATH IN CERTAIN CASES

Section 9 of Pub. L. 98–542 provided for payment of interim monthly disability benefits to veterans who had served in Vietnam during Vietnam era and who had diseases chloracne and porphyria cutanea tarda which manifested themselves within one year after date of veteran's most recent departure from Vietnam, but with no such interim benefits to be paid after Sept. 30, 1986.

RADIATION EXPOSURE STUDY AND GUIDE

Pub. L. 98–160, title VI, Nov. 21, 1983, 97 Stat. 1006, as amended by Pub. L. 98–542, § 8(b), Oct. 24, 1984, 98 Stat. 2732, provided for the conduct of an epidemiological study of long-term adverse health effects of exposure to ionizing radiation from detonation of nuclear devices in connection with tests of such devices or in connection with occupation of Hiroshima and Nagasaki, Japan, between Sept. 11, 1945, and July 1, 1946, and provided for reports to Congress on studies made together with recommendations as to necessary legislation.

§ 1155. Authority for schedule for rating disabilities

The Secretary shall adopt and apply a schedule of ratings of reductions in earning capacity from specific injuries or combination of injuries. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations. The schedule shall be constructed so as to provide ten grades of disability and no more, upon which payments of compensation shall be based, namely, 10 percent, 20 percent, 30 percent, 40 percent, 50 percent, 60 percent, 70 percent, 80 percent, 90 percent, and total, 100 percent. The Secretary shall from time to time readjust this schedule of ratings in accordance with experience. However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1125, § 355; Pub. L. 98–223, title I, § 101(c), Mar. 2, 1984, 98 Stat. 38; renumbered § 1155 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–86, title I, § 103(a), Aug. 14, 1991, 105 Stat. 414.)

AMENDMENTS

1991—Pub. L. 102–86 amended this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by inserting at end "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred."

Pub. L. 102–83, § 5(a), renumbered section 355 of this title as this section.

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

1984—Pub. L. 98–223 substituted "percent" for "per centum" wherever appearing.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 103(b) of Pub. L. 102–86 provided that: "The amendment made by subsection (a) [amending this section] shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act [Aug. 14, 1991]."

EFFECTIVE DATE OF 1984 AMENDMENT

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 502, 7252, 7292 of this title.

[§ 1156. Vacant]

CODIFICATION

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 356 of this chapter, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1125, which provided for a minimum rating for veterans with arrested tuberculosis, was repealed by Pub. L. 90–493, § 4, Aug. 19, 1968, 82 Stat. 809, but repeal not applicable in case of veteran who on Aug. 19, 1968, was receiving or entitled to receive compensation for tuberculosis which in the judgment of the Administrator had reached a condition of complete arrest.

§ 1157. Combination of certain ratings

The Secretary shall provide for the combination of ratings and pay compensation at the rates prescribed in subchapter II of this chapter to those veterans who served during a period of war and during any other time, who have suffered disability in line of duty in each period of service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1125, § 357; renumbered § 1157 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 357 of this title as this section.

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

§ 1158. Disappearance

Where a veteran receiving compensation under this chapter disappears, the Secretary may pay the compensation otherwise payable to the veteran to such veteran's spouse, children, and parents. Payments made to such spouse, child, or parent under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1125, § 358; Pub. L. 86–212, Sept. 1, 1959, 73 Stat. 436; Pub. L. 94–433, title IV, § 404(21), Sept. 30, 1976, 90 Stat. 1379; renumbered § 1158 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 358 of this title as this section.

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

1976—Pub. L. 94–433 struck out '', in his discretion,'' after ''Administrator'' and substituted ''such veteran's spouse'' for ''his wife'' and ''such spouse'' for ''a wife''.

1959—Pub. L. 86–212 substituted ''a veteran'' for ''an incompetent veteran''.

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.

§ 1159. Protection of service connection

Service connection for any disability or death granted under this title which has been in force for ten or more years shall not be severed on or after January 1, 1962, except upon a showing that the original grant of service connection was based on fraud or it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge. The mentioned period shall be computed from the date determined by the Secretary as the date on which the status commenced for rating purposes.

(Added Pub. L. 86–501, § 1, June 10, 1960, 74 Stat. 195, § 359; amended Pub. L. 87–825, § 6, Oct. 15, 1962, 76 Stat. 950; renumbered § 1159 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 359 of this title as this section.

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

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 1962 AMENDMENT

Amendment by Pub. L. 87–825 effective first day of second calendar month which begins after Oct. 15, 1962, see section 7 of Pub. L. 87–825, set out as a note under section 110 of this title.

§ 1160. Special consideration for certain cases of loss of paired organs or extremities

(a) Where a veteran has suffered—

(1) blindness in one eye as a result of service-connected disability and blindness in the other eye as a result of non-service-connected disability not the result of the veteran's own willful misconduct;

(2) the loss or loss of use of one kidney as a result of service-connected disability and involvement of the other kidney as a result of non-service-connected disability not the result of the veteran's own willful misconduct;

(3) total deafness in one ear as a result of service-connected disability and total deafness in the other ear as the result of non-service-connected disability not the result of the veteran's own willful misconduct;

(4) the loss or loss of use of one hand or one foot as a result of service-connected disability and the loss or loss of use of the other hand or foot as a result of non-service-connected disability not the result of the veteran's own willful misconduct; or

(5) permanent service-connected disability of one lung, rated 50 percent or more disabling, in combination with a non-service-connected disability of the other lung that is not the result of the veteran's own willful misconduct,

the Secretary shall assign and pay to the veteran the applicable rate of compensation under this chapter as if the combination of disabilities were the result of service-connected disability.

(b) If a veteran described in subsection (a) of this section receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the non-service-connected disability described in such subsection, the increase in the rate of compensation otherwise payable under this section shall not be paid for any month following a month in which any such money or property is

received until such time as the total of the amount of such increase that would otherwise have been payable equals the total of the amount of any such money received and the fair market value of any such property received.

(Added Pub. L. 87–610, § 1, Aug. 28, 1962, 76 Stat. 406, § 360; amended Pub. L. 89–311, § 3(a), (b), Oct. 31, 1965, 79 Stat. 1155; Pub. L. 94–433, title IV, § 404(22), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98–160, title VII, § 702(3), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 99–576, title I, § 109(a)(1), Oct. 28, 1986, 100 Stat. 3253; renumbered § 1160 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 360 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in concluding provisions.

1986—Pub. L. 99–576 amended section generally, substituting ''loss of paired organs or extremities'' for ''blindness or bilateral kidney involvement or bilateral deafness'' in section catchline. Prior to amendment, text of section read as follows: ''Where any veteran (1) has suffered blindness in one eye as a result of service-connected disability and has suffered blindness in the other eye as a result of non-service-connected disability not the result of such veteran's own willful misconduct, or (2) has suffered the loss or loss of use of one kidney as a result of service-connected disability, and has suffered severe involvement of the other kidney such as to cause total disability, as a result of non-service-connected disability not the result of such veteran's own willful misconduct, or (3) has suffered total deafness in one ear as a result of service-connected disability and has suffered total deafness in the other ear as the result of non-service-connected disability not the result of such veteran's own willful misconduct, the Administrator shall assign and pay to the veteran concerned the applicable rate of compensation under this chapter as if such veteran's blindness in both eyes or such bilateral kidney involvement were the result of service-connected disability.''

1983—Pub. L. 98–160 substituted ''(1) has suffered'' for ''has suffered (1)''.

1976—Pub. L. 94–433 substituted ''such veteran's'' for ''his'' wherever appearing.

1965—Pub. L. 89–311 added cl. (3) referring to total deafness in one ear as a result of service-connected disability and total deafness in the other ear as the result of non-service-connected disability not the result of his own willful misconduct, inserted reference to total deafness in both ears and, in section catchline, inserted reference to bilateral deafness.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 109(c) of Pub. L. 99–576 provided that:

''(1) Except as provided in paragraph (2), the amendments made by this section [amending this section and section 314 [now 1114] of this title] shall take effect on the date of the enactment of this Act [Oct. 28, 1986].

''(2) In the case of an award of compensation for a disability described in clause (1), (2), (3), or (5) of subsection (a) of section 360 [now 1160] of title 38, United States Code, as amended by subsection (a) of this section, subsection (b) of such section shall apply only to awards of compensation made on or after the date of the enactment of this Act [Oct. 28, 1986].''

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 1965 AMENDMENT

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.

§ 1161. Payment of disability compensation in disability severance cases

The deduction of disability severance pay from disability compensation, as required by section 1212(c) of title 10, shall be made at a monthly rate not in excess of the rate of compensation to which the former member would be entitled based on the degree of such former member's disability as determined on the initial Department rating.

(Added Pub. L. 91–241, May 7, 1970, 84 Stat. 203, § 361; amended Pub. L. 94–433, title IV, § 404(23), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98–160, title VII, § 702(4), Nov. 21, 1983, 97 Stat. 1009; renumbered § 1161 and amended Pub. L. 102–83, §§ 4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 361 of this title as this section.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

1983—Pub. L. 98–160 struck out ''United States Code,'' after ''title 10,''.

1976—Pub. L. 94–433 substituted ''such former member's'' for ''his''.

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.

§ 1162. Clothing allowance

The Secretary under regulations which the Secretary shall prescribe, shall pay a clothing allowance of $528 per year to each veteran who—

(1) because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance (including a wheelchair) which the Secretary determines tends to wear out or tear the clothing of the veteran; or

(2) uses medication which (A) a physician has prescribed for a skin condition which is due to a service-connected disability, and (B) the Secretary determines causes irreparable damage to the veteran's outergarments.

(Added Pub. L. 92–328, title I, § 103(a), June 30, 1972, 86 Stat. 394, § 362; amended Pub. L. 94–71, title I, § 103, Aug. 5, 1975, 89 Stat. 396; Pub. L. 94–433, title III, § 301, title IV, § 404(24), Sept. 30, 1976, 90 Stat. 1377, 1379; Pub. L. 95–117, title III, § 301, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95–479, title I, § 103, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96–128, title I, § 103, Nov. 28, 1979, 93 Stat. 984; Pub. L. 96–385, title I, § 103, Oct. 7, 1980, 94 Stat. 1529; Pub. L. 97–66, title I, § 103, Oct. 17, 1981, 95 Stat. 1027; Pub. L. 97–253, title IV, § 405(d), Sept. 8, 1982, 96 Stat. 804; Pub. L. 97–306, title I, §§ 103, 107, Oct. 14, 1982, 96 Stat. 1430, 1431; Pub. L. 98–223, title I, § 103, Mar. 2, 1984, 98 Stat. 38; Pub. L. 98–543, title I, § 103, Oct. 24, 1984, 98 Stat. 2736; Pub. L. 99–238, title I, § 103, Jan. 13, 1986, 99 Stat. 1766; Pub. L. 99–576, title I, § 103, Oct. 28, 1986, 100 Stat. 3251; Pub. L. 100–227, title I, § 103, Dec. 31, 1987, 101 Stat. 1553; Pub. L. 100–687, div. B, title XI, § 1103, Nov. 18, 1988, 102 Stat. 4124; Pub. L. 101–237, title I, §§ 103, 112, Dec. 18, 1989, 103 Stat. 2063, 2065; Pub. L. 102–3, § 4, Feb. 6, 1991, 105 Stat.

8; renumbered § 1162, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–152, § 4, Nov. 12, 1991, 105 Stat. 986; Pub. L. 103–78, § 3, Aug. 13, 1993, 107 Stat. 768; Pub. L. 103–140, § 4, Nov. 11, 1993, 107 Stat. 1486; Pub. L. 105–98, § 4, Nov. 19, 1997, 111 Stat. 2156.)

AMENDMENTS

1997—Pub. L. 105–98 substituted ''$528'' for ''$478''.

1993—Pub. L. 103–140 substituted ''$478'' for ''$466''.

Pub. L. 103–78 substituted ''$466'' for ''$452''.

1991—Pub. L. 102–152 substituted ''$452'' for ''$436''.

Pub. L. 102–83 renumbered section 362 of this title as this section.

Pub. L. 102–3 substituted ''$436'' for ''$414''.

1989—Pub. L. 101–237, § 112, substituted ''Secretary under'' for ''Administrator under'' and ''Secretary shall'' for ''Administrator shall'', and substituted ''who—'' and pars. (1) and (2) for ''who because of disability which is compensable under the provisions of this chapter, wears or uses prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran.''

Pub. L. 101–237, § 103, substituted ''$414'' for ''$395''.

1988—Pub. L. 100–687 substituted ''$395'' for ''$380''.

1987—Pub. L. 100–227 substituted ''$380'' for ''$365''.

1986—Pub. L. 99–576 substituted ''$365'' for ''$360''.

Pub. L. 99–238 substituted ''$360'' for ''$349''.

1984—Pub. L. 98–543 substituted ''$349'' for ''$338''.

Pub. L. 98–223 substituted ''$338'' for ''$327''.

1982—Pub. L. 97–306, §§ 103, 107, 108, substituted ''$327'' for ''$305'' and repealed amendment made by Pub. L. 97–253, § 405(d), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(d), (h), eff. Jan. 1, 1983, substituted ''$304'' for ''$305'' after ''clothing allowance of''.

1981—Pub. L. 97–66 substituted ''$305'' for ''$274''.

1980—Pub. L. 96–385 substituted ''$274'' for ''$240''.

1979—Pub. L. 96–128 substituted ''$240'' for ''$218''.

1978—Pub. L. 95–479 substituted ''$218'' for ''$203''.

1977—Pub. L. 95–117 substituted ''$203'' for ''$190''.

1976—Pub. L. 94–433, §§ 301, 404(24), substituted ''$190'' for ''$175'' and ''the Administrator shall prescribe'' for ''he shall prescribe''.

1975—Pub. L. 94–71 substituted $175 for $150.

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 section 103 of 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 AMENDMENT

Amendment by 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.

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

Section 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 an Effective Date of 1972 Amendment note under section 1114 of this title.

REPEAL

Section 405(d) 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.

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

For increases in rates and limitations on Department of Veterans Affairs disability compensation and de-

pendency and indemnity compensation, see notes set out under section 1114 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5313A of this title.

§ 1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings

(a)(1) The disability rating of a qualified veteran who begins to engage in a substantially gainful occupation after January 31, 1985, may not be reduced on the basis of the veteran having secured and followed a substantially gainful occupation unless the veteran maintains such an occupation for a period of 12 consecutive months.

(2) For purposes of this section, the term ''qualified veteran'' means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

(b) The Secretary shall make counseling services described in section 3104(a)(2) of this title and placement and postplacement services described in section 3104(a)(5) of this title available to each qualified veteran (whether or not the veteran is participating in a vocational rehabilitation program under chapter 31 of this title).

(c)(1) In the case of each award after January 31, 1985, of a rating of total disability described in subsection (a)(2) of this section to a veteran, the Secretary shall provide to the veteran, at the time that notice of the award is provided to the veteran, a statement providing—

(A) notice of the provisions of this section;

(B) information explaining the purposes and availability of and eligibility for, and the procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title; and

(C) a summary description of the scope of services and assistance available under that chapter.

(2) After providing the notice required under paragraph (1) of this subsection, the Secretary shall offer the veteran the opportunity for an evaluation under section 3106(a) of this title.

(Added Pub. L. 98–543, title I, § 111(a)(1), Oct. 24, 1984, 98 Stat. 2738, § 363; amended Pub. L. 100–687, div. B, title XIII, § 1301, Nov. 18, 1988, 102 Stat. 4127; renumbered § 1163 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–291, § 2(a), May 20, 1992, 106 Stat. 178; Pub. L. 102–568, title IV, § 401(a)–(d)(1), Oct. 29, 1992, 106 Stat. 4336.)

AMENDMENTS

1992—Pub. L. 102–568, § 401(d)(1), substituted ''Trial work periods and vocational rehabilitation for certain veterans with total disability ratings'' for ''Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings'' as section catchline.

Subsec. (a)(1). Pub. L. 102–568, § 401(a)(1), substituted ''after January 31, 1985,'' for ''during the program period''.

Subsec. (a)(2). Pub. L. 102–568, § 401(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''For purposes of this section:

''(A) The term 'qualified veteran' means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

''(B) The term 'program period' means the period beginning on February 1, 1985, and ending on December 31, 1992.''

Pub. L. 102–291 substituted ''December 31, 1992'' for ''January 31, 1992'' in subpar. (B).

Subsec. (b). Pub. L. 102–568, § 401(b), substituted ''The Secretary'' for ''During the program period, the Secretary''.

Subsec. (c)(1). Pub. L. 102–568, § 401(c), substituted ''after January 31, 1985, of a rating of total disability described in subsection (a)(2)'' for ''during the program period of a rating of total disability described in subsection (a)(2)(A)''.

1991—Pub. L. 102–83, § 5(a), renumbered section 363 of this title as this section.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3104(a)(2)'' for ''1504(a)(2)'' and ''3104(a)(5)'' for ''1504(a)(5)''.

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

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''3106(a)'' for ''1506(a)'' in par. (2).

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

1988—Subsec. (a)(2)(B). Pub. L. 100–687, § 1301(a), substituted ''1992'' for ''1989''.

Subsec. (c)(1). Pub. L. 100–687, § 1301(b)(2), (3), substituted ''(1) In'' for ''(1)(A) Except as provided in paragraph (4) of this subsection, in'', redesignated cls. (i), (ii), and (iii) as subpars. (A), (B), and (C), respectively, and struck out former subpar. (B) which required that, after providing notice, Administrator arrange promptly for evaluation to determine whether achievement of vocational goal by veteran is feasible.

Subsec. (c)(2). Pub. L. 100–687, § 1301(b)(1), (3)(B), added par. (2) and struck out former par. (2) which related to failure of veteran to participate in evaluation, and reduction of disability rating.

Subsec. (c)(3). Pub. L. 100–687, § 1301(b)(1), struck out par. (3) which related to individualized written plan of vocational rehabilitation after completion of evaluation, and failure to pursue program of vocational rehabilitation described in such plan.

Subsec. (c)(4). Pub. L. 100–687, § 1301(b)(1), struck out par. (4) which read as follows: ''This subsection does not apply with respect to a veteran as to whom the Administrator determines that an evaluation of vocational rehabilitation potential or achievement of a vocational goal is not reasonably feasible.''

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2(d) of Pub. L. 102–291 provided that: ''The amendments made by subsections (a) through (c) [amending this section and sections 1524 and 1525 of this title] shall take effect as of January 31, 1992.''

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Section 2(e) of Pub. L. 102–291 provided that: ''The following actions of the Secretary of Veterans Affairs during the period beginning on February 1, 1992, and ending on the date of the enactment of this Act [May 20, 1992] are hereby ratified with respect to that period:

''(1) A failure to reduce the disability rating of a veteran who began to engage in a substantially gainful occupation during that period.

''(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United

States Code, and the making of related determinations under that section.

''(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.''

INFORMATION; TEMPORARY PROGRAM; ADMINISTRATOR

Section 111(b) of Pub. L. 98–543 directed Administrator of Veterans' Affairs to provide, not later than Apr. 1, 1985, to certain veterans with service-connected disabilities, a statement containing information explaining subsec. (b) of this section, information explaining purposes and availability of and eligibility for, and procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title, and a summary description of scope of services and assistance available under chapter 31.

REPORT TO CONGRESSIONAL COMMITTEES; TRIAL PROGRAM

Section 111(c) of Pub. L. 98–543, as amended by Pub. L. 99–576, title VII, § 703(a)(2), Oct. 28, 1986, 100 Stat. 3303, directed Administrator of Veterans' Affairs to submit, not later than Apr. 15, 1988, to Committees on Veterans' Affairs of Senate and House of Representatives a report on results of implementation of this section during the three-year period beginning on Feb. 1, 1985.

CHAPTER 13—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

SUBCHAPTER I—GENERAL

Sec.
1301. Definitions.
1302. Determination of pay grade.
1303. Cost-of-living adjustments.
1304. Special provisions relating to surviving spouses.

SUBCHAPTER II—DEPENDENCY AND INDEMNITY COMPENSATION

1310. Deaths entitling survivors to dependency and indemnity compensation.
1311. Dependency and indemnity compensation to a surviving spouse.
1312. Benefits in certain cases of in-service or service-connected deaths.
1313. Dependency and indemnity compensation to children.
1314. Supplemental dependency and indemnity compensation to children.
1315. Dependency and indemnity compensation to parents.
1316. Dependency and indemnity compensation in cases of prior deaths.
1317. Restriction on payments under this chapter.
1318. Benefits for survivors of certain veterans rated totally disabled at time of death.

SUBCHAPTER III—CERTIFICATIONS

1321. Certifications with respect to pay grade.
1322. Certifications with respect to social security entitlement.
1323. Certifications with respect to circumstances of death.

AMENDMENTS

1997—Pub. L. 105–33, title VIII, § 8031(b)(2), Aug. 5, 1997, 111 Stat. 669, added item 1303.

1991—Pub. L. 102–83, §§ 4(b)(3)(B), 5(b)(1), Aug. 6, 1991, 105 Stat. 405, 406, renumbered items 401 to 423 as 1301 to 1323, respectively, and in item 1323 substituted ''with respect to circumstances of death'' for ''by Administrator''.

1988—Pub. L. 100–687, div. B, title XIV, § 1403(a)(2), Nov. 18, 1988, 102 Stat. 4130, added item 418.

1982—Pub. L. 97–306, title I, § 113(b)(2), Oct. 14, 1982, 96 Stat. 1432, struck out item 403 ''Coverage of members of Reserve Officers' Training Corps''.

1976—Pub. L. 94–433, § 405(6), (8), Sept. 30, 1976, 90 Stat. 1379, substituted ''surviving spouses'' for ''widows'' in item 404 and ''surviving spouse'' for ''widow'' in item 411.

1969—Pub. L. 91–96, § 6, Oct. 27, 1969, 83 Stat. 145, substituted ''Determination of pay grade'' for ''Computation of basic pay'' in item 402 and ''Certifications with respect to pay grade'' for ''Certifications with respect to basic pay'' in item 421.

UNIFORMED SERVICES, PROMOTION OF MEMBERS IN MISSING STATUS; EFFECTIVE DATE

Provisions of section 552(a) of Title 37, Pay and Allowances of the Uniformed Services, for full effectiveness for all purposes of promotion of a member while in a missing status notwithstanding a determination of death before the making of the promotion effective as of Nov. 24, 1971, for the purposes of this chapter, see section 2 of Pub. L. 93–26, Apr. 27, 1973, 87 Stat. 26, set out as an Effective Date of 1973 Amendment note under section 552 of Title 37.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 106, 107, 1151, 4213, 5105, 5310, 5313 of this title; title 10 sections 1431, 1446; title 26 section 6334; title 31 section 3803.

SUBCHAPTER I—GENERAL

§ 1301. Definitions

As used in this chapter—

The term ''veteran'' includes a person who died in the active military, naval, or air service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1126, § 401; Pub. L. 91–24, § 4(a), June 11, 1969, 83 Stat. 33; Pub. L. 91–96, § 5, Oct. 27, 1969, 83 Stat. 145; renumbered § 1301, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 401 of this title as this section.

1969—Pub. L. 91–96 struck out par. (1) which defined ''basic pay''.

Par. (1). Pub. L. 91–24 substituted ''sections 201, 202, 203, 204, 205, or 207 of title 37'' for ''sections 232(a), 232(e), or 308 of Title 37''.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91–96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91–96, set out as a note under section 1302 of this title.

COST-OF-LIVING INCREASES IN COMPENSATION RATES

For limitation on increases in dependency and indemnity compensation payable under this chapter, see section 8005 of Pub. L. 101–508, set out as a note under section 1101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 sections 1612, 1613, 1622.

§ 1302. Determination of pay grade

(a) With respect to a veteran who died in the active military, naval, or air service, such veteran's pay grade shall be determined as of the date of such veteran's death or as of the date of a promotion after death while in a missing status.

(b) With respect to a veteran who did not die in the active military, naval, or air service, such veteran's pay grade shall be determined as of—

(1) the time of such veteran's last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of such veteran's discharge or release from any period of active duty for training or inactive duty training, if such veteran's death results from service-connected disability incurred during such period and if such veteran was not thereafter discharged or released under conditions other than dishonorable from active duty.

(c) The pay grade of any veteran described in section 106(b) of this title shall be that to which such veteran would have been assigned upon final acceptance or entry upon active duty.

(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a pay grade higher than that specified in subsection (a) or (b) and any subsequent discharge or release from active duty was under conditions other than dishonorable, the higher pay grade shall be used if it will result in greater monthly payments to such veteran's surviving spouse under this chapter. The determination as to whether an individual has served satisfactorily for the required period in a higher pay grade shall be made by the Secretary of the department in which such higher pay grade was held.

(e) The pay grade of any person not otherwise described in this section, but who had a compensable status on the date of such person's death under laws administered by the Secretary, shall be determined by the head of the department under which such person performed the services by which such person obtained such status (taking into consideration such person's duties and responsibilities) and certified to the Secretary. For the purposes of this chapter, such person shall be deemed to have been on active duty while performing such services.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1126, § 402; Pub. L. 86–492, June 8, 1960, 74 Stat. 161; Pub. L. 89–622, § 1, Oct. 4, 1966, 80 Stat. 873; Pub. L. 91–96, § 1, Oct. 27, 1969, 83 Stat. 144; Pub. L. 92–169, § 2, Nov. 24, 1971, 85 Stat. 489; Pub. L. 94–433, title IV, § 405(1)–(3), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 102–54, § 14(b)(2), June 13, 1991, 105 Stat. 283; renumbered § 1302 and amended Pub. L. 102–83, §§ 4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 402 of this title as this section.

Subsec. (d). Pub. L. 102–54 substituted ''department'' for ''Department''.

Subsec. (e). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' before period at end of first sentence.

Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration''.

1976—Subsec. (a). Pub. L. 94–433, § 405(1), substituted ''such veteran's'' for ''his'' in two places.

Subsec. (b). Pub. L. 94–433, § 405(1), substituted ''such veteran's'' for ''his'' in introductory clause and items (1) and (2) and ''such veteran'' for ''he'' in item (2).

Subsec. (c). Pub. L. 94–433, § 405(2), substituted ''such veteran'' for ''he''.

Subsec. (d). Pub. L. 94–433, § 405(2), substituted ''such veteran's surviving spouse'' for ''his widow''.

Subsec. (e). Pub. L. 94–433, § 405(3), substituted ''such person's'' for ''his'' in two places and ''such person'' for ''he''.

1971—Subsec. (a). Pub. L. 92–169 provided, with regard to determination of veteran's pay grade at date of his death, that in the case of a promotion after death while the veteran is in a missing status, the pay grade determination date is the date of such promotion.

1969—Pub. L. 91–96 substituted ''Determination of pay grade'' for ''Computation of basic pay'' in section catchline.

Subsec. (a). Pub. L. 91–96 substituted provisions determining the pay grade of a veteran who died in the active service for provisions determining the basic pay of a veteran who died in the active service as that prescribed on Jan. 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank and years of service.

Subsec. (b). Pub. L. 91–96 substituted provisions determining the pay grade of a veteran who did not die in the active service for provisions determining the basic pay of a veteran who did not die in the active service as that prescribed on Jan. 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank and years of service.

Subsec. (c). Pub. L. 91–96 redesignated former subsec. (c)(1) as (c) and substituted ''pay grade'' for ''basic pay'' and ''assigned'' for ''entitled''. Former subsec. (c)(2) redesignated (e).

Subsec. (d). Pub. L. 91–96 substituted provisions determining the applicability of a higher pay grade of a veteran who had served six months or more in a pay grade higher than that specified in subsec. (a) or (b) for provisions determining the basic pay of a veteran who had served six months or more in a rank higher than that specified in the former provisions of subsec. (a) or (b).

Subsec. (e). Pub. L. 91–96 redesignated former subsec. (c)(2) as (e), substituted ''pay grade'' for ''basic pay'', and struck out ''and years of service'' after ''responsibilities''.

1966—Subsec. (d). Pub. L. 89–622 substituted ''any subsequent discharge or release from active duty was under conditions other than dishonorable'' for ''was so serving in such rank within one hundred and twenty days before death in the active military, naval, or air service or before last discharge or release from active duty under conditions other than dishonorable''.

1960—Subsec. (d). Pub. L. 86–492 added subsec. (d).

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 1971 AMENDMENT

Section 3 of Pub. L. 92–169 provided that: ''For the purposes of chapter 13 of title 38, United States Code, this Act [amending this section and section 552 of Title 37, Pay and Allowances of the Uniformed Services] becomes effective upon the date of enactment [Nov. 24, 1971]. For all other purposes this Act becomes effective as of February 28, 1961.''

EFFECTIVE DATE OF 1969 AMENDMENT

Section 8 of Pub. L. 91–96 provided that: ''This Act [amending this section and sections 322 [now 1122], 401 [now 1301], 403, 411 [now 1311], and 421 [now 1321] of this title] shall take effect on the first day of the second calendar month which begins after the date of enactment [Oct. 27, 1969].''

EFFECTIVE DATE OF 1966 AMENDMENT

Section 2 of Pub. L. 89–622 provided that: ''The amendment made by this Act [amending this section] shall take effect on the first day of the second calendar month after the date of enactment of this Act [Oct. 4, 1966].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1311 of this title.

§ 1303. Cost-of-living adjustments

(a) In the computation of cost-of-living adjustments for fiscal years 1998 through 2002 in the rates of dependency and indemnity compensation payable under this chapter, such adjustments (except as provided in subsection (b)) 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 (other than increased rates 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(b)(1), Aug. 5, 1997, 111 Stat. 668.)

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.

§ 1304. Special provisions relating to surviving spouses

No dependency and indemnity compensation shall be paid to the surviving spouse of a veteran dying after December 31, 1956, unless such surviving spouse was married to such veteran—

(1) before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1127, § 404; Pub. L. 90–77, title I, § 101(a), Aug. 31, 1967, 81 Stat. 178; Pub. L. 94–433, title IV, § 405(4), (5), Sept. 30, 1976, 90 Stat. 1379; renumbered § 1304, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 404 of this title as this section.

1976—Pub. L. 94–433, § 405(4), (5), substituted ''surviving spouse'', ''such surviving spouse'', and ''such veteran'' for ''widow'', ''she'', and ''him'', respectively, in introductory clause and ''surviving spouses'' for ''widows'' in section catchline.

1967—Pub. L. 90–77 qualified widow of a veteran for receipt of compensation by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

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 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 sections 1612, 1613, 1622.

SUBCHAPTER II—DEPENDENCY AND INDEMNITY COMPENSATION

§ 1310. Deaths entitling survivors to dependency and indemnity compensation

(a) When any veteran dies after December 31, 1956, from a service-connected or compensable disability, the Secretary shall pay dependency and indemnity compensation to such veteran's surviving spouse, children, and parents. The standards and criteria for determining whether or not a disability is service-connected shall be those applicable under chapter 11 of this title.

(b) Dependency and indemnity compensation shall not be paid to the surviving spouse, children, or parents of any veteran dying after December 31, 1956, unless such veteran (1) was discharged or released under conditions other than dishonorable from the period of active military, naval, or air service in which the disability causing such veteran's death was incurred or aggravated, or (2) died while in the active military, naval, or air service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1127, § 410; Pub. L. 94–433, title IV, § 405(7), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 95–479, title II, § 204, Oct. 18, 1978, 92 Stat. 1564; Pub. L. 97–306, title I, § 112(a), Oct. 14, 1982, 96 Stat. 1432; Pub. L. 100–687, div. B, title XIV, § 1403(b), Nov. 18, 1988, 102 Stat. 4131; renumbered § 1310 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 410 of this title as this section.

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

1988—Subsecs. (b), (c). Pub. L. 100–687 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

''(1) Notwithstanding the provisions of subsection (a) of this section, when any veteran dies, not as the result of the veteran's own willful misconduct, if the veteran was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability that either (A) was continuously rated totally disabling for a period of ten or more years immediately preceding death, or (B) if so rated for a lesser period, was so rated continuously for a period of not less than five years from the date of such veteran's discharge or other release from active duty, the Administrator shall pay benefits under this chapter to the veteran's surviving spouse, if such surviving spouse was married to such veteran for not less than two years immediately preceding such veteran's death, and to such veteran's children, in the same manner as if the veteran's death were service connected.

''(2) If a surviving spouse or a child receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the death of a veteran described in paragraph (1) of this subsection, benefits under this chapter payable to such surviving spouse or child by virtue of this subsection shall not be paid for any month following a month in which any such money or property is received until

such time as the total amount of such benefits that would otherwise have been payable equals the total of the amount of the money received and the fair market value of the property received.

''(3) For purposes of sections 1448(d) and 1450(c) of title 10, eligibility for benefits under this chapter by virtue of this subsection shall be deemed eligibility for dependency and indemnity compensation under section 411(a) of this title.''

1982—Subsec. (b)(1). Pub. L. 97–306 inserted ''or entitled to receive'' after ''was in receipt of''.

1978—Subsecs. (b), (c). Pub. L. 95–479 added subsec. (b) and redesignated former subsec. (b) as (c).

1976—Subsec. (a). Pub. L. 94–433 substituted ''such veteran's surviving spouse'' for ''his widow''.

Subsec. (b). Pub. L. 94–433 substituted ''surviving spouse'', ''such veteran'', and ''such veteran's'' for ''widow'', ''he'', and ''his'', respectively.

EFFECTIVE DATE OF 1982 AMENDMENT; RETROSPECTIVE PAYMENTS

Section 112(b) of Pub. L. 97–306 provided that:

''(1) The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1982.

''(2)(A) As soon as practicable after September 30, 1982, the Administrator of Veterans' Affairs shall pay an amount determined under subparagraph (B) to each person who would have been entitled to a payment under chapter 13 of title 38, United States Code, for any part of the period beginning on October 1, 1978, and ending on September 30, 1982, if the amendment made by subsection (a) [amending this section] had taken effect on October 1, 1978.

''(B) The amount of any payment to a person under subparagraph (A) is the amount equal to the total of all payments under chapter 13 of title 38, United States Code, that would have been made to that person for the period described in such subparagraph if the amendment made by subsection (a) [amending this section] had taken effect on October 1, 1978.''

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 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.

GAO REPORT RELATING TO BENEFITS FOR SURVIVORS OF VETERANS AND MEMBERS OF ARMED FORCES

Pub. L. 102–568, title I, §104, Oct. 29, 1992, 106 Stat. 4322, provided that:

''(a) IN GENERAL.—The Comptroller General of the United States shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report with respect to the most appropriate combination of financial, health-care, educational, and other survivor benefits to meet the needs of survivors of veterans.

''(b) CONTENTS OF REPORT.—The report shall include the following:

''(1) A review and compilation of data on current and proposed survivor benefits programs that will permit an assessment of the adequacy of such benefits programs, including information on—

''(A) in the case of each current and proposed alternative survivor benefits program—

''(i) each benefit provided;

''(ii) the survivors entitled to the benefit;

''(iii) the extent to which survivors are entitled to similar benefits under the program; and

''(iv) the costs of providing such benefits under the program;

''(B) the extent to which current and anticipated benefits under current survivor benefits programs meet the current and anticipated financial, health-care, educational, and other needs of survivors; and

''(C) the differences, if any, in the survivor benefits provided under current and proposed survivor benefits programs to survivors of various categories of veterans and members of the Armed Forces (including survivors of veterans having service-connected disabilities, veterans without such disabilities, members of the Armed Forces who die during service in the Armed Forces, members of the Armed Forces retired under any provision of law other than chapter 61 of title 10, United States Code, and members of the Armed Forces retired under chapter 61 of title 10, United States Code (relating to retirement or separation for physical disability)).

''(2) A review and compilation of existing studies on the adequacy of survivor benefits provided under current and proposed survivor benefits programs to meet the financial, health-care, educational, and other needs of survivors.

''(3) A comprehensive assessment and evaluation of the adequacy of current and proposed survivor benefits programs, including data and methods for an assessment and evaluation of—

''(A) the feasibility and desirability of limiting the period of entitlement of survivors to survivor benefits;

''(B) the feasibility and desirability of modifying the provision of monetary benefits to survivors by—

''(i) revising the term of payment of any such benefits;

''(ii) replacing the periodic payment of such benefits with a lump sum payment;

''(iii) providing such benefits through insurance or other premium-based payment mechanisms; or

''(iv) carrying out any other revision or modification proposed before the date of the enactment of this Act [Oct. 29, 1992] by the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Health and Human Services, or organizations recognized by the Secretary of Veterans Affairs under section 5902(a)(1) of title 38, United States Code;

''(C) the feasibility and desirability of modifying the provision of health-care benefits to survivors;

''(D) the feasibility and desirability of modifying the provision of benefits to children survivors; and

''(E) the feasibility and desirability of consolidating, expanding, or otherwise modifying any program relating to the provision of survivor benefits.

''(4) The recommendations of the Comptroller General (including a proposal for legislation) on the most appropriate combination of survivor benefits to meet the current and anticipated financial, health-care, educational, and other needs of survivors.

''(c) SUBMISSION OF REPORT.—The Comptroller General shall submit the report not later than April 1, 1994.

''(d) DEFINITIONS.—In this section:

''(1) The term 'survivor', in the case of a veteran or member of the Armed Forces who dies, means the surviving spouse or surviving dependent child of the veteran or member.

''(2) The term 'survivor benefit' means any monetary, health-care, educational, or other benefit paid, payable, or otherwise provided to survivors of veterans and survivors of members of the Armed Forces under the following:

''(A) Laws administered by the Secretary of Veterans Affairs.

''(B) Laws administered by the Secretary of Defense.

''(C) The Social Security Act (42 U.S.C. 301 et seq.).

''(3) The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''

DEPENDENCY AND INDEMNITY COMPENSATION PROGRAM

Section 204 of Pub. L. 94–433 directed Administrator of Veterans' Affairs to study dependency and indemnity compensation program authorized by this chapter in order to evaluate benefits provided by program and to

determine whether, or to what extent, benefits should be based on military pay grade of person upon whose death entitlement is predicated, and directed Administrator to submit to Congress and President not later than Oct. 1, 1977, a report containing results of study together with Administrator's recommendations for improvement of program.

STUDY BY ADMINISTRATOR OF DEPENDENCY AND INDEMNITY COMPENSATION CLAIMS

Pub. L. 94–71, § 204, Aug. 5, 1975, 89 Stat. 397, directed Administrator of Veterans' Affairs to make a study of claims for dependency and indemnity compensation relating to veterans who at time of death during period Sept. 1, 1975 to Mar. 1, 1976, were receiving disability compensation based upon a total and permanent disability and required report to be submitted to Speaker of House and President of Senate no later than Oct. 1, 1976.

Pub. L. 93–295, title II, § 207, May 31, 1974, 88 Stat. 183, directed Administrator to make a study of claims for dependency and indemnity compensation relating to veterans who, at time of death within six months of May 31, 1974, were receiving disability compensation, and to report to Speaker of House and President of Senate no more than 30 days after beginning of 94th Congress.

§ 1311. Dependency and indemnity compensation to a surviving spouse

(a)(1) Dependency and indemnity compensation shall be paid to a surviving spouse at the monthly rate of $850.

(2) The rate under paragraph (1) shall be increased by $185 in the case of the death of a veteran who at the time of death was in receipt of or was entitled to receive (or but for the receipt of retired pay or retirement pay was entitled to receive) compensation for a service-connected disability that was rated totally disabling for a continuous period of at least eight years immediately preceding death. In determining the period of a veteran's disability for purposes of the preceding sentence, only periods in which the veteran was married to the surviving spouse shall be considered.

(3) In the case of dependency and indemnity compensation paid to a surviving spouse that is predicated on the death of a veteran before January 1, 1993, the monthly rate of such compensation shall be the amount based on the pay grade of such veteran, as set forth in the following table, if the amount is greater than the total amount determined with respect to that veteran under paragraphs (1) and (2):

Pay grade	Monthly rate
E–1	$850
E–2	850
E–3	850
E–4	850
E–5	850
E–6	850
E–7	879
E–8	928
E–9	[1] 968
W–1	898
W–2	934
W–3	962
W–4	1,017
O–1	898
O–2	928
O–3	992
O–4	1,049
O–5	1,155
O–6	1,302
O–7	1,406
O–8	1,541
O–9	1,651
O–10	[2] 1,811

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402[1] of this title, the surviving spouse's rate shall be $1,044.

[2] If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402[1] of this title, the surviving spouse's rate shall be $1,941.

(b) If there is a surviving spouse with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $215 for each such child.

(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by $215 if the spouse is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(d) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by $104 if the surviving spouse is, by reason of disability, permanently housebound but does not qualify for the aid and attendance allowance under subsection (c) of this section. For the purposes of this subsection, the requirement of ''permanently housebound'' will be considered to have been met when the surviving spouse is substantially confined to such surviving spouse's home (ward or clinical areas, if institutionalized) or immediate premises by reason of a disability or disabilities which it is reasonably certain will remain throughout such surviving spouse's lifetime.

(e)(1) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of dependency and indemnity compensation to such person as the surviving spouse of the veteran if the remarriage is terminated by death, divorce, or annulment unless the Secretary determines that the divorce or annulment was secured through fraud or collusion.

(2) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public as that person's spouse, the bar to granting that person dependency and indemnity compensation as the surviving spouse of the veteran shall not apply.

(3) The first month of eligibility for payment of dependency and indemnity compensation to a surviving spouse by reason of this subsection shall be the later of the month after—

(A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (1); or

(B) the month of the cessation described in paragraph (2), in the case of a surviving spouse described in that paragraph.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1127, § 411; Pub. L. 87–268, § 1(b), Sept. 21, 1961, 75 Stat. 566;

[1] See References in Text note below.

Pub. L. 88–21, § 1, May 15, 1963, 77 Stat. 17; Pub. L. 88–134, § 1, Oct. 5, 1963, 77 Stat. 223; Pub. L. 91–24, § 4(b), June 11, 1969, 83 Stat. 33; Pub. L. 91–96, § 3, Oct. 27, 1969, 83 Stat. 144; Pub. L. 91–588, § 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 92–197, § 1, Dec. 15, 1971, 85 Stat. 660; Pub. L. 92–455, § 4, Oct. 2, 1972, 86 Stat. 761; Pub. L. 93–295, title II, § 201, May 31, 1974, 88 Stat. 182; Pub. L. 94–71, title II, § 201, Aug. 5, 1975, 89 Stat. 396; Pub. L. 94–433, title II, § 201, Sept. 30, 1976, 90 Stat. 1375; Pub. L. 95–117, title II, § 201, Oct. 3, 1977, 91 Stat. 1064; Pub. L. 95–479, title II, § 201, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96–128, title II, § 201, Nov. 28, 1979, 93 Stat. 984; Pub. L. 96–385, title II, § 201, Oct. 7, 1980, 94 Stat. 1529; Pub. L. 97–66, title II, § 201, Oct. 17, 1981, 95 Stat. 1028; Pub. L. 97–253, title IV, § 405(e), Sept. 8, 1982, 96 Stat. 804; Pub. L. 97–306, title I, §§ 104, 107, Oct. 14, 1982, 96 Stat. 1430, 1431; Pub. L. 98–223, title I, § 104, Mar. 2, 1984, 98 Stat. 38; Pub. L. 98–543, title I, § 104, Oct. 24, 1984, 98 Stat. 2736; Pub. L. 99–238, title I, § 104, Jan. 13, 1986, 99 Stat. 1766; Pub. L. 99–576, title I, § 104, Oct. 28, 1986, 100 Stat. 3251; Pub. L. 100–180, div. A, title XIII, § 1314(d)[(1)], Dec. 4, 1987, 101 Stat. 1176; Pub. L. 100–227, title I, § 104, Dec. 31, 1987, 101 Stat. 1554; Pub. L. 100–687, div. B, title XI, § 1104, Nov. 18, 1988, 102 Stat. 4124; Pub. L. 101–237, title I, § 104, Dec. 18, 1989, 103 Stat. 2063; Pub. L. 102–3, § 5, Feb. 6, 1991, 105 Stat. 9; renumbered § 1311 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–152, § 5, Nov. 12, 1991, 105 Stat. 986; Pub. L. 102–568, title I, § 102(a), (b), Oct. 29, 1992, 106 Stat. 4321, 4322; Pub. L. 103–78, § 4, Aug. 13, 1993, 107 Stat. 768; Pub. L. 103–140, § 5, Nov. 11, 1993, 107 Stat. 1486; Pub. L. 105–98, § 5, Nov. 19, 1997, 111 Stat. 2156; Pub. L. 105–178, title VIII, § 8207(a), June 9, 1998, 112 Stat. 495.)

REFERENCES IN TEXT

Section 402 of this title, referred to in footnotes 1 and 2 after table in subsec. (a)(3), probably should be a reference to section 1302 of this title. Section 402 of this title was renumbered section 1302 of this title by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406. This title does not contain a section 402.

AMENDMENTS

1998—Subsec. (e). Pub. L. 105–178 added subsec. (e).

1997—Subsec. (a)(1). Pub. L. 105–98, § 5(a)(1), substituted "$850" for "$769".

Subsec. (a)(2). Pub. L. 105–98, § 5(a)(2), substituted "$185" for "$169".

Subsec. (a)(3). Pub. L. 105–98, § 5(b), inserted table entries for pay grades E–1 to E–6, generally upgraded monthly rates in table for pay grades E–7 to E–9, W–1 to W–4, and O–1 to O–10, substituted "section 402 of this title" for "section 1302 of this title" and "$1,044" for "$943" in footnote 1, and substituted "section 402 of this title" for "section 1302 of this title" and "$1,941" for "$1,753" in footnote 2.

Subsec. (b). Pub. L. 105–98, § 5(c), substituted "$215 for each such child." for "$100 for each such child during fiscal year 1993, $150 for each such child during fiscal year 1994, and $200 for each such child thereafter."

Subsec. (c). Pub. L. 105–98, § 5(d), substituted "$215" for "$195".

Subsec. (d). Pub. L. 105–98, § 5(e), substituted "$104" for "$95".

1993—Subsec. (a)(1). Pub. L. 103–140, § 5(1), substituted "$769" for "$750".

Subsec. (a)(2). Pub. L. 103–140, § 5(2), substituted "$169" for "$165".

Subsec. (a)(3). Pub. L. 103–140, § 5(3), generally upgraded monthly rates in table for pay grades E–7 to E–9, W–1 to W–4, and O–1 to O–10, struck out table entries for pay grades E–1 to E–6, and substituted "$943" for "$934" in footnote 1 and "section 1302" for "section 402" and "$1,753" for "$1,744" in footnote 2.

Pub. L. 103–78, § 4(1), generally upgraded monthly rates for all pay grades in table.

Subsec. (c). Pub. L. 103–140, § 5(4), substituted "$195" for "$191".

Pub. L. 103–78, § 4(2), substituted "$191" for "$185".

Subsec. (d). Pub. L. 103–140, § 5(5), substituted "$95" for "$93".

Pub. L. 103–78, § 4(3), substituted "$93" for "$90".

1992—Subsec. (a). Pub. L. 102–568, § 102(a), added pars. (1) to (3) before table and struck out former provision before table which read as follows: "Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:".

Subsec. (b). Pub. L. 102–568, § 102(b), substituted "$100 for each such child during fiscal year 1993, $150 for each such child during fiscal year 1994, and $200 for each such child thereafter" for "$71 for each such child".

1991—Pub. L. 102–83, § 5(a), renumbered section 411 of this title as this section.

Subsec. (a). Pub. L. 102–152, § 5(1), generally upgraded monthly rates for all pay grades.

Pub. L. 102–83, § 5(c)(1), substituted "1302" for "402" in footnotes 1 and 2.

Pub. L. 102–3, § 5(1), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 102–152, § 5(2), substituted "$71" for "$68".

Pub. L. 102–3, § 5(2), substituted "$68" for "$65".

Subsec. (c). Pub. L. 102–152, § 5(3), substituted "$185" for "$178".

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

Subsec. (d). Pub. L. 102–152, § 5(4), substituted "$90" for "$87".

Pub. L. 102–3, § 5(4), substituted "$87" for "$83".

1989—Subsec. (a). Pub. L. 101–237, § 104(1), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 101–237, § 104(2), substituted "$65" for "$62".

Subsec. (c). Pub. L. 101–237, § 104(3), substituted "$169" for "$161".

Subsec. (d). Pub. L. 101–237, § 104(4), substituted "$83" for "$79".

1988—Subsec. (a). Pub. L. 100–687, § 1104(1), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 100–687, § 1104(2), substituted "$62" for "$60".

Subsec. (c). Pub. L. 100–687, § 1104(3), substituted "$161" for "$155".

Subsec. (d). Pub. L. 100–687, § 1104(4), substituted "$79" for "$76".

1987—Subsec. (a). Pub. L. 100–227, § 104(1), generally upgraded monthly rates for all pay grades.

Pub. L. 100–180 inserted "or Vice Chairman" in footnote 2 after table.

Subsec. (b). Pub. L. 100–227, § 104(2), substituted "$60" for "$58".

Subsec. (c). Pub. L. 100–227, § 104(3), substituted "$155" for "$149".

Subsec. (d). Pub. L. 100–227, § 104(4), substituted "$76" for "$73".

1986—Subsec. (a). Pub. L. 99–576, § 104(1), generally upgraded monthly rates for all pay grades.

Pub. L. 99–238, § 104(1), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 99–576, § 104(2), substituted "$58" for "$57".

Pub. L. 99–238, § 104(2), substituted "$57" for "$55".

Subsec. (c). Pub. L. 99–576, § 104(3), substituted "$149" for "$147".

Pub. L. 99–238, § 104(3), substituted "$147" for "$143".

Subsec. (d). Pub. L. 99–576, § 104(4), substituted "$73" for "$72".

Pub. L. 99–238, § 104(4), substituted "$72" for "$70".

1984—Subsec. (a). Pub. L. 98–543, § 104(a), generally upgraded monthly rates for all pay grades.

Pub. L. 98–223, § 104(a), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 98–543, § 104(b), substituted ''$55'' for ''$53''.

Pub. L. 98–223, § 104(b), substituted ''$53'' for ''$51''.

Subsec. (c). Pub. L. 98–543, § 104(c), substituted ''$143'' for ''$139''.

Pub. L. 98–223, § 104(c), substituted ''$139'' for ''$134''.

Subsec. (d). Pub. L. 98–543, § 104(d), substituted ''$70'' for ''$68''.

Pub. L. 98–223, § 104(d), substituted ''$68'' for ''$66''.

1982—Subsec. (a). Pub. L. 97–306, §§ 104(a), 107, 108, generally upgraded monthly rates for all pay grades, and repealed amendments made by Pub. L. 97–253, § 405(e)(1), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(e)(1), (h), eff. Jan. 1, 1983, lowered monthly rates for all grades and for positions mentioned in footnotes by $1, except for grades E–3 through E–7.

Subsec. (b). Pub. L. 97–306, §§ 104(b), 107, 108, substituted ''$51'' for ''$48'', and repealed amendment made by Pub. L. 97–253, § 405(e)(2), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(e)(2), (h), eff. Jan. 1, 1983, substituted ''$47'' for ''$48'' after ''shall be increased by''.

Subsec. (c). Pub. L. 97–306, §§ 104(c), 107, 108, substituted ''$134'' for ''$125'', and repealed amendment made by Pub. L. 97–253, § 405(e)(3), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(e)(3), (h), eff. Jan. 1, 1983, substituted ''$124'' for ''$125''.

Subsec. (d). Pub. L. 97–306, §§ 104(d), 107, 108, substituted ''$66'' for ''$62'', and repealed amendment made by Pub. L. 97–253, § 405(e)(4), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(e)(4), (h), eff. Jan. 1, 1983, substituted ''$61'' for ''$62'' after ''shall be increased by''.

1981—Subsec. (a). Pub. L. 97–66, § 201(a), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 97–66, § 201(b), increased from $43 to $48 monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 97–66, § 201(c), increased monthly rate of compensation from $112 to $125.

Subsec. (d). Pub. L. 97–66, § 201(d), increased monthly rate of compensation from $56 to $62.

1980—Subsec. (a). Pub. L. 96–385, § 201(a), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 96–385, § 201(b), increased from $38 to $43 monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 96–385, § 201(c), increased monthly rate of compensation from $98 to $112.

Subsec. (d). Pub. L. 96–385, § 201(d), increased monthly rate of compensation from $49 to $56.

1979—Subsec. (a). Pub. L. 96–128, § 201(a), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 96–128, § 201(b), increased from $35 to $38 monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 96–128, § 201(c), increased monthly rate of compensation from $89 to $98.

Subsec. (d). Pub. L. 96–128, § 201(d), increased monthly rate from $45 to $49.

1978—Subsec. (a). Pub. L. 95–479, § 201(a), generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 95–479, § 201(b), increased from $33 to $35 monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 95–479, § 201(c), increased monthly rate of compensation from $83 to $89.

Subsec. (d). Pub. L. 95–479, § 201(d), added subsec. (d).

1977—Subsec. (a). Pub. L. 95–117 generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 95–117 increased from $31 to $33 monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 95–117 increased monthly rate of compensation payable to a surviving spouse from $78 to $83.

1976—Pub. L. 94–433 substituted ''surviving spouse'' for ''widow'' in section catchline.

Subsec. (a). Pub. L. 94–433 substituted ''surviving spouse'' for ''widow'' and ''pay grade of the person upon whose death entitlement is predicated'' for ''pay grade of her deceased husband'' in text and ''surviving spouse's rate'' for ''widow's rate'' in footnotes 1 and 2 and generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 94–433 substituted ''surviving spouse'' for ''widow'' in two places and increased from $29 to $31 monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 94–433 substituted ''surviving spouse'' and ''spouse'' for ''widow'' and ''she'' and increased monthly rate of compensation payable from $72 to $78.

1975—Subsec. (a). Pub. L. 94–71 generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 94–71 increased from $26 to $29 monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 94–71 increased monthly rate of compensation payable to a widow from $64 to $72.

1974—Subsec. (a). Pub. L. 93–295 generally upgraded monthly rates for all pay grades.

Subsec. (b). Pub. L. 93–295 increased from $22 to $26 monthly dependency and indemnity compensation rate for each child.

Subsec. (c). Pub. L. 93–295 increased monthly rate of compensation payable to the widow from $55 to $64.

1972—Subsec. (a). Pub. L. 92–455 substituted in footnote 1 of table ''chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard,'' for ''chief master sergeant of the Air Force, or sergeant major of the Marine Corps,''.

1971—Subsec. (a). Pub. L. 92–197 generally upgraded monthly rate for all pay grades.

Subsec. (b). Pub. L. 92–197 increased dependency and indemnity compensation rate by $22 per month for each child from $20.

Subsec. (c). Pub. L. 92–197 reenacted subsec. (c) without change.

1970—Subsec. (c). Pub. L. 91–588 substituted ''$55'' for ''$50''.

1969—Subsec. (a). Pub. L. 91–96 substituted provisions setting forth dependency and indemnity compensation table based on the pay grade of the deceased husband for provisions that dependency and indemnity compensation was to be paid at a monthly rate equal to $120 plus 12 per centum of basic pay of the deceased husband.

Subsec. (b). Pub. L. 91–96 substituted provisions which increased dependency and indemnity compensation rate by $20 per month for each child below the age of eighteen of a deceased veteran for provisions which increased dependency and indemnity compensation rate by $28 per month for each child of a deceased veteran in excess of one where there was a widow and two or more children below the age of eighteen and the total of monthly benefits they were receiving was less than a determined amount.

Subsec. (c). Pub. L. 91–96 substituted provisions increasing dependency and indemnity compensation rate by $50 per month for widows that are patients in nursing homes, or are helpless or blind for provisions authorizing Administrator to increase to next highest dollar any fraction of a dollar payable under former subsecs. (a) and (b).

Subsecs. (d) to (f). Pub. L. 91–96 struck out subsecs. (d) to (f) which provided for determination of amount of additional compensation payable to a widow under former provisions of subsec. (b).

Subsec. (d)(3). Pub. L. 91–24 substituted ''section 228c–1(h)'' for ''section 228c–1(i)''.

1963—Subsec. (a). Pub. L. 88–134 increased from $112 to $120 the monthly rate of widow's dependency and indemnity compensation.

Subsec. (b). Pub. L. 88–21 substituted ''$28'' for ''$25''.

1961—Subsec. (d)(1). Pub. L. 87–268 substituted ''section 412(a)'' for ''section 412''.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–178, title VIII, § 8207(b), June 9, 1998, 112 Stat. 495, provided that: ''No payment may be made by

reason of section 1311(e) of title 38, United States Code, as added by subsection (a) [amending this section], for any month before October 1998.''

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 1992 AMENDMENT

Section 102(c) of Pub. L. 102–568 provided that: ''The amendments made by this section [amending this section] shall take effect on January 1, 1993.''

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 AMENDMENT

Amendment by 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.

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 1101 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 1971 AMENDMENT

Section 10 of Pub. L. 92–197 provided that: ''This Act [amending this section and sections 321, 322, 341, 413 to 415, 417 and 724 [now 1121, 1122, 1141, 1313 to 1315, 1317, and 1924] of this title and enacting provisions set out as note under section 1317 of this title] shall take effect on January 1, 1972.''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91–96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91–96, set out as a note under section 1302 of this title.

EFFECTIVE DATE OF 1963 AMENDMENTS

Section 2 of Pub. L. 88–134 provided that: ''The amendment made by this Act [amending this section] shall take effect on the effective date of the Uniformed Services Pay Act of 1963 [effective Oct. 1, 1963; see Short Title note set out under section 201 of Title 37, Pay and Allowances of the Uniformed Services] or on January 1, 1964, whichever first occurs.''

Section 5 of Pub. L. 88–21 provided that: ''The amendments made by this Act [amending this section and sections 413 to 415 [now 1313 to 1315] of this title] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [May 15, 1963].''

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87–268 effective Oct. 1, 1961, see section 3 of Pub. L. 87–268, set out as a note under section 1312 of this title.

REPEAL

Section 405(e) 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 13(a) of Pub. L. 88–132, Oct. 2, 1963, 77 Stat. 218, provided that: ''The enactment of this Act [see

Short Title note under section 201 of Title 37, Pay and Allowances of the Uniformed Services] does not reduce the rate of dependency and indemnity compensation under section 411 [now 1311] of title 38, United States Code, that any person was receiving on the day before the effective date of this Act [Oct. 1, 1963] or which thereafter becomes payable for that day by reason of a subsequent determination.''

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.

PAYMENT FOR IMPLEMENTATION OF REVISIONS

Section 102(d) of Pub. L. 102–568 provided that: ''The costs of implementing, during fiscal years 1993 and 1994, any revisions in the payment of dependency and indemnity compensation to surviving spouses under section 1311 of title 38, United States Code, that result from the amendments made by subsections (a) and (b) [amending this section] shall be paid from amounts available to the Department of Veterans Affairs for the payment of compensation and pension.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1318, 5110 of this title; title 10 sections 1059, 1450, 1451, 1457.

§ 1312. Benefits in certain cases of in-service or service-connected deaths

(a) In the case of any veteran—

(1) who dies after December 31, 1956, and is not a fully and currently insured individual (as defined in section 214 of the Social Security Act (42 U.S.C. 414)) at the time of such veteran's death; and

(2) whose death occurs—

(A) while on active duty, active duty for training, or inactive duty training; or

(B) as the result of a service-connected disability incurred after September 15, 1940; and

(3) who leaves one or more survivors who are not entitled for any month to monthly benefits under section 202 of the Social Security Act (42 U.S.C. 402) on the basis of such veteran's wages and self-employment income but who would, upon application therefor, be entitled to such benefits if such veteran had been fully and currently insured at the time of such veteran's death;

the Secretary shall pay for such month benefits under this section to each such survivor in an amount equal to the amount of the benefits which would have been paid for such month to such survivor under title II of the Social Security Act (42 U.S.C. 401 et seq.), if such veteran had been both fully and currently insured at the time of such veteran's death and if such survivor had filed application therefor on the same date on which application for benefits under this section is filed with the Secretary.

(b) In any case where the amount of dependency and indemnity compensation payable under this chapter to a surviving spouse who has children is less than the amount of pension which would be payable to (1) such surviving spouse, or (2) such children if the surviving spouse were not entitled, under chapter 15 of this title had the death occurred under circumstances authorizing payment of death pension, the Secretary shall pay dependency and indemnity compensation to such surviving spouse in an amount equal to such amount of pension.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1128, § 412; Pub. L. 87–268, § 1(a), Sept. 21, 1961, 75 Stat. 566; Pub. L. 89–466, June 22, 1966, 80 Stat. 217; Pub. L. 94–433, title IV, § 405(9), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98–223, title II, § 213(2), Mar. 2, 1984, 98 Stat. 46; Pub. L. 102–54, § 14(b)(3), June 13, 1991, 105 Stat. 283; renumbered § 1312 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. Sections 214 and 202 of the Social Security Act are classified to sections 414 and 402 of Title 42, respectively. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 412 of this title as this section.

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

Pub. L. 102–54 substituted ''401'' for ''201'' in concluding provisions.

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

1984—Subsec. (a). Pub. L. 98–223, § 213(2), substituted ''section 214 of the Social Security Act (42 U.S.C. 414)'' for ''section 414 of title 42'' in par. (1), ''section 202 of the Social Security Act (42 U.S.C. 402)'' for ''section 402 of title 42'' in par. (3), and ''title II of the Social Security Act (42 U.S.C. 201 et seq.)'' for ''subchapter II of chapter 7 of title 42'' in provision following par. (3).

1976—Subsec. (a). Pub. L. 94–433 substituted ''such veteran's'' for ''his'' in cls. (1) and (3) and in text following cl. (3) and ''such veteran'' for ''he'' in cl. (3).

Subsec. (b). Pub. L. 94–433 substituted ''surviving spouse'' for ''widow'' wherever appearing.

1966—Pub. L. 89–466 inserted ''to a widow who has children'', ''to (1) such widow, or (2) such children if the widow were not entitled'', and ''such widow''.

1961—Pub. L. 87–268 designated existing provisions as subsec. (a) and added subsec. (b).

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 1961 AMENDMENT

Section 3 of Pub. L. 87–268 provided that: ''The amendments made by this Act [amending this section and sections 107, 411 [now 1311], 415 [now 1315], 422 [now 1322], and 503 [now 1503] of this title and enacting provisions set out as notes under this section] shall take effect as of the first day of the first calendar month which begins after the date of its enactment [Sept. 21, 1961].''

FILING OF APPLICATION FOR BENEFITS

Section 2 of Pub. L. 87–268 provided that the increased pension benefits authorized by Pub. L. 87–268 were to be payable from the effective date of Pub. L. 87–268 to anyone receiving dependency and indemnity compensation on such date only if the application for such increased benefits were filed with the Veterans' Administration within one year from such date and evidence of entitle-

ment were of record or received within one year from the date of request therefor.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 107, 1315, 1322 of this title.

§ 1313. Dependency and indemnity compensation to children

(a) Whenever there is no surviving spouse of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

(1) one child, $361;

(2) two children, $520;

(3) three children, $675; and

(4) more than three children, $675, plus $132 for each child in excess of three.

(b) If dependency and indemnity compensation has been awarded under this section to a veteran's child or children and the entitlement to dependency and indemnity compensation under this section of an additional child of that veteran who is over the age of eighteen years and who had previously been entitled to dependency and indemnity compensation under this section before becoming eighteen years of age is later reestablished effective retroactively upon determination that such child is pursuing a course of instruction at an approved educational institution, the amount payable retroactively to the additional child is the amount equal to the difference between the total of the increased award payable under this section to the children of the deceased veteran for the retroactive period and the prior total award for such purpose for that period.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1128, § 413; Pub. L. 88–21, § 2, May 15, 1963, 77 Stat. 17; Pub. L. 89–730, § 4, Nov. 2, 1966, 80 Stat. 1159; Pub. L. 91–262, § 2, May 21, 1970, 84 Stat. 256; Pub. L. 92–197, § 2, Dec. 15, 1971, 85 Stat. 660; Pub. L. 93–295, title II, § 202, May 31, 1974, 88 Stat. 182; Pub. L. 94–71, title II, § 202, Aug. 5, 1975, 89 Stat. 397; Pub. L. 94–433, title II, § 202, Sept. 30, 1976, 90 Stat. 1376; Pub. L. 95–117, title II, § 202, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95–479, title II, § 202, Oct. 18, 1978, 92 Stat. 1563; Pub. L. 96–128, title II, § 202, Nov. 28, 1979, 93 Stat. 985; Pub. L. 96–385, title II, § 202, Oct. 7, 1980, 94 Stat. 1530; Pub. L. 97–66, title II, §§ 202, 204(a), Oct. 17, 1981, 95 Stat. 1029; Pub. L. 97–253, title IV, § 405(f), Sept. 8, 1982, 96 Stat. 804; Pub. L. 97–306, title I, §§ 105, 107, Oct. 14, 1982, 96 Stat. 1431; Pub. L. 98–223, title I, § 105, Mar. 2, 1984, 98 Stat. 39; Pub. L. 98–543, title I, § 105, Oct. 24, 1984, 98 Stat. 2737; Pub. L. 99–238, title I, § 105, Jan. 13, 1986, 99 Stat. 1767; Pub. L. 99–576, title I, § 105, title VII, § 703(a)(1), Oct. 28, 1986, 100 Stat. 3252, 3302; Pub. L. 100–227, title I, § 105, Dec. 31, 1987, 101 Stat. 1554; Pub. L. 100–687, div. B, title XI, § 1105(a), Nov. 18, 1988, 102 Stat. 4124; Pub. L. 101–237, title I, § 105(a), Dec. 18, 1989, 103 Stat. 2064; Pub. L. 102–3, § 6(a), Feb. 6, 1991, 105 Stat. 9; renumbered § 1313, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–152, § 6(a), Nov. 12, 1991, 105 Stat. 987; Pub. L. 103–78, § 5(a), Aug. 13, 1993, 107 Stat. 768; Pub. L. 103–140, § 6(a), Nov. 11, 1993, 107 Stat. 1487; Pub. L. 105–98, § 6(a), Nov. 19, 1997, 111 Stat. 2157.)

CODIFICATION

Amendments by section 105 of Pub. L. 99–576, section 105 of Pub. L. 99–238, and section 105 of Pub. L. 98–223, which directed that cls. (1) to (4) of this section be amended, were executed by amending subsec. (a) of this section, as the probable intent of Congress, in view of subsec. (a) containing cls. (1) to (4).

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–98, § 6(a)(1), substituted "$361" for "$327".

Subsec. (a)(2). Pub. L. 105–98, § 6(a)(2), substituted "$520" for "$471".

Subsec. (a)(3). Pub. L. 105–98, § 6(a)(3), substituted "$675" for "$610".

Subsec. (a)(4). Pub. L. 105–98, § 6(a)(4), substituted "$675" and "$132" for "$610" and "$120", respectively.

1993—Subsec. (a)(1). Pub. L. 103–140, § 6(a)(1), substituted "$327" for "$319".

Pub. L. 103–78, § 5(a)(1), substituted "$319" for "$310".

Subsec. (a)(2). Pub. L. 103–140, § 6(a)(2), substituted "$471" for "$460".

Pub. L. 103–78, § 5(a)(2), substituted "$460" for "$447".

Subsec. (a)(3). Pub. L. 103–140, § 6(a)(3), substituted "$610" for "$595".

Pub. L. 103–78, § 5(a)(3), substituted "$595" for "$578".

Subsec. (a)(4). Pub. L. 103–140, § 6(a)(4), substituted "$610" for "$595" and "$120" for "$117".

Pub. L. 103–78, § 5(a)(4), substituted "$595" for "$578" and "$117" for "$114".

1991—Pub. L. 102–83 renumbered section 413 of this title as this section.

Subsec. (a)(1). Pub. L. 102–152, § 6(a)(1), substituted "$310" for "$299".

Pub. L. 102–3, § 6(a)(1), substituted "$299" for "$284".

Subsec. (a)(2). Pub. L. 102–152, § 6(a)(2), substituted "$447" for "$431".

Pub. L. 102–3, § 6(a)(2), substituted "$431" for "$409".

Subsec. (a)(3). Pub. L. 102–152, § 6(a)(3), substituted "$578" for "$557".

Pub. L. 102–3, § 6(a)(3), substituted "$557" for "$529".

Subsec. (a)(4). Pub. L. 102–152, § 6(a)(4), substituted "$578" for "$557" and "$114" for "$110".

Pub. L. 102–3, § 6(a)(4), substituted "$557" for "$529" and "$110" for "$105".

1989—Subsec. (a)(1). Pub. L. 101–237, § 105(a)(1), substituted "$284" for "$271".

Subsec. (a)(2). Pub. L. 101–237, § 105(a)(2), substituted "$409" for "$391".

Subsec. (a)(3). Pub. L. 101–237, § 105(a)(3), substituted "$529" for "$505".

Subsec. (a)(4). Pub. L. 101–237, § 105(a)(4), substituted "$529" and "$105" for "$505" and "$100", respectively.

1988—Subsec. (a)(1). Pub. L. 100–687, § 1105(a)(1), substituted "$271" for "$261".

Subsec. (a)(2). Pub. L. 100–687, § 1105(a)(2), substituted "$391" for "$376".

Subsec. (a)(3). Pub. L. 100–687, § 1105(a)(3), substituted "$505" for "$486".

Subsec. (a)(4). Pub. L. 100–687, § 1105(a)(4), substituted "$505" and "$100" for "$486" and "$97", respectively.

1987—Subsec. (a)(1). Pub. L. 100–227, § 105(1), substituted "$261" for "$251".

Subsec. (a)(2). Pub. L. 100–227, § 105(2), substituted "$376" for "$361".

Subsec. (a)(3). Pub. L. 100–227, § 105(3), substituted "$486" for "$467".

Subsec. (a)(4). Pub. L. 100–227, § 105(4), substituted "$486" and "$97" for "$467" and "$94", respectively.

1986—Subsec. (a). Pub. L. 99–576, § 703(a)(1), amended directory language of Pub. L. 98–543, § 105. See 1984 Amendment notes below.

Subsec. (a)(1). Pub. L. 99–576, § 105(1), substituted "$251" for "$247".

Pub. L. 99–238, § 105(1), substituted "$247" for "$240".

Subsec. (a)(2). Pub. L. 99–576, § 105(2), substituted "$361" for "$356".

Pub. L. 99–238, § 105(2), substituted "$356" for "$345".

Subsec. (a)(3). Pub. L. 99–576, § 105(3), substituted "$467" for "$460".

Pub. L. 99–238, § 105(3), substituted ''$460'' for ''$446''.

Subsec. (a)(4). Pub. L. 99–576, § 105(4), substituted ''$467'' and ''$94'' for ''$460'' and ''$93'', respectively.

Pub. L. 99–238, § 105(4), substituted ''$460'' and ''$93'' for ''$446'' and ''$90'', respectively.

1984—Subsec. (a)(1). Pub. L. 98–543, § 105(1), as amended by Pub. L. 99–576, § 703(a), substituted ''$240'' for ''$233''.

Pub. L. 98–223, § 105(1), substituted ''$233'' for ''$225''.

Subsec. (a)(2). Pub. L. 98–543, § 105(2), as amended by Pub. L. 99–576, § 703(a), substituted ''$345'' for ''$334''.

Pub. L. 98–223, § 105(2), substituted ''$334'' for ''$323''.

Subsec. (a)(3). Pub. L. 98–543, § 105(3), as amended by Pub. L. 99–576, § 703(a), substituted ''$446'' for ''$432''.

Pub. L. 98–223, § 105(3), substituted ''$432'' for ''$417''.

Subsec. (a)(4). Pub. L. 98–543, § 105(4), as amended by Pub. L. 99–576, § 703(a), substituted ''$446'' and ''$90'' for ''$432'' and ''$87'', respectively.

Pub. L. 98–223, § 105(4), substituted ''$432'' and ''$87'' for ''$417'' and ''$84'', respectively.

1982—Subsec. (a)(1). Pub. L. 97–306, §§ 105(1), 107, 108, substituted ''$225'' for ''$210'', and repealed amendment made by Pub. L. 97–253, § 405(f)(1), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(f)(1), (h), eff. Jan. 1, 1983, substituted ''$209'' for ''$210''.

Subsec. (a)(2). Pub. L. 97–306, §§ 105(2), 107, 108, substituted ''$323'' for ''$301'', and repealed amendment made by Pub. L. 97–253, § 405(f)(2), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(f)(2), (h), eff. Jan. 1, 1983, substituted ''$300'' for ''$301''.

Subsec. (a)(3). Pub. L. 97–306, §§ 105(3), 107, 108, substituted ''$417'' for ''$389'', and repealed amendment made by Pub. L. 97–253, § 405(f)(3), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(f)(3), (h), eff. Jan. 1, 1983, substituted ''$388'' for ''$389''.

Subsec. (a)(4). Pub. L. 97–306, §§ 105(4), 107, 108, substituted ''$417, plus $84'' for ''$389, plus $79'', and repealed amendments made by Pub. L. 97–253, § 405(f)(4), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(f)(4), (h), eff. Jan. 1, 1983, substituted ''$388, plus $78'' for ''$389, plus $79''.

1981—Pub. L. 97–66, §§ 202, 204(a), designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, substituted ''$210'', ''$301'', ''$389'', and ''$79'' for ''$189'', ''$271'', ''$350'', and ''$71'', respectively, in pars. (1), (2), (3), and (4).

Subsec. (b). Pub. L. 97–66, § 204(a), added subsec. (b).

1980—Pub. L. 96–385 substituted ''$189'', ''$271'', ''$350'', ''$350'' and ''$71'' for ''$165'', ''$237'', ''$306'', ''$306'' and ''$62'', respectively, in pars. (1), (2), (3), and (4).

1979—Pub. L. 96–128 substituted ''$165'', ''$237'', ''$306'', ''$306'' and ''$62'' for ''$150'', ''$216'', ''$278'', ''278'' and ''$56'', in pars. (1), (2), (3), and (4), respectively.

1978—Pub. L. 95–479 substituted ''$150'', ''$216'', ''$278'', ''$278'' and ''$56'' for ''$140'', ''$201'', ''$259'', ''$259'' and ''$52'', in pars. (1), (2), (3), and (4), respectively.

1977—Pub. L. 95–117 substituted ''$140'', ''$201'', ''$259'', ''$259'', and ''$52'' for ''$131'', ''$189'', ''$243'', ''$243'', and ''$49'', in pars. (1), (2), (3), and (4), respectively.

1976—Pub. L. 94–433 substituted ''surviving spouse'' for ''widow'' in introductory text and $131, $189, $243, $243, and $49 for $121, $175, $225, $225, and $45 in pars. (1), (2), (3), and (4), respectively.

1975—Pub. L. 94–71 substituted $121, $175, $225, $225 and $45 for $108, $156, $201, $201 and $40 in pars. (1), (2), (3) and (4), respectively.

1974—Pub. L. 93–295 substituted ''$108'', ''$156'', ''$201'', ''$201'', and ''$40'' for ''$92'', ''$133'', ''$172'', ''$172'', and ''$34'', in pars. (1), (2), (3), and (4), respectively.

1971—Pub. L. 92–197 substituted ''$92'', ''$133'', ''$172'', and ''$172'' and ''$34'' for ''$88'', ''$127'', ''$164'' and ''164'' and ''$32'', in pars. (1), (2), (3), and (4). respectively.

1970—Pub. L. 91–262 substituted ''$88'', ''$127'', ''$164'', and ''$164'' and ''$32'', for ''$80'', ''$115'', ''$149'', and ''$149'' and ''$29'', in pars. (1), (2), (3), and (4), respectively.

1966—Pub. L. 89–730 substituted ''$80'', ''$115'', ''$149'', and ''$29'', for ''$77'', ''$110'', ''$143'', and ''$143'' and ''$28'', in pars. (1), (2), (3), and (4), respectively.

1963—Pub. L. 88–21 substituted ''$77'', ''$110'', ''$143'' and ''28'' for ''$70'', ''$100'', ''$130'' and ''$25'', in pars. (1), (2), (3), and (4), respectively.

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.

Section 703(c) of Pub. L. 99–576 provided that: ''The amendments made by this section [amending this section and sections 524 and 525 [now 1524 and 1525] of this title and amending provisions set out as a note under section 1163 of this title] shall take effect as if included in the Veterans' Benefits Improvement Act of 1984 (Public Law 98–543).''

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 AMENDMENT

Amendment by 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.

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 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Section 4 of Pub. L. 91–262 provided that: ''The amendments made by sections 2 and 3 of this Act [amending this section and section 414 [now 1314] of this title] shall become effective on the first day of the second calendar month following the month in which this Act is enacted [May 1970].''

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–730 effective first day of second calendar month following Nov. 2, 1966, see section 7(a) of Pub. L. 89–730, set out as a note under section 1315 of this title.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–21 effective first day of second calendar month beginning after May 15, 1963, see section 5 of Pub. L. 88–21, set out as a note under section 1311 of this title.

REPEAL

Section 405(f) 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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1059.

§ 1314. Supplemental dependency and indemnity compensation to children

(a) In the case of a child entitled to dependency and indemnity compensation who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, the dependency and indemnity compensation paid monthly to such child shall be increased by $215.

(b) If dependency and indemnity compensation is payable monthly to a person as a surviving spouse and there is a child (of such person's deceased spouse) who has attained the age of eighteen and who, while under such age, became permanently incapable of self-support, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the surviving spouse, in the amount of $361.

(c) If dependency and indemnity compensation is payable monthly to a person as a surviving spouse and there is a child (of such person's deceased spouse), who has attained the age of eighteen and who, while under the age of twenty-three, is pursuing a course of instruction at an educational institution approved under section 104 of this title, dependency and indemnity compensation shall be paid monthly to each such child, concurrently with the payment of dependency and indemnity compensation to the surviving spouse, in the amount of $182.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1128, § 414; Pub. L. 88–21, § 3, May 15, 1963, 77 Stat. 17; Pub. L. 89–311, § 2(c)(2), Oct. 31, 1965, 79 Stat. 1155; Pub. L. 89–730, § 5, Nov. 2, 1966, 80 Stat. 1159; Pub. L. 91–262, § 3, May 21, 1970, 84 Stat. 256; Pub. L. 92–197, § 3, Dec. 15, 1971, 85 Stat. 661; Pub. L. 93–295, title II, § 203, May 31, 1974, 88 Stat. 183; Pub. L. 94–71, title II, § 203, Aug. 5, 1975, 89 Stat. 397; Pub. L. 94–433, title II, § 203, title IV, § 405(10), Sept. 30, 1976, 90 Stat. 1376, 1380; Pub. L. 95–117, title II, § 203, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95–479, title II, § 203, Oct. 18, 1978, 92 Stat. 1563; Pub. L. 96–128, title II, § 203, Nov. 28, 1979, 93 Stat. 985; Pub. L. 96–385, title II, § 203, Oct. 7, 1980, 94 Stat. 1530; Pub. L. 97–66, title II, § 203, Oct. 17, 1981, 95 Stat. 1029; Pub. L. 97–253, title IV, § 405(g), Sept. 8, 1982, 96 Stat. 804; Pub. L. 97–306, title I, §§ 106, 107, Oct. 14, 1982, 96 Stat. 1431; Pub. L. 98–223, title I, § 106, Mar. 2, 1984, 98 Stat. 39; Pub. L. 98–543, title I, § 106, Oct. 24, 1984, 98 Stat. 2737; Pub. L. 99–238, title I, § 106, Jan. 13, 1986, 99 Stat. 1767; Pub. L. 99–576, title I, § 106, Oct. 28, 1986, 100 Stat. 3252; Pub. L. 100–227, title I, § 106, Dec. 31, 1987, 101 Stat. 1555; Pub. L. 100–687, div. B, title XI, § 1105(b), Nov. 18, 1988, 102 Stat. 4124; Pub. L. 101–237, title I, § 105(b), Dec. 18, 1989, 103 Stat. 2064; Pub. L. 102–3, § 6(b), Feb. 6, 1991, 105 Stat. 9; renumbered § 1314, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–152, § 6(b), Nov. 12, 1991, 105 Stat. 987; Pub. L. 103–78, § 5(b), Aug. 13, 1993, 107 Stat. 769; Pub. L. 103–140, § 6(b), Nov. 11, 1993, 107 Stat. 1487; Pub. L. 105–98, § 6(b), Nov. 19, 1997, 111 Stat. 2157.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–98, § 6(b)(1), substituted ''$215'' for ''$195''.

Subsec. (b). Pub. L. 105–98, § 6(b)(2), substituted ''$361'' for ''$327''.

Subsec. (c). Pub. L. 105–98, § 6(b)(3), substituted ''$182'' for ''$166''.

1993—Subsec. (a). Pub. L. 103–140, § 6(b)(1), substituted ''$195'' for ''$191''.

Pub. L. 103–78, § 5(b)(1), substituted ''$191'' for ''$185''.

Subsec. (b). Pub. L. 103–140, § 6(b)(2), substituted ''$327'' for ''$319''.

Pub. L. 103–78, § 5(b)(2), substituted ''$319'' for ''$310''.

Subsec. (c). Pub. L. 103–140, § 6(b)(3), substituted ''$166'' for ''$162''.

Pub. L. 103–78, § 5(b)(3), substituted ''$162'' for ''$157''.

1991—Pub. L. 102–83 renumbered section 414 of this title as this section.

Subsec. (a). Pub. L. 102–152, § 6(b)(1), substituted ''$185'' for ''$178''.

Pub. L. 102–3, § 6(b)(1), substituted ''$178'' for ''$169''.

Subsec. (b). Pub. L. 102–152, § 6(b)(2), substituted ''$310'' for ''$299''.

Pub. L. 102–3, § 6(b)(2), substituted ''$299'' for ''$284''.

Subsec. (c). Pub. L. 102–152, § 6(b)(3), substituted ''$157'' for ''$151''.

Pub. L. 102–3, § 6(b)(3), substituted ''$151'' for ''$144''.

1989—Subsec. (a). Pub. L. 101–237, § 105(b)(1), substituted ''$169'' for ''$161''.

Subsec. (b). Pub. L. 101–237, § 105(b)(2), substituted ''$284'' for ''$271''.

Subsec. (c). Pub. L. 101–237, § 105(b)(3), substituted ''$144'' for ''$138''.

1988—Subsec. (a). Pub. L. 100–687, § 1105(b)(1), substituted ''$161'' for ''$155''.

Subsec. (b). Pub. L. 100–687, § 1105(b)(2), substituted ''$271'' for ''$261''.

Subsec. (c). Pub. L. 100–687, § 1105(b)(3), substituted ''$138'' for ''$133''.

1987—Subsec. (a). Pub. L. 100–227, § 106(1), substituted ''$155'' for ''$149''.

Subsec. (b). Pub. L. 100–227, § 106(2), substituted ''$261'' for ''$251''.

Subsec. (c). Pub. L. 100–227, § 106(3), substituted ''$133'' for ''$128''.

1986—Subsec. (a). Pub. L. 99–576, § 106(1), substituted ''$149'' for ''$147''.

Pub. L. 99–238, § 106(1), substituted ''$147'' for ''$143''.

Subsec. (b). Pub. L. 99–576, § 106(2), substituted ''$251'' for ''$247''.

Pub. L. 99–238, § 106(2), substituted ''$247'' for ''$240''.

Subsec. (c). Pub. L. 99–576, § 106(3), substituted ''$128'' for ''$126''.

Pub. L. 99–238, § 106(3), substituted ''$126'' for ''$122''.

1984—Subsec. (a). Pub. L. 98–543, § 106(1), substituted ''$143'' for ''$139''.

Pub. L. 98–223, § 106(1), substituted ''$139'' for ''$134''.

Subsec. (b). Pub. L. 98–543, § 106(2), substituted ''$240'' for ''$233''.

Pub. L. 98–223, § 106(2), substituted ''$233'' for ''$225''.

Subsec. (c). Pub. L. 98–543, § 106(3), substituted ''$122'' for ''$118''.

Pub. L. 98–223, § 106(3), substituted ''$118'' for ''$114''.

1982—Subsec. (a). Pub. L. 97–306, §§ 106(1), 107, 108, substituted ''$134'' for ''$125'', and repealed amendment made by Pub. L. 97–253, § 405(g)(1), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(g)(1), (h), eff. Jan. 1, 1983, substituted ''$124'' for ''$125''.

Subsec. (b). Pub. L. 97–306, §§ 106(2), 107, 108, substituted ''$225'' for ''$210'', and repealed amendment made by Pub. L. 97–253, § 405(g)(2), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(g)(2), (h), eff. Jan. 1, 1983, substituted ''$209'' for ''$210''.

Subsec. (c). Pub. L. 97–306, §§ 106(3), 107, 108, substituted ''$114'' for ''$107'', and repealed amendment made by Pub. L. 97–253, § 405(g)(3), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(g)(3), (h), eff. Jan. 1, 1983, substituted ''$106'' for ''$107''.

1981—Subsec. (a). Pub. L. 97–66, § 203(1), substituted ''$125'' for ''$112''.

Subsec. (b). Pub. L. 97–66, § 203(2), substituted ''$210'' for ''$189''.

Subsec. (c). Pub. L. 97–66, § 203(3), substituted ''$107'' for ''$96''.

1980—Subsec. (a). Pub. L. 96–385, § 203(1), substituted ''$112'' for ''$98''.

Subsec. (b). Pub. L. 96–385, § 203(2), substituted ''$189'' for ''$165''.

Subsec. (c). Pub. L. 96–385, § 203(3), substituted ''$96'' for ''$84''.

1979—Subsec. (a). Pub. L. 96–128, § 203(1), substituted ''$98'' for ''$89''.

Subsec. (b). Pub. L. 96–128, § 203(2), substituted ''$165'' for ''$150''.

Subsec. (c). Pub. L. 96–128, § 203(3), substituted ''$84'' for ''$76''.

1978—Subsec. (a). Pub. L. 95–479, § 203(1), substituted ''$89'' for ''$83''.

Subsec. (b). Pub. L. 95–479, § 203(2), substituted ''$150'' for ''$140''.

Subsec. (c). Pub. L. 95–479, § 203(3), substituted ''$76'' for ''$71''.

1977—Subsec. (a). Pub. L. 95–117, § 203(1), substituted ''$83'' for ''$78''.

Subsec. (b). Pub. L. 95–117, § 203(2) substituted ''$140'' for ''$131''.

Subsec. (c). Pub. L. 95–117, § 203(3), substituted ''$71'' for ''$67''.

1976—Subsec. (a). Pub. L. 94–433, §§ 203(1), 405(10), substituted ''$78'' for ''$72'' and ''such child'' for ''him''.

Subsec. (b). Pub. L. 94–433, §§ 203(2), 405(10), substituted ''$131'' for ''$121'' and ''person'' for ''woman'', ''surviving spouse'' for ''widow'' and ''such person's deceased spouse'' for ''her deceased husband'' wherever appearing.

Subsec. (c). Pub. L. 94–433, §§ 203(3), 405(10), substituted ''$67'' for ''$62'' and ''person'' for ''woman'', ''surviving spouse'' for ''widow'' and ''such person's deceased spouse'' for ''her deceased husband'' wherever appearing.

1975—Subsec. (a). Pub. L. 94–71, § 203(a), substituted ''$72'' for ''$64''.

Subsec. (b). Pub. L. 94–71, § 203(b), substituted ''$121'' for ''$108''.

Subsec. (c). Pub. L. 94–71, § 203(c), substituted ''$62'' for ''$55''.

1974—Subsec. (a). Pub. L. 93–295, § 203(a), substituted ''$64'' for ''55''.

Subsec. (b). Pub. L. 93–295, § 203(b), substituted ''$108'' for ''$92''.

Subsec. (c). Pub. L. 93–295, 203(c), substituted ''$55'' for ''$47''.

1971—Subsec. (a). Pub. L. 92–197, § 3(a), substituted ''$55'' for ''$32''.

Subsec. (b). Pub. L. 92–197, § 3(b), substituted ''$92'' for ''$88''.

Subsec. (c). Pub. L. 92–197, § 3(c), substituted ''$47'' for ''$45''.

1970—Subsec. (a). Pub. L. 91–262, § 3(a), substituted ''$32'' for ''$29''.

Subsec. (b). Pub. L. 91–262, § 3(b), substituted ''$88'' for ''$80''.

Subsec. (c). Pub. L. 91–262, § 3(c), substituted ''$45'' for ''$41''.

1966—Subsec. (a). Pub. L. 89–730, § 5(1), substituted ''$29'' for ''$28''.

Subsec. (b). Pub. L. 89–730, § 5(2), substituted ''$80'' for ''$77''.

Subsec. (c). Pub. L. 89–730, § 5(3), substituted ''41'' for ''39''.

1965—Subsec. (c). Pub. L. 89–311 substituted ''twenty-three'' for ''twenty-one''.

1963—Subsec. (a). Pub. L. 88–21, § 3(1), substituted ''$28'' for ''$25''.

Subsec. (b). Pub. L. 88–21, § 3(2), substituted ''$77'' for ''$70''.

Subsec. (c). Pub. L. 88–21, § 3(3), substituted ''$39'' for ''$35''.

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 AMENDMENT

Amendment by 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.

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 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–262 effective first day of second calendar month following May 1970, see section 4 of Pub. L. 91–262, set out as a note under section 1313 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–730 effective first day of second calendar month following Nov. 2, 1966, see section 7(a) of Pub. L. 89–730, set out as a note under section 1315 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

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.

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–21 effective first day of second calendar month beginning after May 15, 1963, see section 5 of Pub. L. 88–21, set out as a note under section 1311 of this title.

REPEAL

Section 405(g) 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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 2012.

§ 1315. Dependency and indemnity compensation to parents

(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section.

(b)(1) Except as provided in paragraph (4) of this subsection, if there is only one parent, the monthly rate of dependency and indemnity compensation paid to such parent shall be $163, as increased from time to time under section 5312(b)(1) of this title and reduced by an amount, based upon the amount of such parent's annual income, determined in accordance with regulations which the Secretary shall prescribe under section 5312(b)(2) of this title.

(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds $4,038, as increased from time to time under section 5312 of this title.

(4) If there is only one parent and such parent has remarried and is living with such parent's spouse, dependency and indemnity compensa-

tion shall be paid to such parent under either paragraph (1) of this subsection or under subsection (d) of this section, whichever will result in the greater amount of such compensation being paid to such parent. In such a case of remarriage the total combined annual income of the parent and such parent's spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula.

(c)(1) Except as provided in subsection (d) of this section, if there are two parents, but they are not living together, the monthly rate of dependency and indemnity compensation paid to each such parent shall be $115, as increased from time to time under section 5312(b)(1) of this title and reduced by an amount, based upon the amount of such parent's annual income, determined in accordance with regulations which the Secretary shall prescribe under section 5312(b)(2) of this title.

(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds $4,038, as increased from time to time under section 5312 of this title.

(d)(1) If there are two parents who are living together, or if a parent has remarried and is living with such parent's spouse, the monthly rate of dependency and indemnity compensation paid to such parent shall be $109, as increased from time to time under section 5312(b)(1) of this title and reduced by an amount, based upon the amount of the combined annual income of the parents or the parent and the parent's spouse, determined in accordance with regulations which the Secretary shall prescribe under section 5312(b)(2) of this title.

(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

(3) In no case may dependency and indemnity compensation be paid under this subsection to a parent if the total combined annual income of the parent and such parent's spouse exceeds $5,430, as increased from time to time under section 5312 of this title.

(e) The Secretary may require as a condition of granting or continuing dependency and indemnity compensation to a parent that such parent, other than one who has attained seventy-two years of age and has been paid dependency and indemnity compensation during two consecutive calendar years, file for a calendar year with the Secretary (on the form prescribed by the Secretary) a report showing the total income which such parent expects to receive in that year and the total income which such parent received in the preceding year. The parent or parents shall notify the Secretary whenever there is a material change in annual income.

(f)(1) In determining income under this section, all payments of any kind or from any source shall be included, except—

(A) payments of the six-months' death gratuity;

(B) donations from public or private relief or welfare organizations;

(C) payments under this chapter (except section 1312(a)) and chapters 11 and 15 of this title and under the first sentence of section 9(b) of the Veterans' Pension Act of 1959;

(D) lump-sum death payments under title II of the Social Security Act (42 U.S.C. 401 et seq.);

(E) payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces;

(F) payments under policies of servicemembers' group life insurance, United States Government life insurance or national service life insurance, and payments of servicemen's indemnity;

(G) 10 percent of the amount of payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs;

(H) amounts equal to amounts paid by a parent of a deceased veteran for—

(i) a deceased spouse's just debts,

(ii) the expenses of the spouse's last illness to the extent such expenses are not reimbursed under chapter 51 of this title, and

(iii) the expenses of the spouse's burial to the extent that such expenses are not reimbursed under chapter 23 or chapter 51 of this title;

(I) reimbursements of any kind for any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause may not exceed the greater of the fair market value or the reasonable replacement value of the property involved at the time immediately preceding the loss;

(J) amounts equal to amounts paid by a parent of a deceased veteran for—

(i) the expenses of the veteran's last illness, and

(ii) the expenses of such veteran's burial to the extent that such expenses are not reimbursed under chapter 23 of this title;

(K) profit realized from the disposition of real or personal property other than in the course of a business;

(L) payments received for discharge of jury duty or obligatory civic duties;

(M) payments of annuities elected under subchapter I of chapter 73 of title 10.

(2) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

(3) The Secretary may provide by regulation for the exclusion from income under this section of amounts paid by a parent for unusual medical expenses.

(g) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $85, as increased from time to time under section 5312 of this title, if such parent is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1129, § 415; Pub. L. 87–268, § 1(b), Sept. 21, 1961, 75 Stat. 566;

Pub. L. 88–21, § 4, May 15, 1963, 77 Stat. 17; Pub. L. 89–730, §§ 1, 2, Nov. 2, 1966, 80 Stat. 1157, 1158; Pub. L. 90–275, § 2, Mar. 28, 1968, 82 Stat. 66; Pub. L. 91–588, §§ 2, 8(a), Dec. 24, 1970, 84 Stat. 1582, 1584; Pub. L. 92–197, § 4, Dec. 15, 1971, 85 Stat. 661; Pub. L. 92–425, § 6(1), Sept. 21, 1972, 86 Stat. 713; Pub. L. 93–177, § 4, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 7, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94–169, title II, § 201, Dec. 23, 1975, 89 Stat. 1019; Pub. L. 94–432, title III, § 301, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95–204, title II, § 201, Dec. 2, 1977, 91 Stat. 1457; Pub. L. 95–588, title II, § 201, Nov. 4, 1978, 92 Stat. 2505; Pub. L. 96–466, title VI, § 605(c)(1), Oct. 17, 1980, 94 Stat. 2211; Pub. L. 97–295, § 4(10), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 100–687, div. B, title XIV, § 1402(a), Nov. 18, 1988, 102 Stat. 4129; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1315 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–86, title I, § 102, Aug. 14, 1991, 105 Stat. 414; Pub. L. 103–271, § 9(a), July 1, 1994, 108 Stat. 743; Pub. L. 104–275, title IV, § 405(c)(1), Oct. 9, 1996, 110 Stat. 3340.)

REFERENCES IN TEXT

Section 9(b) of the Veterans' Pension Act of 1959, referred to in subsec. (f)(1)(C), is section 9(b) of Pub. L. 86–211, Aug. 29, 1959, 73 Stat. 432, which was set out as a Savings Provisions note under section 1521 of this title, and was repealed, effective Jan. 1, 1979, by section 306(b)(1) of Pub. L. 95–588, which is set out as a Savings Provisions for Persons Entitled to Pension as of December 31, 1978: Other Provisions note under section 1521 of this title.

The Social Security Act, referred to in subsec. (f)(1)(D), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security 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.

AMENDMENTS

1996—Subsec. (f)(1)(F). Pub. L. 104–275 substituted ''servicemembers' group'' for ''servicemen's group''.

1994—Subsec. (e). Pub. L. 103–271, in first sentence, substituted ''may require'' for ''shall require'' and ''for a calendar year'' for ''each year'' and, in second sentence, substituted ''notify the Secretary'' for ''file with the Secretary a revised report'' and struck out ''the estimated'' after ''material change in''.

1991—Pub. L. 102–83, § 5(a), renumbered section 415 of this title as this section.

Subsec. (a). Pub. L. 102–86 amended this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by amending subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.''

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

Pub. L. 102–40 substituted ''5312(b)(1)'' for ''3112(b)(1)'' and ''5312(b)(2)'' for ''3112(b)(2)''.

Subsec. (b)(3). Pub. L. 102–40 substituted ''5312'' for ''3112''.

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

Pub. L. 102–40 substituted ''5312(b)(1)'' for ''3112(b)(1)'' and ''5312(b)(2)'' for ''3112(b)(2)''.

Subsec. (c)(3). Pub. L. 102–40 substituted ''5312'' for ''3112''.

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

Pub. L. 102–40 substituted ''5312(b)(1)'' for ''3112(b)(1)'' and ''5312(b)(2)'' for ''3112(b)(2)''.

Subsec. (d)(3). Pub. L. 102–40 substituted ''5312'' for ''3112''.

Subsec. (e). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (f)(1)(C). Pub. L. 102–83, § 5(c)(1), substituted ''1312(a)'' for ''412(a)''.

Subsec. (f)(1)(I), (3). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Subsec. (g). Pub. L. 102–40 substituted ''5312'' for ''3112''.

1988—Subsec. (f)(1)(I). Pub. L. 100–687 amended cl. (I) generally. Prior to amendment, cl. (I) read as follows: ''proceeds of fire insurance policies;''.

1982—Subsec. (f)(1)(D). Pub. L. 97–295, § 4(10)(A), substituted ''title II of the Social Security Act (42 U.S.C. 401 et seq.)'' for ''subchapter II of chapter 7 of title 42''.

Subsec. (f)(1)(G). Pub. L. 97–295, § 4(10)(B), substituted ''percent'' for ''per centum''.

1980—Subsec. (f). Pub. L. 96–466 redesignated subsec. (g) as (f). Former subsec. (f), which directed the Administrator, upon ascertaining that there had been overpayments to a parent under this section, to deduct such overpayments (unless waived) from any future payments made to such parent under this section, was struck out.

Subsecs. (g), (h). Pub. L. 96–466 redesignated subsecs. (g) and (h) as (f) and (g), respectively.

1978—Subsec. (b)(1). Pub. L. 95–588, § 201(a)(1), substituted a fixed monthly amount of $163, subject to certain increases and deductions, as parental compensation for a formula for computing the monthly award under this subsection based upon the annual income of the recipient.

Subsec. (b)(3). Pub. L. 95–588, § 201(a)(2), substituted ''$4,038, as increased from time to time under section 3112 of this title'' for ''$3,770''.

Subsec. (b)(4). Pub. L. 95–588, § 201(a)(3), struck out references to the award computation formula formerly contained in subsec. (b)(1) of this section and inserted provision relating to election between subsecs. (b)(1) and (d) of this section in order to procure the greatest amount of compensation for the recipient.

Subsec. (c)(1). Pub. L. 95–588, § 201(b)(1), substituted a fixed amount of $115 a month as compensation under this subsection for a computation formula based upon the annual income of the recipient.

Subsec. (c)(3). Pub. L. 95–588, § 201(b)(2), substituted ''$4,038, as increased from time to time under section 3112 of this title'' for ''$3,770''.

Subsec. (d)(1). Pub. L. 95–588, § 201(c)(1), substituted a fixed amount of $109 a month as compensation under this subsection for a computation formula based upon combined annual income of recipients.

Subsec. (d)(3). Pub. L. 95–588, § 201(c)(2), substituted ''$5,430, as increased from time to time under section 3112 of this title'' for ''$5,070''.

Subsec. (h). Pub. L. 95–588, § 201(d), substituted ''$85, as increased from time to time under section 3112 of this title'' for ''$79''.

1977—Subsec. (b)(1). Pub. L. 95–204, § 201(1), increased monthly rate of compensation from $142 to $152, substituted ''.05'' for ''.04'', ''.06'' for ''.05'', ''.08'' for ''.06'', ''1,500'' for ''1,400'' in two places, and ''3,770'' for ''1,600'', and struck out provision reducing compensation by .08 for income more than 1,600 but not more than 3,540.

Subsec. (b)(3). Pub. L. 95–204, § 201(2), substituted ''$3,770'' for ''$3,540''.

Subsec. (c)(1). Pub. L. 95–204, § 201(3), increased monthly rate of compensation from $100 to $107, substituted ''.05'' for ''.04'', ''.06'' for ''.05'', ''2,000'' for ''1,300'' in two places, and ''3,770'' for ''2,300'', and struck out provision reducing compensation by .06 for income more than 2,300 but not more than 3,540.

Subsec. (c)(3). Pub. L. 95–204, § 201(4), substituted ''$3,770'' for ''$3,540''.

Subsec. (d)(1). Pub. L. 95–204, § 201(5), increased monthly rate of compensation from $96 to $102, and substituted ''2,000'' for ''2,100'' in two places, ''2,900'' for ''3,100'' in two places, ''3,600'' for ''3,800'' in two places, and ''5,070'' for ''4,760''.

Subsec. (d)(3). Pub. L. 95–204, § 201(6), substituted ''$5,070'' for ''$4,760''.

Subsec. (h). Pub. L. 95–204, § 201(7), substituted ''$79'' for ''$74''.

1976—Subsec. (b)(1). Pub. L. 94–432, § 301(1), increased monthly rate of compensation from $133 to $142 and substituted $1,200 to $1,400 for $1,200 to $1,500, $1,400 to $1,600 for $1,500 to $1,700 and $1,600 to $3,540 for $1,700 to $3,300.

Subsec. (b)(3). Pub. L. 94–432, § 301(2), substituted ''$3,540'' for ''$3,300''.

Subsec. (c)(1). Pub. L. 94–432, § 301(3), increased monthly rate of compensation from $93 to $100 and substituted $1,100 to $1,300 for $1,100 to $1,600, $1,300 to $2,300 for $1,600 to $2,400 and $2,300 to $3,540 for $2,400 to $3,300.

Subsec. (c)(3). Pub. L. 94–432, § 301(4), substituted ''$3,540'' for ''$3,300''.

Subsec. (d)(1). Pub. L. 94–432, § 301(5), increased monthly compensation from $90 to $96 and substituted $1,000 to $2,100 for $1,000 to $2,300, $2,100 to $3,100 for $2,300 to $3,300 and $3,100 to $3,800 for $3,300 to $4,500, and inserted provision for reduction by $.05 for each $1 of total combined annual income which is more than $3,800 but not more than $4,760.

Subsec. (d)(3). Pub. L. 94–432, § 301(6), substituted ''$4,760'' for ''$4,500''.

Subsec. (h). Pub. L. 94–432, § 301(7), substituted ''$74'' for ''$69''.

1975—Subsec. (b)(1). Pub. L. 94–169, § 201(2), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of compensation from $123 to $133, substituted $1000 to $1200 for $1000 to $1300, $1200 to $1500 for $1300 to $1600, $1500 to $1700 for $1600 to $1800 and $1700 to $3300 for $2000 to $3000, the minimum and maximum income ranges for which the compensation rate will be reduced by 4, 5, 6 and 8 cents per dollar, respectively, struck out the income range of $1800 to $2000 for which the reduction rate is 7 cents per dollar, increased from $4.00 to $5.00 the minimum payable compensation, and increased from $3,000 to $3300 the income in excess of which no compensation will be paid.

Subsec. (b)(2). Pub. L. 94–169, § 201(1), redesignated, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, subsec. (b)(2) as (b)(4), and in subsec. (b)(4) as so redesignated, substituted ''such parent has remarried'' for ''he has remarried'', ''with such parent's spouse'' for ''with his spouse'', ''paid to such parent'' for ''paid to him'' and ''parent and such parent's spouse'' for ''parent and his spouse''.

Subsec. (c). Pub. L. 94–169, § 201(3), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of compensation from $86 to $93, substituted $1100 to $1600 for $1100 to $2100, $1600 to $2400 for $2100 to $2500 and $2400 to $3300 for $2500 to $3000, the minimum and maximum income ranges for which the compensation rate will be reduced 4, 5 and 6 cents, respectively, increased from $4.00 to $5.00 the minimum payable compensation, and increased from $3000 to $3300 the income in excess of which no compensation will be paid.

Subsec. (d). Pub. L. 94–169, § 201(3), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, basic rate of monthly compensation from $83 to $90, substituted $1000 to $2300 for $1100 to $2500, $2300 to $3300 for $2500 to $3500 and $3300 to $4500 for $3500 to $4200 the minimum and maximum income ranges for which the compensation rate will be reduced by 2, 3, and 4 cents, respectively, struck out the income range of $1000 to $1100 for which the reduction rate is 1 cent per dollar, increased from $4.00 to $5.00 the minimum payable compensation, and increased from $4200 to $4500 the income in excess of which no compensation will be paid.

Subsec. (e). Pub. L. 94–169, § 201(4), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''with the Administrator'' for ''with him'' and ''prescribed by the Administrator'' for ''prescribed by him''.

Subsec. (f). Pub. L. 94–169, § 201(5), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''the Administrator shall deduct'' for ''he shall deduct''.

Subsec. (g)(1)(J)(ii). Pub. L. 94–169, § 201(6), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''such veteran's'' for ''his''.

Subsec. (h). Pub. L. 94–169, § 201(7), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''$69'' for ''$64''.

1974—Subsec. (b)(1). Pub. L. 93–527, § 7(1), substituted ''$123'' for ''$110'', ''$1000'' for ''$1100'' wherever appearing, ''$1300'' for ''$1500'' wherever appearing, ''$1600'' for ''$1700'' wherever appearing, ''$1800'' for ''$2000'' wherever appearing, ''$2000'' for ''$2300'' wherever appearing, and ''$3000'' for ''$2600'' wherever appearing, and provided that in no event shall the monthly rate be less than $4.00.

Subsec. (b)(2). Pub. L. 93–527, § 7(1), reenacted par. (2) without change.

Subsec. (c). Pub. L. 93–527, § 7(2), substituted ''$86'' for ''$77'', ''$2100'' for ''$1400'' wherever appearing, ''$2500'' for ''$2300'' wherever appearing, ''3000'' for ''2600'' wherever appearing, and ''4 cents'', ''5 cents'' and ''6 cents'' for ''3 cents'', ''4 cents'' and ''5 cents'', and inserted provision that in no event shall the monthly rate of dependency and indemnity compensation be less than $4.

Subsec. (d). Pub. L. 93–527, § 7(3), substituted ''$83'' for ''$74'', ''$1,000'' for ''$1,200'' wherever appearing, ''$2500'' for ''$2900'' wherever appearing, and ''3500'' for ''$3800'', and inserted provisions for reduction of 4 cents in the monthly rate for each dollar of annual income in excess of $3500 up to and including $4200, for not less than $4 for the monthly rate of dependency and indemnity compensation, and raised the maximum combined income for which compensation will be paid from $3800 to $4200.

Subsec. (h). Pub. L. 93–527, § 7(4), substituted ''$64'' for ''$55''.

1973—Subsec. (b)(1). Pub. L. 93–177, § 4(a), substituted ''$110'' for ''$100'', ''$1,100'' for ''$1,200'', ''$1,500'' for ''$1,600'', ''$1,700'' for ''$1,900'', ''$2,000'' for ''$2,100'', and ''$2,300'' for ''$2,600'' in existing provisions and inserted provisions for a reduction of 8 cents in the monthly rate for each $1 annual income in excess of $2,300 up to and including $2,600.

Subsec. (b)(2). Pub. L. 93–177, § 4(a), reenacted par. (2) without change.

Subsec. (c). Pub. L. 93–177, § 4(b), substituted ''$77'' for ''$70'', ''$1,400'' for ''$1,700'', and ''$2,300'' for ''$2,600'' in existing provisions and inserted provision for a reduction of 5 cents in the monthly rate for each $1 of annual income in excess of $2,300 up to and including $2,600.

Subsec. (d). Pub. L. 93–177, § 4(c), substituted ''$74'' for ''$67'', ''$1,200'' for ''$1,300'', and ''$2,900'' for ''$3,400''.

1972—Subsec. (g)(1)(M). Pub. L. 92–425 substituted ''subchapter I of chapter 73 of title 10'' for ''chapter 73 of title 10''.

1971—Subsec. (b)(1). Pub. L. 92–197, § 4(a), substituted formula to measure monthly compensation rate of one parent by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $2,600 from $2,300.

Subsec. (b)(2). Pub. L. 92–197, § 4(a), substituted reference to formula in subsecs. (b)(1) and (d), for reference to tables in subsecs. (b)(1) and (d).

Subsec. (c). Pub. L. 92–197, § 4(b), substituted formula to measure dependency and indemnity compensation rates of two parents not living together by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $2,600 from $2,300.

Subsec. (d). Pub. L. 92–197, § 4(c), substituted formula to measure dependency and indemnity compensation to two parents living together or a remarried parent living with his spouse by specifying a maximum monthly rate for each group within designated income category and each individual's monthly rate to be computed by reducing the maximum monthly rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table providing for income and benefit rates, and increased the maximum income limit to $3,800 from $3,500.

Subsec. (g)(2), (3). Pub. L. 92–197, § 4(d), redesignated par. (2) as par. (3) and added par. (2).

Subsec. (h). Pub. L. 92–197, § 4(e), added subsec. (h).

1970—Subsec. (b)(1). Pub. L. 91–588, § 2(a), provided new annual income limits to measure monthly compensation of one parent by adding minimum income limits of $2,000, $2,100, and $2,200 with maximum limits of $2,100, $2,200, and $2,300 for monthly benefits of $18, $12, and $10, respectively, and within existing annual income limits from a maximum of $800 to a maximum of $2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$96'' for ''$87'', ''94'' for ''81'', ''91'' for ''75'', ''87'' for ''69'', ''81'' for ''62'', ''75'' for ''54'', ''69'' for ''46'', ''62'' for ''38'', ''54'' for ''31'', ''46'' for ''25'', ''38'' for ''18'', ''31'' for ''12'', and ''25'' for ''10''.

Subsec. (c). Pub. L. 91–588, § 2(b), provided new annual income limits to measure monthly compensation of two parents not living together by adding minimum income limits of $2,000, $2,100, and $2,200 with maximum limits of $2,100, $2,200, and $2,300 for monthly benefits of $14, $12, and $10, respectively, and within existing annual income limits from a maximum of $800 to a maximum of $2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$66'' for ''$58'', ''64'' for ''54'', ''61'' for ''50'', ''58'' for ''46'', ''54'' for ''41'', ''50'' for ''35'', ''46'' for ''29'', ''41'' for ''23'', ''35'' for ''20'', ''29'' for ''16'', ''23'' for ''12'', ''20'' for ''11'', and ''16'' for ''10''.

Subsec. (d). Pub. L. 91–588, § 2(c), provided new annual income limits to measure monthly compensation of two parents living together by adding minimum income limits of $3,200, $3,300, and $3,400 with maximum limits of $3,300, $3,400, and $3,500 for monthly benefits of $14, $12, and $10, respectively, and within existing annual income limits from a maximum of $1,000 to a maximum of $3,200, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$64'' for ''$58'', ''62'' for ''56'', ''60'' for ''54'', ''58'' for ''52'', ''56'' for ''49'', ''54'' for ''46'', ''52'' for ''44'', ''49'' for ''42'', ''46'' for ''40'', ''44'' for ''38'', ''42'' for ''35'', ''40'' for ''33'', ''38'' for ''31'', ''35'' for ''29'', ''33'' for ''26'', ''31'' for ''23'', ''29'' for ''21'', ''27'' for ''19'', ''25'' for ''17'', ''23'' for ''15'', ''21'' for ''12'', ''19'' for ''11'', and ''17'' for ''10''.

Subsec. (e). Pub. L. 91–588, § 2(d), exempted from filing requirement any parent who has attained 72 years of age and has been paid dependency and indemnity compensation during two consecutive calendar years.

Subsec. (g)(1)(C). Pub. L. 91–588, § 8(a), inserted reference to first sentence of section 9(b) of the Veterans' Pension Act of 1959.

Subsec. (g)(1)(M). Pub. L. 91–588, § 8(a), added subpar. (M).

1968—Subsec. (b)(1). Pub. L. 90–275, § 2(a), in providing new annual income limits to measure monthly compensation of one parent, reenacted minimum income limit of $800 for monthly benefit of $87, struck out prohibition against payments when income is in excess of $1,800, and substituted a sliding scale of payments based on one hundred dollar increments from more than $800 to more than $1,900 to $2,000 for payments of $81 to 10 for former sliding scale based on limits of $800 to 1,100, $1,100 to 1,300, $1,300 to 1,500, and $1,500 to 1,800 for payments of $69, $52, $35, and $18, respectively.

Subsec. (c). Pub. L. 90–275, § 2(b), in providing new annual income limits to measure monthly compensation of two parents not living together, reenacted minimum income limit of $800 for monthly benefit of $58, struck out prohibition against payments when income is in excess of $1,800, and substituted a sliding scale of payments based on one hundred dollar increments from more than $800 to more than $1,900 to $2,000 for payments of $54 to 10 for former sliding scale based on limits of $800 to 1,100, $1,100 to 1,300, $1,300 to 1,500, and $1,500 to 1,800 for payments of $46, $35, $23, and $12, respectively.

Subsec. (d). Pub. L. 90–275, § 2(c), in providing new annual income limits to measure monthly compensation of two parents living together, reenacted minimum combined income limit of $1,000 for monthly benefit of $58, struck out prohibition against payments when income is in excess of $3,000, and substituted a sliding scale of payments based on one hundred dollar increments from more than $1,000 to $3,100 for payments of $56 to 11 for former sliding scale based on five hundred dollar increments from more than $1,000 to $3,000 for payments of $58, $46, $35, $23, and $12.

1966—Subsec. (b). Pub. L. 89–730, § 1(a), designated existing subsection as par. (1), and in par. (1) as so designated, substituted reference to subsec. (b)(2) for subsec. (d), amended table by providing for increased indemnity compensation while permitting the recipient to earn a higher maximum annual income, and added par. (2).

Subsec. (c). Pub. L. 89–730, § 1(b), amended table by providing for increased indemnity compensation while permitting the recipient to earn a higher maximum annual income.

Subsec. (d). Pub. L. 89–730, § 1(c), amended table by providing for increased indemnity compensation while permitting the recipients to earn a higher combined maximum annual income.

Subsec. (g)(1). Pub. L. 89–730, § 2, in cl. (C) struck out ''chapter 11'' and substituted ''chapters 11 and 15'', and added cls. (F) to (L).

1963—Subsec. (b). Pub. L. 88–21, § 4(a), substituted in Column II of table ''$83'', ''$66'', ''$50'', ''$33'', and ''$17'' for ''$75'', ''$60'', ''$45'', ''$30'', and ''$15'', respectively.

Subsecs. (c), (d). Pub. L. 88–21, § 4(b), substituted in Column II of tables ''$55'', ''$44'', ''$33'', ''$22'', and ''$11'' for ''50'', ''$40'', ''$30'', ''$20'' and ''$10'', respectively.

1961—Subsec. (g)(1)(C). Pub. L. 87–268 substituted ''section 412(a)'' for ''section 412''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96–466, set out as an Effective Date note under section 5314 of this title.

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 1977 AMENDMENT

Amendment by Pub. L. 95–204 effective Jan. 1, 1978, see section 302 of Pub. L. 95–204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94–432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 201 of Pub. L. 94–169, as amended by section 101 of Pub. L. 94–432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–177 effective Jan. 1, 1974, see section 8 of Pub. L. 93–177, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by sections 2(a)–(c) and 8(a) of Pub. L. 91–588, effective Jan. 1, 1971, and amendment by section 2(d) of Pub. L. 91–588, effective on Jan. 1, 1972, see section 10 of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–275 effective Jan. 1, 1969, see section 6(a) of Pub. L. 90–275, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 7 of Pub. L. 89–730 provided that:

''(a) Except section 6 [enacting and amending provisions set out as notes under section 1976 of this title] and as otherwise provided in subsection (b) of this section, this Act [amending this section and sections 413, 414, and 3012 [now 1313, 1314, and 1512] of this title] shall take effect on the first day of the second calendar month following the date of enactment of this Act [Nov. 2, 1966].

''(b) Section 2 of this Act [amending this section] shall take effect on January 1, 1967, but paragraph (G) of section 415(g)(1) [now 1315(g)(1)], title 38, United States Code, as added by such section 2, shall not apply to any parent receiving dependency and indemnity compensation on December 31, 1966, or subsequently determined entitled to that benefit for said day, until his contributions to the described plans or programs have been recouped.''

EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88–21 effective first day of second calendar month beginning after May 15, 1963, see section 5 of Pub. L. 88–21, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87–268 effective Oct. 1, 1961, see section 3 of Pub. L. 87–268, set out as a note under section 1312 of this title.

PENSION, DEPENDENCY, AND INDEMNITY COMPENSATION; RELATION TO SOCIAL SECURITY AMENDMENTS OF 1967

Payments for balance of calendar year 1968 and calendar year 1969, calendar year 1970, and during each successive calendar year at prescribed monthly rates when payments would be less under this title as a result of increase in monthly insurance benefits provided by Social Security Amendments of 1967, see section 3 of Pub. L. 90–275, set out as a note under section 1521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1316, 5306, 5312, 5317 of this title; title 26 section 6103; title 42 section 8624.

§ 1316. Dependency and indemnity compensation in cases of prior deaths

(a)(1) Any person who is eligible as a surviving spouse or child for death compensation by reason of a death occurring before January 1, 1957, may receive dependency and indemnity compensation upon application therefor.

(2) Any person who is eligible as a parent, or, but for such person's annual income, would be eligible as a parent, for death compensation by reason of a death occurring before January 1, 1957, may receive dependency and indemnity compensation upon application therefor; however, the annual income limitations established by section 1315 of this title shall apply to each such parent.

(b)(1) Whenever the surviving spouse of a veteran has been granted dependency and indemnity compensation by reason of this section, payments to such surviving spouse and to the children of the veteran shall thereafter be made under this chapter, and shall not thereafter be made to them by reason of the death of the veteran under (A) other provisions of law administered by the Secretary providing for the payment of compensation or pension, or (B) subchapter I of chapter 81 of title 5.

(2) Whenever the child or parent of any veteran is granted dependency and indemnity compensation, payments shall not thereafter be made to such child or parent by reason of the death of the veteran under (A) other provisions of law administered by the Secretary providing for the payment of compensation or pension, or (B) subchapter I of chapter 81 of title 5.

(c) If children of a deceased individual are receiving death compensation, and all such children have not applied for dependency and indemnity compensation, (1) dependency and indemnity compensation paid to each child who has applied therefor shall not exceed the amounts which would be paid if the application had been made by, or on behalf of, all such children, and (2) benefits paid under other provisions of law administered by the Secretary providing for the payment of compensation or pension, or under subchapter I of chapter 81 of title 5, to each child who has not so applied therefor shall not exceed the amounts which would be paid to such child if no such application had been made.

(d) If there are two parents of a deceased individual eligible for benefits by reason of subsection (a), and an application for dependency and indemnity compensation is not made by both parents, (1) dependency and indemnity compensation paid to the parent who applies therefor shall not exceed the amounts which would be paid to such parent if both parents had so applied, and (2) benefits paid under other provisions of law administered by the Secretary providing for the payment of compensation, or under subchapter I of chapter 81 of title 5, to the parent who has not so applied therefor shall not exceed the amounts which would be paid to such parent if no such application had been made.

(e)(1) Except as provided in paragraphs (3) and (4), no person who, on January 1, 1957, was a principal or contingent beneficiary of any payments under the Servicemen's Indemnity Act of 1951 may receive any such payments based upon the death giving rise to such payments after such person has been granted dependency and indemnity compensation based upon that death. No principal or contingent beneficiary who has assigned such beneficiary's interest in payments under the Servicemen's Indemnity Act of 1951 after June 28, 1956, may receive any payments under this chapter based upon the death giving

rise to such payments until the portion of the indemnity so assigned is no longer payable to any person.

(2) Where a beneficiary is barred from the receipt of payments under the Servicemen's Indemnity Act of 1951 by virtue of the first sentence of paragraph (1), no payments of the portion of indemnity in which such beneficiary had an interest shall be made to any other beneficiary.

(3) In the case of a child who has applied for dependency and indemnity compensation pursuant to this section or prior corresponding provisions of law, and who is or becomes a beneficiary under the Servicemen's Indemnity Act of 1951 by reason of the death giving rise to such child's eligibility for dependency and indemnity compensation, the Secretary shall determine and pay to such child for each month, or part thereof, payments under this chapter or under such Act, whichever payment the Secretary determines to be the greater amount.

(4) Notwithstanding paragraph (2), where a child receives dependency and indemnity compensation under this chapter, and thereafter dies, the portion of servicemen's indemnity in which such child had an interest may be paid (subject to paragraph (3)) to another child of the person by reason of whose death such servicemen's indemnity was payable.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1130, § 416; Pub. L. 94–433, title IV, § 405(11)–(16), Sept. 30, 1976, 90 Stat. 1380; Pub. L. 97–295, § 4(11), Oct. 12, 1982, 96 Stat. 1305; renumbered § 1316 and amended Pub. L. 102–83, §§ 4(a)(1), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406.)

REFERENCES IN TEXT

The Servicemen's Indemnity Act of 1951, referred to in subsec. (e), is act Apr. 25, 1951, ch. 39, pt. I, 65 Stat. 33, as amended, which was classified generally to subchapter II (§ 851 et seq.) of chapter 13 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and was repealed by act Aug. 1, 1956, ch. 873, title V, § 502(9), 70 Stat. 886.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 416 of this title as this section.

Subsec. (a)(2). Pub. L. 102–83, § 5(c)(1), substituted ''1315'' for ''415''.

Subsecs. (b) to (d). Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration'' wherever appearing.

Subsec. (e)(3). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in two places.

1982—Subsecs. (b)(1)(B), (2)(B), (c)(2), (d)(2). Pub. L. 97–295 substituted ''subchapter I of chapter 81 of title 5'' for ''the Federal Employees' Compensation Act'' wherever appearing.

1976—Subsec. (a). Pub. L. 94–433, § 405(11), substituted ''surviving spouse'' for ''widow'' in par. (1) and ''such person's'' for ''his'' in par. (2).

Subsec. (b)(1). Pub. L. 94–433, § 405(12), substituted ''surviving spouse'' and ''such surviving spouse'' for ''widow'' and ''her'', respectively.

Subsec. (c). Pub. L. 94–433, § 405(13), substituted ''paid to such child'' for ''paid to him''.

Subsec. (d). Pub. L. 94–433, § 405(14), substituted ''such parent'' for ''him'' in cls. (1) and (2).

Subsec. (e). Pub. L. 94–433, § 405(15), (16), substituted ''such person'' and ''such beneficiary's'' for ''he'' and ''his'', respectively, in par. (1) and ''such child's'' and ''the Administrator'' for ''his'' and ''he'', respectively, in par. (3).

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.

§ 1317. Restriction on payments under this chapter

(a) Except as provided in subsection (b), no person eligible for dependency and indemnity compensation by reason of any death occurring after December 31, 1956, shall be eligible by reason of such death for any payments under (1) provisions of law administered by the Secretary providing for the payment of death compensation or death pension, or (2) subchapter I of chapter 81 of title 5.

(b) A surviving spouse who is eligible for dependency and indemnity compensation may elect to receive death pension instead of such compensation.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1132, § 417; Pub. L. 91–291, § 13(a), (b), June 25, 1970, 84 Stat. 332; Pub. L. 92–197, § 5, Dec. 15, 1971, 85 Stat. 662; Pub. L. 97–295, § 4(11), Oct. 12, 1982, 96 Stat. 1305; renumbered § 1317 and amended Pub. L. 102–83, §§ 4(a)(1), 5(a), Aug. 6, 1991, 105 Stat. 403, 406; Pub. L. 103–446, title I, § 111(a), Nov. 2, 1994, 108 Stat. 4654.)

AMENDMENTS

1994—Pub. L. 103–446 designated existing provisions as subsec. (a), substituted ''Except as provided in subsection (b), no person'' for ''No person'', and added subsec. (b).

1991—Pub. L. 102–83, § 5(a), renumbered section 417 of this title as this section.

Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration''.

1982—Pub. L. 97–295 substituted ''subchapter I of chapter 81 of title 5'' for ''the Federal Employees' Compensation Act''.

1971—Pub. L. 92–197 struck out subsec. (a) which, among other provisions, restricted payment of dependency and indemnity compensation in certain cases where death of a veteran occurred while United States Government life insurance or National Service Life Insurance was in force under an in-service waiver of premiums continued under section 724 of this title, and designated subsec. (b) as entire section.

1970—Subsec. (a). Pub. L. 91–291 designated material after ''unless'' in first sentence as cl. (1), added cl. (2), and in last sentence substituted ''first sentence'' for ''preceding sentence''.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Section 13(c) of Pub. L. 91–291 provided that: ''No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section [amending this section] for any person prior to the effective date of this Act [June 25, 1970].''

Section 14(a) of Pub. L. 91–291 provided that: ''The amendments made by this Act [amending this section and sections 705, 707, 745, 765, 767, 768, 769, 770, and 774 [now 1905, 1907, 1945, 1965, 1967, 1968, 1969, 1970, and 1974] of this title and enacting provisions set out as notes

under this section] shall take effect as of the date of enactment [June 25, 1970], except that sections 10 and 12 [amending sections 717 and 752 [now 1917 and 1952] of this title] shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act [June 25, 1970].''

DEPENDENCY AND INDEMNITY COMPENSATION; ELIGIBILITY

Section 8 of Pub. L. 92–197 provided that: ''Any person who before January 1, 1972, was not eligible for dependency and indemnity compensation under such title by reason of the provisions of the prior section 417(a) of title 38, United States Code, may elect, in such manner as the Administrator of Veterans' Affairs shall prescribe, to receive dependency and indemnity compensation, and an election so made shall be final. A person receiving, or entitled to receive, death compensation on December 31, 1971, shall continue to receive death compensation, if otherwise eligible, in the absence of an election to receive dependency and indemnity compensation.''

§ 1318. Benefits for survivors of certain veterans rated totally disabled at time of death

(a) The Secretary shall pay benefits under this chapter to the surviving spouse and to the children of a deceased veteran described in subsection (b) of this section in the same manner as if the veteran's death were service connected.

(b) A deceased veteran referred to in subsection (a) of this section is a veteran who dies, not as the result of the veteran's own willful misconduct, and who was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability that either—

(1) was continuously rated totally disabling for a period of 10 or more years immediately preceding death; or

(2) if so rated for a lesser period, was so rated continuously for a period of not less than five years from the date of such veteran's discharge or other release from active duty.

(c) Benefits may not be paid under this chapter by reason of this section to a surviving spouse of a veteran unless—

(1) the surviving spouse was married to the veteran for one year or more immediately preceding the veteran's death; or

(2) a child was born of the marriage or was born to them before the marriage.

(d) If a surviving spouse or a child receives any money or property of value pursuant to an award in a judicial proceeding based upon, or a settlement or compromise of, any cause of action for damages for the death of a veteran described in subsection (a) of this section, benefits under this chapter payable to such surviving spouse or child by virtue of this section shall not be paid for any month following a month in which any such money or property is received until such time as the total amount of such benefits that would otherwise have been payable equals the total of the amount of the money received and the fair market value of the property received.

(e) For purposes of sections 1448(d) and 1450(c) of title 10, eligibility for benefits under this chapter by virtue of this section shall be deemed eligibility for dependency and indemnity compensation under section 1311(a) of this title.

(Added Pub. L. 100–687, div. B, title XIV, § 1403(a)(1), Nov. 18, 1988, 102 Stat. 4130, § 418; amended Pub. L. 101–237, title I, § 113, Dec. 18, 1989, 103 Stat. 2065; renumbered § 1318 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 418 of this title as this section.

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

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''1311(a)'' for ''411(a)''.

1989—Subsec. (c)(1). Pub. L. 101–237 substituted ''one year'' for ''two years''.

SUBCHAPTER III—CERTIFICATIONS

§ 1321. Certifications with respect to pay grade

The Secretary concerned shall, at the request of the Secretary, certify to the Secretary the pay grade of deceased persons with respect to whose deaths applications for benefits are filed under this chapter. The certification of the Secretary concerned shall be binding upon the Secretary.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1132, § 421; Pub. L. 91–96, § 4, Oct. 27, 1969, 83 Stat. 145; Pub. L. 94–433, title IV, § 405(17), Sept. 30, 1976, 90 Stat. 1380; renumbered § 1321 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 421 of this title as this section.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary, certify to the Secretary'' for ''Administrator, certify to the Administrator'' and ''upon the Secretary'' for ''upon the Administrator''.

1976—Pub. L. 94–433 substituted ''to the Administrator'' for ''to him''.

1969—Pub. L. 91–96 substituted ''Certifications with respect to pay grade'' for ''Certifications with respect to basic pay'' in section catchline and substituted provisions authorizing certifications with respect to the pay grade of deceased persons for provisions authorizing certifications with respect to the basic pay of deceased persons, considering rank or grade and cumulative years of service for pay purposes, and struck out the provision requiring the adjustment of basic pay as determined by this chapter whenever basic pay (as defined under the former provisions of section 401 of this title) is adjusted.

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 1969 AMENDMENT

Amendment by Pub. L. 91–96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91–96, set out as a note under section 1302 of this title.

§ 1322. Certifications with respect to social security entitlement

(a) Determinations required by section 1312(a) of this title (other than a determination required by section 1312(a)(2) of this title) as to

whether any survivor described in section 1312(a)(3) of this title of a deceased individual would be entitled to benefits under section 202 of the Social Security Act (42 U.S.C. 402) for any month and as to the amount of the benefits which would be paid for such month, if the deceased veteran had been a fully and currently insured individual at the time of such veteran's death, shall be made by the Secretary of Health and Human Services, and shall be certified by such Secretary to the Secretary of Veterans Affairs upon request of the Secretary of Veterans Affairs.

(b) The Secretary shall pay to the Secretary of Health and Human Services an amount equal to the costs which will be incurred in making determinations and certifications under subsection (a). Such payments shall be made with respect to the costs incurred during such period (but not shorter than a calendar quarter) as the two Secretaries may prescribe, with the amount of such payments to be made on the basis of estimates made by the Secretary of Health and Human Services after consultation with the Secretary. The amount payable for any period shall be increased or reduced to compensate for any underpayment or overpayment, as the case may be, of the costs incurred in any preceding period.

(c) Except with respect to determinations made under subsection (a) of this section, the Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 1312(a) of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1132, § 422; Pub. L. 87–268, § 1(b), (c), Sept. 21, 1961, 75 Stat. 566; Pub. L. 94–433, title IV, § 405(18), Sept. 30, 1976, 90 Stat. 1380; Pub. L. 97–295, § 4(12), (95)(A), Oct. 12, 1982, 96 Stat. 1305, 1313; renumbered § 1322 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(A), (E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 422 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1312(a)'' for ''412(a)'', ''1312(a)(2)'' for ''412(a)(2)'', ''1312(a)(3)'' for ''412(a)(3)''.

Pub. L. 102–83, § 4(b)(2)(A)(i), substituted ''Secretary of Veterans Affairs'' for ''Administrator'' in two places.

Subsec. (b). Pub. L. 102–83, § 4(b)(2)(A)(ii), substituted ''The Secretary shall pay to the Secretary of Health and Human Services'' for ''Upon the basis of estimates made by the Secretary of Health and Human Services after consultation with the Administrator, the Administrator shall pay to the Secretary'' and ''as the two Secretaries may prescribe, with the amount of such payments to be made on the basis of estimates made by the Secretary of Health and Human Services after consultation with the Secretary'' for ''as the Secretary and the Administrator may prescribe''.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1312(a)'' for ''412(a)''.

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

1982—Subsec. (a). Pub. L. 97–295, § 4(12), (95)(A), substituted ''section 202 of the Social Security Act (42 U.S.C. 402)'' for ''section 402 of title 42'', and ''Health and Human Services'' for ''Health, Education, and Welfare''.

Subsec. (b). Pub. L. 97–295, § 4(95)(A), substituted ''Health and Human Services'' for ''Health, Education, and Welfare''.

1976—Subsec. (a). Pub. L. 94–433 substituted ''such veteran's'' and ''such Secretary'' for ''his'' and ''him'', respectively.

1961—Subsec. (a). Pub. L. 87–268 § 1(c), substituted ''section 412(a)'' for ''section 412'', ''section 412(a)(2)'' for ''section 412(2)'', and ''section 412(a)(3)'' for ''section 412(3)''.

Subsec. (c). Pub. L. 87–268, § 1(b), substituted ''section 412(a)'' for ''section 412''.

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 1961 AMENDMENT

Amendment by Pub. L. 87–268 effective Oct. 1, 1961, see section 3 of Pub. L. 87–268, set out as a note under section 1312 of this title.

§ 1323. Certifications with respect to circumstances of death

Whenever the Secretary determines on the basis of a claim for benefits filed with the Secretary that a death occurred under the circumstances referred to in section 1476(a) of title 10, the Secretary shall certify that fact to the Secretary concerned. In all other cases, the Secretary shall make the determination referred to in such section at the request of the Secretary concerned.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1133, § 423; Pub. L. 94–433, title IV, § 405(19), Sept. 30, 1976, 90 Stat. 1380; Pub. L. 102–54, § 14(b)(4), June 13, 1991, 105 Stat. 283; renumbered § 1323 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), (3)(A), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior sections 1401, 1402, 1411 to 1419, 1421 to 1423, 1431 to 1436, and 1500 were renumbered sections 3001, 3002, 3011 to 3019, 3021 to 3023, 3031 to 3036, and 3100 of this title, respectively.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 423 of this title as this section.

Pub. L. 102–83, § 4(b)(3)(A), substituted ''Certifications with respect to circumstances of death'' for ''Certifications by Administrator'' in section catchline.

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

Pub. L. 102–54 struck out ''or section 321(b) of title 32,'' after ''title 10,'' and ''1476(a) or 321(b)'' after ''such section''.

1976—Pub. L. 94–433 substituted ''with the Administrator'' for ''with him'' and ''the Administrator'' for ''he'' before ''shall certify'' and ''shall make''.

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.

CHAPTER 15—PENSION FOR NON-SERVICE-CONNECTED DISABILITY OR DEATH OR FOR SERVICE

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AMENDMENTS

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.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1312, 1315, 1717, 1718, 5125, 5304, 5306, 5310, 5317 of this title; title 26 section 6103; title 31 section 3803; title 42 section 6862.

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 a person is unemployable as a result of disability reasonably certain to continue throughout the life of the disabled person, or is suffering from—

(1) 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 disabled person; or

(2) 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) helpless or blind, or so nearly helpless or blind 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.)

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.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 502 of this title as this section.

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

1990—Subsec. (a). Pub. L. 101–508 amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: ''For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is sixty-five years of age or older or became unemployable after age 65, or suffering from—''.

1976—Subsec. (a). Pub. L. 94–432 inserted ''or became unemployable after age 65,'' after ''or older''.

1975—Subsecs. (a) and (b). Pub. L. 94–169 substituted ''such person'' for ''he''.

Subsec. (c). Pub. L. 94–169 substituted ''such veteran's'' for ''his'' wherever appearing.

1967—Subsec. (a). Pub. L. 90–77, § 102(a), provided for consideration of a person sixty-five years of age or older as permanently and totally disabled.

Subsec. (b). Pub. L. 90–77, § 102(b), added cl. (1) and designated existing provisions as cl. (2).

1964—Subsec. (c). Pub. L. 88–664 added subsec. (c).

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8002(b) of Pub. L. 101–508 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to claims filed after October 31, 1990.''

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94–432, set out as a note under section 1521 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.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–664 effective Jan. 1, 1965, see section 11 of Pub. L. 88–664, set out as a note under section 1503 of this title.

§ 1503. Determinations with respect to annual income

(a) In determining annual income under this chapter, all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived, irrespective of whether the waiver was made pursuant to statute, contract, or otherwise) shall be included except—

(1) donations from public or private relief or welfare organizations;

(2) payments under this chapter;

(3) amounts equal to amounts paid by a spouse of a veteran for the expenses of such veteran's last illness, and by a surviving spouse or child of a deceased veteran for—

(A) such veteran's just debts,

(B) the expenses of such veteran's last illness, and

(C) the expenses of such veteran's burial to the extent such expenses are not reimbursed under chapter 23 of this title;

(4) amounts equal to amounts paid—

(A) by a veteran for the last illness and burial of such veteran's deceased spouse or child, or

(B) by the spouse of a living veteran or the surviving spouse of a deceased veteran for the last illness and burial of a child of such veteran;

(5) reimbursements of any kind for any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this clause may not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the loss;

(6) profit realized from the disposition of real or personal property other than in the course of a business;

(7) amounts in joint accounts in banks and similar institutions acquired by reason of death of other joint owner;

(8) amounts equal to amounts paid by a veteran, veterans' spouse, or surviving spouse or by or on behalf of a veteran's child for unreimbursed medical expenses, to the extent that such amounts exceed 5 percent of the maximum annual rate of pension (including any amount of increased pension payable on account of family members but not including any amount of pension payable because a person is in need of regular aid and attendance or because a person is permanently housebound) payable to such veteran, surviving spouse, or child;

(9) in the case of a veteran or surviving spouse pursuing a course of education or vocational rehabilitation or training, amounts equal to amounts paid by such veteran or surviving spouse for such course of education or vocational rehabilitation or training, including (A) amounts paid for tuition, fees, books, and materials, and (B) in the case of such a veteran or surviving spouse in need of regular aid and attendance, unreimbursed amounts paid for unusual transportation expenses in connection with the pursuit of such course of education or vocational rehabilitation or training, to the extent that such amounts exceed the reasonable expenses which would have been incurred by a nondisabled person using an appropriate means of transportation (public transportation, if reasonably available); and

(10) in the case of a child, any current-work income received during the year, to the extent that the total amount of such income does not exceed an amount equal to the sum of—

(A) the lowest amount of gross income for which an income tax return is required under section 6012(a) of the Internal Revenue Code of 1986, to be filed by an individual who is not married (as determined under section 7703 of such Code), is not a surviving spouse (as defined in section 2(a) of such Code), and is not a head of household (as defined in section 2(b) of such Code); and

(B) if the child is pursuing a course of post-secondary education or vocational rehabilitation or training, the amount paid by such child for such course of education or vocational rehabilitation or training, including the amount paid for tuition, fees, books, and materials.

(b) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1134, § 503; Pub. L. 86–211, § 2(a), Aug. 29, 1959, 73 Stat. 432; Pub. L. 87–268, § 1(b), Sept. 21, 1961, 75 Stat. 566; Pub. L. 88–664, § 1, Oct. 13, 1964, 78 Stat. 1094; Pub. L. 90–77, title I, § 103, Aug. 31, 1967, 81 Stat. 178; Pub. L. 91–588, § 7, Dec. 24, 1970, 84 Stat. 1584; Pub. L. 92–198, § 2, Dec. 15, 1971, 85 Stat. 664; Pub. L. 92–425, § 6(2), Sept. 21, 1972, 86 Stat. 713; Pub. L. 94–169, title I, §§ 101(2)(A), 106(3)–(8), Dec. 23, 1975, 89 Stat. 1013, 1017; Pub. L. 95–588, title I, § 102, Nov. 4, 1978, 92 Stat. 2497; Pub. L. 97–295, § 4(13), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 100–687,

div. B, title XIV, § 1402(b), Nov. 18, 1988, 102 Stat. 4130; Pub. L. 102–54, § 14(b)(5), June 13, 1991, 105 Stat. 283; renumbered § 1503 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Sections 2, 6012(a), and 7703 of the Internal Revenue Code of 1986, referred to in subsec. (a)(10)(A), are classified to sections 2, 6012(a), and 7703 of Title 26, Internal Revenue Code, respectively.

PRIOR PROVISIONS

Prior section 1503 was renumbered section 3103 of this title.

Another prior section 1503, added Pub. L. 89–138, § 1, Aug. 26, 1965, 79 Stat. 577; amended Pub. L. 91–24, § 8, June 11, 1969, 83 Stat. 34; Pub. L. 94–502, title I, §§ 102, 104(2), (3), Oct. 15, 1976, 90 Stat. 2384, related to periods of eligibility for 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 1503 continue in effect until Mar. 31, 1981.

Another prior section 1503, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1171, was renumbered 1511 by Pub. L. 89–138, § 2(4), Aug. 26, 1965, 79 Stat. 578.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 503 of this title as this section.

Subsec. (a)(5). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Subsec. (a)(8). Pub. L. 102–54, § 14(b)(5)(A), substituted ''percent'' for ''per centum''.

Subsec. (a)(10)(A). Pub. L. 102–54, § 14(b)(5)(B), substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954 (26 U.S.C. 6012(a))'' and ''section 7703'' for ''section 143''.

1988—Subsec. (a)(5). Pub. L. 100–687 amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''proceeds of fire insurance policies;''.

1982—Subsec. (a)(10)(A). Pub. L. 97–295 inserted ''(26 U.S.C. 6012(a))'' after ''Code of 1954''.

1978—Subsec. (a)(1). Pub. L. 95–588, § 102(a)(1), (2), redesignated par. (2) as (1) and struck out former par. (1) which related to payments of six-months death gratuity.

Subsec. (a)(2). Pub. L. 95–588, § 102(a)(3), redesignated par. (3) as (2) and, as so redesignated, struck out '', and chapters 11 and 13 (except section 412(a)) of this title'' after ''chapter''. Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 95–588, § 102(a)(5), redesignated par. (7) as (3). Former par. (3) redesignated (2).

Subsec. (a)(4). Pub. L. 95–588, § 102(a)(4), (6), added par. (4) and struck out former par. (4) which related to payments under servicemen's life insurance or servicemen's indemnity.

Subsec. (a)(5). Pub. L. 95–588, § 102(a)(4), (7), redesignated par. (8) as (5) and struck out former par. (5) which related to lump sum death payments.

Subsec. (a)(6). Pub. L. 95–588, § 102(a)(4), (9), redesignated par. (10) as (6) and struck out former par. (6) which related to the ten per cent exclusion for individuals under public or private retirement, annuity, endowment, or similar programs.

Subsec. (a)(7). Pub. L. 95–588, § 102(a)(11), redesignated par. (15) as (7). Former par. (7) redesignated (3).

Subsec. (a)(8). Pub. L. 95–588, § 102(a)(13), added par. (8). Former par. (8) redesignated (5).

Subsec. (a)(9). Pub. L. 95–588, § 102(a)(8), (13), added par. (9) and struck out former par. (9) which related to payments for final illness and burial.

Subsec. (a)(10). Pub. L. 95–588, § 102(a)(13), added par. (10). Former subsec. (10) redesignated (6).

Subsec. (a)(11) to (14). Pub. L. 95–588, § 102(a)(10), struck out pars. (11) to (14) which related to payments for discharge of jury duty, educational assistance allowances, bonuses based on service in the Armed Forces, and indebtednesses secured by mortgages, respectively.

Subsec. (a)(15). Pub. L. 95–588, § 102(a)(11), redesignated par. (15) as (7).

Subsec. (a)(16), (17). Pub. L. 95–588, § 102(a)(12), struck out pars. (16) and (17) which related to payments received by retired persons and payments of annuities, respectively.

Subsec. (c). Pub. L. 95–588, § 102(b), struck out former subsec. (c) which related to the power of the Administrator to exclude from income amounts paid by a veteran, surviving spouse, or child for unusual medical expenses.

1975—Subsec. (a)(7). Pub. L. 94–169, § 106(3), (4), substituted ''spouse'' for ''wife'', ''such veteran's'' for ''his'' and ''surviving spouse'' for ''widow'' in introductory clause and ''such veteran's'' for ''his'' in subcls. (A), (B) and (C).

Subsec. (a)(9). Pub. L. 94–169, § 106(5), substituted ''such veteran's'' for ''his'' in subcl. (A) and ''surviving spouse'' and ''spouse'' for ''widow'' and ''wife'', respectively, in subcl. (B).

Subsec. (a)(14). Pub. L. 94–169, § 106(6), substituted ''such veteran's surviving spouse'' for ''his widow''.

Subsec. (a)(16). Pub. L. 94–169, §§ 101(2)(A), 106(7), inserted ''and'' after ''as amended;'', and substituted ''such employee's'' for ''his'', respectively.

Subsec. (c). Pub. L. 94–169, § 106(8), substituted ''surviving spouse'' for ''widow''.

1972—Par. (17). Pub. L. 92–425 substituted ''subchapter I of chapter 73 of title 10'' for ''chapter 73 of title 10''.

1971—Pub. L. 92–198 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1970—Par. (4). Pub. L. 91–588, § 7(1), inserted reference to servicemen's group life insurance.

Pars. (14) to (17). Pub. L. 91–588, § 7(3), added pars. (14) to (17).

1967—Par. (7). Pub. L. 90–77, § 103(a), provided for exclusion of amounts paid by a wife of a veteran for the expenses of his past illness.

Par. (9). Pub. L. 90–77, § 103(b), designated existing provisions as subpar. (A) and added subpar. (B).

1964—Par. (6). Pub. L. 88–664, § 1(a), inserted ''10 per centum of the amount of'' before ''payments'' and struck out ''equal to his contributions thereto'' after ''programs''.

Pars. (9) to (13). Pub. L. 88–664, § 1(b), added pars. (9) to (13).

1961—Pub. L. 87–268 substituted ''section 412(a)'' for ''section 412''.

1959—Pub. L. 86–211 among other changes, required the inclusion of all payments of any kind or from any source (including salary, retirement or annuity payments, or similar income, which has been waived), and permitted the exclusion of donations from public or private relief or welfare organizations, payments under policies of United States Government life insurance or National Service Life Insurance, and payments of servicemen's indemnity, lump sum death payments, payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs equal to his contributions thereto, amounts equal to amounts paid by a widow or child for the veteran's just debts, expenses of his last illness, and expenses of his burial to the extent such expenses are not reimbursed under chapter 23 of this title, and proceeds of life insurance policies.

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

Sections 101 and 106 of Pub. L. 94–169 provided that the amendments made by those sections are effective Jan. 1, 1976.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 11 of Pub. L. 88–664 provided that:

''(a) Except as otherwise provided herein, this Act [amending this section and sections 502, 506, 521, 541, 542, 612, and 3104 [now 1502, 1506, 1521, 1541, 1542, 1712, and 5304] of this title and enacting provisions set out as a note under section 1521 of this title] shall take effect on January 1, 1965.

''(b) The amendment to paragraph (6) of section 503 [now 1503], title 38, United States Code, shall not apply to any individual receiving pension on December 31, 1964, under chapter 15 of said title, or subsequently determined entitled to such pension for said day, until his contributions have been recouped under the provision of that paragraph in effect on December 31, 1964.''

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87–268 effective Oct. 1, 1961, see section 3 of Pub. L. 87–268, set out as a note under section 1312 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–211 effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as an Effective Date note under section 1506 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 1710, 1722A of this title.

§ 1504. Persons heretofore having a pensionable status

The pension benefits of subchapters II and III of this chapter shall, notwithstanding the service requirements of such subchapters, be granted to persons heretofore recognized by law as having a pensionable status.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1134, § 504; renumbered § 1504, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1504 was renumbered section 3104 of this title.

Another prior section 1504, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1172; Pub. L. 89–137, § 1(a), Aug. 26, 1965, 79 Stat. 576; Pub. L. 90–431, July 26, 1968, 82 Stat. 447; Pub. L. 91–219, title I, § 101, Mar. 26, 1970, 84 Stat. 76; Pub. L. 92–540, title I, § 101(2), Oct. 24, 1972, 86 Stat. 1074; Pub. L. 93–508, title I, § 101(3), Dec. 3, 1974, 88 Stat. 1579; Pub. L. 93–602, title II, § 202, Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94–502, title I, §§ 101, 104(4), Oct. 15, 1976, 90 Stat. 2383, 2384; Pub. L. 95–202, title I, § 101, Nov. 23, 1977, 91 Stat. 1433, related to subsistence allowances to be paid veterans while pursuing a course of vocational rehabilitation training under chapter 31 of this title, prior to repeal, effective Oct. 1, 1980, by Pub. L. 96–466, title VIII, § 802(a)(4), Oct. 17, 1980, 94 Stat. 2218. See section 3108 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 504 of this title as this section.

§ 1505. Payment of pension during confinement in penal institutions

(a) No pension under public or private laws administered by the Secretary shall be paid to or for an individual who has been imprisoned in a Federal, State, or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after such individual's imprisonment begins and ending when such individual's imprisonment ends.

(b) Where any veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Secretary may apportion and pay to such veteran's spouse or children the pension which such veteran would receive for that period but for this section.

(c) Where any surviving spouse or child of a veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Secretary may (1) if the surviving spouse is so disqualified, pay to the child, or children, the pension which would be payable if there were no such surviving spouse or (2) if a child is so disqualified, pay to the surviving spouse or other children, as applicable, the pension which would be payable if there were no such child.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1134, § 505; Pub. L. 94–169, title I, § 106(9)–(11), Dec. 23, 1975, 89 Stat. 1017; renumbered § 1505 and amended Pub. L. 102–83, §§ 4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403–406.)

PRIOR PROVISIONS

Prior section 1505 was renumbered section 3105 of this title.

Another prior section 1505, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1172; Pub. L. 94–502, title I, § 104(5), Oct. 15, 1976, 90 Stat. 2384, related to leaves of absence to veterans pursuing a course of vocational rehabilitation training 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 1505 continue in effect until Mar. 31, 1981. See section 3110 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 505 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration''.

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

1975—Subsec. (a). Pub. L. 94–169, § 106(9), substituted ''such individual's'' for ''his'' wherever appearing.

Subsec. (b). Pub. L. 94–169, § 106(10), substituted ''such veteran's spouse'' for ''his wife''.

Subsec. (c). Pub. L. 94–169, § 106(11), substituted ''surviving spouse'' for ''widow'' wherever appearing.

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.

§ 1506. Resource reports and overpayment adjustments

As a condition of granting or continuing pension under section 1521, 1541, or 1542 of this title, the Secretary—

(1) may require from any person who is an applicant for or a recipient of pension such information, proofs, and evidence as the Secretary determines to be necessary in order to determine the annual income and the value of the corpus of the estate of such person, and of any spouse or child for whom the person is receiving or is to receive increased pension (such a child is hereinafter in this subsection referred to as a ''dependent child''), and, in the case of a child applying for or in receipt of pension under section 1542 of this title (hereinafter in this subsection referred to as a ''surviving child''), of any person with whom such child is residing who is legally responsible for such child's support;

(2) may require that any such applicant or recipient file for a calendar year with the Department (on such form as may be prescribed for such purpose by the Secretary) a report showing—

(A) the annual income which such applicant or recipient (and any such spouse or dependent child) received during the preceding year, the corpus of the estate of such applicant or recipient (and of any such spouse or dependent child) at the end of such year, and in the case of a surviving child, the income and corpus of the estate of any person with whom such child is residing who is legally responsible for such child's support;

(B) such applicant's or recipient's estimate for the then current year of the annual income such applicant or recipient (and any such spouse or dependent child) expects to receive and of any expected increase in the value of the corpus of the estate of such applicant or recipient (and for any such spouse or dependent child); and

(C) in the case of a surviving child, an estimate for the then current year of the annual income of any person with whom such child is residing who is legally responsible for such child's support and of any expected increase in the value of the corpus of the estate of such person;

(3) shall require that any such applicant or recipient promptly notify the Secretary whenever there is a material change in the annual income of such applicant or recipient (or of any such spouse or dependent child) or a material change in the value of the corpus of the estate of such applicant or recipient (or of any such spouse or dependent child), and in the case of a surviving child, a material change in the annual income or value of the corpus of the estate of any person with whom such child is residing who is legally responsible for such child's support; and

(4) shall require that any such applicant or recipient applying for or in receipt of increased pension on account of a person who is a spouse or child of such applicant or recipient promptly notify the Secretary if such person ceases to meet the applicable definition of spouse or child.

(Added Pub. L. 86–211, §2(b), Aug. 29, 1959, 73 Stat. 432, §506; amended Pub. L. 88–664, §2, Oct. 13, 1964, 78 Stat. 1094; Pub. L. 91–588, §6, Dec. 24, 1970, 84 Stat. 1584; Pub. L. 94–169, title I, §106(12)–(14), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95–588, title I, §103, Nov. 4, 1978, 92 Stat. 2498; Pub. L. 96–466, title VI, §605(c)(2), Oct. 17, 1980, 94 Stat. 2211; renumbered §1506 and amended Pub. L. 102–83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–271, §9(b), July 1, 1994, 108 Stat. 743.)

PRIOR PROVISIONS

Prior section 1506 was renumbered section 3106 of this title.

Another prior section 1506, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1173, authorized Administrator to furnish veterans receiving vocational rehabilitation such medical care, treatment, hospitalization, and prosthesis as were necessary to accomplish the 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 1506 continue in effect until Mar. 31, 1981. See section 3104 of this title.

AMENDMENTS

1994—Par. (2). Pub. L. 103–271, §9(b)(1), substituted ''may require'' for ''shall require'' and ''file for a calendar year'' for ''file each year'' in introductory provisions.

Par. (3). Pub. L. 103–271, §9(b)(2), substituted ''notify the Secretary'' for ''file a revised report'', struck out ''estimated'' before ''annual income'' in two places, and struck out ''such applicant's or recipient's estimate of'' before ''the value of the corpus of the estate of such applicant''.

1991—Pub. L. 102–83, §5(a), renumbered section 506 of this title as this section.

Pub. L. 102–83, §5(c)(1), substituted ''1521, 1541, or 1542'' for ''521, 541, or 542'' in introductory provisions and ''1542'' for ''542'' in par. (1).

Pub. L. 102–83, §4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions and pars. (1), (2), and (4).

Pub. L. 102–83, §4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in par. (2) introductory provisions.

1980—Pub. L. 96–466 struck out ''(a)'' before ''As a condition'' and struck out subsec. (b) which provided that in the event of an overpayment of pension under section 521, 541, or 542 of this title, the amount thereof be deducted (unless waived) from any future payments made thereunder to the person concerned.

1978—Subsec. (a). Pub. L. 95–588 inserted provision authorizing the Administrator to consider the income of a spouse or child prior to granting a pension in par. (1), struck out exclusion from filing report for a child or person of 72 years of age or more who has been paid a pension for two consecutive years in par. (2), required changes in income of spouse or dependent child be included in the necessary revised income report in par. (3), and added par. (4).

1975—Subsec. (a). Pub. L. 94–169 substituted ''the Administrator'' for ''he'' in par. (1), ''the Administrator'' for ''him'', ''such person'' for ''he'' and ''such person's'' for ''his'' wherever appearing, in par. (2), and ''such person's'' for ''his'' wherever appearing, in par. (3).

1970—Subsec. (a)(2). Pub. L. 91–588 exempted from filing requirements of this section any person who has attained 72 years of age and has been paid a pension under sections 521, 541, or 542 of this title during two consecutive calendar years.

1964—Subsec. (a)(2). Pub. L. 88–664 inserted '', other than a child,'' after ''person''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96–466, set out as a note under section 5314 of this title.

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.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1972, see section 10(b) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–664 effective Jan. 1, 1965, see section 11 of Pub. L. 88–664, set out as a note under section 1503 of this title.

EFFECTIVE DATE

Section 10 of Pub. L. 86–211 provided that: ''This Act [see Tables for classification] shall take effect on July 1, 1960.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1507 of this title.

§ 1507. Disappearance

Where a veteran receiving pension under subchapter II of this chapter disappears, the Secretary may pay the pension otherwise payable to such veteran's spouse and children. In applying the provisions of this section, the Secretary may presume, without reports pursuant to section 1506(a) of this title, that the status of the veteran at the time of disappearance, with respect to permanent and total disability, income, and net worth, continues unchanged. Payments made to a spouse or child under this section shall not exceed the amount to which each would be entitled if the veteran died of a nonservice-connected disability.

(Added Pub. L. 89–467, § 1(a), June 22, 1966, 80 Stat. 218, § 507; amended Pub. L. 94–169, title I, § 106(15), Dec. 23, 1975, 89 Stat. 1017; renumbered § 1507 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1507 was renumbered section 3107 of this title.

Another prior section 1507, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 92–540, title I, § 101(3), Oct. 24, 1972, 86 Stat. 1074; Pub. L. 94–502, title I, § 104(6), Oct. 15, 1976, 90 Stat. 2384, related to loans to trainees commencing or undertaking courses of vocational rehabilitation under chapter 31 of this title, prior to repeal, effective Oct. 1, 1980, by Pub. L. 96–466, title VIII, § 802(a)(4), Oct. 17, 1980, 94 Stat. 2218. See section 3112 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 507 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1506(a)'' for ''506(a)''.

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

1975—Pub. L. 94–169 struck out ''in his discretion'' after ''Administrator'' and substituted ''payable to such veteran's spouse'' for ''payable to his wife,'' and ''made to a spouse'' for ''made to a wife''.

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.

§ 1508. Frequency of payment of pension benefits

(a) Except as provided under subsection (b) of this section, benefits under sections 1521, 1541, and 1542 of this title shall be paid monthly.

(b) Under regulations which the Secretary shall prescribe, benefits under sections 1521, 1541, and 1542 of this title may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable to a veteran under section 1521(b) of this title.

(Added Pub. L. 95–588, title I, § 104(a), Nov. 4, 1978, 92 Stat. 2499, § 508; amended Pub. L. 102–54, § 14(b)(6), June 13, 1991, 105 Stat. 283; renumbered § 1508 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1508 was renumbered section 3108 of this title.

Another prior section 1508, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94–502, title I, § 104(7), Oct. 15, 1976, 90 Stat. 2384, authorized Administrator to prescribe rules and regulations to promote good conduct and cooperation on the part of veterans receiving 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 1508 continue in effect until Mar. 31, 1981. See section 3111 of this title.

Prior section 1509 was renumbered section 3109 of this title.

Another prior section 1509, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94–502, title I, § 104(8), (9), Oct. 15, 1976, 90 Stat. 2384, related to books, supplies, and equipment furnished a veteran 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 1509 continue in effect until Mar. 31, 1981.

Prior section 1510 was renumbered section 3110 of this title.

Another prior section 1510, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1173; Pub. L. 94–502, title I, § 104(10), Oct. 15, 1976, 90 Stat. 2384, related to vocational rehabilitation of persons hospitalized pending final discharge from the active military, naval, or air service, 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 chapter 31 of this title, provided that this prior section 1510 continue in effect until Mar. 31, 1981. See section 3113 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 508 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1521, 1541, and 1542'' for ''521, 541, and 542''.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''1521, 1541, and 1542'' for ''521, 541, and 542'' and ''1521(b)'' for ''521(b)''.

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

Pub. L. 102–54 substituted ''percent'' for ''per centum''.

EFFECTIVE DATE

Section effective Jan. 1, 1979, see section 401 of Pub. L. 95–588, set out as an Effective Date of 1978 Amendment note under section 101 of this title.

SUBCHAPTER II—VETERANS' PENSIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1504, 1507 of this title.

SERVICE PENSION

[§ 1510. Vacant]

CODIFICATION

Prior to renumbering of sections 501 to 543 of this chapter as sections 1501 to 1543 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 510 of this chapter, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1135, which provided monthly pension for persons who served in military or naval forces of Confederate States of America, was repealed by Pub. L. 94–169, title I, § 101(2)(F), Dec. 23, 1975, 89 Stat. 1014, effective Jan. 1, 1976.

§ 1511. Indian War veterans

(a) The Secretary shall pay to each veteran of the Indian Wars who meets the service requirements of this section a pension at the following monthly rate:

(1) $101.59; or

(2) $135.45 if the veteran is in need of regular aid and attendance.

(b) A veteran meets the service requirements of this section if such veteran served in one of the Indian Wars—

(1) for thirty days or more; or

(2) for the duration of such Indian War;

in any military organization, whether or not such service was the result of regular muster into the service of the United States, if such service was under the authority or by the approval of the United States or any State.

(c)(1) Any veteran eligible for pension under this section shall, if such veteran so elects, be paid pension at the rates prescribed by section 1521 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to veterans of World War I. If pension is paid pursuant to such an election, the election shall be irrevocable, except as provided in paragraph (2).

(2) The Secretary shall pay each month to each veteran of the Indian Wars who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that provided by paragraph (2) of subsection (a) of this section, or (B) that which is payable to the veteran under section 1521 of this title if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to paragraph (1) of this subsection. Each change in the amount of pension payment required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1135, § 511; Pub. L. 86–670, § 1, July 14, 1960, 74 Stat. 545; Pub. L. 90–77, title I, § 111(a), Aug. 31, 1967, 81 Stat. 181; Pub. L. 94–169, title I, § 106(16), Dec. 23, 1975, 89 Stat. 1017; renumbered § 1511 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1511 was renumbered section 3111 of this title.

Another prior section 1511, Pub. L. 85–857, Sept. 2,1958, 72 Stat. 1171, § 1503, renumbered Pub. L. 89–138, § 2(4), Aug. 26, 1965, 79 Stat. 578, and amended Pub. L. 94–502, title , §§ 103, 104(11), Oct. 15, 1976, 90 Stat. 2384, related to training and training facilities 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 1511 continue in effect until Mar. 31, 1981. See section 3115 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 511 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1521'' for ''521'' in pars. (1) and (2).

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

1975—Subsecs. (b), (c). Pub. L. 94–169 substituted ''such veteran'' for ''he'' wherever appearing.

1967—Subsec. (c). Pub. L. 90–77 designated existing provisions as par. (1), inserted ''except as provided in paragraph (2)'', and added par. (2).

1960—Subsec. (c). Pub. L. 86–670 added subsec. (c).

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.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Section 3 of Pub. L. 86–670 provided that: ''This Act [amending this section and section 512 [now 1512] of this title] shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act [July 14, 1960].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1534, 1535 of this title.

§ 1512. Spanish-American War veterans

(a)(1) The Secretary shall pay to each veteran of the Spanish-American War who meets the service requirements of this subsection a pension at the following monthly rate:

(A) $101.59; or

(B) $135.45 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if such veteran served in the active military or naval service—

(A) for ninety days or more during the Spanish-American War;

(B) during the Spanish-American War and was discharged or released from such service for a service-connected disability; or

(C) for a period of ninety consecutive days or more and such period began or ended during the Spanish-American War.

(3)(A) Any veteran eligible for pension under this subsection shall, if such veteran so elects, be paid pension at the rates prescribed by section 1521 of this title (except the rate provided under subsection (g) of such section), and under the conditions (other than the service requirements) applicable to pension paid under that

section to veterans of a period of war. If pension is paid pursuant to such an election, the election shall be irrevocable.

(B) The Secretary shall pay each month to each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (i) that provided by subparagraph (B) of subsection (a)(1) of this section, or (ii) that which is payable to the veteran under section 1521 of this title as in effect on December 31, 1978, under regulations which the Secretary shall prescribe. Each change in the amount of pension payment required by this subparagraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(b)(1) The Secretary shall pay to each veteran of the Spanish-American War who does not meet the service requirements of subsection (a), but who meets the service requirements of this subsection, a pension at the following monthly rate:

(A) $67.73; or

(B) $88.04 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if such veteran served in the active military or naval service—

(A) for seventy days or more during the Spanish-American War; or

(B) for a period of seventy consecutive days or more and such period began or ended during the Spanish-American War.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1135, § 512; Pub. L. 86–670, § 2, July 14, 1960, 74 Stat. 545; Pub. L. 90–77, title I, § 111(b), Aug. 31, 1967, 81 Stat. 181; Pub. L. 94–169, title I, § 106(17), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95–588, title I, § 105, Nov. 4, 1978, 92 Stat. 2500; renumbered § 1512 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior sections 1512 to 1520 were renumbered sections 3112 to 3120 of this title, respectively.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 512 of this title as this section.

Subsec. (a)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions.

Subsec. (a)(3)(A). Pub. L. 102–83, § 5(c)(1), substituted ''1521'' for ''521''.

Subsec. (a)(3)(B). Pub. L. 102–83, § 5(c)(1), substituted ''1521'' for ''521''.

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

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

1978—Subsec. (a)(3)(A). Pub. L. 95–588, § 105(1), inserted ''(except the rate provided under subsection (g) of such section)'' after ''of this title'', substituted ''a period of war'' for ''World War I'', and struck out exception to pension elections formerly provided pursuant to subpar. (B).

Subsec. (a)(3)(B). Pub. L. 95–588, § 105(2), substituted ''as in effect on December 31, 1978, under regulations which the Administrator shall prescribe'' for ''if such veteran has elected, or would be payable if such veteran were to elect, to receive pension under such section pursuant to subparagraph (A) of this paragraph''.

1975—Subsec. (a). Pub. L. 94–169 substituted ''such veteran'' for ''he'' wherever appearing.

Subsec. (b). Pub. L. 94–169 substituted ''such veteran'' for ''he''.

1967—Subsec. (a)(3). Pub. L. 90–77 designated existing provisions as subpar. (A), inserted ''except as provided in subparagraph (B)'', and added subpar. (B).

1960—Subsec. (a)(3). Pub. L. 86–670 added cl. (3).

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.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Amendment by Pub. L. 86–670 effective first day of second calendar month which begins after July 14, 1960, see section 3 of Pub. L. 86–670, set out as a note under section 1511 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1536, 1537 of this title.

NON-SERVICE-CONNECTED DISABILITY PENSION

§ 1521. Veterans of a period of war

(a) The Secretary shall pay to each veteran of a period of war who meets the service requirements of this section (as prescribed in subsection (j) of this section) and who is permanently and totally disabled from non-service-connected disability not the result of the veteran's willful misconduct, pension at the rate prescribed by this section, as increased from time to time under section 5312 of this title.

(b) If the veteran is unmarried (or married but not living with or reasonably contributing to the support of such veteran's spouse) and there is no child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, and unless the veteran is entitled to pension at the rate provided by subsection (d)(1) or (e) of this section, pension shall be paid to the veteran at the annual rate of $3,550, reduced by the amount of the veteran's annual income.

(c) If the veteran is married and living with or reasonably contributing to the support of such veteran's spouse, or if there is a child of the veteran in the custody of the veteran or to whose support the veteran is reasonably contributing, pension shall be paid to the veteran at the annual rate of $4,651, unless the veteran is entitled to pension at the rate provided by subsection (d)(2), (e), or (f) of this section. If the veteran has two or more such family members, such annual rate shall be increased by $600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.

(d)(1) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (b) of this section shall be $5,680, reduced by the amount of the veteran's annual income.

(2) If the veteran is in need of regular aid and attendance, the annual rate of pension payable to the veteran under subsection (c) of this section shall be $6,781. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by $600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the amount of annual income of such family members.

(e) If the veteran has a disability rated as permanent and total and (1) has additional disability or disabilities independently ratable at 60 per centum or more, or (2) by reason of a disability or disabilities, is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to the veteran under subsection (b) of this section shall be $4,340 and the annual rate of pension payable to the veteran under subsection (c) of this section shall be $5,441. If such veteran has two or more family members, as described in subsection (c) of this section, the annual rate of pension shall be increased by $600 for each such family member in excess of one. The rate payable shall be reduced by the amount of the veteran's annual income and, subject to subsection (h)(1) of this section, the annual income of such family members.

(f)(1) If two veterans are married to one another and each meets the disability and service requirements prescribed in subsections (a) and (j), respectively, of this section, the annual rate of pension payable to such veterans shall be a combined annual rate of $4,651.

(2) If either such veteran is in need of regular aid and attendance, the annual rate provided by paragraph (1) of this subsection shall be $6,781. If both such veterans are in need of regular aid and attendance, such rate shall be $8,911.

(3) If either such veteran would be entitled (if not married to a veteran) to pension at the rate provided by subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be $5,441. If both such veterans would be entitled (if not married to one another) to such rate, such rate shall be $6,231.

(4) If one such veteran is in need of regular aid and attendance and the other would be entitled (if not married to a veteran) to the rate provided for under subsection (e) of this section, the annual rate provided by paragraph (1) of this subsection shall be $7,571.

(5) The annual rate provided by paragraph (1), (2), (3), or (4) of this subsection, as appropriate, shall (A) be increased by $600 for each child of such veterans (or of either such veteran) who is in the custody of either or both such veterans or to whose support either such veteran is, or both such veterans are, reasonably contributing, and (B) be reduced by the amount of the annual income of both such veterans and, subject to subsection (h)(1) of this section, the annual income of each such child.

(g) The annual rate of pension payable under subsection (b), (c), (d), (e), or (f) of this section to any veteran who is a veteran of a period of war shall be increased by $800 if veterans of such period of war were not provided educational benefits or home loan benefits similar to those provided to veterans of later periods of war under chapters 34 and 37, respectively, of this title or under prior corresponding provisions of law.

(h) For the purposes of this section:

(1) In determining the annual income of a veteran, if there is a child of the veteran who is in the custody of the veteran or to whose support the veteran is reasonably contributing, that portion of the annual income of the child that is reasonably available to or for the veteran shall be considered to be income of the veteran, unless in the judgment of the Secretary to do so would work a hardship on the veteran.

(2) A veteran shall be considered as living with a spouse, even though they reside apart, unless they are estranged.

(i) If the veteran is entitled under this section to pension on the basis of such veteran's own service and is also entitled to pension on the basis of any other person's service, the Secretary shall pay such veteran only the greater benefit.

(j) A veteran meets the service requirements of this section if such veteran served in the active military, naval, or air service—

(1) for ninety days or more during a period of war;

(2) during a period of war and was discharged or released from such service for a service-connected disability;

(3) for a period of ninety consecutive days or more and such period began or ended during a period of war; or

(4) for an aggregate of ninety days or more in two or more separate periods of service during more than one period of war.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1136, § 521; Pub. L. 86–211, § 3(a), Aug. 29, 1959, 73 Stat. 433; Pub. L. 87–101, § 1, July 21, 1961, 75 Stat. 218; Pub. L. 88–664, §§ 3(a), (b), 5, 6(a), 7, Oct. 13, 1964, 78 Stat. 1094, 1095; Pub. L. 90–77, title I, § 104, title II, § 202(a)–(c), Aug. 31, 1967, 81 Stat. 179, 182; Pub. L. 90–275, § 1(a), (b), Mar. 28, 1968, 82 Stat. 64, 65; Pub. L. 91–588, §§ 1(a), (b), 3(b), 9(c), Dec. 24, 1970, 84 Stat. 1580, 1583, 1584; Pub. L. 92–198, §§ 1(a), (b), 5(b), Dec. 15, 1971, 85 Stat. 663, 664; Pub. L. 93–177, § 1(a), (b), Dec. 6, 1973, 87 Stat. 694; Pub. L. 93–527, § 2, Dec. 21, 1974, 88 Stat. 1702; Pub. L. 94–169, title I, §§ 102, 106(18), Dec. 23, 1975, 89 Stat. 1014, 1018; Pub. L. 94–432, title II, § 202, Sept. 30, 1976, 90 Stat. 1369; Pub. L. 95–204, title I, § 101, Dec. 2, 1977, 91 Stat. 1455; Pub. L. 95–588, title I, § 106(a), Nov. 4, 1978, 92 Stat. 2500; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1521 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1521 was renumbered section 3121 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 521 of this title as this section.

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

Pub. L. 102–40 substituted ''5312'' for ''3112''.

Subsecs. (h)(1), (i). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

1978—Subsec. (a). Pub. L. 95–588 revised pension eligibility requirements to speak in terms of a veteran of any period of war rather than veterans of specifically named wars and inserted reference to periodic pension increases pursuant to section 3112 of this title.

Subsec. (b). Pub. L. 95–588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of $3,550 for a formula for determining such annual pension based upon the annual income of the veteran, and struck out monthly minimum and maximum pension payments.

Subsec. (c). Pub. L. 95–588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of $4,651 for a formula for determining such annual pension based upon annual income of the veteran, and inserted provision authorizing an annual pension rate increase of $600 for each family member of the eligible veteran in excess of one.

Subsec. (d). Pub. L. 95–588 substituted $5,680 as annual rate of pension payable to a veteran in need of regular aid and attendance under subsec. (b) of this section and $6,781 as such rate payable to such veteran under subsec. (c) of this section for provision authorizing a rate increase of $165 over and above the rate of pension payable under the applicable subsection in order to determine the rate payable to eligible veterans under this section and revised the method of reducing payments under this section by use of the recipient's annual income.

Subsec. (e). Pub. L. 95–588 substituted $4,340 as annual rate of pension payable under subsec. (b) of this section for veterans eligible as recipients under this section and $5,441 as such annual rate under subsec. (c) of this section for provision authorizing rate increases of $61 per month for eligible veterans over and above the appropriate rate of pension payment under the applicable subsection, inserted provision authorizing increases of $600 per year in pension rates for recipients with eligible family members in excess of one, and provided for an annual income reduction in the pension rate payable.

Subsec. (f). Pub. L. 95–588 substituted provisions relating to pension payments to veterans married to each other for provisions authorizing the inclusion of a spouse's annual income reasonably available to an eligible veteran in the computation of the annual income of an eligible veteran.

Subsec. (g). Pub. L. 95–588 substituted provisions authorizing annual pension payment rate increases of $800 per year for eligible veterans who served in periods of war which did not entitle them to educational or home loan benefits similar to those paid veterans of subsequent periods of war for provisions specifying the eligibility service requirements of this section.

Subsec. (h). Pub. L. 95–588 substituted provisions authorizing inclusion of income of a dependent child in custody of recipient veteran in computing annual income of such veteran and authorizing consideration of a veteran and his or her spouse as living together, even though they actually live apart, for provisions authorizing a twenty-five per cent rate increase in pension payments to a veteran who has attained age seventy-eight.

Subsecs. (i), (j). Pub. L. 95–588 added subsecs. (i) and (j).

1977—Subsec. (b)(1). Pub. L. 95–204, § 101(1), increased monthly rate of pension from $185 to $197, and substituted ''1,100'' for ''1,500'' in two places, ''1,700'' for ''1,800'' in two places, and ''3,770'' for ''3,540''.

Subsec. (b)(3). Pub. L. 95–204, § 101(2), substituted ''$3,770'' for ''$3,540''.

Subsec. (c)(1). Pub. L. 95–204, § 101(3), increased monthly rates of pension from $199 to $212, $204 to $217, and $209 to $222, and substituted ''1,000'' for ''1,100'' in two places, ''2,000'' for ''2,400'' in two places, ''3,000'' for ''3,100'' in two places, ''3,200'' for ''3,500'' in two places, ''3,600'' for ''3,700'' in two places and ''5,070'' for ''4,760''.

Subsec. (c)(3). Pub. L. 95–204, § 101(4), substituted ''$5,070'' for ''$4,760''.

Subsec. (d). Pub. L. 95–204, § 101(5), substituted ''$165'' for ''$155'' in pars. (1) and (2).

Subsec. (e). Pub. L. 95–204, § 101(6), substituted ''$61'' for ''$57''.

1976—Subsec. (b)(1). Pub. L. 94–432, § 202(1), increased monthly rate of pension from $173 to $185 and substituted $700 to $900 for $700 to $1,200, $900 to $1,500 for $1,200 to $1,700, $1,500 to $1,800 for $1,700 to $2,000, and $1,800 to $3,540 for $2,000 to $3,300.

Subsec. (b)(3). Pub. L. 94–432, § 202(2), substituted ''$3,540'' for ''$3,300''.

Subsec. (c)(1). Pub. L. 94–432, § 202(3), increased monthly rate of pension by $13 from $186 to $199, from $191 to $204, and from $196 to $209, of a veteran with 1, 2, and 3 dependents, substituting ''he or she'' for ''such veteran'' in three places, substituted $700 to $1100 for $700 to $1,300, $1,100 to $2,400 for $1,300 to $2,800, $2,400 to $3,100 for $2,800 to $3,200, $3,100 to $3,500 for $3,200 to $3,800, and $3,700 to $4,760 for $3,800 to $4,500, and inserted ''.07'' ranging from $3,500 to $3,700.

Subsec. (c)(3). Pub. L. 94–432, § 202(4), substituted ''$4,760'' for ''$4,500''.

Subsec. (d). Pub. L. 94–432, § 202(5), designated existing provisions as par. (1), substituted ''$155'' for ''$133'' and added par. (2).

Subsec. (e). Pub. L. 94–432, § 202(6), substituted ''$57'' for ''$53''.

Subsec. (h). Pub. L. 94–432, § 202(7), added subsec. (h).

1975—Subsec. (b). Pub. L. 94–169, § 102(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of pension from $160 to $173, substituted $500 to $700 for $500 to $900, $700 to $1200 for $900 to $1500, $1200 to $1700 for $1500 to $1900, $1700 to $2000 for $1900 to $2300, $2000 to $3300 for $2300 to $3000 the minimum and maximum income ranges for which the pension rate will be reduced by 4, 5, 6, 7 and 8 cents per dollar, respectively, and increased from $3000 to $3300 the maximum income in excess of which no pension shall be paid.

Subsec. (c). Pub. L. 94–169, § 102(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, from $172 to $186, from $177 to $191 and from $182 to $196 the rate of pension of a veteran with 1, 2 and 3 dependents, respectively, substituted $700 to $1300 for $700 to $1800, $1300 to $2800 for $1800 to $3000, $2800 to $3200 for $3000 to $3500, $3200 to $3800 for $3500 to $3800, and $3800 to $4500 for $4000 to $4200 the minimum and maximum income ranges for which the pension rate will be reduced by 3, 4, 5, 6 and 8 cents per dollar, respectively, struck out the income range of $3800 to $4000 for which the reduction rate is 7 cents per dollar, increased from $4200 to $4500 the income in excess of which no pension shall be paid, and inserted provision that in no case may the amount of pension be less than $5 monthly.

Subsec. (d). Pub. L. 94–169, § 102(2), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''such veteran'' for ''him'' and ''$133'' for ''$123''.

Subsec. (e). Pub. L. 94–169, § 102(3), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''such veteran's'' for ''his'', ''such veteran'' for ''him'' and ''$53'' for ''$49''.

Subsec. (g). Pub. L. 94–169, § 106(18), substituted ''such veteran'' for ''he''.

1974—Subsec. (b). Pub. L. 93–527, § 2(1), substituted ''$160'' for ''$143'', ''$500'' for ''$800'' wherever appearing, ''$900'' for ''$1300'' wherever appearing, ''$1500'' for ''$1600'' wherever appearing, ''$1900'' for ''$2200'' wherever appearing, ''$2300'' for ''$2500'' wherever appearing, and ''$3000'' for ''$2600'' wherever appearing, and inserted provision that in no event should monthly rate of pension be less than $5.00.

Subsec. (c). Pub. L. 93–527, § 2(2), substituted ''$172'' for ''$154'', ''$177'' for ''$159'', ''$182'' for ''$164'', ''$700''

for ''$800'' wherever appearing, ''$1800'' for ''$2600'' wherever appearing, ''$3000'' for ''$3200'' wherever appearing, ''$3500'' for ''$3700'' wherever appearing, and inserted provisions for the reduction by 7 cents for each dollar of annual income in excess of $3800 up to and including $4000, and reduction by 8 cents for each dollar of annual income in excess of $4000 up to and including $4200, and raised maximum income from $3800 to $4200.

Subsec. (d). Pub. L. 93–527, § 2(3), substituted ''$123'' for ''$110''.

Subsec. (e). Pub. L. 93–527, § 2(4), substituted ''$49'' for ''$44''

1973—Subsec. (b). Pub. L. 93–177, § 1(a), substituted ''$143'' for ''$130'', ''$800'' for ''$1,000'', ''$1,300'' for ''$1,500'', ''$1,600'' for ''$1,800'', and ''$2,500'' for ''$2,600'' in existing provisions and inserted provision for a reduction of 8 cents in monthly rate for each $1 of annual income in excess of $2,500 up to and including $2,600.

Subsec. (c). Pub. L. 93–177, § 1(b), substituted ''$154'' for ''$140'', ''$159'' for ''$145'', ''$164'' for ''$150'', ''$800'' for ''$900'', ''$2,600'' for ''$3,200'', and ''$3,700'' for ''$3,800'' in existing provisions and inserted provisions for a reduction of 4 cents in monthly rate for each $1 of annual income in excess of $2,600 up to and including $3,200 and for a reduction of 6 cents in monthly rate for each $1 of annual income in excess of $3,700 up to and including $3,800.

1971—Subsec. (b). Pub. L. 92–198, § 1(a), substituted formula for computing monthly pension rates of single veteran providing for a maximum monthly pension for each group within designated income category and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out the income and pension rates, and raised the maximum income from $2300 to $2600.

Subsec. (c). Pub. L. 92–198, § 1(b), substituted formula for computing monthly pension rates of veteran with dependents by providing for maximum monthly pension for each group within designated income category depending on the number of dependents and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out the income and pension rates, and raised the maximum income limit from $3500 to $3800.

Subsec. (g)(3). Pub. L. 92–198, § 5(b), inserted reference to Mexican border period.

1970—Pub. L. 91–588, § 9(c)(3), inserted reference to Mexican border period in section catchline.

Subsec. (a). Pub. L. 91–588, § 9(c)(1), inserted reference to Mexican border period.

Subsec. (b). Pub. L. 91–588, § 1(a), provided new annual income limits to measure monthly pension rates of single veteran by adding minimum income limits of $2,000, $2,100 and $2,200 with maximum limits of $2,100, $2,200 and $2,300 for monthly benefits of $45, $37 and $29, respectively, and within existing annual income limits from a maximum of $300 to a maximum of $2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively by substituting in column II ''121'' for ''$110'', ''119'' for ''108'', ''117'' for ''106'', ''115'' for ''104'', ''112'' for ''100'', ''108'' for ''96'', ''104'' for ''92'', ''100'' for ''88'', ''96'' for ''84'', ''92'' for ''79'', ''88'' for ''75'', ''84'' for ''69'' ''79'' for ''63'' ''75'' for ''57'', ''69'' for ''51'', ''63'' for ''45'', ''57'' for ''37'', and ''51'' for ''29''.

Subsec. (c). Pub. L. 91–588, § 1(b), provided new annual income limits to measure monthly pension rates of veteran with dependents by adding minimum income limits of $3,200, $3,300, and $3,400 with maximum limits of $3,300, $3,400, and $3,500 for monthly benefits of $50, and within existing annual income limits from a maximum of $500 to a maximum of $3,200, as well as in-between limits set out in one-hundred dollar increments, the applicable monthly benefits for each limit was amended, respectively, by substituting in column II (one dependent) ''$132'' for ''$120'', ''130'' for ''118'', ''128'' for ''116'', ''126'' for ''114'', ''124'' for ''112'', ''122'' for ''109'', in column III (two dependents) ''$137'' for ''$125'', ''135'' for ''123, ''133'' for ''121'', ''131'' for ''119'', ''129'' for ''117'', ''127'' for ''114'', in column IV (three or more dependents) ''$142'' for ''$130'', ''140'' for ''128'', ''138'' for ''126'', ''136'' for ''124'', ''134'' for ''122'', ''132'' for ''119'', and in columns II, III, and IV (for any number of dependents) ''119'' for ''107'', ''116'' for ''105'', ''113'' for ''103'', ''110'' for ''101'', ''107'' for ''99'', ''104'' for ''96'', ''101'' for ''93'' ''99'' for ''90'', ''96'' for ''87'', ''93'' for ''84'', ''90'' for ''81'', ''87'' for ''78'', ''84'' for ''75'', ''81'' for ''72'', ''78'' for ''69'', ''75'' for ''66'', ''72'' for ''62'', ''69'' for ''58'', ''66'' for ''54'', ''62'' for ''50'', ''58'' for ''42'', and ''54'' for ''34''.

Subsec. (d). Pub. L. 91–588, § 3(b)(1), substituted ''$110'' for ''$100''.

Subsec. (e). Pub. L. 91–588, § 3(b)(2), substituted ''44'' for ''$40''.

Subsec. (g)(1), (2). Pub. L. 91–588, § 9(c)(2), inserted reference to Mexican border period.

1968—Subsec. (b). Pub. L. 90–275, § 1(a), in providing new annual income limits to measure monthly pension rates of single veteran, substituted minimum income limit of $300 for monthly benefit of $110 for former $600 limit for monthly benefit of $104, maximum income limit of $2,000 for monthly benefit of $29 for former $1,800 limit for monthly benefit of $45, and sixteen other in-between limits in one hundred dollar increments from more than $300 to less than $1,900 for monthly benefits of $108–37 for former in-between limit of more than $600 but less than $1,200 for monthly benefit of $79.

Subsec. (c). Pub. L. 90–275, § 1(b), in providing new annual income limits to measure monthly pension rates of veteran with dependents, substituted minimum income limit of $500 for monthly benefit of $120 (one dependent), $125 (two dependents), and $130 (three or more dependents) for former $1,000 limit for monthly benefit of $109 (one dependent), $114 (two dependents), and $119 (three or more dependents), maximum income limit of $3,200 for monthly benefit of $34 (for any number of dependents) for former $3,000 limit for monthly benefit of $50 (for any number of dependents), and twenty-six other in-between limits in one hundred dollar increments from more than $500 to less than $3,100 for monthly benefits of $118 to 42 (one dependent), $123 to 42 (two dependents), and $128 to 42 (three or more dependents) for former in-between limit of more than $1,000 but less than $2,000 for monthly benefit of $84 (for any number of dependents).

1967—Pub. L. 90–77, § 202(c), inserted reference to Vietnam era in section catchline.

Subsec. (a). Pub. L. 90–77, § 202(a), inserted reference to Vietnam era.

Subsec. (b). Pub. L. 90–77, § 104(a), increased monthly pension rate in column II from $100, $75, and $43 to $104, $79,and $45 respectively.

Subsec. (c). Pub. L. 90–77, § 104(b), increased monthly pension rate in column II from $105, $80, and $48 to $109, $84, and $50; column III from $110, $80, and $48 to $114, $84, and $50; and column IV from $115, $80, and $48 to $119, $84, and $50, respectively.

Subsec. (e). Pub. L. 90–77, § 104(c), substituted ''$40'' for ''$35''.

Subsec. (g). Pub. L. 90–77, § 202(b), inserted references to Vietnam era in pars. (1) to (3).

1964—Subsec. (b). Pub. L. 88–664, § 3(a), increased monthly pension rate in column II from $85, $70, and $40 to $100, $75, and $43, respectively.

Subsec. (c). Pub. L. 88–664, § 3(b), increased monthly pension rate in column II from $90, $75, and $45 to $105, $80, and $48; column III from $95, $75, and $45 to $110, $80, and $48; and column IV from $100, $75, and $45 to $115, $80, and $48, respectively.

Subsec. (d). Pub. L. 88–664, § 5, increased additional monthly rate of veterans in need of aid and attendance from $70 to $100.

Subsecs. (e), (f). Pub. L. 88–664, §§ 6(a), 7, added subsec. (e), redesignated former subsec. (e) as (f) and sub-

stituted ''in excess of whichever is the greater, $1,200 or the total earned income of the spouse,'' for ''except $1,200 of such income'' in par. (1). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 88–664, §6(a), redesignated former subsec. (f) as (g).

1961—Subsec. (f)(4). Pub. L. 87–101 added par. (4).

1959—Subsec. (a). Pub. L. 86–211, §3(a)(2), struck out provisions that prescribed amount of monthly pension payable. See subsecs. (b) to (d) of this section.

Subsecs. (b) to (e). Pub. L. 86–211, §3(a)(3), added subsecs. (b) to (e). Former subsec. (b) redesignated (f).

Subsec. (f). Pub. L. 86–211, §3(a)(1), redesignated former subsec. (b) as (f).

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 1977 AMENDMENT

Amendment by Pub. L. 95–204 effective Jan. 1, 1978, see section 302 of Pub. L. 95–204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 405 of Pub. L. 94–432 provided that:

''(a) The provisions of this Act [see Tables for classification], other than titles II and III and section 401, shall take effect on the date of the enactment of this Act [Sept. 30, 1976].

''(b) Titles II and III [see Tables for classification] and section 401 of this Act [amending section 322 [now 1122] of this title] shall take effect January 1, 1977.''

EFFECTIVE DATE OF 1975 AMENDMENT

Section 102 of Pub. L. 94–169, as amended by section 101 of Pub. L. 94–432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

Section 106 of Pub. L. 94–169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 10 of Pub. L. 93–527 provided that: ''This Act [see Tables for classification] shall take effect on January 1, 1975.''

EFFECTIVE DATE OF 1973 AMENDMENT

Section 8 of Pub. L. 93–177 provided that: ''This Act [see Tables for classification] shall take effect on January 1, 1974.''

EFFECTIVE DATE OF 1971 AMENDMENT

Section 6 of Pub. L. 92–198 provided that: ''This Act [see Tables for classification] shall take effect on January 1, 1972.''

EFFECTIVE DATE OF 1970 AMENDMENT

Section 10 of Pub. L. 91–588 provided that:

''(a) Sections 1, 2(a), (b), and (c), 3, 4, 5, 6, 7, 8, and 9 [see Tables for classification] shall take effect on January 1, 1971.

''(b) Sections 2(d) and 6 [amending sections 415 and 506 [now 1315 and 1506] of this title] shall take effect on January 1, 1972.''

[In view of the similarity of subject matter covered by amendments made by sections 2(d) and 6 of Pub. L. 91–588, the effective date for the amendment made by section 6 was probably intended by Congress to be Jan. 1, 1972, as called for in subsec. (b) of section 10 of Pub. L. 91–588, rather than Jan. 1, 1971, as called for in subsec. (a) of that section.]

EFFECTIVE DATE OF 1968 AMENDMENT

Section 6 of Pub. L. 90–275 provided that:

''(a) The first section and sections 2 and 4 of this Act [amending this section and sections 415 and 541 [now 1315 and 1541] of this title and enacting provisions set out below] shall take effect on January 1, 1969.

''(b) Sections 3 and 5 of this Act [enacting provisions set out below and amending section 3012 [now 5112] of this title] shall take effect on the first day of the first calendar month following the month of initial payment of increases in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note under section 302 of Title 42, the Public Health and Welfare].''

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–664 and provisions of section 10 of Pub. L. 88–664, set out as a note below, effective Jan. 1, 1965, see section 11 of Pub. L. 88–664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 2 of Pub. L. 87–101 provided that: ''Pension shall not be paid for any period prior to the effective date of this Act [July 21, 1961] to any person whose eligibility for pension is established solely by virtue of this Act [amending this section].''

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–211 effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as an Effective Date note under section 1506 of this title.

SAVINGS PROVISION FOR PERSONS ENTITLED TO PENSION AS OF DECEMBER 31, 1978; OTHER PROVISIONS

Section 306 of Pub. L. 95–588, as amended by Pub. L. 102–40, title IV, §402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102–83, §§5(c)(2), 6(c), Aug. 6, 1991, 105 Stat. 406, 407, provided that:

''(a)(1)(A) Except as provided in subparagraph (B), any person who as of December 31, 1978, is entitled to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, may elect to receive pension under such section as in effect after such date, subject to the terms and conditions in effect with respect to the receipt of such pension. Any such election shall be made in such form and manner as the Secretary of Veterans Affairs (hereinafter in this section referred to as the 'Secretary') may prescribe. If pension is paid pursuant to such an election, the election shall be irrevocable.

''(B) Any veteran eligible to make an election under subparagraph (A) who is married to another veteran who is also eligible to make such an election may not make such an election unless both such veterans make such an election.

''(2) Any person eligible to make an election under paragraph (1) who does not make such an election shall continue to receive pension at the monthly rate being paid to such person on December 31, 1978, subject to all provisions of law applicable to basic eligibility for and payment of pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542], as appropriate, of title 38, United States Code, as in effect on December 31, 1978, except that—

''(A) pension may not be paid to such person if such person's annual income (determined in accordance with section 1503 [formerly 503] of title 38, United States Code, as in effect on December 31, 1978) exceeds $4,038, in the case of a veteran or surviving spouse without dependents, $5,430, in the case of a veteran or surviving spouse with one or more dependents, or $3,299, in the case of a child; and

''(B) the amount prescribed in subsection (f)(1) of section 1521 [formerly 521] of such title (as in effect on December 31, 1978) shall be $1,285;

as each such amount is increased from time to time under paragraph (3).

''(3) Whenever there is an increase under section 5312 [formerly 3112] of title 38, United States Code (as added by section 304 of this Act), in the maximum annual rates of pension under sections 1521, 1541, and 1542 [formerly 521, 541, and 542] of such title, as in effect after December 31, 1978, the Secretary shall, effective on the date of such increase under such section 5312 [formerly 3112], increase—

''(A) the annual income limitations in effect under paragraph (2); and

''(B) the amount of income of a veteran's spouse excluded from the annual income of such veteran under section 1521(f)(1) [formerly 521(f)(1)] of such title, as in effect on December 31, 1978;

by the same percentage as the percentage by which such maximum annual rates under such sections 1521, 1541, and 1542 [formerly 521, 541, and 542] are increased.

''(b)(1) [Subsec. (b)(1) which provided for the repeal, effective Jan. 1, 1979, of section 9 of the Veterans' Pension Act of 1959, Pub. L. 86–211, § 9, Aug. 29, 1959, 73 Stat. 436, has been executed to note set out under this section.]

''(2)(A) Except as provided in subparagraph (B), any person who as of December 31, 1978, is entitled to receive pension under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86–211, § 9, Aug. 29, 1959, 73 Stat. 436 [formerly set out as a note under this section] may elect to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, as in effect after such date, subject to the terms and conditions in effect with respect to the receipt of such pension. Any such election shall be made in such form and manner as the Secretary may prescribe. If pension is paid pursuant to such an election, the election shall be irrevocable.

''(B) Any veteran eligible to make an election under subparagraph (A) who is married to another veteran who is also eligible to make such an election may not make such an election unless both such veterans make such an election.

''(3) Any person eligible to make an election under paragraph (2) who does not make such an election shall continue to receive pension at the monthly rate being paid to such person on December 31, 1978, subject to all provisions of law applicable to basic eligibility for and payment of pension under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86–211, § 9(b), Aug. 29, 1959, 73 Stat. 436 [formerly set out below], as in effect on December 31, 1978, except that pension may not be paid to such person if such person's annual income (determined in accordance with the applicable provisions of law, as in effect on December 31, 1978) exceeds $3,534, in the case of a veteran or surviving spouse without dependents or in the case of a child, or $5,098, in the case of a veteran or surviving spouse with one or more dependents, as each such amount is increased from time to time under paragraph (4).

''(4) Whenever there is an increase under section 5312 [formerly 3112] of title 38, United States Code (as added by section 304 of this Act), in the maximum annual rates of pension under sections 1521, 1541, and 1542 [formerly 521, 541, and 542] of such title, as in effect after December 31, 1978, the Secretary shall, effective on the date of such increase under such section 5312 [formerly 3112], increase the annual income limitations in effect under paragraph (3) by the same percentage as the percentage by which the maximum annual rates under such sections 1521, 1542, and 1543 [formerly 521, 542, and 543] are increased.

''(c) Any case in which—

''(1) a claim for pension is pending in the Veterans' Administration on December 31, 1978;

''(2) a claim for pension is filed by a veteran after December 31, 1978, and within one year after the date on which such veteran became totally and permanently disabled, if such veteran became totally and permanently disabled before January 1, 1979; or

''(3) a claim for pension is filed by a surviving spouse or by a child after December 31, 1978, and within one year after the date of death of the veteran through whose relationship such claim is made, if the death of such veteran occurred before January 1, 1979;

shall be adjudicated under title 38, United States Code, as in effect on December 31, 1978. Any benefits determined to be payable as the result of the adjudication of such a claim shall be subject to the provisions of subsection (a).

''(d) In any case in which any person who as of December 31, 1978, is entitled to receive pension under section 1521, 1541, or 1542 [formerly 521, 541, or 542] of title 38, United States Code, or under section 9(b) of the Veterans' Pension Act of 1959 Pub. L. 86–211, 6, 9(b), Aug. 29, 1959, 73 Stat. 436 [formerly set out as a note under this section], elects (in accordance with subsection (a)(1) or (b)(2), as appropriate) before October 1, 1979, to receive pension under such section as in effect after December 31, 1978, the Administrator of Veterans' Affairs shall pay to such person an amount equal to the amount by which the amount of pension benefits such person would have received had such election been made on January 1, 1979, exceeds the amount of pension benefits actually paid to such person for the period beginning on January 1, 1979, and ending on the date preceding the date of such election.

''(e) Whenever there is an increase under subsections (a)(3) and (b)(4) in the annual income limitations with respect to persons being paid pension under subsections (a)(2) and (b)(3), the Secretary shall publish such annual income limitations, as increased pursuant to such subsections, in the Federal Register at the same time as the material required by section 215(i)(2)(D) of the Social Security Act [section 415(i)(2)(D) of Title 42, The Public Health and Welfare] is published by reason of a determination under section 215(i) of such Act.''

SAVINGS PROVISION

Section 9 of Pub. L. 86–211, which provided (1) that any claim for pension which was pending on June 30, 1960, or any claim for death pension filed thereafter within one year from the date of death of a veteran which occurred prior to July 1, 1960, would be adjudicated under this title in effect on June 30, 1960, with respect to the period before July 1, 1960, and, except as provided below, under this title, as amended by Pub. L. 86–211, thereafter; (2) that nothing in Pub. L. 86–211 would affect the eligibility of any person receiving pension under this title on June 30, 1960, for pension under all applicable provisions of this title in effect on that date for such period or periods thereafter with respect to which he could qualify under such provisions and that this provision would not apply in any case for any period after pension was granted, pursuant to application, under this title as amended by Pub. L. 86–211; and (3) that provision (2) would not apply to those claims within the purview of provision (1) in which it was determined that pension was payable for June 30, 1960, was repealed, effective Jan. 1, 1979, by section 306(b)(1) of Pub. L. 95–588, set out as a note above.

INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION

Pub. L. 105–178, title VIII, § 8206, June 9, 1998, 112 Stat. 494, provided that: ''Effective October 1, 1998, the maximum annual rates of pension in effect as of September 30, 1998, under the following provisions of chapter 15 of title 38, United States Code, are increased by $600:

''(1) Subsections (d)(1), (d)(2), (f)(2), and (f)(4) of section 1521.

''(2) Section 1536(d)(2).''

REPORT TO CONGRESSIONAL COMMITTEES; MEDICAL EXAMINATIONS OF CERTAIN PENSION RECIPIENTS

Pub. L. 98–543, title III, § 302, Oct. 24, 1984, 98 Stat. 2747, directed Administrator of Veterans' Affairs to report to Committees on Veterans' Affairs of House of Representatives and Senate not later than 28 months after Oct. 24, 1984, on results of medical examinations conducted on certain individuals awarded pensions under this section as permanently and totally disabled

by reason of being 65 years of age or older or becoming unemployable after age 65.

STUDY OF PENSION BENEFITS PAID TO PERSONS RESIDING OUTSIDE UNITED STATES; TRANSMITTAL OF REPORT AND RECOMMENDATIONS TO PRESIDENT AND CONGRESS

Pub. L. 95–588, title III, § 308, Nov. 4, 1978, 92 Stat. 2510, directed Administrator of Veterans' Affairs, in consultation with Secretary of State, to carry out a comprehensive study of income characteristics of veterans of a period of war, as defined in section 101(11) of this title, and their survivors residing outside the fifty States and the District of Columbia, required submission of a report to Congress and President on results of such study not later than Feb. 1, 1980.

PENSION, DEPENDENCY, AND INDEMNITY COMPENSATION; RELATION TO SOCIAL SECURITY AMENDMENTS OF 1967

Section 3 of Pub. L. 90–275 provided that:

''(a) If the monthly rate of pension or dependency and indemnity compensation payable to a person under title 38, United States Code, would be less, solely as a result of an increase in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42, The Public Health and Welfare], than the monthly rate payable for the month immediately preceding the effective date of this Act [see Effective Date of 1968 Amendment note set out above], the Administrator of Veterans' Affairs shall pay the person as follows:

''(1) for the balance of calendar year 1968 and during calendar year 1969, at the prior monthly rate;

''(2) during the calendar year 1970, at the rate for the next $100 annual income limitation higher than the maximum annual income limitation corresponding to the prior monthly rate; and

''(3) during each successive calendar year, at the rate for the next $100 annual income limitation higher than the one applied for the preceding year, until the rate corresponding to actual countable income is reached.

''(b) Subsection (a) shall not apply for any period during which annual income of such person, exclusive of an increase in monthly insurance benefits provided by the Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42], exceeds the amount of annual income upon which was based the pension or dependency and indemnity compensation payable to the person immediately prior to receipt of the increase.''

[Provisions of section 3 of Pub. L. 90–275 effective on first day of first calendar month following month of initial payment of increases in monthly insurance benefits provided by Social Security Amendments of 1967 [see Short Title note set out under section 302 of Title 42], see section 6(b) of Pub. L. 90–275, set out as an Effective Date of 1968 Amendment note above.]

INCOME RESTRICTIONS ON PENSIONS; EFFECTIVE DATES

Section 4 of Pub. L. 90–275, as amended by Pub. L. 91–588, § 5; Pub. L. 92–198, § 4; Pub. L. 93–527, § 6; Pub. L. 94–169, § 107; Pub. L. 94–432, § 206; Pub. L. 95–204, § 105, provided that: ''The income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] hereafter shall be $3,300 and $4,760 instead of $3,100 and $4,460, respectively.''

Section 4 of Pub. L. 90–275, as originally enacted, was eff. Jan. 1, 1969, pursuant to Pub. L. 90–275, § 6(a). Subsequent amendments to said section 4 by Pub. L. 91–588, Pub. L. 92–198, and Pub. L. 94–169 were effective Jan. 1, 1971, Jan. 1, 1972, and for a period beginning Jan. 1, 1976 and ending Sept. 30, 1976, respectively. Pub. L. 94–432, §§ 101, 405(b) amended said section 4 of Pub. L. 90–275 and section 107 of Pub. L. 94–169 to be effective Jan. 1, 1976 and Jan. 1, 1977, respectively. Pub. L. 95–204, § 302 amended said section 4 of Pub. L. 90–275 to be effective Jan. 1, 1978.

AID AND ATTENDANCE ALLOWANCE FOR WIDOWS OF VETERANS OF ALL PERIODS OF WAR

Pub. L. 90–77, title I, § 108(c), Aug. 31, 1967, 81 Stat. 180, provided that: ''If any widow is entitled to pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] and is in need of regular aid and attendance, the monthly rate of pension payable to her shall be increased by $50.''

PENSION FOR HOUSEBOUND VETERANS

Pub. L. 90–77, title I, § 110, Aug. 31, 1967, 81 Stat. 180, provided that: ''The Administrator of Veterans' Affairs shall pay to a veteran who is entitled to pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] and who—

''(1) has, in addition to a disability rated as permanent and total, additional disability or disabilities independently ratable at 60 per centum or more, or

''(2) by reason of his disability or disabilities, is permanently housebound but does not qualify for pension based on need of regular aid and attendance,

in lieu of the pension otherwise payable to him, a pension at the monthly rate of $100.''

RETIREMENT INCOME EXCLUSION

Section 10 of Pub. L. 88–664 provided that: ''In computing the income of persons whose pension eligibility is subject to the first sentence of section 9(b) of the Veterans' Pension Act of 1959 [formerly set out in a Savings Provision note above] there shall be excluded 10 per centum of the amount of payments received under public or private retirement, annuity, endowment or similar plans or programs.''

CROSS REFERENCES

Limitations on pension payments to veterans furnished hospital treatment, institutional, or domiciliary care by Department of Veterans Affairs, see section 5503 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 1506, 1508, 1511, 1512, 1522, 1523, 1541, 1542, 1710, 1722, 1722A, 5123, 5304, 5312, 5503 of this title; title 42 section 8624.

§ 1522. Net worth limitation

(a) The Secretary shall deny or discontinue the payment of pension to a veteran under section 1521 of this title when the corpus of the estate of the veteran or, if the veteran has a spouse, the corpus of the estates of the veteran and of the veteran's spouse is such that under all the circumstances, including consideration of the annual income of the veteran, the veteran's spouse, and the veteran's children, it is reasonable that some part of the corpus of such estates be consumed for the veteran's maintenance.

(b) The Secretary shall deny or discontinue the payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child when the corpus of such child's estate is such that under all the circumstances, including consideration of the veteran's and spouse's income, and the income of the veteran's children, it is reasonable that some part of the corpus of such child's estate be consumed for the child's maintenance. During the period such denial or discontinuance remains in effect, such child shall not be considered as the veteran's child for purposes of this chapter.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1136, § 522; Pub. L. 86–211, § 3(b), Aug. 29, 1959, 73 Stat. 434; Pub. L. 95–588, title I, § 107, Nov. 4, 1978, 92 Stat. 2502; renumbered § 1522 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 522 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1521'' for ''521'' in subsecs. (a) and (b).

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

1978—Pub. L. 95–588 designated existing provisions as subsec. (a), inserted provisions relating to consideration of the income and estates of the spouse and children of an eligible veteran, and added subsec. (b).

1959—Pub. L. 86–211 substituted provisions requiring the denial or discontinuance of payment of pension when the corpus of the veteran's estate is such that under all the circumstances, including consideration of the veteran's income, it is reasonable that some part of the corpus be consumed for the veteran's maintenance for provisions which prohibited the payment of a pension to any unmarried veteran whose annual income exceeds $1,400 or to any married veteran or any veteran with children whose annual income exceeds $2,700.

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 1959 AMENDMENT

Amendment by Pub. L. 86–211 effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as an Effective Date note under section 1521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1722 of this title.

§ 1523. Combination of ratings

(a) The Secretary shall provide that, for the purpose of determining whether or not a veteran is permanently and totally disabled, ratings for service-connected disabilities may be combined with ratings for non-service-connected disabilities.

(b) Where a veteran, by virtue of subsection (a), is found to be entitled to a pension under section 1521 of this title, and is entitled to compensation for a service-connected disability, the Secretary shall pay such veteran the greater benefit.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1136, § 523; Pub. L. 94–169, title I, § 106(19), Dec. 23, 1975, 89 Stat. 1018; renumbered § 1523 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 523 of this title as this section.

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

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''1521'' for ''521''.

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

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

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.

§ 1524. Vocational training for certain pension recipients

(a)(1) In the case of a veteran under age 45 who is awarded a pension during the program period, the Secretary shall, based on information on file with the Department of Veterans Affairs, make a preliminary finding whether such veteran, with the assistance of a vocational training program under this section, has a good potential for achieving employment. If such potential is found to exist, the Secretary shall solicit from the veteran an application for vocational training under this section. If the veteran thereafter applies for such training, the Secretary shall provide the veteran with an evaluation, which may include a personal interview, to determine whether the achievement of a vocational goal is reasonably feasible.

(2) If a veteran who is 45 years of age or older and is awarded pension during the program period, or a veteran who was awarded pension before the beginning of the program period, applies for vocational training under this section and the Secretary makes a preliminary finding on the basis of information in the application that, with the assistance of a vocational training program under subsection (b) of this section, the veteran has a good potential for achieving employment, the Secretary shall provide the veteran with an evaluation in order to determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such evaluation shall include a personal interview by a Department employee trained in vocational counseling.

(3) For the purposes of this section, the term ''program period'' means the period beginning on February 1, 1985, and ending on December 31, 1995.

(b)(1) If the Secretary, based upon an evaluation under subsection (a) of this section, determines that the achievement of a vocational goal by a veteran is reasonably feasible, the veteran shall be offered and may elect to pursue a vocational training program under this subsection. If the veteran elects to pursue such a program, the program shall be designed in consultation with the veteran in order to meet the veteran's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation of the kind described in section 3107 of this title.

(2)(A) Subject to subparagraph (B) of this paragraph, a vocational training program under this subsection shall consist of vocationally oriented services and assistance of the kind provided under chapter 31 of this title and such other services and assistance of the kind provided under that chapter as are necessary to enable the veteran to prepare for and participate in vocational training or employment.

(B) A vocational training program under this subsection—

(i) may not exceed 24 months unless, based on a determination by the Secretary that an extension is necessary in order for the veteran to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan formulated for the veteran, the Secretary grants an extension for a period not to exceed 24 months;

(ii) may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment of the kind provided under chapter 39 of this title; and

(iii) may include a program of education at an institution of higher learning (as defined in sections 3452(b) and 3452(f), respectively, of this title) only in a case in which the Secretary determines that the program involved is predominantly vocational in content.

(3) When a veteran completes a vocational training program under this subsection, the Secretary may provide the veteran with counseling of the kind described in section 3104(a)(2) of this title, placement and postplacement services of the kind described in section 3104(a)(5) of this title, and training of the kind described in section 3104(a)(6) of this title during a period not to exceed 18 months beginning on the date of such completion.

(4) A veteran may not begin pursuit of a vocational training program under this subsection after the later of (A) December 31, 1995, or (B) the end of a reasonable period of time, as determined by the Secretary, following either the evaluation of the veteran under subsection (a) of this section or the award of pension to the veteran as described in subsection (a)(2) of this section. Any determination by the Secretary of such a reasonable period of time shall be made pursuant to regulations which the Secretary shall prescribe.

(c) In the case of a veteran who has been determined to have a permanent and total non-service-connected disability and who, not later than one year after the date the veteran's eligibility for counseling under subsection (b)(3) of this section expires, secures employment within the scope of a vocational goal identified in the veteran's individualized written plan of vocational rehabilitation (or in a related field which requires reasonably developed skills and the use of some or all of the training or services furnished the veteran under such plan), the evaluation of the veteran as having a permanent and total disability may not be terminated by reason of the veteran's capacity to engage in such employment until the veteran first maintains such employment for a period of not less than 12 consecutive months.

(d) A veteran who pursues a vocational training program under subsection (b) of this section shall have the benefit of the provisions of subsection (a) of section 1525 of this title beginning at such time as the veteran's entitlement to pension is terminated by reason of income from work or training (as defined in subsection (b)(1) of that section) without regard to the date on which the veteran's entitlement to pension is terminated.

(e) Payments by the Secretary for education, training, and other services and assistance under subsection (b) of this section (other than the services of Department employees) shall be made from the Department appropriations account from which payments for pension are made.

(Added Pub. L. 98–543, title III, § 301(a)(1), Oct. 24, 1984, 98 Stat. 2744, § 524; amended Pub. L. 99–576, title VII, § 703(b)(1), Oct. 28, 1986, 100 Stat. 3303; Pub. L. 100–227, title II, § 202, Dec. 31, 1987, 101 Stat. 1555; Pub. L. 100–687, div. B, title XIII, § 1303(a), (b), Nov. 18, 1988, 102 Stat. 4128; Pub. L. 101–237, title I, § 114, Dec. 18, 1989, 103 Stat. 2065; renumbered § 1524 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–291, § 2(b), May 20, 1992, 106 Stat. 178; Pub. L. 102–568, title IV, § 402(a)–(c)(2)(A), Oct. 29, 1992, 106 Stat. 4337; Pub. L. 103–446, title XII, § 1201(g)(2), Nov. 2, 1994, 108 Stat. 4687.)

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103–446 substituted ''If'' for ''Subject to paragraph (3) of this subsection, if''.

1992—Pub. L. 102–568, § 402(c)(2)(A), substituted ''Vocational training for certain pension recipients'' for ''Temporary program of vocational training for certain new pension recipients'' as section catchline.

Subsec. (a)(1). Pub. L. 102–568, § 402(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''Subject to paragraph (3) of this subsection, in the case of a veteran under the age of 45 who is awarded pension during the program period, the Secretary shall determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such determination shall be made only after evaluation of the veteran's potential for rehabilitation, and any such evaluation shall include a personal interview of the veteran by a Department employee who is trained in vocational counseling. If the veteran fails, for reasons other than those beyond the veteran's control, to participate in the evaluation in the manner required by the Secretary in order to make such determination, the Secretary shall suspend the veteran's pension for the duration of such failure.''

Subsec. (a)(3). Pub. L. 102–568, § 402(b), redesignated par. (4) as (3), substituted ''December 31, 1995'' for ''December 31, 1992'', and struck out former par. (3) which read as follows: ''Not more than 3,500 veterans may be given evaluations under this subsection during any 12-month period beginning on February 1 of a year.''

Subsec. (a)(4). Pub. L. 102–568, § 402(b)(2), redesignated par. (4) as (3).

Pub. L. 102–291 substituted ''December 31, 1992'' for ''January 31, 1992''.

Subsec. (b)(4). Pub. L. 102–568, § 402(c)(1), substituted ''December 31, 1995'' for ''January 31, 1992''.

1991—Pub. L. 102–83, § 5(a), renumbered section 524 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing in pars. (1) and (2).

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in pars. (1) and (2).

Subsec. (b)(1). Pub. L. 102–83, § 5(c)(1), substituted ''3107'' for ''1507''.

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

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

Subsec. (b)(2)(B)(iii). Pub. L. 102–83, § 5(c)(1), substituted ''3452(b) and 3452(f)'' for ''1652(b) and 1652(f)''.

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

Subsec. (b)(3). Pub. L. 102–83, § 5(c)(1), substituted ''3104(a)(2)'' for ''1504(a)(2)'', ''3104(a)(5)'' for ''1504(a)(5)'', and ''3104(a)(6)'' for ''1504(a)(6)''.

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

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

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1525'' for ''525''.

Subsec. (e). 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'' in two places.

1989—Subsec. (a)(1), (2). Pub. L. 101–237, § 114(a), substituted ''45'' for ''50''.

Subsecs. (c) to (e). Pub. L. 101–237, § 114(b), added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1988—Subsec. (a)(2). Pub. L. 100–687, § 1303(a), substituted ''is awarded pension during the program period, or a veteran who was awarded pension before the beginning of the program period,'' for ''who is awarded pension during the program period''.

Subsecs. (a)(4), (b)(4)(A). Pub. L. 100–687, § 1303(b), substituted ''1992'' for ''1989''.

1987—Subsec. (a)(3). Pub. L. 100–227 substituted ''3,500'' for ''2,500''.

1986—Subsec. (a)(2). Pub. L. 99–576, § 703(b)(1)(A), substituted ''subsection (b) of this section'' for ''subsection (d) of this section''.

Subsec. (b)(4). Pub. L. 99–576, § 703(b)(1)(B), substituted ''subsection (a) of this section'' for ''subsection (a)(1) of this section''.

Subsec. (c). Pub. L. 99–576, § 703(b)(1)(C), substituted ''A veteran'' for ''Notwithstanding subsection (c) of section 525 of this title, a veteran'' and ''defined in subsection (b)(1) of that section'' for ''defined in subsection (b) of that section'', and inserted ''without regard to the date on which the veteran's entitlement to pension is terminated.''

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–291 effective Jan. 31, 1992, see section 2(d) of Pub. L. 102–291, set out as a note under section 1163 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–576 effective as if included in Pub. L. 98–543, see section 703(c) of Pub. L. 99–576, set out as a note under section 1313 of this title.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Provision of a vocational training program to a veteran under this section and the making of related determinations under this section ratified with respect to period beginning Feb. 1, 1992, and ending May 20, 1992, see section 2(e) of Pub. L. 102–291, set out as a note under section 1163 of this title.

REPORT TO CONGRESSIONAL COMMITTEES; NEW PENSION RECIPIENTS; HEALTH-CARE ELIGIBILITY

Section 301(b) of Pub. L. 98–543 directed Administrator of Veterans' Affairs to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Apr. 15, 1988, a report on results of implementation of this section and section 525 [now 1525] of this title during period beginning on Feb. 1, 1985, and ending on Jan. 31, 1988.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3697 of this title.

§ 1525. Protection of health-care eligibility

(a) In the case of a veteran whose entitlement to pension is terminated after January 31, 1985, by reason of income from work or training, the veteran shall retain for a period of three years beginning on the date of such termination all eligibility for care and services under such chapter that the veteran would have had if the veteran's entitlement to pension had not been terminated. Care and services for which such a veteran retains eligibility include, when applicable, drugs and medicines under section 1712(d) of this title.

(b) For purposes of this section, the term ''terminated by reason of income from work or training'' means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or with gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.

(Added Pub. L. 98–543, title III, § 301(a)(1), Oct. 24, 1984, 98 Stat. 2746, § 525; amended Pub. L. 99–272, title XIX, § 19011(d)(1), Apr. 7, 1986, 100 Stat. 378; Pub. L. 99–576, title VII, § 703(b)(2), Oct. 28, 1986, 100 Stat. 3303; Pub. L. 100–687, div. B, title XIII, § 1303(c), Nov. 18, 1988, 102 Stat. 4128; renumbered § 1525 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–291, § 2(c), May 20, 1992, 106 Stat. 178; Pub. L. 102–568, title IV, § 403(a), (b)(1), Oct. 29, 1992, 106 Stat. 4337; Pub. L. 104–262, title I, § 101(e)(1), Oct. 9, 1996, 110 Stat. 3180.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–262, § 101(e)(1)(A), substituted ''section 1712(d) of this title'' for ''section 1712(h) of this title and special priority with respect to such care and services under clauses (5) and (6) of section 1712(i)''.

Subsec. (b). Pub. L. 104–262, § 101(e)(1)(B), substituted ''remuneration'' for ''renumeration''.

1992—Pub. L. 102–568, § 403(b)(1), substituted ''Protection'' for ''Temporary protection'' in section catchline.

Subsec. (a). Pub. L. 102–568, § 403(a)(1), substituted ''after January 31, 1985,'' for ''during the program period''.

Subsec. (b). Pub. L. 102–568, § 403(a)(2), added subsec. (b) and struck out former subsec. (b) which read as follows: ''For the purposes of this section:

''(1) The term 'terminated by reason of income from work or training' means terminated as a result of the veteran's receipt of earnings from activity performed for remuneration or gain, but only if the veteran's annual income from sources other than such earnings would, taken alone, not result in the termination of the veteran's pension.

''(2) The term 'program period' means the period beginning on February 1, 1985, and ending on December 31, 1992.''

Pub. L. 102–291 substituted ''December 31, 1992'' for ''January 31, 1992'' in par. (2).

1991—Pub. L. 102–83, § 5(a), renumbered section 525 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1712(h)'' for ''612(h)'' and ''1712(i)'' for ''612(i)''.

1988—Subsec. (b)(2). Pub. L. 100–687 substituted ''1992'' for ''1989''.

1986—Subsec. (a). Pub. L. 99–576 struck out ''under section 521 of this title'' after ''entitlement to pension''.

Pub. L. 99–272 substituted ''clauses (5) and (6) of section 612(i)'' for ''section 612(i)(5) of this title''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–291 effective Jan. 31, 1992, see section 2(d) of Pub. L. 102–291, set out as a note under section 1163 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99–576 effective as if included in Pub. L. 98–543, see section 703(c) of Pub. L. 99–576, set out as a note under section 1313 of this title.

Amendment by Pub. L. 99–272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99–272, set out as a note under section 1710 of this title.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Provision of health care and services to a veteran pursuant to this section ratified with respect to period

beginning Feb. 1, 1992, and ending May 20, 1992, see section 2(e) of Pub. L. 102–291, set out as a note under section 1163 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1524 of this title.

SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN

AMENDMENTS

1975—Pub. L. 94–169, title I, § 101(2)(G), Dec. 23, 1975, 89 Stat. 1014, substituted ''SURVIVING SPOUSES'' for ''WIDOWS'' in subchapter heading.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1504 of this title.

WARS BEFORE WORLD WAR I

[§ 1531. Vacant]

CODIFICATION

Prior to renumbering of sections 501 to 543 of this chapter as sections 1501 to 1543 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 531 of this chapter, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1137; Pub. L. 90–77, title I, § 105, Aug. 31, 1967, 81 Stat. 179, which provided for a monthly pension to widows of Mexican War veterans, was repealed by Pub. L. 94–169, title I, § 101(2)(F), Dec. 23, 1975, 89 Stat. 1014, effective Jan. 1, 1976.

§ 1532. Surviving spouses of Civil War veterans

(a) The Secretary shall pay to the surviving spouse of each Civil War veteran who met the service requirements of this section a pension at the following monthly rate:

(1) $40.64 if such surviving spouse is below seventy years of age; or

(2) $70 if such surviving spouse is seventy years of age or older.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by $8.13 per month for each such child.

(c) A veteran met the service requirements of this section if such veteran served for ninety days or more in the active military or naval service during the Civil War, as heretofore defined under public laws administered by the Veterans' Administration, or if such veteran was discharged or released from such service upon a surgeon's certificate of disability.

(d) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

(1) before June 27, 1905; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1137, § 532; Pub. L. 90–77, title I, §§ 101(a), 105, Aug. 31, 1967, 81 Stat. 178, 179; Pub. L. 94–169, title I, § 106(20)–(23), Dec. 23, 1975, 89 Stat. 1018; Pub. L. 102–54, § 14(b)(7), June 13, 1991, 105 Stat. 283; renumbered § 1532 and amended Pub. L. 102–83, §§ 4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 103–446, title XII, § 1201(a)(2), Nov. 2, 1994, 108 Stat. 4682.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–446 substituted ''Veterans' Administration'' for ''Secretary''.

1991—Pub. L. 102–83, § 5(a), renumbered section 532 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions.

Pub. L. 102–54 substituted a period for semicolon at end of par. (2) and struck out at end ''unless such surviving spouse was the spouse of the veteran during such veteran's service in the Civil War, in which case the monthly rate shall be $75.''

Subsec. (c). Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration''.

1975—Pub. L. 94–169, § 106(23), substituted ''Surviving spouses'' for ''Widows'' in section catchline.

Subsec. (a). Pub. L. 94–169, § 106(20), substituted ''pay to the surviving spouse'' for ''pay to the widow'', ''such surviving spouse'' for ''she'' wherever appearing, ''was the spouse'' for ''was the wife'' and ''such veteran's'' for ''his''.

Subsec. (b). Pub. L. 94–169, § 106(21), substituted ''surviving spouse'' for ''widow''.

Subsec. (c). Pub. L. 94–169, § 106(21), substituted ''such veteran'' for ''he'' wherever appearing.

Subsec. (d). Pub. L. 94–169, § 106(22), substituted ''surviving spouse'', ''such surviving spouse'' and ''such veteran'' for ''widow'', ''she'' and ''him'', respectively.

1967—Subsec. (a)(2). Pub. L. 90–77, § 105, substituted ''$70'' for ''$65''.

Subsec. (d). Pub. L. 90–77, § 101(a), qualified widow of a veteran for a pension by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenupital birth.

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.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1533 of this title.

§ 1533. Children of Civil War veterans

Whenever there is no surviving spouse entitled to pension under section 1532 of this title, the Secretary shall pay to the children of each Civil War veteran who met the service requirements of section 1532 of this title a pension at the monthly rate of $73.13 for one child, plus $8.13 for each additional child, with the total amount equally divided.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1137, § 533; Pub. L. 94–169, title I, § 106(25), Dec. 23, 1975, 89 Stat. 1018; renumbered § 1533 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 533 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1532'' for ''532'' in two places.

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

1975—Pub. L. 94–169 substituted ''surviving spouse'' for ''widow''.

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.

§ 1534. Surviving spouses of Indian War veterans

(a) The Secretary shall pay to the surviving spouse of each Indian War veteran who met the service requirements of section 1511 of this title a pension at the following monthly rate:

(1) $40.64 if such surviving spouse is below seventy years of age; or

(2) $70 if such surviving spouse is seventy years of age or older.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by $8.13 per month for each such child.

(c) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

(1) before March 4, 1917; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1137, § 534; Pub. L. 90–77, title I, §§ 101(a), 105, Aug. 31, 1967, 81 Stat. 178, 179; Pub. L. 94–169, title I, § 106(26)–(29), Dec. 23, 1975, 89 Stat. 1018; Pub. L. 102–54, § 14(b)(7), June 13, 1991, 105 Stat. 283; renumbered § 1534 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 534 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1511'' for ''511'' in introductory provisions.

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

Pub. L. 102–54 substituted a period for semicolon at end of par. (2) and struck out at end ''; unless such surviving spouse was the spouse of the veteran during such veteran's service in one of the Indian Wars, in which case the monthly rate shall be $75.''

1975—Pub. L. 94–169, § 106(29), substituted ''Surviving spouses'' for ''Widows'' in section catchline.

Subsec. (a). Pub. L. 94–169, § 106(26), substituted ''pay to a surviving spouse'' for ''paid to a widow'', ''unless such surviving spouse'' for ''she'' wherever appearing, ''was the spouse'' for ''was the wife'' and ''such veteran's'' for ''his''.

Subsec. (b). Pub. L. 94–169, § 106(27), substituted ''surviving spouse'' for ''widow''.

Subsec. (c). Pub. L. 94–169, § 106(28), substituted ''paid to a surviving spouse'' for ''paid to a widow'', ''unless such surviving spouse'' for ''unless she'' and ''such veteran'' for ''him''.

1967—Subsec. (a)(2). Pub. L. 90–77, § 105, substituted ''$70'' for ''$65''.

Subsec. (c). Pub. L. 90–77, § 101(a), qualified widow of a veteran for a pension by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

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.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1535 of this title.

§ 1535. Children of Indian War veterans

Whenever there is no surviving spouse entitled to pension under section 1534 of this title, the Secretary shall pay to the children of each Indian War veteran who met the service requirements of section 1511 of this title a pension at the monthly rate of $73.13 for one child, plus $8.13 for each additional child, with the total amount equally divided.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1137, § 535; Pub. L. 94–169, title I, § 106(31), Dec. 23, 1975, 89 Stat. 1018; renumbered § 1535 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 535 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1534'' for ''534'' and ''1511'' for ''511''.

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

1975—Pub. L. 94–169 substituted ''surviving spouse'' for ''widow''.

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.

§ 1536. Surviving spouses of Spanish-American War veterans

(a) The Secretary shall pay to the surviving spouse of each Spanish-American War veteran who met the service requirements of section 1512(a) of this title a pension at the monthly rate of $70, unless such surviving spouse was the spouse of the veteran during such veteran's service in the Spanish-American War, in which case the monthly rate shall be $75.

(b) If there is a child of the veteran, the rate of pension paid to the surviving spouse under subsection (a) shall be increased by $8.13 per month for each such child.

(c) No pension shall be paid to a surviving spouse of a veteran under this section unless such surviving spouse was married to such veteran—

(1) before January 1, 1938; or

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(d)(1) Any surviving spouse eligible for pension under this section shall, if such surviving spouse so elects, be paid pension at the rates prescribed by section 1541 of this title, and under the conditions (other than the service requirements) applicable to pension paid under that section to surviving spouses of veterans of a period of war. If pension is paid pursuant to such an election, the election shall be irrevocable.

(2) The Secretary shall pay each month to the surviving spouse of each Spanish-American War veteran who is receiving, or entitled to receive, pension based on a need of regular aid and attendance, whichever amount is greater (A) that which is payable to such surviving spouse under

subsections (a) and (b) of this section as increased by section 544[1] of this title, as in effect on December 31, 1978; or (B) that which is payable under section 1541 of this title, as in effect on December 31, 1978, as increased by such section 544,[1] as in effect on such date, to a surviving spouse of a World War I veteran with the same annual income and corpus of estate. Each change in the amount of pension required by this paragraph shall be effective as of the first day of the month during which the facts of the particular case warrant such change, and shall be made without specific application therefor.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 536; Pub. L. 90–77, title I, §§ 101(a), 105, Aug. 31, 1967, 81 Stat. 178, 179; Pub. L. 92–328, title I, § 107, June 30, 1972, 86 Stat. 395; Pub. L. 94–169, title I, § 106(32)–(37), Dec. 23, 1975, 89 Stat. 1018, 1019; Pub. L. 95–588, title I, § 108, Nov. 4, 1978, 92 Stat. 2502; renumbered § 1536 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Section 544 of this title, referred to in subsec. (d)(2), was repealed by Pub. L. 95–588, title I, § 112(a)(1), Nov. 4, 1978, 92 Stat. 2505, eff. Jan. 1, 1979.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 536 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1512(a)'' for ''512(a)''.

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

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1541'' for ''541'' in pars. (1) and (2).

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

1978—Subsec. (d)(1). Pub. L. 95–588, § 108(1), substituted ''a period of war'' for ''World War I'', and struck out '', except as provided in paragraph (2)'' after ''irrevocable''.

Subsec. (d)(2). Pub. L. 95–588, § 108(2), inserted '', as in effect on December 31, 1978'' after ''of this title'' in two places, and ''as in effect on such date'' after ''such section 544''.

1975—Pub. L. 94–169, § 106(37), substituted ''Surviving spouses'' for ''Widows'' in section catchline.

Subsec. (a). Pub. L. 94–169, § 106(32), substituted ''pay to the surviving spouse'' for ''pay to the widow'', ''unless such surviving spouse'' for ''unless she'', ''the spouse'' for ''the wife'' and ''such veteran's'' for ''his''.

Subsec. (b). Pub. L. 94–169, § 106(33), substituted ''surviving spouse'' for ''widow''.

Subsec. (c). Pub. L. 94–169, § 106(33), substituted ''paid to a surviving spouse'' for ''paid to a widow'', ''unless such surviving spouse'' for ''unless she'' and ''such veteran'' for ''him''.

Subsec. (d)(1). Pub. L. 94–169, § 106(34), substituted ''Any surviving spouse'' for ''Any widow'', ''if such surviving spouse'' for ''if she'' and ''surviving spouses'' for ''widows''.

Subsec. (d)(2). Pub. L. 94–169, § 106(35), (36), substituted ''surviving spouse'' for ''widow'' wherever appearing, and ''such surviving spouse'' for ''her''.

1972—Subsec. (d). Pub. L. 92–328 added subsec. (d).

1967—Subsec. (a). Pub. L. 90–77, § 105, substituted ''$70'' for ''$65''.

Subsec. (c). Pub. L. 90–77, § 101(a), qualified widow of a veteran for a pension by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

[1] See References in Text note below.

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.

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 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION

Maximum annual pension rates under subsec. (d)(2) of this section increased by $600, effective Oct. 1, 1998, see section 8206 of Pub. L. 105–178, set out as a note under section 1521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1537 of this title.

§ 1537. Children of Spanish-American War veterans

Whenever there is no surviving spouse entitled to pension under section 1536 of this title, the Secretary shall pay to the children of each Spanish-American War veteran who met the service requirements of section 1512(a) of this title a pension at the monthly rate of $73.13 for one child, plus $8.13 for each additional child, with the total amount equally divided.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 537; Pub. L. 94–169, title I, § 106(39), Dec. 23, 1975, 89 Stat. 1019; renumbered § 1537 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 537 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1536'' for ''536'' and ''1512(a)'' for ''512(a)''.

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

1975—Pub. L. 94–169 substituted ''surviving spouse'' for ''widow''.

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.

OTHER PERIODS OF WAR

AMENDMENTS

1991—Pub. L. 102–25, title III, § 333(c)(1), Apr. 6, 1991, 105 Stat. 88, substituted ''OTHER PERIODS OF WAR'' for ''MEXICAN BORDER PERIOD, WORLD WAR I, WORLD WAR II, THE KOREAN CONFLICT, AND THE VIETNAM ERA'' as subheading.

1970—Pub. L. 91–588, § 9(d)(3), Dec. 24, 1970, 84 Stat. 1585, inserted reference to Mexican border period in subheading.

1967—Pub. L. 90–77, title III, § 202(j), Aug. 31, 1967, 81 Stat. 183, inserted reference to Vietnam era in subheading.

§ 1541. Surviving spouses of veterans of a period of war

(a) The Secretary shall pay to the surviving spouse of each veteran of a period of war who met the service requirements prescribed in section 1521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, pension at the rate prescribed by this section, as increased from time to time under section 5312 of this title.

(b) If no child of the veteran is in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of $2,379, reduced by the amount of the surviving spouse's annual income.

(c) If there is a child of the veteran in the custody of the surviving spouse, pension shall be paid to the surviving spouse at the annual rate of $3,116. If the surviving spouse has custody of two or more such children, the annual pension rate shall be increased by $600 for each such child in excess of one. In each case, the rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.

(d)(1) If a surviving spouse who is entitled to pension under subsection (b) of this section is in need of regular aid and attendance, the annual rate of pension payable to such surviving spouse shall be $3,806, reduced by the amount of the surviving spouse's annual income.

(2) If a surviving spouse who is entitled to pension under subsection (c) of this section is in need of regular aid and attendance, the annual rate of pension payable to the surviving spouse shall be $4,543. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by $600 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the annual income of each such child.

(e)(1) If the surviving spouse is permanently housebound but does not qualify for pension at the aid and attendance rate provided by subsection (d) of this section, the annual rate of pension payable to such surviving spouse under subsection (b) of this section shall be $2,908 and the annual rate of pension payable to such surviving spouse under subsection (c) of this section shall be $3,645. If there are two or more children of the veteran in such surviving spouse's custody, the annual rate of pension shall be increased by $600 for each such child in excess of one. The rate payable shall be reduced by the amount of the surviving spouse's annual income and, subject to subsection (g) of this section, the income of any child of the veteran for whom the surviving spouse is receiving increased pension.

(2) For purposes of paragraph (1) of this subsection, the requirement of "permanently housebound" shall be met when the surviving spouse is substantially confined to such surviving spouse's house (ward or clinical areas, if institutionalized) or immediate premises by reason of a disability or disabilities reasonably certain to remain throughout such surviving spouse's lifetime.

(f) No pension shall be paid under this section to a surviving spouse of a veteran unless the spouse was married to the veteran—

(1) before (A) December 14, 1944, in the case of a surviving spouse of a Mexican border period or World War I veteran, (B) January 1, 1957, in the case of a surviving spouse of a World War II veteran, (C) February 1, 1965, in the case of a surviving spouse of a Korean conflict veteran, (D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran, or (E) January 1, 2001, in the case of a surviving spouse of a veteran of the Persian Gulf War;

(2) for one year or more; or

(3) for any period of time if a child was born of the marriage, or was born to them before the marriage.

(g) In determining the annual income of a surviving spouse for the purposes of this section, if there is a child of the veteran in the custody of the surviving spouse, that portion of the annual income of the child that is reasonably available to or for the surviving spouse shall be considered to be income of the surviving spouse, unless in the judgment of the Secretary to do so would work a hardship on the surviving spouse.

(h) As used in this section and section 1542 of this title, the term "veteran" includes a person who has completed at least two years of honorable active military, naval, or air service, as certified by the Secretary concerned, but whose death in such service was not in line of duty.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 541; Pub. L. 86–211, § 4, Aug. 29, 1959, 73 Stat. 434; Pub. L. 88–664, § 3(c), (d), Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90–77, title I, §§ 101(a), 106, title II, § 202(d)–(f), Aug. 31, 1967, 81 Stat. 178, 179, 182; Pub. L. 90–275, § 1(c), (d), Mar. 28, 1968, 82 Stat. 65, 66; Pub. L. 91–588, §§ 1(c), (d), 9(d), Dec. 24, 1970, 84 Stat. 1581, 1584; Pub. L. 92–198, § 1(c)–(e), Dec. 15, 1971, 85 Stat. 663, 664; Pub. L. 93–177, § 1(c), (d), 2, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 3, Dec. 21, 1974, 88 Stat. 1703; Pub. L. 94–169, title I, §§ 101(2)(B), (C), (H), 103, 106(40), Dec. 23, 1975, 89 Stat. 1013, 1014, 1016, 1019; Pub. L. 94–432, title II, § 203, Sept. 30, 1976, 90 Stat. 1370; Pub. L. 95–204, title I, § 102, Dec. 2, 1977, 91 Stat. 1456; Pub. L. 95–588, title I, § 109(a), Nov. 4, 1978, 92 Stat. 2503; Pub. L. 102–25, title III, § 333(b), Apr. 6, 1991, 105 Stat. 88; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1541 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 541 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "1521(j)" for "521(j)".

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102–40 substituted "5312" for "3112".

Subsec. (f)(1)(E). Pub. L. 102–25 added cl. (E).

Subsec. (g). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (h). Pub. L. 102–83, § 5(c)(1), substituted "1542" for "542".

1978—Subsec. (a). Pub. L. 95–588 revised eligibility provisions relating to surviving spouses to apply to veterans of any period of war rather than veterans of specifically named wars and inserted reference to periodic increases of rate of pension payments pursuant to section 3112 of this title.

Subsec. (b). Pub. L. 95–588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of $2,379 for a formula for determining such annual pension based upon annual income of the veteran, and struck out minimum and maximum monthly payment requirements.

Subsec. (c). Pub. L. 95–588 qualified parental requirement of this subsection by inserting custody provision, substituted a fixed pension amount of $3,116 for a formula for determining such annual pension based upon annual income of the veteran, and inserted a provision authorizing an annual pension rate increase of $600 for each family member of an eligible veteran in excess of one.

Subsec. (d). Pub. L. 95–588 substituted provisions prescribing a fixed amount of $3,806, as reduced by an annual income deduction, as the annual rate of pension payable to a surviving spouse entitled to a pension under subsec. (b) of this section and in need of regular aid and attendance and a fixed amount of $4,543, subject to a similar deduction for income of spouse and child, as the annual rate of pension payable to a surviving spouse entitled to a pension under subsec. (c) of this section and in need of such aid for provision prescribing the monthly rate of pension payable under subsec. (c) of this section where there is a surviving spouse and more than one child.

Subsec. (e). Pub. L. 95–588 substituted provisions relating to a surviving spouse who is permanently housebound for provisions specifying the eligibility requirements for such surviving spouses.

Subsec. (f). Pub. L. 95–588 substituted provisions specifying the eligibility requirements for surviving spouses for provision defining ''veteran''.

Subsecs. (g), (h). Pub. L. 95–588 added subsecs. (g) and (h).

1977—Subsec. (b)(1). Pub. L. 95–204, §102(1), increased monthly rate of pension from $125 to $133, inserted authorization for reductions by .07 for amounts more than 2,800 but not more than 3,770, and substituted ''1,100'' for ''1,200'' in two places, ''1,800'' for ''2,300'' in two places, and ''2,800'' for ''3,540''.

Subsec. (b)(3). Pub. L. 95–204, §102(2), substituted ''$3,770'' for ''$3,540''.

Subsec. (c)(1). Pub. L. 95–204, §102(3), increased monthly rate of pension from $149 to $159, and substituted ''1,600'' for ''1,700'' in two places, ''2,400'' for ''2,500'' in two places, ''2,900'' for ''3,300'' in two places, and ''5,070'' for ''4,760''.

Subsec. (c)(2). Pub. L. 95–204, §102(4), substituted ''$5,070'' for ''$4,760''.

Subsec. (d). Pub. L. 95–204, §102(5), substituted ''$26'' for ''$24''.

1976—Subsec. (b)(1). Pub. L. 94–432, §203(1), increased monthly rate of pension from $117 to $125 and substituted $900 to $1,200 for $900 to $1,500, $1,200 to $2,300 for $1,500 to $2,700 and $2,300 to $3,540 for $2,700 to $3,300.

Subsec. (b)(3). Pub. L. 94–432, §203(2), substituted ''$3,540'' for ''$3,300''.

Subsec. (c)(1). Pub. L. 94–432, §203(3), increased monthly rate of pension from $139 to $149 and substituted $1,100 to $1,700 for $1,100 to $1,800, $1,700 to $2,500 for $1,800 to $2,700, $2,500 to $3,300 for $2,700 to $3,500 and $3,300 to $4,760 for $3,500 to $4,500.

Subsec. (c)(2). Pub. L. 94–432, §203(4), substituted ''$4,760'' for ''$4,500''.

Subsec. (d). Pub. L. 94–432, §203(5), substituted ''$24'' for ''$22''.

1975—Pub. L. 94–169, §101(2)(H), substituted ''Surviving Spouses'' for ''Widows'' in section catchline.

Subsec. (a). Pub. L. 94–169, §101(2)(B), substituted ''surviving spouse'' for ''widow'' and struck out ''his'' before ''death''.

Subsec. (b). Pub. L. 94–169, §103(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, monthly rate of pension from $108 to $117, substituted $900 to $1500 for $900 to $2100, $1500 to $2700 for $2100 to $3000 the minimum and maximum income ranges for which the pension rates will be reduced by 4 and 5 cents per dollar, respectively, inserted income range of $2700 to $3300 for which the pension rate will be reduced by 6 cents, and increased from $3000 to $3300 the maximum income in excess of which no pension will be paid.

Subsec. (c). Pub. L. 94–169, §103(1), increased, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, pension rate from $128 to $139, substituted $1100 to $1800 for $1100 to $2100, $1800 to $2700 for $2100 to $3000, $2700 to $3500 for $3000 to $4200 the minimum and maximum income ranges for which the pension rates will be reduced by 2, 3 and 4 cents per dollar, respectively, inserted income range of $3500 to $4500 for which the rate will be reduced by 5 cents, and increased the maximum income from $4200 to $4500 in excess of which no pension will be paid.

Subsec. (d). Pub. L. 94–169, §103(2), substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''surviving spouse'' for ''widow'' and ''$22'' for ''$20''.

Subsec. (e). Pub. L. 94–169, §101(2)(C), substituted ''to a surviving spouse of a veteran under this section unless the spouse was married to the veteran'' for ''to a widow of a veteran under this section unless she was married to him'', and ''(D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran'' for ''(D) before the expiration of ten years following termination of the Vietnam era in the case of a widow of a Vietnam era veteran''.

Subsec. (e)(1). Pub. L. 94–169, §106(40), substituted ''surviving spouse'' for ''widow'' in subcls. (A), (B) and (C).

1974—Subsec. (b). Pub. L. 93–527, §3(1), substituted ''$108'' for ''$96'', ''$900'' for ''$1400'' wherever appearing, and ''$2100'' for ''$2600'', and inserted provisions for reduction by 5 cents for each dollar of annual income in excess of $2100 up to and including $3000, that in no event shall monthly rate of pension be less than $5.00, and raising the maximum income from $2600 to $3000.

Subsec. (c). Pub. L. 93–527, §3(2), substituted ''$128'' for ''$114'', and ''$2100'' for ''$2500'' wherever appearing, ''$3000'' for ''$3400'' wherever appearing, and ''$4200'' for ''$3800'' wherever appearing.

Subsec. (d). Pub. L. 93–527, §3(3), substituted ''$20'' for ''$18''.

Subsec. (f). Pub. L. 93–527, §3(4), added subsec. (f).

1973—Subsec. (b). Pub. L. 93–177, §1(c), substituted ''$86'' for ''$87'' and ''$1,400'' for ''$1,900''.

Subsec. (c). Pub. L. 93–177, §1(d), substituted ''$700'' for ''$600'', ''$114'' for ''$104'', ''$1,100'' for ''$1,400'', ''$2,500'' for ''$2,700'', and ''$3,400'' for ''$3,800'' in existing provisions and inserted provision for a reduction of 4 cents in monthly rate for each $1 of annual income in excess of $3,400 up to and including $3,800.

Subsec. (d). Pub. L. 93–177, §2, substituted ''$18'' for ''$17''.

1971—Subsec. (b). Pub. L. 92–198, §1(c), substituted formula for computing monthly pension rates of widow without child by providing for a maximum monthly pension for each group within designated income category and for computing each individual's monthly pension by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out income and pension rates, and raised the maximum income from $2,300 to $2,600.

Subsec. (c). Pub. L. 92–198, §1(d), substituted formula for computing monthly pension rates of widow with one child by providing for a maximum monthly pension for each group with designated annual income category and for computing each individual's monthly benefit rate by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded, for table setting out income and pension rates, and further providing that whenever the monthly rate payable is less than the amount payable to the child under section 542 of this title, the widow would be paid at the child's rate, and raised the maximum income from $3,500 to $3,800.

Subsec. (d). Pub. L. 92–198, §1(e), substituted ''$17'' for ''$16''.

1970—Pub. L. 91–588, §9(d)(3), inserted reference to Mexican border period in section catchline.

Subsec. (a). Pub. L. 91–588, §9(d)(1), inserted reference to Mexican border period.

Subsec. (b). Pub. L. 91–588, §1(c), provided new annual income limits to measure monthly pension rates of widow without child by inserting minimum income limits of $2,000, $2,100, and $2,200 with maximum limits of $2,100, $2,200, and $2,300 for monthly benefits of $29, $23, and $17, respectively, and within existing annual income limits from a maximum of $300 to a maximum of $2,000, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$81'' for ''$74'', ''80'' for ''73'', ''79'' for ''72'', ''78'' for ''70'', ''76'' for ''67'', ''73'' for ''64'', ''70'' for ''61'', ''67'' for ''58'', ''64'' for ''55'', ''61'' for ''51'', ''58'' for ''48'', ''55'' for ''45'', ''51'' for ''41'', ''48'' for ''37'', ''45'' for ''33'', ''41'' for ''29'', ''37'' for ''23'', and ''33'' for ''17''.

Subsec. (c). Pub. L. 91–588, §1(d), provided new annual income limits to measure monthly pension rates of widow with one child by inserting minimum income limits of $3,200, $3,300, and $3,400 with maximum limits of $3,300, $3,400, and $3,500 for monthly benefits of $45, $43, and $41, respectively, and within existing annual income limits from a maximum of $600 to a maximum of $3,200, as well as the in-between limits set out in one-hundred dollar increments, the applicable monthly benefit for each limit was amended, respectively, by substituting in column II ''$99'' for ''$90'', ''98'' for ''89'', ''97'' for ''88'', ''96'' for ''87'', ''95'' for ''86'', ''94'' for ''85'', ''92'' for ''83'', ''90'' for ''81'', ''88'' for ''79'', ''86'' for ''77'', ''84'' for ''75'', ''82'' for ''73'', ''80'' for ''71'', ''78'' for ''69'', ''76'' for ''67'', ''74'' for ''65'', ''72'' for ''63'', ''70'' for ''61'', ''68'' for ''59'', ''66'' for ''57'', ''64'' for ''55'', ''62'' for ''53'', ''59'' for ''51'', ''56'' for ''48'', ''53'' for ''45'', ''51'' for ''43'', and ''48'' for ''41''.

Subsec. (e)(1). Pub. L. 91–588, §9(d)(2), inserted reference to Mexican border period.

1968—Subsec. (b). Pub. L. 90–275, §1(c), in providing new annual income limits to measure monthly pension rates of widow without child, substituted minimum income limit of $300 for monthly benefit of $74 for former $600 limit for monthly benefit of $70, maximum income limit of $2,000 for monthly benefit of $17 for former $1,800 limit for monthly benefit of $29, and sixteen other in-between limits in one hundred dollar increments from more than $300 to less than $1,900 for monthly benefits of $73 to $23 for former in-between limit of more than $600 but less than $1,200 for monthly benefit of $51.

Subsec. (c). Pub. L. 90–275, §1(d), in providing new annual income limits to measure monthly pension rates of widow with one child, substituted minimum income limit of $600 for monthly benefit of $90 for former $1,000 limit for monthly benefit of $86, maximum income limit of $3,200 for monthly benefit of $41 for former $3,000 limit for monthly benefit of $45, and twenty-five other in-between limits in one hundred dollar increments from more than $600 to less than $3,100 for monthly benefits of $89 to $43 for former in-between limit of more than $1,000 but less than $2,000 for monthly benefit of $67.

1967—Pub. L. 90–77, §202(f), inserted reference to Vietnam era in section catchline.

Subsec. (a). Pub. L. 90–77, §202(d), inserted reference to Vietnam era.

Subsec. (b). Pub. L. 90–77, §106(a), increased monthly pension rate in column II from $64, $48, and $27 to $70, $51, and $29, respectively.

Subsec. (c). Pub. L. 90–77, §106(b), increased monthly pension rate in column II from $80, $64, and $43 to $86, $67, and $45, respectively.

Subsec. (d). Pub. L. 90–77, §106(c), substituted ''$16'' for ''$15''.

Subsec. (e)(1). Pub. L. 90–77, §202(e), added item (D).

Subsec. (e)(2), (3). Pub. L. 90–77, §101(a), qualified widow of a veteran for a pension by reducing in par. (2) the requisite marriage period from five years to one year and by making her eligible for benefits in par. (3) in event of antenuptial birth.

1964—Subsec. (b). Pub. L. 88–664, §3(c), increased monthly pension rate in column II from $60, $45, and $25 to $64, $48, and $27, respectively.

Subsec. (c). Pub. L. 88–664, §3(d), increased monthly pension rate in column II from $75, $60, and $40 to $80, $64, and $43, respectively.

1959—Pub. L. 86–211 included widows of World War II and Korean conflict veterans in section catchline.

Subsec. (a). Pub. L. 86–211 included widows of World War II and Korean conflict veterans, and struck out provisions which authorized payment of a monthly pension of $50.40 to a widow with no child and $63 to a widow with one child, with $7.56 for each additional child. See subsecs. (b) to (d) of this section.

Subsecs. (b) to (e). Pub. L. 86–211 added subsecs. (b) to (d), redesignated former subsec. (b) as (e), and inserted provisions relating to the date by which a widow was required to be married to a veteran of World War II or the Korean conflict.

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 1977 AMENDMENT

Amendment by Pub. L. 95–204 effective Jan. 1, 1978, see section 302 of Pub. L. 95–204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94–432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Sections 101 and 106 of Pub. L. 94–169 provided that the amendments made by those sections are effective Jan. 1, 1976.

Section 103 of Pub. L. 94–169, as amended by section 101 of Pub. L. 94–432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–177 effective Jan. 1, 1974, see section 8 of Pub. L. 93–177, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment Pub. L. 90–275 effective Jan. 1, 1969, see section 6(a) of Pub. L. 90–275, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–664 effective Jan. 1, 1965, see section 11 of Pub. L. 88–664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–211 effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as a note under section 1521 of this title.

PENSION, DEPENDENCY, AND INDEMNITY COMPENSATION; RELATION TO SOCIAL SECURITY AMENDMENTS OF 1967

Payments for balance of calendar year 1968 and calendar year 1969, calendar year 1970, and during each successive calendar year at prescribed monthly rates when payments would be less under this title as a result of increase in monthly insurance benefits provided by Social Security Amendments of 1967, see section 3 of Pub. L. 90–275, set out as a note under section 1521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1506, 1508, 1536, 1542, 1543, 5123, 5304, 5312 of this title; title 42 section 8624.

§ 1542. Children of veterans of a period of war

The Secretary shall pay to each child (1) who is the child of a deceased veteran of a period of war who met the service requirements prescribed in section 1521(j) of this title, or who at the time of death was receiving (or entitled to receive) compensation or retirement pay for a service-connected disability, and (2) who is not in the custody of a surviving spouse eligible for pension under section 1541 of this title, pension at the annual rate of $600, as increased from time to time under section 5312 of this title and reduced by the amount of such child's annual income; or, if such child is residing with a person who is legally responsible for such child's support, at an annual rate equal to the amount by which the appropriate annual rate provided under section 1541(c) of this title exceeds the sum of the annual income of such child and such person, but in no event may such annual rate of pension exceed the amount by which $600, as increased from time to time under section 5312 of this title, exceeds the annual income of such child. The appropriate annual rate under such section 1541(c) for the purposes of the preceding sentence shall be determined in accordance with regulations which the Secretary shall prescribe.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 542; Pub. L. 86–211, § 4, Aug. 29, 1959, 73 Stat. 435; Pub. L. 88–664, § 4, Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90–77, title I, § 107, title II, § 202(g), (h), Aug. 31, 1967, 81 Stat. 180, 182; Pub. L. 91–588, §§ 3(c), 9(e), Dec. 24, 1970, 84 Stat. 1583, 1585; Pub. L. 92–198, § 1(f), Dec. 15, 1971, 85 Stat. 664; Pub. L. 93–177, § 3, Dec. 6, 1973, 87 Stat. 695; Pub. L. 93–527, § 4, Dec. 21, 1974, 88 Stat. 1703; Pub. L. 94–169, title I, §§ 101(2)(D), 104, Dec. 23, 1975, 89 Stat. 1014, 1016; Pub. L. 94–432, title II, § 204, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95–204, title I, § 103, Dec. 2, 1977, 91 Stat. 1457; Pub. L. 95–588, title I, § 110(a), Nov. 4, 1978, 92 Stat. 2504; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1542 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 542 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1521(j)'' for ''521(j)'', ''1541'' for ''541'', and ''1541(c)'' for ''541(c)'' in two places.

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

Pub. L. 102–40 substituted ''5312'' for ''3112'' in two places.

1978—Pub. L. 95–588 amended section generally to speak in terms of children of veterans of any period of war rather than children of veterans of specifically named conflicts, restructured section to eliminate subsection designations, struck out provision formerly comprising subsec. (b) of this section which related to payment of pensions to recipient children in equal shares, and inserted reference to periodic pension increases pursuant to section 3112 of this title.

1977—Subsec. (a). Pub. L. 95–204, § 103(1), substituted ''$61'' and ''$26'' for ''$57'' and ''$24'', respectively.

Subsec. (c). Pub. L. 95–204, § 103(2), substituted ''$3,080'' for ''$2,890''.

1976—Subsec. (a). Pub. L. 94–432, § 204(1), substituted ''$57'' and ''$24'' for ''$53'' and ''$22'', respectively.

Subsec. (c). Pub. L. 94–432, § 204(2), substituted ''$2,890'' for ''$2,700''.

1975—Subsec. (a). Pub. L. 94–169, §§ 101(2)(D), 104(1), substituted ''surviving spouse'' for ''widow'', struck out ''his'' before ''death,'' and, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, substituted ''$53'' for ''$49'' and ''$22'' for ''$20''.

Subsec. (c). Pub. L. 94–169, § 104, substituted, effective for period beginning Jan. 1, 1976, and ending Sept. 30, 1976, ''$2700'' for ''$2400''.

1974—Subsec. (a). Pub. L. 93–527, § 4(1), substituted ''$49'' and ''$20'' for ''$44'' and ''$18'' respectively.

Subsec. (c). Pub. L. 93–527, § 4(2), substituted ''$2,400'' for ''$2,000''.

1973—Subsec. (a). Pub. L. 93–177 substituted ''$44'' for ''$42'' and ''$18'' for ''$17''.

1971—Subsec. (a). Pub. L. 92–198 substituted ''$42'' and ''$17'' for ''$40'' and ''$16'' respectively.

1970—Pub. L. 91–588, § 9(e)(2), inserted reference to Mexican border period in section catchline.

Subsec. (a). Pub. L. 91–588, § 9(e)(1), inserted reference to Mexican border period.

Subsec. (c). Pub. L. 91–588, § 3(c), substituted ''$2,000'' for ''$1,800''.

1967—Pub. L. 90–77, § 202(h), inserted reference to Vietnam era in section catchline.

Subsec. (a). Pub. L. 90–77, §§ 107, 202(g), substituted ''$40'' and ''$16'' for ''$38'' and ''$15'' and included reference to Vietnam era, respectively.

1964—Subsec. (a). Pub. L. 88–664 increased monthly pension for one child from $35 to $38.

1959—Pub. L. 86–211 included children of World War II and Korean conflict veterans in section catchline.

Subsec. (a). Pub. L. 86–211 included children of World War II and Korean conflict veterans, and substituted provisions authorizing the payment of a monthly pension of $35 for one child with $15 for each additional child for provisions which authorized the payment of $27.30 for one child, $40.95 for two children, $54.60 for three children and $7.56 for each additional child.

Subsec. (c). Pub. L. 86–211 added subsec. (c).

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 1977 AMENDMENT

Amendment by Pub. L. 95–204 effective Jan. 1, 1978, see section 302 of Pub. L. 95–204, set out as a note under section 1122 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–432 effective Jan. 1, 1977, see section 405(b) of Pub. L. 94–432, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 101 of Pub. L. 94–169 provided that the amendment made by that section is effective Jan. 1, 1976.

Section 104 of Pub. L. 94–169, as amended by section 101 of Pub. L. 94–432, eff. Sept. 30, 1976, provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–177 effective Jan. 1, 1974, see section 8 of Pub. L. 93–177, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–664 effective Jan. 1, 1965, see section 11 of Pub. L. 88–664, set out as a note under section 1503 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–211 effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as a note under section 1521 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1506, 1508, 1541, 1543, 5123, 5312 of this title; title 42 section 8624.

§ 1543. Net worth limitation

(a)(1) The Secretary shall deny or discontinue payment of pension to a surviving spouse under section 1541 of this title when the corpus of the estate of the surviving spouse is such that under all the circumstances, including consideration of the income of the surviving spouse and the income of any child from whom the surviving spouse is receiving increased pension, it is reasonable that some part of the corpus of such estate be consumed for the surviving spouse's maintenance.

(2) The Secretary shall deny or discontinue the payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child when the corpus of such child's estate is such that under all the circumstances, including consideration of the income of the surviving spouse and such child and the income of any other child for whom the surviving spouse is receiving increased pension, it is reasonable that some part of the corpus of the child's estate be consumed for the child's maintenance. During the period such denial or discontinuance remains in effect, such child shall not be considered as the surviving spouse's child for purposes of this chapter.

(b) The Secretary shall deny or discontinue payment of pension to a child under section 1542 of this title when the corpus of the estate of the child is such that under all the circumstances, including consideration of the income of the child, the income of any person with whom such child is residing who is legally responsible for such child's support, and the corpus of the estate of such person, it is reasonable that some part of the corpus of such estates be consumed for the child's maintenance.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1138, § 543; Pub. L. 86–211, § 4, Aug. 29, 1959, 73 Stat. 435; Pub. L. 94–169, title I, § 101(2)(E), Dec. 23, 1975, 89 Stat. 1014; Pub. L. 95–588, title I, § 111, Nov. 4, 1978, 92 Stat. 2504; renumbered § 1543 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 543 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "1541" for "541" in pars. (1) and (2).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in pars. (1) and (2).

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted "1542" for "542".

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1978—Pub. L. 95–588 designated existing provisions relating to denial or discontinuance of pension payments to surviving spouses as subsec. (a), expanded existing provisions relating to denial or discontinuance of pension payments to children of veterans, and designated such expanded provisions as subsecs. (a)(2) and (b).

1975—Pub. L. 94–169 substituted "surviving spouse" for "widow".

1959—Pub. L. 86–211 substituted provisions requiring the denial or discontinuance of payment of pension to a widow or child when the corpus of the estate of the survivor concerned is such that under all the circumstances, including consideration of income, it is reasonable that some part of the corpus be consumed for the survivor's maintenance for provisions which authorized the payment of a pension to widows of World War II or Korean conflict veterans. See section 1541 of this title.

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 101 of Pub. L. 94–169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86–211 effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as a note under section 1521 of this title.

[SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR—REPEALED]

AMENDMENTS

1978—Pub. L. 95–588, title I, § 112(a)(2), Nov. 4, 1978, 92 Stat. 2505, struck out heading "SURVIVING SPOUSES OF VETERANS OF ALL PERIODS OF WAR" below section 543 [now 1543].

1975—Pub. L. 94–169, title I, § 101(2)(I), Dec. 23, 1975, 89 Stat. 1014, substituted "SURVIVING SPOUSES" for "WIDOWS" in heading below section 543.

[§ 1544. Vacant]

CODIFICATION

Prior to renumbering of sections 501 to 543 of this chapter as sections 1501 to 1543 by Pub. L. 102–83, § 5(a),

Aug. 6, 1991, 105 Stat. 406, section 544 of this chapter, added Pub. L. 90–77, title I, § 108(a), Aug. 31, 1967, 81 Stat. 180; amended Pub. L. 91–588, § 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 93–527, § 5, Dec. 21, 1974, 88 Stat. 1704; Pub. L. 94–169, title I, § 105, Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94–432, title II, § 205, Sept. 30, 1976, 90 Stat. 1371; Pub. L. 95–204, title I, § 104, Dec. 2, 1977, 91 Stat. 1457, which authorized an increase by $79 of the monthly rate of pension payable to the surviving spouse if the surviving spouse was entitled to pension under this subchapter and was in need of regular aid and attendance, was repealed by Pub. L. 95–588, title I, § 112(a)(1), title IV, § 401, Nov. 4, 1978, 92 Stat. 2505, 2511, effective Jan. 1, 1979.

SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD MEDAL OF HONOR ROLL

AMENDMENTS

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 subchapter heading.

§ 1560. Medal of Honor Roll; persons eligible

(a) There shall be in the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Department of Transportation, respectively, a roll designated as the ''Army, Navy, Air Force, and Coast Guard Medal of Honor Roll''.

(b) Upon written application to the Secretary concerned, that Secretary shall enter and record on such roll the name of each surviving person who has served on active duty in the armed forces of the United States and who has been awarded a medal of honor for distinguishing such person conspicuously by gallantry and intrepidity at the risk of such person's life above and beyond the call of duty while so serving.

(c) Applications for entry on such roll shall be made in the form and under regulations prescribed by the Secretary concerned, and shall indicate whether or not the applicant desires to receive the special pension provided by section 1562 of this title. Proper blanks and instructions shall be furnished by the Secretary concerned, without charge upon the request of any person claiming the benefits of this subchapter.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1139, § 560; Pub. L. 87–138, § 1, Aug. 14, 1961, 75 Stat. 338; Pub. L. 88–77, § 5(1), July 25, 1963, 77 Stat. 95; Pub. L. 88–651, Oct. 13, 1964, 78 Stat. 1078; Pub. L. 89–311, § 4, Oct. 31, 1965, 79 Stat. 1156; Pub. L. 91–24, § 5, June 11, 1969, 83 Stat. 33; Pub. L. 94–169, title I, § 106(41), Dec. 23, 1975, 89 Stat. 1019; renumbered § 1560 and amended Pub. L. 102–83, §§ 4(b)(4)(A), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 405, 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 560 of this title as this section.

Subsec. (b). Pub. L. 102–83, § 4(b)(4)(A), substituted ''that Secretary'' for second reference to ''the Secretary''.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1562'' for ''562''.

1975—Subsec. (b). Pub. L. 94–169 substituted ''such person'' for ''himself'' and ''such person's'' for ''his''.

1969—Subsec. (a). Pub. L. 91–24 substituted ''Department of Transportation'' for ''Department of the Treasury''.

1965—Subsec. (b). Pub. L. 89–311 struck out requirement that prospective enrollees have attained the age of forty before being eligible for entry on the roll.

1964—Subsec. (b). Pub. L. 88–651 substituted ''forty years'' for ''fifty years'' and ''beyond the call of duty while so serving'' for ''beyond the call of duty—

''(1) while engaged in action against an enemy of the United States;

''(2) while engaged in military operations involving conflict with an opposing foreign force; or

''(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.''

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

Subsec. (b). Pub. L. 88–77 enlarged the authority to enter and record names on the Medal of Honor Roll, which was limited to persons who served in the active military, naval or air service of the United States in any war, and who distinguished themselves by gallantry or intrepidity in action involving actual conflict with an enemy, to permit entering and recording names of persons who served on active duty in the Armed Forces of the United States distinguish themselves by gallantry and intrepidity while engaged in action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

1961—Subsec. (b). Pub. L. 87–138, § 1(a), reduced the age requirement for entry on the Medal of Honor Roll from 65 to 50 years and struck out requirement that such person must have received an honorable discharge.

Subsec. (c). Pub. L. 87–138, § 1(b), required applicants to indicate if they wished to receive the pension provided by section 562 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.

EFFECTIVE DATE OF 1965 AMENDMENT

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.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 4 of Pub. L. 87–138 provided that: ''The amendments made by this Act [amending this section and sections 561 and 562 [now 1561 and 1562] of this title] shall take effect on the first day of the first month which begins after the date of the enactment of this Act [Aug. 14, 1961], except that the amendments made by subsection (b) of the first section [amending subsec. (c) of this section] and by section 2 [amending section 561 [now 1561] of this title] shall not apply with respect to any application under section 560 [now 1560] of title 38, United States Code, made before such first day by any person who fulfilled the qualifications prescribed by subsection (b) of such section at the time such application was made.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1561, 1562 of this title.

§ 1561. Certificate

(a) The Secretary concerned shall determine whether or not each applicant is entitled to have such person's name entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll. If the official award of the Medal of Honor to the applicant, or the official notice to such person thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 1560 of this title, such award

or notice shall be sufficient to entitle the applicant to have such person's name entered on such roll without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.

(b) Each person whose name is entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the Medal of Honor was awarded, of enrollment on such roll, and, if such person has indicated such person's desire to receive the special pension provided by section 1562 of this title, of such person's right to such special pension.

(c) The Secretary concerned shall deliver to the Secretary a certified copy of each certificate issued under subsection (b) in which the right of the person named in the certificate to the special pension provided by section 1562 of this title is set forth. Such copy shall authorize the Secretary to pay such special pension to the person named in the certificate.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1139, § 561; Pub. L. 87–138, § 2(a), Aug. 14, 1961, 75 Stat. 338; Pub. L. 88–77, § 5(2), July 25, 1963, 77 Stat. 95; Pub. L. 94–169, title I, § 106(42), (43), Dec. 23, 1975, 89 Stat. 1019; renumbered § 1561 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 561 of this title as this section.

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

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''1562'' for ''562''.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1562'' for ''562''.

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

1975—Subsec. (a). Pub. L. 94–169, § 106(42), substituted ''such person's'' for ''his'' wherever appearing, and ''such person'' for ''him''.

Subsec. (b). Pub. L. 94–169, § 106(42), substituted ''such person'' for ''he'' and ''such person's'' for ''his'' wherever appearing.

Subsec. (c). Pub. L. 94–169, § 106(43), struck out ''by him'' after ''certificate issued''.

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

1961—Pub. L. 87–138 struck out ''entitling holder to pension'', after ''Certificate'' in section catchline.

Subsec. (a). Pub. L. 87–138 substituted ''have his name entered on the Army, Navy, and Air Force Medal of Honor Roll'' for ''the benefits of this subchapter'', and ''have his name entered on such roll'' for ''special pension under this subchapter''.

Subsec. (b). Pub. L. 87–138 inserted provisions relating to the enrollee's indication of desire to receive pension.

Subsec. (c). Pub. L. 87–138 required the copy to set forth the right of the person named in the certificate to the pension.

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.

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87–138 effective Sept. 1, 1961, except that it shall not apply with respect to applications under section 1560 [formerly 560] of this title made prior to Sept. 1, 1961, by anyone who fulfilled the qualifications prescribed by subsec. (b) of such section 1560 [formerly 560] at the time such application was made, see section 4 of Pub. L. 87–138, set out as a note under section 1560 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1562 of this title.

§ 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 $600, 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.

(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.)

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 Congres-

sional 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

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 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1560, 1561 of this title; title 26 sections 139, 6334.

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. Restriction on use of funds for assisted suicide, euthanasia, or mercy killing.

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

1710. Eligibility for hospital, nursing home, and domiciliary care.
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. Medical care for survivors and dependents of certain veterans.
1714. Fitting and training in use of prosthetic appliances; seeing-eye 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.

Sec.
1720B. Respite care.
1720C. Noninstitutional alternatives to nursing home care.
1720D. Counseling and treatment for sexual trauma.
1720E. Nasopharyngeal radium irradiation.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

1721. Power to make rules and regulations.
1722. Determination of inability to defray necessary expenses; income thresholds.
1722A. Copayment for medications.
1723. Furnishing of clothing.
1724. Hospital care, medical services, and nursing home care abroad.
1726. Reimbursement for loss of personal effects by natural disaster.
1727. Persons eligible under prior law.
1728. Reimbursement of certain medical expenses.
1729. Recovery by the United States of the cost of certain care and services.
1729A. Department of Veterans Affairs Medical Care Collections Fund.
1730. Community residential care.

SUBCHAPTER IV—HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES

1731. Assistance to the Republic of the Philippines.
1732. Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center.
1733. Supervision of program by the President.
1734. Hospital and nursing home care and medical services in the United States.
1735. Definitions.

SUBCHAPTER V—PAYMENTS TO STATE HOMES

1741. Criteria for payment.
1742. Inspections of such homes; restrictions on beneficiaries.
1743. Applications.

SUBCHAPTER VI—SICKLE CELL ANEMIA

1751. Screening, counseling, and medical treatment.
1752. Research.
1753. Voluntary participation; confidentiality.
1754. Reports.
[1761 to 1764. Repealed.]

SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

1771. General treatment.
1772. Therapeutic housing.
1773. Additional services at certain locations.
1774. Coordination with other agencies and organizations.

AMENDMENTS

1998—Pub. L. 105–368, title IX, § 901(b), Nov. 11, 1998, 112 Stat. 3360, added item 1720E.

1997—Pub. L. 105–114, title II, §§ 202(d), 206(b)(3), Nov. 21, 1997, 111 Stat. 2287, 2289, substituted ''Treatment and rehabilitative services for persons with drug or alcohol dependency'' for ''Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities'' in item 1720A, struck out '': pilot program'' after ''home care'' in item 1720C, and added item for subchapter VII and items 1771 to 1774.

Pub. L. 105–33, title VIII, § 8023(a)(2), Aug. 5, 1997, 111 Stat. 667, added item 1729A.

Pub. L. 105–12, § 9(i)(2), Apr. 30, 1997, 111 Stat. 27, added item 1707.

1996—Pub. L. 104–262, title I, §§ 101(c)(2)(B), 104(a)(2), Oct. 9, 1996, 110 Stat. 3179, 3184, added items 1705 and 1706 and substituted ''Dental care; drugs and medicines for certain disabled veterans; vaccines'' for ''Eligibility for outpatient services'' in item 1712.

1994—Pub. L. 103–452, title I, § 101(f)(2)(B), Nov. 2, 1994, 108 Stat. 4784, substituted ''and treatment'' for ''to women veterans'' in item 1720D.

1992—Pub. L. 102–585, title I, § 102(a)(2), title V, §§ 512(b), 514(b), Nov. 4, 1992, 106 Stat. 4946, 4958, added items 1704 and 1720D and struck out subchapter VII heading ''PREVENTIVE HEALTH-CARE SERVICES PILOT PROGRAM'' and items 1761 ''Purpose'', 1762 ''Definition'', 1763 ''Preventive health-care services'', and 1764 ''Reports''.

1991—Pub. L. 102–83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 601 to 664 as 1701 to 1764, respectively.

Pub. L. 102–83, § 4(a)(5), Aug. 6, 1991, 105 Stat. 404, substituted ''non-Department'' for ''non-Veterans' Administration'' in item 603.

1990—Pub. L. 101–508, title VIII, § 8012(a)(2), Nov. 5, 1990, 104 Stat. 1388–345, added item 622A.

Pub. L. 101–366, title II, § 201(a)(2), Aug. 15, 1990, 104 Stat. 438, added item 620C.

1988—Pub. L. 100–322, title I, §§ 101(h)(2), 115(g)(2), May 20, 1988, 102 Stat. 492, 502, substituted ''Eligibility for outpatient services'' for ''Eligibility for medical treatment'' in item 612, substituted ''Home health services; invalid'' for ''Invalid'' in item 617, and struck out item 620C ''Community based psychiatric residential treatment for chronically mentally ill veterans''.

1987—Pub. L. 100–6, § 2(b), Feb. 12, 1987, 101 Stat. 94, added item 620C.

1986—Pub. L. 99–576, title II, § 201(a)(2), 100 Stat. 3254, added item 620B.

Pub. L. 99–272, title XIX, §§ 19011(c)(2), 19012(b)(2), Apr. 7, 1986, 100 Stat. 378, 382, added item 603, and substituted ''Determination'' for ''Evidence'' and inserted ''; income thresholds'' in item 622.

1985—Pub. L. 99–166, title I, §§ 101(b)(2), 107(b), Dec. 3, 1985, 99 Stat. 943, 946, added item 612B and struck out ''; pilot program'' after ''disabilities'' in item 620A.

1983—Pub. L. 98–160, title I, §§ 103(a)(3), 104(b), Nov. 21, 1983, 97 Stat. 996, 998, inserted ''; adult day health care'' in item 620 and added item 630.

1982—Pub. L. 97–295, § 4(15), Oct. 12, 1982, 96 Stat. 1306, substituted ''Hospital care, medical services, and nursing home care abroad'' for ''Hospital care and medical services abroad'' in item 624.

1981—Pub. L. 97–72, title I, §§ 106(a)(2), 107(c)(2), (d)(2), Nov. 3, 1981, 95 Stat. 1051, 1052, 1053, added item 629, substituted ''HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES'' for ''HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS'' in item relating to subchapter IV, and substituted ''Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center'' for ''Contracts and grants to provide hospital care, medical services and nursing home care'' in item 632.

1980—Pub. L. 96–330, title IV, § 401(b), Aug. 26, 1980, 94 Stat. 1051, substituted ''Evidence of inability to defray necessary expenses'' for ''Statement under oath'' in item 622.

1979—Pub. L. 96–22, title I, §§ 103(a)(2), 104(b), 105(b), 106(b), June 13, 1979, 93 Stat. 50, 51, 53, added items 612A, 620A, 634, and 661 to 664 and redesignated former item 634 as 635.

1977—Pub. L. 95–62, § 4(b), July 5, 1977, 91 Stat. 263, struck out item 644 ''Authorization of appropriations''.

1976—Pub. L. 94–581, title II, §§ 202(a), 203(b), Oct. 21, 1976, 90 Stat. 2855, 2856, inserted ''NURSING HOME,'' in chapter heading, and, in analysis of subchapter headings and section catchlines, inserted '', NURSING HOME'' in item for subchapter II, inserted '', nursing home'' in item 610, substituted ''Care'' for ''Hospitalization'' in item 611, and inserted ''AND NURSING HOME'' in item for subchapter III.

1973—Pub. L. 93–82, title I, §§ 103(c), 106(b), 107(b), 109(b), Aug. 2, 1973, 87 Stat. 182, 184, 186, 187, substituted

''Medical care for survivors and dependents of certain veterans'' and ''Fitting and training in use of prosthetic appliances; seeing-eye dogs'' for ''Fitting and training in use of prosthetic appliances'' and ''Seeing-eye dogs'' in items 613 and 614 respectively, substituted ''natural disaster'' for ''fire'' in item 626, added item 628, substituted ''Assistance to the Republic of the Philippines'' and ''Contracts and grants to provide hospital care, medical services and nursing home care'' for ''Grants to the Republic of the Philippines'' and ''Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948'' in items 631 and 632, respectively, and added ''SUBCHAPTER VI—SICKLE CELL ANEMIA'' comprising items 651 to 654.

Pub. L. 93–43, § 4(c)(2), June 18, 1973, 87 Stat. 79, struck out item 625 ''Arrests for crimes in hospitals and domiciliary reservations''.

1969—Pub. L. 91–178, § 2(b), Dec. 30, 1969, 83 Stat. 837, added item 644.

1968—Pub. L. 90–493, § 3(b), Aug. 19, 1968, 82 Stat. 809, substituted ''Invalid lifts and other devices'' for ''Invalid lifts and other devices for pensioners'' in item 617.

1964—Pub. L. 88–450, §§ 2(b), 6(b), Aug. 19, 1964, 78 Stat. 500, 504, inserted ''and other devices'' in item 617 and added item 620.

1962—Pub. L. 87–850, § 1(b), Oct. 23, 1962, 76 Stat. 1126, added item 619.

Pub. L. 87–574, § 2(2), Aug. 6, 1962, 76 Stat. 308, added item 618.

1959—Pub. L. 86–211, § 7(b), Aug. 29, 1959, 73 Stat. 436, added item 617.

CROSS REFERENCES

Third party tort liability to United States for hospital and medical care, except for treatment of veterans under this chapter, see section 2651 et seq. of Title 42, The Public Health and Welfare.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 106, 111, 521, 3104, 3115, 3485, 3903, 5315, 5503, 7333, 8107, 8153 of this title; title 10 section 2641a; title 31 section 3803; title 42 sections 1320d, 1395w–21, 2651, 14402.

SUBCHAPTER I—GENERAL

§ 1701. Definitions

For the purposes of this chapter—

(1) The term ''disability'' means a disease, injury, or other physical or mental defect.

(2) The term ''veteran of any war'' includes any veteran awarded the Medal of Honor.

(3) The term ''facilities of the Department'' means—

(A) facilities over which the Secretary has direct jurisdiction;

(B) Government facilities for which the Secretary contracts; and

(C) public or private facilities at which the Secretary provides recreational activities for patients receiving care under section 1710 of this title.

(4) The term ''non-Department facilities'' means facilities other than Department facilities.

(5) The term ''hospital care'' includes—

(A)(i) medical services rendered in the course of the hospitalization of any veteran, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title;

(B) such mental health services, consultation, professional counseling, and training for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title; and

(C)(i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title, and (ii) travel and incidental expenses for such dependent or survivor under the terms and conditions set forth in section 111 of this title.

(6) The term ''medical services'' includes, in addition to medical examination, treatment, and rehabilitative services—

(A)(i) surgical services, dental services and appliances as described in sections 1710 and 1712 of this title, optometric and podiatric services, preventive health services, and (in the case of a person otherwise receiving care or services under this chapter) wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies or services as the Secretary determines to be reasonable and necessary, except that the Secretary may not furnish sensori-neural aids other than in accordance with guidelines which the Secretary shall prescribe, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title; and

(B)(i) such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

(I) of the service-connected disability of a veteran pursuant to paragraph (1) or (2) of section 1710(a) of this title, and

(II) in the discretion of the Secretary, of the non-service-connected disability of a veteran eligible for treatment under paragraph (1), (2) or (3) of section 1710(a) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital,

for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of such family member or individual in the case of a veteran who is receiving care for a service-connected disability, or in the case of a dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title); and

(ii) in the case of an individual who was a recipient of services under subclause (i) of this clause at the time of—

(I) the unexpected death of the veteran; or

(II) the death of the veteran while the veteran was participating in a hospice program (or a similar program) conducted by the Secretary,

such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist such individual with the emotional and psychological stress accompanying the veteran's death.

For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title shall be eligible for the same medical services as a veteran.

(7) The term ''domiciliary care'' includes necessary medical services and travel and incidental expenses pursuant to the provisions of section 111 of this title.

(8) The term ''rehabilitative services'' means such professional, counseling, and guidance services and treatment programs (other than those types of vocational rehabilitation services provided under chapter 31 of this title) as are necessary to restore, to the maximum extent possible, the physical, mental, and psychological functioning of an ill or disabled person.

(9) The term ''preventive health services'' means—

(A) periodic medical and dental examinations;

(B) patient health education (including nutrition education);

(C) maintenance of drug use profiles, patient drug monitoring, and drug utilization education;

(D) mental health preventive services;

(E) substance abuse prevention measures;

(F) immunizations against infectious disease;

(G) prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature;

(H) genetic counseling concerning inheritance of genetically determined diseases;

(I) routine vision testing and eye care services;

(J) periodic reexamination of members of likely target populations (high-risk groups) for selected diseases and for functional decline of sensory organs, together with attendant appropriate remedial intervention; and

(K) such other health-care services as the Secretary may determine to be necessary to provide effective and economical preventive health care.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1141, § 601; Pub. L. 86–598, July 7, 1960, 74 Stat. 335; Pub. L. 86–639, § 2, July 12, 1960, 74 Stat. 472; Pub. L. 88–481, Aug. 22, 1964, 78 Stat. 593; Pub. L. 90–612, § 2, Oct. 21, 1968, 82 Stat. 1202; Pub. L. 93–82, title I, § 101, Aug. 2, 1973, 87 Stat. 179; Pub. L. 94–581, title I, § 102, title II, § 202(b), Oct. 21, 1976, 90 Stat. 2843, 2855; Pub. L. 95–520, § 5, Oct. 26, 1978, 92 Stat. 1820; Pub. L. 96–22, title I, § 102(c), title II, § 201(a), June 13, 1979, 93 Stat. 48, 54; Pub. L. 96–151, title II, §§ 201(b), 202, Dec. 20, 1979, 93 Stat. 1093, 1094; Pub. L. 97–72, title I, § 101, Nov. 3, 1981, 95 Stat. 1047; Pub. L. 97–251, § 4, Sept. 8, 1982, 96 Stat. 716; Pub. L. 98–105, Sept. 30, 1983, 97 Stat. 730; Pub. L. 98–160, title I, § 106(a), Nov. 21, 1983, 97 Stat. 998; Pub. L. 98–528, title I, § 103(a), Oct. 19, 1984, 98 Stat. 2688; Pub. L. 99–108, § 2, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99–166, title I, § 102(a), Dec. 3, 1985, 99 Stat. 943; Pub. L. 99–272, title XIX, §§ 19011(d)(2), 19012(a), Apr. 7, 1986, 100 Stat. 378, 380; Pub. L. 99–576, title II, § 203, Oct. 28, 1986, 100 Stat. 3255; Pub. L. 100–322, title I, § 131, May 20, 1988, 102 Stat. 506; Pub. L. 102–54, § 14(b)(8), June 13, 1991, 105 Stat. 283; renumbered § 1701 and amended Pub. L. 102–83, §§ 4(a)(2)(E), (3)–(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–585, title V, § 513, Nov. 4, 1992, 106 Stat. 4958; Pub. L. 103–446, title XII, § 1202(b)(1), Nov. 2, 1994, 108 Stat. 4689; Pub. L. 104–262, title I, §§ 101(d)(1), 103(a), Oct. 9, 1996, 110 Stat. 3179, 3182.)

CODIFICATION

The text of section 1762 of this title, which was transferred to the end of this section, redesignated as par. (9), and amended by Pub. L. 102–585, was based on Pub. L. 96–22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 662; renumbered § 1762 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.

PRIOR PROVISIONS

Prior sections 1700 and 1701 were renumbered sections 3500 and 3501 of this title, respectively.

AMENDMENTS

1996—Par. (6)(A)(i). Pub. L. 104–262, § 103(a), struck out ''(in the case of a person otherwise receiving care or services under this chapter)'' before ''preventive health services,'', substituted ''(in the case of a person otherwise receiving care or services under this chapter)'' for ''(except under the conditions described in section 1712(a)(5)(A) of this title),'', and inserted ''except that the Secretary may not furnish sensori-neural aids other than in accordance with guidelines which the Secretary shall prescribe,'' after ''reasonable and necessary,''.

Par. (6)(B)(i)(I). Pub. L. 104–262, § 101(d)(1)(A), substituted ''paragraph (1) or (2) of section 1710(a)'' for ''section 1712(a)''.

Par. (6)(B)(i)(II). Pub. L. 104–262, § 101(d)(1)(B), substituted ''paragraph (1), (2) or (3) of section 1710(a)'' for ''section 1712(a)(5)(B)''.

1994—Par. (3). Pub. L. 103–446 made technical correction to directory language of Pub. L. 102–83, § 4(a)(2)(E). See 1991 Amendment note below.

1992—Par. (6)(A)(i). Pub. L. 102–585, § 513(b), substituted ''preventive health services,'' for ''preventive health-care services as defined in section 1762 of this title,''.

Par. (9). Pub. L. 102–585, § 513(a), transferred the text of section 1762 of this title to the end of this section and redesignated it as par. (9), substituted ''The term 'preventive health service' means'' for ''For the purposes of this subchapter, the term 'preventive health-care services' means'', and redesignated pars. (1) to (11) as subpars. (A) to (K), respectively. See Codification note above.

1991—Pub. L. 102–83, § 5(a), renumbered section 601 of this title as this section.

Par. (2). Pub. L. 102–54, § 14(b)(8)(A), struck out ''any veteran of the Indian Wars, or'' after ''includes''.

Par. (3). Pub. L. 102–83, § 5(c)(1), substituted ''1710'' for ''610'' in subpar. (C).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in subpars. (A) to (C).

Pub. L. 102–83, § 4(a)(2)(E), as amended by Pub. L. 103–446, substituted ''facilities of the Department'' for ''Veterans' Administration facilities''.

Pub. L. 102–54, § 14(b)(8)(B), (C), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: ''The term 'period of war' includes each of the Indian Wars.''

Par. (4). Pub. L. 102–83, § 4(a)(5), substituted ''non-Department'' for ''non-Veterans' Administration''.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Pub. L. 102–54, § 14(b)(8)(E), redesignated par. (9) as (4).

Par. (5). Pub. L. 102–83, § 5(c)(1), substituted ''1713(b)'' for ''613(b)'' in subpars. (B) and (C)(i).

Par. (6). Pub. L. 102–83, § 5(c)(1), in subpar. (A) substituted ''1710 and 1712'' for ''610 and 612'', ''1762'' for ''662'', and ''1712(a)(5)(A)'' for ''612(a)(5)(A)'', in subpar. (B) substituted ''1712(a)'' for ''612(a)'', ''1712(a)(5)(B)'' for ''612(a)(5)(B)'', and ''1713(b)'' for ''613(b)'', and in last sentence substituted ''1713(b)'' for ''613(b)''.

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

Pub. L. 102–54, § 14(b)(8)(D), substituted ''612(a)(5)(A)'' for ''612(f)(1)(A)(i)'' in subpar. (A)(i) and ''612(a)(5)(B)'' for ''612(f)(1)(A)(ii)'' in subpar. (B)(i)(II).

Par. (9). Pub. L. 102–54, § 14(b)(8)(E), redesignated par. (9) as (4).

1988—Par. (4)(C). Pub. L. 100–322 added subpar. (C).

1986—Par. (4). Pub. L. 99–272, § 19012(a)(1), struck out cl. (C) and provision following such clause, both relating to private facilities under contract as Veterans' Administration facilities.

Par. (6)(A)(i). Pub. L. 99–272, § 19011(d)(2)(A), substituted ''section 612(f)(1)(A)(i)'' for ''section 612(f)(1)(A)''.

Par. (6)(B). Pub. L. 99–576 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

''(i) of the service-connected disability of a veteran pursuant to section 612(a) of this title, and

''(ii) in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612(f)(1)(A)(ii) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital,

for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of such family member or individual in the case of a veteran who is receiving care for a service-connected disability, or in the case of dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title). For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title shall be eligible for the same medical services as a veteran.''

Par. (6)(B)(ii). Pub. L. 99–272, § 19011(d)(2)(B), substituted ''section 612(f)(1)(A)(ii)'' for ''section 612(f)(1)(B)''.

Par. (9). Pub. L. 99–272, § 19012(a)(2), added par. (9).

1985—Par. (4)(C)(v). Pub. L. 99–166, § 102(a), substituted ''with respect to the Commonwealth of Puerto Rico shall expire on September 30, 1988'' for ''(except with respect to Alaska and Hawaii) shall expire on October 31, 1985'' and struck out ''and to the Virgin Islands'' before ''of the restrictions in this subclause''.

Pub. L. 99–108 substituted ''October 31, 1985'' for ''September 30, 1985''.

1984—Par. (4)(C)(v). Pub. L. 98–528 substituted ''September 30, 1985'' for ''September 30, 1984''.

1983—Par. (4)(C)(v). Pub. L. 98–105 substituted ''September 30, 1984'' for ''September 30, 1983''.

Par. (6)(a)(i). Pub. L. 98–160 inserted ''(in the case of a person otherwise receiving care or services under this chapter) preventive health-care services as defined in section 662 of this title,''.

1982—Par. (4)(C)(v). Pub. L. 97–251 substituted ''September 30, 1983'' for ''September 30, 1982''.

1981—Par. (4)(C)(v). Pub. L. 97–72 substituted ''September 30, 1982'' for ''December 31, 1981''.

1979—Par. (4). Pub. L. 96–22, §§ 102(c)(1), 201(a), substituted ''medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of the first sentence, or the third sentence, of section 612(f) of this title or of a veteran described in section 612(g) of this title if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in facilities described in clauses (A) and (B) of this paragraph'' for ''medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of section 612(f) of this title'' in subcl. (ii) of cl. (C), and added subcl. (vi) of cl. (C) and the provisions following cl. (C) relating to the periodic review of the necessity for continuing contractual arrangements in the case of veterans receiving contract care.

Par. (4)(C)(iii). Pub. L. 96–151, § 202, inserted provisions respecting safe transfer of the veteran, and substituted ''medical services in'' for ''hospital care in''.

Par. (5)(A). Pub. L. 96–151, § 201(b)(1), substituted ''travel'' for ''transportation''.

Par. (5)(C). Pub. L. 96–151, § 201(b)(2), substituted provisions relating to travel and incidental expenses for provisions relating to transportation and incidental expenses.

Par. (6)(A)(i). Pub. L. 96–22, § 102(c)(2), substituted ''described in sections 610 and 612 of this title'' for ''authorized in sections 612 (b), (c), (d), and (e) of this title''.

Par. (6)(B). Pub. L. 96–151, § 201(b)(3), substituted ''travel and incidental expenses'' for ''necessary expenses of travel and subsistence''.

1978—Par. (4)(C)(v). Pub. L. 95–520 defined ''Veterans' Administration facilities'' to include certain private facilities to provide medical services to obviate the need for hospital admission, deleted reference to hospital care for veterans in a territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, substituted provision requiring the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at expense of Veterans' Administration in Government and private facilities in each noncontiguous State to be consistent with patient load or incidence of the provision of medical services for veterans hospitalized or treated by the Veterans' Administration within the forty-eight contiguous States for prior requirement that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each noncontiguous State not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; extended termination date for exercise of subcl. (v) authority to Dec. 31, 1981, from Dec. 31, 1978, except as to Alaska and Hawaii, and authorized waiver by the Administrator, to prevent hardship, of applicability to Puerto Rico and Virgin Islands of subcl. (v) restrictions with respect to hospital patient loads and incidence of provision of medical services.

1976—Par. (4)(A). Pub. L. 94–581, § 202(b)(1), substituted ''direct jurisdiction'' for ''direct and exclusive jurisdiction''.

Par. (4)(C). Pub. L. 94–581, § 202(b)(2), inserted ''when facilities described in clause (A) or (B) of this paragraph are not capable of furnishing economical care because of geographical inaccessibility or of furnishing the care or services required'' after ''contracts'' in provisions preceding subcl. (i), substituted ''to a veteran for the treatment of a service-connected disability or a disability for which a veteran was discharged'' for ''for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged'' in subcl. (i), added subcls. (ii) and (iii), redesignated former subcls. (ii) and (iii) as (iv) and (v), respectively, and in subcl. (v) as so redesignated, substituted ''subclause (v)'' for ''clause (iii)''.

Par. (5)(A)(ii). Pub. L. 94–581, § 202(b)(3), substituted ''pursuant to the provisions of section 111 of this title''

for ''for any veteran who is in need of treatment for a service-connected disability or who is unable to defray the expense of transportation''.

Par. (5)(B). Pub. L. 94–581, § 102(1), substituted ''for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title; and'' for ''(including (i) necessary expenses for transportation if unable to defray such expenses; or (ii) necessary expenses of transportation and subsistence in the case of a veteran who is receiving care for a service-connected disability, or in the case of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, under the terms and conditions set forth in section 111 of this title) of the members of the immediate family (including legal guardians) of a veteran or such a dependent or survivor of a veteran, or in the case of a veteran or such dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or such a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a veteran or such a dependent or a survivor of a veteran; and''.

Par. (6). Pub. L. 94–581, § 102(2), expanded definition of ''medical services'' to include rehabilitation services, podiatric services, and travel and incidental expenses pursuant to the provisions of section 111 of this title, and, for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran, such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment of the service-connected disability of a veteran pursuant to section 612(a) of this title, and, in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612(f)(1)(B) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.

Par. (7). Pub. L. 94–581, § 102(3), substituted ''necessary medical services and travel and incidental expenses pursuant to the provisions of section 111 of this title'' for ''transportation and incidental expenses for veterans who are unable to defray the expenses of transportation''.

Par. (8). Pub. L. 94–581, § 102(4), added par. (8).

1973—Par. (4)(C). Pub. L. 93–82, § 101(a), extended the Administrator's contract authority for providing hospital care and medical services to persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service and removed the limitation on such authority that such care be rendered in emergency cases only.

Par. (5). Pub. L. 93–82, § 101(b), incorporated existing provisions in subpar. (A) and added subpars. (B) and (C).

Par. (6). Pub. L. 93–82, § 101(c), expanded definition of ''medical services'' to include home health services determined by the Secretary to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran receiving care under section 613(b) of this title.

1968—Par. (4)(C)(iii). Pub. L. 90–612 expanded category of veterans of wars in the Territories, Commonwealths, or possessions of the United States to include, until December 31, 1978, veterans of such wars in States not contiguous to the forty-eight contiguous States, with the annually determined average hospital patient load per thousand of hospitalized veteran population in each such noncontiguous States not to exceed the average within the forty-eight contiguous States.

1964—Par. (2). Pub. L. 88–481 included any veteran awarded the Medal of Honor.

1960—Par. (6). Pub. L. 86–639 inserted ''(except under the conditions described in section 612(f)(1))''.

Pub. L. 86–598 inserted ''optometrists' services'' after ''medical examination and treatment''.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 1202(b) of Pub. L. 103–446 provided that the amendment made by that section is effective Aug. 6, 1991, and as if included in the enactment of Pub. L. 102–83.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 19011(d)(2) of Pub. L. 99–272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99–272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96–151 effective Jan. 1, 1980, see section 206 of Pub. L. 96–151, set out as a note under section 111 of this title.

Section 107 of Pub. L. 96–22 provided that: ''The amendments made to title 38, United States Code, by sections 102, 103, 104, 105, and 106 of this Act [see Tables for classification] shall be effective on October 1, 1979.''

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 501 of Pub. L. 93–82 provided that: ''The provisions of this Act [see Tables for classification] shall become effective the first day of the first calendar month following the date of enactment [Aug. 2, 1973], except that sections 105 and 106 [amending section 626 [now 1726] of this title and enacting section 628 [now 1728] of this title] shall be effective on January 1, 1971; section 107 [enacting sections 631 and 632 [now 1731 and 1732] of this title and provisions set out as note under section 1732 of this title] shall be effective July 1, 1973; and section 203 [amending former section 4107 of this title] shall become effective beginning the first pay period following thirty days after the date of enactment of this Act [Aug. 2, 1973].''

GUIDELINES RELATING TO FURNISHING OF SENSORI-NEURAL AIDS

Section 103(b) of Pub. L. 104–262 provided that: ''Not later than 30 days after the date of the enactment of this Act [Oct. 9, 1996], the Secretary of Veterans Affairs shall prescribe the guidelines required by the amendments made by subsection (a) [amending this section] and shall furnish a copy of those guidelines to the Committees on Veterans' Affairs of the Senate and House of Representatives.''

STUDY OF FEASIBILITY AND ADVISIBILITY OF ALTERNATIVE ORGANIZATIONAL STRUCTURES FOR EFFECTIVE PROVISION OF HEALTH CARE SERVICES TO VETERANS

Section 1104 of Pub. L. 103–446 directed Secretary of Veterans Affairs to submit to Congress, not later than one year after Nov. 2, 1994, report and study on feasibility and advisability of alternative organizational structures, such as the establishment of a wholly-owned Government corporation or a Government-sponsored enterprise, for the effective provision of health care services to veterans.

CONTRACT HEALTH CARE; RATIFICATION OF ACTION OF ADMINISTRATOR OF VETERANS' AFFAIRS

Section 103(b) of Pub. L. 98–528 ratified actions by Administrator of Veterans' Affairs in entering into contracts applicable to the period beginning Oct. 1, 1984,

and ending Oct. 19, 1984, for care described in par. (4)(C)(v) of this section and in making waivers described in that provision.

ADMINISTRATION CAPABILITY TO PROVIDE APPROPRIATE CARE FOR GENDER-SPECIFIC DISABILITIES OF WOMEN VETERANS

Section 302 of Pub. L. 98–160, as amended by Pub. L. 102–40, title IV, § 402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102–83, §§ 5(c)(2), 6(f), Aug. 6, 1991, 105 Stat. 406, 407, provided that: ''The Secretary of Veterans Affairs shall ensure that each health-care facility under the direct jurisdiction of the Secretary is able, through services made available either by individuals appointed to positions in the Veterans Health Administration or under contracts or other agreements made under section 4117 [see 7409], 8111, or 8153 of title 38, United States Code, to provide appropriate care, in a timely fashion, for any gender-specific disability (as defined in section 1701(1) of such title) of a woman veteran eligible for such care under chapter 17 or chapter 31 of such title.''

ANNUAL REPORT TO CONGRESS COVERING CONTRACT-CARE PROGRAMS

Section 201(b) of Pub. L. 96–22, which directed Chief Medical Director of the Veterans' Administration to report to appropriate committees of Congress, not later than Feb. 1, 1980, and annually thereafter, on implementation of former par. (4)(C)(v) of this section and amendments made to this section by section 201 of Pub. L. 96–22, and on numbers of veterans provided contract treatment (and average cost and duration thereof) in each State in certain enumerated categories, was repealed by Pub. L. 100–322, title I, § 112(b), May 20, 1988, 102 Stat. 499.

HOSPITAL CARE AND MEDICAL SERVICES FURNISHED BY VETERANS' ADMINISTRATION IN PUERTO RICO AND VIRGIN ISLANDS; REPORT TO PRESIDENT AND CONGRESS

Section 8 of Pub. L. 95–520, as amended by Pub. L. 96–330, title IV, § 407, Aug. 26, 1980, 94 Stat. 1053, directed Administrator of Veterans' Affairs, not later than Feb. 1, 1981, to submit a report to President and Congress on furnishing by Administration of hospital care and medical services in Puerto Rico and Virgin Islands, and set forth applicable criteria and considerations for the report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1151, 1712A, 2303, 7318, 8111, 8111A, 8152 of this title; title 10 section 2641a.

§ 1702. Presumption relating to psychosis

For the purposes of this chapter, any veteran of World War II, the Korean conflict, the Vietnam era, or the Persian Gulf War who developed an active psychosis (1) within two years after discharge or release from the active military, naval, or air service, and (2) before July 26, 1949, in the case of a veteran of World War II, before February 1, 1957, in the case of a veteran of the Korean conflict, before May 8, 1977, in the case of a Vietnam era veteran, or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War, shall be deemed to have incurred such disability in the active military, naval, or air service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1141, § 602; Pub. L. 90–77, title II, § 203(a), Aug. 31, 1967, 81 Stat. 183; Pub. L. 97–295, § 4(16), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99–576, title VII, § 701(20), Oct. 28, 1986, 100 Stat. 3292; Pub. L. 102–25, title III, § 334(b), Apr. 6, 1991, 105 Stat. 88; renumbered § 1702, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 602 of this title as this section.

Pub. L. 102–25 substituted ''the Vietnam era, or the Persian Gulf War'' for ''or the Vietnam era'', struck out ''or'' before ''before May 8, 1977'', and inserted ''or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War,'' after ''Vietnam era veterans,''.

1986—Pub. L. 99–576 struck out ''his'' before ''discharge''.

1982—Pub. L. 97–295 substituted ''before February 1, 1957, in the case of a veteran of the Korean conflict, or before May 8, 1977,'' for ''or February 1, 1957, in the case of a veteran of the Korean conflict, or before the expiration of two years following termination of the Vietnam era''.

1967—Pub. L. 90–77 made the presumption relating to psychosis applicable to any veteran of the Vietnam era who developed an active psychosis within two years after his discharge from active service and before the expiration of two years following termination of the Vietnam era.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

§ 1703. Contracts for hospital care and medical services in non-Department facilities

(a) When Department facilities are not capable of furnishing economical hospital care or medical services because of geographical inaccessibility or are not capable of furnishing the care or services required, the Secretary, as authorized in section 1710 of this title, may contract with non-Department facilities in order to furnish any of the following:

(1) Hospital care or medical services to a veteran for the treatment of—

(A) a service-connected disability;

(B) a disability for which a veteran was discharged or released from the active military, naval, or air service; or

(C) a disability of a veteran who has a total disability permanent in nature from a service-connected disability.

(2) Medical services for the treatment of any disability of—

(A) a veteran described in section 1710(a)(1)(B) of this title;

(B) a veteran who (i) has been furnished hospital care, nursing home care, domiciliary care, or medical services, and (ii) requires medical services to complete treatment incident to such care or services; or

(C) a veteran described in section 1710(a)(2)(E) of this title, or a veteran who is in receipt of increased pension, or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance), if the Secretary has determined, based on an examination by a physi-

cian employed by the Department (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in Department facilities.

(3) Hospital care or medical services for the treatment of medical emergencies which pose a serious threat to the life or health of a veteran receiving medical services in a Department facility or nursing home care under section 1720 of this title until such time following the furnishing of care in the non-Department facility as the veteran can be safely transferred to a Department facility.

(4) Hospital care for women veterans.

(5) Hospital care, or medical services that will obviate the need for hospital admission, for veterans in a State (other than the Commonwealth of Puerto Rico) not contiguous to the contiguous States, except that the annually determined hospital patient load and incidence of the furnishing of medical services to veterans hospitalized or treated at the expense of the Department in Government and non-Department facilities in each such noncontiguous State shall be consistent with the patient load or incidence of the furnishing of medical services for veterans hospitalized or treated by the Department within the 48 contiguous States and the Commonwealth of Puerto Rico.

(6) Diagnostic services necessary for determination of eligibility for, or of the appropriate course of treatment in connection with, furnishing medical services at independent Department out-patient clinics to obviate the need for hospital admission.

(7) Outpatient dental services and treatment, and related dental appliances, for a veteran described in section 1712(a)(1)(F) of this title.

(8) Diagnostic services (on an inpatient or outpatient basis) for observation or examination of a person to determine eligibility for a benefit or service under laws administered by the Secretary.

(b) In the case of any veteran for whom the Secretary contracts to furnish care or services in a non-Department facility pursuant to a provision of subsection (a) of this section, the Secretary shall periodically review the necessity for continuing such contractual arrangement pursuant to such provision.

(c) The Secretary shall include in the budget documents which the Secretary submits to Congress for any fiscal year a detailed report on the furnishing of contract care and services during the most recently completed fiscal year under this section, sections 1712A, 1720, 1720A, 1724, and 1732 of this title, and section 115 of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 501).

(Added Pub. L. 99–272, title XIX, § 19012(b)(1), Apr. 7, 1986, 100 Stat. 380, § 603; amended Pub. L. 99–166, title I, § 102(b)(1), Dec. 3, 1985, 99 Stat. 943; Pub. L. 99–272, title XIX, § 19012(c)(5)(A), Apr. 7, 1986, 100 Stat. 382; Pub. L. 100–322, title I, §§ 101(e)(3), 104, 112(a), May 20, 1988, 102 Stat. 492, 493, 499; Pub. L. 100–687, div. B, title XV, § 1503(a)(1), Nov. 18, 1988, 102 Stat. 4133; Pub. L. 102–54, § 14(b)(9), June 13, 1991, 105 Stat. 283; renumbered § 1703 and amended Pub. L. 102–83, §§ 4(a)(1), (3)–(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 102–585, title V, § 501, Nov. 4, 1992, 106 Stat. 4955; Pub. L. 104–262, title I, § 104(b), Oct. 9, 1996, 110 Stat. 3184.)

REFERENCES IN TEXT

Section 115 of the Veterans' Benefits and Services Act of 1988, referred to in subsec. (c), is set out as a note under section 1712 of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–262, § 104(b)(1), struck out "or 1712" after ", as authorized in section 1710" in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 104–262, § 104(b)(2)(A), substituted "1710(a)(1)(B)" for "1712(a)(1)(B)".

Subsec. (a)(2)(B). Pub. L. 104–262, § 104(b)(2)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: "a veteran described in paragraph (2), (3), or (4) of section 1712(a) of this title, for a purpose described in section 1712(a)(5)(B) of this title;".

Subsec. (a)(2)(C). Pub. L. 104–262, § 104(b)(2)(C), substituted "section 1710(a)(2)(E) of this title, or a veteran who is in receipt of increased pension, or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance)," for "section 1712(a)(3) (other than a veteran who is a former prisoner of war) of this title".

Subsec. (a)(7). Pub. L. 104–262, § 104(b)(3), substituted "1712(a)(1)(F)" for "1712(b)(1)(F)".

1992—Subsec. (a)(1)(C). Pub. L. 102–585 added subpar. (C).

1991—Pub. L. 102–83, § 5(a), renumbered section 603 of this title as this section.

Pub. L. 102–83, § 4(a)(5), substituted "non-Department" for "non-Veterans' Administration" in section catchline.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "1710 or 1712" for "610 or 612" in introductory provisions, "1712(a)(1)(B)" for "612(a)(1)(B)" in par. (2)(A), "1712(a)" for "612(a)" and "1712(a)(5)(B)" for "612(a)(5)(B)" in par. (2)(B), "1712(a)(3)" for "612(a)(3)" in par. (2)(C), "1720" for "620" in par. (3), and "1712(b)(1)(F)" for "612(b)(1)(F)" in par. (7).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions and in par. (2)(C).

Pub. L. 102–83, § 4(a)(5), substituted "non-Department" for "non-Veterans' Administration" in introductory provisions and in pars. (3) and (5).

Pub. L. 102–83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" wherever appearing in introductory provisions and pars. (2), (3), (5), and (6).

Subsec. (a)(2)(B). Pub. L. 102–54, § 14(b)(9)(A), struck out "section" before "paragraph".

Subsec. (a)(7). Pub. L. 102–54, § 14(b)(9)(B), substituted "section 612(b)(1)(F)" for "section 612(b)(1)(G)".

Subsec. (a)(8). Pub. L. 102–83, § 4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

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

Pub. L. 102–83, § 4(a)(5), substituted "non-Department" for "non-Veterans' Administration".

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted "1712A, 1720, 1720A, 1724, and 1732" for "612A, 620, 620A, 624, and 632".

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

Pub. L. 102–54, § 14(b)(9)(C), inserted before period at end "(Public Law 100–322; 102 Stat. 501)".

1988—Subsec. (a). Pub. L. 100–322, § 104(b)(1), substituted "furnish any of the following:" for "furnish—".

Subsec. (a)(1). Pub. L. 100–322, § 104(b)(2), (3), substituted ''Hospital'' for ''hospital'' and the period for semicolon at end.

Subsec. (a)(2). Pub. L. 100–322, § 104(b)(2), (3), substituted ''Medical'' for ''medical'' and the period for semicolon at end.

Subsec. (a)(2)(B). Pub. L. 100–687 substituted ''paragraph (2), (3), or (4) of section 612(a)'' for ''612(a)(4)'', and ''612(a)(5)(B)'' for ''612(a)(5)''.

Pub. L. 100–322, § 101(e)(3)(A), substituted ''section 612(a)(4) of this title, for a purpose described in section 612(a)(5) of this title'' for ''section 612(f)(1)(A)(ii) of this title''.

Subsec. (a)(2)(C). Pub. L. 100–322, § 101(e)(3)(B), substituted ''section 612(a)(3) (other than a veteran who is a former prisoner of war)'' for ''section 612(g)''.

Subsec. (a)(3). Pub. L. 100–322, § 104(a)(1), (b)(2), (3), substituted ''Hospital'' for ''hospital'', inserted ''or nursing home care under section 620 of this title'', and substituted the period for semicolon at end.

Subsec. (a)(4), (5). Pub. L. 100–322, § 104(b)(2), (3), substituted ''Hospital'' for ''hospital'' and the period for semicolon at end.

Subsec. (a)(6). Pub. L. 100–322, § 104(b)(2), (4), substituted ''Diagnostic'' for ''diagnostic'' and the period for ''; or''.

Subsec. (a)(7). Pub. L. 100–322, § 104(b)(2), substituted ''Outpatient'' for ''outpatient''.

Subsec. (a)(8). Pub. L. 100–322, § 104(a)(2), added par. (8).

Subsec. (c). Pub. L. 100–322, § 112(a), added subsec. (c).

1986—Subsec. (a)(5). Pub. L. 99–272, § 19012(c)(5)(A), made conforming amendment to Pub. L. 99–166, § 102(b)(1). See 1985 Amendment note below.

1985—Subsec. (a)(5). Pub. L. 99–166, § 102(b)(1), as amended by Pub. L. 99–272, § 19012(c)(5)(A), inserted ''(other than the Commonwealth of Puerto Rico)'' after ''in a State'' and substituted ''contiguous States and the Commonwealth of Puerto Rico'' for ''contiguous States, but the authority of the Administrator under this paragraph with respect to the Commonwealth of Puerto Rico shall expire on September 30, 1988, and until such date the Administrator may, if necessary to prevent hardship, waive the applicability to the Commonwealth of Puerto Rico of the restrictions in this paragraph with respect to hospital patient loads and the incidence of the furnishing of medical services''.

EFFECTIVE DATE OF 1988 AMENDMENTS

Section 1503(b) of Pub. L. 100–687 provided that: ''The amendments made by subsection (a)(1) [amending this section] shall apply with respect to the furnishing of medical services by contract to veterans who apply to the Veterans' Administration for medical services after June 30, 1988.''

Section 101(i) of Pub. L. 100–322 provided that: ''The amendments made by this section [amending this section and sections 612 and 617 [now 1712 and 1717] of this title] shall apply with respect to the furnishing of medical services to veterans who apply for such services after June 30, 1988.''

EFFECTIVE DATE OF 1985 AMENDMENT

Section 102(b)(1) of Pub. L. 99–166, as amended by Pub. L. 99–272, title XIX, § 19012(c)(5)(A), Apr. 7, 1986, 100 Stat. 382, provided that the amendment made by that section is effective Oct. 1, 1988.

RATIFICATION OF MEDICAL SERVICES CONTRACTS

Section 1503(c) of Pub. L. 100–687 ratified actions of the Administrator in contracting with facilities other than Veterans' Administration facilities for furnishing medical services incident to treatment of certain veterans receiving hospital, nursing home, or domiciliary care, who applied for such services during the period beginning July 1, 1988, and ending Nov. 18, 1988.

PUERTO RICO CONTRACT CARE; LIMITATION ON INCURRING OF OBLIGATIONS

Section 102(b)(2)–(5) of Pub. L. 99–166, as amended by Pub. L. 99–272, title XIX, § 19012(c)(5)(B), Apr. 7, 1986, 100 Stat. 382, limited Administrator's authority to incur obligations for medical services for veterans residing in Puerto Rico during fiscal years 1986 to 1988.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1712, 1712A, 2303 of this title; title 42 section 1395cc.

§ 1704. Preventive health services: annual report

Not later than October 31 each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on preventive health services. Each such report shall include the following:

(1) A description of the programs and activities of the Department with respect to preventive health services during the preceding fiscal year, including a description of the following:

(A) The programs conducted by the Department—

(i) to educate veterans with respect to health promotion and disease prevention; and

(ii) to provide veterans with preventive health screenings and other clinical services, with such description setting forth the types of resources used by the Department to conduct such screenings and services and the number of veterans reached by such screenings and services.

(B) The means by which the Secretary addressed the specific preventive health services needs of particular groups of veterans (including veterans with service-connected disabilities, elderly veterans, low-income veterans, women veterans, institutionalized veterans, and veterans who are at risk for mental illness).

(C) The manner in which the provision of such services was coordinated with the activities of the Medical and Prosthetic Research Service of the Department and the National Center for Preventive Health.

(D) The manner in which the provision of such services was integrated into training programs of the Department, including initial and continuing medical training of medical students, residents, and Department staff.

(E) The manner in which the Department participated in cooperative preventive health efforts with other governmental and private entities (including State and local health promotion offices and not-for-profit organizations).

(F) The specific research carried out by the Department with respect to the long-term relationships among screening activities, treatment, and morbidity and mortality outcomes.

(G) The cost effectiveness of such programs and activities, including an explanation of the means by which the costs and benefits (including the quality of life of veterans who participate in such programs and activities) of such programs and activities are measured.

(2) A specific description of research activities on preventive health services carried out

during that period using employees, funds, equipment, office space, or other support services of the Department, with such description setting forth—

(A) the source of funds for those activities;

(B) the articles or publications (including the authors of the articles and publications) in which those activities are described;

(C) the Federal, State, or local governmental entity or private entity, if any, with which such activities were carried out; and

(D) the clinical, research, or staff education projects for which funding applications were submitted (including the source of the funds applied for) and upon which a decision is pending or was denied.

(3) An accounting of the expenditure of funds during that period by the National Center for Preventive Health under section 7318 of this title.

(Added Pub. L. 102–585, title V, § 512(a), Nov. 4, 1992, 106 Stat. 4957.)

§ 1705. Management of health care: patient enrollment system

(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary, in accordance with regulations the Secretary shall prescribe, shall establish and operate a system of annual patient enrollment. The Secretary shall manage the enrollment of veterans in accordance with the following priorities, in the order listed:

(1) Veterans with service-connected disabilities rated 50 percent or greater.

(2) Veterans with service-connected disabilities rated 30 percent or 40 percent.

(3) Veterans who are former prisoners of war, veterans with service-connected disabilities rated 10 percent or 20 percent, and veterans described in subparagraphs (B) and (C) of section 1710(a)(2) of this title.

(4) Veterans who are in receipt of increased pension based on a need of regular aid and attendance or by reason of being permanently housebound and other veterans who are catastrophically disabled.

(5) Veterans not covered by paragraphs (1) through (4) who are unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

(6) All other veterans eligible for hospital care, medical services, and nursing home care under section 1710(a)(2) of this title.

(7) Veterans described in section 1710(a)(3) of this title.

(b) In the design of an enrollment system under subsection (a), the Secretary—

(1) shall ensure that the system will be managed in a manner to ensure that the provision of care to enrollees is timely and acceptable in quality;

(2) may establish additional priorities within each priority group specified in subsection (a), as the Secretary determines necessary; and

(3) may provide for exceptions to the specified priorities where dictated by compelling medical reasons.

(c)(1) Effective on October 1, 1998, the Secretary may not provide hospital care or medical services to a veteran under paragraph (2) or (3) of section 1710(a) of this title unless the veteran enrolls in the system of patient enrollment established by the Secretary under subsection (a).

(2) The Secretary shall provide hospital care and medical services under section 1710(a)(1) of this title, and under subparagraph (B) of section 1710(a)(2) of this title, for the 12-month period following such veteran's discharge or release from service, to any veteran referred to in such sections for a disability specified in the applicable subparagraph of such section, notwithstanding the failure of the veteran to enroll in the system of patient enrollment referred to in subsection (a) of this section.

(Added Pub. L. 104–262, title I, § 104(a)(1), Oct. 9, 1996, 110 Stat. 3182.)

ASSESSMENT OF IMPLEMENTATION AND OPERATION OF AMENDMENTS BY PUB. L. 104–262

Section 106 of title I of Pub. L. 104–262 provided that:

''(a) ASSESSMENT SYSTEMS.—The Secretary of Veterans Affairs shall establish information systems to assess the experience of the Department of Veterans Affairs in implementing sections 101, 103, and 104 [enacting this section and section 1706 of this title, amending sections 1525, 1701, 1703, 1710, 1712, 1712A, 1717, 1718, 1720, 1722, 1729, 2104, 5317, 8110, and 8111A of this title, and enacting provisions set out as a note under section 1701 of this title], including the amendments made by those sections, during fiscal year 1997. The Secretary shall establish those information systems in time to include assessments under such systems in the report required under subsection (b).

''(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report reflecting the experience of the Department during fiscal year 1997 on—

''(1) the effect of implementation of, and provision and management of care under, sections 101, 103, and 104 (including the amendments made by those sections) on demand for health care services from the Department of Veterans Affairs by veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101;

''(2) any differing patterns of demand on the part of such veterans relating to such factors as relative distance from Department facilities and prior experience, or lack of experience, as recipients of care from the Department;

''(3) the extent to which the Department has met such demand for care; and

''(4) changes in health-care delivery patterns in Department facilities and the fiscal impact of such changes.

''(c) MATTERS TO BE INCLUDED.—The report under subsection (b) shall include detailed information with respect to fiscal year 1997 regarding the following:

''(1) The number of veterans enrolled for care at each Department medical facility and, of such veterans, the number enrolled at each such facility who had not received care from the Department during the preceding three fiscal years.

''(2) With respect to the veterans who had not received care from the Department during the three preceding fiscal years, the total cost of providing care to such veterans, shown in total and separately (A) by level of care, and (B) by reference to whether care was furnished in Department facilities or under contract arrangements.

''(3) With respect to the number of veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101, who applied for health care from the Department during fiscal year 1997—

''(A) the number who applied for care (shown in total and separately by facility);

''(B) the number who were denied enrollment (shown in total and separately by facility); and

''(C) the number who were denied care which was considered to be medically necessary but not of an emergency nature (shown in total and separately by facility).

''(4) The numbers and characteristics of, and the type and extent of health care furnished to, veterans enrolled for care (shown in total and separately by facility).

''(5) The numbers and characteristics of, and the type and extent of health care furnished to, veterans not enrolled for care (shown separately by reference to each class of eligibility, both in total and separately by facility).

''(6) The specific fiscal impact (shown in total and by geographic health-care delivery areas) of changes in delivery patterns instituted under the amendments made by this title [enacting this section and section 1706 of this title and amending sections 1525, 1701, 1703, 1710, 1712, 1712A, 1717, 1718, 1720, 1722, 1729, 2104, 5317, 8110, and 8111A of this title].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1718 of this title; title 10 section 1076c.

§ 1706. Management of health care: other requirements

(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary shall, to the extent feasible, design, establish and manage health care programs in such a manner as to promote cost-effective delivery of health care services in the most clinically appropriate setting.

(b)(1) In managing the provision of hospital care and medical services under such section, the Secretary shall ensure that the Department maintains its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) within distinct programs or facilities of the Department that are dedicated to the specialized needs of those veterans in a manner that (A) affords those veterans reasonable access to care and services for those specialized needs, and (B) ensures that overall capacity of the Department to provide such services is not reduced below the capacity of the Department, nationwide, to provide those services, as of October 9, 1996. The Secretary shall carry out this paragraph in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.

(2) Not later than April 1, 1999, April 1, 2000, and April 1, 2001, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's compliance, by facility and by service-network, with the requirements of this subsection.

(3)(A) To ensure compliance with paragraph (1), the Under Secretary for Health shall prescribe objective standards of job performance for employees in positions described in subparagraph (B) with respect to the job performance of those employees in carrying out the requirements of paragraph (1). Those job performance standards shall include measures of workload, allocation of resources, and quality-of-care indicators.

(B) Positions described in this subparagraph are positions in the Veterans Health Administration that have responsibility for allocating and managing resources applicable to the requirements of paragraph (1).

(C) The Under Secretary shall develop the job performance standards under subparagraph (A) in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.

(Added Pub. L. 104–262, title I, § 104(a)(1), Oct. 9, 1996, 110 Stat. 3183; amended Pub. L. 105–368, title IX, § 903(a), title X, § 1005(b)(2), Nov. 11, 1998, 112 Stat. 3360, 3365.)

AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105–368, § 1005(b)(2), substituted ''October 9, 1996'' for ''the date of the enactment of this section''.

Subsec. (b)(2). Pub. L. 105–368, § 903(a)(1), substituted ''April 1, 1999, April 1, 2000, and April 1, 2001'' for ''April 1, 1997, April 1, 1998, and April 1, 1999''.

Subsec. (b)(3). Pub. L. 105–368, § 903(a)(2), added par. (3).

DEADLINE FOR PRESCRIBING STANDARDS

Pub. L. 105–368, title IX, § 903(b), Nov. 11, 1998, 112 Stat. 3361, provided that: ''The standards of job performance required by paragraph (3) of section 1706(b) of title 38, United States Code, as added by subsection (a), shall be prescribed not later than January 1, 1999.''

§ 1707. Restriction on use of funds for assisted suicide, euthanasia, or mercy killing

Funds appropriated to carry out this chapter may not be used for purposes that are inconsistent with the Assisted Suicide Funding Restriction Act of 1997.

(Added Pub. L. 105–12, § 9(i)(1), Apr. 30, 1997, 111 Stat. 27.)

REFERENCES IN TEXT

The Assisted Suicide Funding Restriction Act of 1997, referred to in text, is Pub. L. 105–12, Apr. 30, 1997, 111 Stat. 23, which is classified principally to chapter 138 (§ 14401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 14401 of Title 42.

EFFECTIVE DATE

Section effective Apr. 30, 1997, and applicable to Federal payments made pursuant to obligations incurred after Apr. 30, 1997, for items and services provided on or after such date, subject to also being applicable with respect to contracts entered into, renewed, or extended after Apr. 30, 1997, as well as contracts entered into before Apr. 30, 1997, to the extent permitted under such contracts, see section 11 of Pub. L. 105–12, set out as a note under section 14401 of Title 42, The Public Health and Welfare.

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

AMENDMENTS

1976—Pub. L. 94–581, title II, § 202(c), Oct. 21, 1976, 90 Stat. 2855, inserted '', NURSING HOME,'' in subchapter heading.

§ 1710. Eligibility for hospital, nursing home, and domiciliary care

(a)(1) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed—

(A) to any veteran for a service-connected disability; and

(B) to any veteran who has a service-connected disability rated at 50 percent or more.

(2) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed to any veteran—

(A) who has a compensable service-connected disability rated less than 50 percent;

(B) whose discharge or release from active military, naval, or air service was for a disability that was incurred or aggravated in the line of duty;

(C) who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section;

(D) who is a former prisoner of war;

(E) who is a veteran of the Mexican border period or of World War I;

(F) who was exposed to a toxic substance, radiation, or other conditions, as provided in subsection (e); or

(G) who is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

(3) In the case of a veteran who is not described in paragraphs (1) and (2), the Secretary may, to the extent resources and facilities are available and subject to the provisions of subsections (f) and (g), furnish hospital care, medical services, and nursing home care which the Secretary determines to be needed.

(4) The requirement in paragraphs (1) and (2) that the Secretary furnish hospital care and medical services shall be effective in any fiscal year only to the extent and in the amount provided in advance in appropriations Acts for such purposes.

(b)(1) The Secretary may furnish to a veteran described in paragraph (2) of this subsection such domiciliary care as the Secretary determines is needed for the purpose of the furnishing of medical services to the veteran.

(2) This subsection applies in the case of the following veterans:

(A) Any veteran whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension that would be applicable to the veteran if the veteran were eligible for pension under section 1521(d) of this title.

(B) Any veteran who the Secretary determines has no adequate means of support.

(c) While any veteran is receiving hospital care or nursing home care in any Department facility, the Secretary may, within the limits of Department facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which such veteran is hospitalized, if the veteran is willing, and the Secretary finds such services to be reasonably necessary to protect the health of such veteran. The Secretary may furnish dental services and treatment, and related dental appliances, under this subsection for a non-service-connected dental condition or disability of a veteran only (1) to the extent that the Secretary determines that the dental facilities of the Department to be used to furnish such services, treatment, or appliances are not needed to furnish services, treatment, or appliances for dental conditions or disabilities described in section 1712(a) of this title, or (2) if (A) such non-service-connected dental condition or disability is associated with or aggravating a disability for which such veteran is receiving hospital care, or (B) a compelling medical reason or a dental emergency requires furnishing dental services, treatment, or appliances (excluding the furnishing of such services, treatment, or appliances of a routine nature) to such veteran during the period of hospitalization under this section.

(d) In no case may nursing home care be furnished in a hospital not under the direct jurisdiction of the Secretary except as provided in section 1720 of this title.

(e)(1)(A) A Vietnam-era herbicide-exposed veteran is eligible (subject to paragraph (2)) for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

(B) A radiation-exposed veteran is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disease suffered by the veteran that is—

(i) a disease listed in section 1112(c)(2) of this title; or

(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation.

(C) Subject to paragraphs (2) and (3) of this subsection, a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such service.

(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after the date of the enactment of this subparagraph, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any ill-

ness, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.

(2)(A) In the case of a veteran described in paragraph (1)(A), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to—

(i) a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in paragraph (4)(A)(ii); or

(ii) a disease for which the National Academy of Sciences, in a report issued in accordance with section 3 of the Agent Orange Act of 1991, has determined that there is limited or suggestive evidence of the lack of a positive association between occurrence of the disease in humans and exposure to a herbicide agent.

(B) In the case of a veteran described in paragraph (1)(C) or (1)(D), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than the service described in that paragraph.

(3) Hospital care, medical services, and nursing home care may not be provided under or by virtue of subsection (a)(2)(F)—

(A) in the case of care for a veteran described in paragraph (1)(A), after December 31, 2002;

(B) in the case of care for a veteran described in paragraph (1)(C), after December 31, 2001; and

(C) in the case of care for a veteran described in paragraph (1)(D), after a period of 2 years beginning on the date of the veteran's discharge or release from active military, naval, or air service.

(4) For purposes of this subsection—

(A) The term ''Vietnam-era herbicide-exposed veteran'' means a veteran (i) who served on active duty in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, and (ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such period.

(B) The term ''radiation-exposed veteran'' has the meaning given that term in section 1112(c)(3) of this title.

(5) When the Secretary first provides care for veterans using the authority provided in paragraph (1)(D), the Secretary shall establish a system for collection and analysis of information on the general health status and health care utilization patterns of veterans receiving care under that paragraph. Not later than 18 months after first providing care under such authority, the Secretary shall submit to Congress a report on the experience under that authority. The Secretary shall include in the report any recommendations of the Secretary for extension of that authority.

(f)(1) The Secretary may not furnish hospital care or nursing home care under this section to a veteran who is eligible for such care under subsection (a)(3) of this section unless the veteran agrees to pay to the United States the applicable amount determined under paragraph (2) of this subsection.

(2) A veteran who is furnished hospital care or nursing home care under this section and who is required under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such care shall be liable to the United States for an amount equal to—

(A) the lesser of—

(i) the cost of furnishing such care, as determined by the Secretary; or

(ii) the amount determined under paragraph (3) of this subsection; and

(B) before September 30, 2002, an amount equal to $10 for every day the veteran receives hospital care and $5 for every day the veteran receives nursing home care.

(3)(A) In the case of hospital care furnished during any 365-day period, the amount referred to in paragraph (2)(A)(ii) of this subsection is—

(i) the amount of the inpatient Medicare deductible, plus

(ii) one-half of such amount for each 90 days of care (or fraction thereof) after the first 90 days of such care during such 365-day period.

(B) In the case of nursing home care furnished during any 365-day period, the amount referred to in paragraph (2)(A)(ii) of this subsection is the amount of the inpatient Medicare deductible for each 90 days of such care (or fraction thereof) during such 365-day period.

(C)(i) Except as provided in clause (ii) of this subparagraph, in the case of a veteran who is admitted for nursing home care under this section after being furnished, during the preceding 365-day period, hospital care for which the veteran has paid the amount of the inpatient Medicare deductible under this subsection and who has not been furnished 90 days of hospital care in connection with such payment, the veteran shall not incur any liability under paragraph (2) of this subsection with respect to such nursing home care until—

(I) the veteran has been furnished, beginning with the first day of such hospital care furnished in connection with such payment, a total of 90 days of hospital care and nursing home care; or

(II) the end of the 365-day period applicable to the hospital care for which payment was made,

whichever occurs first.

(ii) In the case of a veteran who is admitted for nursing home care under this section after being furnished, during any 365-day period, hospital care for which the veteran has paid an amount under subparagraph (A)(ii) of this paragraph and who has not been furnished 90 days of hospital care in connection with such payment, the amount of the liability of the veteran under paragraph (2) of this subsection with respect to the number of days of such nursing home care which, when added to the number of days of such hospital care, is 90 or less, is the difference between the inpatient Medicare deductible and the amount paid under such subparagraph until—

(I) the veteran has been furnished, beginning with the first day of such hospital care furnished in connection with such payment, a total of 90 days of hospital care and nursing home care; or

(II) the end of the 365-day period applicable to the hospital care for which payment was made,

whichever occurs first.

(D) In the case of a veteran who is admitted for hospital care under this section after having been furnished, during the preceding 365-day period, nursing home care for which the veteran has paid the amount of the inpatient Medicare deductible under this subsection and who has not been furnished 90 days of nursing home care in connection with such payment, the veteran shall not incur any liability under paragraph (2) of this subsection with respect to such hospital care until—

(i) the veteran has been furnished, beginning with the first day of such nursing home care furnished in connection with such payment, a total of 90 days of nursing home care and hospital care; or

(ii) the end of the 365-day period applicable to the nursing home care for which payment was made,

whichever occurs first.

(E) A veteran may not be required to make a payment under this subsection for hospital care or nursing home care furnished under this section during any 90-day period in which the veteran is furnished medical services under paragraph (3) of subsection (a) to the extent that such payment would cause the total amount paid by the veteran under this subsection for hospital care and nursing home care furnished during that period and under subsection (g) for medical services furnished during that period to exceed the amount of the inpatient Medicare deductible in effect on the first day of such period.

(F) A veteran may not be required to make a payment under this subsection or subsection (g) for any days of care in excess of 360 days of care during any 365-calendar-day period.

(4) For the purposes of this subsection, the term ''inpatient Medicare deductible'' means the amount of the inpatient hospital deductible in effect under section 1813(b) of the Social Security Act (42 U.S.C. 1395e(b)) on the first day of the 365-day period applicable under paragraph (3) of this subsection.

(g)(1) The Secretary may not furnish medical services under subsection (a) of this section (including home health services under section 1717 of this title) to a veteran who is eligible for hospital care under this chapter by reason of subsection (a)(3) of this section unless the veteran agrees to pay to the United States the amount determined under paragraph (2) of this subsection.

(2) A veteran who is furnished medical services under subsection (a) of this section and who is required under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such services shall be liable to the United States, in the case of each visit in which such services are furnished to the veteran, for an amount equal to 20 percent of the estimated average cost (during the calendar year in which the services are furnished) of an outpatient visit in a Department facility. Such estimated average cost shall be determined by the Secretary.

(3) This subsection does not apply with respect to home health services under section 1717 of this title to the extent that such services are for improvements and structural alterations.

(h) Nothing in this section requires the Secretary to furnish care to a veteran to whom another agency of Federal, State, or local government has a duty under law to provide care in an institution of such government.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1141, § 610; Pub. L. 87–583, § 1, Aug. 14, 1962, 76 Stat. 381; Pub. L. 89–358, § 8, Mar. 3, 1966, 80 Stat. 27; Pub. L. 89–785, title III, § 304, Nov. 7, 1966, 80 Stat. 1377; Pub. L. 91–500, § 4, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 93–82, title I, § 102, Aug. 2, 1973, 87 Stat. 180; Pub. L. 94–581, title II, §§ 202(d), 210(a)(1), Oct. 21, 1976, 90 Stat. 2855, 2862; Pub. L. 96–22, title I, § 102(a), June 13, 1979, 93 Stat. 47; Pub. L. 97–37, § 5(a), Aug. 14, 1981, 95 Stat. 936; Pub. L. 97–72, title I, § 102(a), Nov. 3, 1981, 95 Stat. 1047; Pub. L. 98–160, title VII, § 701, Nov. 21, 1983, 97 Stat. 1008; Pub. L. 99–166, title I, § 103, Dec. 3, 1985, 99 Stat. 944; Pub. L. 99–272, title XIX, § 19011(a), (d)(3), Apr. 7, 1986, 100 Stat. 372, 379; Pub. L. 99–576, title II, § 237(a), (b)(1), Oct. 28, 1986, 100 Stat. 3267; Pub. L. 100–322, title I, § 102(a), May 20, 1988, 102 Stat. 492; Pub. L. 100–687, div. B, title XII, § 1202, Nov. 18, 1988, 102 Stat. 4125; Pub. L. 101–508, title VIII, § 8013(a), Nov. 5, 1990, 104 Stat. 1388–346; Pub. L. 102–4, § 5, Feb. 6, 1991, 105 Stat. 15; Pub. L. 102–54, § 14(b)(10), June 13, 1991, 105 Stat. 283; renumbered § 1710 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 103–210, §§ 1(a), 2(a), Dec. 20, 1993, 107 Stat. 2496, 2497; Pub. L. 103–446, title XII, § 1201(d)(2), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 103–452, title I, § 103(a)(1), Nov. 2, 1994, 108 Stat. 4786; Pub. L. 104–110, title I, § 101(a)(1), Feb. 13, 1996, 110 Stat. 768; Pub. L. 104–262, title I, §§ 101(a), (b), (d)(2)–(4), 102(a), Oct. 9, 1996, 110 Stat. 3178, 3179, 3181; Pub. L. 104–275, title V, § 505(c), Oct. 9, 1996, 110 Stat. 3342; Pub. L. 105–33, title VIII, §§ 8021(a)(1), 8023(b)(1), (2), Aug. 5, 1997, 111 Stat. 664, 667; Pub. L. 105–114, title II, § 209(a), title IV, § 402(a), Nov. 21, 1997, 111 Stat. 2290, 2294; Pub. L. 105–368, title I, § 102(a), title X, § 1005(b)(3), Nov. 11, 1998, 112 Stat. 3321, 3365.)

REFERENCES IN TEXT

The date of the enactment of this subparagraph, referred to in subsec. (e)(1)(D), is the date of enactment of Pub. L. 105–368, which was approved Nov. 11, 1998.

Section 3 of the Agent Orange Act of 1991, referred to in subsec. (e)(2)(A)(ii), is section 3 of Pub. L. 102–4, which is set out as a note under section 1116 of this title.

CODIFICATION

The text of subsec. (f) of section 1712 of this title, which was transferred to this section, redesignated subsec. (g), and amended by Pub. L. 104–262, § 101(b)(2), was based on Pub. L. 86–639, § 1, July 12, 1960, 74 Stat. 472; Pub. L. 91–102, Oct. 30, 1969, 83 Stat. 168; Pub. L. 93–82, title I, § 103(a), Aug. 2, 1973, 87 Stat. 180; Pub. L. 94–581, title I, § 103(a)(3)–(7), title II, § 202(f)(2), Oct. 21, 1976, 90 Stat. 2844, 2856; Pub. L. 96–22, title I, § 102(b), June 13,

1979, 93 Stat. 47; Pub. L. 97–37, § 5(b), Aug. 14, 1981, 95 Stat. 937; Pub. L. 97–72, title I, § 103(b)(2), Nov. 3, 1981, 95 Stat. 1049; Pub. L. 97–295, § 4(17)(C), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99–166, title I, § 104, Dec. 3, 1985, 99 Stat. 944; Pub. L. 99–272, title XIX, § 19011(b)(2), Apr. 7, 1986, 100 Stat. 375; Pub. L. 99–576, title II, §§ 202(1), 237(b)(2), Oct. 28, 1986, 100 Stat. 3254, 3267; Pub. L. 100–322, title I, § 101(e)(1), May 20, 1988, 102 Stat. 491; Pub. L. 101–508, title VIII, § 8013(b), Nov. 5, 1990, 104 Stat. 1388–346; Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 404–406.

PRIOR PROVISIONS

A prior section 1710 was renumbered section 3510 of this title.

AMENDMENTS

1998—Subsec. (e)(1)(D). Pub. L. 105–368, § 102(a)(1), added subpar. (D).

Subsec. (e)(2)(A)(ii). Pub. L. 105–368, § 1005(b)(3), substituted ''section 3'' for ''section 2''.

Subsec. (e)(2)(B). Pub. L. 105–368, § 102(a)(2), inserted ''or (1)(D)'' after ''paragraph (1)(C)''.

Subsec. (e)(3)(A). Pub. L. 105–368, § 102(a)(3)(A), struck out ''and'' at end.

Subsec. (e)(3)(B). Pub. L. 105–368, § 102(a)(3)(B), substituted ''December 31, 2001; and'' for ''December 31, 1998.''

Subsec. (e)(3)(C). Pub. L. 105–368, § 102(a)(3)(C), added subpar. (C).

Subsec. (e)(5). Pub. L. 105–368, § 102(a)(4), added par. (5).

1997—Subsec. (a)(2)(B). Pub. L. 105–114, § 402(a), struck out ''compensable'' before ''disability''.

Subsec. (a)(2)(F). Pub. L. 105–114, § 209(a)(1), substituted ''other conditions'' for ''environmental hazard''.

Subsec. (e)(1)(C). Pub. L. 105–114, § 209(a)(2), substituted ''served'' for ''the Secretary finds may have been exposed while serving'' and ''associated with such service'' for ''associated with such exposure'' and struck out ''to a toxic substance or environmental hazard'' after ''Persian Gulf War''.

Subsec. (e)(2)(B). Pub. L. 105–114, § 209(a)(3), substituted ''the service'' for ''an exposure''.

Subsec. (f)(2)(B). Pub. L. 105–33, § 8021(a)(1), inserted ''before September 30, 2002,'' after ''(B)''.

Subsec. (f)(4), (5). Pub. L. 105–33, § 8023(b)(1), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: ''Amounts collected or received on behalf of the United States under this subsection shall be deposited in the Treasury as miscellaneous receipts.''

Subsec. (g)(4). Pub. L. 105–33, § 8023(b)(2), struck out par. (4) which read as follows: ''Amounts collected or received by the Department under this subsection shall be deposited in the Treasury as miscellaneous receipts.''

1996—Subsec. (a). Pub. L. 104–262, § 101(a), amended subsec. (a) generally, revising and restating provisions in former pars. (1) to (3) relating to eligibility for care as pars. (1) to (4).

Subsec. (c)(1). Pub. L. 104–262, § 101(d)(2), substituted ''section 1712(a)'' for ''section 1712(b)''.

Subsec. (e)(1)(A), (B). Pub. L. 104–262, § 102(a)(1), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

''(A) Subject to paragraphs (2) and (3) of this subsection, a veteran—

''(i) who served on active duty in the Republic of Vietnam during the Vietnam era, and

''(ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used in connection with military purposes during such era,

is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

''(B) Subject to paragraphs (2) and (3) of this subsection, a veteran who the Secretary finds was exposed while serving on active duty to ionizing radiation from the detonation of a nuclear device in connection with such veteran's participation in the test of such a device or with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning on September 11, 1945, and ending on July 1, 1946, is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.''

Subsec. (e)(1)(C). Pub. L. 104–262, § 101(d)(3), substituted ''hospital care, medical services, and nursing home care under subsection (a)(2)(F)'' for ''hospital care and nursing home care under subsection (a)(1)(G) of this section''.

Subsec. (e)(2). Pub. L. 104–262, § 102(a)(2), added par. (2) and struck out former par. (2) which read as follows: ''Hospital and nursing home care may not be provided under subsection (a)(1)(G) of this section with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in subparagraph (A), (B), or (C) of paragraph (1) of this subsection.''

Subsec. (e)(3). Pub. L. 104–262, § 102(a)(2), added par. (3) and struck out former par. (3) which read as follows: ''Hospital and nursing home care and medical services may not be provided under or by virtue of subsection (a)(1)(G) of this section after December 31, 1996.''

Pub. L. 104–110 substituted ''after December 31, 1996'' for ''after June 30, 1995, or, in the case of care for a veteran described in paragraph (1)(C), after December 31, 1995''.

Subsec. (e)(4). Pub. L. 104–262, § 102(a)(2), added par. (4).

Subsec. (e)(4)(A). Pub. L. 104–275 substituted ''during the period beginning on January 9, 1962, and ending on May 7, 1975,'' for ''during the Vietnam era,'' in cl. (i) and ''such period'' for ''such era'' in cl. (ii).

Subsec. (f)(1). Pub. L. 104–262, § 101(d)(4)(A), substituted ''subsection (a)(3)'' for ''subsection (a)(2)''.

Subsec. (f)(3)(E). Pub. L. 104–262, § 101(d)(4)(B), substituted ''paragraph (3) of subsection (a)'' for ''section 1712(a) of this title'' and ''subsection (g)'' for ''section 1712(f) of this title''.

Subsec. (f)(3)(F). Pub. L. 104–262, § 101(d)(4)(C), substituted ''subsection (g)'' for ''section 1712(f) of this title''.

Subsec. (g). Pub. L. 104–262, § 101(b)(2), redesignated subsec. (f) of section 1712 of this title as subsec. (g) of this section and substituted ''subsection (a)(3) of this section'' for ''section 1710(a)(2) of this title'' in par. (1). See Codification note above.

Pub. L. 104–262, § 101(b)(1), redesignated subsec. (g) as (h).

Subsec. (h). Pub. L. 104–262, § 101(b)(1), redesignated subsec. (g) as (h).

1994—Subsec. (e)(3). Pub. L. 103–452 substituted ''June 30, 1995'' for ''June 30, 1994'' and ''December 31, 1995'' for ''December 31, 1994''.

Subsec. (f)(3)(E). Pub. L. 103–446 substituted ''section 1712(a)'' for ''section 1712(f)'' and ''section 1712(f)'' for ''section 1712(f)(4)''.

1993—Subsec. (a)(1)(G). Pub. L. 103–210, § 1(a)(1), substituted ''substance, radiation, or environmental hazard'' for ''substance or radiation''.

Subsec. (e)(1)(C). Pub. L. 103–210, § 1(a)(2)(A), added subpar. (C).

Subsec. (e)(2). Pub. L. 103–210, § 1(a)(2)(B), substituted ''subparagraph (A), (B), or (C)'' for ''subparagraph (A) or (B)''.

Subsec. (e)(3). Pub. L. 103–210, § 2(a), substituted ''June 30, 1994'' for ''December 31, 1993''.

Pub. L. 103–210, § 1(a)(2)(C), inserted before period at end '', or, in the case of care for a veteran described in paragraph (1)(C), after December 31, 1994''.

1992—Subsec. (e)(2). Pub. L. 102–405 substituted ''Under Secretary for Health'' for ''Chief Medical Director''.

1991—Pub. L. 102–83, § 5(a), renumbered section 610 of this title as this section.

Subsec. (a)(1). Pub. L. 102–83, § 5(c)(1), substituted ''1151'' for ''351'' in subpar. (C) and ''1722(a)'' for ''622(a)'' in subpar. (I).

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

Subsec. (a)(1)(H). Pub. L. 102–54 substituted ''the Mexican border period'' for ''the Spanish-American War, the Mexican border period,''.

Subsec. (a)(3). Pub. L. 102–83, § 5(c)(1), substituted ''1703'' for ''603'' and ''1720'' for ''620''.

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

Subsec. (b)(2)(A). Pub. L. 102–83, § 5(c)(1), substituted ''1503'' for ''503'' and ''1521(d)'' for ''521(d)''.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1712(b)'' for ''612(b)''.

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' wherever appearing.

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1720'' for ''620''.

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

Subsec. (e)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in subpars. (A)(ii) and (B).

Subsec. (e)(3). Pub. L. 102–4 substituted ''1993'' for ''1990''.

Subsec. (f)(3)(E), (F). Pub. L. 102–83, § 5(c)(1), substituted ''1712(f)'' for ''612(f)'' and ''1712(f)(4)'' for ''612(f)(4)'' in subpar. (E) and ''1712(f)'' for ''612(f)'' in subpar. (F).

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

1990—Subsec. (a)(1)(I). Pub. L. 101–508, § 8013(a)(1)(A), substituted ''section 622(a)'' for ''section 622(a)(1)''.

Subsec. (a)(2). Pub. L. 101–508, § 8013(a)(1)(B), added par. (2) and struck out former par. (2) which read as follows:

''(A) To the extent that resources and facilities are available, the Administrator may furnish hospital care and nursing home care which the Administrator determines is needed to a veteran for a non-service-connected disability if the veteran has an income level described in section 622(a)(2) of this title.

''(B) In the case of a veteran who is not described in paragraph (1) of this subsection or in subparagraph (A) of this paragraph, the Administrator may furnish hospital care and nursing home care which the Administrator determines is needed to the veteran for a non-service-connected disability—

''(i) to the extent that resources and facilities are otherwise available; and

''(ii) subject to the provisions of subsection (f) of this section.''

Subsec. (f)(1), (2). Pub. L. 101–508, § 8013(a)(2)(A), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

''(1) The Administrator may not furnish hospital care or nursing home care under this section to a veteran who is eligible for such care by reason of subsection (a)(2)(B) of this section unless the veteran agrees to pay to the United States the applicable amount determined under paragraph (2) of this subsection.

''(2) A veteran who is furnished hospital care or nursing home care under this section and who is required under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such care shall be liable to the United States for an amount equal to the lesser of—

''(A) the cost of furnishing such care, as determined by the Administrator; and

''(B) the amount determined under paragraph (3) of this subsection.''

Subsec. (f)(3)(A), (B). Pub. L. 101–508, § 8013(a)(2)(B), substituted ''paragraph (2)(A)(ii)'' for ''paragraph (2)(B)''.

1988—Subsec. (b). Pub. L. 100–233 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The Administrator, within the limits of Veterans' Administration facilities, may furnish domiciliary care to—

''(1) a veteran who was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or a person who is in receipt of disability compensation, when such person is suffering from a permanent disability or tuberculosis or neuropsychiatric ailment and is incapacitated from earning a living and has no adequate means of support; and

''(2) a veteran who is in need of domiciliary care if such veteran is unable to defray the expenses of necessary domiciliary care.''

Subsec. (e)(3). Pub. L. 100–687 substituted ''December 31, 1990'' for ''September 30, 1989''.

1986—Subsec. (a). Pub. L. 99–576, § 237(a), inserted ''who is in receipt of, or'' after ''veteran'' in par. (1)(C).

Pub. L. 99–272, § 19011(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care or nursing home care which the Administrator determines is needed to—

''(1)(A) any veteran for a service-connected disability; or

''(B) any veteran for a non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital or nursing home care;

''(2) a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty;

''(3) a person (A) who is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation, or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section;

''(4) a veteran who is a former prisoner of war;

''(5) a veteran who meets the conditions of subsection (e) of this section; and

''(6) any veteran for a non-service-connected disability if such veteran is sixty-five years of age or older.''

Subsec. (e)(1)(A), (B). Pub. L. 99–272, § 19011(d)(3)(A), substituted ''is eligible for hospital care and nursing home care under subsection (a)(1)(G)'' for ''may be furnished hospital care or nursing home care under subsection (a)(5)''.

Subsec. (e)(2), (3). Pub. L. 99–272, § 19011(d)(3)(B), substituted ''subsection (a)(1)(G)'' for ''subsection (a)(5)''.

Subsec. (f). Pub. L. 99–272, § 19011(a)(2), added subsec. (f).

Subsec. (f)(3)(F). Pub. L. 99–576, § 237(b)(1), added subpar. (F).

Subsec. (g). Pub. L. 99–272, § 19011(a)(2), added subsec. (g).

1985—Subsec. (e)(3). Pub. L. 99–166 substituted ''after September 30, 1989'' for ''after the end of the one-year period beginning on the date the Administrator submits to the appropriate committees of Congress the first report required by section 307(b)(2) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96–151; 93 Stat. 1098)''.

1983—Subsec. (a)(3). Pub. L. 98–160 inserted ''(A)'' after ''a person'' and, after ''disability compensation'', inserted ''or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such per-

son's continuing eligibility for such care is provided for in the judgment or settlement described in such section''.

1981—Subsec. (a). Pub. L. 97–72, § 102(a)(1), added cl. (5) and redesignated former cl. (5) as (6).

Pub. L. 97–37 added cl. (4) and redesignated former cl. (4) as (5).

Subsec. (e). Pub. L. 97–72, § 102(a)(2), added subsec. (e).

1979—Subsec. (c). Pub. L. 96–22 inserted provisions relating to the furnishing of dental services and treatment and related dental appliances for non-service-connected dental conditions or disabilities of veterans.

1976—Pub. L. 94–581, § 202(d)(1), inserted '', nursing home,'' in section catchline.

Subsec. (a). Pub. L. 94–581, §§ 202(d)(2), 210(a)(1)(A), (B), substituted ''the Administrator determines'' for ''he determines'' in provisions preceding par. (1) and substituted ''such veteran'' for ''he'' and ''necessary hospital or nursing home care'' for ''necessary hospital care'' in subpar. (B) of par. (1).

Subsec. (b)(1). Pub. L. 94–581, § 210(a)(1)(C), substituted ''such person'' for ''he''.

Subsec. (b)(2). Pub. L. 94–581, §§ 202(d)(3), 210(a)(1)(B), substituted ''a veteran who is in need of domiciliary care if such veteran'' for ''a veteran of any war or of service after January 31, 1955, who is in need of domiciliary care, if he''.

Subsec. (c). Pub. L. 94–581, § 210(a)(1)(B), substituted ''for which such veteran is hospitalized'' for ''for which he is hospitalized''.

Subsec. (d). Pub. L. 94–581, § 202(d)(4), substituted ''direct jurisdiction'' for ''direct and exclusive jurisdiction''.

1973—Subsec. (a). Pub. L. 93–82, § 102(1), (2), extended authority of the Administrator to furnish nursing home care, and in par. (1)(B), substituted ''any veteran for a'' for ''a veteran of any war or of service after January 31, 1955, for''.

Subsec. (c). Pub. L. 93–82, § 102(3), expanded provision regarding medical services to include nursing home care and struck out requirement that the Administrator make a determination in each instance that the non-service-connected disability would be in the veteran's interest, would not prolong his hospitalization, and, would not interfere with the furnishing of hospital facilities to other veterans.

Subsec. (d). Pub. L. 93–82, § 102(4), added subsec. (d).

1970—Subsec. (a). Pub. L. 91–500 added cl. (4).

1966—Pub. L. 89–358 inserted ''or of service after January 31, 1955,'' after ''veteran of any war'' in subsecs. (a)(1)(B) and (b)(2).

Subsec. (c). Pub. L. 89–785 added subsec. (c).

1962—Subsec. (a)(1). Pub. L. 87–583 provided for hospital care to any veteran for a service-connected disability instead of to a veteran of any war for a service-connected disability incurred or aggravated during a period of war in subpar. (A) and incorporated existing provisions in subpar. (B).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 8023(b)(1), (2) of Pub. L. 105–33 effective Oct. 1, 1997, see section 8023(g) of Pub. L. 105–33, set out as a note under section 712 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–275 effective Jan. 1, 1997, with no benefit to be paid or provided by reason of such amendment for any period before such date, see section 505(d) of Pub. L. 104–275, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1(c)(1) of Pub. L. 103–210 provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 1712 of this title] shall take effect as of August 2, 1990.''

EFFECTIVE DATE OF 1990 AMENDMENTS

Pub. L. 102–145, § 111, Oct. 28, 1991, 105 Stat. 970, provided that: ''Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) [enacting section 622A [now 1722A] of this title and amending this section and sections 612 [now 1712] and 622 [now 1722] of this title] shall remain in effect through the period covered by this joint resolution [see section 106 of Pub. L. 102–145, 105 Stat. 970, as amended by Pub. L. 102–163, 105 Stat. 1048].''

Pub. L. 102–109, § 111, Sept. 30, 1991, 105 Stat. 553, provided that: ''Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) [enacting section 622A [now 1722A] of this title and amending this section and sections 612 [now 1712] and 622 [now 1722] of this title] shall remain in effect through the period covered by this joint resolution [see section 106 of Pub. L. 102–109, 105 Stat. 553].''

Section 8013(d) and (e) of Pub. L. 101–508, as amended by Pub. L. 102–139, title V, § 518(b), Oct. 28, 1991, 105 Stat. 779; Pub. L. 102–568, title VI, § 606(b), Oct. 29, 1992, 106 Stat. 4343; Pub. L. 103–66, title XII, § 12002(a), Aug. 10, 1993, 107 Stat. 414; Pub. L. 105–33, title VIII, § 8021(a)(2), Aug. 5, 1997, 111 Stat. 665, provided that:

''(d) EFFECTIVE DATE.—The amendments made by this section [amending this section and sections 612 and 622 [now 1712 and 1722] of this title] shall apply with respect to hospital care and medical services received after October 31, 1990, or the date of the enactment of this Act [Nov. 5, 1990], whichever is later.

''[(e) Repealed. Pub. L. 105–33, title VIII, § 8021(a)(2), Aug. 5, 1997, 111 Stat. 665.]''

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 237(c) of Pub. L. 99–576 provided that: ''The amendments made by this section [amending this section and section 612 [now 1712] of this title] shall take effect as of April 7, 1986.''

Section 19011(f) of Pub. L. 99–272 provided that:

''(1) Except as provided in paragraph (2), the amendments made by this section [amending this section and sections 525, 601, 612, 612A, 620, 622, and 663 [now 1525, 1701, 1712, 1712A, 1720, 1722, and 1763] of this title and enacting provisions set out as notes under this section and section 1722 of this title] shall apply to hospital care, nursing home care, and medical services furnished on or after July 1, 1986.

''(2)(A) The provisions of sections 610 and 622 [now 1710 and 1722] of title 38, United States Code, as in effect on the day before the date of the enactment of this Act [Apr. 7, 1986], shall apply with respect to hospital and nursing home care furnished on or after July 1, 1986, to veterans furnished such care or services on June 30, 1986, but only to the extent that such care is furnished with respect to the same episode of care for which it was furnished on June 30, 1986, as determined by the Administrator pursuant to regulations which the Administrator shall prescribe.

''(B) During the months of July and August 1986, the Administrator may, in order to continue a course of treatment begun before July 1, 1986, furnish medical services to a veteran on an ambulatory or outpatient basis without regard to the amendments made by this section.

''(C) For the purposes of this paragraph, the term 'episode of care' means a period of consecutive days—

''(i) beginning with the first day on which a veteran is furnished hospital or nursing home care; and

''(ii) ending on the day of the veteran's discharge from the hospital or nursing home facility, as the case may be.''

EFFECTIVE DATE OF 1981 AMENDMENT

Section 5(d) of Pub. L. 97–37 provided that: ''The amendments made by this section [amending this section and section 612 [now 1712] of this title] shall take effect on October 1, 1981''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–22 effective Oct. 1, 1979, see section 107 of Pub. L. 96–22, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 1701 of this title.

SAVINGS PROVISION

Section 102(b) of Pub. L. 104–262 provided that: ''The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act [Oct. 9, 1996], shall continue to apply on and after such date with respect to the furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions, but only for treatment for a disability for which such care or services were furnished before such date.''

SAVINGS PROVISION FOR PUB. L. 100–322

Section 102(c) of Pub. L. 100–322 provided that: ''The amendment made by subsection (a) [amending this section] shall not limit or restrict the eligibility for domiciliary care of a veteran who was a patient or a resident in a State home facility or a Veterans' Administration domiciliary facility during the period beginning on January 1, 1987, and ending on April 1, 1988.''

IMPLEMENTATION REPORT

Pub. L. 105–368, title I, § 102(b), Nov. 11, 1998, 112 Stat. 3322, provided that: ''Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plan for establishing and operating the system for collection and analysis of information required by paragraph (5) of section 1710(e) of title 38, United States Code, as added by subsection (a)(4) [amending this section].''

DEMONSTRATION PROJECTS FOR TREATMENT OF PERSIAN GULF ILLNESS

Section 209(b) of Pub. L. 105–114 provided that:

''(1) The Secretary of Veterans Affairs shall carry out a program of demonstration projects to test new approaches to treating, and improving the satisfaction with such treatment of, Persian Gulf veterans who suffer from undiagnosed and ill-defined disabilities. The program shall be established not later than July 1, 1998, and shall be carried out at up to 10 geographically dispersed medical centers of the Department of Veterans Affairs.

''(2) At least one of each of the following models shall be used at no less than two of the demonstration projects:

''(A) A specialized clinic which serves Persian Gulf veterans.

''(B) Multidisciplinary treatment aimed at managing symptoms.

''(C) Use of case managers.

''(3) A demonstration project under this subsection may be undertaken in conjunction with another funding entity, including agreements under section 8111 of title 38, United States Code.

''(4) The Secretary shall make available from appropriated funds (which have been retained for contingent funding) $5,000,000 to carry out the demonstration projects.

''(5) The Secretary may not approve a medical center as a location for a demonstration project under this subsection unless a peer review panel has determined that the proposal submitted by that medical center is among those proposals that have met the highest competitive standards of clinical merit and the Secretary has determined that the facility has the ability to—

''(A) attract the participation of clinicians of outstanding caliber and innovation to the project; and

''(B) effectively evaluate the activities of the project.

''(6) In determining which medical centers to select as locations for demonstration projects under this subsection, the Secretary shall give special priority to medical centers that have demonstrated a capability to compete successfully for extramural funding support for research into the effectiveness and cost-effectiveness of the care provided under the demonstration project.''

PATIENT PRIVACY FOR WOMEN PATIENTS

Section 322 of Pub. L. 104–262 provided that:

''(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

''(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and, in cases in which it is cost-effective to do so, are given a high priority.

''(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1997, and not later than October 1 each year thereafter through 1999 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.''

HOSPICE CARE STUDY

Section 341 of Pub. L. 104–262 provided that:

''(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a research study to determine the desirability of the Secretary furnishing hospice care to terminally ill veterans and to evaluate the most cost-effective and efficient way to do so. The Secretary shall carry out the study using resources and personnel of the Department.

''(b) CONDUCT OF STUDY.—In carrying out the study required by subsection (a), the Secretary shall—

''(1) evaluate the programs, and the program models, through which the Secretary furnishes hospice care services within or through facilities of the Department of Veterans Affairs and the programs and program models through which non-Department facilities provide such services;

''(2) assess the satisfaction of patients, and family members of patients, in each of the program models covered by paragraph (1);

''(3) compare the costs (or range of costs) of providing care through each of the program models covered by paragraph (1); and

''(4) identify any barriers to providing, procuring, or coordinating hospice services through any of the program models covered by paragraph (1).

''(c) PROGRAM MODELS.—For purposes of subsection (b)(1), the Secretary shall evaluate a variety of types of models for delivery of hospice care, including the following:

''(1) Direct furnishing of full hospice care by the Secretary.

''(2) Direct furnishing of some hospice services by the Secretary.

''(3) Contracting by the Secretary for the furnishing of hospice care, with a commitment that the Secretary will provide any further required hospital care for the patient.

''(4) Contracting for all required care to be furnished outside the Department.

''(5) Referral of the patient for hospice care without a contract.

''(d) REPORT.—Not later than April 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the research study. The report shall set forth the Secretary's findings and recommendations. The Secretary shall include in the report information on the extent to which the Secretary advises veterans concerning their eligibility for hospice care and information on the number of veterans (as of the time of the report) who are in each model of hospice care described in subsection (c) and the average cost per patient of hospice care for each such model.''

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Section 103 of title I of Pub. L. 104–110 provided that: ''Any action taken by the Secretary of Veterans Affairs before the date of the enactment of this Act [Feb. 13, 1996] under a provision of law amended by this title [amending this section, sections 1712, 1720A, 1720C, 3703, 3710, 3720, 3731, 3735, 7451, 7618, and 8169 of this title, sections 11448 and 11450 of Title 42, The Public Health and Welfare, and provisions set out as notes under sections 1712, 1718, and 7721 of this title] that was taken during the period beginning on the date on which the authority of the Secretary under that provision of law expired and ending on the date of the enactment of this Act shall be considered to have the same force and effect as if the amendment to that provision of law made by this title had been in effect at the time of that action.''

Section 105 of Pub. L. 103–452 provided that: ''Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act [Nov. 2, 1994] is hereby ratified.''

REIMBURSEMENT FOR HOSPITAL, NURSING HOME OR OUTPATIENT SERVICES EXPENSES

Section 1(c)(2) of Pub. L. 103–210 directed Secretary of Veterans Affairs, on request, to reimburse any veteran who paid the United States an amount under 38 U.S.C. 1710(f) or 1712(f) for hospital care, nursing home care, or outpatient services furnished by the Secretary to the veteran before Dec. 20, 1993, on the basis of a finding that the veteran may have been exposed to a toxic substance or environmental hazard during the Persian Gulf War, with amount of reimbursement to be amount that was paid by the veteran for such care or services.

HEALTH CARE SERVICES FOR WOMEN

Pub. L. 102–585, title I, § 106, Nov. 4, 1992, 106 Stat. 4947, provided that:

''(a) GENERAL AUTHORITY.—In furnishing hospital care and medical services under chapter 17 of title 38, United States Code, the Secretary of Veterans Affairs may provide to women the following health care services:

''(1) Papanicolaou tests (pap smears).

''(2) Breast examinations and mammography.

''(3) General reproductive health care, including the management of menopause, but not including under this section infertility services, abortions, or pregnancy care (including prenatal and delivery care), except for such care relating to a pregnancy that is complicated or in which the risks of complication are increased by a service-connected condition.

''(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—The Secretary shall ensure that directors of medical facilities of the Department identify and assess opportunities under the authority provided in title II of this Act [38 U.S.C. 8111 note] to (1) expand the availability of, and access to, health care services for women veterans under sections 1710 and 1712 of title 38, United States Code, and (2) provide counseling, care, and services authorized by this title [see Short Title of 1992 Amendment note set out under section 101 of this title].''

REPORT ON HEALTH CARE AND RESEARCH

Pub. L. 102–585, title I, § 107, Nov. 4, 1992, 106 Stat. 4947, as amended by Pub. L. 104–262, title III, § 324, Oct. 9, 1996, 110 Stat. 3197, provided that:

''(a) IN GENERAL.—Not later than January 1 of 1993 and each year thereafter through 1998, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the provision of health care services and the conduct of research carried out by, or under the jurisdiction of, the Secretary relating to women veterans.

''(b) CONTENTS.—The report under subsection (a) shall include the following information with respect to the most recent fiscal year before the date of the report:

''(1) The number of women veterans who have received services described in section 106 of this Act [set out as a note above] in facilities under the jurisdiction of the Secretary (or the Secretary of Defense), shown by reference to the Department facility which provided (or, in the case of Department of Defense facilities, arranged) those services;

''(2) A description of (A) the services provided at each such facility (including information on the number of inpatient stays and the number of outpatient visits through which such services were provided), and (B) the extent to which each such facility relies on contractual arrangements under section 1703 or 8153 of title 38, United States Code, to furnish care to women veterans in facilities which are not under the jurisdiction of the Secretary where the provision of such care is not furnished in a medical emergency.

''(3) The steps taken by each such facility to expand the provision of services at such facility (or under arrangements with a Department of Defense facility) to women veterans.

''(4) A description (as of October 1 of the year preceding the year in which the report is submitted) of the status of any research relating to women veterans being carried out by or under the jurisdiction of the Secretary, including research under section 109 of this Act [former 38 U.S.C. 7303 note].

''(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.''

COORDINATION OF WOMEN'S SERVICES

Pub. L. 102–585, title I, § 108, Nov. 4, 1992, 106 Stat. 4948, provided that: ''The Secretary of Veterans Affairs shall ensure that an official in each regional office of the Veterans Health Administration shall serve as a coordinator of women's services. The responsibilities of such official shall include the following:

''(1) Conducting periodic assessments of the needs for services of women veterans within such region.

''(2) Planning to meet such needs.

''(3) Assisting in carrying out the purposes of section 106(b) of this title [set out above].

''(4) Coordinating the training of women veterans coordinators who are assigned to Department facilities in the region under the jurisdiction of such regional coordinator.

''(5) Providing appropriate technical support and guidance to Department facilities in that region with respect to outreach activities to women veterans.''

POPULATION STUDY OF WOMEN VETERANS

Pub. L. 102–585, title I, § 110, Nov. 4, 1992, 106 Stat. 4948, as amended by Pub. L. 103–452, title I, § 102(c), Nov. 2, 1994, 108 Stat. 4786, directed Secretary of Veterans Af-

fairs, in consultation with Advisory Committee on Women Veterans, to conduct a study to determine needs of veterans who are women for health-care services, based on an appropriate sample of veterans who are women, and to submit to Congress, not later than 9 months after Nov. 4, 1992, an interim report describing information and advice obtained from Advisory Committee and status of study, and to submit, not later than Dec. 31, 1995, a final report describing results of study.

DEMONSTRATION PROJECT TO EVALUATE INSTALLATION OF TELEPHONES FOR PATIENT USE AT DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE FACILITIES

Pub. L. 102–585, title V, § 525, Nov. 4, 1992, 106 Stat. 4960, directed Secretary of Veterans Affairs to carry out a demonstration project to evaluate feasibility and desirability of providing telephone service in patient rooms in Department of Veterans Affairs health-care facilities which do not currently provide such service, use of telephones by patients of such health-care facilities, and relative feasibility and cost-effectiveness of a variety of options for providing such service, and submit to Congress a report on the demonstration project not later than Sept. 30, 1994.

REPORTS ON FURNISHING OF HEALTH CARE AND IMPLEMENTATION OF CHANGES IN ELIGIBILITY

Section 19011(e) of Pub. L. 99–272, as amended by Pub. L. 100–527, § 10(1), (2), Oct. 25, 1988, 102 Stat. 2640, 2641; Pub. L. 101–237, title II, § 201(d), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102–40, title III, § 302, May 7, 1991, 105 Stat. 208; Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–291, § 4, May 20, 1992, 106 Stat. 179, directed Administrator of Veterans Affairs to submit to Congress a report for each fiscal year through fiscal year 1992 concerning implementation of the amendments made by section 19011 of Pub. L. 99–272, which amended this section and sections 1525, 1701, 1712, 1712A, 1720, 1722, and 1763 of this title and enacted provisions set out as notes under this section and section 1722 of this title, specified detailed information required to be submitted in each report, and provided that each report be submitted not later than the Feb. 1 following the end of the fiscal year for which it is submitted.

CHIROPRACTIC SERVICES PILOT PROGRAM

Section 109 of Pub. L. 99–166 directed Administrator of Veterans' Affairs to conduct a pilot program to evaluate therapeutic benefits and cost-effectiveness of furnishing certain chiropractic services to veterans eligible for medical services under this chapter, provided that the pilot program be carried out during period beginning Jan. 1, 1986, and ending Dec. 31, 1988, and directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Apr. 1, 1989, a report on implementation, operation, and results of the pilot program.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1701, 1703, 1705, 1706, 1712, 1712A, 1717, 1720, 1720B, 1720C, 1722, 1729A, 1771, 1772, 2303, 5317, 8110, 8111A of this title; title 10 section 1074e; title 26 section 6103.

§ 1711. Care during examinations and in emergencies

(a) The Secretary may furnish hospital care incident to physical examinations where such examinations are necessary in carrying out the provisions of other laws administered by the Secretary.

(b) The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care at rates prescribed by the Secretary.

(c)(1) The Secretary may contract with any organization named in, or approved by the Secretary under, section 5902 of this title to provide for the furnishing by the Secretary, on a reimbursable basis (as prescribed by the Secretary), of emergency medical services to individuals attending any national convention of such organization, except that reimbursement shall not be required for services furnished under this subsection to the extent that the individual receiving such services would otherwise be eligible under this chapter for medical services.

(2) The authority of the Secretary to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1142, § 611; Pub. L. 94–581, title II, §§ 202(e), 210(a)(2), Oct. 21, 1976, 90 Stat. 2856, 2862; Pub. L. 96–22, title II, § 202, June 13, 1979, 93 Stat. 54; Pub. L. 96–128, title V, § 501(a), Nov. 28, 1979, 93 Stat. 987; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1711 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1711 was renumbered section 3511 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 611 of this title as this section.

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

Subsec. (c)(1). Pub. L. 102–40 substituted ''5902'' for ''3402''.

1979—Subsec. (c). Pub. L. 96–22 added subsec. (c).

Subsec. (c)(1). Pub. L. 96–128 substituted ''named in, or approved by the Administrator under,'' for ''recognized by the Administrator for the purposes of''.

1976—Pub. L. 94–581, § 202(e)(1), substituted ''Care'' for ''Hospitalization'' in section catchline.

Subsec. (a). Pub. L. 94–581, § 210(a)(2)(A), substituted ''administered by the Administrator'' for ''administered by him''.

Subsec. (b). Pub. L. 94–581, §§ 202(e)(2), 210(a)(2)(B), substituted ''hospital care or medical services'' for ''hospital care'', ''the Administrator shall charge'' for ''he shall charge'', and ''prescribed by the Administrator'' for ''prescribed by him''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1712A, 1729, 1729A, 2303, 8111 of this title.

§ 1712. Dental care; drugs and medicines for certain disabled veterans; vaccines

(a)(1) Outpatient dental services and treatment, and related dental appliances, shall be furnished under this section only for a dental condition or disability—

(A) which is service-connected and compensable in degree;

(B) which is service-connected, but not compensable in degree, but only if—

(i) the dental condition or disability is shown to have been in existence at the time of the veteran's discharge or release from active military, naval, or air service;

(ii) the veteran had served on active duty for a period of not less than 180 days or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days immediately before such discharge or release;

(iii) application for treatment is made within 90 days after such discharge or release, except that (I) in the case of a veteran who reentered active military, naval, or air service within 90 days after the date of such veteran's prior discharge or release from such service, application may be made within 90 days from the date of such veteran's subsequent discharge or release from such service, and (II) if a disqualifying discharge or release has been corrected by competent authority, application may be made within 90 days after the date of correction; and

(iv) the veteran's certificate of discharge or release from active duty does not bear a certification that the veteran was provided, within the 90-day period immediately before the date of such discharge or release, a complete dental examination (including dental X-rays) and all appropriate dental services and treatment indicated by the examination to be needed;

(C) which is a service-connected dental condition or disability due to combat wounds or other service trauma, or of a former prisoner of war;

(D) which is associated with and is aggravating a disability resulting from some other disease or injury which was incurred in or aggravated by active military, naval, or air service;

(E) which is a non-service-connected condition or disability of a veteran for which treatment was begun while such veteran was receiving hospital care under this chapter and such services and treatment are reasonably necessary to complete such treatment;

(F) from which a veteran who is a former prisoner of war and who was detained or interned for a period of not less than 90 days is suffering;

(G) from which a veteran who has a service-connected disability rated as total is suffering; or

(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.

(2) The Secretary concerned shall at the time a member of the Armed Forces is discharged or released from a period of active military, naval, or air service of not less than 180 days or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days provide to such member a written explanation of the provisions of clause (B) of paragraph (1) of this subsection and enter in the service records of the member a statement signed by the member acknowledging receipt of such explanation (or, if the member refuses to sign such statement, a certification from an officer designated for such purpose by the Secretary concerned that the member was provided such explanation).

(3) The total amount which the Secretary may expend for furnishing, during any twelve-month period, outpatient dental services, treatment, or related dental appliances to a veteran under this section through private facilities for which the Secretary has contracted under clause (1), (2), or (5) of section 1703(a) of this title may not exceed $1,000 unless the Secretary determines, prior to the furnishing of such services, treatment, or appliances and based on an examination of the veteran by a dentist employed by the Department (or, in an area where no such dentist is available, by a dentist conducting such examination under a contract or fee arrangement), that the furnishing of such services, treatment, or appliances at such cost is reasonably necessary.

(4)(A) Except as provided in subparagraph (B) of this paragraph, in any year in which the President's Budget for the fiscal year beginning October 1 of such year includes an amount for expenditures for contract dental care under the provisions of subsection (a)[1] of this section (other than paragraphs (3)(B) and (3)(C) of that subsection) and section 1703 of this title during such fiscal year in excess of the level of expenditures made for such purpose during fiscal year 1978, the Secretary shall, not later than February 15 of such year, submit a report to the appropriate committees of the Congress justifying the requested level of expenditures for contract dental care and explaining why the application of the criteria prescribed in section 1703 of this title for contracting with private facilities and in the second sentence of section 1710(c) of this title for furnishing incidental dental care to hospitalized veterans will not preclude the need for expenditures for contract dental care in excess of the fiscal year 1978 level of expenditures for such purpose. In any case in which the amount included in the President's Budget for any fiscal year for expenditures for contract dental care under such provisions is not in excess of the level of expenditures made for such purpose during fiscal year 1978 and the Secretary determines after the date of submission of such budget and before the end of such fiscal year that the level of expenditures for such contract dental care during such fiscal year will exceed the fiscal year 1978 level of expenditures, the Secretary shall submit a report to the appropriate committees of the Congress containing both a justification (with respect to the projected level of expenditures for such fiscal year) and an explanation as required in the preceding sentence in the case of a report submitted pursuant to such sentence. Any report submitted pursuant to this paragraph shall include a comment by the Secretary on the effect of the application of the criteria prescribed in the second sentence of section 1710(c) of this title for furnishing incidental dental care to hospitalized veterans.

(B) A report under subparagraph (A) of this paragraph with respect to a fiscal year is not re-

[1] See References in Text note below.

quired if, in the documents submitted by the Secretary to the Congress in justification for the amounts included for Department programs in the President's Budget, the Secretary specifies with respect to contract dental care described in such subparagraph—

(i) the actual level of expenditures for such care in the fiscal year preceding the fiscal year in which such Budget is submitted;

(ii) a current estimate of the level of expenditures for such care in the fiscal year in which such Budget is submitted; and

(iii) the amount included in such Budget for such care.

(b) Dental services and related appliances for a dental condition or disability described in paragraph (1)(B) of subsection (a) shall be furnished on a one-time completion basis, unless the services rendered on a one-time completion basis are found unacceptable within the limitations of good professional standards, in which event such additional services may be afforded as are required to complete professionally acceptable treatment.

(c) Dental appliances, wheelchairs, artificial limbs, trusses, special clothing, and similar appliances to be furnished by the Secretary under this section may be procured by the Secretary either by purchase or by manufacture, whichever the Secretary determines may be advantageous and reasonably necessary.

(d) The Secretary shall furnish to each veteran who is receiving additional compensation or allowance under chapter 11 of this title, or increased pension as a veteran of a period of war, by reason of being permanently housebound or in need of regular aid and attendance, such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of any illness or injury suffered by such veteran. The Secretary shall continue to furnish such drugs and medicines so ordered to any such veteran in need of regular aid and attendance whose pension payments have been discontinued solely because such veteran's annual income is greater than the applicable maximum annual income limitation, but only so long as such veteran's annual income does not exceed such maximum annual income limitation by more than $1,000.

(e) In order to assist the Secretary of Health and Human Services in carrying out national immunization programs under other provisions of law, the Secretary may authorize the administration of immunizations to eligible veterans who voluntarily request such immunizations in connection with the provision of care for a disability under this chapter in any Department health care facility. Any such immunization shall be made using vaccine furnished by the Secretary of Health and Human Services at no cost to the Department. For such purpose, notwithstanding any other provision of law, the Secretary of Health and Human Services may provide such vaccine to the Department at no cost. Section 7316 of this title shall apply to claims alleging negligence or malpractice on the part of Department personnel granted immunity under such section.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1142, § 612; Pub. L. 86–639, § 1, July 12, 1960, 74 Stat. 472; Pub. L. 87–377, § 1, Oct. 4, 1961, 75 Stat. 806; Pub. L. 87–583, § 2, Aug. 14, 1962, 76 Stat. 381; Pub. L. 88–430, Aug. 14, 1964, 78 Stat. 438; Pub. L. 88–450, § 7, Aug. 19, 1964, 78 Stat. 504; Pub. L. 88–664, § 8, Oct. 13, 1964, 78 Stat. 1096; Pub. L. 90–77, title II, § 203(b), Aug. 31, 1967, 81 Stat. 183; Pub. L. 91–102, Oct. 30, 1969, 83 Stat. 168; Pub. L. 91–500, §§ 2, 3, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 91–588, §§ 4, 9(f), Dec. 24, 1970, 84 Stat. 1583, 1585; Pub. L. 93–82, title I, § 103(a), Aug. 2, 1973, 87 Stat. 180; Pub. L. 94–581, title I, § 103(a), title II, §§ 202(f), 210(a)(3), Oct. 21, 1976, 90 Stat. 2844, 2856, 2862; Pub. L. 95–588, title III, § 302, Nov. 4, 1978, 92 Stat. 2506; Pub. L. 96–22, title I, §§ 101, 102(b), June 13, 1979, 93 Stat. 47; Pub. L. 96–151, title II, §§ 203, 204, Dec. 20, 1979, 93 Stat. 1094; Pub. L. 97–35, title XX, § 2002(a), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97–37, §§ 3(b), 5(b), (c), Aug. 14, 1981, 95 Stat. 936, 937; Pub. L. 97–72, title I, §§ 102(b), 103(a), (b), Nov. 3, 1981, 95 Stat. 1048, 1049; Pub. L. 97–295, § 4(17), (95)(A), Oct. 12, 1982, 96 Stat. 1306, 1313; Pub. L. 99–166, title I, § 104, Dec. 3, 1985, 99 Stat. 944; Pub. L. 99–272, title XIX, §§ 19011(b), 19012(c)(1), (2), Apr. 7, 1986, 100 Stat. 375, 382; Pub. L. 99–576, title II, §§ 202, 231(b), 237(b)(2), title VII, § 702(5), Oct. 28, 1986, 100 Stat. 3254, 3263, 3267, 3301; Pub. L. 100–322, title I, §§ 101(a)–(c), (d)(2), (e)(1), (2), (f), (g)(1), (h)(1), 106, May 20, 1988, 102 Stat. 489–492, 494; Pub. L. 101–508, title VIII, § 8013(b), Nov. 5, 1990, 104 Stat. 1388–346; Pub. L. 102–25, title III, § 334(a), (c), Apr. 6, 1991, 105 Stat. 88, 89; renumbered § 1712 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), (5), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–86, title III, §§ 301, 302, Aug. 14, 1991, 105 Stat. 416; Pub. L. 102–585, title I, § 103, Nov. 4, 1992, 106 Stat. 4946; Pub. L. 103–210, § 1(b), Dec. 20, 1993, 107 Stat. 2496; Pub. L. 103–446, title XII, § 1201(d)(3), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 103–452, title I, §§ 101(e), 103(a)(2), Nov. 2, 1994, 108 Stat. 4784, 4786; Pub. L. 104–110, title I, § 101(a)(2), Feb. 13, 1996, 110 Stat. 768; Pub. L. 104–262, title I, § 101(b)(2)–(c)(2)(A), Oct. 9, 1996, 110 Stat. 3179.)

REFERENCES IN TEXT

Subsection (a) of this section, referred to in subsec. (a)(4)(A), was repealed and former subsec. (b) of this section was redesignated subsec. (a), by Pub. L. 104–262, title I, § 101(c)(1)(A), (B), Oct. 9, 1996, 110 Stat. 3179.

PRIOR PROVISIONS

Prior section 1712 was renumbered section 3512 of this title.

AMENDMENTS

1996—Pub. L. 104–262, § 101(c)(2)(A), substituted "Dental care; drugs and medicines for certain disabled veterans; vaccines" for "Eligibility for outpatient services" in section catchline.

Subsec. (a). Pub. L. 104–262, § 101(c)(1)(A), (B), redesignated subsec. (b) as (a) and struck out former subsec. (a) which required and authorized the Secretary to furnish on an ambulatory or outpatient basis medical services for certain veterans.

Subsec. (a)(1)(D). Pub. L. 104–110 substituted "December 31, 1996" for "December 31, 1995".

Subsec. (b). Pub. L. 104–262, § 101(c)(1)(B), (C), redesignated subsec. (c) as (b) and substituted "subsection (a)" for "subsection (b) of this section". Former subsec. (b) redesignated (a).

Subsecs. (c) to (e). Pub. L. 104–262, § 101(c)(1)(B), redesignated subsecs. (d), (h), and (j) as (c), (d), and (e), respectively. Former subsec. (c) redesignated (b).

Subsec. (f). Pub. L. 104–262, § 101(b)(2), redesignated subsec. (f) as subsec. (g) of section 1710 of this title.

Subsec. (h). Pub. L. 104–262, § 101(c)(1)(B), redesignated subsec. (h) as (d).

Subsec. (i). Pub. L. 104–262, § 101(c)(1)(A), struck out subsec. (i), which required Secretary to prescribe regulations relating to the order in which medical services were to be furnished to veterans.

Subsec. (j). Pub. L. 104–262, § 101(c)(1)(B), redesignated subsec. (j) as (e).

1994—Subsec. (a)(1)(D). Pub. L. 103–452, § 103(a)(2), substituted ''December 31, 1995'' for ''December 31, 1994''.

Subsec. (i)(1). Pub. L. 103–452, § 101(e)(1), inserted ''(A)'' after ''To a veteran'' and inserted before period at end '', or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services''.

Subsec. (i)(2). Pub. L. 103–452, § 101(e)(2), substituted ''or (B)'' for '', (B)'' and struck out before period at end '', or (C) who is eligible for counseling under section 1720D of this title, for the purposes of such counseling''.

Subsec. (i)(5). Pub. L. 103–446, § 1201(d)(3)(A), substituted ''section 1722(a)(3)'' for ''section 1722(a)(1)(C)''.

Subsec. (j). Pub. L. 103–446, § 1201(d)(3)(B), substituted ''Section 7316'' for ''Section 4116''.

1993—Subsec. (a)(1)(D). Pub. L. 103–210, § 1(b)(1), added subpar. (D).

Subsec. (a)(7). Pub. L. 103–210, § 1(b)(2), added par. (7).

1992—Subsec. (i)(2)(C). Pub. L. 102–585 added cl. (C).

1991—Pub. L. 102–83, § 5(a), renumbered section 612 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (a)(1)(C). Pub. L. 102–83, § 5(c)(1), substituted ''1151'' for ''351''.

Subsec. (a)(2)(B). Pub. L. 102–83, § 5(c)(1), substituted ''1710(a)'' for ''610(a)'', ''1503'' for ''503'', and ''1521(d)'' for ''521(d)''.

Subsec. (a)(4). Pub. L. 102–83, § 5(c)(1), substituted ''1710'' for ''610''.

Subsec. (a)(6). Pub. L. 102–83, § 5(c)(1), substituted ''1703'' for ''603''.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Subsec. (b)(1)(B)(ii). Pub. L. 102–25, § 334(a), inserted ''or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days'' after ''180 days''.

Subsec. (b)(1)(H). Pub. L. 102–86, § 301, amended subsec. (b)(1) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by adding subpar. (H).

Subsec. (b)(2). Pub. L. 102–25, § 334(a), inserted ''or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days'' after ''180 days''.

Subsec. (b)(3). Pub. L. 102–86, § 302, amended subsec. (b) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''$1,000'' for ''$500''.

Pub. L. 102–83, § 5(c)(1), substituted ''1703(a)'' for ''603(a)''.

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

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

Subsec. (b)(4)(A). Pub. L. 102–83, § 5(c)(1), substituted in two places ''1703'' for ''603'' and ''1710(c)'' for ''610(c)''.

Subsec. (b)(4)(B). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in introductory provisions.

Subsec. (d). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (f). Pub. L. 102–83, § 5(c)(1), substituted ''1717'' for ''617'' and ''1710(a)(2)'' for ''610(a)(2)'' in par. (1) and ''1717'' for ''617'' in par. (3).

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in pars. (2) and (4).

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

Pub. L. 102–25, § 334(c), substituted ''a period of war'' for ''the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era''.

Subsec. (i). Pub. L. 102–83, § 5(c)(1), substituted ''1710(e)'' for ''610(e)'' in par. (3) and ''1722(a)(1)(C)'' for ''622(a)(1)(C)'' in par. (5).

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

Subsec. (j). Pub. L. 102–83, § 4(b)(5), substituted ''the Secretary of Health and Human Services'' for ''the Secretary'' in second and third sentences.

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' wherever appearing.

1990—Subsec. (f)(1). Pub. L. 101–508, § 8013(b)(1), substituted ''section 610(a)(2)'' for ''section 610(a)(2)(B)''.

Subsec. (f)(3) to (7). Pub. L. 101–508, § 8013(b)(2), (3), redesignated pars. (5) and (7) as (3) and (4), respectively, and struck out former pars. (3), (4), and (6) which read as follows:

''(3) A veteran may not be required to make a payment under this subsection for services furnished under subsection (a) of this section during any 90-day period to the extent that such payment would cause the total amount paid by the veteran under this subsection for medical services furnished during that period and under section 610(f) of this title for hospital and nursing home care furnished during that period to exceed the amount of the inpatient Medicare deductible in effect on the first day of such 90-day period.

''(4) A veteran may not be required to make a payment under this subsection if such payment would result in the veteran paying, under this subsection and section 610(f) of this title, a total amount greater than four times the amount of the inpatient Medicare deductible for care or services, or any combination thereof, furnished under this chapter during any 365-calendar-day period.

''(6) For the purposes of this subsection, the term 'inpatient Medicare deductible' means the amount of the inpatient hospital deductible in effect under section 1813(b) of the Social Security Act (42 U.S.C. 1395e(b)).''

1988—Pub. L. 100–322, § 101(h)(1), substituted ''Eligibility for outpatient services'' for ''Eligibility for medical treatment'' in section catchline.

Subsec. (a)(1). Pub. L. 100–322, § 101(a), substituted ''shall furnish on an ambulatory or outpatient basis'' for ''may furnish'' in introductory provisions and added subpar. (C).

Subsec. (a)(2). Pub. L. 100–322, § 101(b)(1), (3), added par. (2) and struck out former par. (2) which read as follows: ''Subject to subsection (k) of this section, as part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran such home health services as the Administrator finds to be necessary or appropriate for the effective and economical treatment of such disability (including only such improvements and structural alterations the cost of which does not exceed $2,500 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment for such disability or to provide access to the home or to essential lavatory and sanitary facilities).''

Subsec. (a)(3) to (6). Pub. L. 100–322, § 101(b)(2), (3), added pars. (3) to (5) and redesignated former par. (3) as (6).

Subsec. (b)(1)(B)(i). Pub. L. 100–322, § 101(f)(1), substituted ''at the time of the veteran's'' for ''at time of''.

Subsec. (b)(1)(B)(ii). Pub. L. 100–322, § 101(f)(2), substituted ''180 days'' for ''one hundred and eighty days''.

Subsec. (b)(1)(B)(iii). Pub. L. 100–322, § 101(f)(3), substituted ''90 days'' for ''ninety days'' in four places.

Subsec. (b)(1)(B)(iv). Pub. L. 100–322, § 101(f)(4), substituted ''90-day'' for ''ninety-day''.

Subsec. (b)(1)(F). Pub. L. 100–322, §§ 101(g)(1)(A), 106, redesignated subpar. (G) as (F), substituted ''90 days'' for ''six months'', and struck out former subpar. (F) which read as follows: ''from which a veteran of the Spanish-American War or Indian wars is suffering;''.

Subsec. (b)(1)(G), (H). Pub. L. 100–322, §101(g)(1)(A), redesignated subpar. (H) as (G). Former subpar. (G) redesignated (F).

Subsec. (b)(4)(A). Pub. L. 100–322, §101(e)(2)(A), substituted ''subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)'' for ''subsections (a) and (f) of this section''.

Subsec. (e). Pub. L. 100–322, §101(g)(1)(B), struck out subsec. (e) which read as follows: ''Any disability of a veteran of the Spanish-American War or Indian Wars, upon application for the benefits of this section or outpatient medical services under section 624 of this title, shall be considered for the purposes thereof to be a service-connected disability incurred or aggravated in a period of war.''

Subsec. (f)(1). Pub. L. 100–322, §101(e)(1)(A)–(C), redesignated par. (4)(A) as par. (1), substituted ''under subsection (a) of this section (including home health services under section 617 of this title)'' for ''under this subsection (including home health services under paragraph (2) of this subsection)'' and ''paragraph (2) of this subsection'' for ''subparagraph (B) of this paragraph'', and struck out former par. (1) which read as follows: ''Except as provided in paragraph (4) of this subsection, the Administrator may furnish medical services for any disability on an outpatient or ambulatory basis—

''(A) to any veteran eligible for hospital care under section 610 of this title (i) if such services are reasonably necessary in preparation for, or (to the extent that facilities are available) to obviate the need of, hospital admission, or (ii) if such a veteran has been furnished hospital care, nursing home care, or domiciliary care and such medical services are reasonably necessary to complete treatment incident to such care (for a period not in excess of twelve months after discharge from such treatment, except where the Administrator finds that a longer period is required by virtue of the disability being treated); and

''(B) to any veteran who is a former prisoner of war.''

Subsec. (f)(2). Pub. L. 100–322, §101(e)(1)(D)–(F), redesignated par. (4)(B) as (2), substituted ''subsection (a) of this section and who is required under paragraph (1) of this subsection'' for ''this subsection and who is required under subparagraph (A) of this paragraph'', and struck out former par. (2) which read as follows: ''Subject to subsection (k) of this section, as part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran (including only such improvements and structural alterations the cost of which does not exceed $600 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment or provide access to the home or to essential lavatory and sanitary facilities).''

Subsec. (f)(3). Pub. L. 100–322, §101(e)(1)(A), (D), (E), (G), redesignated par. (4)(C) as (3), substituted ''under this subsection for services furnished under subsection (a) of this section'' for ''under this paragraph for services furnished under this subsection'' and ''veteran under this subsection'' for ''veteran under this paragraph'', and struck out former par. (3) which read as follows: ''In addition to furnishing medical services under this subsection through Veterans' Administration facilities, the Administrator may furnish such services in accordance with section 603 of this title.''

Subsec. (f)(4). Pub. L. 100–322, §101(e)(1)(D), redesignated par. (4)(D) as (4).

Subsec. (f)(5). Pub. L. 100–322, §101(e)(1)(D), (H), redesignated par. (4)(E) as (5) and substituted ''under section 617 of this title'' for ''under this subsection''.

Subsec. (f)(6). Pub. L. 100–322, §101(e)(1)(D), (E), redesignated par. (4)(F) as (6) and substituted ''this subsection'' for ''this paragraph''.

Subsec. (f)(7). Pub. L. 100–322, §101(e)(1)(D), (E), redesignated par. (4)(G) as (7) and substituted ''this subsection'' for ''this paragraph''.

Subsec. (g). Pub. L. 100–322, §101(e)(2)(B), struck out subsec. (g) which read as follows:

''(1) The Administrator may furnish medical services which the Administrator determines are needed to a veteran—

''(A) who is a veteran of the Mexican border period or of World War I; or

''(B) who is in receipt of increased pension or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance).

''(2) As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran home health services under the terms and conditions set forth in subsection (f) of this section.

''(3) In addition to furnishing medical services under this subsection through Veterans' Administration facilities, the Administrator may furnish such services in accordance with section 603 of this title.''

Subsec. (i). Pub. L. 100–322, §101(c), added pars. (1) to (5) and struck out former pars. (1) to (6) which read as follows:

''(1) To any veteran for a service-connected disability.

''(2) To any veteran described in subsection (f)(2) of this section.

''(3) To any veteran with a disability rated as service-connected (including any veteran being examined to determine the existence or rating of a service-connected disability).

''(4) To any veteran (A) who is a former prisoner of war, or (B) who is eligible for care under section 610(a)(5) of this title.

''(5) To any veteran being furnished medical services under subsection (g) of this section.

''(6) To any veteran who is in receipt of pension under section 521 of this title.''

Subsec. (k). Pub. L. 100–322, §101(d)(2), transferred subsec. (k) to section 617(a)(3) of this title.

1986—Subsec. (a). Pub. L. 99–272, §19011(b)(1), substituted par. (1) for ''Except as provided in subsection (b) of this section, the Administrator, within the limits of Veterans' Administration facilities, may furnish such medical services as the Administrator finds to be reasonably necessary to any veteran for a service-connected disability.'', designated second sentence of existing provision as par. (2), substituted ''As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran'' for ''The Administrator may also furnish to any such veteran'', struck out provision that in the case of a veteran discharged or released from active military, naval, or air service for a disability incurred or aggravated in the line of duty, services may be provided for that disability, whether or not service-connected for the purposes of this chapter, and added par. (3).

Subsec. (a)(2). Pub. L. 99–576, §202(1), substituted ''Subject to subsection (k) of this section, as'' for ''As''.

Subsec. (b)(3). Pub. L. 99–272, §19012(c)(1), substituted ''clause (1), (2), or (5) of section 603(a)'' for ''clause (i), (ii), or (v) of section 601(4)(C)''.

Subsec. (b)(4). Pub. L. 99–576, §231(b), designated existing provisions as subpar. (A), substituted ''Except as provided in subparagraph (B) of this paragraph, in'' for ''In'', and added subpar. (B).

Pub. L. 99–272, §19012(c)(2), substituted ''section 603'' for ''section 601(4)(C)'' in two places.

Subsec. (f). Pub. L. 99–272, §19011(b)(2), designated existing first sentence as par. (1), substituted ''Except as provided in paragraph (4) of this subsection, the Administrator may'' for ''The Administrator, within the limits of Veterans' Administration facilities, may'', redesignated former cl. (1) as cl. (A) and subcls. (A) and (B) as subcls. (i) and (ii), inserted ''and'' after ''being treated);'', struck out par. (2), which related to any veteran who had a service-connected disability rated at 50 per-

cent or more, and redesignated cl. (3) as cl. (B); designated existing second sentence as par. (2) and substituted ''As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran'' for ''The Administrator may also furnish to any such veteran''; struck out provision authorizing the Administrator to furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsec. (b)(1)(G) of this section; and added pars. (3) and (4).

Subsec. (f)(2). Pub. L. 99–576, § 202(1), substituted ''Subject to subsection (k) of this section, as'' for ''As''.

Subsec. (f)(4)(D) to (G). Pub. L. 99–576, § 237(b)(2), added subpar. (D) and redesignated former subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (g). Pub. L. 99–272, § 19011(b)(3), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''In the case of any veteran who is a veteran of the Mexican border period or of World War I or who is in receipt of increased pension or additional compensation or allowance based on the need of regular aid and attendance or by reason of being permanently housebound, or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance, the Administrator, within the limits of Veterans' Administration facilities, may furnish the veteran such medical services as the Administrator finds to be reasonably necessary. The Administrator may also furnish to any such veteran home health services under the terms and conditions set forth in subsection (f) of this section.''

Subsec. (i)(6). Pub. L. 99–272, § 19011(b)(4), added par. (6).

Subsec. (j). Pub. L. 99–576, § 702(5), substituted ''programs under other provisions'' for ''programs pursuant to other provisions'', ''veterans who voluntarily request such immunizations'' for ''veterans (voluntarily requesting such immunizations)'', ''facility. Any such immunization shall be made using'' for ''facility, utilizing'', ''Administration. For such purpose, notwithstanding any other provision of law, the Secretary may provide'' for ''Administration, and for such purpose, notwithstanding any other provision of law, the Secretary is authorized to provide'', and ''cost. Section 4116'' for ''cost and the provisions of section 4116''.

Subsec. (k). Pub. L. 99–576, § 202(2), added subsec. (k).

1985—Subsec. (f)(1). Pub. L. 99–166 substituted ''if'' for ''where'' after ''(A)'' and ''(B)'', inserted '', nursing home care, or domiciliary care'', struck out ''hospital'' after ''treatment incident to such'', and substituted ''from such treatment'' for ''from in-hospital treatment''.

1982—Subsec. (a). Pub. L. 97–295, § 4(17)(A), (B), inserted ''of this section'' after ''subsection (b)'', and substituted ''facilities)'' for ''facilities'' after ''sanitary''.

Subsec. (f)(2). Pub. L. 97–295, § 4(17)(C), substituted ''percent'' for ''per centum''.

Subsec. (h). Pub. L. 97–295, § 4(17)(D), inserted ''of this title'' after ''chapter 11''.

Subsec. (i). Pub. L. 97–295, § 4(17)(E), substituted ''The'' for ''Not later than ninety days after the effective date of this subsection, the'' at the beginning.

Subsec. (j). Pub. L. 97–295, § 4(95)(A), substituted ''Health and Human Services'' for ''Health, Education, and Welfare''.

1981—Subsec. (b). Pub. L. 97–72, § 103(a), divided existing provisions into pars. (1), (2), (3), and (4), redesignated cls. (1) through (8) as subpars. (A) through (H) of par. (1) as redesignated, made internal substitutions reflecting new number and letter designations, and, in par. (1)(B) as redesignated, inserted provisions set out in par. (1)(B)(ii), (iii)(I), and (iv).

Pub. L. 97–37, § 3(b), in cl. (7) substituted ''from which a veteran who is a former prisoner of war and who was detained or interned for a period of not less than six months is suffering'' for ''from which any veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war for a period of not less than six months is suffering''.

Pub. L. 97–35 inserted provisions requiring the Secretary concerned to furnish a discharged or released member of the Armed Forces a written explanation concerning the provisions of cl. (2) of this subsection, and in cl. (2) added subcl. (B) and (D), and redesignated former subcl. (B) as (C) and, as so redesignated, substituted ''90 days'' for ''one year'' in two places.

Subsec. (c). Pub. L. 97–72, § 103(b)(1), substituted ''paragraph (1)(B)'' for ''clause (2)''.

Subsec. (f). Pub. L. 97–72, § 103(b)(2), substituted ''clause (G) of subsection (b)(1)'' for ''subsection (b)(7)''.

Subsec. (f)(3). Pub. L. 97–37, § 5(b), added cl. (3).

Subsec. (i)(4). Pub. L. 97–72, § 102(b), designated existing provisions relating to former prisoners of war as cl. (A) and added cl. (B) relating to veterans who are eligible for care under section 610(a)(5) of this title.

Pub. L. 97–37, § 5(c), added cl. (4). Former cl. (4) redesignated (5).

Subsec. (i)(5). Pub. L. 97–37, § 5(c)(1), redesignated former cl. (4) as (5).

1979—Subsec. (b). Pub. L. 96–151, § 203, inserted provisions relating to the total amount the Administrator may expend.

Pub. L. 96–22, § 102(b)(1), added pars. (7) and (8) and inserted provisions following par. (8).

Subsec. (f). Pub. L. 96–22, § 102(b)(2), authorized the Administrator to furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsec. (b)(7) of this section.

Subsec. (g). Pub. L. 96–151, § 204, inserted provisions relating to particular applicability to Mexican border period or World War I veterans, and provisions relating to furnishing by the Administrator of home health care services.

Subsec. (i)(3). Pub. L. 96–22, § 101, inserted ''(including any veteran being examined to determine the existence or rating of a service-connected disability)'' after ''with a disability rated as service connected''.

1978—Subsec. (h). Pub. L. 95–588 substituted ''$1,000'' for ''$500''.

1976—Subsec. (a). Pub. L. 94–581, §§ 103(a)(1), 210(a)(3)(A), inserted provisions which authorized the Administrator to furnish such home health services as the Administrator finds to be necessary or appropriate for the effective and economical treatment of the disability (including only such improvements and structural alterations the cost of which does not exceed $2,500 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment for the disability or to provide access to the home or to essential lavatory and sanitary facilities), and in the existing provisions substituted ''as the Administrator finds'' for ''as he finds''.

Subsec. (b). Pub. L. 94–581, § 103(a)(2), added par. (5) and redesignated former par. (5) as (6).

Subsec. (d). Pub. L. 94–581, § 210(a)(3)(B), substituted ''procured by the Administrator'' for ''procured by him'' and ''whichever the Administrator determines'' for ''whichever he determines''.

Subsec. (e). Pub. L. 94–581, § 202(f)(1), substituted ''Indian Wars'' for ''Indian wars''.

Subsec. (f). Pub. L. 94–581, §§ 103(a)(3)–(7), 202(f)(2), substituted ''within the limits of Veterans' Administration facilities, may furnish'' for ''may also furnish'' in provisions preceding par. (1), substituted ''or (to the extent that facilities are available) to obviate'' for ''or to obviate'' in cl. (A) of par. (1), substituted ''furnished'' for ''granted'' in existing provisions of cl. (B) of par. (1) and inserted ''(for a period not in excess of twelve months after discharge from in-hospital treatment, except where the Administrator finds that a longer period is required by virtue of the disability being treated)'' at end, substituted ''50 per centum'' for ''80 per centum'' in par. (2), and inserted, after par. (2), provision authorizing the Administrator to furnish to the veteran such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of the veteran (including only such improvements and structural alterations the cost of which does not exceed $600 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment or provide access to

the home or to essential lavatory and sanitary facilities).

Subsec. (g). Pub. L. 94–581, §§ 202(f)(3), 210(a)(3)(C), inserted ", within the limits of Veterans' Administration facilities," after "the Administrator" and substituted "as the Administrator finds" for "as he finds".

Subsec. (h). Pub. L. 94–581, § 210(a)(3)(D), substituted "such veteran's annual income is greater" for "his annual income is greater" and "such veteran's annual income does not exceed" for "his annual income does not exceed".

Subsecs. (i), (j). Pub. L. 94–581, § 103(a)(8), added subsecs. (i) and (j).

1973—Subsec. (f). Pub. L. 93–82 substituted provisions relating to the furnishing of medical services for any disability on an outpatient or ambulatory basis to veterans eligible for hospital care where such services are necessary in preparation for, or to obviate the need of, hospital admission, or where such veteran has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care and to veterans who have a service-connected disability rated at 80 per centum or more for provisions relating to the furnishing of medical services for a non-service connected disability where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission, where a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment incident to such hospital care, and where a veteran of any war has a total disability permanent in nature resulting from a service-connected disability.

1970—Subsec. (g). Pub. L. 91–500, § 2, extended the authority of the Administrator to furnish medical services as he finds necessary to veterans permanently housebound or receiving pension or compensation based on need of regular aid and attendance and struck out conditions limiting such medical care to veterans hospitalized or suffering from one or more of the six specific conditions or diseases enumerated.

Subsec. (h). Pub. L. 91–588 inserted reference to Mexican border period and authorized the Administrator to continue furnishing drugs and medicine so ordered by any veteran in need of regular aid and attendance whose pension payments have been discontinued solely because his annual income is greater than the applicable maximum annual income limitation, but only so long as his annual income does not exceed such maximum annual income limitation by more than $500.

Pub. L. 91–500, § 3, authorized furnishing of drugs and medicines to veterans receiving additional compensation or allowance or increased pension by reason of being "permanently housebound".

1969—Subsec. (f)(3). Pub. L. 91–102 added par. (3).

1967—Subsec. (h). Pub. L. 90–77 imposed the obligation of furnishing drugs and medicines on the Administrator and extended such medical benefits to veterans receiving additional compensation under chapter 11 and veterans of the Vietnam era.

1964—Subsec. (b)(2). Pub. L. 88–430 permitted an application for treatment to be made within one year after a disqualifying discharge or release has been corrected, or the date of enactment of this exception, whichever is later.

Subsec. (g). Pub. L. 88–450 added subsec. (g).

Subsec. (h). Pub. L. 88–664 added subsec. (h).

1962—Subsec. (a). Pub. L. 87–583 provided for medical service to any veteran for a service-connected disability instead of to a veteran of any war, to a veteran discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or to a person who is in receipt of, but for the receipt of retirement pay would be entitled to, disability compensation.

1961—Subsecs. (b)(5), (e). Pub. L. 87–377 inserted "or Indian wars" after "Spanish-American War".

1960—Subsec. (f). Pub. L. 86–639 added subsec. (f).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–210 effective as of Aug. 2, 1990, see section 1(c)(1) of Pub. L. 103–210, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–508 to remain in effect through the period covered by Pub. L. 102–145, see section 111 of Pub. L. 102–145, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101–508 to remain in effect through the period covered by Pub. L. 102–109, see section 111 of Pub. L. 102–109, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101–508 applicable with respect to hospital care and medical services received after Nov. 5, 1990, see section 8013(d) of Pub. L. 101–508, as amended, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 101(a)–(c), (d)(2), (e)(1), (2), (f), (g)(1), (h)(1) of Pub. L. 100–322 applicable with respect to furnishing of medical services to veterans who apply for such services after June 30, 1988, see section 101(i) of Pub. L. 100–322, set out as a note under section 1703 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by section 237(b)(2) of Pub. L. 99–576 effective Apr. 7, 1986, see section 237(c) of Pub. L. 99–576, set out as a note under section 1710 of this title.

Amendment by section 19011(b) of Pub. L. 99–272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99–272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1981 AMENDMENTS

Amendment by section 5(b), (c) of Pub. L. 97–37 effective Oct. 1, 1981, see section 5(d) of Pub. L. 97–37, set out as a note under section 1710 of this title.

Section 2002(b) of Pub. L. 97–35 provided that:

"(b)(1) The amendments made by clauses (1)(A), (1)(C), and (2) of subsection (a) [amending this section] shall take effect on October 1, 1981.

"(2) The amendment made by clause (1)(B) of subsection (a) [amending this section] shall apply only to veterans discharged or released from active military, naval, or air service after September 30, 1981."

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96–151 effective Jan. 1, 1980, see section 206 of Pub. L. 96–151, set out as a note under section 111 of this title.

Amendment by section 102(b) of Pub. L. 96–22 effective Oct. 1, 1979, see section 107 of Pub. L. 96–22, set out as a note under section 1701 of this title.

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 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–664 effective Jan. 1, 1965, see section 11 of Pub. L. 88–664, set out as a note under section 1503 of this title.

SAVINGS PROVISION

Provisions of subsec. (a) of this section, as in effect on Oct. 8, 1996, to continue to apply on and after such date with respect to furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care before Oct. 9, 1996, on the basis of presumed exposure to a substance of radiation, but only for treatment for disability for which such care or services were furnished before Oct. 9, 1996, see section 102(b) of Pub. L. 104–262, set out as a note under section 1710 of this title.

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Any action taken by Secretary of Veterans Affairs before Feb. 13, 1996, under provision of law amended by title I of Pub. L. 104–110 that was taken during period beginning on date on which authority of Secretary under such provision of law expired and ending on Feb. 13, 1996, considered to have same force and effect as if such amendment had been in effect at time of that action, see section 103 of Pub. L. 104–110, set out as a note under section 1710 of this title.

DISABILITY OF VETERANS OF SPANISH-AMERICAN WAR

Section 101(g)(2) of Pub. L. 100–322, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: ''Any disability of a veteran of the Spanish-American War, upon application for outpatient medical services under section 1712 or 1724 of title 38, United States Code, shall be considered for the purposes thereof to be a service-connected disabilty [sic] and, for the purposes of section 1712(b) of such title, to be compensable in degree.''

PILOT PROGRAM OF MOBILE HEALTH-CARE CLINICS

Section 113 of Pub. L. 100–322 authorized Administrator of Veterans' Affairs to conduct a pilot program under which eligible veterans residing in areas which are at least 100 miles from the nearest Veterans' Administration health-care facility are furnished health-care services at a location convenient to their residences by Veterans' Administration employees furnishing such services through the use of appropriately equipped mobile health-care clinics, provided that the pilot program be conducted for a period of not less than 24 months, and required Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives interim and final reports on the project.

PILOT PROGRAM OF COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS

Section 115(a)–(f) of Pub. L. 100–322, as amended by Pub. L. 101–237, title II, § 201(c), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102–83, §§ 5(c)(2), 6(j)(1), Aug. 6, 1991, 105 Stat. 406, 409; Pub. L. 102–405, title I, § 107(h), Oct. 9, 1992, 106 Stat. 1978; Pub. L. 103–452, title I, § 103(e), Nov. 2, 1994, 108 Stat. 4787; Pub. L. 104–110, title I, § 102(a), Feb. 13, 1996, 110 Stat. 769; Pub. L. 104–275, title VI, § 601(a), Oct. 9, 1996, 110 Stat. 3344, provided for a pilot program to provide care and treatment in community-based facilities to homeless veterans suffering from chronic mental illness, prior to repeal by Pub. L. 105–114, title II, § 202(c)(4), Nov. 21, 1997, 111 Stat. 2287.

REPORT ON TREATMENT AND SERVICES FOR CHRONICALLY MENTALLY ILL VETERANS

Section 114 of Pub. L. 100–322 directed that the report required by section 235 of Pub. L. 99–576 [see below] include additional information about veterans being treated by the Veterans' Administration for mental illness disabilities who were furnished hospital, domiciliary, or nursing home care by the Administrator during fiscal years 1986, 1987, and 1988, and extended the deadline for submission of the report to not later than Dec. 15, 1988.

Section 235 of Pub. L. 99–576 directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Dec. 15, 1987, a report on Administrator's current use of authority to contract for care and treatment, and for rehabilitative services, for chronically mentally ill veterans through various types of facilities and to furnish home health services to such veterans in such veterans' homes or in other settings in which they reside.

VETERANS DISCHARGED OR RELEASED FROM ACTIVE SERVICE WHO REENTERED SUCH SERVICE WITHIN ONE YEAR, AND WERE DISCHARGED OR RELEASED BEFORE AUGUST 13, 1981

Section 103(c) of Pub. L. 97–72, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

''(1) Section 1712(b)(1)(B)(iii)(I) [now 1712(a)(1)(B)(iii)(I), formerly 612(b)(1)(B)(iii)(I)] of title 38, United States Code, shall apply only to veterans discharged or released from active military, naval, or air service after August 12, 1981.

''(2) A veteran who before August 13, 1981—

''(A) was discharged or released from active military, naval, or air service,

''(B) reentered such service within one year after the date of such discharge or release, and

''(C) was discharged or released from such subsequent service,

may be provided dental services and treatment in the same manner as provided for in section 1712(b) [now 1712(a), formerly 612(b)] of title 38, United States Code, if the veteran is otherwise eligible for such services and treatment and if application for such services and treatment is or was made within one year from the date of such subsequent discharge or release.''

STUDY OF HOME MODIFICATIONS FOR TOTALLY BLINDED SERVICE-CONNECTED VETERANS; REPORT NOT LATER THAN OCTOBER 1, 1979

Section 505 of Pub. L. 96–22 directed Administrator of Veterans' Affairs to submit a report to Committees on Veterans' Affairs of Senate and House of Representatives not later than Oct. 1, 1979, on needs of veterans who are totally blind from service-connected causes for home modifications the cost of which would exceed the amount allowable for such purposes under subsec. (a) of this section and on reasons why such veterans have not applied for home health services.

ANNUAL REPORT TO CONGRESS ON RESULTS OF REGULATIONS PRESCRIBED TO CARRY OUT SPECIAL PRIORITIES IN FURNISHING MEDICAL SERVICES

Section 103(b) of Pub. L. 94–581, as amended by Pub. L. 100–527, § 10(1), Oct. 25, 1988, 102 Stat. 2640; Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that not later than one year after Oct. 21, 1976, and annually thereafter, the Secretary of Veterans Affairs was to report to the Congress on the results of the regulations prescribed to carry out former subsec. (i) of this section.

NOTIFICATION TO ELIGIBLE INDIVIDUALS OF EXPANDED CARE AND SERVICES AVAILABLE AS RESULT OF AMENDMENTS BY VETERANS OMNIBUS HEALTH CARE ACT OF 1976

Section 117(b) of Pub. L. 94–581 directed Administrator, not later than ninety days after Oct. 21, 1976, to

take all appropriate steps to ensure that each individual eligible for new or expanded services as a result of amendments made by Veterans Omnibus Health Care Act of 1976 (Pub. L. 94–581) was personally notified about his or her eligibility and the way to secure care and services and directed Administrator to send copies of all notification forms to appropriate House and Senate committees, along with a description of how the forms were distributed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1525, 1701, 1703, 1710 of this title; title 26 section 6103.

§ 1712A. Eligibility for readjustment counseling and related mental health services

(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B), the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life. Such counseling may include a general mental and psychological assessment of the veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

(B) Subparagraph (A) applies to the following veterans:

(i) Any veteran who served on active duty—

(I) in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during the Vietnam era; or

(II) after May 7, 1975, in an area at a time during which hostilities occurred in that area.

(ii) Any veteran (other than a veteran covered by clause (i)) who served on active duty during the Vietnam era who seeks or is furnished such counseling before January 1, 2000.

(2)(A) Upon the request of any veteran (other than a veteran covered by paragraph (1)) who served in the active military, naval, or air service in a theater of combat operations (as so determined) during a period of war, or in any other area during a period in which hostilities (as defined in subparagraph (B)) occurred in such area, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

(B) For the purposes of subparagraph (A), the term ''hostilities'' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.

(b)(1) If, on the basis of the assessment furnished under subsection (a) of this section, a physician or psychologist employed by the Department (or, in areas where no such physician or psychologist is available, a physician or psychologist carrying out such function under a contract or fee arrangement with the Secretary) determines that the provision of mental health services to such veteran is necessary to facilitate the successful readjustment of the veteran to civilian life, such veteran shall, within the limits of Department facilities, be furnished such services on an outpatient basis. For the purposes of furnishing such mental health services, the counseling furnished under subsection (a) of this section shall be considered to have been furnished by the Department as a part of hospital care. Any hospital care and other medical services considered necessary on the basis of the assessment furnished under subsection (a) of this section shall be furnished only in accordance with the eligibility criteria otherwise set forth in this chapter (including the eligibility criteria set forth in section 1711(b) of this title).

(2) Mental health services furnished under paragraph (1) of this subsection may, if determined to be essential to the effective treatment and readjustment of the veteran, include such consultation, counseling, training, services, and expenses as are described in section 1701(6)(B) of this title.

[(c) Repealed. Pub. L. 104–262, title III, § 331(b), Oct. 9, 1996, 110 Stat. 3198.]

(d) The Under Secretary for Health may provide for such training of professional, paraprofessional, and lay personnel as is necessary to carry out this section effectively, and, in carrying out this section, may utilize the services of paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 3485 of this title) in initial intake and screening activities.

(e)(1) In furnishing counseling and related mental health services under subsections (a) and (b) of this section, the Secretary shall have available the same authority to enter into contracts with private facilities that is available to the Secretary (under sections 1703(a)(2) and 1710(a)(1)(B) of this title) in furnishing medical services to veterans suffering from total service-connected disabilities.

(2) Before furnishing counseling or related mental health services described in subsections (a) and (b) of this section through a contract facility, as authorized by this subsection, the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which the counseling or services are to be furnished.

(3) The authority of the Secretary to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(f) The Secretary, in cooperation with the Secretary of Defense, shall take such action as the Secretary considers appropriate to notify veterans who may be eligible for assistance under this section of such potential eligibility.

(g)(1)(A) Except as provided in subparagraph (C) of this paragraph, the Secretary may close or relocate a center in existence on January 1, 1988, only as described in the national plan required by paragraph (3) of this subsection (or in a revision to such plan under paragraph (4) of this subsection in which the closure or relocation of that center is proposed).

(B) A closure or relocation of a center which is proposed in such national plan may be carried out only after the end of the 120-day period beginning on the date on which the national plan

is submitted. A closure or relocation of a center not proposed in such plan may be carried out only after the end of the 60-day period beginning on the date the Secretary submits a revision to such plan in which the closure or relocation of that center is proposed.

(C) The Secretary may relocate a center in existence on January 1, 1988, without regard to the national plan (including any revision to such plan) if such relocation is to a new location away from a Department general health-care facility when such relocation is necessitated by circumstances beyond the control of the Department. Such a relocation may be carried out only after the end of the 30-day period beginning on the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and the House of Representatives of the proposed relocation, of the circumstances making it necessary, and of the reason for the selection of the new site for the center.

(2)(A) Not later than April 1, 1988, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983 (Public Law 98–160), to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder.

(B) The report required by subparagraph (A) of this paragraph shall include—

(i) the opinion of the Secretary with respect to (I) the extent to which the readjustment needs of veterans who served on active duty during the Vietnam era remain unmet, and (II) the extent to which the provision of readjustment counseling services under this section in centers is needed to meet such needs; and

(ii) in light of the opinion submitted pursuant to clause (i) of this subparagraph, such recommendations for amendments to this subsection and for other legislative and administrative action as the Secretary considers appropriate.

(3)(A) The Secretary, after considering the recommendations of the Under Secretary for Health, shall submit to such committees a report setting forth a national plan for all centers in existence on January 1, 1988. Such national plan shall set forth the Secretary's proposals as to each such center for a period (to be determined by the Secretary) of not less than 12 months beginning on the date of the submission of the report. The plan shall include, as to each center, whether the Secretary proposes to relocate the center to a general Department facility, relocate the center to a new location away from a general Department facility, expand the center in the same location, or close the center. The plan shall also set forth any proposal of the Secretary to open additional centers.

(B) The plan shall include the Secretary's evaluation as to how, in light of each of the criteria described in subparagraph (C) of this paragraph, the proposal set forth in the plan for each center covered by the plan would ensure the continued availability and effective furnishing of readjustment counseling services to eligible veterans needing such services in the geographic area served by that center.

(C) The Secretary shall make the evaluation described in subparagraph (B) of this paragraph with respect to any center in light of the following:

(i) The distribution of Vietnam-era veterans in the geographic area served by the center and the relationships between the location of such center and the general Department facility and such distribution.

(ii) The distance between the center and the general Department facility.

(iii) The availability of other entities (such as State, local, or private outreach facilities) which provide assistance to Vietnam-era veterans in the area served by the center.

(iv) The availability of transportation to, and parking at, the center and the general Department facility.

(v) The availability, cost, and suitability of the space at the general Department facility.

(vi) The overall cost impact of the proposed closure or relocation, including a comparison of the recurring nonpersonnel costs of providing readjustment counseling to the same estimated number of veterans at the center and the general Department facility.

(vii) The workload trends over the two previous fiscal years, and projected over the next fiscal year (or longer), at the center.

(viii) Such other factors as the Secretary determines to be relevant to making the evaluation described in subparagraph (B) of this paragraph.

(D) For the purposes of this paragraph, the term ''general Department facility'' means a Department facility which is not a center and at which readjustment counseling would be furnished in a particular geographic area upon the closure or relocation of a center.

(4) After submitting the plan required by paragraph (3) of this subsection, the Secretary may submit to the committees a revision to such plan in order to modify the proposal set forth in the plan as to any center. Any such revision shall include, with respect to each center addressed in the revision, a description of the Secretary's evaluation of the matters specified in paragraphs (3)(B) and (3)(C) of this subsection.

(5) For purposes of determining a period of time under paragraph (1)(B) of this subsection, if the national plan (or a revision to the national plan) is submitted to the committees during the 121-day period beginning 60 days before and ending 60 days after the final day of a session of the Congress, it shall be deemed to have been submitted on the sixty-first day after the final day of such session.

[(h) Repealed. Pub. L. 102–83, § 4(b)(6), Aug. 6, 1991, 105 Stat. 405.]

(i) For the purposes of this section:

(1) The term ''center'' means a facility (including a Resource Center designated under subsection (h)(3)(A) of this section) which is operated by the Department for the provision

of services under this section and which (A) is situated apart from Department general health-care facilities, or (B) was so situated but has been relocated to a Department general health-care facility.

(2) The term ''Department general health-care facility'' means a health-care facility which is operated by the Department for the furnishing of health-care services under this chapter, not limited to services provided through the program established under this section.

(Added Pub. L. 96–22, title I, § 103(a)(1), June 13, 1979, 93 Stat. 48, § 612A; amended Pub. L. 96–128, title V, § 501(b), Nov. 28, 1979, 93 Stat. 987; Pub. L. 97–72, title I, § 104(a)(1), (b), Nov. 3, 1981, 95 Stat. 1049; Pub. L. 98–160, title I, § 101, Nov. 21, 1983, 97 Stat. 993; Pub. L. 99–166, title I, §§ 105, 106, Dec. 3, 1985, 99 Stat. 944, 945; Pub. L. 99–272, title XIX, §§ 19011(d)(4), 19012(c)(3), Apr. 7, 1986, 100 Stat. 379, 382; Pub. L. 99–576, title II, § 204, title VII, § 702(6), Oct. 28, 1986, 100 Stat. 3255, 3302; Pub. L. 100–322, title I, § 107(a)–(e), May 20, 1988, 102 Stat. 494–496; Pub. L. 100–687, div. B, title XV, § 1501(a), Nov. 18, 1988, 102 Stat. 4132; Pub. L. 102–25, title III, § 334(d), Apr. 6, 1991, 105 Stat. 89; Pub. L. 102–54, § 14(b)(11), June 13, 1991, 105 Stat. 283; renumbered § 1712A and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), (6), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 104–262, title I, § 101(d)(5), title III, § 331, Oct. 9, 1996, 110 Stat. 3180, 3197.)

REFERENCES IN TEXT

Section 102 of the Veterans' Health Care Amendments of 1983, referred to in subsec. (g)(2)(A), is section 102 of Pub. L. 98–160, title I, Nov. 21, 183, 97 Stat. 994, which was formerly set out below.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–262, § 331(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

''(a)(1) Upon the request of any veteran who served on active duty during the Vietnam era, the Secretary shall, within the limits of Department facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

''(2)(A) The Secretary shall furnish counseling as described in paragraph (1), upon request, to any veteran who served on active duty after May 7, 1975, in an area at a time during which hostilities occurred in such area.

''(B) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.''

Subsec. (b)(1). Pub. L. 104–262, § 101(d)(5)(A), struck out ''under the conditions specified in section 1712(a)(5)(B) of this title'' after ''furnished such services on an outpatient basis''.

Subsec. (c). Pub. L. 104–262, § 331(b), struck out subsec. (c) which read as follows: ''Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such counseling, the Secretary shall—

''(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

''(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Department for review of such individual's discharge or release from such service.''

Subsec. (e)(1). Pub. L. 104–262, § 101(d)(5)(B), substituted ''sections 1703(a)(2) and 1710(a)(1)(B)'' for ''sections 1712(a)(1)(B) and 1703(a)(2)''.

1992—Subsecs. (d), (g)(3)(A). Pub. L. 102–405 substituted ''Under Secretary for Health'' for ''Chief Medical Director''.

1991—Pub. L. 102–83, § 5(a), renumbered section 612A of this title as this section.

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in par. (1).

Pub. L. 102–25 designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(1). Pub. L. 102–83, § 5(c)(1), substituted ''1712(a)(5)(B)'' for ''612(a)(5)(B)'' and ''1711(b)'' for ''611(b)''.

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'' wherever appearing.

Pub. L. 102–54 substituted ''section 612(a)(5)(B)'' for ''paragraph (1)(A)(ii) of section 612(f)''.

Subsec. (b)(2). Pub. L. 102–83, § 5(c)(1), substituted ''1701(6)(B)'' for ''601(6)(B)''.

Subsec. (c). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in pars. (1) and (2).

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''3485'' for ''1685''.

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''1712(a)(1)(B) and 1703(a)(2)'' for ''612(a)(1)(B) and 603(a)(2)'' in par. (1).

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

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

Subsec. (g). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' and ''Secretary's'' for ''Administrator's'' wherever appearing.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' wherever appearing.

Subsec. (h). Pub. L. 102–83, § 4(b)(6), struck out subsec. (h) which related to carrying out a pilot program to provide and coordinate services to meet the readjustment needs of veterans on active duty during the Vietnam era.

Subsec. (i). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' wherever appearing.

1988—Subsec. (g)(1). Pub. L. 100–322, § 107(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''During the 24-month period ending on September 30, 1989, the Administrator shall take appropriate steps to ensure—

''(A) the orderly, gradual transition, by October 1, 1989, of that part of the program established under this section for the provision of readjustment counseling services by Veterans' Administration personnel from a program providing such services primarily through centers located in facilities situated apart from the health-care facilities operated by the Veterans' Administration for the provision of other health-care services under other provisions of this chapter to a program providing readjustment counseling services primarily through such health-care facilities; and

''(B) the continued availability after such date of readjustment counseling and related mental health

services under this section to veterans eligible for the provision of such counseling and services who request such counseling.''

Subsec. (g)(1)(A). Pub. L. 100–687, § 1501(a)(1), substituted ''Except as provided in subparagraph (C) of this paragraph, the'' for ''The''.

Subsec. (g)(1)(C). Pub. L. 100–687, § 1501(a)(2), added subpar. (C).

Subsec. (g)(2)(A). Pub. L. 100–322, § 107(b), substituted ''April 1, 1988'' for ''April 1, 1987'' and struck out ''(or, if the study is not then completed, whatever information from it is then available)'' after ''(Public Law 98–160)''.

Subsec. (g)(2)(B)(i). Pub. L. 100–322, § 107(e)(1)(A), substituted ''in centers is needed'' for ''in a program providing such services through facilities situated apart from Veterans' Administration health-care facilities is needed''.

Subsec. (g)(2)(B)(ii). Pub. L. 100–322, § 107(e)(1)(B), substituted ''this subsection'' for ''paragraph (1) of this subsection''.

Subsec. (g)(3) to (5). Pub. L. 100–322, § 107(c), added pars. (3) to (5) and struck out former pars. (3) and (4) which read as follows:

''(3) Not later than July 1, 1987, the Administrator shall submit to such committees a report containing a description of the plans made and timetable for carrying out paragraph (1) of this subsection. Such report shall be prepared taking into consideration the results of the study referred to in paragraph (2)(A) of this subsection (or, if the study is not then completed, whatever information from it is then available).

''(4) Not later than February 1, 1989, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under as much of the transition as was carried out pursuant to paragraph (1) of this subsection before September 30, 1988, including such recommendations for legislative and administrative action as the Administrator considers appropriate in light of such experience.''

Subsec. (h)(3)(B). Pub. L. 100–322, § 107(e)(2)(A), substituted ''referred to as 'Resource Centers')'' for ''referred to as 'Centers')''.

Subsec. (h)(4), (5). Pub. L. 100–322, § 107(e)(2)(B), substituted ''Resource Center'' for ''Center'' wherever appearing.

Subsec. (i). Pub. L. 100–322, § 107(d), added subsec. (i).

1986—Subsec. (b)(1). Pub. L. 99–272, § 19011(d)(4)(A), substituted ''paragraph (1)(A)(ii)'' for ''clause (1)(B)''.

Subsec. (e)(1). Pub. L. 99–272, § 19012(c)(3), substituted ''603(a)(2)'' for ''601(4)(C)(ii)''.

Pub. L. 99–272, § 19011(d)(4)(B), substituted ''612(a)(1)(B)'' for ''612(f)(2)''.

Subsec. (g)(1). Pub. L. 99–576, § 204(a), substituted ''the 24-month period ending on September 30, 1989'' for ''the twelve-month period ending on September 30, 1988'' in introductory provision, and substituted ''orderly, gradual transition by October 1, 1989'' for ''orderly transition, by October 1, 1988'' in subpar. (A).

Subsec. (g)(2)(A). Pub. L. 99–576, § 204(b)(1), inserted ''(Pub. L. 98–160) (or, if the study is not then completed, whatever information from it is then available)'' after ''the Veterans' Health Care Amendments of 1983''.

Subsec. (g)(3). Pub. L. 99–576, § 204(b)(2), inserted at end ''Such report shall be prepared taking into consideration the results of the study referred to in paragraph (2)(A) of this subsection (or, if the study is not then completed, whatever information from it is then available).''

Subsec. (g)(4). Pub. L. 99–576, § 204(c), added par. (4).

Subsec. (h)(3)(A)(i). Pub. L. 99–576, § 702(6), substituted ''December 3, 1985,'' for ''the date of the enactment of this section''.

1985—Subsec. (g)(1)(B). Pub. L. 99–166, § 106, which directed the substitution of ''who request such counseling'' for ''who requested counseling before such date'', was executed by making the substitution for the phrase ''who requested such counseling before such date'' to reflect the probable intent of Congress.

Subsec. (h). Pub. L. 99–166, § 105, added subsec. (h).

1983—Subsec. (a). Pub. L. 98–160, § 101(a), struck out ''if such veteran requests such counseling within two years after the date of such veteran's discharge or release from active duty, or by September 30, 1984, whichever is later'' after ''to assist such veteran in readjusting to civilian life''.

Subsec. (g)(1). Pub. L. 98–160, § 101(b)(1), substituted ''September 30, 1988'' for ''September 30, 1984'' in provisions preceding subpar. (A).

Subsec. (g)(1)(A). Pub. L. 98–160, § 101(b)(1), substituted ''October 1, 1988'' for ''October 1, 1984''.

Subsec. (g)(2). Pub. L. 98–160, § 101(b)(2), amended par. (2) generally, designating existing provisions as subpar. (A), substituting ''Not later than April 1, 1987, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983, to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder'' for ''Not later than April 1, 1984, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the plans made and actions taken to carry out this subsection'', and adding subpar. (B).

Subsec. (g)(3). Pub. L. 98–160, § 101(b)(2), added par. (3).

1981—Subsec. (a). Pub. L. 97–72, § 104(a)(1), substituted ''or by September 30, 1984'' for ''or two years after the effective date of this section''.

Subsec. (g). Pub. L. 97–72, § 104(b), added subsec. (g).

1979—Subsec. (d). Pub. L. 96–128 substituted ''title)'' for ''title),''.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 19011(d)(4) of Pub. L. 99–272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99–272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 104(a)(2) of Pub. L. 97–72 provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect as of October 1, 1981.''

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96–22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

MARRIAGE AND FAMILY COUNSELING FOR PERSIAN GULF WAR VETERANS

Section 121 of Pub. L. 102–405 provided that:

''(a) REQUIREMENT.—Subject to the availability of funds appropriated pursuant to the authorization in subsection (g), the Secretary shall conduct a program to furnish to the persons referred to in subsection (b) the marriage and family counseling services referred to in subsection (c). The authority to conduct the program shall expire on September 30, 1994.

''(b) PERSONS ELIGIBLE FOR COUNSELING.—The persons eligible to receive marriage and family counseling services under the program are—

''(1) veterans who were awarded a campaign medal for active-duty service during the Persian Gulf War and the spouses and children of such veterans; and

''(2) veterans who are or were members of the reserve components who were called or ordered to active duty during the Persian Gulf War and the spouses and children of such members.

''(c) COUNSELING SERVICES.—Under the program, the Secretary may provide marriage and family counseling that the Secretary determines, based on an assessment by a mental-health professional employed by the Department and designated by the Secretary (or, in an area where no such professional is available, a mental-health professional designated by the Secretary and performing services under a contract or fee arrangement with the Secretary), is necessary for the amelioration of psychological, marital, or familial difficulties that result from the active duty service referred to in subsection (b)(1) or (2).

''(d) MANNER OF FURNISHING SERVICES.—(1) Marriage and family counseling services shall be furnished under the program—

''(A) by personnel of the Department of Veterans Affairs who are qualified to provide such counseling services;

''(B) by appropriately certified marriage and family counselors employed by the Department; and

''(C) by qualified mental health professionals pursuant to contracts with the Department, when Department facilities are not capable of furnishing economical medical services because of geographical inaccessibility or are not capable of furnishing the services required.

''(2) The Secretary shall establish the qualifications required of personnel under subparagraphs (A) and (C) of paragraph (1) and shall prescribe the training, experience, and certification required of appropriately certified marriage and family counselors under subparagraph (B) of such paragraph.

''(3) The Secretary may employ licensed or certified marriage and family counselors to provide counseling under paragraph (1)(B) and may classify the positions in which they are employed at levels determined appropriate by the Secretary, taking into consideration the training, experience, and licensure or certification required of such counselors.

''(e) CONTRACT COUNSELING SERVICES.—(1) Subject to paragraphs (2) and (4), a mental health professional referred to in subsection (d)(1)(C) may furnish marriage and family counseling services to a person under the program as follows:

''(A) For a period of not more than 15 days beginning on the date of the commencement of the furnishing of such services to the person.

''(B) For a 90-day period beginning on such date if—

''(i) the mental health professional submits to the Secretary a treatment plan with respect to the person not later than 15 days after such date; and

''(ii) the treatment plan and the assessment made under subsection (c) are approved by an appropriate mental health professional of the Department designated for that purpose by the Under Secretary for Health.

''(C) For an additional 90-day period beginning on the date of the expiration of the 90-day period referred to in subparagraph (B) (or any subsequent 90-day period) if—

''(i) not more than 30 days before the expiration of the 90-day period referred to in subparagraph (B) (or any subsequent 90-day period), the mental health professional submits to the Secretary a revised treatment plan containing a justification of the need of the person for additional counseling services; and

''(ii) the plan is approved in accordance with the provisions of subparagraph (B)(ii).

''(2)(A) A mental health professional referred to in paragraph (1) who assesses the need of any person for services for the purposes of subsection (c) may not furnish counseling services to that person.

''(B) The Secretary may waive the prohibition referred to in subparagraph (A) for locations (as determined by the Secretary) in which the Secretary is unable to obtain the assessment referred to in that subparagraph from a mental health professional other than the mental health professional with whom the Secretary enters into contracts under subsection (d)(1)(C) for the furnishing of counseling services.

''(3) The Secretary shall reimburse mental health professionals for the reasonable cost (as determined by the Secretary) of furnishing counseling services under paragraph (1). In the event of the disapproval of a treatment plan of a person submitted by a mental health professional under paragraph (1)(B)(i), the Secretary shall reimburse the mental health professional for the reasonable cost (as so determined) of furnishing counseling services to the person for the period beginning on the date of the commencement of such services and ending on the date of the disapproval.

''(4) The Secretary may authorize the furnishing of counseling in an individual case for a period shorter than the 90-day period specified in subparagraph (B) or (C) of paragraph (1) and, upon further consideration, extend the shorter period to the full 90 days.

''(5)(A) For the purposes of this subsection, the term 'treatment plan', with respect to a person entitled to counseling services under the program, must include—

''(i) an assessment by the mental health professional submitting the plan of the counseling needs of the person described in the plan on the date of the submittal of the plan; and

''(ii) a description of the counseling services to be furnished to the person by the mental health professional during the 90-day period covered by the plan, including the number of counseling sessions proposed as part of such services.

''(B) The Secretary shall prescribe an appropriate form for the treatment plan.

''(f) COST RECOVERY.—For the purposes of section 1729 of title 38, United States Code, marriage and family counseling services furnished under the program shall be deemed to be care and services furnished by the Department under chapter 17 of such title, and the United States shall be entitled to recover or collect the reasonable cost of such services in accordance with that section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

''(h) REPORT.—Not later than July 1, 1994, the Secretary shall submit to Congress a report on the program conducted pursuant to this section. The report shall contain information regarding the persons furnished counseling services under the program, including—

''(1) the number of such persons, stated as a total number and separately for each eligibility status referred to in subsection (b);

''(2) the age and gender of such persons;

''(3) the manner in which such persons were furnished such services under the program; and

''(4) the number of counseling sessions furnished to such persons.

''(i) DEFINITIONS.—For the purposes of this section, the terms 'veteran', 'child', 'active duty', 'reserve component', 'spouse', and 'Persian Gulf War' have the meanings given such terms in paragraphs 101(2), (4), (21), (27), (31), and (33) of section 101 of title 38, United States Code, respectively.''

POST-TRAUMATIC STRESS DISORDER PROGRAM PLANNING

Section 123 of Pub. L. 102–405 provided that:

''(a) PLAN.—The Secretary shall develop a plan—

''(1) to ensure, to the maximum extent practicable, that veterans suffering from post-traumatic stress disorder related to active duty are provided appropriate treatment and rehabilitative services for that condition in a timely manner;

''(2) to expand and improve the services available for veterans suffering from post-traumatic stress disorder related to active duty;

''(3) to eliminate waiting lists for inpatient treatment and other modes of treatment for post-traumatic stress disorder;

''(4) to enhance outreach activities carried out to inform combat-area veterans of the availability of treatment for post-traumatic stress disorder; and

''(5) to ensure, to the extent practicable, that there are Department post-traumatic stress disorder treatment units in locations that are readily accessible to veterans residing in rural areas of the United States.

''(b) CONSIDERATIONS.—In developing the plan referred to in subsection (a), the Secretary shall consider—

''(1) the numbers of veterans suffering from post-traumatic stress disorder related to active duty, as indicated by relevant studies, scientific and clinical reports, and other pertinent information;

''(2) the numbers of veterans who would likely seek post-traumatic stress disorder treatment from the Department if waiting times for treatment were eliminated and outreach activities to combat-area veterans with post-traumatic stress disorder were enhanced;

''(3) the current and projected capacity of the Department to provide appropriate treatment and rehabilitative services for post-traumatic stress disorder;

''(4) the level and geographic accessibility of inpatient and outpatient care available through the Department for veterans suffering from post-traumatic stress disorder across the United States;

''(5) the desirability of providing that inpatient and outpatient post-traumatic stress disorder care be furnished in facilities of the Department that are physically independent of general psychiatric wards of the medical facilities of the Department;

''(6) the treatment needs of veterans suffering from post-traumatic stress disorder who are women, of such veterans who are ethnic minorities (including Native Americans, Native Hawaiians, Asian-Pacific Islanders, and Native Alaskans), and of such veterans who suffer from substance abuse problems in addition to post-traumatic stress disorder; and

''(7) the recommendations of the Special Committee on Post-Traumatic-Stress Disorder with respect to (A) specialized inpatient and outpatient programs of the Department for the treatment of post-traumatic stress disorder, and (B) with respect to the establishment of educational programs that are designed for each of the various levels of education, training, and experience of the various mental health professionals involved in the treatment of veterans suffering from post-traumatic stress disorder.

''(c) REPORT.—Not later than six months after the date of the enactment of this Act [Oct. 9, 1992], the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan developed pursuant to subsection (a). The report shall include specific information relating to the consideration given to the matters described in subsection (b).

''(d) DEFINITIONS.—For the purposes of this section:

''(1) The term 'active duty' has the meaning given that term in section 101(21) of title 38, United States Code.

''(2) The term 'veteran' has the meaning given that term in section 101(2) of such title.

''(3) The term 'combat-area veteran' means a veteran who served on active duty in an area at a time during which hostilities (as defined in section 1712A(a)(2)(B) of such title) occurred in such area.''

UPDATES OF REPORTS ON POST-TRAUMATIC STRESS DISORDER

Section 122(b) of Pub. L. 102–405 directed Special Committee on Post-Traumatic-Stress Disorder, not later than Oct. 1, 1992, and Oct. 1, 1993, to concurrently submit to Secretary and Committees on Veterans' Affairs of Senate and House of Representatives a report containing information updating the reports submitted to the Secretary under section 110(e) of the Veterans' Health Care Act of 1984, together with any additional information the Special Committee considers appropriate regarding the overall efforts of the Department of Veterans Affairs to meet the needs of veterans with post-traumatic stress disorder and other psychological problems in readjusting to civilian life, and directed Secretary, not later than 90 days after receiving each of the reports to submit to the committees any comments concerning the report that the Secretary considered appropriate. Similar provisions were contained in Pub. L. 101–237, title II, § 201(e), Dec. 18, 1989, 103 Stat. 2066, as amended by Pub. L. 101–366, title II, § 204, Aug. 15, 1990, 104 Stat. 439.

AUTHORIZATION FOR RELOCATION OF CERTAIN FACILITIES

Section 1501(b) of Pub. L. 100–687 related to relocation of 17 Veterans' Administration Readjustment Counseling Service Vet Centers from their locations away from general Veterans' Administration health-care facilities to other such locations.

PROHIBITION OF DELEGATION OF DUTIES

Section 107(f) of Pub. L. 100–322, as amended by Pub. L. 100–527, § 10(4), Oct. 25, 1988, 102 Stat. 2641; Pub. L. 102–40, § 2(b), May 7, 1991, 105 Stat. 187; Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: ''The Chief Medical Director [now Under Secretary for Health] of the Department of Veterans Affairs may not delegate the function of making recommendations under section 1712A(g)(3)(A) [formerly 612A(g)(3)(A)] of title 38, United States Code, as amended by subsection (c).''

POST-TRAUMATIC-STRESS DISORDER; DIAGNOSIS AND TREATMENT; EDUCATION AND TRAINING OF HEALTH-CARE PERSONNEL; COORDINATION WITH READJUSTMENT COUNSELING; SPECIAL COMMITTEE; NATIONAL CENTER; COMPILATION AND PUBLICATION OF RESEARCH RESULTS; REPORTS TO CONGRESSIONAL COMMITTEES

Pub. L. 98–528, title I, § 110, Oct. 19, 1984, 98 Stat. 2691, as amended by Pub. L. 100–527, § 10(2), (4), (5), Oct. 25, 1988, 102 Stat. 2641; Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

''(a)(1) The Chief Medical Director [now Under Secretary for Health] of the Department of Veterans Affairs may designate special programs within the Veterans Health Administration for the diagnosis and treatment of post-traumatic-stress disorder (hereinafter in this section referred to as 'PTSD').

''(2) The Chief Medical Director [now Under Secretary for Health] shall direct (A) that (in addition to providing diagnostic and treatment services for PTSD) Department of Veterans Affairs programs designated under paragraph (1) (hereinafter in this section referred to as 'designated PTSD programs') carry out activities to promote the education and training of health-care personnel (including health-care personnel not working for the Department of Veterans Affairs or the Federal Government) in the causes, diagnosis, and treatment of PTSD, and (B) that (when appropriate) the provision of treatment services under such program be coordinated with the provision of readjustment counseling services under section 1712A [formerly 612A] of title 38, United States Code.

''(b)(1) The Chief Medical Director [now Under Secretary for Health] shall establish in the Veterans Health Administration a Special Committee on Post-Traumatic-Stress Disorder (hereinafter in this section referred to as the 'Special Committee'). The Chief Medical Director shall appoint qualified employees of the Administration to serve on the Special Committee.

''(2) The Special Committee shall assess, and carry out a continuing assessment of, the capacity of the Department of Veterans Affairs to provide diagnostic and treatment services for PTSD to veterans eligible for health care furnished by the Department of Veterans Affairs.

''(3) The Special Committee shall also advise the Chief Medical Director [now Under Secretary for Health] regarding the development of policies, the provision of guidance, and the coordination of services for the diagnosis and treatment of PTSD (A) in designated

PTSD programs, (B) in inpatient psychiatric programs and outpatient mental health programs other than designated PTSD programs, and (C) in readjustment counseling programs of the Department of Veterans Affairs.

''(4) The Special Committee shall also make recommendations to the Chief Medical Director [now Under Secretary for Health] for guidance with respect to PTSD regarding—

''(A) appropriate diagnostic and treatment methods;

''(B) referral for and coordination of followup care;

''(C) the evaluation of PTSD treatment programs;

''(D) the conduct of research concerning such diagnosis and treatment (taking into account the provisions of subsection (c));

''(E) special programs of education and training for employees of the Veterans Health Administration and the Veterans Benefits Administration (also taking into account such provisions);

''(F) the appropriate allocation of resources for all such activities; and

''(G) any specific steps that should be taken to improve such diagnosis and treatment and to correct any deficiencies in the operations of designated PTSD programs.

''(c) The Chief Medical Director [now Under Secretary for Health] shall establish and operate in the Veterans Health Administration a National Center on Post-Traumatic-Stress Disorder. The National Center (1) shall carry out and promote the training of health care and related personnel in, and research into, the causes and diagnosis of PTSD and the treatment of veterans for PTSD, and (2) shall serve as a resource center for, and promote and seek to coordinate the exchange of information regarding, all research and training activities carried out by the Department of Veterans Affairs, and by other Federal and non-Federal entities, with respect to PTSD.

''(d) The Chief Medical Director [now Under Secretary for Health] shall regularly compile and publish the results of research that has been conducted relating to PTSD.

''(e) [Omitted. Directed Administrator to submit, not later than Mar. 1, 1985, a report to congressional committees on implementation of this section, and, not later than Feb. 1, 1986, and Feb. 1 of each of the three following years, to submit a report updating the reports previously submitted.].''

STUDY OF POST-TRAUMATIC STRESS DISORDER AND OTHER POST-WAR PSYCHOLOGICAL PROBLEMS

Section 102 of Pub. L. 98–160, as amended by Pub. L. 99–576, title II, § 216, Oct. 28, 1986, 100 Stat. 3259, directed Administrator of Veterans' Affairs to provide for the conducting of a comprehensive study of prevalence and incidence in population of Vietnam veterans of post-traumatic stress disorder and other psychological problems of readjusting to civilian life and effects of such problems on such veterans and directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Oct. 1, 1986, a report on results of study.

READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES FOR VETERANS OF WAR DECLARED AFTER JUNE 13, 1979

Section 103(b) of Pub. L. 96–22, as amended by Pub. L. 102–83, §§ 5(c)(2), 6(d), Aug. 6, 1991, 105 Stat. 406, 407, provided that: ''In the event of a declaration of war by the Congress after June 13, 1979, the Secretary of Veterans Affairs, not later than six months after the date of such declaration, shall determine and recommend to the Congress whether eligibility for the readjustment counseling and related mental health services provided for in section 1712A [formerly 612A] of title 38, United States Code (as added by subsection (a) of this section) should be extended to the veterans of such war.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1703, 1710, 4102A, 4103, 4103A, 4104, 4214, 7306 of this title; title 29 sections 1721, 2913.

§ 1712B. Counseling for former prisoners of war

The Secretary may establish a program under which, upon the request of a veteran who is a former prisoner of war, the Secretary, within the limits of Department facilities, furnishes counseling to such veteran to assist such veteran in overcoming the psychological effects of the veteran's detention or internment as a prisoner of war.

(Added Pub. L. 99–166, title I, § 107(a), Dec. 3, 1985, 99 Stat. 945, § 612B; renumbered § 1712B and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 612B of this title as this section.

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''.

§ 1713. Medical care for survivors and dependents of certain veterans

(a) The Secretary is authorized to provide medical care, in accordance with the provisions of subsection (b) of this section, for—

(1) the spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability,

(2) the surviving spouse or child of a veteran who (A) died as a result of a service-connected disability, or (B) at the time of death had a total disability permanent in nature, resulting from a service-connected disability, and

(3) the surviving spouse or child of a person who died in the active military, naval, or air service in the line of duty and not due to such person's own misconduct,

who are not otherwise eligible for medical care under chapter 55 of title 10 (CHAMPUS).

(b) In order to accomplish the purposes of subsection (a) of this section, the Secretary shall provide for medical care in the same or similar manner and subject to the same or similar limitations as medical care is furnished to certain dependents and survivors of active duty and retired members of the Armed Forces under chapter 55 of title 10 (CHAMPUS), by—

(1) entering into an agreement with the Secretary of Defense under which that Secretary shall include coverage for such medical care under the contract, or contracts, that Secretary enters into to carry out such chapter 55, and under which the Secretary of Veterans Affairs shall fully reimburse the Secretary of Defense for all costs and expenditures made for the purposes of affording the medical care authorized pursuant to this section; or

(2) contracting in accordance with such regulations as the Secretary shall prescribe for such insurance, medical service, or health plans as the Secretary deems appropriate.

In cases in which Department medical facilities are equipped to provide the care and treatment, the Secretary is also authorized to carry out such purposes through the use of such facilities not being utilized for the care of eligible veterans.

(c) For the purposes of this section, a child between the ages of eighteen and twenty-three (1) who is eligible for benefits under subsection (a) of this section, (2) who is pursuing a full-time course of instruction at an educational institution approved under chapter 36 of this title, and (3) who, while pursuing such course of instruction, incurs a disabling illness or injury (including a disabling illness or injury incurred between terms, semesters, or quarters or during a vacation or holiday period) which is not the result of such child's own willful misconduct and which results in such child's inability to continue or resume such child's chosen program of education at an approved educational institution shall remain eligible for benefits under this section until the end of the six-month period beginning on the date the disability is removed, the end of the two-year period beginning on the date of the onset of the disability, or the twenty-third birthday of the child, whichever occurs first.

(d) Notwithstanding section 1086(d)(1) of title 10 or any other provision of law, any spouse, surviving spouse, or child who, after losing eligibility for medical care under this section by virtue of becoming entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), has exhausted any such benefits shall become eligible for medical care under this section and shall not thereafter lose such eligibility under this section by virtue of becoming again eligible for such hospital insurance benefits.

(Added Pub. L. 93–82, title I, § 103(b), Aug. 2, 1973, 87 Stat. 181, § 613; amended Pub. L. 94–581, title I, § 104, title II, § 210(a)(4), Oct. 21, 1976, 90 Stat. 2845, 2862; Pub. L. 96–151, title II, § 205(a), Dec. 20, 1979, 93 Stat. 1094; Pub. L. 97–72, title I, § 105, Nov. 3, 1981, 95 Stat. 1050; Pub. L. 97–251, § 5(a), Sept. 8, 1982, 96 Stat. 716; renumbered § 1713 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(B), (E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–190, div. A, title VII, § 704(b)(2), Dec. 5, 1991, 105 Stat. 1402.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (d), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title XVIII of the Social Security Act is classified generally to part A (§ 1395c et seq.) of subchapter XVIII 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 section 1713 was renumbered section 3513 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 613 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

Subsec. (b). Pub. L. 102–83, § 4(b)(2)(B), substituted "that Secretary" for second and third references to "the Secretary" and "the Secretary of Defense" for last reference to "the Secretary" in par. (1).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing in introductory and concluding provisions and in par. (2).

Pub. L. 102–83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in concluding provisions.

Subsec. (d). Pub. L. 102–190 substituted "section 1086(d)(1)" for "the second sentence of section 1086(c)".

1982—Subsec. (d). Pub. L. 97–251 added subsec. (d).

1981—Subsec. (b). Pub. L. 97–72 substituted "equipped to provide the care and treatment" for "particularly equipped to provide the most effective care and treatment" in provisions following par. (2).

1979—Subsec. (a). Pub. L. 96–151, § 205(a)(1), in cl. (1) substituted reference to spouse for reference to wife, in cl. (2) substituted reference to surviving spouse for reference to widow, and added cl. (3).

Subsec. (c). Pub. L. 96–151, § 205(a)(2), added subsec. (c).

1976—Subsec. (a)(2). Pub. L. 94–581, § 104, designated existing provisions as cl. (A) and added cl. (B).

Subsec. (b)(1). Pub. L. 94–581, § 210(a)(4)(A), substituted "the Secretary enters" for "he enters".

Subsec. (b)(2). Pub. L. 94–581, § 210(a)(4)(B), substituted "the Administrator" for "he" in two places.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 5(b) of Pub. L. 97–251 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1982."

EFFECTIVE DATE OF 1979 AMENDMENT

Section 205(b) of Pub. L. 96–151 provided that: "The amendments made by subsection (a) [amending this section] shall take effect with respect to fiscal year 1980 only to such extent and for such amounts as may be specifically provided for such purpose in appropriation Acts."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1701, 8111, 8502, 8520, 8521 of this title; title 42 section 1395cc.

§ 1714. Fitting and training in use of prosthetic appliances; seeing-eye dogs

(a) Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Department facility or other training institution, or by outpatient treatment, including such service under contract, and including travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from such veteran's home to such hospital or training institution.

(b) The Secretary may provide seeing-eye or guide dogs trained for the aid of the blind to veterans who are entitled to disability compensation, and may pay travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs. The Secretary may also provide such veterans with mechanical or electronic equipment for aiding them in overcoming the handicap of blindness.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1143, § 614; Pub. L. 93–82, title I, § 103(b), Aug. 2, 1973, 87 Stat. 181; Pub. L. 94–581, title II, § 210(a)(5), Oct.

21, 1976, 90 Stat. 2862; Pub. L. 96–151, title II, § 201(c), Dec. 20, 1979, 93 Stat. 1093; renumbered § 1714 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1714 was renumbered section 3514 of this title.

Provisions similar to those comprising subsec. (a) of this section were classified to section 613 of this title prior to repeal by section 103(b) of Pub. L. 93–82.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 614 of this title as this section.

Subsec. (a). 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'' in two places.

1979—Subsec. (a). Pub. L. 96–151, § 201(c)(1), substituted provisions respecting travel and incidental expenses for provisions respecting necessary travel expenses.

Subsec. (b). Pub. L. 96–151, § 201(c)(2), substituted provisions respecting travel and incidental expenses for provisions respecting all necessary travel expenses.

1976—Subsec. (a). Pub. L. 94–581, § 210(a)(5)(A), substituted ''such veteran's home'' for ''his home''.

Subsec. (b). Pub. L. 94–581, § 210(a)(5)(B), substituted ''and may pay'' for ''and he may pay''.

1973—Pub. L. 93–82 designated existing provisions as subsec. (b) and added subsec. (a).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–151 effective Jan. 1, 1980, see section 206 of Pub. L. 96–151, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1715. Tobacco for hospitalized veterans

The Secretary may furnish tobacco to veterans receiving hospital or domiciliary care.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1143, § 615; renumbered § 1715 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 615 of this title as this section.

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

USE OF TOBACCO PRODUCTS IN DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Pub. L. 102–585, title V, § 526, Nov. 4, 1992, 106 Stat. 4961, provided that:

''(a) IN GENERAL.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that, consistent with medical requirements and limitations, each facility of the Department described in subsection (b)—

''(1) establishes and maintains—

''(A) a suitable indoor area in which patients or residents may smoke and which is ventilated in a manner that, to the maximum extent feasible, prevents smoke from entering other areas of the facility; or

''(B) an area in a building that—

''(i) is detached from the facility;

''(ii) is accessible to patients or residents of the facility; and

''(iii) has appropriate heating and air conditioning; and

''(2) provides access to an area established and maintained under paragraph (1), consistent with medical requirements and limitations, for patients or residents of the facility who are receiving care or services and who desire to smoke tobacco products.

''(b) COVERED FACILITIES.—A Department facility referred to in subsection (a) is any Department of Veterans Affairs medical center, nursing home, or domiciliary care facility.

''(c) REPORTS.—(1) Not later than 180 days after the date of the enactment of this Act [Nov. 4, 1992], the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility of the establishment and maintenance of areas for smoking in Department facilities under this section. The report shall include information on—

''(A) the cost of, and a proposed schedule for, the establishment of such an area at each Department facility covered by this section;

''(B) the extent to which the ventilating system of each facility is adequate to ensure that use of the area for smoking does not result in health problems for other patients or residents of the facility; and

''(C) the effect of the establishment and maintenance of an area for smoking in each facility on the accreditation score issued for the facility by the Joint Commission on the Accreditation of Health Organizations.

''(2) Not later than 120 days after the effective date of this section, the Secretary shall submit to the committees referred to in paragraph (1) a report on the implementation of this section. The report shall include a description of the actions taken at each covered facility to ensure compliance with this section.

''(d) EFFECTIVE DATE.—The requirement to establish and maintain areas for smoking under subsection (a) shall take effect 60 days after the date on which the Comptroller General submits to the committees referred to in subsection (c)(1) that report required under that subsection.''

§ 1716. Hospital care by other agencies of the United States

When so specified in an appropriation or other Act, the Secretary may make allotments and transfers to the Departments of Health and Human Services (Public Health Service), the Army, Navy, Air Force, or Interior, for disbursement by them under the various headings of their appropriations, of such amounts as are necessary for the care and treatment of veterans entitled to hospitalization from the Department under this chapter. The amounts to be charged the Department for care and treatment of veterans in hospitals shall be calculated on the basis of a per diem rate approved by the Office of Management and Budget.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1143, § 616; Pub. L. 94–581, title II, § 202(g), Oct. 21, 1976, 90 Stat. 2856; Pub. L. 97–295, § 4(95)(A), Oct. 12, 1982, 96 Stat. 1313; renumbered § 1716 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 616 of this title as this section.

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'' in two places.

1982—Pub. L. 97–295 substituted ''Health and Human Services'' for ''Health, Education, and Welfare''.

1976—Pub. L. 94–581 substituted ''Office of Management and Budget'' for ''Bureau of the Budget''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

§ 1717. Home health services; invalid lifts and other devices

(a)(1) As part of medical services furnished to a veteran under section 1710(a) of this title, the Secretary may furnish such home health services as the Secretary finds to be necessary or appropriate for the effective and economical treatment of the veteran.

(2) Improvements and structural alterations may be furnished as part of such home health services only as necessary to assure the continuation of treatment for the veteran's disability or to provide access to the home or to essential lavatory and sanitary facilities. The cost of such improvements and structural alterations (or the amount of reimbursement therefor) under this subsection may not exceed—

(A) $4,100 in the case of medical services furnished under section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title; or

(B) $1,200 in the case of medical services furnished under any other provision of section 1710(a) of this title.

(3) The Secretary may furnish home health services to a veteran in any setting in which the veteran is residing. The Secretary may not furnish such services in such a manner as to relieve any other person or entity of a contractual obligation to furnish services to the veteran. When home health services are furnished in a setting other than the veteran's home, such services may not include any structural improvement or alteration.

(b) The Secretary may furnish an invalid lift, or any type of therapeutic or rehabilitative device, as well as other medical equipment and supplies (excluding medicines), if medically indicated, to any veteran who is receiving (1) compensation under section 1114(*l*)–(p) of this title (or the comparable rates provided pursuant to section 1134 of this title), or (2) pension under chapter 15 of this title by reason of being in need of regular aid and attendance.

(c) The Secretary may furnish devices for assisting in overcoming the handicap of deafness (including telecaptioning television decoders) to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment.

(Added Pub. L. 86–211, § 5, Aug. 29, 1959, 73 Stat. 435, § 617; amended Pub. L. 88–450, § 6(a), (c), Aug. 19, 1964, 78 Stat. 504; Pub. L. 90–77, title I, § 109, Aug. 31, 1967, 81 Stat. 180; Pub. L. 90–493, § 3(a), Aug. 19, 1968, 82 Stat. 809; Pub. L. 97–295, § 4(18), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 98–528, title I, § 107, Oct. 19, 1984, 98 Stat. 2690; Pub. L. 99–576, title II, § 202(2), Oct. 28, 1986, 100 Stat. 3254; Pub. L. 100–322, title I, § 101(d), May 20, 1988, 102 Stat. 491; renumbered § 1717 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–405, title I, § 101(a), Oct. 9, 1992, 106 Stat. 1973; Pub. L. 104–262, title I, § 101(d)(6), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 105–114, title IV, § 402(b), Nov. 21, 1997, 111 Stat. 2294.)

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–114, § 402(b)(1), substituted ''treatment of the veteran'' for ''treatment of the veteran's disability''.

Subsec. (a)(2)(B). Pub. L. 105–114, § 402(b)(2), substituted ''section 1710(a)'' for ''section 1710(a)(2)''.

1996—Subsec. (a)(1). Pub. L. 104–262, § 101(d)(6)(A), substituted ''section 1710(a)'' for ''section 1712(a)''.

Subsec. (a)(2)(A). Pub. L. 104–262, § 101(d)(6)(B)(i), substituted ''section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title'' for ''paragraph (1) of section 1712(a) of this title''.

Subsec. (a)(2)(B). Pub. L. 104–262, § 101(d)(6)(B)(ii), substituted ''section 1710(a)(2)'' for ''section 1712''.

1992—Subsec. (a)(2). Pub. L. 102–405 substituted ''$4,100'' for ''$2,500'' in subpar. (A) and ''$1,200'' for ''$600'' in subpar. (B).

1991—Pub. L. 102–83, § 5(a), renumbered section 617 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1712(a)'' for ''612(a)'' in pars. (1) and (2)(A) and ''1712'' for ''612'' in par. (2)(B).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing in pars. (1) and (3).

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''1114(*l*)–(p)'' for ''314(*l*)–(p)'' and ''1134'' for ''334''.

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

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

1988—Pub. L. 100–322, § 101(d)(3), substituted ''Home health services; invalid'' for ''Invalid'' in section catchline.

Subsec. (a). Pub. L. 100–322, § 101(d)(1)(B), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (a)(3). Pub. L. 100–322, § 101(d)(2), transferred subsec. (k) of section 612 of this title to subsec. (a) of this section and redesignated it as par. (3).

Subsecs. (b), (c). Pub. L. 100–322, § 101(d)(1)(A), redesignated subsecs. (a) and (b) as (b) and (c), respectively.

1986—Subsec. (a)(3) [formerly § 612(k)]. Pub. L. 99–576 added subsec. (k). See 1988 Amendment note above.

1984—Pub. L. 98–528 designated existing provision as subsec. (a) and added subsec. (b).

1982—Pub. L. 97–295 substituted ''section 314(*l*)–(p) of this title (or the comparable rates provided pursuant to section 334 of this title)'' for ''subsections 314(*l*)–(p) (or the comparable rates provided pursuant to section 334) of this title''.

1968—Pub. L. 90–493 substituted ''Invalid lifts and other devices'' for ''Invalid lifts and other devices for pensioners'' in section catchline, and inserted provisions authorizing the Administrator to furnish lifts and other devices to any veteran who is receiving compensation under subsections 314(*l*)–(p) (or the comparable rates provided pursuant to section 334) of this title.

1967—Subsec. (b). Pub. L. 90–77 substituted ''to any veteran in receipt of pension under chapter 15 of this title based on need of regular aid and attendance'' for ''to any veteran who is eligible to receive an invalid lift under subsection (a) of this section, or who would be so eligible, but for the fact that he has such a lift''.

1964—Pub. L. 88–450 inserted ''and other devices'' in section catchline, designated existing provisions of section as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 101(b) of Pub. L. 102–405 provided that: ''The amendments made by subsection (a) [amending this

section] shall apply with respect to a veteran who first applies for benefits under section 1717(a)(2) of title 38, United States Code, after December 31, 1989.''

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–322 applicable with respect to furnishing of medical services to veterans who apply for such services after June 30, 1988, see section 101(i) of Pub. L. 100–322, set out as a note under section 1703 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as an Effective Date of 1959 Amendment note under section 1521 of this title.

APPLICABILITY OF INCREASE IN GRANT LIMITS

Section 101(c) of Pub. L. 102–405 provided that: ''A veteran who exhausts such veteran's eligibility for benefits under section 1717(a)(2) of title 38, United States Code, before January 1, 1990, is not entitled to additional benefits under such section by reason of the amendments made by subsection (a) [amending this section].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1710, 2104 of this title.

§ 1718. Therapeutic and rehabilitative activities

(a) In providing rehabilitative services under this chapter, the Secretary, upon the recommendation of the Under Secretary for Health, may use the services of patients and members in Department health care facilities for therapeutic and rehabilitative purposes. Such patients and members shall not under these circumstances be held or considered as employees of the United States for any purpose. The Secretary shall prescribe the conditions for the use of such services.

(b)(1) In furnishing rehabilitative services under this chapter, the Secretary, upon the recommendation of the Under Secretary for Health, may enter into a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity) to provide for therapeutic work for patients and members in Department health care facilities.

(2) Notwithstanding any other provision of law, the Secretary may also furnish rehabilitative services under this subsection through contractual arrangements with nonprofit entities to provide for such therapeutic work for such patients. The Secretary shall establish appropriate fiscal, accounting, management, recordkeeping, and reporting requirements with respect to the activities of any such nonprofit entity in connection with such contractual arrangements.

(c)(1) There is hereby established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Special Therapeutic and Rehabilitation Activities Fund (hereinafter in this section referred to as the ''fund'') for the purpose of furnishing rehabilitative services authorized in subsection (b) of this section. Such amounts of the fund as the Secretary may determine to be necessary to establish and maintain operating accounts for the various rehabilitative services activities may be deposited in checking accounts in other depositaries selected or established by the Secretary.

(2) All funds received by the Department under contractual arrangements made under subsection (b) of this section, or by nonprofit entities described in paragraph (2) of such subsection, shall be deposited in or credited to the fund, and the Secretary shall distribute out of the fund moneys to participants at rates not less than the wage rates specified in the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and regulations prescribed thereunder for work of similar character.

(3) The Under Secretary for Health shall prepare, for inclusion in the annual report submitted to Congress under section 529 of this title, a description of the scope and achievements of activities carried out under this section (including pertinent data regarding productivity and rates of distribution) during the prior twelve months and an estimate of the needs of the program of therapeutic and rehabilitation activities to be carried out under this section for the ensuing fiscal year.

(d) In providing rehabilitative services under this chapter, the Secretary shall take appropriate action to make it possible for the patient to take maximum advantage of any benefits to which such patient is entitled under chapter 31, 34, or 35 of this title, and, if the patient is still receiving treatment of a prolonged nature under this chapter, the provision of rehabilitative services under this chapter shall be continued during, and coordinated with, the pursuit of education and training under such chapter 31, 34, or 35.

(e) The Secretary shall prescribe regulations to ensure that the priorities set forth in section 1705 of this title shall be applied, insofar as practicable, to participation in therapeutic and rehabilitation activities carried out under this section.

(f)(1) The Secretary may not consider any of the matters stated in paragraph (2) as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

(2) Paragraph (1) applies to the following:

(A) A veteran's participation in an activity carried out under this section.

(B) A veteran's receipt of a distribution as a result of participation in an activity carried out under this section.

(C) A veteran's participation in a program of rehabilitative services that (i) is provided as part of the veteran's care furnished by a State home and (ii) is approved by the Secretary as conforming appropriately to standards for activities carried out under this section.

(D) A veteran's receipt of payment as a result of participation in a program described in subparagraph (C).

(3) A distribution of funds made under this section and a payment made to a veteran under

a program of rehabilitative services described in paragraph (2)(C) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.

(Added Pub. L. 87–574, § 2(1), Aug. 6, 1962, 76 Stat. 308, § 618; amended Pub. L. 94–581, title I, § 105(a), Oct. 21, 1976, 90 Stat. 2845; Pub. L. 98–543, title III, § 303, Oct. 24, 1984, 98 Stat. 2748; Pub. L. 99–576, title II, § 205, Oct. 28, 1986, 100 Stat. 3256; Pub. L. 102–54, §§ 10, 14(b)(12), June 13, 1991, 105 Stat. 273, 284; renumbered § 1718 and amended Pub. L. 102–83, §§ 2(c)(3), 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 402, 404–406; Pub. L. 102–86, title V, § 506(a)(1), Aug. 14, 1991, 105 Stat. 426; Pub. L. 102–405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 102–585, title IV, § 401, Nov. 4, 1992, 106 Stat. 4953; Pub. L. 103–446, title XII, § 1201(i)(1), Nov. 2, 1994, 108 Stat. 4688; Pub. L. 104–262, title I, § 101(d)(7), Oct. 9, 1996, 110 Stat. 3180.)

REFERENCES IN TEXT

The Fair Labor Standards Act, referred to in subsec. (c)(2), probably means the Fair Labor Standards Act of 1938, act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

AMENDMENTS

1996—Subsec. (e). Pub. L. 104–262 substituted ''section 1705'' for ''section 1712(i)''.

1994—Subsec. (c)(1). Pub. L. 103–446 substituted ''Department of Veterans Affairs'' for ''Department''.

1992—Subsecs. (a), (b)(1), (c)(3). Pub. L. 102–405 substituted ''Under Secretary for Health'' for ''Chief Medical Director''.

Subsec. (f). Pub. L. 102–585 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

''(1) Neither a veteran's participation in an activity carried out under this section nor a veteran's receipt of a distribution as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

''(2) A distribution of funds made under this section shall be considered for purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.''

1991—Pub. L. 102–83, § 5(a), renumbered section 618 of this title as this section.

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)(1). 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''.

Pub. L. 102–54, § 10(a), substituted ''a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)'' for ''contractual arrangements with private industry or other sources outside the Veterans' Administration''.

Subsec. (b)(2). Pub. L. 102–86 amended subsec. (b)(2) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''arrangements'' for ''arangements'' in first sentence.

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

Subsec. (c)(1). 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''.

Pub. L. 102–54, § 10(b), substituted ''furnishing rehabilitative services authorized in'' for ''carrying out the provisions of''.

Subsec. (c)(2). 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. (c)(3). Pub. L. 102–83, § 2(c)(3), substituted ''section 529'' for ''section 214''.

Pub. L. 102–54, § 14(b)(12), inserted ''and'' after ''productivity''.

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

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''1712(i)'' for ''612(i)''.

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

1986—Subsec. (a). Pub. L. 99–576, § 205(1), substituted ''may use'' for ''may utilize'', ''purposes. Such'' for ''purposes, at nominal remuneration, and such'', and ''use'' for ''utilization''.

Subsec. (b)(1). Pub. L. 99–576, § 205(2), struck out ''for remuneration'' after ''therapeutic work''.

Subsec. (c)(2), (3). Pub. L. 99–576, § 205(3), substituted ''distribute'' for ''pay'' in par. (2), and substituted ''rates of distribution'' for ''and wage rates'' in par. (3).

Subsec. (f). Pub. L. 99–576, § 205(4), designated existing provisions as par. (1), substituted ''a distribution'' for ''remuneration'', and added par. (2).

1984—Subsec. (f). Pub. L. 98–543 added subsec. (f).

1976—Subsec. (a). Pub. L. 94–581, § 105(a)(1), (2), designated existing provisions as subsec. (a) and substituted ''In providing rehabilitative services under this chapter, the'' for ''The'' and ''health care facilities'' for ''hospitals and domiciliaries''.

Subsecs. (b) to (e). Pub. L. 94–581, § 105(a)(3), added subsecs. (b) to (e).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING

Section 7 of Pub. L. 102–54, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–86, title V, § 501, Aug. 14, 1991, 105 Stat. 424; Pub. L. 103–452, title I, § 103(f), Nov. 2, 1994, 108 Stat. 4787; Pub. L. 104–110, title I, § 102(b), Feb. 13, 1996, 110 Stat. 769, authorized Secretary of Veterans' Affairs, between Oct. 1, 1991, and Dec. 31, 1997, to carry out compensated work therapy and therapeutic transitional housing demonstration program, prior to repeal by Pub. L. 105–114, title II, § 202(c)(1), Nov. 21, 1997, 111 Stat. 2287.

SETTLEMENT OF CLAIMS

Section 105(b) of Pub. L. 94–581, as amended by Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067; Pub. L. 102–83, § 6(a), Aug. 6, 1991, 105 Stat. 407, provided that:

''(1) The Secretary of Veterans Affairs may settle claims made by the Department of Veterans Affairs against any private nonprofit corporation organized under the laws of any State, for the use of facilities and personnel of the Department in work projects as a part of a therapeutic or rehabilitation program for patients and members in health care facilities of the Department, and to execute a binding release of all claims by the United States against any such corporation, in such amounts, and upon such terms and conditions as the Secretary considers appropriate.

''(2) For the purposes of this subsection, notwithstanding section 3302 of title 31, or any other provision of law, the Secretary may utilize any funds received under any settlement made pursuant to paragraph (1) of this subsection for any purpose agreed upon by the Secretary and such corporation.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 1771 of this title.

§ 1719. Repair or replacement of certain prosthetic and other appliances

The Secretary may repair or replace any artificial limb, truss, brace, hearing aid, spectacles, or similar appliance (not including dental appliances) reasonably necessary to a veteran and belonging to such veteran which was damaged or destroyed by a fall or other accident caused by a service-connected disability for which such veteran is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation.

(Added Pub. L. 87–850, § 1(a), Oct. 23, 1962, 76 Stat. 1126, § 619; amended Pub. L. 94–581, title II, § 210(a)(6), Oct. 21, 1976, 90 Stat. 2862; renumbered § 1719 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 619 of this title as this section.

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

1976—Pub. L. 94–581 substituted ''belonging to such veteran'' for ''belonging to him''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section 2 of Pub. L. 87–850 provided that: ''The amendment made by this Act [enacting this section] shall apply only with respect to the repair or replacement of artificial limbs, trusses, braces, hearing aids, spectacles, and similar devices damaged or destroyed after the date of enactment of this Act [Oct. 23, 1962].''

§ 1720. Transfers for nursing home care; adult day health care

(a)(1) Subject to subsection (b) of this section, the Secretary may transfer to a non-Department nursing home, for care at the expense of the United States—

(A) a veteran—

(i) who has been furnished care by the Secretary in a facility under the direct jurisdiction of the Secretary; and

(ii) who the Secretary determines—

(I) requires a protracted period of nursing home care which can be furnished in the non-Department nursing home; and

(II) in the case of a veteran who has been furnished hospital care in a facility under the direct jurisdiction of the Secretary, has received maximum benefits from such care; and

(B) a member of the Armed Forces—

(i) who has been furnished care in a hospital of the Armed Forces;

(ii) who the Secretary concerned determines has received maximum benefits from such care but requires a protracted period of nursing home care; and

(iii) who upon discharge from the Armed Forces will become a veteran.

(2) The Secretary may transfer a person to a nursing home under this subsection only if the Secretary determines that the cost to the United States of the care of such person in the nursing home will not exceed—

(A) the amount equal to 45 percent of the cost of care furnished by the Department in a general hospital under the direct jurisdiction of the Secretary (as such cost may be determined annually by the Secretary); or

(B) the amount equal to 50 percent of such cost, if such higher amount is determined to be necessary by the Secretary (upon the recommendation of the Under Secretary for Health) to provide adequate care.

(3) Nursing home care may not be furnished under this subsection at the expense of the United States for more than six months in the aggregate in connection with any one transfer except—

(A) in the case of a veteran—

(i) who is transferred to a non-Department nursing home from a hospital under the direct jurisdiction of the Secretary; and

(ii) whose hospitalization was primarily for a service-connected disability;

(B) in a case in which the nursing home care is required for a service-connected disability; or

(C) in a case in which, in the judgment of the Secretary, a longer period of nursing home care is warranted.

(4) A veteran who is furnished care by the Secretary in a hospital or domiciliary facility in Alaska or Hawaii may be furnished nursing home care at the expense of the United States under this subsection even if such hospital or domiciliary facility is not under the direct jurisdiction of the Secretary.

(b) No veteran may be transferred or admitted to any institution for nursing home care under this section, unless such institution is determined by the Secretary to meet such standards as the Secretary may prescribe. The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Secretary shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

(c) In applying the provisions of section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) with respect to any contract entered into under this section to provide nursing home care of veterans, the payment of wages not less than those specified in section 6(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(b)) shall be deemed to constitute compliance with such provisions.

(d)(1) Subject to subsection (b) of this section, the Secretary may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care at the expense of the United States to any non-Department nursing home. The Secretary may also authorize a direct admission to such a nursing home for nursing home care for any veteran who has been discharged from a hospital under the direct jurisdiction of the Secretary and who

is currently receiving medical services as part of home health services from the Department.

(2) Direct admission authorized by paragraph (1) of this subsection may be authorized upon determination of need therefor—

(A) by a physician employed by the Department; or

(B) in areas where no such physician is available, by a physician carrying out such function under contract or fee arrangement,

based on an examination by such physician.

(3) The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section.

(e)(1) The cost of intermediate care for purposes of payment by the United States pursuant to subsection (a)(2)(B) of this section shall be determined by the Secretary except that the rate of reimbursement shall be commensurately less than that provided for nursing home care.

(2) For the purposes of this section, the term ''non-Department nursing home'' means a public or private institution not under the direct jurisdiction of the Secretary which furnishes nursing home care.

(f)(1)(A) The Secretary is authorized to furnish adult day health care as provided for in this subsection. For the purpose only of authorizing the furnishing of such care and specifying the terms and conditions under which it may be furnished to veterans needing such care—

(i) references to ''nursing home care'' in subsections (a) through (d) of this section shall be deemed to be references to ''adult day health care''; and

(ii) a veteran who is eligible for medical services under paragraph (1), (2), or (3) of section 1710(a) of this title shall be deemed to be a veteran described in subsection (a)(1) of this section.

(B) The Secretary may provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility furnishing care to veterans under subparagraph (A) of this paragraph. Any such in-kind assistance shall be provided under a contract between the Secretary and the facility concerned. The Secretary may provide such assistance only for use solely in the furnishing of adult day health care and only if, under such contract, the Department receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department facility that provided the assistance.

(2) The Secretary may conduct, at facilities over which the Secretary has direct jurisdiction, programs for the furnishing of adult day health care to veterans who are eligible for such care under paragraph (1) of this subsection, except that necessary travel and incidental expenses (or transportation in lieu thereof) may be furnished under such a program only under the terms and conditions set forth in section 111 of this title. The furnishing of care under any such program shall be subject to the limitations that are applicable to the duration of adult day health care furnished under paragraph (1) of this subsection.

(Added Pub. L. 88–450, § 2(a), Aug. 19, 1964, 78 Stat. 500, § 620; amended Pub. L. 90–429, July 26, 1968, 82 Stat. 446; Pub. L. 90–612, §§ 1, 3, Oct. 21, 1968, 82 Stat. 1202; Pub. L. 91–101, Oct. 30, 1969, 83 Stat. 167; Pub. L. 93–82, title I, § 104, Aug. 2, 1973, 87 Stat. 182; Pub. L. 94–581, title I, § 106, title II, §§ 202(h), 210(a)(7), Oct. 21, 1976, 90 Stat. 2847, 2856, 2863; Pub. L. 97–295, § 4(19), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 98–160, title I, § 103(a)(1), (2), Nov. 21, 1983, 97 Stat. 995; Pub. L. 99–166, title I, § 108(a)–(c), Dec. 3, 1985, 99 Stat. 946, 947; Pub. L. 99–272, title XIX, § 19011(d)(5), Apr. 7, 1986, 100 Stat. 379; Pub. L. 100–322, title I, §§ 103(b), 111(a), May 20, 1988, 102 Stat. 493, 499; renumbered § 1720 and amended Pub. L. 102–83, §§ 4(a)(2)(A)(ii), (3)–(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 102–405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 104–262, title I, § 101(d)(8), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 105–114, title IV, § 402(c), Nov. 21, 1997, 111 Stat. 2294.)

PRIOR PROVISIONS

Prior section 1720 was renumbered section 3520 of this title.

AMENDMENTS

1997—Subsec. (a)(1)(A)(i). Pub. L. 105–114 substituted ''care'' for ''hospital care, nursing home care, or domiciliary care''.

1996—Subsec. (f)(1)(A)(ii). Pub. L. 104–262, § 101(d)(8)(A), substituted ''paragraph (1), (2), or (3) of section 1710(a)'' for ''section 1712(a)(1)(B)''.

Subsec. (f)(3). Pub. L. 104–262, § 101(d)(8)(B), struck out par. (3) which read as follows: ''Adult day health care may not be furnished under this section after September 30, 1991.''

1992—Subsec. (a)(2)(B). Pub. L. 102–405 substituted ''Under Secretary for Health'' for ''Chief Medical Director''.

1991—Pub. L. 102–83, § 5(a), renumbered section 620 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing in par. (1) introductory provisions and subpar. (A) and pars. (2) to (4).

Pub. L. 102–83, § 4(a)(5), substituted ''non-Department'' for ''non-Veterans' Administration'' wherever appearing in pars. (1) and (3)(A)(i).

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in par. (2)(A).

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

Subsec. (d)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Pub. L. 102–83, § 4(a)(5), substituted ''non-Department'' for ''non-Veterans' Administration''.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Subsec. (d)(2)(A). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Subsec. (e). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in pars. (1) and (2).

Pub. L. 102–83, § 4(a)(5), substituted ''non-Department'' for ''non-Veterans' Administration'' in par. (2).

Subsec. (f)(1)(A). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions.

Subsec. (f)(1)(A)(ii). Pub. L. 102–83, § 5(c)(1), substituted ''1712(a)(1)(B)'' for ''612(a)(1)(B)''.

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' wherever appearing.

Pub. L. 102–83, § 4(a)(2)(A)(ii), substituted ''Secretary'' for ''Veterans' Administration'' in second sentence.

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

1988—Subsec. (e)(1). Pub. L. 100–322, § 103(b), struck out ''For the purposes of this section, the term 'nursing home care' includes intermediate care, as determined by the Administrator in accordance with regulations which the Administrator shall prescribe.'' at beginning and struck out ''(as defined in section 101(28) of this title)'' after ''provided for nursing home care''.

Subsec. (f)(3). Pub. L. 100–322, § 111(a), substituted ''September 30, 1991'' for ''September 30, 1988''.

1986—Subsec. (f)(1)(A)(ii). Pub. L. 99–272 substituted ''612(a)(1)(B)'' for ''612(f)(2)''.

1985—Subsec. (a). Pub. L. 99–166, § 108(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Subject to subsection (b) and except as provided in subsection (e) of this section, the Administrator may transfer—

''(1) Any veteran who has been furnished care by the Administrator in a hospital under the direct jurisdiction of the Administrator, and

''(2) Any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nursing home care, and (C) who upon discharge therefrom will become a veteran

to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—

''(i) such veteran has received maximum benefits from such care in such hospital, but will require a protracted period of nursing home care which can be furnished in such institution, and

''(ii) the cost of such nursing home care in such institution will not exceed 45 percent of the cost of care furnished by the Veterans' Administration in a general hospital under the direct and exclusive jurisdiction of the Administrator, as such cost may be determined annually by the Administrator, or not to exceed 50 percent of such cost where determined necessary by the Administrator, upon recommendation of the Chief Medical Director, to provide adequate care.

Nursing home care may not be furnished pursuant to this section at the expense of the United States for more than six months in the aggregate in connection with any one transfer, except (I) in the case of the veteran whose hospitalization was primarily for a service-connected disability, or (II) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran. Any veteran who is furnished care by the Administrator in a hospital in Alaska or Hawaii may be furnished nursing home care under the provisions of this section even if such hospital is not under the direct jurisdiction of the Administrator.''

Subsec. (d). Pub. L. 99–166, § 108(b), designated existing first sentence as par. (1), substituted ''to any non-Veterans' Administration nursing home'' for ''to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care'', inserted ''The Administrator may also authorize a direct admission to such a nursing home for nursing home care for any veteran who has been discharged from a hospital under the direct jurisdiction of the Administrator and who is currently receiving medical services as part of home health services from the Veterans' Administration.'', substituted par. (2) for ''Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee arrangement based on an examination by such physician.'', and designated existing last sentence as par. (3).

Subsec. (e). Pub. L. 99–166, § 108(c), designated existing provisions as par. (1), substituted ''subsection (a)(2)(B)'' for ''subsection (a)(ii)'' in second sentence, and added par. (2).

1983—Pub. L. 98–160, § 103(a)(2), inserted ''; adult day health care'' in section catchline.

Subsec. (f). Pub. L. 98–160, § 103(a)(1), added subsec. (f).

1982—Subsec. (a)(ii) Pub. L. 97–295, § 4(19)(A), substituted ''percent'' for ''per centum'' wherever appearing.

Subsec. (c). Pub. L. 97–295, § 4(19)(B), inserted ''(41 U.S.C. 351(b)(1))'' after ''the Service Contract Act of 1965'' and substituted ''(29 U.S.C. 206(b))'' for '', as amended,''.

1976—Subsec. (a). Pub. L. 94–581, §§ 106(1)–(3), 202(h), inserted ''and except as provided in subsection (e)'' after ''subsection (b)'' in provisions preceding par. (1), substituted ''direct jurisdiction'' for ''direct and exclusive jurisdiction'' in par. (1), substituted ''45 per centum'' for ''40 per centum'' and ''annually'' for ''from time to time'' in cl. (ii) and inserted '', or not to exceed 50 per centum of such cost where determined necessary by the Administrator, upon recommendation of the Chief Medical Director, to provide adequate care'' at the end thereof, and substituted ''direct jurisdiction'' for ''direct and exclusive jurisdiction'' in provisions following cl. (ii).

Subsec. (b). Pub. L. 94–581, § 210(a)(7), substituted ''such standards as the Administrator may prescribe'' for ''such standards as he may prescribe''.

Subsec. (e). Pub. L. 94–581, § 106(4), added subsec. (e).

1973—Subsec. (a). Pub. L. 93–82, § 104(a), (b), designated cls. (1) and (2) as (i) and (ii), respectively, and in provisions preceding cl. (i) as so designated, substituted authority of the Administrator to transfer veterans and other persons under pars. (1) and (2), for authority of the Administrator to transfer veterans who have been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care for care at the expense of the United States, and in the provisions following cl. (ii) as so designated, substituted designations (I) and (II) for designations (A) and (B).

Subsec. (b). Pub. L. 93–82, § 104(c), inserted provisions relating to the admissions of veterans to institutions for nursing home care and for the furnishing of standards and reports to Federal, State and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

Subsec. (d). Pub. L. 93–82, § 104(d), added subsec. (d).

1969—Subsec. (a). Pub. L. 91–101 inserted provision authorizing the furnishing of nursing home care for more than six months in the aggregate in connection with any one transfer in the case of a veteran whose hospitalization was primarily for a service-connected disability.

1968—Subsec. (a). Pub. L. 90–612, § 1, authorized furnishing of nursing home care to veterans who are being furnished care by the Administrator in hospitals in Alaska or Hawaii even if the hospitals involved are not under the direct and exclusive jurisdiction of the Administrator.

Subsec. (a)(2). Pub. L. 90–429 substituted ''40 per centum'' for ''one-third''.

Subsec. (c). Pub. L. 90–612, § 3, added subsec. (c).

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99–272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 1701 of this title.

COMPARISON STUDY BETWEEN ADULT DAY HEALTH CARE AND NURSING HOME CARE

Section 111(b), (c) of Pub. L. 100–322 directed Administrator to conduct a study of medical efficacy and cost-effectiveness of furnishing adult day health care under subsec. (f) of this section as an alternative to nursing home care and the comparative advantages and disadvantages of providing such care through facilities that are not under direct jurisdiction of Administrator and through facilities that are under direct jurisdiction of Administrator, with Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives an interim report on the study not later than Feb. 1, 1988, a final report on such study not later than Feb. 1, 1991.

Section 103(b), (c) of Pub. L. 98–160, which provided for a study and report, not later than Feb. 1, 1988, of the medical efficacy and cost-effectiveness of furnishing adult day health care as an alternative for nursing home care and of the comparative advantages and disadvantages of providing such care in Veterans' Administration or in other facilities, was repealed by Pub. L. 100–322, title I, § 111(d), May 20, 1988, 102 Stat. 499.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1703, 1724, 1741, 1742, 2303, 8105, 8134 of this title; title 42 section 300dd–21.

§ 1720A. Treatment and rehabilitative services for persons with drug or alcohol dependency

(a) The Secretary, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, may take appropriate steps to (1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for alcohol or drug dependence or abuse disabilities and have been determined by competent medical authority to be sufficiently rehabilitated to be employable, and (2) provide all possible assistance to the Secretary of Labor in placing such veterans in such opportunities.

(b) Upon receipt of an application for treatment and rehabilitative services under this title for an alcohol or drug dependence or abuse disability from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Secretary shall—

(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Department; and

(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Department for review of such individual's discharge or release from such service.

(c)(1) Any person serving in the active military, naval, or air service who is determined by the Secretary concerned to have an alcohol or drug dependence or abuse disability may not be transferred to any facility in order for the Secretary to furnish care or treatment and rehabilitative services for such disability unless such transfer is during the last thirty days of such member's enlistment period or tour of duty, in which case such care and services provided to such member shall be provided as if such member were a veteran. Any transfer of any such member for such care and services shall be made pursuant to such terms as may be agreed upon by the Secretary concerned and the Secretary, subject to the provisions of sections 1535 and 1536 of title 31.

(2) No person serving in the active military, naval, or air service may be transferred pursuant to an agreement made under paragraph (1) of this subsection unless such person requests such transfer in writing for a specified period of time during the last thirty days of such person's enlistment period or tour of duty. No such person transferred pursuant to such a request may be furnished such care and services by the Secretary beyond the period of time specified in such request unless such person requests in writing an extension for a further specified period of time and such request is approved by the Secretary.

(Added Pub. L. 96–22, title I, § 104(a), June 13, 1979, 93 Stat. 50, § 620A; amended Pub. L. 96–128, title V, § 501(c), Nov. 28, 1979, 93 Stat. 987; Pub. L. 97–251, § 6, Sept. 8, 1982, 96 Stat. 716; Pub. L. 97–258, § 3(k)(1), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 99–108, § 3, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99–166, title I, § 101(a), (b)(1), Dec. 3, 1985, 99 Stat. 942, 943; Pub. L. 100–687, div. B, title XV, § 1509, Nov. 18, 1988, 102 Stat. 4137; Pub. L. 100–689, title V, § 502(a)(1), (b), Nov. 18, 1988, 102 Stat. 4179; Pub. L. 102–54, § 14(b)(13), June 13, 1991, 105 Stat. 284; renumbered § 1720A and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–86, title III, § 303, Aug. 14, 1991, 105 Stat. 416; Pub. L. 103–452, title I, § 103(b), Nov. 2, 1994, 108 Stat. 4786; Pub. L. 104–110, title I, § 101(b), Feb. 13, 1996, 110 Stat. 768; Pub. L. 105–114, title II, § 202(b), Nov. 21, 1997, 111 Stat. 2287.)

AMENDMENTS

1997—Pub. L. 105–114, § 202(b)(2), substituted "Treatment and rehabilitative services for persons with drug and alcohol dependency" for "Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities" in section catchline.

Subsecs. (a) to (d). Pub. L. 105–114, § 202(b)(1), redesignated subsecs. (b) to (d) as (a) to (c), respectively, and struck out former subsec. (a) which read as follows:

"(a)(1) The Secretary, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for eligible veterans suffering from alcohol or drug dependence or abuse disabilities.

"(2) Before furnishing such care and services to any veteran through a contract facility as authorized by paragraph (1) of this subsection, the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services."

Subsecs. (e) to (g). Pub. L. 105–114, § 202(b)(1)(B), struck out subsecs. (e) to (g) which read as follows:

''(e) The Secretary may not furnish care and treatment and rehabilitative services under subsection (a) of this section after December 31, 1997.

''(f)(1) During the period beginning on December 1, 1988, and ending on October 1, 1997, the Secretary shall conduct an ongoing clinical evaluation in order to determine the long-term results of drug and alcohol abuse treatment furnished to veterans in contract residential treatment facilities under this section.

''(2) The evaluation shall include an assessment of the following:

''(A) The long-term results of treatment referred to in paragraph (1) of this subsection on drug and alcohol use by veterans who may have received such treatment.

''(B) The need for hospitalization of such veterans for drug and alcohol abuse after completion of the residential treatment.

''(C) The employment status and income of such veterans.

''(D) The extent of any criminal activity of such veterans.

''(E) Whether certain models and methods of residential treatment for drug and alcohol abuse are more successful for veterans with specific abuses, specific levels of resources available to them, and specific needs than are other models and methods.

''(3) To the extent feasible, the Secretary shall select for consideration in the evaluation veterans whose treatment for drug and alcohol abuse in contract residential treatment facilities under such section represents a variety of models and methods of residential drug and alcohol abuse treatment.

''(4) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives the following reports on the evaluation under this subsection:

''(A) Not later than February 1, 1993, an interim report containing information obtained during the first four years of the evaluation and any conclusions that the Secretary has drawn on the basis of that information.

''(B) Not later than March 31, 1998, a final report containing information obtained during the evaluation and the determinations and conclusions of the Secretary based on that information.

''(g) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.''

1996—Subsec. (e). Pub. L. 104–110 substituted ''December 31, 1997'' for ''December 31, 1995''.

1994—Subsec. (e). Pub. L. 103–452 substituted ''December 31, 1995'' for ''December 31, 1994''.

1991—Pub. L. 102–83, § 5(a), renumbered section 620A of this title as this section.

Subsecs. (a), (b). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (c). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in pars. (1) and (2).

Subsec. (d). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (e). Pub. L. 102–86 amended subsec. (e) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''December 31, 1994'' for ''September 30, 1991''.

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

Subsec. (f). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Pub. L. 102–54 struck out ''during the period'' before ''beginning'' in par. (1).

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

1988—Subsec. (e). Pub. L. 100–689, § 502(a)(1), substituted ''1991'' for ''1988''.

Subsec. (f). Pub. L. 100–689, § 502(b), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

''(1) The Administrator shall monitor the performance of each contract facility furnishing care and services under the program carried out under subsection (a) of this section.

''(2) The Administrator shall use the results of such monitoring to determine—

''(A) with respect to the program, the medical advantages and cost-effectiveness that result from furnishing such care and services; and

''(B) with respect to such contract facilities generally, the level of success under the program, considering—

''(i) the rate of successful rehabilitation for veterans furnished care and services under the program;

''(ii) the rate of readmission to contract facilities under the program or to Veterans' Administration health-care facilities by such veterans for care or services for disabilities referred to in subsection (a) of this section;

''(iii) whether the care and services furnished under the program obviated the need of such veterans for hospitalization for such disabilities;

''(iv) the average duration of the care and services furnished such veterans under the program;

''(v) the ability of the program to aid in the transition of such veterans back into their communities; and

''(vi) any other factor that the Administrator considers appropriate.

''(3) The Administrator shall maintain records of—

''(A) the total cost for the care and services furnished by each contract facility under the program;

''(B) the average cost per veteran for the care and services furnished under the program; and

''(C) the appropriateness of such costs, by comparison to—

''(i) the average charges for the same types of care and services furnished generally by other comparable halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities; and

''(ii) the historical costs for such care and services for the period of time that the program carried out under subsection (a) of this section was a pilot program, taking into account economic inflation.

''(4) Not later than February 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under the program carried out under this section during fiscal years 1984 through 1987. The report shall include—

''(A) a description of the care and services furnished;

''(B) the matters referred to in paragraphs (1), (2), and (3) of this subsection; and

''(C) the Administrator's findings, assessment, and recommendations regarding the program under this section.''

Subsec. (f)(1). Pub. L. 100–687 substituted ''during the period beginning on December 1, 1988, and ending on October 1, 1997'' for ''before October 1, 1997'' in par. (1) as amended by Pub. L. 100–689 above.

1985—Pub. L. 99–166, § 101(b)(1), struck out ''; pilot program'' after ''disabilities'' in section catchline.

Subsec. (a)(1). Pub. L. 99–166, § 101(a)(1), struck out ''may conduct a pilot program under which the Administrator'' before ''may contract'' in first sentence, and struck out second sentence relating to the planning, designing, and conducting of a pilot program by the Chief Medical Director so as to demonstrate any medical advantages and cost effectiveness that might result from furnishing care and services to disabled veterans in contract facilities as authorized by this section, rather than in facilities over which the Administrator had jurisdiction.

Subsec. (e). Pub. L. 99–166, § 101(a)(2), substituted ''September 30, 1988'' for ''October 31, 1985''.

Pub. L. 99–108 substituted ''October 31, 1985'' for ''the last day of the fifth fiscal year following the fiscal year in which the pilot program authorized by such subsection is initiated''.

Subsec. (f). Pub. L. 99–166, § 101(a)(3), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: ''Not later than March 31, 1984, the Administrator shall report to the Committee on Veterans' Affairs of the Senate and House of Representatives on the findings and recommendations of the Administrator pertaining to the operation through September 30, 1983, of the pilot program authorized by this section.''

1982—Subsec. (d)(1). Pub. L. 97–258 substituted ''sections 1535 and 1536 of title 31'' for ''the Act of March 4, 1915 (31 U.S.C 686)'' after ''provisions of''.

Subsec. (f). Pub. L. 97–251 substituted ''March 31, 1984'' and ''September 30, 1983'' for ''March 31, 1983'' and ''September 30, 1982'', respectively.

1979—Subsec. (a)(1). Pub. L. 96–128, § 501(c)(1), substituted ''treatment facilities for'' for ''treatment facilities of''.

Subsec. (d)(2). Pub. L. 96–128, § 501(c)(2), substituted ''such request unless'' for ''such request, unless''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96–22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Any action taken by Secretary of Veterans Affairs before Feb. 13, 1996, under provision of law amended by title I of Pub. L. 104–110 that was taken during period beginning on date on which authority of Secretary under such provision of law expired and ending on Feb. 13, 1996, considered to have same force and effect as if such amendment had been in effect at time of that action, see section 103 of Pub. L. 104–110, set out as a note under section 1710 of this title.

REPORT ON CONSOLIDATION OF CERTAIN PROGRAMS

Section 202(a) of Pub. L. 104–110 provided that: ''The Secretary of Veterans Affairs shall submit to Congress, not later than March 1, 1997, a report on the advantages and disadvantages of consolidating into one program the following three programs:

''(1) The alcohol and drug abuse contract care program under section 1720A of title 38, United States Code.

''(2) The program to provide community-based residential care to homeless chronically mentally ill veterans under section 115 of the Veterans' Benefits and Services Act of 1988 [Pub. L. 100–322] (38 U.S.C. 1712 note).

''(3) The demonstration program under section 7 of Public Law 102–54 (38 U.S.C. 1718 note).''

LOANS TO ORGANIZATIONS PROVIDING TRANSITIONAL HOUSING FOR SUBSTANCE ABUSERS

Section 8 of Pub. L. 102–54 provided that:

''(a) LOAN PROGRAM.—The Secretary of Veterans Affairs may make loans in accordance with this section to assist in the provision of transitional housing exclusively to veterans who are in (or who recently have been in) a program for the treatment of substance abuse.

''(b) LOAN RECIPIENTS.—A loan under this section may only be made to a nonprofit organization under selection criteria promulgated by the Secretary and only to assist that organization in leasing housing units for use as a group residence for the purposes described in subsection (a). The amount of such a loan that is used with respect to any single residential unit may not exceed $4,500. In making loans under this subsection, the Secretary shall, except to the extent that the Secretary determines that it is infeasible to do so, ensure that—

''(1) each loan is repaid within two years after the date on which the loan is made;

''(2) each loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay an installment by the date specified in the loan agreement involved; and

''(3) each loan is made only to a nonprofit private entity which agrees that, in the operation of each residence established with the assistance of the loan—

''(A) the use of alcohol or any illegal drug in the residence will be prohibited;

''(B) any resident who violates the prohibition in subclause (A) of this clause will be expelled from the residence;

''(C) the costs of maintaining the residence, including fees for rent and utilities, will be paid by the residents;

''(D) the residents will, through a majority vote of the residents, otherwise establish policies governing the conditions of residence, including the manner in which applications for residence are approved; and

''(E) the residence will be operated solely as a residence for not less than six veterans.

''(c) FUNDING.—Loans under this section shall be made from the special account of the General Post Fund of the Department of Veterans Affairs established for purposes of this section. The amount of such loans outstanding at any time may not exceed $100,000. Amounts received as payment of principal and interest on such loans shall be deposited in that account. The operation of the loan program under this section shall be separately accounted for, and shall be separately stated in the documents accompanying the President's budget for each fiscal year.

''(d) TERMS AND CONDITIONS.—Loans under this section shall be made on such terms and conditions, including interest, as the Secretary prescribes.

''(e) REPORT.—After the end of the 15-month period beginning on the date the first loan is extended under this section, the Secretary shall issue a report on the Department's experience under the section. The report shall include the following information:

''(1) The default rate on loans extended under this section.

''(2) The manner in which loan payments are collected.

''(3) The number of facilities at which loans have been extended.

''(4) The adequacy of the amount of funds in the special account referred to in subsection (c).''

EVALUATION OF VETERANS' ADMINISTRATION INPATIENT AND OUTPATIENT DRUG AND ALCOHOL TREATMENT PROGRAMS

Pub. L. 100–690, title II, § 2501, Nov. 18, 1988, 102 Stat. 4232, directed Administrator of Veterans' Affairs to conduct an evaluation of inpatient and outpatient drug and alcohol treatment programs operated by the Veterans' Administration, such evaluation to include a determination of medical advantages and cost-effectiveness of such programs, taking into consideration rates of readmission and the rate of successful rehabilitation, and authorized appropriations for this purpose for fiscal years 1989, 1990, and 1991.

RATIFICATION FOR LAPSED PERIOD

Section 502(a)(2) of Pub. L. 100–689 ratified actions by the Administrator of Veterans' Affairs in providing, during the period beginning Oct. 1, 1988, and ending Nov. 18, 1988, for care and treatment and rehabilitative services under this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1703 of this title; title 29 sections 1721, 2913.

§ 1720B. Respite care

(a) The Secretary may furnish respite care services to a veteran who is eligible to receive care under section 1710 of this title.

(b) For the purpose of this section, the term ''respite care'' means hospital or nursing home care which—

(1) is of limited duration;

(2) is furnished in a Department facility on an intermittent basis to a veteran who is suffering from a chronic illness and who resides primarily at home; and

(3) is furnished for the purpose of helping the veteran to continue residing primarily at home.

(Added Pub. L. 99–576, title II, § 201(a)(1), Oct. 28, 1986, 100 Stat. 3254, § 620B; amended Pub. L. 101–237, title II, § 201(a), Dec. 18, 1989, 103 Stat. 2066; renumbered § 1720B and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–585, title V, § 502, Nov. 4, 1992, 106 Stat. 4955.)

AMENDMENTS

1992—Subsec. (c). Pub. L. 102–585 struck out subsec. (c) which read as follows: ''The authority provided by this section terminates on September 30, 1992.''

1991—Pub. L. 102–83, § 5(a), renumbered section 620B of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1710'' for ''610''.

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

Subsec. (b)(2). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

1989—Subsec. (c). Pub. L. 101–237 substituted ''September 30, 1992'' for ''September 30, 1989''.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING TRANSITION PERIODS

Section 604 of Pub. L. 101–237 ratified actions of the Secretary of Veterans Affairs in carrying out this section, section 115 of Pub. L. 100–322 [38 U.S.C. 1712 note], section 618 of Pub. L. 100–440 [5 U.S.C. 6302 note], or section 1829 [now 3729] of this title, by contract or otherwise, during the period beginning Dec. 1, 1989, and ending Dec. 18, 1989.

Pub. L. 101–110, § 3(b), Oct. 6, 1989, 103 Stat. 682, ratified actions of the Secretary of Veterans Affairs in carrying out this section, section 115 of Pub. L. 100–322 [38 U.S.C. 1712 note], section 618 of Pub. L. 100–440 [5 U.S.C. 6302 note], or section 1829 [now 3729] of this title, by contract or otherwise, during the period beginning Oct. 1, 1989, and ending Oct. 6, 1989.

INTERIM EXTENSION OF RESPITE CARE PROGRAM

Pub. L. 101–110, § 1(a), Oct. 6, 1989, 103 Stat. 682, provided that: ''Notwithstanding the provisions of subsection (c) of section 620B [now 1720B] of title 38, United States Code, the authority provided by such section shall terminate on November 30, 1989.''

REPORT

Section 201(b) of Pub. L. 99–576 provided that if the Administrator of Veterans' Affairs furnished respite care under this section, the Administrator was to conduct an evaluation of the health efficacy and cost-effectiveness of furnishing such care and submit to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than Feb. 1, 1989, a report containing the results of such evaluation and appropriate recommendations.

§ 1720C. Noninstitutional alternatives to nursing home care

(a) The Secretary may furnish medical, rehabilitative, and health-related services in noninstitutional settings for veterans who are eligible under this chapter for, and are in need of, nursing home care. The Secretary shall give priority for participation in such program to veterans who—

(1) are in receipt of, or are in need of, nursing home care primarily for the treatment of a service-connected disability; or

(2) have a service-connected disability rated at 50 percent or more.

(b)(1) Under the program conducted pursuant to subsection (a), the Secretary shall (A) furnish appropriate health-related services solely through contracts with appropriate public and private agencies that provide such services, and (B) designate Department health-care employees to furnish case management services to veteran furnished services under the program.

(2) For the purposes of paragraph (1), the term ''case management services'' includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(c) The Secretary may provide in-kind assistance (through the services of Department of Veterans Affairs employees and the sharing of other Department resources) to a facility furnishing services to veterans under subsection (b)(1)(A). Any such in-kind assistance shall be provided under a contract between the Department and the facility concerned. The Secretary may provide such assistance only for use solely in the furnishing of appropriate services under this section and only if, under such contract, the Department receives reimbursement for the full cost of such assistance (including the cost of services and supplies and normal depreciation and amortization of equipment). Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department facility that provided the assistance.

(d) The total cost of providing services or in-kind assistance in the case of any veteran for any fiscal year under the program may not exceed 65 percent of the cost that would have been incurred by the Department during that fiscal year if the veteran had been furnished, instead, nursing home care under section 1710 of this title during that fiscal year.

(e) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to the extent that appropriations are available.

(Added Pub. L. 101–366, title II, § 201(a)(1), Aug. 15, 1990, 104 Stat. 437, § 620C; renumbered § 1720C and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–452, title I, § 103(c), Nov. 2, 1994, 108 Stat. 4786; Pub. L. 104–110, title I, § 101(c), Feb. 13, 1996, 110 Stat. 768; Pub. L. 105–114, title II, § 206(a)–(b)(2), Nov. 21, 1997, 111 Stat. 2289.)

AMENDMENTS

1997—Pub. L. 105–114, § 206(b)(2), struck out ": pilot program" after "home care" in section catchline.

Subsec. (a). Pub. L. 105–114, § 206(a), substituted "The Secretary may furnish" for "During the period through December 31, 1997, the Secretary may conduct a pilot program for the furnishing of".

Subsec. (b)(1). Pub. L. 105–114, § 206(b)(1), substituted "Under the program" for "Under the pilot program".

Subsec. (d). Pub. L. 105–114, § 206(b)(1), substituted "under the program" for "under the pilot program".

1996—Subsec. (a). Pub. L. 104–110 substituted "December 31, 1997" for "September 30, 1995" in introductory provisions.

1994—Subsec. (a). Pub. L. 103–452, in introductory provisions, substituted "During the period through September 30, 1995," for "During the four-year period beginning on October 1, 1990," and "care. The Secretary shall give priority for participation in such program to veterans who" for "care and who".

1991—Pub. L. 102–83, § 5(a), renumbered section 620C of this title as this section.

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted "1710" for "610".

EFFECTIVE DATE OF 1994 AMENDMENT

Section 103(c)(1) of Pub. L. 103–452 provided that the amendment made by that section is effective Oct. 1, 1994.

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Any action taken by Secretary of Veterans Affairs before Feb. 13, 1996, under provision of law amended by title I of Pub. L. 104–110 that was taken during period beginning on date on which authority of Secretary under such provision of law expired and ending on Feb. 13, 1996, considered to have same force and effect as if such amendment had been in effect at time of that action, see section 103 of Pub. L. 104–110, set out as a note under section 1710 of this title.

REPORT TO CONGRESSIONAL COMMITTEES

Section 201(b) of Pub. L. 101–366, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–452, title I, § 103(g), Nov. 2, 1994, 108 Stat. 4787, provided that: "Not later than February 1, 1995, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the Secretary's evaluation, findings, and conclusions regarding the conduct, through September 30, 1993, of the pilot program required by section 1720C [formerly 620C] of title 38, United States Code (as added by subsection (a)), and the results of the furnishing of care under such pilot program for the participating veterans. The report shall include a description of the conduct of the pilot program (including a description of the veterans furnished services and of the services furnished under the pilot program), and any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate to include in the report."

§ 1720D. Counseling and treatment for sexual trauma

(a)(1) During the period through December 31, 2001, the Secretary may provide counseling to a veteran who the Secretary determines requires such counseling to overcome psychological trauma, which in the judgment of a mental health professional employed by the Department, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty.

(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition that the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that paragraph.

(3) In furnishing counseling to a veteran under this subsection, the Secretary may, during the period through December 31, 2001, provide such counseling pursuant to a contract with a qualified mental health professional if (A) in the judgment of a mental health professional employed by the Department, the receipt of counseling by that veteran in facilities of the Department would be clinically inadvisable, or (B) Department facilities are not capable of furnishing such counseling to that veteran economically because of geographical inaccessibility.

(b)(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a), the Secretary shall ensure that the veteran is furnished counseling and care and services under this section in a way that is coordinated with the furnishing of such care and services under this chapter.

(2) In establishing a program to provide counseling under subsection (a), the Secretary shall—

(A) provide for appropriate training of mental health professionals and such other health care personnel as the Secretary determines necessary to carry out the program effectively;

(B) seek to ensure that such counseling is furnished in a setting that is therapeutically appropriate, taking into account the circumstances that resulted in the need for such counseling; and

(C) provide referral services to assist veterans who are not eligible for services under this chapter to obtain those from sources outside the Department.

(c) The Secretary shall provide information on the counseling available to veterans under this section. Efforts by the Secretary to provide such information—

(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number); and

(2) shall include coordination with the Secretary of Defense seeking to ensure that individuals who are being separated from active military, naval, or air service are provided appropriate information about programs, requirements, and procedures for applying for counseling under this section.

(d) In this section, the term "sexual harassment" means repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character.

(Added Pub. L. 102–585, title I, § 102(a)(1), Nov. 4, 1992, 106 Stat. 4945; amended Pub. L. 103–452, title I, § 101(a)–(d), (f)(1), (2)(A), (g)(1), Nov. 2, 1994, 108 Stat. 4783, 4784; Pub. L. 105–368, title IX, § 902, Nov. 11, 1998, 112 Stat. 3360.)

AMENDMENTS

1998—Subsec. (a)(1), (3). Pub. L. 105–368 substituted "December 31, 2001" for "December 31, 1998".

1994—Pub. L. 103–452, § 101(f)(2)(A), substituted ''and treatment'' for ''to women veterans'' in section catchline.

Subsec. (a)(1). Pub. L. 103–452, § 101(b)(1), (f)(1)(A), substituted ''December 31, 1998,'' for ''December 31, 1995,'' and struck out ''woman'' after ''counseling to a''.

Subsec. (a)(2). Pub. L. 103–452, § 101(a), added par. (2) and struck out former par. (2) which read as follows: ''To be eligible to receive counseling under this subsection, a veteran must seek such counseling from the Secretary within two years after the date of the veteran's discharge or release from active military, naval, or air service.''

Subsec. (a)(3). Pub. L. 103–452, § 101(b)(2), substituted ''December 31, 1998,'' for ''December 31, 1994,''.

Subsec. (b). Pub. L. 103–452, § 101(c), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: ''In providing services to a veteran under subsection (a), the period for which counseling is provided may not exceed one year from the date of the commencement of the furnishing of such counseling to the veteran. However, the Secretary may authorize a longer period in any case if, in the judgment of the Secretary, a longer period of counseling is required.''

Subsec. (b)(1). Pub. L. 103–452, § 101(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''The Secretary shall give priority to the establishment and operation of the program to provide counseling under subsection (a). In the case of a veteran eligible for such counseling who requires other care or services under this chapter for trauma described in subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such other care and services under this chapter.''

Subsec. (b)(2)(C). Pub. L. 103–452, § 101(f)(1)(B), struck out ''women'' after ''assist''.

Subsec. (c). Pub. L. 103–452, § 101(f)(1)(B), struck out ''women'' after ''available to'' in introductory provisions.

Pub. L. 103–452, § 101(c)(2), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1). Pub. L. 103–452, § 101(g)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''may include establishment of an information system involving the use of a toll-free telephone number (commonly referred to as an 800 number), and''.

Subsec. (c)(2). Pub. L. 103–452, § 101(f)(1)(C), substituted ''individuals'' for ''women''.

Subsecs. (d), (e). Pub. L. 103–452, § 101(c)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

INFORMATION ON TELEPHONE COUNSELING AVAILABILITY; PERSONNEL TRAINING; CLIENT CONFIDENTIALITY; PUBLICITY; REPORT

Section 101(g)(2) to (5) of Pub. L. 103–452 provided that:

''(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)), the Secretary of Veterans Affairs shall ensure that the Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

''(3) The telephone assistance service shall be operated in a manner that protects the confidentiality of persons who place calls to the system.

''(4) The Secretary shall ensure that information about the availability of the telephone assistance service is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

''(5) Not later than 18 months after the date of the enactment of this Act [Nov. 2, 1994], the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)). The report shall set forth the following:

''(A) The number of persons who sought information during the period covered by the report through a toll-free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of such persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

''(B) A description of the training provided to the personnel who provide such assistance.

''(C) The recommendations and plans of the Secretary for the improvement of the service.''

TRANSITION PERIOD FOR ELIGIBILITY FOR COUNSELING

Section 102(b) of Pub. L. 102–585, as amended by Pub. L. 103–210, § 2(b), Dec. 20, 1993, 107 Stat. 2497, provided that in the case of a veteran who was discharged or released from active military, naval, or air service before Dec. 31, 1992, the two-year period specified in 38 U.S.C. 1720D(a)(2) was to be treated as ending on Dec. 31, 1994, prior to repeal by Pub. L. 103–452, title I, § 101(h), Nov. 2, 1994, 108 Stat. 4785.

COMMENCEMENT OF PROVISION OF INFORMATION ON SERVICES

Section 104 of Pub. L. 102–585 directed Secretary of Veterans Affairs, not later than 90 days after Nov. 4, 1992, to commence the provision of information on the counseling relating to sexual trauma that is available to women veterans under 38 U.S.C. 1720D.

REPORT ON IMPLEMENTATION OF SEXUAL TRAUMA COUNSELING PROGRAM

Section 105 of Pub. L. 102–585 directed Secretary of Veterans Affairs, not later than Mar. 31, 1994, to submit to Congress a comprehensive report on the Secretary's actions under 38 U.S.C. 1720D.

§ 1720E. Nasopharyngeal radium irradiation

(a) The Secretary may provide any veteran a medical examination, and hospital care, medical services, and nursing home care, which the Secretary determines is needed for the treatment of any cancer of the head or neck which the Secretary finds may be associated with the veteran's receipt of nasopharyngeal radium irradiation treatments in active military, naval, or air service.

(b) The Secretary shall provide care and services to a veteran under subsection (a) only on the basis of evidence in the service records of the veteran which document nasopharyngeal radium irradiation treatment in service, except that, notwithstanding the absence of such documentation, the Secretary may provide such care to a veteran who—

(1) served as an aviator in the active military, naval, or air service before the end of the Korean conflict; or

(2) underwent submarine training in active naval service before January 1, 1965.

(Added Pub. L. 105–368, title IX, § 901(a), Nov. 11, 1998, 112 Stat. 3360.)

SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

AMENDMENTS

1976—Pub. L. 94–581, title II, § 202(i), Oct. 21, 1976, 90 Stat. 2856, inserted ''AND NURSING HOME'' in subchapter heading.

§ 1721. Power to make rules and regulations

Rules and regulations prescribed under section 501(a) of this title shall include rules and regulations to promote good conduct on the part of persons who are receiving hospital, nursing home, and domiciliary care and medical services in Department facilities. The Secretary may prescribe in rules and regulations under such section limitations in connection with the furnishing of such care and services during a period of national emergency (other than a period of war or an emergency described in section 8111A of this title).

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1143, § 621; Pub. L. 94–581, title II, §§ 202(j), 210(a)(8), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 100–322, title I, § 133, May 20, 1988, 102 Stat. 507; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1721 and amended Pub. L. 102–83, §§ 2(c)(1), 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 402, 404–406.)

PRIOR PROVISIONS

Prior section 1721 was renumbered section 3521 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 621 of this title as this section.

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''.

Pub. L. 102–83, § 2(c)(1), substituted ''501(a)'' for ''210(c)(1)''.

Pub. L. 102–40 substituted ''8111A'' for ''5011A''.

1988—Pub. L. 100–322 amended section generally. Prior to amendment, section read as follows: ''The Administrator shall prescribe—

''(1) such rules and procedure governing the furnishing of hospital, nursing home, and domiciliary care as the Administrator may deem proper and necessary;

''(2) limitations in connection with the furnishing of hospital, nursing home, and domiciliary care; and

''(3) such rules and regulations as the Administrator deems necessary in order to promote good conduct on the part of persons who are receiving hospital, nursing home, or domiciliary care in Veterans' Administration facilities.''

1976—Cl. (1). Pub. L. 94–581, §§ 202(j), 210(a)(8), substituted ''hospital, nursing home, and domiciliary care as the Administrator may deem'' for ''hospital and domiciliary care as he may deem''.

Cl. (2). Pub. L. 94–581, § 202(j), substituted ''hospital, nursing home, and domiciliary care'' for ''hospital and domiciliary care''.

Cl. (3). Pub. L. 94–581, §§ 202(j), 210(a)(8), substituted ''as the Administrator deems'' for ''as he deems'' and ''hospital, nursing home, or domiciliary care'' for ''hospital or domiciliary care''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

§ 1722. Determination of inability to defray necessary expenses; income thresholds

(a) For the purposes of section 1710(a)(2)(G) of this title, a veteran shall be considered to be unable to defray the expenses of necessary care if—

(1) the veteran is eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) the veteran is in receipt of pension under section 1521 of this title; or

(3) the veteran's attributable income is not greater than the amount set forth in subsection (b).

(b)(1) For purposes of subsection (a)(3), the income threshold for the calendar year beginning on January 1, 1990, is—

(A) $17,240 in the case of a veteran with no dependents; and

(B) $20,688 in the case of a veteran with one dependent, plus $1,150 for each additional dependent.

(2) For a calendar year beginning after December 31, 1990, the amounts in effect for purposes of this subsection shall be the amounts in effect for the preceding calendar year as adjusted under subsection (c) of this section.

(c) Effective on January 1 of each year, the amounts in effect under subsection (b) of this section shall be increased by the percentage by which the maximum rates of pension were increased under section 5312(a) of this title during the preceding calendar year.

(d)(1) Notwithstanding the attributable income of a veteran, the Secretary may refuse to make a determination described in paragraph (2) of this subsection if the corpus of the estate of the veteran is such that under all the circumstances it is reasonable that some part of the corpus of the estate of the veteran be consumed for the veteran's maintenance.

(2) A determination described in this paragraph is a determination that for purposes of subsection (a)(3) of this section a veteran's attributable income is not greater than the amount determined under subsection (b) of this section.

(3) For the purposes of paragraph (1) of this subsection, the corpus of the estate of a veteran shall be determined in the same manner as the manner in which determinations are made of the corpus of the estates of persons under section 1522 of this title.

(e)(1) In order to avoid a hardship to a veteran described in paragraph (2) of this subsection, the Secretary may deem the veteran to have an attributable income during the previous year not greater than the amount determined under subsection (b) of this section.

(2) A veteran is described in this paragraph for the purposes of subsection (a) of this section if—

(A) the veteran has an attributable income greater than the amount determined under subsection (b) of this section; and

(B) the current projections of such veteran's income for the current year are that the veteran's income for such year will be substantially below the amount determined under subsection (b).

(f) For purposes of this section:

(1) The term ''attributable income'' means the income of a veteran for the previous year determined in the same manner as the manner in which a determination is made of the total amount of income by which the rate of pension for such veteran under section 1521 of this title would be reduced if such veteran were eligible for pension under that section.

(2) The term ''corpus of the estate of the veteran'' includes the corpus of the estates of the veteran's spouse and dependent children, if any.

(3) The term ''previous year'' means the calendar year preceding the year in which the veteran applies for care or services under section 1710(a) of this title.

(g) For the purposes of section 1724(c) of this title, the fact that a veteran is—

(1) eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) a veteran with a service-connected disability; or

(3) in receipt of pension under any law administered by the Secretary,

shall be accepted as sufficient evidence of such veteran's inability to defray necessary expenses.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144, § 622; Pub. L. 89–612, § 1, Sept. 30, 1966, 80 Stat. 859; Pub. L. 91–500, § 1, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 94–581, title II, §§ 202(k), 210(a)(9), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 96–330, title IV, § 401(a), Aug. 26, 1980, 94 Stat. 1051; Pub. L. 99–272, title XIX, § 19011(c)(1), Apr. 7, 1986, 100 Stat. 376; Pub. L. 100–322, title I, § 102(b), May 20, 1988, 102 Stat. 493; Pub. L. 101–508, title VIII, § 8013(c), Nov. 5, 1990, 104 Stat. 1388–346; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1722 and amended Pub. L. 102–83, §§ 4(a)(1), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 104–262, title I, § 101(d)(9), Oct. 9, 1996, 110 Stat. 3180.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a)(1) and (g)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XIX of the Social Security Act is classified generally to subchapter XIX (§ 1396 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 section 1722, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1196, related to change of program by eligible person, prior to repeal by Pub. L. 92–540, title IV, § 402(2), Oct. 24, 1972, 86 Stat. 1090. See section 3691 of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–262, § 101(d)(9)(A), substituted ''section 1710(a)(2)(G)'' for ''section 1710(a)(1)(I)'' in introductory provisions.

Subsec. (f)(3). Pub. L. 104–262, § 101(d)(9)(B), struck out ''or 1712(f)'' before ''of this title''.

1991—Pub. L. 102–83, § 5(a), renumbered section 622 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1710(a)(1)(I)'' for ''610(a)(1)(I)'' in introductory provisions and ''1521'' for ''521'' in par. (2).

Subsec. (c). Pub. L. 102–40 substituted ''5312(a)'' for ''3112(a)''.

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

Subsec. (d)(3). Pub. L. 102–83, § 5(c)(1), substituted ''1522'' for ''522''.

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

Subsec. (f). Pub. L. 102–83, § 5(c)(1), substituted ''1521'' for ''521'' in par. (1) and ''1710(a) or 1712(f)'' for ''610(a) or 612(f)'' in par. (3).

Subsec. (g). Pub. L. 102–83, § 5(c)(1), substituted ''1724(c)'' for ''624(c)'' in introductory provisions.

Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration'' in par. (3).

1990—Subsec. (a). Pub. L. 101–508, § 8013(c)(1), designated par. (1) as entire subsec. (a), redesignated cls. (A) to (C) as pars. (1) to (3), respectively, substituted ''amount set forth in subsection (b)'' for ''Category A threshold'' in par. (3), and struck out former par. (2) which read as follows: ''For the purposes of section 610(a)(2)(A) of this title, a veteran's income level is described in this paragraph if the veteran's attributable income is not greater than the Category B threshold.''

Subsec. (b). Pub. L. 101–508, § 8013(c)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''For the purposes of this section:

''(1) The Category A threshold—

''(A) for the calendar year beginning on January 1, 1986, is—

''(i) $15,000 in the case of a veteran with no dependents; and

''(ii) $18,000 in the case of a veteran with one dependent, plus $1,000 for each additional dependent; and

''(B) for a calendar year beginning after December 31, 1986, is the amount in effect for purposes of this paragraph for the preceding calendar year as adjusted under subsection (c) of this subsection.

''(2) The Category B threshold—

''(A) for the calendar year beginning on January 1, 1986, is—

''(i) $20,000 in the case of a veteran with no dependents; and

''(ii) $25,000 in the case of a veteran with one dependent, plus $1,000 for each additional dependent; and

''(B) for a calendar year beginning after December 31, 1986, is the amount in effect for purposes of this paragraph for the preceding calendar year as adjusted under subsection (c) of this subsection.''

Subsec. (c). Pub. L. 101–508, § 8013(c)(3), struck out ''paragraphs (1) and (2) of'' before ''subsection (b) of this section''.

Subsec. (d)(2). Pub. L. 101–508, § 8013(c)(4), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''A determination described in this paragraph is a determination—

''(A) that for the purposes of subsection (a)(1)(C) of this section a veteran's attributable income is not greater than the Category A threshold; or

''(B) that for the purposes of subsection (a)(2) of this section a veteran's attributable income is not greater than the Category B threshold.''

Subsec. (e)(1). Pub. L. 101–508, § 8013(c)(5)(A), substituted ''the amount determined under subsection (b) of this section'' for ''the Category A threshold or the Category B threshold, as appropriate''.

Subsec. (e)(2). Pub. L. 101–508, § 8013(c)(5)(B), added par. (2) and struck out former par. (2) which read as follows:

''(A) A veteran is described in this paragraph for the purposes of subsection (a)(1) of this section if—

''(i) the veteran has an attributable income greater than the Category A threshold; and

''(ii) the current projections of such veteran's income for the current year are that the veteran's income for such year will be substantially below such threshold.

''(B) A veteran is described in this paragraph for the purposes of subsection (a)(2) of this section if—

''(i) the veteran has an attributable income greater than the Category B threshold; and

''(ii) the current projections of such veteran's income for the current year are that the veteran's income for such year will be substantially below such threshold.''

1988—Subsec. (g). Pub. L. 100–322 substituted ''section'' for ''sections 610(b)(2) and''.

1986—Pub. L. 99–272 amended section generally, revising and restating existing provisions as subsec. (g) and adding subsecs. (a) to (f).

1980—Pub. L. 96–330 substituted provisions relating to the facts that will be accepted as sufficient evidence of an individual's inability to defray necessary expenses for provisions relating to the use of statements under oath to establish the inability to defray necessary expenses.

1976—Subsec. (a). Pub. L. 94–581, § 202(k), substituted ''610(a)(1)(B)'' for ''610(a)(1)'' and ''632(a)(2)'' for ''632(b)''.

Subsec. (b). Pub. L. 94–581, § 210(a)(9), substituted ''such veteran's inability'' for ''his inability''.

1970—Pub. L. 91–500 designated existing provisions as subsec. (a) and added subsec. (b).

1966—Pub. L. 89–612 inserted reference to section 632(b) of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–508 to remain in effect through the period covered by Pub. L. 102–145, see section 111 of Pub. L. 102–145, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101–508 to remain in effect through the period covered by Pub. L. 102–109, see section 111 of Pub. L. 102–109, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101–508 applicable with respect to hospital care and medical services received after Nov. 5, 1990, see section 8013(d) of Pub. L. 101–508, as amended, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Provisions of this section as in effect on the day before Apr. 7, 1986, applicable with respect to hospital and nursing home care furnished on or after July 1, 1986, to veterans furnished such care or services on June 30, 1986, but only to the extent that such care is furnished with respect to the same episode of care for which it was furnished on June 30, 1986, see section 19011(f) of Pub. L. 99–272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

INITIAL INCREASE UNDER SUBSECTION (c)

Section 19011(c)(3) of Pub. L. 99–272 provided that the first increase under subsection (c) of this section, as added by section 19011(c)(1) of Pub. L. 99–272, was to take effect on Jan. 1, 1987.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1705, 1710 of this title.

§ 1722A. Copayment for medications

(a)(1) Subject to paragraph (2), the Secretary shall require a veteran to pay the United States $2 for each 30-day supply of medication furnished such veteran under this chapter on an outpatient basis for the treatment of a non-service-connected disability or condition. If the amount supplied is less than a 30-day supply, the amount of the charge may not be reduced.

(2) The Secretary may not require a veteran to pay an amount in excess of the cost to the Secretary for medication described in paragraph (1).

(3) Paragraph (1) does not apply—

(A) to a veteran with a service-connected disability rated 50 percent or more; or

(B) to a veteran 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 veteran were eligible for pension under section 1521 of this title.

(b) Amounts collected under this section shall be deposited in the Department of Veterans Affairs Medical Care Collections Fund.

(c) The provisions of subsection (a) expire on September 30, 2002.

(Added Pub. L. 101–508, title VIII, § 8012(a)(1), Nov. 5, 1990, 104 Stat. 1388–345, § 622A; renumbered § 1722A, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 102–139, title V, § 518(a), Oct. 28, 1991, 105 Stat. 779; Pub. L. 102–229, title I, Dec. 12, 1991, 105 Stat. 1709; Pub. L. 102–568, title VI, §§ 605(a), 606(a), Oct. 29, 1992, 106 Stat. 4343; Pub. L. 103–66, title XII, § 12002(b), Aug. 10, 1993, 107 Stat. 414; Pub. L. 103–446, title XII, § 1201(e)(7), Nov. 2, 1994, 108 Stat. 4685; Pub. L. 105–33, title VIII, §§ 8021(b), 8023(b)(3), Aug. 5, 1997, 111 Stat. 665, 667.)

AMENDMENTS

1997—Subsec. (b). Pub. L. 105–33, § 8023(b)(3), substituted ''Medical Care Collections Fund'' for ''Medical-Care Cost Recovery Fund''.

Subsec. (c). Pub. L. 105–33, § 8021(b), substituted ''September 30, 2002'' for ''September 30, 1998''.

1994—Subsec. (a)(1). Pub. L. 103–446 substituted ''veteran to pay'' for ''veteran) to pay''.

1993—Subsec. (c). Pub. L. 103–66 substituted ''1998'' for ''1992'' in first sentence and struck out at end ''Notwithstanding the preceding sentence, the provisions of subsection (a) shall be in effect through September 30, 1997.''

1992—Subsec. (a)(1). Pub. L. 102–568, § 605(a)(1), struck out ''(other than a veteran with a service-connected disability rated 50 percent or more'' after ''require a veteran''.

Subsec. (a)(3). Pub. L. 102–568, § 605(a)(2), added par. (3).

Subsec. (c). Pub. L. 102–568, § 606(a), inserted at end ''Notwithstanding the preceding sentence, the provisions of subsection (a) shall be in effect through September 30, 1997.''

1991—Pub. L. 102–83 renumbered section 622A of this title as this section.

Subsec. (c). Pub. L. 102–139, as amended by Pub. L. 102–229, substituted ''September 30, 1992'' for ''September 30, 1991''.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 8023(b)(3) of Pub. L. 105–33 effective Oct. 1, 1997, see section 8023(g) of Pub. L. 105–33, set out as a note under section 712 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 605(b) of Pub. L. 102–568 provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to medication furnished after the date of the enactment of this Act [Oct. 29, 1992].''

EFFECTIVE AND TERMINATION DATES

Section to remain in effect through the period covered by Pub. L. 102–145, see section 111 of Pub. L. 102–145, set out as an Effective and Termination Dates of 1990 Amendment note under section 1710 of this title.

Section to remain in effect through the period covered by Pub. L. 102–109, see section 111 of Pub. L.

102–109, set out as an Effective and Termination Dates of 1990 Amendment note under section 1710 of this title.

Section 8012(b) of Pub. L. 101–508 provided that: ''The amendments made by subsection (a) [enacting this section] shall take effect with respect to medication furnished to a veteran after October 31, 1990, or the date of the enactment of this Act [Nov. 5, 1990], whichever is later.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1729A of this title.

§ 1723. Furnishing of clothing

The Secretary shall not furnish clothing to persons who are in Department facilities, except (1) where the furnishing of such clothing to indigent persons is necessary to protect health or sanitation, and (2) where the Secretary furnishes veterans with special clothing made necessary by the wearing of prosthetic appliances.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144, § 623; Pub. L. 94–581, title II, § 210(a)(10), Oct. 21, 1976, 90 Stat. 2863; renumbered § 1723 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1723 was renumbered section 3523 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 623 of this title as this section.

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''.

1976—Pub. L. 94–581 substituted ''the Administrator furnishes'' for ''he furnishes''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

§ 1724. Hospital care, medical services, and nursing home care abroad

(a) Except as provided in subsections (b) and (c), the Secretary shall not furnish hospital or domiciliary care or medical services outside any State.

(b)(1) The Secretary may furnish hospital care and medical services outside a State to a veteran who is otherwise eligible to receive hospital care and medical services if the Secretary determines that such care and services are needed for the treatment of a service-connected disability of the veteran or as part of a rehabilitation program under chapter 31 of this title.

(2) Care and services for a service-connected disability of a veteran who is not a citizen of the United States may be furnished under this subsection only—

(A) if the veteran is in the Republic of the Philippines or in Canada; or

(B) if the Secretary determines, as a matter of discretion and pursuant to regulations which the Secretary shall prescribe, that it is appropriate and feasible to furnish such care and services.

(c) Within the limits of those facilities of the Veterans Memorial Medical Center at Manila, Republic of the Philippines, for which the Secretary may contract, the Secretary may furnish necessary hospital care to a veteran for any nonservice-connected disability if such veteran is unable to defray the expenses of necessary hospital care. The Secretary may enter into contracts to carry out this section.

(d) The Secretary may furnish nursing home care, on the same terms and conditions set forth in section 1720(a) of this title, to any veteran who has been furnished hospital care in the Philippines pursuant to this section, but who requires a protracted period of nursing home care.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144, § 624; Pub. L. 86–152, Aug. 11, 1959, 73 Stat. 332; Pub. L. 86–624, § 25(a), July 12, 1960, 74 Stat. 418; Pub. L. 87–815, § 4, Oct. 15, 1962, 76 Stat. 927; Pub. L. 93–82, title I, § 108, Aug. 2, 1973, 87 Stat. 186; Pub. L. 94–581, title II, §§ 202(*l*), 210(a)(11), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 95–520, § 3(a), Oct. 26, 1978, 92 Stat. 1820; Pub. L. 97–72, title I, § 107(a), Nov. 3, 1981, 95 Stat. 1051; Pub. L. 97–295, § 4(20), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 100–322, title I, § 105, May 20, 1988, 102 Stat. 493; renumbered § 1724 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1724 was renumbered section 3524 of this title.

Prior section 1725, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1197, related to period of operation for approval by Administrator, prior to repeal by Pub. L. 92–540, title IV, § 402(2), Oct. 24, 1972, 86 Stat. 1090. See section 3689 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 624 of this title as this section.

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

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1720(a)'' for ''620(a)''.

1988—Subsec. (b). Pub. L. 100–322 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The Administrator may furnish necessary hospital care and medical services to any otherwise eligible veteran for any service-connected disability if the veteran (1) is a citizen of the United States sojourning or residing abroad, or (2) is in the Republic of the Philippines.''

1982—Pub. L. 97–295 substituted ''Hospital care, medical services, and nursing home care abroad'' for ''Hospital care and medical services abroad'' in section catchline, without regard to a prior amendment by Pub. L. 93–82, which had substituted ''Hospital care, medical services and nursing home care abroad'' for ''Hospital care and medical services abroad''. See 1973 Amendment note below.

1981—Subsec. (d). Pub. L. 97–72 struck out ''and at the same rate as specified in section 632(a)(4) of this title'' after ''on the same terms and conditions set forth in section 620(a) of this title''.

1978—Subsec. (c). Pub. L. 95–520 substituted ''Veterans Memorial Medical Center'' for ''Veterans Memorial Hospital''.

1976—Subsec. (c). Pub. L. 94–581 substituted ''the Administrator may furnish'' for ''he may furnish'' and ''hospital care to a veteran for any'' for ''hospital care to a veteran of any war for any''.

1973—Pub. L. 93–82, § 108(b), substituted ''Hospital care, medical services and nursing home care abroad'' for ''Hospital care and medical services abroad'' in section catchline.

Subsec. (d). Pub. L. 93–82, § 108(a), added subsec. (d).

1962—Subsec. (b). Pub. L. 87–815 struck out ''temporarily'' before ''sojourning''.

1960—Subsec. (a). Pub. L. 86–624 substituted ''outside any State'' for ''outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States''.

1959—Subsec. (b). Pub. L. 86–152 extended authority to provide hospital and medical care for veterans who are United States citizens temporarily residing abroad to include those with peacetime service-incurred disabilities.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1703, 1722, 1732 of this title.

[§ 1725. Vacant]

CODIFICATION

Prior to renumbering of sections 601 to 664 of this chapter as sections 1701 to 1764 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 625 of this chapter, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144; Pub. L. 91–24, § 6(a), June 11, 1969, 83 Stat. 34, which related to arrests for crimes in hospital and domiciliary reservations, was repealed by Pub. L. 93–43, §§ 4(b), 10(a), June 18, 1973, 87 Stat. 79, 88, effective June 18, 1973.

§ 1726. Reimbursement for loss of personal effects by natural disaster

The Secretary shall, under regulations which the Secretary shall prescribe, reimburse veterans in Department hospitals and domiciliaries for any loss of personal effects sustained by fire, earthquake, or other natural disaster while such effects were stored in designated locations in Department hospitals or domiciliaries.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144, § 627; Pub. L. 93–82, title I, § 105, Aug. 2, 1973, 87 Stat. 183; Pub. L. 94–581, title II, § 210(a)(12), Oct. 21, 1976, 90 Stat. 2863; renumbered § 1726 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1726, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1197, provided for control by agencies of United States, prior to repeal by Pub. L. 89–358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3689 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 626 of this title as this section.

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'' in two places.

1976—Pub. L. 94–581 substituted ''the Administrator shall prescribe'' for ''he shall prescribe''.

1973—Pub. L. 93–82 substituted ''natural disaster'' for ''fire'' in section catchline and extended reimbursement provisions to earthquake and other natural disasters also.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Jan. 1, 1971, see section 501 of Pub. L. 93–82, set out as a note under section 1701 of this title.

§ 1727. Persons eligible under prior law

Persons who have a status which would, under the laws in effect on December 31, 1957, entitle them to the medical services, hospital and domiciliary care, and other benefits, provided for in this chapter, but who do not meet the service requirements contained in this chapter, shall be entitled to such benefits notwithstanding failure to meet such service requirements.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1144, § 627; Pub. L. 94–581, title II, § 202(m), Oct. 21, 1976, 90 Stat. 2856; renumbered § 1727 Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 627 of this title as this section.

1976—Pub. L. 94–581 substituted ''1957'' for ''1958''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

§ 1728. Reimbursement of certain medical expenses

(a) The Secretary may, under such regulations as the Secretary shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of such care or services (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title), for which such veterans have made payment, from sources other than the Department, where—

(1) such care or services were rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

(2) such care or services were rendered to a veteran in need thereof (A) for an adjudicated service-connected disability, (B) for a non-service-connected disability associated with and held to be aggravating a service-connected disability, (C) for any disability of a veteran who has a total disability permanent in nature from a service-connected disability, or (D) for any illness, injury, or dental condition in the case of a veteran who (i) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title), and (ii) is medically determined to have been in need of care or treatment to make possible such veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition; and

(3) Department or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise, or practical.

(b) In any case where reimbursement would be in order under subsection (a) of this section, the Secretary may, in lieu of reimbursing such veteran, make payment of the reasonable value of care or services directly—

(1) to the hospital or other health facility furnishing the care or services; or

(2) to the person or organization making such expenditure on behalf of such veteran.

(Added Pub. L. 93–82, title I, § 106(a), Aug. 2, 1973, 87 Stat. 183, § 628; amended Pub. L. 94–581, title II, §§ 202(n), 210(a)(13), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 96–151, title II, § 201(d), Dec. 20, 1979, 93 Stat. 1093; Pub. L. 101–237, title II, § 202(a), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102–54, § 14(b)(14), June 13, 1991, 105 Stat. 284; renumbered § 1728 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 628 of this title as this section.

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in introductory provisions and in par. (3).

Subsec. (a)(2)(D). Pub. L. 102–83, § 5(c)(1), substituted ''3101(9)'' for ''1501(9)''.

Pub. L. 102–54 substituted ''(i) is'' for ''is (i)''.

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

1989—Subsec. (a)(2)(D). Pub. L. 101–237 substituted ''(i) a participant in a vocational rehabilitation program (as defined in section 1501(9) of this title), and (ii)'' for ''found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and''.

1979—Subsec. (a). Pub. L. 96–151 substituted provisions relating to travel and incidental expenses for provisions relating to necessary travel.

1976—Subsec. (a). Pub. L. 94–581 substituted ''as the Administrator shall prescribe'' for ''as he shall prescribe'' in provisions preceding par. (1), substituted ''delay'' for ''they'' in par. (1), and substituted ''make possible such veteran's entrance'' for ''make possible his entrance'' in par. (2)(D)(ii).

EFFECTIVE DATE OF 1989 AMENDMENT

Section 202(b) of Pub. L. 101–237 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to hospital care and medical services received on or after the date of the enactment of this Act [Dec. 18, 1989].''

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–151 effective Jan. 1, 1980, see section 206 of Pub. L. 96–151, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1971, see section 501 of Pub. L. 93–82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1729. Recovery by the United States of the cost of certain care and services

(a)(1) Subject to the provisions of this section, in any case in which a veteran is furnished care or services under this chapter for a non-service-connected disability described in paragraph (2) of this subsection, the United States has the right to recover or collect reasonable charges for such care or services (as determined by the Secretary) from a third party to the extent that the veteran (or the provider of the care or services) would be eligible to receive payment for such care or services from such third party if the care or services had not been furnished by a department or agency of the United States.

(2) Paragraph (1) of this subsection applies to a non-service-connected disability—

(A) that is incurred incident to the veteran's employment and that is covered under a workers' compensation law or plan that provides for payment for the cost of health care and services provided to the veteran by reason of the disability;

(B) that is incurred as the result of a motor vehicle accident to which applies a State law that requires the owners or operators of motor vehicles registered in that State to have in force automobile accident reparations insurance;

(C) that is incurred as the result of a crime of personal violence that occurred in a State, or a political subdivision of a State, in which a person injured as the result of such a crime is entitled to receive health care and services at such State's or subdivision's expense for personal injuries suffered as the result of such crime;

(D) that is incurred by a veteran—

(i) who does not have a service-connected disability; and

(ii) who is entitled to care (or payment of the expenses of care) under a health-plan contract; or

(E) for which care and services are furnished before October 1, 2002, under this chapter to a veteran who—

(i) has a service-connected disability; and

(ii) is entitled to care (or payment of the expenses of care) under a health-plan contract.

(3) In the case of a health-plan contract that contains a requirement for payment of a deductible or copayment by the veteran—

(A) the veteran's not having paid such deductible or copayment with respect to care or services furnished under this chapter shall not preclude recovery or collection under this section; and

(B) the amount that the United States may collect or recover under this section shall be reduced by the appropriate deductible or copayment amount, or both.

(b)(1) As to the right provided in subsection (a) of this section, the United States shall be subrogated to any right or claim that the veteran (or the veteran's personal representative, successor, dependents, or survivors) may have against a third party.

(2)(A) In order to enforce any right or claim to which the United States is subrogated under paragraph (1) of this subsection, the United States may intervene or join in any action or proceeding brought by the veteran (or the veteran's personal representative, successor, dependents, or survivors) against a third party.

(B) The United States may institute and prosecute legal proceedings against the third party if—

(i) an action or proceeding described in subparagraph (A) of this paragraph is not begun within 180 days after the first day on which care or services for which recovery is sought are furnished to the veteran by the Secretary under this chapter;

(ii) the United States has sent written notice by certified mail to the veteran at the veteran's last-known address (or to the veteran's personal representative or successor) of the intention of the United States to institute such legal proceedings; and

(iii) a period of 60 days has passed following the mailing of such notice.

(C) A proceeding under subparagraph (B) of this paragraph may not be brought after the end of the six-year period beginning on the last day on which the care or services for which recovery is sought are furnished.

(c)(1) The Secretary may compromise, settle, or waive any claim which the United States has under this section.

(2)(A) The Secretary, after consultation with the Comptroller General of the United States, shall prescribe regulations for the purpose of determining reasonable charges for care or services under subsection (a)(1) of this section. Any determination of such charges shall be made in accordance with such regulations.

(B) Such regulations shall provide that reasonable charges for care or services sought to be recovered or collected from a third-party liable under a health-plan contract may not exceed the amount that such third party demonstrates to the satisfaction of the Secretary it would pay for the care or services if provided by facilities (other than facilities of departments or agencies of the United States) in the same geographic area.

(C) Not later than 45 days after the date on which the Secretary prescribes such regulations (or any amendment to such regulations), the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the Comptroller General's comments on and recommendations regarding such regulations (or amendment).

(d) Any contract or agreement into which the Secretary enters with a person under section 3718 of title 31 for collection services to recover indebtedness owed the United States under this section shall provide, with respect to such services, that such person is subject to sections 5701 and 7332 of this title.

(e) A veteran eligible for care or services under this chapter—

(1) may not be denied such care or services by reason of this section; and

(2) may not be required by reason of this section to make any copayment or deductible payment in order to receive such care.

(f) No law of any State or of any political subdivision of a State, and no provision of any contract or other agreement, shall operate to prevent recovery or collection by the United States under this section or with respect to care or services furnished under section 1711(b) of this title.

[(g) Repealed. Pub. L. 105–33, title VIII, § 8023(b)(4), Aug. 5, 1997, 111 Stat. 667.]

(h)(1) Subject to paragraph (3) of this subsection, the Secretary shall make available medical records of a veteran described in paragraph (2) of this subsection for inspection and review by representatives of the third party concerned for the sole purposes of permitting the third party to verify—

(A) that the care or services for which recovery or collection is sought were furnished to the veteran; and

(B) that the provision of such care or services to the veteran meets criteria generally applicable under the health-plan contract involved.

(2) A veteran described in this paragraph is a veteran who is a beneficiary of a health-plan contract under which recovery or collection is sought under this section from the third party concerned for the cost of the care or services furnished to the veteran.

(3) Records shall be made available under this subsection under such conditions to protect the confidentiality of such records as the Secretary shall prescribe in regulations.

(i) For purposes of this section—

(1)(A) The term ''health-plan contract'' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement, under which health services for individuals are provided or the expenses of such services are paid.

(B) Such term does not include—

(i) an insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j);

(ii) a State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.);

(iii) a workers' compensation law or plan described in subparagraph (A) of subsection (a)(2) of this section; or

(iv) a program, plan, or policy under a law described in subparagraph (B) or (C) of such subsection.

(2) The term ''payment'' includes reimbursement and indemnification.

(3) The term ''third party'' means—

(A) a State or political subdivision of a State;

(B) an employer or an employer's insurance carrier;

(C) an automobile accident reparations insurance carrier; or

(D) a person obligated to provide, or to pay the expenses of, health services under a health-plan contract.

(Added Pub. L. 97–72, title I, § 106(a)(1), Nov. 3, 1981, 95 Stat. 1050, § 629; amended Pub. L. 99–272, title XIX, § 19013(a), Apr. 7, 1986, 100 Stat. 382; Pub. L. 100–322, title II, § 202, May 20, 1988, 102 Stat. 509; Pub. L. 101–508, title VIII, § 8011(a)–(c), Nov. 5, 1990, 104 Stat. 1388–344; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1729 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–568, title VI, § 604, Oct. 29,

1992, 106 Stat. 4343; Pub. L. 103–66, title XII, § 12003, Aug. 10, 1993, 107 Stat. 414; Pub. L. 104–262, title I, § 101(d)(10), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 105–33, title VIII, §§ 8022, 8023(b)(4), (d), Aug. 5, 1997, 111 Stat. 665, 667.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (i)(1)(B)(ii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XIX of the Social Security Act is classified generally to subchapter XIX (§ 1396 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.

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–33, § 8023(d)(1), substituted ''reasonable charges for'' for ''the reasonable cost of''.

Subsec. (a)(2)(E). Pub. L. 105–33, § 8022, substituted ''October 1, 2002'' for ''October 1, 1998''.

Subsec. (c)(2)(A). Pub. L. 105–33, § 8023(d)(2), substituted ''reasonable charges for'' for ''the reasonable cost of'' and ''such charges'' for ''such cost''.

Subsec. (c)(2)(B). Pub. L. 105–33, § 8023(d)(2)(A), substituted ''reasonable charges for'' for ''the reasonable cost of''.

Subsec. (g). Pub. L. 105–33, § 8023(b)(4), struck out subsec. (g) which established in the Treasury a fund known as the Department of Veterans Affairs Medical-Care Cost Recovery Fund and provided for deposits to and payments from the Fund.

1996—Subsec. (g)(3)(A). Pub. L. 104–262 substituted ''under subsection (f) or (g) of section 1710 of this title for hospital care, medical services, or nursing home care'' for ''under section 1710(f) of this title for hospital care or nursing home care, under section 1712(f) of this title for medical services,''.

1993—Subsec. (a)(2)(E). Pub. L. 103–66 substituted ''October 1, 1998'' for ''August 1, 1994''.

1992—Subsec. (a)(2)(E). Pub. L. 102–568 substituted ''August 1, 1994'' for ''October 1, 1993''.

1991—Pub. L. 102–83, § 5(a), renumbered section 629 of this title as this section.

Subsecs. (a) to (c). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

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

Pub. L. 102–40 substituted ''5701'' for ''3301'' and ''7332'' for ''4132''.

Subsec. (f). Pub. L. 102–83, § 5(c)(1), substituted ''1711(b)'' for ''611(b)''.

Subsec. (g)(3)(A). Pub. L. 102–83, § 5(c)(1), substituted ''1710(f)'' for ''610(f)'', ''1712(f)'' for ''612(f)'', and ''1722A'' for ''622A'' in introductory provisions.

Subsec. (h)(1), (3). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

1990—Subsec. (a)(2)(E). Pub. L. 101–508, § 8011(a), added subpar. (E).

Subsec. (c)(2)(B). Pub. L. 101–508, § 8011(b), substituted ''if provided by'' for ''in accordance with the prevailing rates at which the third party makes payments under comparable health-plan contracts with''.

Subsec. (g). Pub. L. 101–508, § 8011(c), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''Amounts collected or recovered on behalf of the United States under this section shall be deposited into the Treasury as miscellaneous receipts.''

1988—Subsec. (b)(2)(C). Pub. L. 100–322 added subpar. (C).

1986—Pub. L. 99–272 amended section generally, inserting authority to recover from a third party under a health-plan contract the reasonable costs of a non-service-connected disability, to require the Administrator to prescribe regulations to govern determination of reasonable costs, to authorize the compromise, settlement or waiver of claims, and to provide for the deposit of money collected under this section in the Treasury.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 8023(b)(4) of Pub. L. 105–33 effective Oct. 1, 1997, and amendment by section 8023(d) of Pub. L. 105–33 effective Aug. 5, 1997, see section 8023(g) of Pub. L. 105–33, set out as a note under section 712 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8011(e) of Pub. L. 101–508 provided that: ''The amendments made by this section [amending this section] shall take effect as of October 1, 1990.''

EFFECTIVE DATE OF 1986 AMENDMENT

Section 19013(b) of Pub. L. 99–272 provided that:

''(1) Except as provided in paragraph (2), section 629 [now 1729] of title 38, United States Code, as amended by subsection (a), shall apply to care and services provided on or after the date of the enactment of this Act [Apr. 7, 1986].

''(2)(A) Such section shall not apply so as to nullify any provision of a health-plan contract (as defined in subsection (i) of such section) that—

''(i) was entered into before the date of the enactment of this Act; and

''(ii) is not modified or renewed on or after such date.

''(B) In the case of a health-plan contract (as so defined) that was entered into before such date and which is modified or renewed on or after such date, the amendment made by subsection (a) [amending this section] shall apply—

''(i) with respect to such plan as of the day after the date that it is so modified or renewed; and

''(ii) with respect to care and services provided after such date of modification or renewal.

''(3) For purposes of paragraph (2), the term 'modified' includes any change in premium or coverage.''

EFFECTIVE DATE

Section 106(b) of Pub. L. 97–72 provided that: ''Section 629 [now 1729] of title 38, United States Code, as added by subsection (a), shall apply with respect to care and services furnished under chapter 17 of title 38, United States Code, on or after the date of the enactment of this Act [Nov. 3, 1981].''

DISPOSITION OF FUNDS IN AND TERMINATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL-CARE COST RECOVERY FUND

Section 8023(c) of Pub. L. 105–33 provided that: ''The amount of the unobligated balance remaining in the Department of Veterans Affairs Medical-Care Cost Recovery Fund (established pursuant to section 1729(g)(1) of title 38, United States Code) at the close of June 30, 1997, shall be deposited, not later than December 31, 1997, in the Treasury as miscellaneous receipts, and the Department of Veterans Affairs Medical-Care Cost Recovery Fund shall be terminated when the deposit is made.''

TRANSFERS TO MEDICAL-CARE COST RECOVERY FUND

Section 8011(d) of Pub. L. 101–508, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that the Secretary of the Treasury was to transfer $25,000,000 from the Department of Veterans Affairs Loan Guaranty Revolving Fund to the Department of Veterans Affairs Medical-Care Cost Recovery Fund and that the amount so transferred was to be available until the end of Sept. 30, 1991, for the support of the equivalent of 800 full-time employees and other expenses described in former subsec. (g)(3) of this section, and provided that the first $25,000,000 recovered or collected by the Department of Veterans Affairs during fiscal year 1991 as a result of third-party medical recovery activities was to be credited to the Department of Veterans Affairs Loan Guaranty Revolving Fund.

REPORTS ON IMPLEMENTATION OF 1986 AMENDMENT

Section 19013(c) of Pub. L. 99–272 directed Administrator of Veterans' Affairs, not later than six months

after Apr. 7, 1986, to submit to Committees on Veterans' Affairs of Senate and House of Representatives a report on the process for and results of implementation of this section, as amended by subsection (a), such report to show costs of administration (and a detailed breakdown of such costs) and the amount of receipts and collections under this section, and not later than Feb. 1, 1988, to submit to such Committees a report updating the information in the report previously submitted and providing information on the process and results of such implementation through at least the end of fiscal year 1987.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1729A of this title.

§ 1729A. Department of Veterans Affairs Medical Care Collections Fund

(a) There is in the Treasury a fund to be known as the Department of Veterans Affairs Medical Care Collections Fund.

(b) Amounts recovered or collected after June 30, 1997, under any of the following provisions of law shall be deposited in the fund:

(1) Section 1710(f) of this title.

(2) Section 1710(g) of this title.

(3) Section 1711 of this title.

(4) Section 1722A of this title.

(5) Section 1729 of this title.

(6) Public Law 87–693, popularly known as the ''Federal Medical Care Recovery Act'' (42 U.S.C. 2651 et seq.), to the extent that a recovery or collection under that law is based on medical care or services furnished under this chapter.

(c)(1) Subject to the provisions of appropriations Acts, amounts in the fund shall be available, without fiscal year limitation, to the Secretary for the following purposes:

(A) Furnishing medical care and services under this chapter, to be available during any fiscal year for the same purposes and subject to the same limitations (other than with respect to the period of availability for obligation) as apply to amounts appropriated from the general fund of the Treasury for that fiscal year for medical care.

(B) Expenses of the Department for the identification, billing, auditing, and collection of amounts owed the United States by reason of medical care and services furnished under this chapter.

(2) Amounts available under paragraph (1) may not be used for any purpose other than a purpose set forth in subparagraph (A) or (B) of that paragraph.

(3)(A) If for fiscal year 1998 the Secretary determines that the total amount to be recovered under the provisions of law specified in subsection (b) will be less than the amount contained in the latest Congressional Budget Office baseline estimate (computed under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985) for the amount of such recoveries for fiscal year 1998 by at least $25,000,000, the Secretary shall promptly certify to the Secretary of the Treasury the amount of the shortfall (as estimated by the Secretary) that is in excess of $25,000,000. Upon receipt of such a certification, the Secretary of the Treasury shall, not later than 30 days after receiving the certification, deposit in the fund, from any unobligated amounts in the Treasury, an amount equal to the amount certified by the Secretary.

(B) If for fiscal year 1998 a deposit is made under subparagraph (A) and the Secretary subsequently determines that the actual amount recovered for that fiscal year under the provisions of law specified in subsection (b) is greater than the amount estimated by the Secretary that was used for purposes of the certification by the Secretary under subparagraph (A), the Secretary shall pay into the general fund of the Treasury, from amounts available for medical care, an amount equal to the difference between the amount actually recovered and the amount so estimated (but not in excess of the amount of the deposit under subparagraph (A) pursuant to such certification).

(C) If for fiscal year 1998 a deposit is made under subparagraph (A) and the Secretary subsequently determines that the actual amount recovered for that fiscal year under the provisions of law specified in subsection (b) is less than the amount estimated by the Secretary that was used for purposes of the certification by the Secretary under subparagraph (A), the Secretary shall promptly certify to the Secretary of the Treasury the amount of the shortfall. Upon receipt of such a certification, the Secretary of the Treasury shall, not later than 30 days after receiving the certification, deposit in the fund, from any unobligated amounts in the Treasury, an amount equal to the amount certified by the Secretary.

(d)(1) Of the total amount recovered or collected by the Department during a fiscal year under the provisions of law referred to in subsection (b) and made available from the fund, the Secretary shall make available to each designated health care region of the Department an amount that bears the same ratio to the total amount so made available as the amount recovered or collected by such region during that fiscal year under such provisions of law bears to such total amount recovered or collected during that fiscal year. The Secretary shall make available to each region the entirety of the amount specified to be made available to such region by the preceding sentence.

(2) In this subsection, the term ''designated health care regions of the Department'' means the geographic areas designated by the Secretary for purposes of the management of, and allocation of resources for, health care services provided by the Department.

(e)(1) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives quarterly reports on the operation of this section for fiscal years 1998, 1999, and 2000 and for the first quarter of fiscal year 2001. Each such report shall specify the amount collected under each of the provisions specified in subsection (b) during the preceding quarter and the amount originally estimated to be collected under each such provision during such quarter.

(2) A report under paragraph (1) for a quarter shall be submitted not later than 45 days after the end of that quarter.

(f) Amounts recovered or collected under the provisions of law referred to in subsection (b) shall be treated for the purposes of sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901, 902) as offsets to discretionary appropriations (rather than as offsets to direct spending) to the extent that such amounts are made available for expenditure in appropriations Acts for the purposes specified in subsection (c).

(Added Pub. L. 105–33, title VIII, § 8023(a)(1), Aug. 5, 1997, 111 Stat. 665.)

REFERENCES IN TEXT

Public Law 87–693, popularly known as the Federal Medical Care Recovery Act, referred to in subsec. (b)(6), is Pub. L. 87–693, Sept. 25, 1962, 76 Stat. 593, which is classified generally to chapter 32 (§ 2651 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c)(3)(A), is classified to section 907 of Title 2, The Congress.

EFFECTIVE DATE

Section effective Oct. 1, 1997, see section 8023(g) of Pub. L. 105–33, set out as an Effective Date of 1997 Amendment note under section 712 of this title.

REPORT ON IMPLEMENTATION OF SECTION 8023 OF PUB. L. 105–33

Section 8023(f) of Pub. L. 105–33 provided that: ''Not later than January 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section [enacting this section, amending sections 712, 1710, 1722A, and 1729 of this title, and enacting provisions set out as notes under sections 712 and 1729 of this title]. The report shall describe the collections under each of the provisions specified in section 1729A(b) of title 38, United States Code, as added by subsection (a). Information on such collections shall be shown for each of the health service networks (known as Veterans Integrated Service Networks) and, to the extent practicable for each facility within each such network. The Secretary shall include in the report an analysis of differences among the networks with respect to (A) the market in which the networks operates, (B) the effort expended to achieve collections, (C) the efficiency of such effort, and (D) any other relevant information.''

§ 1730. Community residential care

(a) Subject to this section and regulations to be prescribed by the Secretary under this section, the Secretary may assist a veteran by referring such veteran for placement in, and aiding such veteran in obtaining placement in, a community residential-care facility if—

(1) at the time of initiating the assistance the Secretary—

(A) is furnishing the veteran medical services on an outpatient basis or hospital, domiciliary, or nursing home care; or

(B) has furnished the veteran such care or services within the preceding 12 months; and

(2) placement of the veteran in a community residential-care facility is appropriate.

(b)(1) The Secretary may not provide assistance under subsection (a) of this section with respect to a community residential-care facility unless such facility is approved by the Secretary for the purposes of this section.

(2) The Secretary's approval of a facility for the purposes of this section shall be based upon the Secretary's determination, after inspection of the facility, that the facility meets the standards established in regulations prescribed under this section. Such standards shall include the following:

(A) Health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety.

(B) A requirement that the costs charged for care by a facility be reasonable, as determined by the Secretary, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographic area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services.

(C) Criteria for determining the resources that a facility needs in order to provide an appropriate level of services to veterans.

(D) Such other criteria as the Secretary determines are appropriate to protect the welfare of veterans placed in a facility under this section.

(3) Payment of the charges of a community residential-care facility for any care or service provided to a veteran whom the Secretary has referred to that facility under this section is not the responsibility of the United States or of the Department.

(c)(1) In order to determine continued compliance by community residential-care facilities that have been approved under subsection (b) of this section with the standards established in regulations prescribed under this section, the Secretary shall provide for periodic inspection of such facilities.

(2) If the Secretary determines that a facility is not in compliance with such standards, the Secretary (in accordance with regulations prescribed under this section)—

(A) shall cease to refer veterans to such facility; and

(B) may, with the permission of the veteran (or the person or entity authorized by law to give permission on behalf of the veteran), assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of the facility, a hearing before any action authorized by this paragraph is taken.

(d) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include the standards required by subsection (b) of this section.

(e)(1) To the extent possible, the Secretary shall make available each report of an inspection of a community residential-care facility under subsection (b)(2) or (c)(1) of this section to each Federal, State, and local agency charged with the responsibility of licensing or otherwise regulating or inspecting such facility.

(2) The Secretary shall make the standards prescribed in regulations under subsection (d) of this section available to all Federal, State, and local agencies charged with the responsibility of

licensing or otherwise regulating or inspecting community residential-care facilities.

(f) For the purpose of this section, the term ''community residential-care facility'' means a facility that provides room and board and such limited personal care for and supervision of residents as the Secretary determines, in accordance with regulations prescribed under this section, are necessary for the health, safety, and welfare of residents.

(Added Pub. L. 98–160, title I, § 104(a), Nov. 21, 1983, 97 Stat. 996, § 630; amended Pub. L. 102–54, § 14(b)(15), June 13, 1991, 105 Stat. 284; renumbered § 1730 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 630 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Pub. L. 102–54 struck out ''(1)'' after ''(a)'' and redesignated former subpar. (A) as par. (1), cls. (i) and (ii) as subpars. (A) and (B), respectively, and former subpar. (B) as par. (2).

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in par. (3).

Subsecs. (c) to (f). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

SUBCHAPTER IV—HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES

AMENDMENTS

1981—Pub. L. 97–72, title I, § 107(d)(1), Nov. 3, 1981, 95 Stat. 1053, substituted ''HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES'' for ''HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS'' in subchapter heading.

§ 1731. Assistance to the Republic of the Philippines

The President is authorized to assist the Republic of the Philippines in fulfilling its responsibility in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and nonservice-connected disabilities under certain conditions.

(Added Pub. L. 93–82, title I, § 107(a), Aug. 2, 1973, 87 Stat. 184, § 631; amended Pub. L. 97–72, title I, § 107(b), Nov. 3, 1981, 95 Stat. 1052; renumbered § 1731, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1731 was renumbered section 3531 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 631 of this title as this section.

1981—Pub. L. 97–72 inserted ''in fulfilling its responsibility'' after ''The President is authorized to assist the Republic of the Philippines''.

EFFECTIVE DATE

Section effective July 1, 1973, see section 501 of Pub. L. 93–82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1732. Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center

(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Secretary to enter into contracts with the Veterans Memorial Medical Center, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on October 1, 1981, and ending on September 30, 1994, under which the United States—

(1) will provide for payments for hospital care and medical services (including nursing home care) in the Veterans Memorial Medical Center, as authorized by section 1724 of this title and on the terms and conditions set forth in such section, to eligible United States veterans at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

(2) may provide that payments for such hospital care and medical services provided to eligible United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Secretary to the Veterans Memorial Medical Center at valuations therefor as determined by the Secretary, who may furnish such medicines, medical supplies, and equipment through the revolving supply fund pursuant to section 8121 of this title.

(b)(1) To further assure the effective care and treatment of United States veterans in the Veterans Memorial Medical Center, there is authorized to be appropriated for each fiscal year during the period beginning on October 1, 1981, and ending on September 30, 1990, the sum of $1,000,000 to be used by the Secretary for making grants to the Veterans Memorial Medical Center for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such center.

(2) Grants under this subsection shall be made on such terms and conditions as prescribed by the Secretary. Such terms and conditions may include a requirement of prior approval by the Secretary of the uses of the funds provided by such grants.

(3) Funds for such grants may be provided only from appropriations made to the Department for the specific purpose of making such grants.

(c) The Secretary may stop payments under a contract or grant under this section upon reasonable notice as stipulated by the contract or grant if the Republic of the Philippines and the Veterans Memorial Medical Center do not maintain the medical center in a well-equipped and effective operating condition as determined by the Secretary.

(d)(1) The authority of the Secretary to enter into contracts and to make grants under this section is effective for any fiscal year only to the extent that appropriations are available for that purpose.

(2) Appropriations made for the purpose of this section shall remain available until expended.

(Added Pub. L. 93–82, title I, § 107(a), Aug. 2, 1973, 87 Stat. 184, § 632; amended Pub. L. 94–581, title II, § 210(a)(14), Oct. 21, 1976, 90 Stat. 2863; Pub. L. 95–520, § 3(b), Oct. 26, 1978, 92 Stat. 1820; Pub. L. 97–72, title I, § 107(c)(1), Nov. 3, 1981, 95 Stat. 1052; Pub. L. 99–576, title II, § 206(a)(1), Oct. 28, 1986, 100 Stat. 3256; Pub. L. 100–687, div. B, title XV, § 1502(a), (b), Nov. 18, 1988, 102 Stat. 4132; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1732 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–86, title III, § 304(a), Aug. 14, 1991, 105 Stat. 416; Pub. L. 102–585, title V, § 503, Nov. 4, 1992, 106 Stat. 4955.)

PRIOR PROVISIONS

Prior section 1732 was renumbered section 3532 of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–585 substituted ''September 30, 1994'' for ''September 30, 1992''.

1991—Pub. L. 102–83, § 5(a), renumbered section 632 of this title as this section.

Subsec. (a). Pub. L. 102–86 amended subsec. (a) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''1992'' for ''1990''.

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

Subsec. (a)(1). Pub. L. 102–83, § 5(c)(1), substituted ''1724'' for ''624''.

Subsec. (a)(2). Pub. L. 102–40, § 402(d)(1), substituted ''8121'' for ''5021''.

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

Subsec. (b)(3). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Subsecs. (c), (d)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

1988—Subsecs. (a), (b)(1). Pub. L. 100–687 substituted ''1990'' for ''1989'' in subsec. (a) and substituted ''1990'' for ''1989'' and ''$1,000,000'' for ''$500,000'' in subsec. (b)(1).

1986—Subsecs. (a), (b)(1). Pub. L. 99–576 substituted ''September 30, 1989'' for ''September 30, 1986''.

1981—Pub. L. 97–72 amended section generally, first by substituting Sept. 30, 1986, for Sept. 30, 1981, as the ending date for the period during which the President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into contracts with the Veterans Memorial Medical Center to provide for payments for hospital care and medical services, and by including nursing home care, for eligible United States veterans as authorized by and on the same conditions as set forth in section 624, with such care to consist in whole or in part of available medicines, medical supplies, and equipment furnished through the revolving supply fund, pursuant to section 5021, at valuations determined by the Administrator using available appropriations for payments and with the per diem rate for such care and services to be jointly determined annually by the two Governments as fair and reasonable, second by increasing from $50,000 to $500,000 per year the size of grants to replace and upgrade equipment and rehabilitate the Center's physical plant, third by continuing the Administrator's authority to stop payments in certain cases, and fourth by limiting the Administrator's authority to contract for hospital care and to make grants for any fiscal year, to the extent that appropriations are available for that purpose.

1978—Subsec. (a). Pub. L. 95–520, § 3(b)(1), (2), substituted ''Veterans Memorial Medical Center'' for ''Veterans Memorial Hospital'' in introductory text and pars. (1), (2), (5), and (7), and in introductory text, substituted ''enter into contracts'' for ''enter into a contract'' and ''September 30, 1981'' for ''June 30, 1978''.

Subsec. (b). Pub. L. 95–520, § 3(b)(3), substituted ''October 1, 1981'' for ''July 1, 1978''.

Subsec. (c). Pub. L. 95–520, § 3(b)(1), substituted ''Veterans Memorial Medical Center'' for ''Veterans Memorial Hospital''.

Subsec. (d). Pub. L. 95–520, § 3(b)(1), (4), substituted ''Veterans Memorial Medical Center'' for ''Veterans Memorial Hospital'' in three places and ''occurring during the period beginning July 1, 1973, and ending September 30, 1981'' for ''during the five years beginning July 1, 1973, and ending June 30, 1978''.

1976—Subsec. (d). Pub. L. 94–581 substituted ''approval by the Administrator'' for ''approved by him''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective July 1, 1973, see section 501 of Pub. L. 93–82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

SAVINGS PROVISION

Section 107(c) of Pub. L. 93–82 provided that section 107(a) of Pub. L. 93–82, enacting this section and section 631 [now 1731] of this title, did not affect any right, cause, obligation, contract (including the contract executed Apr. 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Pub. L. 89–612, which was to remain in effect until modified or superseded by an agreement executed under authority of Pub. L. 93–82), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under this section in effect on the day before Aug. 2, 1973.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS IN CARRYING OUT THIS SECTION

Section 304(b) of Pub. L. 102–86 provided that: ''Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 [now 1732] of title 38, United States Code, by contract or otherwise, during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act [Aug. 14, 1991] are hereby ratified.''

RATIFICATION OF ACTION OF ADMINISTRATOR IN CONTRACTING

Section 206(a)(2) of Pub. L. 99–576 ratified actions by the Administrator of Veterans' Affairs in contracting under subsec. (a) of this section with respect to the period beginning Oct. 1, 1986, and ending Oct. 28, 1986.

REPORTS ON USE OF FUNDS

Section 206(b) of Pub. L. 99–576 directed Administrator of Veterans' Affairs, not later than Feb. 1, 1987, 1988, and 1989, to submit to Congress a report describing use of funds provided to Republic of the Philippines under subsec. (b) of this section during the preceding fiscal year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1703 of this title.

§ 1733. Supervision of program by the President

The President, or any officer of the United States to whom the President may delegate authority under this section, may from time to time prescribe such rules and regulations and impose such conditions on the receipt of financial aid as may be necessary to carry out this subchapter.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1146, § 633; Pub. L. 94–581, title II, § 210(a)(15), Oct. 21, 1976, 90 Stat. 2863; renumbered § 1733, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1733 was renumbered section 3533 of this title.

Another prior section 1733, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1198, as amended by Pub. L. 91–219, title II, § 206(b), Mar. 26, 1970, 84 Stat. 82; Pub. L. 91–584, § 12, Dec. 24, 1970, 84 Stat. 1577, related to measurement of courses, prior to the general amendment of this section by Pub. L. 92–540, title III, § 313, Oct. 24, 1972, 86 Stat. 1084. See section 3688 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 633 of this title as this section.

1976—Pub. L. 94–581 substituted ''the President'' for ''he'' and struck out ''his'' before ''authority''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EX. ORD. NO. 11762. DELEGATION OF AUTHORITY TO ADMINISTRATOR OF VETERANS' AFFAIRS RELATING TO GRANTS-IN-AID TO REPUBLIC OF THE PHILIPPINES FOR MEDICAL CARE AND TREATMENT OF VETERANS

Ex. Ord. No. 11762, Jan. 17, 1974, 39 F.R. 2347, provided:

By virtue of the authority vested in me by section 633 [now 1733] of title 38 and by section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) Subject to the provisions of subsections (b) and (c) of this section, the Administrator of Veterans' Affairs is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by sections 631, 632, 633, and 634 [now 1731, 1732, 1733, and 1734] of title 38 of the United States Code, as amended by section 107(a) of the Veterans Health Care Expansion Act of 1973 (Public Law 93–82; Stat. 184).

(b) The Secretary of State shall negotiate the agreement, and any modifications thereby with the Republic of the Philippines required by the provisions of sections 631, 632, 633, and 634 [now 1731, 1732, 1733, and 1734] of title 38 of the United States Code.

(c) All rules and regulations prescribed by the Administrator pursuant to the authority delegated to him by this order shall be subject to prior approval by the Director of the Office of Management and Budget.

SEC. 2. Nothing in this order shall be construed as modifying or terminating any other authority heretofore delegated by the President to the Administrator of Veterans' Affairs.

RICHARD NIXON.

§ 1734. Hospital and nursing home care and medical services in the United States

The Secretary, within the limits of Department facilities, may furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts for the treatment of the service-connected disabilities of such veterans and scouts.

(Added Pub. L. 96–22, title I, § 106(a), June 13, 1979, 93 Stat. 53, § 634; renumbered § 1734 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1734 was renumbered section 3534 of this title.

Another prior section 1734, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1199, as amended by Pub. L. 89–358, § 4(m), Mar. 3, 1966, 80 Stat. 25, related to overcharging of eligible persons by educational institutions, prior to the general amendment of this section by Pub. L. 92–540, title III, § 313, Oct. 24, 1972, 86 Stat. 1084. See section 3690 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 634 of this title as this section.

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''.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96–22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

§ 1735. Definitions

For the purposes of this subchapter—

(1) The term ''Commonwealth Army veterans'' means persons who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable. The term ''new Philippine Scouts'' means persons who served in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who were discharged or released from such service under conditions other than dishonorable.

(2) The term ''service-connected disabilities'' means disabilities determined by the Secretary under laws administered by the Secretary to have been incurred in or aggravated by the service described in paragraph (1) in line of duty.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1146, § 634; Pub. L. 89–612, § 3, Sept. 30, 1966, 80 Stat. 861; renumbered § 635, Pub. L. 96–22, title I, § 106(a), June 13, 1979, 93 Stat. 53; renumbered § 1735 and amended Pub. L. 102–83, §§ 4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403–406.)

REFERENCES IN TEXT

Section 14 of the Armed Forces Voluntary Recruitment Act of 1945, referred to in par. (1), is section 14 of act Oct. 6, 1945, ch. 393, 59 Stat. 543, which enacted section 637 of former Title 10, Army and Air Force, and was omitted from the Code in the revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

PRIOR PROVISIONS

Prior sections 1735 and 1736 were renumbered sections 3535 and 3536 of this title, respectively.

Another prior section 1736, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88–126, § 3, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89–358, § 4(*o*), Mar. 3, 1966, 80 Stat. 25, related to discontinuance of the educational assistance allowance by the Administrator, prior to repeal by Pub. L. 92–540, title IV, § 402(2), Oct. 24, 1972, 86 Stat. 1090. See section 3690 of this title.

Prior section 1737 was renumbered section 3537 of this title.

Another prior section 1737, added Pub. L. 93–508, title III, § 303(a), Dec. 3, 1974, 88 Stat. 1591; amended Pub. L. 97–35, title XX, § 2005(c), Aug. 13, 1981, 95 Stat. 783, related to entitlement of any eligible person, before Oct. 1, 1981, to an education loan, prior to repeal by Pub. L. 100–689, title I, § 124(a), Nov. 18, 1988, 102 Stat. 4174.

Another prior section 1737 was renumbered section 1736 of this title.

Prior section 1738, added Pub. L. 95–202, title II, § 201(b), Nov. 23, 1977, 91 Stat. 1437, 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.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 635 of this title as this section.

Par. (2). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' before ''under''.

Pub. L. 102–83, § 4(a)(1), substituted ''administered by the Secretary'' for ''administered by the Veterans' Administration''.

1966—Par. (1). Pub. L. 89–612 inserted definition of ''new Philippine Scouts''.

SUBCHAPTER V—PAYMENTS TO STATE HOMES

§ 1741. Criteria for payment

(a)(1) The Secretary shall pay each State at the per diem rate of—

(A) $8.70 for domiciliary care; and

(B) $20.35 for nursing home care and hospital care,

for each veteran receiving such care in a State home, if such veteran is eligible for such care in a Department facility.

(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.

(b) In no case shall the payments made with respect to any veteran under this section exceed one-half of the cost of the veterans' care in such State home.

(c) Whenever the Secretary makes a determination pursuant to section 1720(a)(2)(A) of this title that the cost of care furnished by the Department in a general hospital under the direct jurisdiction of the Secretary has increased, the Secretary may, effective no earlier than the date of such determination, increase the rates paid under subsection (a) of this section by a percentage not greater than the percentage by which the Secretary has determined that such cost of care has increased.

(d) Subject to section 1743 of this title, the payment of per diem for care furnished in a State home facility shall commence on the date of the completion of the inspection for recognition of the facility under section 1742(a) of this title if the Secretary determines, as a result of that inspection, that the State home meets the standards described in such section.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1146, § 641; Pub. L. 86–625, July 12, 1960, 74 Stat. 424; Pub. L. 87–819, § 1, Oct. 15, 1962, 76 Stat. 935; Pub. L. 88–450, § 3(a), Aug. 19, 1964, 78 Stat. 500; Pub. L. 90–432, § 1, July 26, 1968, 82 Stat. 448; Pub. L. 91–178, § 1, Dec. 30, 1969, 83 Stat. 836; Pub. L. 93–82, title IV, § 403(a), Aug. 2, 1973, 87 Stat. 196; Pub. L. 94–417, § 1(a), Sept. 21, 1976, 90 Stat. 1277; Pub. L. 94–581, title II, § 202(*o*), Oct. 21, 1976, 90 Stat. 2856; Pub. L. 96–151, title I, § 101(b)(1), Dec. 20, 1979, 93 Stat. 1092; Pub. L. 98–160, title I, § 105(a), Nov. 21, 1983, 97 Stat. 998; Pub. L. 100–322, title I, § 134(a), May 20, 1988, 102 Stat. 507; renumbered § 1741 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–585, title IV, § 406, Nov. 4, 1992, 106 Stat. 4954; Pub. L. 104–66, title I, § 1141(a), Dec. 21, 1995, 109 Stat. 726; Pub. L. 104–262, title III, § 342(a), Oct. 9, 1996, 110 Stat. 3206.)

PRIOR PROVISIONS

Prior sections 1740 and 1741 were renumbered sections 3540 and 3541 of this title, respectively.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–262 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

1995—Subsecs. (c) to (e). Pub. L. 104–66 redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out former subsec. (c) which read as follows: ''The Secretary shall submit every three years to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the adequacy of the rates provided in subsection (a) of this section in light of projections over each of the following five years of the demand on the Department for the provision of nursing home care to veterans eligible for such care under this section and sections 1710 and 1720 of this title. The first such report shall be submitted not later than June 30, 1986.''

1992—Subsec. (e). Pub. L. 102–585 added subsec. (e).

1991—Pub. L. 102–83, § 5(a), renumbered section 641 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in concluding provisions.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1710 and 1720'' for ''610 and 620''.

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. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1720(a)(2)(A)'' for ''620(a)(2)(A)''.

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

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

1988—Subsec. (a). Pub. L. 100–322, § 134(a)(1), added cls. (1) and (2) and struck out former cls. (1) to (3) which read as follows:

''(1) $7.30 for domiciliary care,

''(2) $17.05 for nursing home care, and

''(3) $15.25 for hospital care,''.

Subsec. (d). Pub. L. 100–322, § 134(a)(2), added subsec. (d).

1983—Subsec. (a). Pub. L. 98–160, § 105(a)(1), substituted ''$7.30'' for ''$6.35'' in par. (1), ''$17.05'' for ''$12.10'' in par. (2), and ''$15.25'' for ''$13.25'' in par. (3).

Subsec. (c). Pub. L. 98–160, § 105(a)(2), added subsec. (c).

1979—Subsec. (a). Pub. L. 96–151 substituted ''$6.35'' for ''$5.50'', ''$12.10'' for ''$10.50'', and ''$13.25'' for ''$11.50''.

1976—Pub. L. 94–581 struck out ''of any war or of service after January 31, 1955'' after ''for each veteran'' in provisions following par. (3).

Pub. L. 94–417 designated existing provisions as subsec. (a), increased from $4.50 to $5.50 the per diem rate

for domiciliary care, from $6 to $10.50 the per diem rate for nursing home care, and from $10 to $11.50 the per diem rate for hospital care, struck out ''of any war or of service after January 31, 1955'' after ''for each veteran'', '', in the case of such a veteran receiving domiciliary or hospital care,'' after ''if'', and provisions relating to the case of a veteran receiving nursing home care, and added subsec. (b).

1973—Pub. L. 93–82 increased from $3.50 to $4.50 the per diem rate for domiciliary care, from $5 to $6 the per diem rate for nursing home care, and from $7.50 to $10 the per diem rate for hospital care, and substituted ''veteran of any war or of service after January 31, 1955'' for ''veteran of any war''.

1969—Pub. L. 91–178 increased from $3.50 to $7.50 the per diem payment for hospital care.

1968—Pub. L. 90–432 increased from $2.50 to $3.50 the per diem rate for hospital or domiciliary care and from $3.50 to $5.00 the per diem rate for nursing home care as the amounts the Administrator shall pay each State providing such services for veterans.

1964—Pub. L. 88–450 amended section generally and, among other changes, authorized payment at the per diem rate of $3.50 for each veteran receiving nursing care in a State home, if such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirement in clause (B) of such paragraph (1) shall, for this purpose, refer to the inability to defray the expenses of necessary nursing home care, and eliminated provisions which permitted reduction of the amount payable to the State homes under certain conditions and prohibited payments to State homes where a bar or canteen is maintained therein where intoxicating liquors are sold.

1962—Subsec. (b). Pub. L. 87–819 provided that no reduction shall be made by the retention or collection by a State home of amounts from the estate of a deceased veteran if such amounts are placed in a post or other special fund for the benefit of the State home or its inhabitants in providing the benefits enumerated in clauses (A) to (C).

1960—Subsec. (a). Pub. L. 86–625 substituted ''at the per diem rate of $2.50 per diem for each veteran'' for ''at the annual rate of $700.00 for each veteran''.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 134(b) of Pub. L. 100–322 provided that:

''(1) The amendment made by subsection (a)(1) [amending this section] shall take effect as of January 1, 1988.

''(2) The amendment made by subsection (a)(2) [amending this section] shall take effect on October 1, 1988.''

EFFECTIVE DATE OF 1983 AMENDMENT

Section 105(b) of Pub. L. 98–160 provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on April 1, 1984.''

EFFECTIVE DATE OF 1979 AMENDMENT

Section 101(b)(2) of Pub. L. 96–151 provided that: ''The amendments made by paragraph (1) [amending this section] shall take effect on January 1, 1980, but, with respect to fiscal year 1980, shall take effect only to such extent and in such amounts as may be specifically provided for such purpose in appropriation Acts.''

EFFECTIVE DATE OF 1976 AMENDMENTS

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

Section 1(c) of Pub. L. 94–417 provided that:

''(1) The amendments made by subsection (a) of this section [amending this section] shall be effective on October 1, 1976.

''(2) At the time of the first payment to a State under section 641 [now 1741] of title 38, United States Code, as amended by subsection (a) of this section, the Administrator of Veterans' Affairs shall pay such State, in a lump sum, an amount equal to the difference between the total amount paid each such State under such section 641 [now 1741] for care provided by such State in a State home from January 1, 1976, to October 1, 1976, and the amount such State would have been paid for providing such care if the amendment made by subsection (a) of this section had been effective on January 1, 1976.''

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–82 effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 3(c) of Pub. L. 88–450 provided that: ''The amendment made by this section [amending this section] shall take effect on January 1, 1965; except that subsection (b) of section 641 [now 1741] of title 38, United States Code, as in effect immediately before such date, shall remain in effect with respect to any amounts retained or collected by any State home before such date.''

PAYMENTS TO STATES FOR NURSING HOME CARE

Section 3(b) of Pub. L. 88–450 provided that: ''No payment shall be made to any State home solely by reason of the amendment made by this section [amending this section] on account of nursing home care furnished any veteran except where such care is furnished the veteran by the State home for the first time after the effective date of this section [Jan. 1, 1965].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2303, 5503, 8122, 8126 of this title; title 42 sections 1396a, 1396r–8.

§ 1742. Inspections of such homes; restrictions on beneficiaries

(a) The Secretary may inspect any State home at such times as the Secretary deems necessary. No payment or grant may be made to any home under this subchapter unless such home is determined by the Secretary to meet such standards as the Secretary shall prescribe, which standards with respect to nursing home care shall be no less stringent than those prescribed pursuant to section 1720(b) of this title.

(b) The Secretary may ascertain the number of persons on account of whom payments may be made under this subchapter on account of any State home, but shall have no authority over the management or control of any State home.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1146, § 642; Pub. L. 94–581, title I, § 107(a), title II, § 210(a)(16), Oct. 21, 1976, 90 Stat. 2847, 2863; renumbered § 1742 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1742 was renumbered section 3542 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 642 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1720(b)'' for ''620(b)''.

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

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

1976—Subsec. (a). Pub. L. 94–581 substituted ''as the Administrator deems necessary'' for ''as he deems necessary'' in existing provisions and inserted provision that no payment or grant may be made to any home

under this subchapter unless such home is determined by the Administrator to meet such standards as the Administrator shall prescribe, which standards with respect to nursing home care shall be no less stringent than those prescribed pursuant to section 620(b) of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1741 of this title.

§ 1743. Applications

Payments on account of any veteran cared for in a State home shall be made under this subchapter only from the date the Secretary receives a request for determination of such veteran's eligibility; however, if such request is received by the Secretary within ten days after care of such veteran begins, payments shall be made on account of such veteran from the date care began.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1147, § 643; Pub. L. 97–251, § 7, Sept. 8, 1982, 96 Stat. 716; renumbered § 1743 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1743 was renumbered section 3543 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 643 of this title as this section and substituted ''Secretary'' for ''Administrator'' in two places.

1982—Pub. L. 97–251 struck out ''of any war'' after ''Payments on account of any veteran''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1741 of this title.

[§ 1744. Vacant]

CODIFICATION

Prior to renumbering of sections 601 to 664 of this chapter as sections 1701 to 1764 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 644 of this chapter, added Pub. L. 91–178, § 2(a), Dec. 30, 1969, 83 Stat. 836; amended Pub. L. 93–82, title IV, § 403(b), Aug. 2, 1973, 87 Stat. 196, which authorized appropriations to be used for making grants to States which had submitted and had approved applications for assistance in remodeling, modification, or alteration of existing hospital or domiciliary facilities in State homes providing care and treatment for veterans, was repealed by Pub. L. 95–62, §§ 2, 5, July 5, 1977, 91 Stat. 262, 263, effective Oct. 1, 1977, but with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under prior section 644 and with additional provision for the modification of the terms and conditions of both grants made under that section prior to Oct. 1, 1977, and of grants made under subchapter III of chapter 81 of this title prior to Oct. 1, 1977.

SUBCHAPTER VI—SICKLE CELL ANEMIA

§ 1751. Screening, counseling, and medical treatment

The Secretary is authorized to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment, and information under the provisions of this chapter.

(Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 186, § 651; renumbered § 1751 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 651 of this title as this section and substituted ''Secretary'' for ''Administrator''.

EFFECTIVE DATE

Subchapter effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1752. Research

The Secretary is authorized to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter.

(Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 186, § 652; renumbered § 1752 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 652 of this title as this section and substituted ''Secretary'' for ''Administrator''.

§ 1753. Voluntary participation; confidentiality

(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

(b) Patient records prepared or obtained under this subchapter shall be held confidential in the same manner and under the same conditions prescribed in section 7332 of this title.

(Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 187, § 653; amended Pub. L. 94–581, title I, § 111(b), Oct. 21, 1976, 90 Stat. 2852; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1753, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 653 of this title as this section.

Subsec. (b). Pub. L. 102–40 substituted ''7332'' for ''4132''.

1976—Subsec. (b). Pub. L. 94–581 substituted ''Patient records prepared or obtained under this subchapter shall be held confidential in the same manner and under the same conditions prescribed in section 4132 of this title'' for ''The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

§ 1754. Reports

The Secretary shall include in the annual report to the Congress required by section 529 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Secretary deems necessary.

(Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 187, § 654; renumbered § 1754 and amended Pub. L. 102–83, §§ 2(c)(3), 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 402, 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 654 of this title as this section.

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

Pub. L. 102–83, § 2(c)(3), substituted ''section 529'' for ''section 214''.

[§§ 1761 to 1764. Repealed. Pub. L. 102–585, title V, § 514(a), Nov. 4, 1992, 106 Stat. 4958]

Section 1761, added Pub. L. 96–22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 661; amended Pub. L. 98–160, title I, § 106(b), Nov. 21, 1983, 97 Stat. 998; renumbered § 1761, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, related to purpose of this subchapter, which established a preventive health-care services pilot program.

Prior section 1761 was renumbered section 3561 of this title.

Section 1762, added Pub. L. 96–22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 662; renumbered § 1762 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–585, title V, § 513(a), Nov. 4, 1992, 106 Stat. 4958, defined the term ''preventive health-care services'' for purposes of this subchapter. Section 1762 of this title was transferred to section 1701(9) of this title by Pub. L. 102–585.

Prior section 1762 was renumbered section 3562 of this title.

Section 1763, added Pub. L. 96–22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 663; amended Pub. L. 96–128, title V, § 501(d), Nov. 28, 1979, 93 Stat. 987; Pub. L. 98–160, title I, § 106(c), Nov. 21, 1983, 97 Stat. 998; Pub. L. 99–272, title XIX, § 19011(d)(6), Apr. 7, 1986, 100 Stat. 379; renumbered § 1763 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406, related to provision of preventive health-care services under this subchapter.

Prior section 1763 was renumbered section 3563 of this title.

Another prior section 1763, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1201, provided for control by agencies of the United States, prior to repeal by Pub. L. 89–358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3682 of this title.

Section 1764, added Pub. L. 96–22, title I, § 105(a), June 13, 1979, 93 Stat. 53, § 664; amended Pub. L. 98–160, title I, § 106(d), Nov. 21, 1983, 97 Stat. 999; renumbered § 1764 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406, directed Secretary to include comprehensive reports on administration of this subchapter in annual reports to Congress for fiscal years 1984 through 1988.

Prior section 1764, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1201, provided for dismissal for conflict of interest, prior to repeal by Pub. L. 89–358, §§ 3(a)(3), 12(a), Mar. 3, 1966, 80 Stat. 20, 28, effective Mar. 3, 1966. See section 3683 of this title.

Prior section 1765 was renumbered section 3565 of this title.

Another prior section 1765, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1202, provided for reports by institutions, prior to repeal by Pub. L. 89–358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3684 of this title.

Prior section 1766 was renumbered section 3566 of this title.

Another prior section 1766, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1202, related to overpayments to eligible persons, prior to repeal by Pub. L. 89–358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3685 of this title.

Prior section 1767, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1202, related to examination of records, prior to repeal by Pub. L. 89–358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20.

Prior section 1768, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1202, related to false or misleading statements, prior to repeal by Pub. L. 89–358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20.

A prior section 1770 was renumbered section 3670 of this title.

SUBCHAPTER VII—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

PRIOR PROVISIONS

A prior subchapter VII of this chapter, consisting of sections 1761 to 1764 of this title, related to preventive health care services pilot program, prior to repeal by Pub. L. 102–585, title V, § 514(a), Nov. 4, 1992, 106 Stat. 4958.

§ 1771. General treatment

(a) In providing care and services under section 1710 of this title to veterans suffering from serious mental illness, including veterans who are homeless, the Secretary may provide (directly or in conjunction with a governmental or other entity)—

(1) outreach services;

(2) care, treatment, and rehabilitative services (directly or by contract in community-based treatment facilities, including halfway houses); and

(3) therapeutic transitional housing assistance under section 1772 of this title, in conjunction with work therapy under subsection (a) or (b) of section 1718 of this title and outpatient care.

(b) The authority of the Secretary under subsection (a) expires on December 31, 2001.

(Added Pub. L. 105–114, title II, § 202(a), Nov. 21, 1997, 111 Stat. 2284.)

PRIOR PROVISIONS

A prior section 1771 was renumbered section 3671 of this title.

§ 1772. Therapeutic housing

(a) The Secretary, in connection with the conduct of compensated work therapy programs, may operate residences and facilities as therapeutic housing.

(b) The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

(c) A residence or other facility may be operated as transitional housing for veterans described in paragraphs (1) and (2) of section 1710(a) of this title under the following conditions:

(1) Only veterans described in those paragraphs and a house manager may reside in the residence or facility.

(2) Each resident, other than the house manager, shall be required to make payments that contribute to covering the expenses of board and the operational costs of the residence or facility for the period of residence in such housing.

(3) In order to foster the therapeutic and rehabilitative objectives of such housing (A) residents shall be prohibited from using alcohol or any controlled substance or item, (B) any resident violating that prohibition may be expelled from the residence or facility, and (C) each resident shall agree to undergo drug testing or such other measures as the Secretary shall prescribe to ensure compliance with that prohibition.

(4) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

(5) The residence or facility shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

(d) The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for a house manager in addition to, or instead of payment of, a fee for the services provided by the manager.

(e)(1) The Secretary may operate as transitional housing under this section—

(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of this title;

(B) any suitable space in a facility under the jurisdiction of the Secretary that is no longer being used (i) to provide acute hospital care, or (ii) as housing for medical center employees; and

(C) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Administration; and

(B) transfer from the General Post Fund to the Loan Guaranty Revolving Fund under chapter 37 of this title an amount (not to exceed the amount the Secretary paid for the property) representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

(f) The Secretary shall prescribe—

(1) a procedure for establishing reasonable payment rates for persons residing in transitional housing; and

(2) appropriate limits on the period for which such persons may reside in transitional housing.

(g) The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund.

(h) Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The Secretary shall manage the operation of this section so as to ensure that expenditures under this subsection for any fiscal year shall not exceed by more than $500,000 proceeds credited to the General Post Fund under this section. The operation of the program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

(Added Pub. L. 105–114, title II, § 202(a), Nov. 21, 1997, 111 Stat. 2284.)

PRIOR PROVISIONS

A prior section 1772 was renumbered section 3672 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1771 of this title.

§ 1773. Additional services at certain locations

(a) Subject to the availability of appropriations, the Secretary shall operate a program under this section to expand and improve the provision of benefits and services by the Department to homeless veterans.

(b) The program shall include the establishment of not fewer than eight programs (in addition to any existing programs providing similar services) at sites under the jurisdiction of the Secretary to be centers for the provision of comprehensive services to homeless veterans. The services to be provided at each site shall include a comprehensive and coordinated array of those specialized services which may be provided under existing law.

(c) The program shall include the services of such employees of the Veterans Benefits Administration as the Secretary determines appropriate at sites under the jurisdiction of the Secretary at which services are provided to homeless veterans.

(d) The program under this section shall terminate on December 31, 2001.

(Added Pub. L. 105–114, title II, § 202(a), Nov. 21, 1997, 111 Stat. 2286.)

PRIOR PROVISIONS

A prior section 1773 was renumbered section 3673 of this title.

§ 1774. Coordination with other agencies and organizations

(a) In assisting homeless veterans, the Secretary shall coordinate with, and may provide services authorized under this title in conjunction with, State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations.

(b)(1) The Secretary shall require the director of each medical center or the director of each regional benefits office to make an assessment of the needs of homeless veterans living within the area served by the medical center or regional office, as the case may be.

(2) Each such assessment shall be made in coordination with representatives of State and local governments, other appropriate departments and agencies of the Federal Government, and nongovernmental organizations that have experience working with homeless persons in that area.

(3) Each such assessment shall identify the needs of homeless veterans with respect to the following:

(A) Health care.

(B) Education and training.

(C) Employment.

(D) Shelter.

(E) Counseling.

(F) Outreach services.

(4) Each assessment shall also indicate the extent to which the needs referred to in paragraph (3) are being met adequately by the programs of the Department, of other departments and agencies of the Federal Government, of State and local governments, and of nongovernmental organizations.

(5) Each assessment shall be carried out in accordance with uniform procedures and guidelines prescribed by the Secretary.

(c) In furtherance of subsection (a), the Secretary shall require the director of each medical center and the director of each regional benefits office, in coordination with representatives of State and local governments, other Federal officials, and nongovernmental organizations that have experience working with homeless persons in the areas served by such facility or office, to—

(1) develop a list of all public and private programs that provide assistance to homeless persons or homeless veterans in the area concerned, together with a description of the services offered by those programs;

(2) seek to encourage the development by the representatives of such entities, in coordination with the director, of a plan to coordinate among such public and private programs the provision of services to homeless veterans;

(3) take appropriate action to meet, to the maximum extent practicable through existing programs and available resources, the needs of homeless veterans that are identified in the assessment conducted under subsection (b); and

(4) attempt to inform homeless veterans whose needs the director cannot meet under paragraph (3) of the services available to such veterans within the area served by such center or office.

(Added Pub. L. 105–114, title II, § 202(a), Nov. 21, 1997, 111 Stat. 2286.)

PRIOR PROVISIONS

A prior section 1774 to 1777 were renumbered sections 3674 to 3677 of this title, respectively.

Another prior section 1777 was renumbered section 1778 of this title.

Prior section 1778 was renumbered section 3678 of this title.

Another prior section 1778 was renumbered section 1779 of this title.

Prior sections 1779 to 1786 were renumbered sections 3679 to 3686 of this title, respectively.

Another prior section 1786, added Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the examination of records, prior to repeal by section 316(1) of Pub. L. 92–540. See section 3690 of this title.

Prior section 1787 was renumbered section 3687 of this title.

Another prior section 1787, added Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the submission of false or misleading statements by educational institutions, persons or veterans, prior to repeal by section 316(1) of Pub. L. 92–540. See section 3690 of this title.

Prior section 1788 was renumbered section 3688 of this title.

Another prior section 1788 was renumbered section 1792 of this title.

Prior section 1789 was renumbered section 3689 of this title.

Another prior section 1789, which required the Administrator not to approve of enrollments in courses in institutions listed by the Attorney General under section 12 of Ex. Ord. No. 10450, was renumbered section 1793 of this title.

Prior section 1790 was renumbered section 3690 of this title.

Another prior section 1790 was renumbered section 1794 of this title.

Prior section 1791 was renumbered section 3691 of this title.

Another prior section 1791 was renumbered section 1795 of this title.

Prior sections 1792 and 1793 were renumbered sections 3692 and 3693 of this title, respectively.

Another prior section 1793, added Pub. L. 89–358, § 3(b), Mar. 3, 1966, 80 Stat. 23, § 1789; amended Pub. L. 91–24, § 15, June 11, 1969, 83 Stat. 35; renumbered and amended Pub. L. 92–540, title III, § 316(2), title IV, § 403(12), Oct. 24, 1972, 86 Stat. 1086, 1090, required that the Administrator not to approve of enrollment in any course in an institution listed by the Attorney General under section 12 of Executive Order 10450, prior to repeal by section 511(1) of Pub. L. 94–502.

Prior sections 1794 to 1799 were renumbered sections 3694 to 3699 of this title, respectively.

CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS WHO ARE BORN WITH SPINA BIFIDA

Sec.
1801. Definitions.
1802. Spina bifida conditions covered.
1803. Health care.
1804. Vocational training and rehabilitation.
1805. Monetary allowance.
1806. Applicability of certain administrative provisions.

Sec.

AMENDMENTS

1997—Pub. L. 105–114, title IV, § 404(b)(2), Nov. 21, 1997, 111 Stat. 2295, substituted ''Applicability of certain administrative provisions'' for ''Effective date of awards'' in item 1806.

§ 1801. Definitions

For the purposes of this chapter—

(1) The term ''child'', with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

(2) The term ''Vietnam veteran'' means an individual who 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, without regard to the characterization of the individual's service.

(Added Pub. L. 104–204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2923; amended Pub. L. 105–114, title IV, § 404(a), Nov. 21, 1997, 111 Stat. 2294.)

PRIOR PROVISIONS

A prior section 1801 was renumbered section 3701 of this title.

AMENDMENTS

1997—Pub. L. 105–114 amended text generally. Prior to amendment, text read as follows: ''For the purposes of this chapter—

''(1) The term 'child', with respect to a Vietnam veteran, means a natural child of the Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the veteran first entered the Republic of Vietnam during the Vietnam era.

''(2) The term 'Vietnam veteran' means a veteran who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.''

EFFECTIVE DATE OF 1997 AMENDMENT

Section 404(d) of Pub. L. 105–114 provided that: ''The amendments made by this section [amending this section and sections 1804 and 1806 of this title] shall take effect as of October 1, 1997.''

EFFECTIVE DATE

Chapter effective Oct. 1, 1997, notwithstanding section 421(d) of Pub. L. 104–204, set out below, unless legislation other than Pub. L. 104–204 is enacted providing for an earlier effective date, see section 422(c) of Pub. L. 104–204, set out as an Effective Date of 1996 Amendment note under section 1151 of this title.

Section 421(d) of Pub. L. 104–204 provided that: ''This section [enacting this chapter and amending section 5312 of this title] and the amendments made by this section shall take effect on January 1, 1997.''

CONGRESSIONAL PURPOSE

Section 421(a) of Pub. L. 104–204 provided that: ''The purpose of this section [enacting this chapter and amending section 5312 of this title] is to provide for the special needs of certain children of Vietnam veterans who were born with the birth defect spina bifida, possibly as the result of the exposure of one or both parents to herbicides during active service in the Republic of Vietnam during the Vietnam era, through the provision of health care and monetary benefits.''

§ 1802. Spina bifida conditions covered

This chapter applies with respect to all forms and manifestations of spina bifida except spina bifida occulta.

(Added Pub. L. 104–204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2923.)

PRIOR PROVISIONS

A prior section 1802 was renumbered section 3702 of this title.

§ 1803. Health care

(a) In accordance with regulations which the Secretary shall prescribe, the Secretary shall provide a child of a Vietnam veteran who is suffering from spina bifida with such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition.

(b) The Secretary may provide health care under this section directly or by contract or other arrangement with any health care provider.

(c) For the purposes of this section—

(1) The term ''health care''—

(A) means home care, hospital care, nursing home care, outpatient care, preventive care, habilitative and rehabilitative care, case management, and respite care; and

(B) includes—

(i) the training of appropriate members of a child's family or household in the care of the child; and

(ii) the provision of such pharmaceuticals, supplies, equipment, devices, appliances, assistive technology, direct transportation costs to and from approved sources of health care, and other materials as the Secretary determines necessary.

(2) The term ''health care provider'' includes specialized spina bifida clinics, health care plans, insurers, organizations, institutions, and any other entity or individual furnishing health care services that the Secretary determines are authorized under this section.

(3) The term ''home care'' means outpatient care, habilitative and rehabilitative care, preventive health services, and health-related services furnished to an individual in the individual's home or other place of residence.

(4) The term ''hospital care'' means care and treatment for a disability furnished to an individual who has been admitted to a hospital as a patient.

(5) The term ''nursing home care'' means care and treatment for a disability furnished to an individual who has been admitted to a nursing home as a resident.

(6) The term ''outpatient care'' means care and treatment of a disability, and preventive health services, furnished to an individual other than hospital care or nursing home care.

(7) The term ''preventive care'' means care and treatment furnished to prevent disability or illness, including periodic examinations, immunizations, patient health education, and such other services as the Secretary determines necessary to provide effective and economical preventive health care.

(8) The term ''habilitative and rehabilitative care'' means such professional, counseling, and guidance services and treatment programs (other than vocational training under section 1804 of this title) as are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person.

(9) The term ''respite care'' means care furnished on an intermittent basis for a limited period to an individual who resides primarily in a private residence when such care will help the individual to continue residing in such private residence.

(Added Pub. L. 104–204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2923; amended Pub. L. 105–368, title X, § 1005(b)(4), Nov. 11, 1998, 112 Stat. 3365.)

PRIOR PROVISIONS

A prior section 1803 was renumbered section 3703 of this title.

AMENDMENTS

1998—Subsec. (c)(2). Pub. L. 105–368 substituted ''furnishing health care services that the Secretary determines are authorized'' for ''who furnishes health care that the Secretary determines authorized''.

§ 1804. Vocational training and rehabilitation

(a) Pursuant to such regulations as the Secretary may prescribe, the Secretary may provide vocational training under this section to a child of a Vietnam veteran who is suffering from spina bifida if the Secretary determines that the achievement of a vocational goal by such child is reasonably feasible.

(b) Any program of vocational training for a child under this section shall—

(1) be designed in consultation with the child in order to meet the child's individual needs;

(2) be set forth in an individualized written plan of vocational rehabilitation; and

(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of the date specified in that subsection.

(c)(1) A vocational training program for a child under this section—

(A) shall consist of such vocationally oriented services and assistance, including such placement and post-placement services and personal and work adjustment training, as the Secretary determines are necessary to enable the child to prepare for and participate in vocational training or employment; and

(B) may include a program of education at an institution of higher learning if the Secretary determines that the program of education is predominantly vocational in content.

(2) A vocational training program under this subsection may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment.

(d)(1) Except as provided in paragraph (2) and subject to subsection (e)(2), a vocational training program under this section may not exceed 24 months.

(2) The Secretary may grant an extension of a vocational training program for a child under this section for up to 24 additional months if the Secretary determines that the extension is necessary in order for the child to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan of vocational rehabilitation formulated for the child pursuant to subsection (b).

(3) A vocational training program under this section may begin on the child's 18th birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's 18th birthday.

(e)(1) A child who is pursuing a program of vocational training under this section and is also eligible for assistance under a program under chapter 35 of this title may not receive assistance under both such programs concurrently. The child shall elect (in such form and manner as the Secretary may prescribe) the program under which the child is to receive assistance.

(2) The aggregate period for which a child may receive assistance under this section and chapter 35 of this title may not exceed 48 months (or the part-time equivalent thereof).

(Added Pub. L. 104–204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2924; amended Pub. L. 105–114, title IV, § 404(c), Nov. 21, 1997, 111 Stat. 2295.)

PRIOR PROVISIONS

A prior section 1804 was renumbered section 3704 of this title.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105–114, § 404(c)(1), substituted ''shall—'' for ''shall be designed in consultation with the child in order to meet the child's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation.'' and added pars. (1) to (3).

Subsec. (c)(1)(B). Pub. L. 105–114, § 404(c)(2), substituted ''higher learning'' for ''higher education''.

Subsec. (d)(3). Pub. L. 105–114, § 404(c)(3), added par. (3).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–114 effective Oct. 1, 1997, see section 404(d) of Pub. L. 105–114, set out as a note under section 1801 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1803 of this title.

§ 1805. Monetary allowance

(a) The Secretary shall pay a monthly allowance under this chapter to any child of a Vietnam veteran for any disability resulting from spina bifida suffered by such child.

(b)(1) The amount of the allowance paid to a child under this section shall be based on the degree of disability suffered by the child, as determined in accordance with such schedule for rating disabilities resulting from spina bifida as the Secretary may prescribe.

(2) The Secretary shall, in prescribing the rating schedule for the purposes of this section, establish three levels of disability upon which the amount of the allowance provided by this section shall be based.

(3) The amounts of the allowance shall be $200 per month for the lowest level of disability prescribed, $700 per month for the intermediate level of disability prescribed, and $1,200 per month for the highest level of disability prescribed. Such amounts are subject to adjustment under section 5312 of this title.

(c) Notwithstanding any other provision of law, receipt by a child of an allowance under this section shall not impair, infringe, or otherwise affect the right of the child to receive any other benefit to which the child may otherwise be entitled under any law administered by the Secretary, nor shall receipt of such an allowance impair, infringe, or otherwise affect the right of any individual to receive any benefit to which the individual is entitled under any law administered by the Secretary that is based on the child's relationship to the individual.

(d) Notwithstanding any other provision of law, the allowance paid to a child under this section shall not be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program.

(Added Pub. L. 104–204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2925.)

PRIOR PROVISIONS

A prior section 1805 was renumbered section 3705 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5312 of this title.

§ 1806. Applicability of certain administrative provisions

The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans' disability compensation.

(Added Pub. L. 104–204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2926; amended Pub. L. 105–114, title IV, § 404(b)(1), Nov. 21, 1997, 111 Stat. 2294.)

PRIOR PROVISIONS

Prior section 1806 was renumbered section 3706 of this title.

Prior section 1807, added Pub. L. 94–324, § 2(a), June 30, 1976, 90 Stat. 720; amended Pub. L. 97–72, title III, § 303(d), Nov. 3, 1981, 95 Stat. 1060, related to service after July 25, 1947, and prior to June 27, 1950, prior to repeal by Pub. L. 100–322, title IV, § 415(a)(4), May 20, 1988, 102 Stat. 550.

Prior sections 1810 to 1812 were renumbered sections 3710 to 3712 of this title, respectively.

Another prior section 1812, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1210, automatically guaranteed loans made to a veteran if made for the purpose of purchasing farms and farm equipment, prior to repeal by Pub. L. 93–569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1813 was renumbered section 3713 of this title.

Another prior section 1813, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1211, automatically guaranteed loans made to a veteran if made for the purpose of purchasing business property, prior to repeal by Pub. L. 93–569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1814 was renumbered section 3714 of this title.

Another prior section 1814, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1211, Pub. L. 86–665, § 3, July 14, 1960, 74 Stat. 531; Pub. L. 87–84, § 1(c), July 6, 1961, 75 Stat. 201, automatically guaranteed loans made to a veteran if made for the purpose of refinancing delinquent indebtedness, prior to repeal by Pub. L. 93–569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1815 was renumbered section 1803(a)(2) of this title.

Prior section 1816 was renumbered sections 1832 and 1833 of this title.

Prior sections 1817 and 1817A were renumbered sections 1813 and 1814 of this title, respectively.

Prior section 1818, added Pub. L. 89–358, § 5(a), Mar. 3, 1966, 80 Stat. 25; amended Pub. L. 91–506, § 2(e), Oct. 23, 1970, 84 Stat. 1108; Pub. L. 93–569, § 8(6), (7), Dec. 31, 1974, 88 Stat. 1866, 1867; Pub. L. 94–324, § 4, June 30, 1976, 90 Stat. 720; Pub. L. 95–476, title I, § 106(a), Oct. 18, 1978, 92 Stat. 1499; Pub. L. 97–72, title III, § 303(g), Nov. 3, 1981, 95 Stat. 1060; Pub. L. 97–295, § 4(66), Oct. 12, 1982, 96 Stat. 1310, related to service after Jan. 31, 1955, and prior to Aug. 5, 1964, or after May 7, 1975, prior to repeal by Pub. L. 100–322, title IV, § 415(b)(3), May 20, 1988, 102 Stat. 551.

Prior section 1819 was renumbered section 1812 of this title.

Prior sections 1820 and 1821 were renumbered sections 3720 and 3721 of this title, respectively.

Prior section 1822, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1214; Pub. L. 89–358, § 5(c), Mar. 3, 1966, 88 Stat. 26; Pub. L. 89–623, § 1, Oct. 4, 1966, 80 Stat. 873; Pub. L. 90–301, § 2(b), May 7, 1968, 82 Stat. 113, provided for bringing of an action in district court, by veteran or Attorney General, against one who knowingly participated in sale of property to a veteran for consideration in excess of reasonable value of property, prior to repeal by Pub. L. 93–569, §§ 7(a), 10, Dec. 31, 1974, 88 Stat. 1866, 1867, effective Dec. 31, 1974.

Prior sections 1823 and 1824 were renumbered sections 3723 and 3724 of this title, respectively.

Another prior section 1824 was renumbered section 1825 of this title.

Prior sections 1825 to 1832 were renumbered sections 3725 to 3732 of this title, respectively.

Another prior section 1832 was renumbered section 1833(d) of this title.

Prior sections 1833 to 1835 and 1841 to 1851 were renumbered sections 3733 to 3735 and 3741 to 3751 of this title, respectively.

AMENDMENTS

1997—Pub. L. 105–114 substituted ''Applicability of certain administrative positions'' for ''Effective date of awards'' in section catchline and amended text generally. Prior to amendment, text read as follows: ''The effective date for an award of benefits under this chapter shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application for the benefits.''

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–114 effective Oct. 1, 1997, see section 404(d) of Pub. L. 105–114, set out as a note under section 1801 of this title.

CHAPTER 19—INSURANCE

SUBCHAPTER I—NATIONAL SERVICE LIFE INSURANCE

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1955. United States Government Life Insurance Fund.
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1960. Waiver of premium payments on due date.
1961. Authority for higher interest rates for amounts payable to beneficiaries.
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1972. Benefit certificates.
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1974. Advisory Council on Servicemembers' Group Life Insurance.
1975. Jurisdiction of District Courts.
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1981. Replacement of surrendered and expired insurance.
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1984. Suits on insurance.
1985. Decisions by the Secretary.
1986. Deposits in and disbursements from trust funds.
1987. Penalties.
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AMENDMENTS

1998—Pub. L. 105–368, title III, § 302(a)(2), Nov. 11, 1998, 112 Stat. 3333, added item 1980.

1996—Pub. L. 104–275, title IV, § 405(b)(3), Oct. 9, 1996, 110 Stat. 3339, substituted ''SERVICEMEMBERS' GROUP'' for ''SERVICEMEN'S GROUP'' in subchapter III heading and ''Servicemembers' Group'' for ''Servicemen's Group'' in item 1974.

1992—Pub. L. 102–568, title II, § 203(b), Oct. 29, 1992, 106 Stat. 4325, added item 1922A.

1991—Pub. L. 102–83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 701 to 788 as 1901 to 1988, respectively.

Pub. L. 102–83, § 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405, substituted ''Secretary'' for ''Administrator'' in item 785.

1988—Pub. L. 100–687, div. B, title XIV, § 1401(c), Nov. 18, 1988, 102 Stat. 4129, added items 728, 729, and 763.

Pub. L. 100–322, title III, § 331(a)(2), (b)(2), May 20, 1988, 102 Stat. 536, 537, added items 727 and 762.

1979—Pub. L. 96–128, title III, §§ 302(b), 303(b), Nov. 28, 1979, 93 Stat. 986, added items 726 and 761.

1974—Pub. L. 93–289, §§ 2(b), 9(b), May 24, 1974, 88 Stat. 165, 172, added items 777, 778, and 779 and substituted ''Veterans' Special Life Insurance'' for ''Veterans' special term insurance'' in item 723.

1971—Pub. L. 92–188, § 3, Dec. 15, 1971, 85 Stat. 645, substituted ''Payment or use of dividends'' for ''Dividends to pay premiums'' in item 707.

1970—Pub. L. 91–291, § 7, June 25, 1970, 84 Stat. 331, substituted ''Duration and termination of coverage; conversion'' for ''Termination of coverage; conversion'' in item 768.

1965—Pub. L. 89–214, § 2, Sept. 29, 1965, 79 Stat. 886, redesignated ''SUBCHAPTER III—GENERAL'' as ''SUBCHAPTER IV—GENERAL'' and inserted ''SUBCHAPTER III—SERVICEMEN'S GROUP LIFE INSURANCE'' comprising items 765 to 776.

1964—Pub. L. 88–664, § 12(c), Oct. 13, 1964, 78 Stat. 1099, added item 725.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 101, 106, 5301, 5303A of this title.

SUBCHAPTER I—NATIONAL SERVICE LIFE INSURANCE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 50 App. section 450.

§ 1901. Definitions

For the purposes of this subchapter—

(1) The term ''insurance'' means National Service Life Insurance.

(2) The terms ''widow'' or ''widower'' mean a person who was the lawful spouse of the insured at the maturity of the insurance.

(3) The term ''child'' means a legitimate child, an adopted child, and, if designated as beneficiary by the insured, a stepchild or an illegitimate child.

(4) The terms ''parent'', ''father'', and ''mother'' mean a father, mother, father through adoption, mother through adoption, persons who have stood in loco parentis to a member of the

military or naval forces at any time before entry into active service for a period of not less than one year, and a stepparent, if designated as beneficiary by the insured.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1148, § 701; renumbered § 1901, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1901 was renumbered section 3901 of this title.

Another prior section 1901, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1215, as amended by Pub. L. 90–77, title II, § 204(a), Aug. 31, 1967, 81 Stat. 184, related to veterans eligible for assistance, prior to the general revision of chapter 39 of this title by Pub. L. 91–666. See sections 3901 and 3902 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 701 of this title as this section.

§ 1902. Premium rates and policy values

Premium rates for insurance shall be the net rates based upon the American Experience Table of Mortality and interest at the rate of 3 per centum per annum. All cash, loan, paid-up, and extended values, and all other calculations in connection with insurance, shall be based upon said American Experience Table of Mortality and interest at the rate of 3 per centum per annum.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1148, § 702; renumbered § 1902, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1902 was renumbered section 3902 of this title.

Another prior section 1902, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1215, related to limitation on types of assistance furnished and veterans otherwise entitled, prior to the general revision of chapter 39 of this title by Pub. L. 91–666. See sections 3902 and 3903 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 702 of this title as this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1926, 1927, 1929 of this title.

§ 1903. Amount of insurance

Insurance shall be issued in any multiple of $500 and the amount of insurance with respect to any one person shall be not less than $1,000 or more than $10,000. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of $10,000 at any one time. The limitations of this section shall not apply to the additional paid up insurance the purchase of which is authorized under section 1907 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1148, § 703; Pub. L. 92–188, § 1, Dec. 15, 1971, 85 Stat. 645; renumbered § 1903 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1903 was renumbered section 3903 of this title.

Another prior section 1903, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1216, related to limitation on amounts paid by United States, prior to the general revision of chapter 39 of this title by Pub. L. 91–666. See section 3902 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 703 of this title as this section and substituted ''1907'' for ''707''.

1971—Pub. L. 92–188 made section limitations inapplicable to the additional paid up insurance purchase of which is authorized under section 707 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–188 effective on date established by Administrator but in no event later than first day of first calendar month beginning more than six calendar months after Dec. 15, 1971, see section 4 of Pub. L. 92–188, set out as a note under section 1907 of this title.

§ 1904. Plans of insurance

(a) Insurance may be issued on the following plans: Five-year level premium term, ordinary life, twenty-payment life, thirty-payment life, twenty-year endowment, endowment at age sixty, and endowment at age sixty-five. Level premium term insurance may be converted as of the date when any premium becomes or has become due, or exchanged as of the date of the original policy, upon payment of the difference in reserve, at any time while such insurance is in force and within the term period to any of the foregoing permanent plans of insurance, except that conversion to an endowment plan may not be made while the insured is totally disabled.

(b) Under such regulations as the Secretary may promulgate a policy of participating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except (1) the premium rates for such insurance shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; (2) all cash, loan, paid-up, and extended values shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; and (3) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium.

(c) Under such regulations as the Secretary may promulgate, a policy of nonparticipating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except that (1) term insurance issued under section 621 of the National Service Life Insurance Act of 1940 shall be deemed for the purposes of this subsection to have been issued under section 1923(b) of this title; and (2) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term in-

surance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any person eligible for insurance under section 1922(a), or section 1925 of this title may be granted a modified life insurance policy under this subsection which, subject to exception (2) above, shall be issued on the same terms and conditions specified in section 1922(a) or section 1925, whichever is applicable.

(d) Any insured whose modified life insurance policy is in force by payment or waiver of premiums on the day before the insured's sixty-fifth birthday may upon written application and payment of premiums made before such birthday be granted National Service Life Insurance, on an ordinary life plan, without physical examination, in an amount of not less than $500, in multiples of $250, but not in excess of one-half of the face amount of the modified life insurance policy in force on the day before the insured's sixty-fifth birthday. Insurance issued under this subsection shall be effective on the sixty-fifth birthday of the insured. The premium rate, cash, loan, paid-up, and extended values on the ordinary life insurance issued under this subsection shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy. Settlements on policies involving annuities on insurance issued under this subsection shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy. If the insured is totally disabled on the day before the insured's sixty-fifth birthday and premiums on the insured's modified life insurance policy are being waived under section 1912 of this title or the insured is entitled on that date to waiver under such section the insured shall be automatically granted the maximum amount of insurance authorized under this subsection and premiums on such insurance shall be waived during the continuous total disability of the insured.

(e) After June 30, 1972, and under such regulations as the Secretary may promulgate, insurance may be converted to or exchanged for insurance on a modified life plan under the same terms and conditions as are set forth in subsections (b) and (c) of this section except that at the end of the day preceding the seventieth birthday of the insured the face value of the modified life insurance policy or the amount of extended insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any insured whose modified life insurance policy issued under this subsection is in force by payment or waiver of premiums on the day before the insured's seventieth birthday may be granted insurance on the ordinary life plan upon the same terms and conditions as are set forth in subsection (d) of this section except that in applying such provisions the seventieth birthday is to be substituted for the sixty-fifth birthday. Notwithstanding any other provision of law or regulations the Secretary under such terms and conditions as the Secretary determines to be reasonable and practicable and upon written application and payment of the required premiums, reserves, or other necessary amounts made within one year from the effective date of this subsection by an insured having in force a modified life plan issued under subsection (b) or (c) of this section, including any replacement insurance issued under subsection (d) of this section or other provision of this title, can exchange such insurance without proof of good health for an amount of insurance issued under this subsection equal to the insurance then in force or which was in force on the day before such insured's sixty-fifth birthday, whichever is the greater.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1148, § 704; Pub. L. 88–664, § 12(b), Oct. 13, 1964, 78 Stat. 1098; Pub. L. 92–193, Dec. 15, 1971, 85 Stat. 648; Pub. L. 97–295, § 4(21), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99–576, title VII, § 701(21), Oct. 28, 1986, 100 Stat. 3292; renumbered § 1904 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Section 621 of the National Service Life Insurance Act of 1940, referred to in subsec. (c), is section 621 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Apr. 25, 1951, ch. 39, pt. II, § 10, 65 Stat. 36, which was repealed and the provisions thereof reenacted as section 723 [now 1923] of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

PRIOR PROVISIONS

Prior section 1904 was renumbered section 3904 of this title.

Another prior section 1904, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1216, related to prohibition against duplication of benefits, prior to the general revision of chapter 39 of this title by Pub. L. 91–666, § 2(a), Jan. 11, 1971, 84 Stat. 1998. See section 3903 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 704 of this title as this section.

Subsec. (b). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted "1923(b)" for "723(b)", "1922(a)" for "722(a)" in two places, and "1925" for "725" in two places.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted "1912" for "712".

Subsec. (e). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

1986—Subsec. (d). Pub. L. 99–576, § 701(21)(A), substituted "the insured's" for "his" in four places, and "the insured" for "he" in two places.

Subsec. (e). Pub. L. 99–576, § 701(21)(B), substituted "the insured's" for "his" and "the Administrator" for "he".

1982—Subsec. (e). Pub. L. 97–295 substituted "After June 30, 1972," for "On and after the effective date of this subsection", and substituted "subsection" for "subsections" after "plan issued under".

1971—Subsec. (e). Pub. L. 92–193 added subsec. (e).

1964—Pub. L. 88–664 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

EFFECTIVE DATE OF 1971 AMENDMENT

Pub. L. 92–193 provided that the amendment made by Pub. L. 92–193 is effective first day of first calendar month which begins more than six calendar months after Dec. 15, 1971.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–664 effective first day of first calendar month which begins more than six calendar months after Oct. 13, 1964, see section 12(d) of Pub. L. 88–664, set out as an Effective Date note under section 1925 of this title.

§ 1905. Renewal

All level premium term policies, except as otherwise provided in this section, shall cease and terminate at the expiration of the term period. At the expiration of any term period any five-year level premium term policy which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, renewal will be effected in cases where the policy is lapsed only if the insured makes application for reinstatement and renewal of the term policy within five years after the date of lapse, and reinstatement in such cases shall be under the terms and conditions prescribed by the Secretary. In any case in which the insured is shown by evidence satisfactory to the Secretary to be totally disabled at the expiration of the level premium term period of the insurance under conditions which would entitle the insured to continued insurance protection but for such expiration, the insurance, if subject to renewal under this section, shall be automatically renewed for an additional period of five years at the premium rate for the then attained age, unless the insured has elected insurance on some other available plan.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1148, § 705; Pub. L. 91–291, § 8, June 25, 1970, 84 Stat. 331; Pub. L. 99–576, title VII, § 701(22), Oct. 28, 1986, 100 Stat. 3292; renumbered § 1905 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1905, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1216; Pub. L. 90–77, title II, § 204(b), Aug. 31, 1967, 81 Stat. 184, related to applications, prior to the general revision of chapter 39 of this title by Pub. L. 91–666, § 2(a), Jan. 11, 1971, 84 Stat. 1998.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 705 of this title as this section and substituted ''Secretary'' for ''Administrator'' in two places.

1986—Pub. L. 99–576 substituted ''the'' for ''his'' in three places and ''the insured'' for ''him''.

1970—Pub. L. 91–291 made it a requirement for renewal of lapsed policies that the insured make application for reinstatement and renewal of his term policy within five years after the date of lapse and struck out provision that the lapse occur within two months before the expiration of the term period.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

§ 1906. Policy provisions

Provisions for cash, loan, paid-up, and extended values, dividends from gains and savings, refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable may be provided for in the policy of insurance from time to time by regulations promulgated by the Secretary.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1149, § 706; renumbered § 1906 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 706 of this title as this section and substituted ''Secretary'' for ''Administrator''.

§ 1907. Payment or use of dividends

(a) Until and unless the Secretary has received from the insured a request or directive in writing exercising any other dividend option allowable under the insured's policy, any dividend accumulations and unpaid dividends shall be applied in payment of premiums becoming due on insurance subsequent to the date the dividend is payable after January 1, 1952.

(b) No claim by an insured for payment in cash of a special dividend declared prior to January 1, 1952, shall be processed by the Secretary unless such claim was received within six years after such dividend was declared. Whenever any claim for payment of a special dividend, the processing of which is barred by this subsection, is received by the Secretary, it shall be returned to the claimant, with a copy of this subsection, and such action shall be a complete response without further communication.

(c) The Secretary, upon application in writing made by the insured for insurance under this subsection, and without proof of good health, is authorized to apply any dividend due and payable on national service life insurance after the date of such application to purchase paid up insurance. Also, the Secretary, upon application in writing made by the insured during the one-year period beginning September 1, 1991, and without proof of good health, is authorized to apply any national service life insurance dividend credits and deposits of such insured existing at the date of the insured's application to purchase paid up insurance. After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so. Any dividends, dividend credits, or deposits on endowment policies may be used under this subsection only to purchase additional paid up endowment insurance which matures concurrently with the basic policy. Any dividends, dividend credits, or deposits on policies (other than endowment policies) may be used under this section only to purchase additional paid up whole life insurance. The paid up insurance granted under this subsection shall be in addition to any insurance otherwise authorized under this title, or under prior provisions of law. The paid up insurance granted under this subsection shall be issued on the same terms and conditions as are contained in the standard policies of national service life insurance except (1) the premium rates for such insurance and all cash and loan values thereon shall be based on such table of mortality and rate of interest per annum as may be prescribed by the Secretary; (2) the total disability income provision author-

ized under section 1915 of this title may not be added to insurance issued under this section; and (3) the insurance shall include such other changes in terms and conditions as the Secretary determines to be reasonable and practicable.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1149, § 707; Pub. L. 91–291, § 9, June 25, 1970, 84 Stat. 331; Pub. L. 92–188, § 2, Dec. 15, 1971, 85 Stat. 645; Pub. L. 97–295, § 4(22), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99–576, title VII, § 701(23), Oct. 28, 1986, 100 Stat. 3292; renumbered § 1907 and amended Pub. L. 102–83, §§ 4(a)(2)(A)(iii)(I), (C)(i), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 102–86, title II, § 203, Aug. 14, 1991, 105 Stat. 416.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 707 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(a)(2)(A)(iii)(I), substituted ''Secretary'' for ''Veterans' Administration''.

Subsec. (b). Pub. L. 102–83, § 4(a)(2)(C)(i), substituted ''by the Secretary'' for ''in the Veterans' Administration'' in second sentence.

Pub. L. 102–83, § 4(a)(2)(A)(iii)(I), substituted ''Secretary'' for ''Veterans' Administration'' in first sentence.

Subsec. (c). Pub. L. 102–86 amended subsec. (c) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''during the one-year period beginning September 1, 1991'' for ''before February 1, 1973'' and inserting after second sentence ''After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so.''

Pub. L. 102–83, § 5(c)(1), substituted ''1915'' for ''715'' in cl. (2).

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

1986—Subsecs. (a), (c). Pub. L. 99–576 substituted ''the insured's'' for ''his''.

1982—Subsec. (c). Pub. L. 97–295 substituted ''before February 1, 1973'' for ''within six calendar months after the effective date of this subsection''.

1971—Pub. L. 92–188, § 2(3), substituted ''Payment or use of dividends'' for ''Dividends to pay premiums'' as section catchline.

Subsec. (a). Pub. L. 92–188, § 2(1), substituted ''or directive in writing exercising any other dividend option allowable under his policy'' for ''in writing for payment in cash''.

Subsec. (c). Pub. L. 92–188, § 2(2), added subsec. (c).

1970—Pub. L. 91–291 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1971 AMENDMENT

Section 4 of Pub. L. 92–188 provided that: ''The amendments made by this Act [amending this section and sections 703 and 741 [now 1903 and 1941] of this title] shall take effect on a date established by the Administrator but in no event later than the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act [Dec. 15, 1971].''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1903, 1941 of this title.

§ 1908. Premium payments

The Secretary shall, by regulations, prescribe the time and method of payment of the premiums on insurance, but payments of premiums in advance shall not be required for periods of more than one month each, and may at the election of the insured be deducted from the insured's active-service pay or be otherwise made. An amount equal to the first premium due under a National Service Life Insurance policy may be advanced from current appropriations for active-service pay to any person in the active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, which amount shall constitute a lien upon any service or other pay accruing to the person for whom such advance was made and shall be collected therefrom if not otherwise paid. No disbursing or certifying officer shall be responsible for any loss incurred by reason of such advance. Any amount so advanced in excess of available service or other pay shall constitute a lien on the policy within the provisions of section 5301(b) of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1149, § 708; Pub. L. 99–576, title VII, § 701(24), Oct. 28, 1986, 100 Stat. 3292; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1908 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 708 of this title as this section and substituted ''Secretary'' for ''Administrator''.

Pub. L. 102–40 substituted ''5301(b)'' for ''3101(b)''.

1986—Pub. L. 99–576 substituted ''the insured's'' for ''his''.

§ 1909. Effective date of insurance

Insurance may be made effective, as specified in the application, not later than the first day of the calendar month following the date of application therefor, but the United States shall not be liable thereunder for death occurring before such effective date.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1149, § 709; renumbered § 1909, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 709 of this title as this section.

§ 1910. Incontestability

Subject to the provisions of section 1911 of this title all contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issue, reinstatement, or conversion except for fraud, nonpayment of premium, or on the ground that the applicant was not a member of the military or naval forces of the United States. However, in any case in which a contract or policy of insurance is canceled or voided after March 16, 1954, because of fraud, the Secretary shall refund to the insured, if living, or, if deceased, to the person designated as beneficiary (or if none survives, to the estate of the insured) all money, without interest, paid as premiums on such contract or policy for any period subse-

quent to two years after the date such fraud induced the Secretary to issue, reinstate, or convert such insurance less any dividends, loan, or other payment made to the insured under such contract or policy.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1149, § 710; renumbered § 1910 and amended Pub. L. 102–83, §§ 4(a)(2)(A)(iii)(II), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 710 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1911'' for ''711''.

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

Pub. L. 102–83, § 4(a)(2)(A)(iii)(II), substituted ''Secretary'' for ''Veterans' Administration'' before ''to issue''.

§ 1911. Forfeiture

Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to National Service Life Insurance. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but the cash surrender value, if any, of such insurance on the date of such death shall be paid to the designated beneficiary, if living, or otherwise to the beneficiary or beneficiaries within the permitted class in accordance with the order specified in section 1916(b) of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1150, § 711; renumbered § 1911 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 711 of this title as this section and substituted ''1916(b)'' for ''716(b)''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1910 of this title.

§ 1912. Total disability waiver

(a) Upon application by the insured and under such regulations as the Secretary may promulgate, payment of premiums on insurance may be waived during the continuous total disability of the insured, which continues or has continued for six or more consecutive months, if such disability began (1) after the date of the insured's application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) before the insured's sixty-fifth birthday. Notwithstanding any other provision of this chapter, in any case in which the total disability of the insured commenced on or after the insured's sixtieth birthday but before the insured's sixty-fifth birthday, the Secretary shall not grant waiver of any premium becoming due prior to January 1, 1965.

(b) The Secretary, upon any application made after August 1, 1947, shall not grant waiver of any premium becoming due more than one year before the receipt by the Secretary of application for the same, except as provided in this section. Any premiums paid for months during which waiver is effective shall be refunded. The Secretary shall provide by regulations for examination or reexamination of an insured claiming benefits under this section, and may deny benefits for failure to cooperate. If it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy. In any case in which the Secretary finds that the insured's failure to make timely application for waiver of premiums or the insured's failure to submit satisfactory evidence of the existence or continuance of total disability was due to circumstances beyond the insured's control, the Secretary may grant waiver or continuance of waiver of premiums.

(c) If the insured dies without filing application for waiver, the beneficiary, within one year after the death of the insured, or, if the beneficiary is insane or a minor, within one year after removal of such legal disability, may file application for waiver with evidence of the insured's right to waiver under this section. Premium rates shall be calculated without charge for the cost of waiver of premiums provided in this section and no deduction from benefits otherwise payable shall be made on account thereof.

(d) In any case in which an insured has been denied or would have been denied premium waiver under section 602(n) of the National Service Life Insurance Act of 1940 or this section solely because the insured became totally disabled between the date of valid application for insurance and the subsequent effective date thereof, and in which it is shown that (1) the total disability was incurred in line of duty between October 8, 1940, and July 31, 1946, inclusive, or June 27, 1950, and April 30, 1951, inclusive, and (2) the insured remained continuously so totally disabled to the date of death or June 8, 1960, whichever is earlier, the Secretary may grant waiver of premiums from the beginning of and during the continuous total disability of such insured. Application for waiver of premiums under this subsection must be filed by the insured or, in the event of the insured's death, by the beneficiary within two years after June 8, 1960, except that if the insured or the beneficiary be insane or a minor within the two-year period, application for such waiver may be filed within two years after removal of such legal disability, or if an insane insured shall die before the removal of the disability, application may be filed by the beneficiary within two years after the insured's death. No insurance shall be placed in force under this subsection in any case in which there was an award of benefits under the Servicemen's Indemnity Act of 1951 or of gratuitous insurance under section 1922(b) of this title. The amount of insurance placed in force hereunder together with any other United States Government life insurance or national service life insurance in force at the time of death, or at the time of the insured's application for waiver hereunder, may not exceed $10,000 and shall be reduced by the amount of any gratuitous insurance awarded under the National Service Life Insurance Act of

1940. Waiver of premiums under this subsection shall render the insurance nonparticipating during the period such premium waiver is in effect. The cost of waiver of premium and death benefits paid as a result of this subsection shall be borne by the United States.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1150, § 712; Pub. L. 86–497, June 8, 1960, 74 Stat. 164; Pub. L. 88–364, July 7, 1964, 78 Stat. 302; Pub. L. 97–295, § 4(23), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99–576, title VII, § 701(25), Oct. 28, 1986, 100 Stat. 3292; renumbered § 1912 and amended Pub. L. 102–83, §§ 4(a)(2)(C)(ii), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

The Servicemen's Indemnity Act of 1951, referred to in subsec. (d), is act Apr. 25, 1951, ch. 39, pt. I, 65 Stat. 33, as amended, which was classified generally to subchapter II (§ 851 et seq.) of chapter 13 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and was repealed by act Aug. 1, 1956, ch. 873, title V, § 502(9), 70 Stat. 886.

The National Service Life Insurance Act of 1940, referred to in subsec. (d), is act Oct. 8, 1940, ch. 757, title VI, pt. I, §§ 601 to 623, 54 Stat. 1008, as amended, which was classified generally to subchapter I (§§ 801 to 824) of chapter 13 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed by Pub. L. 85–857, § 14(75), Sept. 2, 1958, 72 Stat. 1272, and the provisions thereof reenacted generally as this subchapter by the first section of Pub. L. 85–857 which enacted Title 38, Veterans' Benefits. Section 602(n) of the 1940 Act, also referred to in subsec. (d), is covered by this section.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 712 of this title as this section.

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

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

Pub. L. 102–83, § 4(a)(2)(C)(ii), substituted "by the Secretary" for "in the Veterans' Administration".

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted "1922(b)" for "722(b)".

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1986—Subsecs. (a), (b), (d). Pub. L. 99–576 substituted "the insured's" for "his" wherever appearing, and "the insured" for "he" in first sentence of subsec. (d).

1982—Subsec. (d). Pub. L. 97–295 substituted "June 8, 1960" for "the date of enactment of this subsection" in two places.

1964—Subsec. (a). Pub. L. 88–364 extended from age 60 to age 65 the age before which a person must become totally disabled to be eligible for waiver of premiums, and provided that where total disability commenced on or after the 60th birthday but before the 65th, the Administrator shall not waive premiums becoming due prior to Jan. 1, 1965.

1960—Subsec. (d). Pub. L. 86–497 added subsec. (d).

EFFECTIVE DATE OF 1964 AMENDMENT

Pub. L. 88–364 provided that the amendment made by Pub. L. 88–364 is effective Jan. 1, 1965.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1904, 1913, 1922, 1922A of this title.

§ 1913. Death before six months' total disability

Whenever premiums are not waived under section 1912 of this title solely because the insured died prior to the continuance of total disability for six months, and proof of such facts, satisfactory to the Secretary, is filed by the beneficiary with the Department within one year after the insured's death, the insurance shall be deemed to be in force at the date of the death, and the unpaid premiums shall become a lien against the proceeds of the insurance. If the beneficiary is insane or a minor, proof of such facts may be filed within one year after removal of such legal disability.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1150, § 713; Pub. L. 99–576, title VII, § 701(26), Oct. 28, 1986, 100 Stat. 3292; renumbered § 1913 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 713 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted "1912" for "712".

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".

1986—Pub. L. 99–576 substituted "the" for "his" in three places.

§ 1914. Statutory total disabilities

Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the total loss of hearing of both ears, or the organic loss of speech, shall be deemed total disability for insurance purposes.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1151, § 714; renumbered § 1914, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 714 of this title as this section.

§ 1915. Total disability income provision

The Secretary shall, except as hereinafter provided, upon application by the insured and proof of good health satisfactory to the Secretary and payment of such extra premium as the Secretary shall prescribe, include in any National Service Life Insurance policy on the life of the insured (except a policy issued under section 620 of the National Service Life Insurance Act of 1940, or section 1922 of this title) provisions whereby an insured who is shown to have become totally disabled for a period of six consecutive months or more commencing after the date of such application and before attaining the age of sixty-five and while the payment of any premium is not in default, shall be paid monthly disability benefits from the first day of the seventh consecutive month of and during the continuance of such total disability of $10 for each $1,000 of such insurance in effect when such benefits become payable. The total disability provision authorized under this section shall not be issued unless application therefor is made either prior to the insured's fifty-fifth birthday, or before the insured's sixtieth birthday and prior to January 1, 1966. The total disability provision authorized under this section shall not be added

to a policy containing the total disability coverage heretofore issued under section 602(v) of the National Service Life Insurance Act of 1940, or the provisions of this section as in effect before January 1, 1965, except upon surrender of such total disability coverage, proof of good health, if required, satisfactory to the Secretary, and payment of such extra premium as the Secretary shall determine is required in such cases. Participating policies containing additional provisions for the payment of disability benefits may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such benefits.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1151, § 715; Pub. L. 88–355, July 7, 1964, 78 Stat. 272; renumbered § 1915 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Section 620 of the National Service Life Insurance Act of 1940, referred to in text, is section 620 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Apr. 25, 1951, ch. 39, pt. II, § 10, 65 Stat. 36, which enacted section 821 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as section 722 [now 1922] of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

Section 602(v) of the National Service Life Insurance Act of 1940, referred to in text, is section 602(v) of act Oct. 8, 1940, ch. 757, title VI, pt. I, 54 Stat. 1009, which enacted section 802(v) of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as this section and section 721 [now 1921] of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 715 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1922'' for ''722''.

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

1964—Pub. L. 88–355 authorized issuance of total disability income provisions to provide coverage to age 65 instead of to age 60, provided that said provisions shall not be issued unless application therefor is made either prior to the insured's 55th birthday, or before the insured's 60th birthday and prior to Jan. 1, 1966, and inserted ''or the provisions of this section as in effect before January 1, 1965'' before ''except upon surrender'', and ''if required'' after ''proof of good health.''

EFFECTIVE DATE OF 1964 AMENDMENT

Pub. L. 88–355 provided that the amendment made by Pub. L. 88–355 is effective Jan. 1, 1965.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1907 of this title.

§ 1916. Insurance which matured before August 1, 1946

(a) Insurance which matured before August 1, 1946, is payable in the following manner:

(1) If the beneficiary to whom payment is first made was under thirty years of age at the time of maturity, in two hundred and forty equal monthly installments.

(2) If the beneficiary to whom payment is first made was thirty or more years of age at the time of maturity, in equal monthly installments for one hundred and twenty months certain, with such payments continuing during the remaining lifetime of such beneficiary.

(3) If elected by the insured or a beneficiary entitled to make such an election under prior provisions of law, as a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the first beneficiary. A refund life income optional settlement is not available in any case in which such settlement would result in payments of installments over a shorter period than one hundred and twenty months. If the mode of payment is changed to a refund life income in accordance with prior provisions of law, after payment has commenced, payment of monthly installments will be adjusted as of the date of maturity of such policy with credit being allowed for payments previously made on the insurance.

(b) Such insurance shall be payable only to a widow, widower, child, parent, brother or sister of the insured. Any installments certain of such insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons then in being within the following classes, and in the order named, unless designated by the insured in a different order:

(1) To the widow or widower of the insured, if living.

(2) If no widow or widower, to the child or children of the insured, if living, in equal shares.

(3) If no widow, widower, or child, to the parent or parents of the insured who last bore that relationship, if living, in equal shares.

(4) If no widow, widower, child, or parent, to the brothers and sisters of the insured, if living, in equal shares.

(c) The provisions of this section shall not be construed to enlarge the classes of beneficiaries heretofore authorized under section 602(d) of the National Service Life Insurance Act of 1940, for payment of gratuitous insurance.

(d) If no beneficiary of insurance which matured before August 1, 1946, was designated by the insured or if the designated beneficiary did not survive the insured, the beneficiary shall be determined in accordance with the order specified in subsection (b) and the insurance shall be payable in equal monthly installments in accordance with subsection (a). The right of any beneficiary to payment of any installments of such insurance shall be conditioned upon his or her being alive to receive such payments. No person shall have a vested right to any installment or installments of any such insurance and any installments not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class next entitled to priority, as provided in subsection (b).

(e) No installments of insurance which matured before August 1, 1946, shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and if no person

within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made, except that if the reserve of a contract of converted National Service Life Insurance, together with dividends accumulated thereon, less any indebtedness under such contract, exceeds the aggregate amount paid to beneficiaries, the excess shall be paid to the estate of the insured unless the estate of the insured would escheat under the laws of the insured's place of residence, in which event no payment shall be made. When the amount of an individual monthly payment of such insurance is less than $5, such amount may, in the discretion of the Secretary, be allowed to accumulate without interest and be disbursed annually.

(f) Any payments of insurance made to a person, represented by the insured to be within the permitted class of beneficiaries, shall be deemed to have been properly made and to satisfy fully the obligation of the United States under such insurance policy to the extent of such payments.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1151, § 716; Pub. L. 99–576, title VII, § 701(27), Oct. 28, 1986, 100 Stat. 3292; renumbered § 1916 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–86, title V, § 506(a)(2), Aug. 14, 1991, 105 Stat. 426.)

REFERENCES IN TEXT

Section 602(d) of the National Service Life Insurance Act of 1940, referred to in subsec. (c), is section 602(d) of act Oct. 8, 1940, ch. 757, title VI, pt. I, 54 Stat. 1009, which enacted section 802(d) of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was omitted in the general revision and reenactment of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 716 of this title as this section.

Subsec. (b). Pub. L. 102–86 amended subsec. (b) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''unpaid'' for ''upaid''.

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

1986—Subsec. (e). Pub. L. 99–576 substituted ''the insured's'' for ''his''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1911 of this title.

§ 1917. Insurance maturing on or after August 1, 1946

(a) The insured shall have the right to designate the beneficiary or beneficiaries of insurance maturing on or after August 1, 1946, and shall, subject to regulations, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries.

(b) Insurance maturing on or after August 1, 1946, shall be payable in accordance with the following optional modes of settlement:

(1) In one sum.

(2) In equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve.

(3) In equal monthly installments for one hundred and twenty months certain with such payments continuing during the remaining lifetime of the first beneficiary.

(4) As a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the first beneficiary; however, such optional settlement shall not be available in any case in which such settlement would result in payments of installments over a shorter period than one hundred and twenty months.

(c) Except as provided in the second and third sentences of this subsection, unless the insured elects some other mode of settlement, such insurance shall be payable to the designated beneficiary or beneficiaries in thirty-six equal monthly installments. The first beneficiary may elect to receive payment under any option which provides for payment over a longer period of time than the option elected by the insured, or if no option has been elected by the insured, in excess of thirty-six months. In the case of insurance maturing after September 30, 1981, and for which no option has been elected by the insured, the first beneficiary may elect to receive payment in one sum. If the option selected requires payment to any one beneficiary of monthly installments of less than $10, the amount payable to such beneficiary shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10. If the present value of the amount payable at the time any person initially becomes entitled to payment thereof is not sufficient to pay at least twelve monthly installments of not less than $10 each, such amount shall be payable in one sum. Options (3) and (4) shall not be available if any firm, corporation, legal entity (including the estate of the insured), or trustee is beneficiary.

(d) If the beneficiary of such insurance is entitled to a lump-sum settlement but elects some other mode of settlement and dies before receiving all the benefits due and payable under such mode of settlement, the present value of the remaining unpaid amount shall be payable to the estate of the beneficiary. If no beneficiary is designated by the insured, or if the designated beneficiary does not survive the insured, or if a designated beneficiary not entitled to a lump-sum settlement survives the insured, and dies before receiving all the benefits due and payable, then the commuted value of the remaining unpaid insurance (whether accrued or not) shall be paid in one sum to the estate of the insured. In no event shall there be any payment to the estate of the insured or of the beneficiary of any sums unless it is shown that any sums paid will not escheat.

(e) Under such regulations as the Secretary may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured under option (2) or (4) of this section. All settlements under option (4), how-

ever, shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than $10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1152, § 717; Pub. L. 91–291, § 10, June 25, 1970, 84 Stat. 331; Pub. L. 97–66, title IV, § 403(a), Oct. 17, 1981, 95 Stat. 1031; renumbered § 1917 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 717 of this title as this section and substituted ''Secretary'' for ''Administrator'' in subsec. (e).

1981—Subsec. (c). Pub. L. 97–66 substituted ''Except as provided in the second and third sentences of this subsection, unless'' for ''Unless'' and inserted provision that, in the case of insurance maturing after September 30, 1981, and for which no option has been elected by the insured, the first beneficiary may elect to receive payment in one sum.

1970—Subsec. (c). Pub. L. 91–291 struck out provision that options (3) and (4) were not available in cases where the endowment contract matured by reason of the completion of the endowment period.

Subsec. (e). Pub. L. 91–291 added subsec. (e).

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97–66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective first day of first calendar month which begins more than six calendar months after June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1922 of this title.

§ 1918. Assignments

(a) Assignments of all or any part of the beneficiary's interest may be made by a designated beneficiary to a widow, widower, child, father, mother, grandfather, grandmother, brother, or sister of the insured, when the designated contingent beneficiary, if any, joins the beneficiary in the assignment, and if the assignment is delivered to the Secretary before any payments of the insurance shall have been made to the beneficiary. However, an interest in an annuity, when assigned, shall be payable in equal monthly installments in such multiple of twelve as most nearly equals the number of installments certain under such annuity, or in two hundred and forty installments, whichever is the lesser. The provisions of this subsection shall not be applicable to insurance maturing after July 26, 1962.

(b) Except as to insurance granted under the provisions of section 1922(b) of this title, any person to whom insurance maturing after July 26, 1962, is payable may assign all or any portion of such person's interest in such insurance to a widow, widower, child, father, mother, grandfather, grandmother, brother, or sister of the insured when the designated contingent beneficiary, if any, joins the beneficiary in the assignment. Such joinder shall not be required in any case in which the insurance proceeds are payable in a lump sum.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1153, § 718; Pub. L. 87–557, § 1, July 27, 1962, 76 Stat. 245; Pub. L. 96–128, title III, § 304, Nov. 28, 1979, 93 Stat. 986; Pub. L. 97–295, § 4(24), Oct. 12, 1982, 96 Stat. 1306; renumbered § 1918 and amended Pub. L. 102–83, §§ 4(a)(2)(A)(iii)(III), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403, 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 718 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(a)(2)(A)(iii)(III), substituted ''Secretary'' for ''Veterans' Administration''.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''1922(b)'' for ''722(b)''.

1982—Subsec. (a). Pub. L. 97–295 substituted ''after July 26, 1962'' for ''on or after the date of enactment of this sentence''.

Subsec. (b). Pub. L. 97–295 substituted ''after July 26, 1982,'' for ''on or after the date of enactment of this sentence''.

1979—Subsec. (b). Pub. L. 96–128 substituted ''such person's'' for ''his''.

1962—Pub. L. 87–557 designated existing provisions as subsec. (a), inserted sentence making subsection inapplicable to insurance maturing on or after ''the date of enactment of this sentence [July 27, 1962]'', and added subsec. (b).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as a note under section 1114 of this title.

§ 1919. National Service Life Insurance appropriation

(a) The National Service Life Insurance appropriation is continued and there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this chapter and the provisions heretofore prescribed in the National Service Life Insurance Act of 1940, or related Acts, for the payment of liabilities under National Service Life Insurance. Payment from this appropriation shall be made upon and in accordance with awards by the Secretary.

(b) All premiums heretofore and hereafter paid on insurance issued or reinstated under section 602(v)(1) of the National Service Life Insurance Act of 1940 where the requirement of good health was waived under such section because of a service-incurred injury or disability shall be credited directly to the National Service Life Insurance appropriation and any payments of benefits heretofore and hereafter made on such insurance shall be made directly from such appropriation.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1154, § 719; Pub. L. 98–160, title VII, § 702(5), Nov. 21, 1983, 97 Stat. 1009; renumbered § 1919 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 105–368, title III, § 304(a), Nov. 11, 1998, 112 Stat. 3334.)

REFERENCES IN TEXT

The National Service Life Insurance Act of 1940, referred to in subsec. (a), is act Oct. 8, 1940, ch. 757, title

VI, part I, 54 Stat. 1008, as amended, which was classified generally to chapter 13 (§ 801 et seq.) of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as this subchapter by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

Section 602(v)(i) of the National Service Life Insurance Act of 1940, referred to in subsec. (b), is section 602(v)(1) of act Oct. 8, 1940, ch. 757, title VI, pt. I, 54 Stat. 1009, which enacted section 802(v)(1) of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as section 715 [now 1915] of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105–368 substituted ''section 602(v)(1)'' for ''sections 602(c)(2) and 602(v)(1)'' and ''under such section'' for ''under such sections''.

1991—Pub. L. 102–83 renumbered section 719 of this title as this section and substituted ''Secretary'' for ''Administrator'' in subsec. (a).

1983—Subsec. (b). Pub. L. 98–160 substituted ''sections'' for ''subsections'' after ''issued or reinstated under'' and after ''waived under such''.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–368, title III, § 304(b), Nov. 11, 1998, 112 Stat. 3334, provided that: ''The amendments made by this section [amending this section] shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act [Nov. 11, 1998].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 113 of this title.

§ 1920. National Service Life Insurance Fund

(a) The National Service Life Insurance Fund heretofore created in the Treasury is continued as a permanent trust fund. Except as otherwise provided in this chapter, all premiums paid on account of National Service Life Insurance shall be deposited and covered into the Treasury to the credit of such fund, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance, including payment of dividends and refunds of unearned premiums, and for the reimbursement of administrative costs under subsection (c). Payments from this fund shall be made upon and in accordance with awards by the Secretary.

(b) The Secretary is authorized to set aside out of such fund such reserve amounts as may be required under accepted actuarial principles to meet all liabilities under such insurance; and the Secretary of the Treasury is authorized to invest and reinvest such fund, or any part thereof, in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States, and to sell such obligations for the purposes of such fund.

(c)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the National Service Life Insurance Fund, reimburse the ''General operating expenses'' account of the Department for the amount of administrative costs determined under paragraph (2) for that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of National Service Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

(3) This subsection shall be in effect only with respect to fiscal year 1996.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1154, § 720; renumbered § 1920 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 104–99, title II, § 201(b), Jan. 26, 1996, 110 Stat. 36.)

CODIFICATION

Amendment by Pub. L. 104–99 is based on section 107(1) of H.R. 2099, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 7, 1995, which was enacted into law by Pub. L. 104–99.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–99 inserted '', and for the reimbursement of administrative costs under subsection (c)'' after ''unearned premiums''.

Subsec. (c). Pub. L. 104–99 added subsec. (c).

1991—Pub. L. 102–83 renumbered section 720 of this title as this section and substituted ''Secretary'' for ''Administrator'' in two places.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 1982 of this title.

§ 1921. Extra hazard costs

(a) The United States shall bear the excess mortality cost and the cost of waiver of premiums on account of total disability traceable to the extra hazard of military or naval service, as such hazard may be determined by the Secretary.

(b) Whenever benefits under insurance become payable because of the death of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Secretary, the liability for payment of such benefits shall be borne by the United States in an amount which, when added to the reserve of the policy at the time of death of the insured will equal the then value of such benefits under such policy. Where life contingencies are involved in the calculation of the value of such benefits of insurance heretofore or hereafter matured, the calculation of such liability or liabilities shall be based upon such mortality table or tables as the Secretary may prescribe with interest at the rate of 3 per centum per annum. The Secretary shall transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.

(c) Whenever the premiums under insurance are waived because of the total disability of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by

the Secretary, the premiums so waived shall be paid by the United States and the Secretary shall transfer from time to time an amount equal to the amount of such premiums from the National Service Life Insurance appropriation to the National Service Life Insurance Fund.

(d) Whenever benefits under the total disability income provision become, or have become, payable because of total disability of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Secretary, the liability shall be borne by the United States, and the Secretary shall transfer from the National Service Life Insurance appropriation to the National Service Life Insurance Fund from time to time any amounts which become, or have become, payable to the insured on account of such total disability, and to transfer from the National Service Life Insurance Fund to the National Service Life Insurance appropriation the amount of the reserve held on account of the total disability benefit. When a person receiving such payments on account of total disability recovers from such disability, and is then entitled to continue protection under the total disability income provision, the Secretary shall transfer to the National Service Life Insurance Fund a sum sufficient to set up the then required reserve on such total disability benefit.

(e) Any disability for which a waiver was required as a condition to tendering a person a commission under Public Law 816, Seventy-seventh Congress, shall be deemed to be a disability resulting from an injury or disease traceable to the extra hazard of military or naval service for the purpose of applying this section.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1154, § 721; renumbered § 1921 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Public Law 816, Seventy-seventh Congress, referred to in subsec. (e), is act Dec. 18, 1942, ch. 768, §§ 1, 2, 56 Stat. 1066. Section 1 of that Act enacted section 853c–5 of former Title 34, Navy, and was repealed by act July 9, 1952, ch. 608, pt. VIII, § 803, 66 Stat. 505. Section 2 of that Act enacted section 853c–6 of former Title 34, and was omitted from the Code in the general revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 721 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing in subsecs. (a) to (d).

§ 1922. Service disabled veterans' insurance

(a) Any person who is released from active military, naval, or air service, under other than dishonorable conditions on or after April 25, 1951, and is found by the Secretary to be suffering from a disability or disabilities for which compensation would be payable if 10 per centum or more in degree and except for which such person would be insurable according to the standards of good health established by the Secretary, shall, upon application in writing made within two years from the date service-connection of such disability is determined by the Secretary and payment of premiums as provided in this subchapter, be granted insurance by the United States against the death of such person occurring while such insurance is in force. If such a person is shown by evidence satisfactory to the Secretary to have been mentally incompetent during any part of the two-year period, application for insurance under this section may be filed within two years after a guardian is appointed or within two years after the removal of such disability as determined by the Secretary, whichever is the earlier date. If the guardian was appointed or the removal of the disability occurred before January 1, 1959, application for insurance under this section may be made within two years after that date. Insurance granted under this section shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance except (1) the premium rates for such insurance shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ per centum per annum; (2) all cash, loan, paid-up, and extended values shall be based upon the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ per centum per annum; (3) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of 2¼ per centum per annum; (4) insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized. As to insurance issued under this section, waiver of premiums pursuant to section 602(n) of the National Service Life Insurance Act of 1940 and section 1912 of this title shall not be denied on the ground that the service-connected disability became total before the effective date of such insurance.

(b)(1) Any person who, on or after April 25, 1951, was otherwise qualified for insurance under the provisions of section 620 of the National Service Life Insurance Act of 1940, or under subsection (a) of this section, but who did not apply for such insurance and who is shown by evidence satisfactory to the Secretary (A) to have been mentally incompetent from a service-connected disability, (i) at the time of release from active service, or (ii) during any part of the two-year period from the date the service connection of a disability is first determined by the Secretary, or (iii) after release from active service but is not rated service-connected disabled by the Secretary until after death; and (B) to have remained continuously so mentally incompetent until date of death; and (C) to have died before the appointment of a guardian, or within two years after the appointment of a guardian; shall be deemed to have applied for and to have been granted such insurance, as of the date of death, in an amount which, together with any other United States Government or National Service life insurance in force, shall aggregate $10,000. The date to be used for determining whether such person was insurable according to the

standards of good health established by the Secretary, except for the service-connected disability, shall be the date of release from active service or the date the person became mentally incompetent, whichever is the later.

(2) Payments of insurance granted under subsection (b)(1) of this section shall be made only to the following beneficiaries and in the order named—

(A) to the widow or widower of the insured, if living and while unremarried;

(B) if no widow or widower entitled thereto, to the child or children of the insured, if living, in equal shares;

(C) if no widow or widower or child entitled thereto, to the parent or parents of the insured who last bore that relationship, if living, in equal shares.

(3) No application for insurance payments under this subsection shall be valid unless filed with the Secretary within two years after the date of death of the insured or before January 1, 1961, whichever is the later, and the relationship of the applicant shall be proved as of the date of death of the insured by evidence satisfactory to the Secretary. Persons shown by evidence satisfactory to the Secretary to have been mentally or legally incompetent at the time the right to apply for death benefits expires, may make such application at any time within one year after the removal of such disability.

(4) Notwithstanding section 1917 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1155, § 722; renumbered § 1922 and amended Pub. L. 102–83, §§ 4(a)(2)(A)(iii)(IV), (D)(i), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 102–86, title II, §§ 201(a), 202(a), Aug. 14, 1991, 105 Stat. 415, 416; Pub. L. 103–446, title XII, § 1201(i)(2), Nov. 2, 1994, 108 Stat. 4688.)

REFERENCES IN TEXT

Section 602(n) of the National Service Life Insurance Act of 1940, referred to in subsec. (a), is section 602(n) of act Oct. 8, 1940, ch. 757, title VI, pt. I, 54 Stat. 1009, which enacted section 802(n) of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as section 712 [now 1912] of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

Section 620 of the National Service Life Insurance Act of 1940, referred to in subsec. (b)(1), is section 620 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Apr. 25, 1951, ch. 39, pt. II, § 10, 65 Stat. 36, which enacted section 821 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as this section by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

AMENDMENTS

1994—Subsec. (b)(4). Pub. L. 103–446 substituted ''Notwithstanding section 1917 of this title,'' for ''Notwithstanding the provisions of section 1917 of this title,''.

1991—Pub. L. 102–83, § 5(a), renumbered section 722 of this title as this section.

Subsec. (a). Pub. L. 102–86, § 201(a), amended subsec. (a) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''two years'' for ''one year'' wherever appearing and ''two-year'' for ''one-year''.

Pub. L. 102–83, § 5(c)(1), substituted ''1912'' for ''712''.

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

Pub. L. 102–83, § 4(a)(2)(A)(iii)(IV), substituted ''Secretary'' for ''Veterans' Administration'' after first reference to ''determined by the''.

Subsec. (b)(1). Pub. L. 102–86, § 201(a), amended subsec. (b)(1) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''two-year'' for ''one-year'' and ''two years'' for ''one year''.

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

Pub. L. 102–83, § 4(a)(2)(A)(iii)(IV), substituted ''Secretary'' for ''Veterans' Administration'' in two places.

Subsec. (b)(3). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in two places.

Pub. L. 102–83, § 4(a)(2)(D)(i), substituted ''with the Secretary'' for ''in the Veterans' Administration''.

Subsec. (b)(4). Pub. L. 102–86, § 202(a)(1), amended subsec. (b) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by amending par. (4) generally. Prior to amendment, par. (4) read as follows: ''Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable at the election of the first beneficiary in 240 equal monthly installments or under the options specified in section 717(b)(3) or (4) of this title. Any installments certain of insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons then in being within the classes specified in subsection (b)(2) of this section and in the order named.''

Pub. L. 102–83, § 5(c)(1), amended par. (4) as amended by Pub. L. 102–86, § 202(a)(1), by substituting ''1917'' for ''717''. See above.

Subsec. (b)(5). Pub. L. 102–86, § 202(a)(2), amended subsec. (b) of this section as in effect before the redesignations by Pub. L. 102–83, § 5, by striking out par. (5) which read as follows: ''The right of any beneficiary to payment of any installments shall be conditioned upon his or her being alive to receive such payments. No person shall have a vested right to any installment or installments of any such insurance and any installments not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class next entitled to priority, as provided in subsection (b)(2) of this section. No installments of such insurance shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and if no person within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made.''

EFFECTIVE DATE OF 1991 AMENDMENT

Section 201(b) of Pub. L. 102–86 provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to any person who, on or after September 1, 1991, is found by the Secretary of Veterans Affairs to be eligible for insurance under section 722 [now 1922] of title 38, United States Code.''

Section 202(b) of Pub. L. 102–86 provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act [Aug. 14, 1991]. In the case of insurance under section 722(b) [now 1922(b)] of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.''

CROSS REFERENCES

Assignment of insurance granted under subsec. (b) of this section excepted from general assignment provisions, see section 1918(b) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 107, 113, 1904, 1912, 1915, 1918, 1922A of this title.

§ 1922A. Supplemental service disabled veterans' insurance for totally disabled veterans

(a) Any person insured under section 1922(a) of this title who qualifies for a waiver of premiums under section 1912 of this title is eligible, as provided in this section, for supplemental insurance in an amount not to exceed $20,000.

(b) To qualify for supplemental insurance under this section a person must file with the Secretary an application for such insurance. Such application must be filed not later than (1) October 31, 1993, or (2) the end of the one-year period beginning on the date on which the Secretary notifies the person that the person is entitled to a waiver of premiums under section 1912 of this title, whichever is later.

(c) Supplemental insurance granted under this section shall be granted upon the same terms and conditions as insurance granted under section 1922(a) of this title, except that such insurance may not be granted to a person under this section unless the application is made for such insurance before the person attains 65 years of age.

(d) No waiver of premiums shall be made in the case of any person for supplemental insurance granted under this section.

(Added Pub. L. 102–568, title II, § 203(a), Oct. 29, 1992, 106 Stat. 4324; amended Pub. L. 103–446, title XII, § 1201(f)(1), Nov. 2, 1994, 108 Stat. 4687.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–446 substituted ''insurance. Such application must be filed not later than (1) October 31, 1993, or (2) the end of the one-year period beginning on the date on which the Secretary'' for ''insurance not later than the end of (1) the one-year period beginning on the first day of the first month following the month in which this section is enacted, or (2) the one-year period beginning on the date that the Department''.

EFFECTIVE DATE

Section 205 of title II of Pub. L. 102–568 provided that: ''The amendments made by this title [enacting this section and amending sections 1967, 1977, and 2106 of this title] shall take effect on December 1, 1992.''

§ 1923. Veterans' Special Life Insurance

(a) Insurance heretofore granted under the provisions of section 621 of the National Service Life Insurance Act of 1940, against the death of the policyholder occurring while such insurance is in force, is subject to the same terms and conditions as are contained in standard policies of National Service Life Insurance on the five-year level premium term plan except (1) such insurance may not be exchanged for or converted to insurance on any other plan; (2) the premium rates for such insurance shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ per centum per annum; (3) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of 2¼ per centum per annum; (4) all premiums and other collections on such insurance and any total disability provisions added thereto shall be credited to a revolving fund in the Treasury of the United States, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums, and for the reimbursement of administrative costs under subsection (d).

(b) Any term insurance heretofore issued under section 621 of the National Service Life Insurance Act of 1940, may be converted to a permanent plan of insurance or exchanged for a policy of limited convertible five-year level premium term insurance issued under this subsection. Insurance issued under this subsection shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance except (1) after September 1, 1960, limited convertible term insurance may not be issued or renewed on the term plan after the insured's fiftieth birthday; (2) the premium rates for such limited convertible term or permanent plan insurance shall be based on table X–18 (1950–54 Intercompany Table of Mortality) and interest at the rate of 2½ per centum per annum; (3) all settlements on policies involving annuities on insurance issued under this subsection shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of 2½ per centum per annum; (4) all cash, loan, paid-up, and extended values, and, except as otherwise provided in this subsection, all other calculations in connection with insurance issued under this subsection shall be based on table X–18 (1950–54 Intercompany Table of Mortality) and interest at the rate of 2½ per centum per annum; (5) all premiums and other collections on insurance issued under this subsection and any total disability income provisions added thereto shall be credited directly to the revolving fund referred to in subsection (a) of this section, which together with interest earned thereon, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums.

(c) The Secretary is authorized to invest in, and the Secretary of the Treasury is authorized to sell and retire, special interest-bearing obligations of the United States for the account of the revolving fund with a maturity date as may be agreed upon by the two Secretaries. The rate of interest on such obligations shall be fixed by the Secretary of the Treasury at a rate equal to the rate of interest, computed as of the end of the month preceding the date of issue of such obligations, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt that are not due or callable until after the expiration of five years from the date of original issue; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such average rate.

(d)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the Veterans' Special Life Insurance Fund, reimburse the ''General operating expenses'' account of the Department for the amount of administrative costs determined under paragraph (2) for

that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of Veterans' Special Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

(3) This subsection shall be in effect only with respect to fiscal year 1996.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1157, § 723; Pub. L. 85–896, Sept. 2, 1958, 72 Stat. 1716; Pub. L. 87–223, Sept. 13, 1961, 75 Stat. 495; Pub. L. 93–289, § 2(a), May 24, 1974, 88 Stat. 165; renumbered § 1923 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(C), (E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 104–99, title II, § 201(b), Jan. 26, 1996, 110 Stat. 36.)

REFERENCES IN TEXT

Section 621 of the National Service Life Insurance Act of 1940, referred to in subsecs. (a) and (b), is section 621 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Apr. 25, 1951, ch. 39, pt. II, § 10, 65 Stat. 36, which enacted section 822 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as this section by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

CODIFICATION

Amendment by Pub. L. 104–99 is based on section 107(2) of H.R. 2099, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 7, 1995, which was enacted into law by Pub. L. 104–99.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–99 inserted ", and for the reimbursement of administrative costs under subsection (d)" before period at end.

Subsec. (d). Pub. L. 104–99 added subsec. (d).

1991—Pub. L. 102–83, § 5(a), renumbered section 723 of this title as this section.

Subsec. (c). Pub. L. 102–83, § 4(b)(2)(C), substituted "two Secretaries" for "Administrator and Secretary".

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" after "The".

1974—Pub. L. 93–289, § 2(a)(1), substituted "Veterans' Special Life Insurance" for "Veterans' special term insurance" in section catchline.

Subsec. (a). Pub. L. 93–289, § 2(a)(2), substituted "all premiums and other collections on such insurance and any total disability provisions added thereto shall be credited to a revolving fund in the Treasury of the United States, which, together with interest earned thereof, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums" for "such insurance and any total disability provision added thereto shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited to a revolving fund in the Treasury of the United States and the payments on such term insurance and any total disability provision added thereto shall be made directly from such fund" in cl. (4).

Subsec. (b). Pub. L. 93–289, § 2(a)(3), substituted "all premiums and other collections on insurance issued under this subsection and any total disability income provisions added thereto shall be credited directly to the revolving fund referred to in subsection (a) of this section, which together with interest earned thereon, shall be available for the payment of liabilities under such insurance and any total disability provisions added thereto, including payments of dividends and refunds of unearned premiums" for "insurance and any total disability provision added thereto issued under this subsection shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to the revolving fund referred to in subsection (a) and payments on such insurance and any total disability provision added thereto shall be made directly from such fund" in cl. (5).

Subsecs. (d), (e). Pub. L. 93–289, § 2(a)(4), repealed subsecs. (d) and (e) which related to the payment of dividends from the excess funds in the revolving fund, and to the transfer of funds from the revolving fund to general fund receipts in the Treasury.

1961—Subsecs. (d), (e). Pub. L. 87–223 added subsecs. (d) and (e).

1958—Subsec. (b). Pub. L. 85–896, § 1(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 85–896, § 1(1), redesignated former subsec. (b) as (c) and substituted "equal to the rate of interest, computed as of the end of the month preceding the date of issue of such obligations, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt that are not due or callable until after the expiration of five years from the date of original issue; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such average rate" for "not exceeding the average interest rate on all marketable obligations of the United States Treasury outstanding as of the end of the month preceding the date of issue of this special obligation".

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(1) of Pub. L. 93–289 provided that: "The amendments made by section 2 [amending this section], relating to Veterans' Special Life Insurance, shall become effective upon the date of enactment of this Act [May 24, 1974] except that no dividend on such insurance shall be paid prior to January 1, 1974."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 1904, 1926, 1927, 1929, 1982 of this title.

§ 1924. In-service waiver of premiums

(a) Waiver of all premiums on five-year level premium term insurance and that portion of any permanent insurance premiums representing the cost of the pure insurance risk, as determined by the Secretary, granted on National Service Life Insurance or United States Government life insurance under section 622 of the National Service Life Insurance Act of 1940 and in effect on January 1, 1959, shall, unless canceled, continue in effect according to the provisions of such section for the remainder of the insured's continuous active service and for one hundred and twenty days thereafter. Such premium waiver renders the contract of insurance nonparticipating during the period the waiver is in effect.

(b) Whenever benefits become payable because of the maturity of such insurance while under the premium waiver continued by this section, liability for payment of such benefits shall be borne by the United States in an amount which, when added to any reserve of the policy at the

time of maturity, will equal the then value of such benefits under such policy. Where life contingencies are involved in the calculation of the value of such benefits, the calculation of such liability or liabilities shall be based upon such mortality table or tables as the Secretary may prescribe with interest at the rate of 2¼ per centum per annum as to insurance issued under sections 620 and 621 of the National Service Life Insurance Act of 1940, at the rate of 3 per centum per annum as to other National Service Life Insurance, and 3½ per centum per annum as to United States Government life insurance. The Secretary shall transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund and from the military and naval insurance appropriation to the United States Government Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.

(c) In any case in which insurance continued in force under this section matures on or after January 1, 1972, an amount equal to the amount of premiums, less dividends, waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the proceeds. In such case, the liability of the Government under subsection (b) of this section shall be reduced by the amount so deducted from the proceeds.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1157, § 724; Pub. L. 92–197, § 7, Dec. 15, 1971, 85 Stat. 662; renumbered § 1924 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Section 622 of the National Service Life Insurance Act of 1940, referred to in subsec. (a), is section 622 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Apr. 25, 1951, ch. 39, pt. II, § 10, 65 Stat. 36, which enacted section 823 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as this section by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

Sections 620 and 621 of the National Service Life Insurance Act of 1940, referred to in subsec. (b), are sections 620 and 621 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Apr. 25, 1951, ch. 39, pt. II, § 10, 65 Stat. 36, which enacted sections 821 and 822 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which were repealed and reenacted as sections 722 and 723 [now 1922 and 1923], respectively, of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 724 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing in subsecs. (a) and (b).

1971—Subsec. (c). Pub. L. 92–197 added subsec. (c).

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–197 effective Jan. 1, 1972, see section 10 of Pub. L. 92–197, set out as a note under section 1311 of this title.

§ 1925. Limited period for acquiring insurance

(a) Any person (other than a person referred to in subsection (f) of this section) heretofore eligible to apply for National Service Life Insurance after October 7, 1940, and before January 1, 1957, who is found by the Secretary to be suffering (1) from a service-connected disability or disabilities for which compensation would be payable if 10 percent or more in degree and except for which such person would be insurable according to the standards of good health established by the Secretary; or (2) from a non-service-connected disability which renders such person uninsurable according to the standards of good health established by the Secretary and such person establishes to the satisfaction of the Secretary that such person is unable to obtain commercial life insurance at a substandard rate, shall, upon application in writing made before May 2, 1966, compliance with the health requirements of this section and payment of the required premiums, be granted insurance under this section.

(b) If, notwithstanding the applicant's service-connected disability, such person is insurable according to the standards of good health established by the Secretary, the insurance granted under this section shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance except (1) five-year level premium term insurance may not be issued; (2) the net premium rates shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table, increased at the time of issue by such an amount as the Secretary determines to be necessary for sound actuarial operations, and thereafter such premiums may be adjusted as the Secretary determines to be so necessary but at intervals of not less than two years; (3) an additional premium to cover administrative costs to the Government as determined by the Secretary at times of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto, and thereafter such costs may be adjusted as the Secretary determines to be necessary but at intervals of not less than five years; (4) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table; (5) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949; (6) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3½ percent per annum; and (7) the insurance shall include such other changes in terms and conditions as the Secretary determines to be reasonable and practicable.

(c) If the applicant's service-connected disability or disabilities render the applicant uninsurable according to the standards of good health established by the Secretary, or if the applicant has a non-service-connected disability which renders the applicant uninsurable according to the standards of good health established by the Secretary and such person establishes to the satisfaction of the Secretary that such person is unable to obtain commercial life insurance at a substandard rate and such uninsurability existed as of the date of approval of this section, the insurance granted under this section shall be issued upon the same terms and conditions as are contained in standard policies of National Service Life Insurance, except (1) five-year level

premium term insurance may not be issued; (2) the premiums charged for the insurance issued under this subsection shall be increased at the time of issue by such an amount as the Secretary determines to be necessary for sound actuarial operations and thereafter such premiums may be adjusted from time to time as the Secretary determines to be necessary; for the purpose of any increase at time of issue or later adjustment the service-connected group and the non-service-connected group may be separately classified; (3) an additional premium to cover administrative costs to the Government as determined by the Secretary at the time of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto (for which the insured may subsequently become eligible) and thereafter such costs may be adjusted as the Secretary determines to be necessary but at intervals of not less than five years and for this purpose the service-connected and non-service-connected can be separately classified; (4) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949; (5) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3½ percent per annum; and (6) the insurance shall include such other changes in terms and conditions as the Secretary determines to be reasonable and practicable.

(d)(1) All premiums and collections on insurance issued pursuant to this section and any total disability income provision attached thereto shall be credited to the Veterans Reopened Insurance Fund, a revolving fund established in the Treasury of the United States, and all payments on such insurance and any total disability provision attached thereto, including payments of dividends and refunds of unearned premiums, shall be made from that fund and the interest earned on the assets of that fund. For actuarial and accounting purposes, the assets and liabilities (including liabilities for repayment of advances hereinafter authorized, and adjustment of premiums) attributable to the insured groups established under this section shall be separately determined. Such amounts in the Veterans Special Term Insurance Fund in the Treasury, not exceeding $1,650,000 in the aggregate, as may hereafter be determined by the Secretary to be in excess of the actuarial liabilities of that fund, including contingency reserves, shall be available for transfer to the Veterans Reopened Insurance Fund as needed to provide initial capital. Any amounts so transferred shall be repaid to the Treasury over a reasonable period of time with interest as determined by the Secretary of the Treasury taking into consideration the average yield on all marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt.

(2) The Secretary is authorized to set aside out of the revolving fund established under this section such reserve amounts as may be required under accepted actuarial principles to meet all liabilities on insurance issued under this section and any total disability income provision attached thereto. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 percent, the rate of interest of such obligation shall be the multiple of one-eighth of 1 percent nearest such market yield.

(3) Notwithstanding the provisions of section 1982 of this title, the Secretary shall, from time to time, determine the administrative costs to the Government which in the Secretary's judgment are properly allocable to insurance issued under this section and any total disability income provision attached thereto, and shall transfer from the revolving fund, the amount of such cost allocable to the Department to the appropriation ''General Operating Expenses, Department of Veterans Affairs'', and the remainder of such cost to the general fund receipts in the Treasury. The initial administrative costs of issuing insurance under this section and any total disability income provision attached thereto shall be so transferred over such period of time as the Secretary determines to be reasonable and practicable.

(e) Notwithstanding the provisions of section 1982 of this title, a medical examination (including any supplemental examination or tests) when required of an applicant for issuance of insurance under this section or any total disability income provisions attached thereto shall be at the applicant's own expense by a duly licensed physician.

(f) No insurance shall be granted under this section to any person referred to in section 107 of this title or to any person while on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more.

(Added Pub. L. 88–664, § 12(a), Oct. 13, 1964, 78 Stat. 1096, § 725; amended Pub. L. 89–40, June 14, 1965, 79 Stat. 130; Pub. L. 96–128, title III, § 301, Nov. 28, 1979, 93 Stat. 985; Pub. L. 97–295, § 4(25), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99–576, title VII, § 701(28), Oct. 28, 1986, 100 Stat. 3292; renumbered § 1925 and amended Pub. L. 102–83, §§ 4(a)(2)(B)(ii), (3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 725 of this title as this section.

Subsecs. (a) to (c). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1982'' for ''782'' in par. (3).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' and ''Secretary's'' for ''Administrator's'' wherever appearing in pars. (1) to (3).

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for first reference to ''Veterans' Administration'' in par. (3).

Pub. L. 102–83, § 4(a)(2)(B)(ii), substituted ''Department of Veterans Affairs'' for second reference to ''Veterans' Administration'' in par. (3).

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''1982'' for ''782''.

1986—Subsecs. (a), (b). Pub. L. 99–576, § 701(28)(A), substituted ''such person'' for ''he''.

Subsec. (c). Pub. L. 99–576, § 701(28)(A), (B), substituted ''the applicant'' for ''him'' in two places, and ''such person'' for ''he''.

Subsec. (d)(3). Pub. L. 99–576, § 701(28)(C), substituted ''the Administrator's'' for ''his''.

1982—Subsec. (a). Pub. L. 97–295, § 4(25), substituted ''percent'' for ''per centum'', and substituted ''before May 2, 1966'' for ''within one year after the effective date of this section''.

Subsecs. (b), (c), (d)(2). Pub. L. 97–295, § 4(25)(A), substituted ''percent'' for ''per centum'' wherever appearing.

1979—Subsec. (b). Pub. L. 96–128, § 301(a), struck out cl. (8) which required the insurance and any attached total disability income provision to be on a nonparticipatory basis.

Subsec. (c). Pub. L. 96–128, § 301(b), struck out cl. (4) which required the insurance and any attached total disability income provision to be on a nonparticipatory basis, and redesignated former cls. (5) to (7) as (4) to (6), respectively.

Subsec. (d)(1). Pub. L. 96–128, § 301(c), inserted provisions respecting payments of dividends and refunds of unearned premiums from the fund, and interest earned on the assets of the fund.

1965—Subsec. (b). Pub. L. 89–40, § 1(1), struck out provision from cl. (8) which called for all premiums and other collections for insurance granted under this section to be credited to a revolving fund established in the Treasury of the United States and for payment on such insurance or total disability income provisions to be made directly from that fund.

Subsec. (c). Pub. L. 89–40, § 1(2), struck out cl. (8) which provided that all premiums and other collections on the insurance and any total disability income provision attached thereto should be credited to the National Service Life Insurance appropriation, and the payments on such insurance and total disability income provisions should be made directly from such appropriations, and struck out sentence which authorized necessary appropriations.

Subsec. (d)(1). Pub. L. 89–40, § 1(3), struck out provisions authorizing appropriations to carry out the purposes of subsec. (b) of this section by adding to the revolving fund as needed at interest to be determined by the Secretary of the Treasury, and substituted therefor provisions requiring credit to Veterans Reopened Insurance Fund of all premiums and collections on insurance issued pursuant to this section and disbursements from that fund of all payments on insurance and total disability provisions attached thereto, separate determination for actuarial purposes of the various insured groups under this section, transfer to fund from Veterans Special Term Insurance Fund to provide initial capital of excess funds not exceeding $1,650,000, and repayment over a reasonable time at interest to be determined by the Secretary of the Treasury.

Subsec. (d)(2). Pub. L. 89–40, § 1(4), struck out reference to subsec. (b) of this section.

Subsec. (d)(3). Pub. L. 89–40, § 1(5), struck out reference to National Service Life Insurance appropriation.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Pub. L. 89–40 provided that the amendment made by Pub. L. 89–40 is effective May 1, 1965.

EFFECTIVE DATE

Section 12(d) of Pub. L. 88–664 provided that: ''The amendments made by this section [enacting this section and amending section 704 [now 1904] of this title] shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act [Oct. 13, 1964].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 1904, 1926, 1927, 1929 of this title.

§ 1926. Authority for higher interest rates for amounts payable to beneficiaries

Notwithstanding sections 1902, 1923, and 1925 of this title, if the beneficiary of an insurance policy receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in the appropriate section of this subchapter. The Secretary may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound for the program of insurance concerned. Any such higher interest rate shall be paid on the unpaid balance of such monthly installments.

(Added Pub. L. 96–128, title III, § 302(a), Nov. 28, 1979, 93 Stat. 986, § 726; renumbered § 1926 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 726 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1902, 1923, and 1925'' for ''702, 723, and 725''.

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

EFFECTIVE DATE

Section effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as an Effective Date of 1979 Amendment note under section 1114 of this title.

§ 1927. Authority for higher monthly installments payable to certain annuitants

(a) Subject to subsections (b) and (c) of this section, the Secretary may from time to time adjust the dollar amount of the monthly installments payable to a beneficiary of National Service Life Insurance, Veterans Special Life Insurance, or Veterans Reopened Insurance who is receiving the proceeds of such insurance under a life annuity settlement option. The Secretary may make such an adjustment only if the Secretary determines that the adjustment is administratively and actuarially sound for the program of insurance concerned. The Secretary may make such an adjustment without regard to the provisions of sections 1902, 1923, and 1925 of this title with respect to interest rates and the use of mortality tables.

(b) The Secretary shall determine the amount in the trust funds in the Treasury held for payment of proceeds to National Service Life Insurance, Veterans Special Life Insurance, and Vet-

erans Reopened Insurance beneficiaries attributable to interest and mortality gains on the reserves held for annuity accounts. Such amount shall be available for distribution to the life annuitants referred to in subsection (a) of this section as a fixed percentage of, and in addition to, the monthly installment amount to which the annuitants are entitled under this subchapter. For the purposes of this section, gains on the reserves are defined as funds attributable solely to annuity accounts that are in excess of actuarial liabilities.

(c) The monthly amount of an annuity authorized in sections 1902, 1923, and 1925 of this title, as adjusted under this section, may not be less than the monthly amount of such annuity that would otherwise be applicable without regard to this section.

(Added Pub. L. 100–322, title III, § 331(a)(1), May 20, 1988, 102 Stat. 536, § 727; renumbered § 1927 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 727 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1902, 1923, and 1925'' for ''702, 723, and 725''.

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

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

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1902, 1923, and 1925'' for ''702, 723, and 725''.

§ 1928. Authority for payment of interest on settlements

(a) Subject to subsection (b) of this section, the Secretary may pay interest on the proceeds of a participating National Service Life Insurance, Veterans' Special Life Insurance, and Veterans Reopened Insurance policy from the date the policy matures to the date of payment of the proceeds to the beneficiary or, in the case of an endowment policy, to the policyholder.

(b)(1) The Secretary may pay interest under subsection (a) of this section only if the Secretary determines that the payment of such interest is administratively and actuarially sound for the settlement option involved.

(2) Interest paid under subsection (a) of this section shall be at the rate that is established by the Secretary for dividends held on credit or deposit in policyholders' accounts under the insurance program involved.

(Added Pub. L. 100–687, div. B, title XIV, § 1401(a)(1), Nov. 18, 1988, 102 Stat. 4128, § 728; renumbered § 1928 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 728 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing.

EFFECTIVE DATE

Section 1401(a)(3) of Pub. L. 100–687 provided that: ''The amendments made by this subsection [enacting this section and section 763 [now 1963] of this title] shall take effect with respect to insurance policies maturing after the date of the enactment of this Act [Nov. 18, 1988].''

§ 1929. Authority to adjust premium discount rates

(a) Notwithstanding sections 1902, 1923, and 1925 of this title and subject to subsection (b) of this section, the Secretary may from time to time adjust the discount rates for premiums paid in advance on National Service Life Insurance, Veterans' Special Life Insurance, and Veterans Reopened Insurance.

(b)(1) In adjusting a discount rate pursuant to subsection (a) of this section, the Secretary may not set such rate at a rate lower than the rate authorized for the program of insurance involved under section 1902, 1923, or 1925 of this title.

(2) The Secretary may make an adjustment under subsection (a) of this section only if the Secretary determines that the adjustment is administratively and actuarially sound for the program of insurance involved.

(Added Pub. L. 100–687, div. B, title XIV, § 1401(b)(1), Nov. 18, 1988, 102 Stat. 4129, § 729; renumbered § 1929 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 729 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1902, 1923, and 1925'' for ''702, 723, and 725'' in subsec. (a) and ''1902, 1923, or 1925'' for ''702, 723, or 725'' in subsec. (b)(1).

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

EFFECTIVE DATE

Section 1401(b)(2) of Pub. L. 100–687 provided that: ''The amendment made by paragraph (1) [enacting this section] shall take effect with respect to premiums paid after the date of the enactment of this Act [Nov. 18, 1988].''

SUBCHAPTER II—UNITED STATES GOVERNMENT LIFE INSURANCE

§ 1940. Definition

For the purposes of this subchapter, the term ''insurance'' means United States Government life insurance.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1158, § 740; renumbered § 1940, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 740 of this title as this section.

§ 1941. Amount of insurance

United States Government life insurance shall be issued against death or total permanent disability in any multiple of $500 and not less than $1,000 or more than $10,000. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of $10,000 at any one time. The limitations of this section shall not apply to the additional paid up insurance the purchase of which is authorized under section 1907 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1158, § 741; Pub. L. 92–188, § 1, Dec. 15, 1971, 85 Stat. 645; re-

numbered § 1941 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 741 of this title as this section and substituted ''1907'' for ''707''.

1971—Pub. L. 92–188 made section limitations inapplicable to the additional paid up insurance purchase of which is authorized under section 707 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–188 effective on date established by Administrator but in no event later than first day of first calendar month beginning more than six calendar months after Dec. 15, 1971, see section 4 of Pub. L. 92–188, set out as a note under section 1907 of this title.

§ 1942. Plans of insurance

(a) Regulations shall provide for the right to convert insurance on the five-year level premium term plan into ordinary life, twenty-payment life, endowment maturing at age sixty-two, and into other usual forms of insurance as may be prescribed by the Secretary. Provision shall be made for reconversion of any such policies to a higher premium rate or, upon proof of good health satisfactory to the Secretary, to a lower premium rate, in accordance with regulations to be issued by the Secretary. No reconversion shall be made to a five-year level premium term policy.

(b) An insured who on or after the insured's sixty-fifth birthday has a five-year level premium term policy of insurance in force by payment of premiums may exchange such policy for insurance on a special endowment at age ninety-six plan upon written application; payment of the required premium; and surrender of the five-year level premium term policy and any total disability provision attached thereto with all rights, title, and interests thereunder. However, if it is found by the Secretary subsequent to the exchange that prior thereto the term policy matured because of total permanent disability of the insured or that the insured was entitled to total disability benefits under the total disability provision attached to such policy, the insured, upon surrender of the special endowment at age ninety-six policy and any provision for waiver of premiums issued under subsection (c) of this section with all rights, title, and interest thereunder, will be entitled to benefits payable under the prior contract. In such case, the cash value less any indebtedness on the endowment policy shall be refunded together with any premiums paid on a provision for waiver of premiums. Insurance on the special endowment at age ninety-six plan shall be issued at the attained age of the insured upon the same terms and conditions as are contained in standard policies of United States Government Life Insurance except:

(1) the insurance shall not mature and no benefits shall be paid thereunder because of total permanent disability;

(2) the premiums for such insurance shall be as prescribed by the Secretary;

(3) such insurance cannot be exchanged, converted, or reconverted to any other plan of insurance;

(4) all cash, loan, paid-up, and extended term insurance values shall be as prescribed by the Secretary; and

(5) the insurance shall be subject to such other changes in terms and conditions as the Secretary determines to be reasonable and practicable.

(c) The Secretary shall, upon application made by the insured at the same time as the insured exchanges the term policy for an endowment policy issued under the provisions of subsection (b) of this section, and upon payment of such extra premium as the Secretary shall prescribe, include in such endowment policy a provision for waiver of premiums on the policy and on the provision during the total permanent disability of the insured, if such disability began after the date of such application and while the policy and the provision are in force by payment of premiums. The Secretary shall not grant waiver of any premium becoming due more than one year before receipt by the Secretary of claim for the same, except as provided in this subsection. Any premiums paid for months during which waiver is effective shall be refunded. The Secretary shall provide by regulations for examination or reexamination of an insured claiming waiver of premiums under this subsection, and may deny waiver for failure to cooperate. If it is found that an insured is no longer totally and permanently disabled, the waiver of premiums shall cease as of the date of such finding and the policy and provision may be continued by payment of premiums as provided therein. In any case in which the Secretary finds that the insured's failure to make timely claim for waiver of premiums, or to submit satisfactory evidence of the existence or continuance of total permanent disability was due to circumstances beyond the insured's control, the Secretary may grant waiver or continuance of waiver of premiums. If the insured dies without filing claim for waiver, the beneficiary, within one year after the death of the insured, or, if the beneficiary is insane or a minor, within one year after removal of such legal disability, may file claim for waiver with evidence of the insured's right to waiver under this subsection. Policies containing a provision for waiver of premiums issued under this subsection may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such provision.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1158, § 742; Pub. L. 87–549, July 25, 1962, 76 Stat. 219; Pub. L. 99–576, title VII, § 701(29), Oct. 28, 1986, 100 Stat. 3292; renumbered § 1942 and amended Pub. L. 102–83, §§ 4(a)(2)(C)(iii), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 742 of this title as this section.

Subsecs. (a), (b). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

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

Pub. L. 102–83, § 4(a)(2)(C)(iii), substituted ''by the Secretary'' for ''in the Veterans' Administration''.

1986—Subsec. (b). Pub. L. 99–576, § 701(29)(A), substituted ''the insured's'' for ''his'' and ''the insured'' for ''he''.

Subsec. (c). Pub. L. 99–576, § 701(29)(B), substituted ''the insured'' for ''he'', ''the term'' for ''his term'', and ''the insured's control'' for ''his control'', and struck out ''his failure'' before ''to submit''.

1962—Pub. L. 87–549 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 1943. Premiums

The premium rates for insurance shall be the net rates based upon the American Experience Table of Mortality and interest at 3½ percent per annum. Regulations shall prescribe the time and method of payment of premiums, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at the insured's election.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1158, § 743; Pub. L. 97–295, § 4(26), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 99–576, title VII, § 701(30), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1943, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 743 of this title as this section.

1986—Pub. L. 99–576 substituted ''the insured's'' for ''his''.

1982—Pub. L. 97–295 substituted ''percent'' for ''per centum''.

§ 1944. Policy provisions

(a) Provisions for maturity at certain ages, for continuous installments during the lifetime of the insured or beneficiaries, or both, for refund of premiums, cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable may be provided for in insurance contracts or from time to time by regulations.

(b) All calculations on insurance shall be based upon the American Experience Table of Mortality and interest at 3½ percent per annum, except that no deduction shall be made for continuous installments during the life of the insured in case the insured's total and permanent disability continues more than two hundred and forty months.

(c) On and after July 19, 1939, the rate of interest charged on any loan secured by a lien on insurance shall not exceed 5 percent per annum.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1158, § 744; Pub. L. 97–295, § 4(26), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 99–576, title VII, § 701(30), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1944, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 744 of this title as this section.

1986—Subsec. (b). Pub. L. 99–576 substituted ''the insured's'' for ''his''.

1982—Subsecs. (b), (c). Pub. L. 97–295 substituted ''percent'' for ''per centum''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 1962 of this title.

§ 1945. Renewal

At the expiration of any term period any insurance policy issued on the five-year level premium term plan which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, renewal shall be effected in cases where the policy is lapsed only if the insured makes application for reinstatement and renewal of the insured's term policy within five years after the date of lapse, and reinstatement in such cases shall be under the terms and conditions prescribed by the Secretary.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1159, § 745; Pub. L. 91–291, § 11, June 25, 1970, 84 Stat. 331; Pub. L. 99–576, title VII, § 701(30), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1945 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 745 of this title as this section and substituted ''Secretary'' for ''Administrator''.

1986—Pub. L. 99–576 substituted ''the insured's'' for ''his''.

1970—Pub. L. 91–291 struck out effective date provision for renewal of policies, provisions that, in case of lapsed policies, such lapse have occurred within two months before the expiration of the term period, special provisions for the interim period between July 23, 1953 and December 31, 1953, and provisions that the section take effect on Sept. 2, 1958, and required that the insurer make application for reinstatement and renewal of his term policy within five years after the date of the lapse.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

§ 1946. Dividends to pay premiums

Until and unless the Secretary has received from the insured a request in writing for payment of dividends in cash or that the dividends be placed on deposit in accordance with the provisions of the insured's policy, any regular annual dividends shall be applied in payment of premiums becoming due on insurance after the date the dividend is payable on or after December 31, 1958.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1159, § 746; Pub. L. 99–576, title VII, § 701(30), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1946 and amended Pub. L. 102–83, §§ 4(a)(2)(A)(iii)(V), 5(a), Aug. 6, 1991, 105 Stat. 403, 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 746 of this title as this section and substituted ''Secretary'' for ''Veterans' Administration''.

1986—Pub. L. 99–576 substituted ''the insured's'' for ''his''.

§ 1947. Incontestability

Subject to the provisions of section 1954 of this title all contracts or policies of insurance heretofore or hereafter issued, reinstated, or converted shall be incontestable from the date of issuance, reinstatement, or conversion, except for fraud, nonpayment of premiums, or on the

ground that the applicant was not a member of the military or naval forces of the United States. The insured under such contract or policy may, without prejudicing the insured's rights, elect to make claim to the Department or to bring suit under section 1984 of this title on any prior contract or policy, and if found entitled thereto, shall, upon surrender of any subsequent contract or policy, be entitled to payments under the prior contract or policy. In any case in which a contract or policy of insurance is canceled or voided after March 16, 1954, because of fraud, the Secretary shall refund to the insured, if living, or, if deceased, to the person designated as beneficiary (or if none survives, to the estate of the insured) all money, without interest, paid as premiums on such contract or policy for any period subsequent to two years after the date such fraud induced the Secretary to issue, reinstate, or convert such insurance less any dividends, loan, or other payment made to the insured under such contract or policy.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1159, § 747; Pub. L. 99–576, title VII, § 701(30), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1947 and amended Pub. L. 102–83, §§ 4(a)(2)(A)(iii)(VI), (3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 747 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1954'' for ''754'' and ''1984'' for ''784''.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' before ''shall'' in last sentence.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Pub. L. 102–83, § 4(a)(2)(A)(iii)(VI), substituted ''Secretary'' for ''Veterans' Administration'' before ''to issue'' in last sentence.

1986—Pub. L. 99–576 substituted ''the insured's'' for ''his''.

§ 1948. Total disability provision

The Secretary shall include in United States Government life insurance policies provision whereby an insured, who is totally disabled as a result of disease or injury for a period of four consecutive months or more before attaining the age of sixty-five years and before default in payment of any premium, shall be paid disability benefits at the rate of $5.75 monthly for each $1,000 of insurance in force when total disability benefits become payable. The amount of such monthly payment under the provisions of this section shall not be reduced because of payment of permanent and total disability benefits under the insurance policy. Such payments shall be effective as of the first day of the fifth consecutive month, and shall be made monthly during the continuance of such total disability. Such payments shall be concurrent with or independent of permanent and total disability benefits under the insurance policy. In addition to the monthly disability benefits the payment of premiums on the life insurance and for the total disability benefits authorized by this section shall be waived during the continuance of such total disability. Regulations shall provide for reexaminations of beneficiaries under this section; and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums and payment of benefits shall cease and the insurance policy, including the total disability provision, may be continued by payment of premiums as provided in said policy and the total disability provision. Neither the dividends nor the amount payable in any settlement under any United States Government life insurance policy shall be decreased because of disability benefits granted under the provisions of this section. The payment of total disability benefits shall not prejudice the right of any insured, who is totally and permanently disabled, to permanent and total disability benefits under the insured's insurance policy. The provision authorized by this section shall not be included in any United States Government life insurance policy heretofore or hereafter issued, except upon application, payment of premium by the insured, and proof of good health satisfactory to the Secretary. The benefit granted under this section shall be on the basis of multiples of $500, and not less than $1,000 or more than the amount of insurance in force at time of application. The Secretary shall determine the amount of the monthly premium to cover the benefits of this section, and in order to continue such benefits in force the monthly premiums shall be payable until the insured attains the age of sixty-five years or until the prior maturity of the policy. In all other respects such monthly premium shall be payable under the same terms and conditions as the regular monthly premium on the United States Government life insurance policy.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1159, § 748; Pub. L. 97–295, § 4(27), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 99–576, title VII, § 701(30), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1948 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 748 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Pub. L. 99–576 substituted ''the insured's'' for ''his''.

1982—Pub. L. 97–295 substituted ''premium'' for ''permium'' after ''payment of''.

§ 1949. Change of beneficiary

Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries of a United States Government life insurance policy without the consent of such beneficiary or beneficiaries.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1160, § 749; renumbered § 1949, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 749 of this title as this section.

§ 1950. Payment to estates

If no beneficiary of insurance is designated by the insured, either while alive or by last will, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the re-

maining unpaid monthly installments. If the designated beneficiary survives the insured and dies before receiving all of the installments of insurance payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments. No payments shall be made to any estate which under the laws of the residence of the insured or the beneficiary, as the case may be, would escheat, but same shall escheat to the United States and be credited to the United States Government Life Insurance Fund.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1160, § 750; Pub. L. 99–576, title VII, § 701(31), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1950, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 750 of this title as this section.

1986—Pub. L. 99–576 substituted ''while alive or by last will'' for ''in his lifetime or by his last will and testament''.

§ 1951. Payment of insurance

United States Government life insurance, except as provided in this subchapter, shall be payable in two hundred and forty equal monthly installments. When the amount of an individual monthly payment is less than $5, such amount may in the discretion of the Secretary be allowed to accumulate without interest and be disbursed annually.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1161, § 751; renumbered § 1951 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 751 of this title as this section and substituted ''Secretary'' for ''Administrator''.

§ 1952. Optional settlement

(a) The Secretary may provide in insurance contracts for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for thirty-six months or more. A provision may also be included in such contracts authorizing the beneficiary to elect to receive payment of the insurance in installments for thirty-six months or more, but only if the insured has not exercised the right of election as provided in this subchapter. Even though the insured may have exercised the right of election the beneficiary may elect to receive such insurance in installments spread over a greater period of time than that selected by the insured. Notwithstanding any provision to the contrary in any insurance contract, the beneficiary may, in the case of insurance maturing after September 30, 1981, and for which the insured has not exercised the right of election of the insured as provided in this subchapter, elect to receive payment of the insurance in one sum.

(b) Under such regulations as the Secretary may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured (1) in equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve; or (2) as a refund life income in monthly installments payable for such periods certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the cash value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the insured. However, all settlements under option (2) above shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than $10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than $10.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1161, § 752; Pub. L. 91–291, § 12, June 25, 1970, 84 Stat. 332; Pub. L. 97–66, title IV, § 403(b), Oct. 17, 1981, 95 Stat. 1031; Pub. L. 99–576, title VII, § 701(32), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1952 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 752 of this title as this section and substituted ''Secretary'' for ''Administrator'' in subsecs. (a) and (b).

1986—Subsec. (a). Pub. L. 99–576 substituted ''the right'' for ''his right'' in two places.

1981—Subsec. (a). Pub. L. 97–66 inserted provision empowering beneficiaries, in the case of insurance maturing after Sept. 30, 1981, and for which the insured has not exercised the right of election of the insured as provided in this subchapter, to elect to receive payment of the insurance in one sum.

1970—Pub. L. 91–291 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97–66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective first day of first calendar month which begins more than six calendar months after June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

§ 1953. Assignments

Any person to whom United States Government life insurance shall be payable may assign such person's interest in such insurance to the spouse, child, grandchild, parent, brother, sister, uncle, aunt, nephew, niece, brother-in-law, or sister-in-law of the insured. Insofar as applicable, the definitions contained in section 3 of the World War Veterans' Act, 1924, in effect on December 31, 1958, shall apply to this section.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1161, § 753; Pub. L. 96–128, title III, § 304, Nov. 28, 1979, 93 Stat. 986; renumbered § 1953, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

REFERENCES IN TEXT

Section 3 of the World War Veterans' Act, 1924, referred to in text, is section 3 of act June 7, 1924, ch. 320,

43 Stat. 607, which was classified to section 424 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as section 101 of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 753 of this title as this section.

1979—Pub. L. 96–128 substituted ''such person's'' for ''his''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as a note under section 1114 of this title.

§ 1954. Forfeiture

No yearly renewable term insurance or United States Government life insurance shall be payable for death inflicted as a lawful punishment for crime or military offense, except when inflicted by the enemy. In such cases the cash surrender value of United States Government life insurance, if any, on the date of such death shall be paid to the designated beneficiary if living, or if there be no designated beneficiary alive at the death of the insured the said value shall be paid to the estate of the insured.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1161, § 754; renumbered § 1954, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 754 of this title as this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1947 of this title.

§ 1955. United States Government Life Insurance Fund

(a) All premiums paid on account of United States Government life insurance shall be deposited and covered into the Treasury to the credit of the United States Government Life Insurance Fund and shall be available for the payment of losses, dividends, refunds, and other benefits provided for under such insurance, including such liabilities as shall have been or shall hereafter be reduced to judgment in a district court of the United States or the United States District Court for the District of Columbia, and for the reimbursement of administrative costs under subsection (c). Payments from this fund shall be made upon and in accordance with awards by the Secretary.

(b) The Secretary is authorized to set aside out of the funds so collected such reserve funds as may be required, under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is authorized to invest and reinvest the said United States Government Life Insurance Fund, or any part thereof, in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks and to sell said obligations of the United States or the bonds of the Federal farm-loan banks for the purposes of such Fund.

(c)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the United States Government Life Insurance Fund, reimburse the ''General operating expenses'' account of the Department for the amount of administrative costs determined under paragraph (2) for that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of United States Government Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

(3) This subsection shall be in effect only with respect to fiscal year 1996.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1161, § 755; renumbered § 1955 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 104–99, title II, § 201(b), Jan. 26, 1996, 110 Stat. 36.)

CODIFICATION

Amendment by Pub. L. 104–99 is based on section 107(3) of H.R. 2099, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 7, 1995, which was enacted into law by Pub. L. 104–99.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–99 inserted '', and for the reimbursement of administrative costs under subsection (c)'' after ''District of Columbia''.

Subsec. (c). Pub. L. 104–99 added subsec. (c).

1991—Pub. L. 102–83 renumbered section 755 of this title as this section and substituted ''Secretary'' for ''Administrator'' in subsecs. (a) and (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 1982 of this title.

§ 1956. Military and naval insurance appropriation

All sums heretofore or hereafter appropriated for the military and naval insurance appropriation and all premiums collected for yearly renewable term insurance deposited and covered into the Treasury to the credit of this appropriation shall be made available to the Department. All premiums that may hereafter be collected for yearly renewable term insurance shall be deposited and covered into the Treasury for the credit of this appropriation. Such sum is made available for the payment of the liabilities of the United States incurred under contracts of yearly renewable term insurance. Payments from this appropriation shall be made upon and in accordance with the awards by the Secretary.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1162, § 756; renumbered § 1956 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 756 of this title as this section.

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''.

§ 1957. Extra hazard costs

(a) The United States shall bear the excess mortality and disability cost resulting from the hazards of war on United States Government life insurance.

(b) Whenever benefits under United States Government life insurance become, or have become, payable because of total permanent disability of the insured or because of the death of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Secretary, the liability shall be borne by the United States. In such cases the Secretary shall transfer from the military and naval insurance appropriation to the United States Government Life Insurance Fund a sum which, together with the reserve of the policy at the time of maturity by total permanent disability or death, will equal the then value of such benefits. When a person receiving total permanent disability benefits under a United States Government life insurance policy recovers from such disability and is then entitled to continue a reduced amount of insurance, the Secretary shall transfer to the military and naval insurance appropriation all of the loss reserve to the credit of such policy claim except a sum sufficient to set up the then required reserve on the reduced amount of the insurance that may be continued, which sum shall be retained in the United States Government Life Insurance Fund for the purpose of such reserve.

(c) Whenever benefits under the total disability provision become, or have become, payable because of total disability of the insured as a result of disease or injury traceable to the extra hazard of the military or naval service, as such hazard may be determined by the Secretary, the liability shall be borne by the United States, and the Secretary shall transfer from the military and naval insurance appropriation to the United States Government Life Insurance Fund from time to time any amounts which become or have become payable to the insured on account of such total disability, and shall transfer from the United States Government Life Insurance Fund to the military and naval insurance appropriation the amount of the reserve held on account of the total disability benefit. When a person receiving such payments on account of total disability recovers from such disability and is then entitled to continued protection under the total disability provision, the Secretary shall transfer to the United States Government Life Insurance Fund a sum sufficient to set up the then required reserve on such total disability benefit.

(d) Any disability for which a waiver was required as a condition to tendering a person a commission under Public Law 816, Seventy-seventh Congress, shall be deemed to be a disability resulting from an injury or disease traceable to the extra hazard of military or naval service for the purpose of applying this section.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1162, § 757; renumbered § 1957 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Public Law 816, Seventy-seventh Congress, referred to in subsec. (d), is act Dec. 18, 1942, ch. 768, §§ 1, 2, 56 Stat. 1066. Section 1 of that Act enacted section 853c–5 of former Title 34, Navy, and was repealed by act July 9, 1952, ch. 608, pt. VIII, § 803, 66 Stat. 505. Section 2 of that Act enacted section 853c–6 of former Title 34, and was omitted from the Code in the general revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 757 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing in subsecs. (b) and (c).

§ 1958. Statutory total permanent disability

Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, shall be deemed total permanent disability for insurance purposes. This section shall be deemed to be in effect on and after April 6, 1917, and shall apply only to automatic insurance, yearly renewable term insurance, and United States Government life insurance issued prior to December 15, 1936.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1163, § 758; renumbered § 1958, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 758 of this title as this section.

§ 1959. Waiver of disability for reinstatement

(a) In the event that all provisions of the rules and regulations other than the requirements as to the physical condition of the applicant have been complied with, an application for reinstatement, in whole or in part, of lapsed United States Government life insurance may be approved if made within two years after the date of lapse and if the applicant's disability is the result of an injury or disease, or of an aggravation thereof, suffered or contracted in the active military or naval service during the period beginning April 6, 1917, and ending July 2, 1921, and the applicant during the applicant's lifetime submits proof satisfactory to the Secretary showing that the applicant is not totally and permanently disabled. As a condition to the acceptance of an application for reinstatement under this section, the applicant shall be required to pay all the back monthly premiums which would have become payable if such insurance had not lapsed, together with interest at the rate of 5 per centum per annum, compounded annually, on each premium from the date said premium is due by the terms of the policy.

(b) Premium liens established under the provisions of section 304 of the World War Veterans' Act, 1924, shall continue to bear interest at the rate of 5 per centum per annum, compounded an-

nually, and will be deducted from any settlement of insurance to which they are attached.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1163, § 759; Pub. L. 99–576, title VII, § 701(33), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1959 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Section 304 of the World War Veteran's Act, 1924, referred to in subsec. (b), is section 304 of act June 7, 1924, ch. 320, title III, 43 Stat. 625, which enacted section 515 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as this section by Pub. L. 85–857, § 14(51), Sept. 2, 1958, 72 Stat. 1271.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 759 of this title as this section and substituted ''Secretary'' for ''Administrator'' in subsec. (a).

1986—Subsec. (a). Pub. L. 99–576 substituted ''the applicant's'' for ''his'' and ''the applicant'' for ''he''.

§ 1960. Waiver of premium payments on due date

(a) The Secretary is authorized to provide by regulations for waiving the payment of premiums on United States Government life insurance on the due date thereof and the insurance may be deemed not to lapse in the cases of the following persons: (1) those who are confined in hospital under the Department for a compensable disability during the period while they are so confined; (2) those who are rated as temporarily totally disabled by reason of any injury or disease entitling them to compensation during the period of such total disability and while they are so rated; (3) those who, while mentally incompetent and for whom no legal guardian had been or has been appointed, allowed or may allow their insurance to lapse during the period for which they have been or hereafter may be rated mentally incompetent, or until a guardian has notified the Department of the guardian's qualification, but not later than six months after appointment of a guardian. In mentally incompetent cases the waiver is to be made without application and retroactive when necessary. Relief from payment of premiums on the due date thereof shall be for full calendar months, beginning with the month in which said confinement to hospital, the temporary total disability rating, or the mental incompetency began or begins and ending with that month during the half or major fraction of which such persons are no longer entitled to waiver as provided above.

(b) All premiums the payment of which when due is waived as provided in this section shall bear interest at the rate of 5 percent per annum, compounded annually, from the due date of each premium, and if not paid by the insured shall be deducted from the insurance in any settlement thereunder, or when the same matures either because of permanent total disability or death. In the event any lien or other indebtedness established by this section or prior corresponding provision of law exists against any policy of United States Government life insurance in excess of the then cash surrender value thereof at the time of the termination of such policy of insurance for any reason other than by death or total permanent disability the Secretary is authorized to transfer and pay from the military and naval insurance appropriation to the United States Government Life Insurance Fund a sum equal to the amount such lien or indebtedness exceeds the then cash surrender value.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1163, § 760; Pub. L. 97–295, § 4(28), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 99–576, title VII, § 701(34), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1960 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 760 of this title as this section.

Subsec. (a). 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'' in two places.

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

1986—Subsec. (a). Pub. L. 99–576 substituted ''the guardian's'' for ''his''.

1982—Subsec. (b). Pub. L. 97–295 substituted ''percent'' for ''per centum''.

§ 1961. Authority for higher interest rates for amounts payable to beneficiaries

Notwithstanding section 1944(b) of this title, if the beneficiary of an insurance policy issued under the provisions of this subchapter receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in such section. The Secretary may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound. Any such higher interest rate shall be paid on the unpaid balance of such monthly installments.

(Added Pub. L. 96–128, title III, § 303(a), Nov. 28, 1979, 93 Stat. 986, § 761; renumbered § 1961 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 761 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1944(b)'' for ''744(b)''.

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

EFFECTIVE DATE

Section effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as an Effective Date of 1979 Amendment note under section 1114 of this title.

§ 1962. Authority for higher monthly installments payable to certain annuitants

(a) Subject to subsections (b) and (c) of this section, the Secretary may from time to time adjust the dollar amount of the monthly installments payable to a beneficiary of United States Government Life Insurance who is receiving the proceeds of such insurance under a life annuity settlement option. The Secretary may make such an adjustment only if the Secretary deter-

mines that the adjustment is administratively and actuarially sound. The Secretary may make such an adjustment without regard to the provisions of section 1944 of this title with respect to interest rates and the use of mortality tables.

(b) The Secretary shall determine the amount in the trust fund in the Treasury held for payment of proceeds to United States Government Life Insurance beneficiaries attributable to interest and mortality gains on the reserves held for annuity accounts. Such amount shall be available for distribution to the life annuitants referred to in subsection (a) of this section as a fixed percentage of, and in addition to, the monthly installment amount to which the annuitants are entitled under this subchapter. For the purposes of this section, gains on the reserves are defined as funds attributable solely to annuity accounts that are in excess of actuarial liabilities.

(c) The monthly amount of an annuity authorized in section 1944 of this title, as adjusted under this section, may not be less than the monthly amount of such annuity that would otherwise be applicable without regard to this section.

(Added Pub. L. 100–322, title III, § 331(b)(1), May 20, 1988, 102 Stat. 536, § 762; renumbered § 1962 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 762 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1944'' for ''744''.

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

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

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1944'' for ''744''.

§ 1963. Authority for payment of interest on settlements

(a) Subject to subsection (b) of this section, the Secretary may pay interest on the proceeds of a United States Government Life Insurance policy from the date the policy matures to the date of payment of the proceeds to the beneficiary or, in the case of an endowment policy, to the policyholder.

(b)(1) The Secretary may pay interest under subsection (a) of this section only if the Secretary determines that the payment of such interest is administratively and actuarially sound for the settlement option involved.

(2) Interest paid under subsection (a) shall be at the rate that is established by the Secretary for dividends held on credit or deposit in policyholders' accounts.

(Added Pub. L. 100–687, div. B, title XIV, § 1401(a)(2), Nov. 18, 1988, 102 Stat. 4128, § 763; renumbered § 1963 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 763 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing.

EFFECTIVE DATE

Section effective with respect to insurance policies maturing after Nov. 18, 1988, see section 1401(a)(3) of Pub. L. 100–687, set out as a note under section 1928 of this title.

SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE

AMENDMENTS

1996—Pub. L. 104–275, title IV, § 405(b)(2)(A), Oct. 9, 1996, 110 Stat. 3339, substituted ''SERVICEMEMBERS' GROUP'' for ''SERVICEMEN'S GROUP''.

§ 1965. Definitions

For the purpose of this subchapter—

(1) The term ''active duty'' means—

(A) full-time duty in the Armed Forces, other than active duty for training;

(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service;

(C) full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration; and

(D) full-time duty as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy.

(2) The term ''active duty for training'' means—

(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

(C) full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises; and

(D) in the case of members of the National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

(3) The term ''inactive duty training'' means—

(A) duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

(B) in the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

(4) The terms ''active duty for training'' and ''inactive duty training'' do not include duty performed as a temporary member of the Coast Guard Reserve, and the term ''inactive duty training'' does not include (A) work or study performed in connection with correspondence courses, or (B) attendance at an educational institution in an inactive status.

(5) The term ''member'' means—

(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank, or grade, or as a cadet or midshipman of the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy;

(B) a person who volunteers for assignment to the Ready Reserve of a uniformed service and is assigned to a unit or position in which such person may be required to perform active duty, or active duty for training, and each year will be scheduled to perform at least twelve periods of inactive duty training that is creditable for retirement purposes under chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act); and

(C) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises.

(6) The term ''uniformed services'' means the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(7) The terms ''widow'' or ''widower'' means a person who is the lawful spouse of the insured member at the time of his death.

(8) The term ''child'' means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, only if (A) he acknowledged the child in writing signed by him; or (B) he has been judicially ordered to contribute to the child's support; or (C) he has been, before his death, judicially decreed to be the father of such child; or (D) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or (E) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

(9) The term ''parent'' means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (A) he acknowledged paternity of the child in writing signed by him before the child's death; or (B) he has been judicially ordered to contribute to the child's support; or (C) he has been judicially decreed to be the father of such child; or (D) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (E) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during the child's minority, or consented to the child's adoption may be recognized as a parent for the purpose of this subchapter. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt in the administrative office established under subsection 1966(b) of this title of sufficient evidence to clearly establish that the person so paid could not qualify as a parent solely by reason of such sentence.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 880, § 765; amended Pub. L. 91–291, § 1, June 25, 1970, 84 Stat. 326; Pub. L. 92–185, § 1, Dec. 15, 1971, 85 Stat. 642; Pub. L. 92–315, June 20, 1972, 86 Stat. 227; Pub. L. 93–289, §§ 3, 10(1), May 24, 1974, 88 Stat. 165, 172; Pub. L. 99–576, title VII, § 701(35), Oct. 28, 1986, 100 Stat. 3293; Pub. L. 102–54, § 14(b)(16), June 13, 1991, 105 Stat. 284; renumbered § 1965 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–337, div. A, title VI, § 651(a), title XVI, § 1677(d)(1), Oct. 5, 1994, 108 Stat. 2792, 3020; Pub. L. 104–275, title IV, § 402(a), Oct. 9, 1996, 110 Stat. 3337.)

REFERENCES IN TEXT

Chapter 67 of title 10 as in effect before the effective date of the Reserve Officer Personnel Management Act, referred to in par. (5)(B), means chapter 67 (§ 1331 et seq.) of Title 10, Armed Forces, prior to its transfer to part II of subtitle E of Title 10, its renumbering as chapter 1223, and its general revision by section 1662(j)(1) of Pub. L. 103–337. A new chapter 67 (§ 1331) of Title 10 was added by section 1662(j)(7) of Pub. L. 103–337. For effective date of the Reserve Officer Personnel Management Act (Pub. L. 103–337, title XVI), see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10.

AMENDMENTS

1996—Par. (5)(B). Pub. L. 104–275, § 402(a)(1), inserted ''and'' at end.

Par. (5)(C) to (E). Pub. L. 104–275, § 402(a)(2), (3), redesignated subpar. (E) as (C) and struck out former subpars. (C) and (D) which read as follows:

''(C) a person assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who has not received the first increment of retirement pay or has not yet reached sixty-one years of age and has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act);

''(D) a person transferred to the Retired Reserve of a uniformed service under the temporary special retirement authority provided in section 1331a of title 10 who has not received the first increment of retirement pay or has not reached sixty-one years of age; and''.

1994—Par. (5)(B), (C). Pub. L. 103–337, § 1677(d)(1), substituted ''chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)'' for ''chapter 67 of title 10''.

Par. (5)(D), (E). Pub. L. 103–337, § 651(a), added subpar. (D) and redesignated former subpar. (D) as (E).

1991—Pub. L. 102–83, § 5(a), renumbered section 765 of this title as this section.

Par. (4). Pub. L. 102–54, § 14(b)(16)(A), redesignated cls. (i) and (ii) as (A) and (B), respectively.

Par. (8). Pub. L. 102–54, § 14(b)(16)(B), redesignated cls. (a) to (e) as (A) to (E), respectively.

Par. (9). Pub. L. 102–83, § 5(c)(1), substituted ''1966(b)'' for ''766(b)''.

Pub. L. 102–54, § 14(b)(16)(B), redesignated cls. (a) to (e) as (A) to (E), respectively.

1986—Par. (5)(B). Pub. L. 99–576, § 701(35)(A), substituted ''such person'' for ''he''.

Par. (9). Pub. L. 99–576, § 701(35)(B), substituted ''the child's'' for ''his'' in two places.

1974—Par. (1)(C). Pub. L. 93–289, § 10(1), substituted ''National Oceanic and Atmospheric Administration'' for ''Environmental Science Services Administration''.

Par. (5). Pub. L. 93–289, § 3, added cls. (B) and (C), redesignated former cl. (B) as (D), and substituted ''midshipman of'' for ''midshipman at'' in cl. (A).

Par. (6). Pub. L. 93–289, § 10(1), substituted ''National Oceanic and Atmospheric Administration'' for ''Environmental Science Services Administration''.

1972—Par. (1)(D). Pub. L. 92–315, § 1(3), added cl. (D).

Par. (5)(A). Pub. L. 92–315, § 1(4), expanded definition of ''member'' to include persons in active duty as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy and the United States Coast Guard Academy.

1971—Pars. (7) to (9). Pub. L. 92–185 added pars. (7) to (9) defining, respectively, ''widow'' or ''widower'', ''child'', and ''parent''.

1970—Pub. L. 91–291 struck out from definition of ''active duty'' a reference to calls or orders to duty which specify a period of 30 days or less, inserted definitions for ''active duty for training'' and ''inactive duty training'', and, in definition of ''uniformed services'', inserted provisions limiting the scope of that term in the case of personnel of the Public Health Service and the Environmental Science Services Administration to the commissioned corps thereof respectively.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1677(d)(1) of Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(2) of Pub. L. 93–289 provided that: ''The amendments relating to Servicemen's Group Life Insurance coverage on a full-time basis for certain members of the Reserves and National Guard shall become effective upon the date of enactment of this Act [May 24, 1974].''

EFFECTIVE DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92–185 provided that: ''The provisions of this Act [amending this section] shall apply only to Servicemen's Group Life Insurance in effect on the life of an insured member who dies on or after the date of enactment of this Act [Dec. 15, 1971].''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

Section 14(b) of Pub. L. 91–291 provided that: ''The provisions of section 765(7), (8), and (9) [now 1765(7), (8), and (9)] of title 38, United States Code, as added by the first section of this Act shall apply only to servicemen's group life insurance in effect on the life of an insured member who dies on and after the date of enactment of this Act [June 25, 1970].''

RENAMING OF GROUP LIFE INSURANCE PROGRAM

Section 405(a) of Pub. L. 104–275 provided that: ''The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.''

REFERENCES TO SERVICEMEN'S GROUP LIFE INSURANCE OR ADVISORY COUNCIL ON SERVICEMEN'S GROUP LIFE INSURANCE

Section 405(d) of Pub. L. 104–275 provided that: ''Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1967, 1968, 1969 of this title.

§ 1966. Eligible insurance companies

(a) The Secretary is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subchapter. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least 1 percent of the total amount of group life insurance which all life insurance companies have in effect in the United States.

(b) The life insurance company or companies issuing such policy or policies shall establish an administrative office at a place and under a name designated by the Secretary.

(c) The Secretary shall arrange with the life insurance company or companies issuing any policy or policies under this subchapter to reinsure, under conditions approved by the Secretary, portions of the total amount of insurance under such policy or policies with such other life insurance companies (which meet qualifying criteria set forth by the Secretary) as may elect to participate in such reinsurance.

(d) The Secretary may at any time discontinue any policy or policies which the Secretary has purchased from any insurance company under this subchapter.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 880, § 766; amended Pub. L. 97–295, § 4(29), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 99–576, title VII, § 701(36), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1966 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 766 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Subsec. (c). Pub. L. 99–576, § 701(36)(A), substituted ''the Administrator'' for ''him''.

Subsec. (d). Pub. L. 99–576, § 701(36)(B), substituted ''the Administrator'' for ''he''.

1982—Subsec. (a). Pub. L. 97–295 substituted ''percent'' for ''per centum''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1965, 1967, 1969, 1970, 1971, 1972, 1977 of this title.

§ 1967. Persons insured; amount

(a) Any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure against death—

(1) any member of a uniformed service on active duty, active duty for training, or inactive

duty training scheduled in advance by competent authority; and

(2) any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title;

in the amount of $200,000, unless such member elects in writing (A) not to be insured under this subchapter, or (B) to be insured in an amount less than $200,000 that is evenly divisible by $10,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title, or the date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect, whichever is the later date.

(b) Any member (other than one who has elected not to be insured under this subchapter for the period or periods of duty involved)—

(1) who, when authorized or required by competent authority, assumes an obligation to perform (for less than thirty-one days) active duty, or active duty for training, or inactive duty training scheduled in advance by competent authority; and

(2) who is rendered uninsurable at standard premium rates according to the good health standards approved by the Secretary, or dies within one hundred and twenty days thereafter, from a disability, or aggravation of a preexisting disability, incurred by such member while proceeding directly to or returning directly from such active duty, active duty for training, or inactive duty training as the case may be;

shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be, and to have been insured under this subchapter at the time such disability was incurred or aggravated, and if death occurs within one hundred and twenty days thereafter as a result of such disability to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not such member was rendered uninsurable or died within one hundred and twenty days thereafter from a disability so incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which such member was scheduled to arrive for, or on which such member ceased to perform such duty; the method of travel employed; such member's itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

(c) If any member elects not to be insured under this subchapter or to be insured in any amount less than $200,000, such member may thereafter be insured under this subchapter in the amount of $200,000 or any lesser amount evenly divisible by $10,000 upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Secretary. Any former member insured under Veterans' Group Life Insurance who again becomes eligible for Servicemembers' Group Life Insurance and declines such coverage solely for the purpose of maintaining such member's Veterans' Group Life Insurance in effect shall upon termination of coverage under Veterans' Group Life Insurance be automatically insured under Servicemembers' Group Life Insurance, if otherwise eligible therefor.

(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

(1) the purpose and role of life insurance in financial planning;

(2) the difference between term life insurance and whole life insurance;

(3) the availability of commercial life insurance; and

(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.

(e) The effective date and time for any change in benefits under the Servicemembers' Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 881, § 767; amended Pub. L. 91–291, § 2, June 25, 1970, 84 Stat. 327; Pub. L. 93–289, § 4, May 24, 1974, 88 Stat. 166; Pub. L. 97–66, title IV, § 401(a), Oct. 17, 1981, 95 Stat. 1030; Pub. L. 99–166, title IV, § 401(a), Dec. 3, 1985, 99 Stat. 956; Pub. L. 99–576, title VII, § 701(37), Oct. 28, 1986, 100 Stat. 3293; Pub. L. 102–25, title III, § 336(a), Apr. 6, 1991, 105 Stat. 89; renumbered § 1967 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–568, title II, § 201, Oct. 29, 1992, 106 Stat. 4324; Pub. L. 103–160, div. A, title XI, § 1175(a), Nov. 30, 1993, 107 Stat. 1768; Pub. L. 103–337, div. A, title VI, § 651(b), Oct. 5, 1994, 108 Stat. 2792; Pub. L. 104–106, div. A, title VI, § 646, Feb. 10, 1996, 110 Stat. 369; Pub. L. 104–275, title IV, §§ 402(b), 404, 405(b)(1)(A), Oct. 9, 1996, 110 Stat. 3337, 3339.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–275, § 405(b)(1)(A), substituted "Servicemembers' Group" for "Servicemen's Group" in concluding provisions.

Pub. L. 104–275, § 402(b)(1)(C), struck out "or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title," after "section 1965(5)(B) of this title," in concluding provisions.

Pub. L. 104–106, § 646(1), substituted "$200,000" for "$100,000" in two places in concluding provisions.

Subsec. (a)(1). Pub. L. 104–275, § 402(b)(1)(A), inserted ''and'' at end.

Subsec. (a)(3), (4). Pub. L. 104–275, § 402(b)(1)(B), struck out pars. (3) and (4) which read as follows:

''(3) any member assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(C) of this title; and

''(4) any member assigned to the Retired Reserve of a uniform service who meets the qualifications set forth in section 1965(5)(D) of this title;''.

Subsec. (c). Pub. L. 104–275, § 405(b)(1)(A), substituted ''Servicemembers' Group'' for ''Servicemen's Group'' in two places.

Pub. L. 104–106, § 646(1), substituted ''$200,000'' for ''$100,000'' in two places.

Subsec. (d). Pub. L. 104–275, §§ 402(b)(2), 404, added subsec. (d) and struck out former subsec. (d) which read as follows: ''Notwithstanding any other provision of this section, any member who on May 1, 1991 is a member of the Retired Reserve of a uniformed service (or who upon application would be eligible for assignment to the Retired Reserve of a uniformed service) may obtain increased insurance coverage in the amount of $100,000 or any lesser amount evenly divisible by $10,000 if—

''(1) the member—

''(A) is insured under this subchapter on May 1, 1991; or

''(B) within one year after May 1, 1991, reinstates insurance under this subchapter that had lapsed for nonpayment of premiums; and

''(2) the member submits a written application for the increased coverage to the office established pursuant to section 1966(b) of this title within one year after May 1, 1991.''

Subsec. (e). Pub. L. 104–275, § 405(b)(1)(A), substituted ''Servicemembers' Group'' for ''Servicemen's Group''.

Pub. L. 104–106, § 646(2), (3), redesignated subsec. (f) as (e) and struck out former subsec. (e) which read as follows: ''In addition to the amounts of insurance otherwise provided under this section, an eligible member may, upon application, obtain increased coverage beyond that provided under this section in the amount of $100,000, or any lesser amount evenly divisible by $10,000.''

Subsec. (f). Pub. L. 104–106, § 646(3), redesignated subsec. (f) as (e).

1994—Subsec. (a). Pub. L. 103–337, § 651(b)(4), inserted ''or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,'' after ''section 1965(5)(C) of this title,'' in second sentence.

Subsec. (a)(4). Pub. L. 103–337, § 651(b)(1)–(3), added par. (4).

1993—Subsec. (f). Pub. L. 103–160 added subsec. (f).

1992—Subsec. (e). Pub. L. 102–568 added subsec. (e).

1991—Pub. L. 102–83, § 5(a), renumbered section 767 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1966'' for ''766'', ''1965(5)(B)'' for ''765(5)(B)'' in two places, and ''1965(5)(C)'' for ''765(5)(C)'' in two places.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in introductory provisions and in last sentence.

Pub. L. 102–25, § 336(a)(1), substituted ''$100,000'' for ''$50,000'' in two places in concluding provisions.

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

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

Pub. L. 102–25, § 336(a)(1), substituted ''$100,000'' for ''$50,000'' in two places.

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1966(b)'' for ''766(b)'' in par. (2).

Pub. L. 102–54, § 336(a)(2), substituted ''May 1, 1991'' for ''January 1, 1986'' wherever appearing and ''$100,000'' for ''$50,000'' in introductory provisions.

1986—Subsec. (b). Pub. L. 99–576, § 701(37)(A), substituted ''such member'' for ''him'', ''such member'' for ''he'' in three places, and ''such member's'' for ''his''.

Subsec. (c). Pub. L. 99–576, § 701(37)(B)(i), substituted ''such member's'' for ''his''.

Pub. L. 99–576, § 701(37)(B)(ii), which directed that subsec. (c) be amended by substituting ''such member'' for ''he'', could not be executed, because ''he'' does not appear in text. See 1985 Amendment note below.

1985—Subsec. (a). Pub. L. 99–166, § 401(a)(1), increased the amount of insurance to $50,000 from $35,000 and substituted ''an amount less than $50,000 that is evenly divisible by $10,000'' for ''the amount of $30,000, $25,000, $20,000, $15,000, $10,000, or $5,000''.

Subsec. (c). Pub. L. 99–166, § 401(a)(2), substituted ''any amount less than $50,000, such member may thereafter be insured under this subchapter in the amount of $50,000 or any lesser amount evenly divisible by $10,000'' for ''the amount of $30,000, $25,000, $20,000, $15,000, $10,000, or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $35,000, $30,000, $25,000, $20,000, $15,000, or $10,000 under this subchapter, as the case may be,''.

Subsec. (d). Pub. L. 99–166, § 401(a)(3), substituted ''January 1, 1986'' for ''the effective date of this subsection'' wherever appearing, and substituted ''in the amount of $50,000 or any lesser amount evenly divisible by $10,000'' for ''up to a maximum of $35,000 (in any amount divisible by $5,000)''.

1981—Subsec. (a). Pub. L. 97–66, § 401(a)(1), substituted ''in the amount of $35,000 unless such member elects in writing (A) not to be insured under this subchapter, or (B) to be insured in the amount of $30,000, $25,000, $20,000, $15,000, $10,000, or $5,000'' for ''in the amount of $20,000 unless such member elects in writing (A) not to be insured under this subchapter, or (B) to be insured in the amount of $15,000, $10,000, or $5,000''.

Subsec. (c). Pub. L. 97–66, § 401(a)(2), substituted ''insured in the amount of $30,000, $25,000, $20,000, $15,000, $10,000, or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $35,000, $30,000, $25,000, $20,000, $15,000, or $10,000 under this subchapter'' for ''insured in the amount of $15,000, $10,000, or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $20,000, $15,000, or $10,000 under this subchapter''.

Subsec. (d). Pub. L. 97–66, § 401(a)(3), added subsec. (d).

1974—Subsec. (a). Pub. L. 93–289, § 4(1), authorized insurance for any member of Ready Reserve who meets qualifications set forth in section 765(5)(B) of this title, and any member assigned to, or who upon application would be eligible for assignment to, the Retired Reserve who meets the qualifications set forth in section 765(5)(C) of this title, increased the amount of insurance from $15,000 to $20,000, permitted a member to elect to be insured for $15,000, and prescribed the effective dates of insurance for members of the Ready Reserve and members of the Reserves, whether or not assigned to the Retired Reserves.

Subsec. (b). Pub. L. 93–289, § 4(2), substituted ''one hundred and twenty days'' for ''ninety days'' in three places.

Subsec. (c). Pub. L. 93–289, § 4(3), inserted provisions authorizing members who elected to be insured in amounts of $15,000, $10,000, or $5,000 to increase the amount of insurance to $20,000, and inserted sentence providing for automatic insurance for former members insured under Veterans' Group Life Insurance who decline coverage under Servicemen's Group Life Insurance.

1970—Subsec. (a). Pub. L. 91–291 increased from $10,000 to $15,000 maximum amount of insurance authorized for members of uniformed services and inserted references to active duty for training and inactive duty training scheduled in advance by competent authority.

Subsec. (b). Pub. L. 91–291 added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 91–291 redesignated former subsec. (b) as subsec. (c) and inserted provisions reflecting the increase from $10,000 to $15,000 in maximum available insurance for members of uniformed services.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 646 of Pub. L. 104–106 provided that the amendments made by that section are effective Apr. 1, 1996.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1175(b) of Pub. L. 103–160 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.''

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–568 effective Dec. 1, 1992, see section 205 of Pub. L. 102–568, set out as an Effective Date note under section 1922A of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 336(c)(1) of Pub. L. 102–25 provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to deaths on or after the date of the enactment of this Act [Apr. 6, 1991].''

EFFECTIVE DATE OF 1985 AMENDMENT

Section 401(c) of Pub. L. 99–166, as amended by Pub. L. 99–227, § 3, Dec. 28, 1985, 99 Stat. 1745, provided that:

''(1) Except as provided in paragraph (2), the amendments made by subsections (a) and (b) [amending this section and section 777 [now 1977] of this title] shall take effect on January 1, 1986.

''(2) The amendment made by subsection (a)(1)(A) [amending this section] shall be deemed to have taken effect on December 12, 1985, with respect to members who—

''(A) died after December 11, 1985, and before January 1, 1986; and

''(B) were, on the date of death, insured in the amount of $35,000 under subchapter III of chapter 19 of title 38, United States Code.''

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Dec. 1, 1981, see section 701(b)(2) of Pub. L. 97–66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(3) of Pub. L. 93–289 provided that: ''The amendments increasing the maximum amount of Servicemen's Group Life Insurance shall become effective upon the date of enactment of this Act [May 24, 1974].''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

PAYMENT OF DEATH GRATUITY TO SGLI BENEFICIARIES

Pub. L. 103–139, title VIII, § 8134, Nov. 11, 1993, 107 Stat. 1471, required Secretary of Defense to pay death gratuity to each beneficiary under Servicemen's Group Life Insurance policy in case of each deceased member of uniformed services who died on or after Oct. 29, 1992, and before Dec. 1, 1992, and whose death was in performance of duty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1968, 1977 of this title.

§ 1968. Duration and termination of coverage; conversion

(a) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Secretary, to the effect that any insurance thereunder on any member of the uniformed services, unless discontinued or reduced upon the written request of the insured (or discontinued pursuant to section 1969(a)(2)(B) of this title), shall continue in effect while the member is on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority during the period thereof, or while the member meets the qualifications set forth in section 1965(5)(B) of this title, and such insurance shall cease—

(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days—

(A) one hundred and twenty days after the separation or release from active duty or active duty for training, unless on the date of such separation or release the member is totally disabled, under criteria established by the Secretary, in which event the insurance shall cease one year after the date of separation or release from such active duty or active duty for training, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after such separation or release; or

(B) at the end of the thirty-first day of a continuous period of (i) absence without leave, (ii) confinement by civil authorities under a sentence adjudged by a civilian court, or (iii) confinement by military authorities under a courtmartial sentence involving total forfeiture of pay and allowances. Any insurance so terminated as the result of such an absence or confinement, together with any beneficiary designation in effect for such insurance at such termination thereof, shall be automatically revived as of the date the member is restored to active duty with pay or to active duty for training with pay;

(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days insurance under this subchapter shall cease at midnight, local time, on the last day of such duty, unless on such date the insured is suffering from a disability incurred or aggravated during such period which, within one hundred and twenty days after such date, (i) results in death, or (ii) renders the member uninsurable at standard premium rates according to the good health standards approved by the Secretary, in which event the insurance shall continue in force to death, or for one hundred and twenty days after such date, whichever is the earlier date;

(3) with respect to a member on inactive duty training scheduled in advance by competent authority insurance under this subchapter shall cease at the end of such scheduled training period, unless at such time the insured is suffering from a disability incurred, or aggravated during such period which, within one hundred and twenty days after the date of such training, (i) results in death, or (ii) renders the member uninsurable at standard premium rates according to the good health standards approved by the Secretary in which event the insurance shall continue in force to death, or for one hundred and twenty days after the date such training terminated, whichever is the earlier date; and

(4) with respect to a member of the Ready Reserve of a uniformed service who meets the

qualifications set forth in section 1965(5)(B) of this title, 120 days after separation or release from such assignment, unless on the date of such separation or release the member is totally disabled, under criteria established by the Secretary, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event before the end of 120 days after separation or release from such assignment.

(b)(1) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Secretary, that, except as hereinafter provided, Servicemembers' Group Life Insurance which is continued in force after expiration of the period of duty or travel under section 1967(b) or 1968(a) of this title, effective the day after the date such insurance would cease—

(A) shall be automatically converted to Veterans' Group Life Insurance, subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums.

(2) Automatic conversion to Veterans' Group Life Insurance under paragraph (1) shall be effective only in the case of an otherwise eligible member or former member who is separated or released from a period of active duty or active duty for training or inactive duty training on or after the date on which the Veterans' Group Life Insurance program (provided for under section 1977 of this title) becomes effective.

(Added Pub. L. 89–214, §1(a), Sept. 29, 1965, 79 Stat. 881, §768; amended Pub. L. 91–291, §3, June 25, 1970, 84 Stat. 328; Pub. L. 93–289, §5(a), May 24, 1974, 88 Stat. 166; Pub. L. 97–295, §4(30), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 99–576, title VII, §701(38), Oct. 28, 1986, 100 Stat. 3293; renumbered §1968 and amended Pub. L. 102–83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–337, div. A, title VI, §651(c), title XVI, §1677(d)(1), Oct. 5, 1994, 108 Stat. 2792, 3020; Pub. L. 104–106, div. A, title VI, §647(b), Feb. 10, 1996, 110 Stat. 370; Pub. L. 104–275, title IV, §§402(c), 403(a), 405(b)(1)(B), Oct. 9, 1996, 110 Stat. 3337–3339.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–275, §402(c)(1)(A), substituted "section 1965(5)(B)" for "subparagraph (B), (C), or (D) of section 1965(5)" in introductory provisions.

Pub. L. 104–106, §647(b), which directed amendment of "Section 1968(a)" by inserting "(or discontinued pursuant to section 1969(a)(2)(B) of this title)" in the matter preceding paragraph (1) after "upon the written request of the insured" without specifying the Act or Code title to be amended, was executed by making the insertion in subsec. (a) of this section to reflect the probable intent of Congress.

Subsec. (a)(1) to (3). Pub. L. 104–275, §402(c)(1)(B), (C), substituted a semicolon for the period at end of pars. (1) and (2) and "; and" for the period at end of par. (3).

Subsec. (a)(4). Pub. L. 104–275, §402(c)(1)(D)(iv), struck out subpars. (B) and (C) which read as follows:

"(B) unless on the date of such separation or release the member has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act) and would upon application be eligible for assignment to or is assigned to the Retired Reserve, in which event the insurance, unless converted to an individual policy under terms and conditions set forth in section 1977(e) of this title, shall, upon timely payment of premiums under terms prescribed by the Secretary directly to the administrative office established under section 1966(b) of this title, continue in force until receipt of the first increment of retirement pay by the member or the member's sixty-first birthday, whichever occurs earlier; or

"(C) unless on the date of such separation or release the member is transferred to the Retired Reserve of a uniformed service under the temporary special retirement authority provided in section 1331a of title 10, in which event the insurance, unless converted to an individual policy under terms and conditions set forth in section 1977(e) of this title, shall, upon timely payment of premiums under terms prescribed by the Secretary directly to the administrative office established under section 1966(b) of this title, continue in force until receipt of the first increment of retirement pay by the member or the member's sixty-first birthday, whichever occurs earlier."

Pub. L. 104–275, §402(c)(1)(D)(i)–(iii), substituted "120 days after separation or release from such assignment, unless on" for "one hundred and twenty days after separation or release from such assignment—

"(A) unless on",

substituted "before the end of 120 days" for "prior to the expiration of one hundred and twenty days", and substituted "such assignment." for "such assignment;".

Subsec. (a)(5), (6). Pub. L. 104–275, §402(c)(1)(E), struck out pars. (5) and (6) which read as follows:

"(5) with respect to a member of the Retired Reserve who meets the qualifications of section 1965(5)(C) of this title, and who was assigned to the Retired Reserve prior to the date insurance under the amendment made by section 5(a) of the Veterans' Insurance Act of 1974 (Public Law 93–289, 88 Stat. 166) is placed in effect for members of the Retired Reserve, at such time as the member receives the first increment of retirement pay, or the member's sixty-first birthday, whichever occurs earlier, subject to the timely payment of the initial and subsequent premiums, under terms prescribed by the Secretary, directly to the administrative office established under section 1966(b) of this title.

"(6) with respect to a member of the Retired Reserve who meets the qualifications of section 1965(5)(D) of this title, at such time as the member receives the first increment of retirement pay, or the member's sixty-first birthday, whichever occurs earlier, subject to the timely payment of the initial and subsequent premiums, under terms prescribed by the Secretary, directly to the administrative office established under section 1966(b) of this title."

Subsec. (b). Pub. L. 104–275, §403(a)(3), substituted "(2) Automatic conversion to Veterans' Group Life Insurance under paragraph (1)" for "Such automatic conversion".

Pub. L. 104–275, §403(a)(2), substituted "would cease—" and subpars. (A) and (B) for "would cease, shall be automatically converted to Veterans' Group Life Insurance subject to (1) the timely payment of the initial premium under terms prescribed by the Secretary, and (2) the terms and conditions set forth in section 1977 of this title."

Pub. L. 104–275, §403(a)(1), inserted "(1)" after "(b)" at beginning of subsec.

Pub. L. 104–275, §402(c)(2), struck out at end "Servicemen's Group Life Insurance continued in force under section 1968(a)(4)(B) or (5) of this title shall not be con-

verted to Veterans' Group Life Insurance. However, a member whose insurance could be continued in force under section 1968(a)(4)(B) of this title, but is not so continued, may, effective the day after the insurance otherwise would cease, convert such insurance to an individual policy under the terms and conditions set forth in section 1977(e) of this title.''

Subsec. (b)(1). Pub. L. 104–275, § 405(b)(1)(B), substituted ''Servicemembers' Group'' for ''Servicemen's Group''.

1994—Subsec. (a). Pub. L. 103–337, § 651(c)(1), substituted ''subparagraph (B), (C), or (D) of section 1965(5)'' for ''section 1965(5)(B) or (C)'' in introductory provisions.

Subsec. (a)(4)(B). Pub. L. 103–337, § 1677(d)(1), substituted ''chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)'' for ''chapter 67 of title 10''.

Subsec. (a)(4)(C). Pub. L. 103–337, § 651(c)(2), added subpar. (C).

Subsec. (a)(6). Pub. L. 103–337, § 651(c)(3), added par. (6).

1991—Pub. L. 102–83, § 5(a), renumbered section 768 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1965(5)(B)'' for ''765(5)(B)'' in two places, ''1977(e)'' for ''777(e)'', ''1966(b)'' for ''766(b)'' in two places, and ''1965(5)(C)'' for ''765(5)(C)''.

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

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''1967(b) or 1968(a)'' for ''767(b) or 768(a)'', ''1977'' for ''777'' in two places, ''1968(a)(4)(B)'' for ''768(a)(4)(B)'' in two places, and ''1977(e)'' for ''777(e)''.

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

1986—Subsec. (a)(2), (3). Pub. L. 99–576, § 701(38)(A), (B), struck out ''his'' before ''death'', and substituted ''the member'' for ''his''.

Subsec. (b). Pub. L. 99–576, § 701(38)(C), substituted ''the'' for ''he'' before ''insurance otherwise''.

1982—Subsec. (a)(5). Pub. L. 97–295 substituted ''the amendment made by section 5(a) of the Veterans' Insurance Act of 1974 (Public Law 93–289, 88 Stat. 166)'' for ''this amendment''.

1974—Subsec. (a). Pub. L. 93–289, § 5(a)(1)–(3), inserted in opening provisions ''or while the member meets the qualifications set forth in section 765(5)(B) or (C) of this title,'', substituted ''one hundred and twenty days'' for ''ninety days'' wherever appearing in pars. (2) and (3), and added pars. (4) and (5).

Subsec. (b). Pub. L. 93–289, § 5(a)(4), substituted provisions requiring policies of Servicemen's Group Life Insurance to contain a provision automatically converting such policy to Veterans' Group Life Insurance, for provisions which required such policies to contain a provision for conversion to an individual policy of insurance, and inserted sentences providing for the effective date of automatic conversion, prohibiting conversion of Servicemen's Group Life Insurance continued in force under section 768(a)(4)(B) or (5) of this title, and authorizing conversion by a member whose insurance could be continued in force under section 768(a)(4)(B) of this title, but is not so continued.

Subsec. (c). Pub. L. 93–289, § 5(a)(5), repealed subsec. (c) which related to conversion by eligible insured persons to policies written by companies participating in the program established by this subchapter.

1970—Subsec. (a). Pub. L. 91–291 designated existing provisions as subsec. (a) and substituted provisions covering the duration of coverage for provisions covering termination of coverage. For termination and conversion of insurance see subsecs. (b) and (c) of this section.

Subsecs. (b), (c). Pub. L. 91–291 added subsecs. (b) and (c).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 647(c) of Pub. L. 104–106 provided that: ''The amendments made by this section [amending this section and section 1969 of this title] shall take effect on April 1, 1996.''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1677(d)(1) of Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(4) of Pub. L. 93–289 provided that: ''The amendments made by sections 5(a)(4) and (5) of this Act [amending this section], and those enacting a Veterans' Group Life Insurance program [sections 777, 778, and 779 [now 1977, 1978, and 1979] of this title] shall become effective on the first day of the third calendar month following the month in which this Act is enacted [May 1974].''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

CONVERSION OF SGLI TO VGLI

Section 402(e) of Pub. L. 104–275 provided that: ''The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of the enactment of this Act [Oct. 9, 1996].''

RIGHT OF PERSONS DISCHARGED OR RELEASED FROM UNIFORMED SERVICES TO CONVERT SERVICEMEN'S GROUP LIFE INSURANCE TO INDIVIDUAL POLICIES

Section 5(b) of Pub. L. 93–289 provided that the amendments made by Pub. L. 93–289, enacting sections 777, 778, and 779 [now 1977, 1978, and 1979] of this title and section 707 of Title 37, Pay and Allowances of the Uniformed Services, and amending sections 723, 765, 767, 768, 769, 770, 771, and 774 [now 1923, 1965, 1967, 1968, 1969, 1970, 1971, and 1974] of this title, not be construed to deprive any person discharged or released from the uniformed services of the United States prior to the date on which the Veterans' Group Life Insurance program (provided for under section 777 [now 1977] of this title) became effective of the right to convert Servicemen's Group Life Insurance to an individual policy under the provisions of law in effect prior to such effective date.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1977, 1980 of this title.

§ 1969. Deductions; payment; investment; expenses

(a)(1) During any period in which a member, on active duty or active duty for training under a call or order to such duty that does not specify a period of less than thirty-one days, is insured under Servicemembers' Group Life Insurance, there shall be deducted each month from the member's basic or other pay until separation or release from such duty an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

(2)(A) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 1965(5)(B) of this title, and is insured under a policy of insurance purchased by the Secretary, under section 1966 of this title,

there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

(B) If an individual who is required pursuant to subparagraph (A) to make a direct remittance of costs to the Secretary concerned fails to make the required remittance within 60 days of the date on which such remittance is due, such individual's insurance with respect to which such remittance is required shall be terminated by the Secretary concerned. Such termination shall be made by written notice to the individual's official address and shall be effective 60 days after the date of such notice. Such termination of insurance may be vacated if, before the effective date of termination, the individual remits all amounts past due for such insurance and demonstrates to the satisfaction of the Secretary concerned that the failure to make timely remittances was justifiable.

(3) During any fiscal year, or portion thereof, that a member is on active duty or active duty for training under a call or order to such duty that specifies a period of less than thirty-one days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority, and is insured under Servicemembers' Group Life Insurance, the Secretary concerned shall collect from the member (by deduction from pay or otherwise) an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

(4) Any amount not deducted from the basic or other pay of a member insured under Servicemembers' Group Life Insurance, or collected from the member by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount under paragraph (1) or (2) hereof, or fiscal year amount under paragraph (3) hereof, determined by the Secretary to be charged under this section for Servicemembers' Group Life Insurance may be continued from year to year, except that the Secretary may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from the member's basic or other pay, or collected from the member by the Secretary concerned, to cover the insurance granted under Servicemembers' Group Life Insurance.

(b) For each month for which any member is so insured, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Secretary on the basis of the excess mortality incurred by members and former members of the uniformed services insured under Servicemembers' Group Life Insurance above what their mortality would have been under peacetime conditions as such mortality is determined by the Secretary using such methods and data as the Secretary shall determine to be reasonable and practicable. The Secretary is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience.

(c) An amount equal to the first amount due on Servicemembers' Group Life Insurance may be advanced from current appropriations for active-service pay to any such member, which amount shall constitute a lien upon any service or other pay accruing to the person from whom such advance was made and shall be collected therefrom if not otherwise paid. No disbursing or certifying officer shall be responsible for any loss incurred by reason of such advance.

(d)(1) The sums withheld from the basic or other pay of members, or collected from them by the Secretary concerned, under subsection (a) of this section, and the sums contributed from appropriations under subsection (b) of this section, together with the income derived from any dividends or premium rate adjustments received from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments and extra hazard costs on Servicemembers' Group Life Insurance and the administrative cost to the Department of insurance issued under this subchapter shall be paid from the revolving fund.

(2) The Secretary is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative costs to the Department of insurance issued under this subchapter and all current premium payments and extra hazard costs on any insurance policy or policies purchased under section 1966 of this title. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest such market yield.

(3) Notwithstanding the provisions of section 1982 of this title, the Secretary shall, from time to time, determine the administrative costs to

the Department which in the Secretary's judgment are properly allocable to insurance issued under this subchapter and shall transfer such cost from the revolving fund to the appropriation ''General Operating Expenses, Department of Veterans Affairs''.

(e) The Secretary of Defense shall prescribe regulations for the administration of the functions of the Secretaries of the military departments under this section. Such regulations shall prescribe such procedures as the Secretary of Defense, after consultation with the Secretary, may consider necessary to ensure that such functions are carried out in a timely and complete manner and in accordance with the provisions of this section, including specifically the provisions of subsection (a)(2) of this section relating to contributions from appropriations made for active duty pay.

(f)(1) No tax, fee, or other monetary payment may be imposed or collected by any State, or by any political subdivision or other governmental authority of a State, on or with respect to any premium paid under an insurance policy purchased under this subchapter.

(2) Paragraph (1) of this subsection shall not be construed to exempt any company issuing a policy of insurance under this subchapter from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by that company from business conducted under this subchapter, if that tax, fee, or payment is applicable to a broad range of business activity.

(Added Pub. L. 89–214, §1(a), Sept. 29, 1965, 79 Stat. 881, §769; amended Pub. L. 91–291, §4, June 25, 1970, 84 Stat. 329; Pub. L. 93–289, §§6, 10(2), May 24, 1974, 88 Stat. 168, 172; Pub. L. 97–66, title IV, §402, Oct. 17, 1981, 95 Stat. 1031; Pub. L. 99–576, title VII, §701(39), Oct. 28, 1986, 100 Stat. 3293; Pub. L. 100–322, title III, §332(a), May 20, 1988, 102 Stat. 537; renumbered §1969 and amended Pub. L. 102–83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–337, div. A, title VI, §651(d), Oct. 5, 1994, 108 Stat. 2793; Pub. L. 103–446, title XII, §1201(e)(8), (i)(3), Nov. 2, 1994, 108 Stat. 4685, 4688; Pub. L. 104–106, div. A, title VI, §647(a), Feb. 10, 1996, 110 Stat. 370; Pub. L. 104–275, title IV, §§402(d), 405(b)(1)(C), Oct. 9, 1996, 110 Stat. 3337, 3339.)

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–275, §405(b)(1)(C), substituted ''Servicemembers' Group'' for ''Servicemen's Group''.

Subsec. (a)(2). Pub. L. 104–106 designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (a)(2)(A). Pub. L. 104–275, §402(d)(1), struck out ''is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of section 1965(5)(C) of this title, or is assigned to the Retired Reserve and meets the qualifications of section 1965(5)(D) of this title,'' after ''qualifications of section 1965(5)(B) of this title,''.

Subsec. (a)(3), (4). Pub. L. 104–275, §405(b)(1)(C), substituted ''Servicemembers' Group'' for ''Servicemen's Group'' wherever appearing.

Subsecs. (b) to (d)(1). Pub. L. 104–275, §405(b)(1)(C), substituted ''Servicemembers' Group'' for ''Servicemen's Group'' wherever appearing.

Subsecs. (e) to (g). Pub. L. 104–275, §402(d)(2), (3), redesignated subsecs. (f) and (g) as (e) and (f), respectively, and struck out former subsec. (e) which related to premiums for Servicemen's Group Life Insurance for members assigned to the Retired Reserve of a uniformed service.

1994—Subsec. (a)(2). Pub. L. 103–337, §651(d)(1), substituted ''is assigned to the Reserve'' for ''or is assigned to the Reserve'' and inserted ''or is assigned to the Retired Reserve and meets the qualifications of section 1965(5)(D) of this title,'' after ''section 1965(5)(C) of this title,''.

Subsec. (d)(3). Pub. L. 103–446, §1201(i)(3), substituted ''Department of Veterans Affairs'' for ''Department''.

Subsec. (e). Pub. L. 103–446, §1201(e)(8), substituted ''subsections (a) and (c) of section 1971'' for ''sections 1971(a) and (c)'' and ''subsections (d) and (e) of section 1971'' for ''sections 1971(d) and (e)''.

Pub. L. 103–337, §651(d)(2), substituted ''subparagraph (C) or (D) of section 1965(5)'' for ''section 1965(5)(C)''.

1991—Pub. L. 102–83, §5(a), renumbered section 769 of this title as this section.

Subsec. (a). Pub. L. 102–83, §5(c)(1), substituted ''1965(5)(B)'' for ''765(5)(B)'', ''1965(5)(C)'' for ''765(5)(C)'', and ''1966'' for ''766'' in par. (2).

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

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

Subsec. (d)(1). Pub. L. 102–83, §4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Subsec. (d)(2). Pub. L. 102–83, §5(c)(1), substituted ''1966'' for ''766''.

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. (d)(3). Pub. L. 102–83, §5(c)(1), substituted ''1982'' for ''782''.

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

Pub. L. 102–83, §4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' in two places.

Subsec. (e). Pub. L. 102–83, §5(c)(1), substituted ''1965(5)(C)'' for ''765(5)(C)'', ''1971(a)'' for ''771(a)'', ''1966(b)'' for ''766(b)'', and ''1971(d)'' for ''771(d)''.

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

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

1988—Subsec. (g). Pub. L. 100–322 added subsec. (g).

1986—Subsec. (a)(1). Pub. L. 99–576, §701(39)(A), substituted ''the member's'' for ''his''.

Subsec. (a)(3). Pub. L. 99–576, §701(39)(B), substituted ''the member'' for ''him''.

Subsec. (a)(4). Pub. L. 99–576, §701(39)(C), substituted ''the member'' for ''him'' in two places and ''the member's'' for ''his''.

Subsec. (b). Pub. L. 99–576, §701(39)(D), substituted ''the Administrator'' for ''he'' before ''shall determine''.

Subsec. (d)(3). Pub. L. 99–576, §701(39)(E), substituted ''the Administrator's'' for ''his''.

Subsec. (e). Pub. L. 99–576, §701(39)(F), substituted ''the Administrator'' for ''he'' before ''may determine''.

1981—Subsec. (f). Pub. L. 97–66 added subsec. (f).

1974—Subsec. (a)(1). Pub. L. 93–289, §6(1), substituted ''is insured under Servicemen's Group Life Insurance'' for ''is insured under a policy of insurance purchased by the Administrator, under section 766 of this title''.

Subsec. (a)(2). Pub. L. 93–289, §6(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 93–289, §6(1), (2), redesignated former par. (2) as (3), and substituted ''is insured under Servicemen's Group Life Insurance'' for ''is insured under a policy of insurance purchased by the Administrator, under section 766 of this title.'' Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 93–289, §6(2), (3), redesignated former par. (3) as (4), and substituted ''paragraph (1) or (2) hereof, or fiscal year amount under paragraph (3) hereof'', for ''subsection (1) hereof, or fiscal year

amount under subsection (2) hereof'', and ''Servicemen's Group Life Insurance'' for ''this subchapter'' in two places, and for ''insurance under this subchapter''.

Subsec. (b). Pub. L. 93–289, § 6(4), substituted ''Servicemen's Group Life Insurance'' for ''such insurance'' in first sentence, and ''Servicemen's Group Life Insurance'' for ''this subchapter'' in second sentence.

Subsec. (c). Pub. L. 93–289, § 6(5), substituted ''Servicemen's Group Life Insurance'' for ''any such insurance''.

Subsec. (d)(1). Pub. L. 93–289, § 6(6), substituted ''Servicemen's Group Life Insurance'' for ''any insurance policy or policies purchased under section 766 of this title''.

Subsec. (d)(3). Pub. L. 93–289, § 10(2), capitalized ''Operating Expenses''.

Subsec. (e). Pub. L. 93–289, § 6(7), added subsec. (e).

1970—Subsec. (a). Pub. L. 91–291, § 4(1), separated provisions covering deduction of the cost of insurance from the pay of members into provisions covering such deduction in the case of persons on active duty or active duty for training under a call or order to such duty that does not specify a period of not less than thirty-one days and provisions covering such deduction in the case of persons on active duty or active duty for training under a call or order to such duty specifying a period of less than thirty-one days or persons authorized or required to perform inactive duty training scheduled in advance by competent authority and inserted provision for the collection of sums from individuals by the Secretary concerned.

Subsec. (b). Pub. L. 91–291, § 4(1), substituted the mortality which members and former members of the uniform services concerned would have been under peacetime conditions as determined by the Administrator for the mortality of the male civilian population of the United States of the same age as the median age of members of the uniformed services as shown by the records of the uniformed services, the primary insurer or insurers, and the Department of Health, Education, and Welfare as the standard against which the excess mortality suffered by members of the uniformed services would be measured to determine the extent to which the cost of insurance was traceable to the extra hazard of active duty in the uniformed services.

Subsec. (d)(1). Pub. L. 91–291, § 4(2), inserted reference to collection of sums by Secretary concerned.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective Apr. 1, 1996, see section 647(c) of Pub. L. 104–106, set out as a note under section 1968 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 332(b) of Pub. L. 100–322 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect with respect to premiums paid for periods beginning after June 30, 1988.''

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97–66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1968, 1970, 1971, 1980 of this title.

§ 1970. Beneficiaries; payment of insurance

(a) Any amount of insurance under this subchapter in force on any member or former member on the date of the insured's death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of the insured's death, in the following order of precedence:

First, to the beneficiary or beneficiaries as the member or former member may have designated by a writing received prior to death (1) in the uniformed services if insured under Servicemembers' Group Life Insurance, or (2) in the administrative office established under section 1966(b) of this title if separated or released from service, or if assigned to the Retired Reserve, and insured under Servicemembers' Group Life Insurance, or if insured under Veterans' Group Life Insurance;

Second, if there be no such beneficiary, to the widow or widower of such member or former member;

Third, if none of the above, to the child or children of such member or former member and descendants of deceased children by representation;

Fourth, if none of the above, to the parents of such member or former member or the survivor of them;

Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such member or former member;

Sixth, if none of the above, to other next of kin of such member or former member entitled under the laws of domicile of such member or former member at the time of the insured's death.

(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the member or former member, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased the member or former member, and any such payment shall be a bar to recovery by any other person.

(c) If, within two years after the death of the member or former member, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Secretary nor the administrative office established by the insurance company or companies pursuant to section 1966(b) of this title has received any notice that any such claim will be made, payment may be made to a claimant as may in the judgment of the Secretary be equitably entitled thereto, and such payment shall be a bar to recovery by any other person.

(d) The member may elect settlement of insurance under this subchapter either in a lump sum or in thirty-six equal monthly installments. If no such election is made by the member the beneficiary or beneficiaries may elect settlement either in a lump sum or in thirty-six equal monthly installments. If the member has elected settlement in a lump sum, the beneficiary or beneficiaries may elect settlement in thirty-six equal monthly installments.

(e) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with the member's uniformed service under prior provisions of law will be effective with respect to the increased insurance authorized under the Veterans' Insurance Act of 1974

and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect.

(f) Notwithstanding the provisions of any other law, payment of matured Servicemembers' Group Life Insurance or Veterans' Group Life Insurance benefits may be made directly to a minor widow or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer.

(g) Any payments due or to become due under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance made to, or on account of, an insured or a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amounts not deducted from the member's pay, or collected from him by the Secretary concerned under section 1969(a) of this title, (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1986 (26 U.S.C. 6331 et seq.) (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part or wholly out of such payments.

(h) Insurance payable under this subchapter may not be paid in any amount to the extent that such amount would escheat to a State. Payment of insurance under this subchapter may not be made to the estate of the insured or the estate of any beneficiary of the insured unless it is affirmatively shown that any amount to be paid will not escheat to a State. Any amount to be paid under this subchapter shall be reduced to the extent necessary to comply with this subsection.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 883, § 770; amended Pub. L. 91–291, § 5, June 25, 1970, 84 Stat. 330; Pub. L. 93–289, § 7, May 24, 1974, 88 Stat. 169; Pub. L. 97–295, § 4(31), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 97–306, title IV, § 401(a), Oct. 14, 1982, 96 Stat. 1442; Pub. L. 99–576, title VII, § 701(40), Oct. 28, 1986, 100 Stat. 3294; Pub. L. 102–54, § 14(b)(17), June 13, 1991, 105 Stat. 284; renumbered § 1970 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 104–275, title IV, § 405(b)(1)(D), Oct. 9, 1996, 110 Stat. 3339; Pub. L. 105–368, title III, § 302(b), Nov. 11, 1998, 112 Stat. 3333.)

REFERENCES IN TEXT

Veterans' Insurance Act of 1974, referred to in subsec. (e), is Pub. L. 93–289, May 24, 1974, 88 Stat. 165, as amended, which enacted sections 777, 778, and 779 [now 1977, 1978, and 1979] of this title, section 707 of Title 37, Pay and Allowances of the Uniformed Services, amended sections 723, 765, 767 to 771, and 774 [now 1923, 1965, 1967 to 1971, and 1974] of this title, and enacted provisions set out as notes under sections 723, 765, 767, and 768 [now 1923, 1965, 1967, and 1968] of this title and section 707 of Title 37. For complete classification of this Act to the Code, see Tables.

Subchapter D of chapter 64 of the Internal Revenue Code of 1986, referred to in subsec. (g)(3), is classified to subchapter D (§ 6331 et seq.) of chapter 64 of Title 26, Internal Revenue Code.

AMENDMENTS

1998—Subsec. (g). Pub. L. 105–368, in first sentence, substituted "Any payments" for "Payments of benefits" and inserted "an insured or" after "or on account of,".

1996—Subsecs. (a), (f), (g). Pub. L. 104–275 substituted "Servicemembers' Group" for "Servicemen's Group" wherever appearing.

1991—Pub. L. 102–83, § 5(a), renumbered section 770 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "1966(b)" for "766(b)".

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted "1966(b)" for "766(b)".

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

Subsec. (g)(1). Pub. L. 102–83, § 5(c)(1), substituted "1969(a)" for "769(a)".

Subsec. (g)(2). Pub. L. 102–54 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954".

1986—Subsec. (a). Pub. L. 99–576, § 701(40)(A), substituted "the insured's" for "his" in two places in introductory text and in one place in par. Sixth.

Subsec. (e). Pub. L. 99–576, § 701(40)(B), substituted "the member's" for "his".

1982—Subsec. (c). Pub L. 97–306, § 401(a)(1), struck out provision that if, within four years after the death of the member or former member, payment had not been made pursuant to this section and no claim for payment by any person entitled under this section was pending, the amount payable would escheat to the credit of the revolving fund referred to in section 769(d) of this title.

Subsec. (g). Pub. L. 97–295 inserted "(26 U.S.C. 6331 et seq.)" after "Code of 1954".

Subsec. (h). Pub. L. 97–306, § 401(a)(2), added subsec. (h).

1974—Subsec. (a). Pub. L. 93–289, § 7(1), included in par. First writings received in the administrative office established under section 766(b) of this title if separated or released from service, or if assigned to the Retired Reserve, and insured under Servicemen's Group Life Insurance, or if insured under Veterans' Group Life Insurance.

Subsec. (e). Pub. L. 93–289, § 7(2), substituted "the Veterans' Insurance Act of 1974" for "this amendatory Act".

Subsecs. (f), (g). Pub. L. 93–289, § 7(3), included payment of benefits under Veterans' Group Life Insurance.

1970—Subsecs. (e) to (g). Pub. L. 91–291 added subsecs. (e) to (g).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–368, title III, § 302(c), Nov. 11, 1998, 112 Stat. 3333, provided that: "The amendments made by this section [enacting section 1980 of this title and amending this section] shall take effect 90 days after the date of the enactment of this Act [Nov. 11, 1998]."

EFFECTIVE DATE OF 1982 AMENDMENT

Section 401(b) of Pub. L. 97–306 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1982."

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1977 of this title.

§ 1971. Basic tables of premiums; readjustment of rates

(a) Each policy or policies purchased under section 1966 of this title shall include for the

first policy year a schedule of basic premium rates by age which the Secretary shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company or companies issuing the policy on a basis determined by the Secretary in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance issued to large employers.

(b) The total premiums for Servicemembers' Group Life Insurance shall be the sum of the amounts computed according to the provisions of subsection (a) above and the estimated cost traceable to the extra hazard of active duty in the uniformed services as determined by the Secretary, subject to the provision that such estimated costs traceable to the extra hazard shall be retroactively readjusted annually in accordance with section 1969(b).

(c) Each policy so purchased shall include a provision that, in the event the Secretary determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Secretary may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Secretary during any policy year upon request by the insurance company or companies issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

(d) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Secretary on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Secretary may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Secretary to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

(e) Each such policy shall provide for an accounting to the Secretary not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Secretary, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of item (1) over the sum of items (2) and (3) shall be held by the insurance company or companies issuing the policy as a special contingency reserve to be used by such insurance company or companies for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company or companies issuing the policy, which rate shall be approved by the Secretary as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Secretary determines that such special contingency reserve has attained an amount estimated by the Secretary to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under section 1969(d)(1) of this title. If and when such policy is discontinued, and if after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company or companies issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 884, § 771; amended Pub. L. 93–289, § 8, May 24, 1974, 88 Stat. 169; renumbered § 1971 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 104–275, title IV, § 405(b)(1)(E), Oct. 9, 1996, 110 Stat. 3339.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–275 substituted ''Servicemembers' Group'' for ''Servicemen's Group''.

1991—Pub. L. 102–83, § 5(a), renumbered section 771 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1966'' for ''766''.

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

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''1969(b)'' for ''769(b)''.

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

Subsecs. (c), (d). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''1969(d)(1)'' for ''769(d)(1)''.

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

1974—Subsec. (b). Pub. L. 93–289, § 8(1), substituted ''premiums for Servicemen's Group Life Insurance'' for ''premiums for the policy or policies''.

Subsec. (e). Pub. L. 93–289, § 8(2), substituted ''section 769(d)(1) of this title'' for ''section 766 of this title''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1977 of this title.

§ 1972. Benefit certificates

The Secretary shall arrange to have each member insured under a policy purchased under section 1966 of this title receive a certificate setting forth the benefits to which the member is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the member. Such certificate shall be in lieu of the certificate which the insurance company or companies would otherwise be required to issue.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 885, § 772; renumbered § 1972 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 772 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1966'' for ''766''.

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

§ 1973. Forfeiture

Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to Servicemembers' Group Life Insurance under this subchapter. No such insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 885, § 773; renumbered § 1973, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 104–275, title IV, § 405(b)(1)(F), Oct. 9, 1996, 110 Stat. 3339.)

AMENDMENTS

1996—Pub. L. 104–275 substituted ''Servicemembers' Group'' for ''Servicemen's Group''.

1991—Pub. L. 102–83 renumbered section 773 of this title as this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1979 of this title.

§ 1974. Advisory Council on Servicemembers' Group Life Insurance

(a) There is an Advisory Council on Servicemembers' Group Life Insurance. The council consists of—

(1) the Secretary of the Treasury, who is the chairman of the council;

(2) the Secretary of Defense;

(3) the Secretary of Commerce;

(4) the Secretary of Health and Human Services;

(5) the Secretary of Transportation; and

(6) the Director of the Office of Management and Budget.

Members of the council shall serve without additional compensation.

(b) The council shall meet at least once a year, or more often at the call of the Secretary of Veterans Affairs. The council shall review the operations of the Department under this subchapter and shall advise the Secretary on matters of policy relating to the Secretary's activities under this subchapter.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 885, § 774; amended Pub. L. 91–291, § 6, June 25, 1970, 84 Stat. 331; Pub. L. 93–289, § 10(3), May 24, 1974, 88 Stat. 172; Pub. L. 97–295, § 4(95)(A), Oct. 12, 1982, 96 Stat. 1313; Pub. L. 99–576, title VII, § 701(41), Oct. 28, 1986, 100 Stat. 3294; Pub. L. 102–54, § 14(b)(18), June 13, 1991, 105 Stat. 284; renumbered § 1974, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104–275, title IV, § 405(b)(1)(G), (2)(B), Oct. 9, 1996, 110 Stat. 3339.)

AMENDMENTS

1996—Pub. L. 104–275, § 405(b)(2)(B), substituted ''Servicemembers' Group'' for ''Servicemen's Group'' in section catchline.

Subsec. (a). Pub. L. 104–275, § 405(b)(1)(G), substituted ''Servicemembers' Group'' for ''Servicemen's Group'' in introductory provisions.

1991—Pub. L. 102–83 renumbered section 774 of this title as this section.

Pub. L. 102–54 amended section generally. Prior to amendment, section read as follows: ''There is hereby established an Advisory Council on Servicemen's Group Life Insurance consisting of the Secretary of the Treasury as Chairman, the Secretary of Defense, the Secretary of Commerce, the Secretary of Health and Human Services, the Secretary of Transportation, and the Director of the Office of Management and Budget each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener at the call of the Administrator, and shall review the operations under this subchapter and advise the Administrator on matters of policy relating to the Administrator activities thereunder.''

1986—Pub. L. 99–576 substituted ''the Administrator'' for ''his'' before ''activities''.

1982—Pub. L. 97–295 substituted ''Health and Human Services'' for ''Health, Education, and Welfare''.

1974—Pub. L. 93–289 substituted ''Office of Management and Budget'' for ''Bureau of the Budget''.

1970—Pub. L. 91–291 added the Secretary of Transportation to the membership of the Advisory Council on Servicemen's Group Life Insurance.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1975. Jurisdiction of District Courts

The district courts of the United States shall have original jurisdiction of any civil action or claim against the United States founded upon this subchapter.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 885, § 775; renumbered § 1975, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 775 of this title as this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 511 of this title.

§ 1976. Effective date

The insurance provided for in this subchapter and the deductions and contributions for that purpose shall take effect on the date designated by the Secretary and certified by the Secretary to each Secretary concerned.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 885, § 776; amended Pub. L. 99–576, title VII, § 701(42), Oct. 28, 1986, 100 Stat. 3294; renumbered § 1976 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 776 of this title as this section and substituted ''Secretary'' for ''Administrator'' in two places.

1986—Pub. L. 99–576 substituted ''the Administrator'' for ''him'' after ''certified by''.

INTERIM COVERAGE UNTIL EFFECTIVE DATE OF GROUP PLAN; $5,000 DEATH GRATUITY

Section 3 of Pub. L. 89–214, as amended by Pub. L. 89–730, § 6(a)–(d), Nov. 2, 1966, 80 Stat. 1159, provided for payment of a death gratuity of up to $5,000 in certain cases of death of veterans while in active military, naval, or air service during the period from Jan. 1, 1957, to the date immediately preceding the date on which the Servicemen's Group Life Insurance program was placed in effect under this section, and required that an application for such gratuity had to be made within one year after Sept. 29, 1965.

Pub. L. 89–730, § 6(e), Nov. 2, 1966, 80 Stat. 1159, provided that any waiver of future benefits executed by any person under section 3(a) of Pub. L. 89–214 (see above), as in effect prior to Nov. 2, 1966, was to have no effect.

Pub. L. 89–730, § 6(f), Nov. 2, 1966, 80 Stat. 1159, provided that in any case in which the death gratuity paid to any person under section 3 of Pub. L. 89–214 (see above), was reduced pursuant to clause (B) of subsection (c)(1) of such section, as in effect prior to Nov. 2, 1966, the Administrator of Veterans' Affairs was to pay to such person an amount equal to the amount by which such death gratuity was reduced.

Pub. L. 89–730, § 6(g), Nov. 2, 1966, 80 Stat. 1159, provided that notwithstanding the time limitation prescribed in section 3(a) of Pub. L. 89–214 (see above), any application for death gratuity filed under such section shall be valid if filed within one year after Nov. 2, 1966.

§ 1977. Veterans' Group Life Insurance

(a)(1) Veterans' Group Life Insurance shall be issued in the amounts specified in section 1967(a) of this title. In the case of any individual, the amount of Veterans' Group Life Insurance may not exceed the amount of Servicemembers' Group Life Insurance coverage continued in force after the expiration of the period of duty or travel under section 1967(b) or 1968(a) of this title. No person may carry a combined amount of Servicemembers' Group Life Insurance and Veterans' Group Life Insurance in excess of $200,000 at any one time.

(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000.

(b) Veterans' Group Life Insurance shall (1) provide protection against death; (2) be issued on a renewable five-year term basis; (3) have no cash, loan, paid-up, or extended values; (4) except as otherwise provided, lapse for nonpayment of premiums; and (5) contain such other terms and conditions as the Secretary determines to be reasonable and practicable which are not specifically provided for in this section, including any provisions of this subchapter not specifically made inapplicable by the provisions of this section.

(c) The premiums for Veterans' Group Life Insurance shall be established under the criteria set forth in sections 1971(a) and (c) of this title, except that the Secretary may provide for average premiums for such various age groupings as the Secretary may decide to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Secretary directly to the administrative office established for such insurance under section 1966(b) of this title. In any case in which a member or former member who was mentally incompetent on the date such member or former member first became insured under Veterans' Group Life Insurance dies within one year of such date, such insurance shall be deemed not to have lapsed for nonpayment of premiums and to have been in force on the date of death. Where insurance is in force under the preceding sentence, any unpaid premiums may be deducted from the proceeds of the insurance. Any person who claims eligibility for Veterans' Group Life Insurance based on disability incurred during a period of duty shall be required to submit evidence of qualifying health conditions and, if required, to submit to physical examinations at their own expense.

(d) Any amount of Veterans' Group Life Insurance in force on any person on the date of such person's death shall be paid, upon the establishment of a valid claim therefor, pursuant to the provisions of section 1970 of this title. However, any designation of beneficiary or beneficiaries for Servicemembers' Group Life Insurance filed with a uniformed service until changed, shall be considered a designation of beneficiary or beneficiaries for Veterans' Group Life Insurance, but not for more than sixty days after the effective date of the insured's Veterans' Group Insurance, unless at the end of such sixty-day period, the insured is incompetent in which event such designation may continue in force until the disability is removed but not for more than five years after the effective date of the insured's Veterans' Group Life Insurance. Except as indicated above in incompetent cases, after such sixty-day period, any designation of beneficiary or beneficiaries for Veterans' Group Life Insurance to be effective must be by a writing signed by the

insured and received by the administrative office established under section 1966(b) of this title.

(e) An insured under Veterans' Group Life Insurance shall have the right at any time to convert such insurance to an individual policy of life insurance upon written application for conversion made to the participating company the insured selects and payment of the required premiums. The individual policy will be issued without medical examination on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums in the event the insured performs active duty, active duty for training, or inactive duty training. The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective. Upon request to the administrative office established under section 1966(b) of this title, an insured under Veterans' Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. In addition to the life insurance companies participating in the program established under this subchapter, the list furnished to an insured under this section shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Secretary and agree to sell insurance to former members in accordance with the provisions of this section.

(f) The provisions of subsections (d) and (e) of section 1971 of this title shall be applicable to Veterans' Group Life Insurance. However, a separate accounting shall be required for each program of insurance authorized under this subchapter. In such accounting, the Secretary is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles.

(g) Any person whose Servicemembers' Group Life Insurance was continued in force after termination of duty or discharge from service under the law as in effect prior to the date on which the Veterans' Group Life Insurance program (provided for under section 1977 of this title) became effective, and whose coverage under Servicemembers' Group Life Insurance terminated less than four years prior to such date, shall be eligible within one year from the effective date of the Veterans' Group Life Insurance program to apply for and be granted Veterans' Group Life Insurance in an amount equal to the amount of the insured's Servicemembers' Group Life Insurance which was not converted to an individual policy under prior law. Veterans' Group Life Insurance issued under this subsection shall be issued for a term period equal to five years, less the time elapsing between the termination of the applicant's Servicemembers' Group Life Insurance and the effective date on which the Veterans' Group Life Insurance program became effective. Veterans' Group Life Insurance under this subsection shall only be issued upon application to the administrative office established under section 1966(b) of this title, payment of the required premium, and proof of good health satisfactory to that office, which proof shall be submitted at the applicant's own expense. Any person who cannot meet the good health requirements for insurance under this subsection solely because of a service-connected disability shall have such disability waived. For each month for which any eligible veteran, whose service-connected disabilities are waived, is insured under this subsection there shall be contributed to the insurer or insurers issuing the policy or policies from the appropriation ''Compensation and Pensions, Department of Veterans Affairs'' an amount necessary to cover the cost of the insurance in excess of the premiums established for eligible veterans, including the cost of the excess mortality attributable to such veteran's service-connected disabilities. The Secretary may establish, as the Secretary may determine to be necessary according to sound actuarial principles, a separate premium, age groupings for premium purposes, accounting, and reserves, for persons granted insurance under this subsection different from those established for other persons granted insurance under this section. Appropriations to carry out the purpose of this section are hereby authorized.

(h)(1) Notwithstanding any other provision of law, members of the Individual Ready Reserve and the Inactive National Guard are eligible to be insured under Veterans' Group Life Insurance. Any such member shall be so insured upon submission of an application in the manner prescribed by the Secretary and the payment of premiums as required under this section.

(2) In accordance with subsection (b), Veterans' Group Life Insurance coverage under this subsection shall be issued on a renewable five-year term basis, but the person insured must remain a member of the Individual Ready Reserve or Inactive National Guard throughout the period of the insurance in order for the insurance of such person to be renewed.

(3) For the purpose of this subsection, the terms ''Individual Ready Reserve'' and ''Inactive National Guard'' shall have the meanings prescribed by the Secretary in consultation with the Secretary of Defense.

(Added Pub. L. 93–289, § 9(a), May 24, 1974, 88 Stat. 169, § 777; amended Pub. L. 97–66, title IV, § 401(b), Oct. 17, 1981, 95 Stat. 1031; Pub. L. 99–166, title IV, § 401(b), Dec. 3, 1985, 99 Stat. 957; Pub. L. 99–576, title VII, § 701(43), Oct. 28, 1986, 100 Stat. 3294; Pub. L. 102–25, title III, § 336(b), Apr. 6, 1991, 105 Stat. 90; renumbered § 1977 and amended Pub. L. 102–83, §§ 4(a)(2)(B)(iii), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 102–568, title II, § 202, Oct. 29, 1992, 106 Stat. 4324; Pub. L. 103–446, title XII, § 1201(e)(9), Nov. 2, 1994, 108 Stat. 4685; Pub. L. 104–275, title IV, §§ 403(b), 405(b)(1)(H), 406, Oct. 9, 1996, 110 Stat. 3338–3340.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–275, § 403(b)(1), designated existing provisions as par. (1), struck out at end ''Any person insured under Veterans' Group Life Insurance who again becomes insured under Servicemen's Group Life Insurance may within 60 days after becoming so insured convert any or all of such person's Veterans' Group Life Insurance to an individual policy

of insurance under subsection (e). However, if such a person dies within the 60-day period and before converting such person's Veterans' Group Life Insurance, Veterans' Group Life Insurance will be payable only if such person is insured for less than $200,000 under Servicemen's Group Life Insurance, and then only in an amount which when added to the amount of Servicemen's Group Life Insurance payable shall not exceed $200,000.'', and added par. (2).

Subsec. (a)(1). Pub. L. 104–275, § 406, struck out ''and (e)'' after ''section 1967(a)'' and after ''section 1967(b)''.

Pub. L. 104–275, § 405(b)(1)(H), substituted ''Servicemembers' Group'' for ''Servicemen's Group'' in two places.

Subsec. (d). Pub. L. 104–275, § 405(b)(1)(H), substituted ''Servicemembers' Group'' for ''Servicemen's Group''.

Subsec. (e). Pub. L. 104–275, § 403(b)(2), inserted ''at any time'' after ''shall have the right'' in first sentence and substituted as third sentence ''The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective.'' for ''The individual policy will be effective the day after the insured's Veterans' Group Life Insurance terminates by expiration of the five-year term period, except in a case where the insured is eligible to convert at an earlier date by reason of again having become insured under Servicemen's Group Life Insurance, in which event the effective date of the individual policy may not be later than the sixty-first day after the insured again became so insured.''

Subsec. (g). Pub. L. 104–275, § 405(b)(1)(H), substituted ''Servicemembers' Group'' for ''Servicemen's Group'' wherever appearing.

1994—Subsec. (f). Pub. L. 103–446 substituted ''subsections (d) and (e) of section 1971'' for ''sections 1971(d) and (e)''.

1992—Subsec. (a). Pub. L. 102–568, § 202(1), inserted ''and (e)'' after ''1967(a)'' and after ''1967(b)'', substituted ''$200,000'' for ''$100,000'' wherever appearing, ''60 days'' for ''sixty days'', and ''60-day period'' for ''sixty-day period'', and struck out ''of this section'' after ''subsection (e)''.

Subsec. (b)(2). Pub. L. 102–568, § 202(2), substituted ''renewable'' for ''nonrenewable''.

Subsec. (h)(2). Pub. L. 102–568, § 202(3), substituted ''In accordance with subsection (b)'' for ''Notwithstanding subsection (b)(2) of this section''.

1991—Pub. L. 102–83, § 5(a), renumbered section 777 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1967(a)'' for ''767(a)'' and ''1967(b) or 1968(a)'' for ''767(b) or 768(a)''.

Pub. L. 102–25 substituted ''$100,000'' for ''$50,000'' wherever appearing.

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

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1971(a)'' for ''771(a)'' and ''1966(b)'' for ''766(b)''.

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

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''1970'' for ''770'' and ''1966(b)'' for ''766(b)''.

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''1966(b)'' for ''766(b)''.

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

Subsec. (f). Pub. L. 102–83, § 5(c)(1), substituted ''1971(d)'' for ''771(d)''.

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

Subsec. (g). Pub. L. 102–83, § 5(c)(1), substituted ''1977'' for ''777'' and ''1966(b)'' for ''766(b)''.

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

Pub. L. 102–83, § 4(a)(2)(B)(iii), substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

Subsec. (h)(1), (3). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

1986—Subsec. (a). Pub. L. 99–576, § 701(43)(A), substituted ''such person's'' for ''his'' in two places and ''such person'' for ''he''.

Subsec. (c). Pub. L. 99–576, § 701(43)(B), substituted ''the Administrator'' for ''he'' in first sentence and ''such member or former member'' for ''he'' in third sentence.

Subsec. (d). Pub. L. 99–576, § 701(43)(C), substituted ''such person's'' for ''his''.

Subsec. (e). Pub. L. 99–576, § 701(43)(D), substituted ''the insured'' for ''he'' in first and third sentences.

Subsec. (g). Pub. L. 99–576, § 701(43)(E), substituted ''the insured's'' for ''his'' and ''the Administrator'' for ''he''.

1985—Subsec. (a). Pub. L. 99–166, § 401(b)(1), substituted ''Veterans' Group Life Insurance shall be issued in the amounts specified in section 767(a) of this title. In the case of any individual, the amount of Veterans' Group Life Insurance may not exceed the amount of Servicemen's Group Life Insurance coverage continued in force after the expiration of the period of duty or travel under section 767(b) or 768(a) of this title'' for ''Veterans' Group Life Insurance shall be issued in the amount of $5,000, $10,000, $15,000, $20,000, $25,000, $30,000 or $35,000 only'' and ''$50,000'' for ''$35,000'' in three places.

Subsec. (h). Pub. L. 99–166, § 401(b)(2), added subsec. (h).

1981—Subsec. (a). Pub. L. 97–66 inserted figures of $25,000, $30,000, and $35,000 to the enumeration of allowable amounts in which Veterans' Group Life Insurance may be issued, and substituted $35,000 for $20,000 as the maximum amount of combined Servicemen's Group Life Insurance and Veterans' Group Life Insurance which a person may carry at any one time and as the figure covering situations in which a person insured under Veterans' Group Life Insurance dies within the sixty-day period after having again become insured under Servicemen's Group Life Insurance before converting his Veterans' Group Life Insurance to an individual policy.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–568 effective Dec. 1, 1992, see section 205 of Pub. L. 102–568, set out as an Effective Date note under section 1922A of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–166 effective Jan. 1, 1986, see section 401(c)(1) of Pub. L. 99–166, set out as a note under section 1967 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Dec. 1, 1981, see section 701(b)(2) of Pub. L. 97–66, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective first day of third calendar month following May 1974, see section 12(4) of Pub. L. 93–289, set out as an Effective Date of 1974 Amendment note under section 1968 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1968, 1980 of this title.

§ 1978. Reinstatement

Reinstatement of insurance coverage granted under this subchapter but lapsed for nonpayment of premiums shall be under terms and conditions prescribed by the Secretary.

(Added Pub. L. 93–289, § 9(a), May 24, 1974, 88 Stat. 172, § 778; renumbered § 1978 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 778 of this title as this section and substituted ''Secretary'' for ''Administrator''.

EFFECTIVE DATE

Section effective first day of third calendar month following May 1974, see section 12(4) of Pub. L. 93–289, set out as an Effective Date of 1974 Amendment note under section 1968 of this title.

§ 1979. Incontestability

Subject to the provision of section 1973 of this title, insurance coverage granted under this subchapter shall be incontestable from the date of issue, reinstatement, or conversion except for fraud or nonpayment of premium.

(Added Pub. L. 93–289, § 9(a), May 24, 1974, 88 Stat. 172, § 779; renumbered § 1979 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 779 of this title as this section and substituted ''1973'' for ''773''.

EFFECTIVE DATE

Section effective first day of third calendar month following May 1974, see section 12(4) of Pub. L. 93–289, set out as an Effective Date of 1974 Amendment note under section 1968 of this title.

§ 1980. Option to receive accelerated death benefit

(a) For the purpose of this section, a person shall be considered to be terminally ill if the person has a medical prognosis such that the life expectancy of the person is less than a period prescribed by the Secretary. The maximum length of such period may not exceed 12 months.

(b)(1) A terminally ill person insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance may elect to receive in a lump-sum payment a portion of the face value of the insurance as an accelerated death benefit reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary.

(2) The Secretary shall prescribe the maximum amount of the accelerated death benefit available under this section that the Secretary finds to be administratively practicable and actuarially sound, but in no event may the amount of the benefit exceed the amount equal to 50 percent of the face value of the person's insurance in force on the date the election of the person to receive the benefit is approved.

(3) A person making an election under this section may elect to receive an amount that is less than the maximum amount prescribed under paragraph (2). The Secretary shall prescribe the increments in which a reduced amount under this paragraph may be elected.

(c) The portion of the face value of insurance which is not paid in a lump sum as an accelerated death benefit under this section shall remain payable in accordance with the provisions of this chapter.

(d) Deductions under section 1969 of this title and premiums under section 1977(c) of this title shall be reduced, in a manner consistent with the percentage reduction in the face value of the insurance as a result of payment of an accelerated death benefit under this section, effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions regarding—

(1) the form and manner in which an application for an election under this section shall be made; and

(2) the procedures under which any such application shall be considered.

(f)(1) An election to receive a benefit under this section shall be irrevocable.

(2) A person may not make more than one election under this section, even if the election of the person is to receive less than the maximum amount of the benefit available to the person under this section.

(g) If a person insured under Servicemembers' Group Life Insurance elects to receive a benefit under this section and the person's Servicemembers' Group Life Insurance is thereafter converted to Veterans' Group Life Insurance as provided in section 1968(b) of this title, the amount of the benefit paid under this section shall reduce the amount of Veterans' Group Life Insurance available to the person under section 1977(a) of this title.

(h) Notwithstanding any other provision of law, the amount of the accelerated death benefit received by a person under this section shall not be considered income or resources for purposes of determining eligibility for or the amount of benefits under any Federal or federally-assisted program or for any other purpose.

(Added Pub. L. 105–368, title III, § 302(a)(1), Nov. 11, 1998, 112 Stat. 3332.)

EFFECTIVE DATE

Section effective 90 days after Nov. 11, 1998, see section 302(c) of Pub. L. 105–368, set out as an Effective Date of 1998 Amendment note under section 1970 of this title.

SUBCHAPTER IV—GENERAL

AMENDMENTS

1965—Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 880, redesignated ''SUBCHAPTER III—GENERAL'' as ''SUBCHAPTER IV—GENERAL''.

§ 1981. Replacement of surrendered and expired insurance

(a) Any person who surrendered a policy of National Service Life Insurance or United States Government life insurance on a permanent plan for its cash value while in the active service after April 24, 1951, and before January 1, 1957, who was entitled on December 31, 1958, to reinstate or replace such insurance under section 623 of the National Service Life Insurance Act of 1940, may, upon application in writing made while on continuous active duty which began before January 1, 1959, or within one hundred and twenty days after separation therefrom, be granted, without medical examination, permanent plan insurance on the same plan not in ex-

cess of the amount surrendered for cash, or may reinstate such surrendered insurance upon payment of the required reserve and the premium for the current month. Waiver of premiums and total disability income benefits otherwise authorized under this chapter shall not be denied in any case of issue or reinstatement of insurance on a permanent plan under this section or the prior corresponding provision of law in which it is shown to the satisfaction of the Secretary that total disability of the applicant began before the date of application. The cost of the premiums waived and total disability income benefits paid by virtue of the preceding sentence and the excess mortality cost in any case where the insurance matures by death from such total disability shall be borne by the United States and the Secretary shall transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund and from the military and naval insurance appropriation to the United States Government Life Insurance Fund such sums as may be necessary to reimburse the funds for such costs.

(b) Any person who had United States Government life insurance or National Service Life Insurance on the five-year level premium term plan, the term of which expired while such person was in the active service after April 25, 1951, or within one hundred and twenty days after separation from such active service, and in either case before January 1, 1957, who was entitled on December 31, 1958, to replace such insurance under section 623 of the National Service Life Insurance Act of 1940, shall, upon application made while on continuous active duty which began before January 1, 1959, or within one hundred and twenty days after separation therefrom, payment of premiums and evidence of good health satisfactory to the Secretary, be granted an equivalent amount of insurance on the five-year level premium term plan at the premium rate for such person's then attained age.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1164, § 781; Pub. L. 99–576, title VII, § 701(44), Oct. 28, 1986, 100 Stat. 3294; renumbered § 1981 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

REFERENCES IN TEXT

Section 623 of the National Service Life Insurance Act of 1940, referred to in subsecs. (a) and (b), is section 623 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Aug. 1, 1956, ch. 837, title V, § 501(a)(4), 70 Stat. 880, which enacted section 824 of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as this section by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 781 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Subsec. (b). Pub. L. 99–576 substituted ''such person'' for ''he'' and ''such person's'' for ''his''.

§ 1982. Administrative cost

Except as provided in sections 1920(c), 1923(d), and 1955(c) of this title, the United States shall bear the cost of administration in connection with this chapter, including expenses for medical examinations, inspections when necessary, printing and binding, and for such other expenditures as are necessary in the discretion of the Secretary.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1165, § 782; renumbered § 1982 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 104–99, title II, § 201(b), Jan. 26, 1996, 110 Stat. 36.)

CODIFICATION

Amendment by Pub. L. 104–99 is based on section 107(4) of H.R. 2099, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 7, 1995, which was enacted into law by Pub. L. 104–99.

AMENDMENTS

1996—Pub. L. 104–99 substituted ''Except as provided in sections 1920(c), 1923(d), and 1955(c) of this title, the United States'' for ''The United States''.

1991—Pub. L. 102–83 renumbered section 782 of this title as this section and substituted ''Secretary'' for ''Administrator''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1925, 1969 of this title.

§ 1983. Settlements for minors or incompetents

When an optional mode of settlement of National Service Life Insurance or United States Government life insurance heretofore or hereafter matured is available to a beneficiary who is a minor or incompetent, such option may be exercised by such beneficiary's fiduciary, person qualified under the Act of February 25, 1933 (25 U.S.C. 14), or person recognized by the Secretary as having custody of the person or the estate of such beneficiary, and the obligation of the United States under the insurance contract shall be fully satisfied by payment of benefits in accordance with the mode of settlement so selected.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1165, § 783; Pub. L. 99–576, title VII, § 701(45), Oct. 28, 1986, 100 Stat. 3294; Pub. L. 102–54, § 14(b)(19), June 13, 1991, 105 Stat. 284; renumbered § 1983 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 783 of this title as this section and substituted ''Secretary'' for ''Administrator''.

Pub. L. 102–54 substituted ''the Act of February 25, 1933 (25 U.S.C. 14)'' for ''section 14 of title 25''.

1986—Pub. L. 99–576 substituted ''such beneficiary's'' for ''his''.

§ 1984. Suits on insurance

(a) In the event of disagreement as to claim, including claim for refund of premiums, under contract of National Service Life Insurance, United States Government life insurance, or yearly renewable term insurance between the Secretary and any person or persons claiming thereunder an action on the claim may be brought against the United States either in the United States District Court for the District of Columbia or in the district court of the United States in and for the district in which such per-

son or any one of them resides, and jurisdiction is conferred upon such courts to hear and determine all such controversies. All persons having or claiming to have an interest in such insurance may be made parties to such suit, and such as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct. In all cases where the Secretary acknowledges the indebtedness of the United States upon any such contract of insurance and there is a dispute as to the person or persons entitled to payment, a suit in the nature of a bill of interpleader may be brought at the request of the Secretary in the name of the United States against all persons having or claiming to have any interest in such insurance in the United States District Court for the District of Columbia or in the district court in and for the district in which any such claimant resides; however, no less than thirty days before instituting such suit the Secretary shall mail a notice of such intention to each of the persons to be made parties to the suit. The courts of appeals for the several circuits, including the District of Columbia, shall respectively exercise appellate jurisdiction and, except as provided in section 1254 of title 28, the decrees of such courts of appeals shall be final.

(b) No suit on yearly renewable term insurance, United States Government life insurance, or National Service Life Insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made. For the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded. The limitation of six years is suspended for the period elapsing between the filing with the Secretary of the claim sued upon and the denial of the claim. However, if a claim is timely filed the claimant shall have not less than ninety days from the date of mailing of notice of denial within which to file suit. After June 28, 1936, notice of denial of the claim under a contract of insurance shall be by registered mail or by certified mail directed to the claimant's last address of record. Infants, insane persons, or persons under other legal disability, or persons rated as incompetent or insane by the Secretary shall have three years in which to bring suit after the removal of their disabilities. If suit is seasonably begun and fails for defect in process, or for other reasons not affecting the merits, a new action, if one lies, may be brought within a year though the period of limitation has elapsed. No State or other statute of limitations shall be applicable to suits filed under this section.

(c) In any suit, action, or proceeding brought under the provisions of this section subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district. However, no writ of subpena shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown. The word ''district'' and the words ''district court'' as used in this section shall be construed to include the District of Columbia and the United States District Court for the District of Columbia.

(d) Attorneys of the Department, when assigned to assist in the trial of cases, and employees of the Department when ordered in writing by the Secretary to appear as witnesses, shall be paid the regular travel and subsistence allowance paid to other employees when on official travel status.

(e) Part-time and fee-basis employees of the Department, in addition to their regular travel and subsistence allowance, when ordered in writing by the Secretary to appear as witnesses in suits under this section, may be allowed, within the discretion and under written orders of the Secretary, a fee in an amount not to exceed $50 per day.

(f) Employees of the Department who are subpenaed to attend the trial of any suit, under the provisions of this section, as witnesses for a party to such suit shall be granted court leave or authorized absence, as applicable, for the period they are required to be away from the Department in answer to such subpenas.

(g) Whenever a judgment or decree shall be rendered in an action brought under the provisions of this section, the court, as a part of its judgment or decree, shall determine and allow reasonable fees for the attorneys of the successful party or parties and apportion same if proper, said fees not to exceed 10 per centum of the amount recovered and to be paid by the Department out of the payments to be made under the judgment or decree at a rate not exceeding one-tenth of each of such payments until paid; except that, in a suit brought by or on behalf of an insured during the insured's lifetime for waiver of premiums on account of total disability, the court, as part of its judgment or decree, shall determine and allow a reasonable fee to be paid by the insured to the insured's attorney.

(h) The term ''claim'' as used in this section means any writing which uses words showing an intention to claim insurance benefits; and the term ''disagreement'' means a denial of the claim, after consideration on its merits, by the Secretary or any employee or organizational unit of the Department heretofore or hereafter designated therefor by the Secretary.

(i) The Attorney General of the United States is authorized to agree to a judgment to be rendered by the chief judge of the United States court having jurisdiction of the case, pursuant to compromise approved by the Attorney General upon the recommendation of the United States attorney charged with the defense, upon such terms and for sums within the amount claimed to be payable, in any suit brought under the provisions of this section, on a contract of yearly renewable term insurance, and the Secretary shall make payments in accordance with any such judgment. The Comptroller General of the United States shall allow credit in the accounts of disbursing officers for all payments of insurance made in accordance with any such judgment. All such judgments shall constitute final settlement of the claim and no appeal therefrom shall be authorized.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1165, § 784; Pub. L. 86–507, § 1(32), June 11, 1960, 74 Stat. 202; Pub. L. 97–295, § 4(32), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 99–576, title VII, § 701(46), Oct. 28, 1986, 100 Stat. 3294; renumbered § 1984 and amended Pub. L. 102–83, §§ 4(a)(2)(A)(iii)(VII), (VIII), (D)(ii), (3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 784 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(a)(2)(A)(iii)(VII), substituted ''Secretary'' for ''Veterans' Administration'' wherever appearing.

Subsec. (b). Pub. L. 102–83, § 4(a)(2)(D)(ii), substituted ''with the Secretary'' for ''in the Veterans' Administration''.

Pub. L. 102–83, § 4(a)(2)(A)(iii)(VIII), substituted ''Secretary'' for ''Veterans' Administration'' before ''shall''.

Subsec. (d). 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'' in two places.

Subsec. (e). 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''.

Subsecs. (f), (g). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration'' wherever appearing.

Subsec. (h). 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. (i). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

1986—Subsec. (g). Pub. L. 99–576 substituted ''the insured's'' for ''his'' in two places.

1982—Subsec. (b). Pub. L. 97–295, § 4(32)(A), substituted ''the claim. However, if'' for ''said claim: *Provided*, That in any case in which''.

Subsec. (c). Pub. L. 97–295, § 4(32)(B), substituted ''district. However,'' for ''district: *Provided*, That'', and substituted ''in this section'' for ''herein'' after ''as used''.

1960—Subsec. (b). Pub. L. 86–507 inserted ''or by certified mail'' after ''registered mail''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 108, 511, 1947, 1985, 5905 of this title.

§ 1985. Decisions by the Secretary

Except in the event of suit as provided in section 1984 of this title, or other appropriate court proceedings, all decisions rendered by the Secretary under the provisions of this chapter shall be final and conclusive on all questions of law or fact, and no other official of the United States shall have jurisdiction to review any such decisions.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1167, § 785; renumbered § 1985 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 785 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1984'' for ''784''.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in section catchline and in text.

§ 1986. Deposits in and disbursements from trust funds

All cash balances in the United States Government Life Insurance Fund and the National Service Life Insurance Fund on January 1, 1959, together with all moneys thereafter accruing to such funds, including premiums, appropriated moneys, the proceeds of any sales of investments which may be necessary to meet current expenditures, and interest on investments, shall be available for disbursement for meeting all expenditures and making investments authorized to be made from such funds.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1167, § 786; renumbered § 1986, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 786 of this title as this section.

§ 1987. Penalties

(a) Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in anywise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any application for insurance or reinstatement thereof, waiver of premiums or claim for benefits under National Service Life Insurance, United States Government life insurance, or yearly renewable term insurance for any person, shall be fined not more than $1,000, or be imprisoned for not more than one year, or both.

(b) Whoever in any claim for National Service Life Insurance, United States Government life insurance, or yearly renewable term insurance makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall be fined not more than $5,000, or be imprisoned for not more than two years, or both.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1167, § 787; Pub. L. 99–576, title VII, § 701(47), Oct. 28, 1986, 100 Stat. 3294; renumbered § 1987, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 787 of this title as this section.

1986—Subsec. (a). Pub. L. 99–576 substituted ''any'' for ''himself or any other''.

§ 1988. Savings provision

Nothing in this title or any amendment or repeal made by the Act enacting this title shall affect any right, remedy, liability, authorization or requirement pertaining to Government insurance, the respective insurance funds, or the insurance appropriations, authorized or prescribed under the provisions of the War Risk Insurance Act, the World War Veterans' Act, 1924, the National Service Life Insurance Act of 1940, or any related Act, which was in effect on December 31, 1958.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1167, § 788; renumbered § 1988, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

REFERENCES IN TEXT

The War Risk Insurance Act, referred to in text, is act Sept. 2, 1914, ch. 293, 38 Stat. 711, as amended. Sections 600 and 601 of the World War Veterans' Act, 1924

(act June 7, 1924, ch. 320, 43 Stat. 607, 629) repealed the War Risk Insurance Act subject to certain limitations provided in section 602 thereof.

The World War Veterans' Act, 1924, referred to in text, is act June 7, 1924, ch. 320, 43 Stat. 607, as amended, which was classified generally to chapter 10 (§§ 421 to 574) of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed by Pub. L. 85–857, § 14(51), Sept. 2, 1958, 72 Stat. 1271. For distribution of sections 421 to 574 of former Title 38 in this title, see Table preceding section 101 of this title.

The National Service Life Insurance Act of 1940, referred to in text, is act Oct. 8, 1940, ch. 757, title VI, part I, 54 Stat. 1008, as amended, which was classified generally to chapter 13 (§ 801 et seq.) of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which was repealed and the provisions thereof reenacted as this subchapter by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

PRIOR PROVISIONS

Prior sections 2000 and 2001 were renumbered sections 4100 and 4101 of this title, respectively.

Another prior section 2001, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1217, related to compensation for veterans under agreements with States, prior to repeal by section 1(a) of Pub. L. 87–675.

Prior section 2002 was renumbered section 4102 of this title.

Another prior section 2002, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1217, related to compensation for veterans in absence of agreements with States, prior to repeal by section 1(a) of Pub. L. 87–675.

Prior sections 2002A and 2003 were renumbered sections 4102A and 4103 of this title, respectively.

Another prior section 2003, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1218, related to payments to the States equal to payments made by them in accordance with an agreement under chapter 41 of this title, prior to repeal by section 1(a) of Pub. L. 87–675.

Prior sections 2003A and 2004 were renumbered sections 4103A and 4104 of this title, respectively.

Another prior section 2004, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1219, related to information necessary to determine a veteran's entitlement to compensation and which all Federal departments and agencies were required to make available to State agencies or to the Secretary, prior to repeal by section 1(a) of Pub. L. 87–675.

Prior sections 2004A and 2005 were renumbered sections 4104A and 4105 of this title, respectively.

Another prior section 2005, Pub. L. 85–837, Sept. 2, 1958, 72 Stat. 1219, related to penalties for making false statements or representations, or for knowledgeable failure to disclose material facts in order to obtain or increase payments under chapter 41 of this title, prior to repeal by section 1(a) of Pub. L. 87–675.

Prior section 2006 was renumbered section 4106 of this title.

Another prior section 2006, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1219, authorized the Secretary to make rules and regulations necessary to carry out the provisions of chapter 41 of this title, and required him to consult with representatives of the State unemployment compensation agencies before prescribing any rules which could affect the performance of such agencies, prior to repeal by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2007 was renumbered section 4107 of this title.

Another prior section 2007, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1220; Pub. L. 86–70, § 29(b), June 25, 1959, 73 Stat. 148; Pub. L. 86–624, § 25(c), July 12, 1960, 74 Stat. 418, defined ''Korean conflict veterans'', ''unemployment compensation'', and ''State'', prior to repeal by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2008 was renumbered section 4108 of this title.

Another prior section 2008, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1220, enumerated provisions which forbade duplication of benefits, prior to repeal by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2009 was renumbered section 4109 of this title.

Another prior section 2009, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1221, provided termination dates for the payment of benefits under chapter 41 of this title, prior to repeal by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2010 was renumbered section 4110 of this title.

Another prior section 2010 was renumbered section 2001 of this title, by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2010A was renumbered section 4110A of this title.

Prior section 2011 was renumbered section 4211 of this title.

Another prior section 2011 was renumbered section 2002 of this title by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2012 was renumbered section 4212 of this title.

Another prior section 2012 was renumbered section 2003 of this title by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2013 was renumbered section 4213 of this title.

Another prior section 2013 was renumbered section 2004 of this title by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2014 was renumbered section 4214 of this title.

Another prior section 2014 was renumbered section 2005 of this title by Pub. L. 87–675, § 1(a), Sept. 19, 1962, 76 Stat. 558.

Prior sections 2021 to 2027 were renumbered sections 4301 to 4307 of this title, respectively, and subsequently omitted in the general amendment of chapter 43 of this title by Pub. L. 103–353, § 2(a), Oct. 13, 1994, 108 Stat. 3150.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 788 of this title as this section.

CHAPTER 21—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Sec.
2101. Veterans eligible for assistance.
2102. Limitations on assistance furnished.
2103. Furnishing of plans and specifications.
2104. Benefits additional to benefits under other laws.
2105. Nonliability of United States.
2106. Veterans' mortgage life insurance.

AMENDMENTS

1992—Pub. L. 102–568, title II, § 204(b), Oct. 29, 1992, 106 Stat. 4325, substituted ''Veterans' '' for ''Veteran's'' in item 2106.

1991—Pub. L. 102–83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 801 to 806 as 2101 to 2106, respectively.

1988—Pub. L. 100–322, title III, § 333(a)(2), May 20, 1988, 102 Stat. 539, substituted ''Veteran's mortgage life insurance'' for ''Mortgage Protection Life Insurance'' in item 806.

1971—Pub. L. 92–95, § 2, Aug. 11, 1971, 85 Stat. 322, added item 806.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 106, 113, 3711 of this title; title 2 section 905; title 26 section 6334; title 31 section 3803.

§ 2101. Veterans eligible for assistance

(a) The Secretary is authorized, under such regulations as the Secretary may prescribe, to

assist any veteran who is entitled to compensation under chapter 11 of this title for permanent and total service-connected disability—

(1) due to the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, or

(2) which includes (A) blindness in both eyes, having only light perception, plus (B) loss or loss of use of one lower extremity, or

(3) due to the loss or loss of use of one lower extremity together with (A) residuals of organic disease or injury, or (B) the loss or loss of use of one upper extremity, which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair,

in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor. The regulations of the Secretary shall include, but not be limited to, provisions requiring findings that (1) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (2) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (3) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

(b)(1) Subject to paragraph (2) of this subsection, the Secretary, under regulations which the Secretary shall prescribe, shall assist any veteran (other than a veteran who is eligible for assistance under subsection (a) of this section) who is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability which—

(A) is due to blindness in both eyes with 5/200 visual acuity or less, or

(B) includes the anatomical loss or loss of use of both hands,

in acquiring such adaptations to such veteran's residence as are determined by the Secretary to be reasonably necessary because of such disability or in acquiring a residence already adapted with special features determined by the Secretary to be reasonably necessary for the veteran because of such disability.

(2) Assistance under paragraph (1) of this subsection may be provided only to a veteran who the Secretary determines is residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family or, if the veteran's residence is to be constructed or purchased, will be residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1168, § 801; Pub. L. 86–239, Sept. 8, 1959, 73 Stat. 472; Pub. L. 88–401, Aug. 4, 1964, 78 Stat. 380; Pub. L. 91–22, § 1, June 6, 1969, 83 Stat. 32; Pub. L. 95–117, title IV, § 401, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 96–385, title III, § 301(a), Oct. 7, 1980, 94 Stat. 1531; Pub. L. 99–576, title IV, § 401(a), title VII, §§ 701(48), 702(7), Oct. 28, 1986, 100 Stat. 3280, 3295, 3302; renumbered § 2101 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 2101, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1222, related to eligibility for mustering-out payments, prior to repeal by Pub. L. 89–50, § 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 801 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Subsec. (a). Pub. L. 99–576, §§ 701(48), 702(7), substituted ''the Administrator'' for ''he'' and ''veteran who'' for ''veteran, who'', and struck out '', based on service after April 20, 1898,'' after ''chapter 11 of this title''.

Subsec. (b)(1). Pub. L. 99–576, § 401(a), inserted at end ''or in acquiring a residence already adapted with special features determined by the Administrator to be reasonably necessary for the veteran because of such disability''.

1980—Pub. L. 96–385 designated existing provisions as subsec. (a) and added subsec. (b).

1978—Pub. L. 95–117 in cl. (3) inserted reference to loss or loss of use of one upper extremity and reference to braces, crutches, and canes.

1969—Pub. L. 91–22 added cl. (3) which authorized the Administrator to provide housing assistance to veterans whose permanent and total disability consists of loss or loss of use of one lower extremity when such loss precludes locomotion without a wheelchair.

1964—Pub. L. 88–401 struck out provisions from cl. (2)(B) which required such permanent and total disability to be such as to preclude locomotion without the aid of a wheelchair.

1959—Pub. L. 86–239 designated existing provisions of first sentence as cl. (1), struck out ''by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis'' after ''loss of use'', and added cl. (2).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96–385, 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2102, 2104 of this title.

§ 2102. Limitations on assistance furnished

(a) The assistance authorized by section 2101(a) of this title shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and shall be afforded under one of the following plans, at the option of the veteran but shall not exceed $43,000 in any one case—

(1) where the veteran elects to construct a housing unit on land to be acquired by such veteran, the Secretary shall pay not to exceed 50 percent of the total cost to the veteran of (A) the housing unit and (B) the necessary land upon which it is to be situated;

(2) where the veteran elects to construct a housing unit on land acquired by such veteran prior to application for assistance under this chapter, the Secretary shall pay not to exceed the smaller of the following sums: (A) 50 percent of the total cost to the veteran of the housing unit and the land necessary for such housing unit, or (B) 50 percent of the cost to

the veteran of the housing unit plus the full amount of the unpaid balance, if any, of the cost to the veteran of the land necessary for such housing unit;

(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of such veteran's disability, acquired by such veteran prior to application for assistance under this chapter, the Secretary shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 percent of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 percent of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and

(4) where the veteran has acquired a suitable housing unit, the Secretary shall pay not to exceed the smaller of the following sums: (A) 50 percent of the cost to the veteran of such housing unit and the necessary land upon which it is situated, or (B) the full amount of the unpaid balance, if any, of the cost to the veteran of such housing unit and the necessary land upon which it is situated.

(b) Except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b) of this title shall be limited to the lesser of—

(1) the actual cost, or, in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary, or

(2) $8,250.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1168, § 802; Pub. L. 91–22, § 2, June 6, 1969, 83 Stat. 32; Pub. L. 91–506, § 6, Oct. 23, 1970, 84 Stat. 1113; Pub. L. 92–341, July 10, 1972, 86 Stat. 432; Pub. L. 93–569, § 9, Dec. 31, 1974, 88 Stat. 1867; Pub. L. 95–476, title I, § 101, Oct. 18, 1978, 92 Stat. 1497; Pub. L. 96–385, title III, § 301(b), Oct. 7, 1980, 94 Stat. 1531; Pub. L. 97–66, title V, § 502, Oct. 17, 1981, 95 Stat. 1032; Pub. L. 97–295, § 4(33), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 98–543, title III, § 304(a), Oct. 24, 1984, 98 Stat. 2748; Pub. L. 99–576, title IV, § 401(b), Oct. 28, 1986, 100 Stat. 3280; Pub. L. 100–322, title III, § 301, May 20, 1988, 102 Stat. 534; renumbered § 2102 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 105–178, title VIII, § 8204(a), June 9, 1998, 112 Stat. 494.)

PRIOR PROVISIONS

Prior section 2102, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1223, related to determination of amount of mustering-out payments, prior to repeal by Pub. L. 89–50, § 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–178, § 8204(a)(1), substituted "$43,000" for "$38,000" in introductory provisions.

Subsec. (b)(2). Pub. L. 105–178, § 8204(a)(2), substituted "$8,250" for "$6,500".

1991—Pub. L. 102–83, § 5(a), renumbered section 802 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "2101(a)" for "801(a)" in introductory provisions.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted "2104(b)" for "804(b)" and substituted "2101(b)" for "801(b)" in two places.

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

1988—Subsec. (a). Pub. L. 100–322, § 301(1), substituted "$38,000" for "$35,500".

Subsec. (b)(2). Pub. L. 100–322, § 301(2), substituted "$6,500" for "$6,000".

1986—Subsec. (b)(1). Pub. L. 99–576 substituted "cost, or, in the case of a veteran acquiring a residence already adapted with special features, the fair market value," for "cost".

1984—Subsec. (a). Pub. L. 98–543, § 304(a)(1), substituted "$35,500" for "$32,500" in provisions before par. (1).

Subsec. (b)(2). Pub. L. 98–543, § 304(a)(2), substituted "$6,000" for "$5,000".

1982—Subsec. (a). Pub. L. 97–295 substituted "percent" for "per centum" wherever appearing.

1981—Subsec. (a). Pub. L. 97–66, § 502(1), substituted "$32,500" for "$30,000" in provisions preceding par. (1), "such veteran" for "him" in pars. (1), (2), and (3), and "such veteran's" for "his" in par. (3).

Subsec. (b). Pub. L. 97–66, § 502(2), substituted "section 804(b)" for "section 804(b)(2)".

1980—Subsec. (a). Pub. L. 96–385, § 301(b)(1), (2), designated existing provisions as subsec. (a) and substituted "section 801(a)" for "section 801".

Subsec. (b). Pub. L. 96–385, § 301(b)(3), added subsec. (b).

1978—Pub. L. 95–476 substituted "$30,000" for "$25,000".

1974—Pub. L. 93–569 substituted "$25,000" for "$17,500".

1972—Pub. L. 92–341 substituted "$17,500" for "$12,500".

1970—Par. (3). Pub. L. 91–506 inserted provision authorizing Administrator in the case of assistance to disabled veterans for specially adapted housing, where the veteran elects to remodel a dwelling not adapted to his disability, to pay the cost of remodeling as an alternative to the present provisions still set out in this par. which authorize the Administrator to pay the total of 50 percent of the remodeling cost plus 50 percent of the dwelling's cost or the full amount of the unpaid balance of the cost of such dwelling, whichever sum is smaller.

1969—Pub. L. 91–22 substituted "$12,500" for "$10,000".

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–178, title VIII, § 8204(b), June 9, 1998, 112 Stat. 494, provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to limitations under section 2102 of such title on assistance furnished to a veteran under section 2101 of such title on or after October 1, 1998."

EFFECTIVE DATE OF 1988 AMENDMENT

Section 304 of Pub. L. 100–322 provided that: "The amendments made by sections 301, 302, and 303 [amending this section and sections 907 and 1902 [now 2307 and 3902] of this title] shall take effect on April 1, 1988."

EFFECTIVE DATE OF 1984 AMENDMENT

Section 304(b) of Pub. L. 98–543 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on January 1, 1985."

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Oct. 17, 1981, see section 701(b)(1) 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 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96–385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–476 effective Oct. 1, 1978, see section 108(a) of Pub. L. 95–476, set out as a note under section 3702 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–569 effective Dec. 31, 1974, see section 10 of Pub. L. 93–569, set out as a note under section 3702 of this title.

§ 2103. Furnishing of plans and specifications

The Secretary is authorized to furnish to veterans eligible for assistance under this chapter, without cost to the veterans, model plans and specifications of suitable housing units.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1168, § 803; renumbered § 2103 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 2103, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1223, related to payment of mustering-out payments to beneficiaries of deceased members, prior to repeal by Pub. L. 89–50, § 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 803 of this title as this section and substituted ''Secretary'' for ''Administrator''.

§ 2104. Benefits additional to benefits under other laws

(a) Any veteran who accepts the benefits of this chapter shall not by reason thereof be denied the benefits of chapter 37 of this title; however, except as provided in subsection (b) of this section, the assistance authorized by section 2101 of this title shall not be available to any veteran more than once.

(b) A veteran eligible for assistance under section 2101(b) of this title shall not by reason of such eligibility be denied benefits for which such veteran becomes eligible under section 2101(a) of this title or benefits relating to home health services under section 1717(a)(2) of this title. However, no particular type of adaptation, improvement, or structural alteration provided to a veteran under section 1717(a)(2) of this title may be provided to such veteran under section 2101(b) of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1169, § 804; Pub. L. 96–385, title III, § 301(c), Oct. 7, 1980, 94 Stat. 1531; renumbered § 2104 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104–262, title I, § 101(e)(2), Oct. 9, 1996, 110 Stat. 3180.)

PRIOR PROVISIONS

Prior section 2104, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1223, related to time limitations, prior to repeal by Pub. L. 89–50, § 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–275 substituted ''section 1717(a)(2)'' for ''section 1712(a)'' in two places.

1991—Pub. L. 102–83, § 5(a), renumbered section 804 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''2101'' for ''801''.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''2101(b)'' for ''801(b)'' in two places, ''2101(a)'' for ''801(a)'', and ''1712(a)'' for ''612(a)'' in two places.

1980—Pub. L. 96–385 designated existing provisions as subsec. (a), substituted ''except as provided in subsection (b) of this section, the assistance authorized by section 801 of this title'' for ''the assistance authorized by this chapter'', and added subsec. (b).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96–385, set out as a note under section 1114 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2102 of this title.

§ 2105. Nonliability of United States

The Government of the United States shall have no liability in connection with any housing unit, or necessary land therefor, or adaptation acquired under the provisions of this chapter.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1169, § 805; Pub. L. 96–385, title III, § 301(d), Oct. 7, 1980, 94 Stat. 1531; renumbered § 2105, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 2105, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1224, related to administration of mustering-out payments provisions, prior to repeal by Pub. L. 89–50, § 1(a), June 24, 1965, 79 Stat. 173, effective July 1, 1966.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 805 of this title as this section.

1980—Pub. L. 96–385 made the United States not liable for any adaptation in connection with any housing unit.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–385 effective Oct. 1, 1980, see section 601(b) of Pub. L. 96–385, set out as a note under section 1114 of this title.

§ 2106. Veterans' mortgage life insurance

(a) The United States shall automatically insure any eligible veteran who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the veteran unless the veteran (1) submits to the Secretary in writing the veterans' election not to be insured under this section, or (2) fails to respond in a timely manner to a request from the Secretary for information on which the premium for such insurance can be based.

(b) The amount of insurance provided a veteran under this section may not exceed the lesser of $90,000 or the amount of the loan outstanding on the housing unit. The amount of such insurance shall be reduced according to the amortization schedule of the loan and may not at any time exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit, insurance is not payable under this section. If an eligible veteran elects not to be insured under this section, the veteran may thereafter be insured under this section, but only upon submission of an application, payment of required premiums, and compliance with such health requirements and other terms and conditions as may be prescribed by the Secretary.

(c) The premiums charged a veteran for insurance under this section shall be paid at such time and in such manner as the Secretary prescribes. The rates for such premiums shall be based on such mortality data as the Secretary considers appropriate to cover only the mortality cost of insuring standard lives. In the case of a veteran receiving compensation or other cash benefits paid to the veteran by the Secretary, the Secretary shall deduct from such compensation or other benefits the premiums charged the veteran under this section.

(d)(1) The United States shall bear the costs of insurance under this section to the extent that such costs exceed premiums established by the Secretary. Premiums collected on insurance under this section shall be credited to the ''Veterans Insurance and Indemnities'' appropriation account, and all disbursements of insurance proceeds under this section shall be made from that account.

(2) There are authorized to be appropriated to the Secretary for such account such amounts as may be necessary to carry out this section.

(e) Any amount of insurance in force under this section on the date of the death of an eligible veteran insured under this section shall be paid to the holder of the mortgage loan, for payment of which the insurance was granted, for credit on the loan indebtedness. Any liability of the United States under such insurance shall be satisfied when such payment is made. If the Secretary is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and deposited in the Veterans Housing Benefit Program Fund established by section 3722 of this title.

(f) The Secretary may prescribe such regulations relating to eligibility for insurance under this section, the maximum amount of insurance, the effective date of insurance, the maximum duration of insurance, and other pertinent matters not specifically provided for in this section as the Secretary determines are in the best interest of veterans or the United States.

(g) The amount of the insurance in force at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by subsection (b) of this section or regulations prescribed by the Secretary under this section.

(h) The Secretary shall issue to each veteran insured under this section a certificate setting forth the benefits to which the veteran is entitled under the insurance.

(i) Insurance under this section shall terminate upon whichever of the following events first occurs:

(1) Satisfaction of the veteran's indebtedness under the loan upon which the insurance is based.

(2) The veteran's seventieth birthday.

(3) Termination of the veteran's ownership of the property securing the loan.

(4) Discontinuance of payment of premiums by the veteran.

(j) Termination of life insurance under this section shall not affect the guaranty or insurance of the loan by the Secretary.

(Added Pub. L. 92–95, § 1, Aug. 11, 1971, 85 Stat. 320, § 806; amended Pub. L. 94–433, title III, § 302, Sept. 30, 1976, 90 Stat. 1377; Pub. L. 99–576, title VII, § 701(49), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 100–322, title III, § 333(a)(1), May 20, 1988, 102 Stat. 537; renumbered § 2106 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–568, title II, § 204(a), Oct. 29, 1992, 106 Stat. 4325; Pub. L. 103–446, title XII, § 1201(h)(2), Nov. 2, 1994, 108 Stat. 4688; Pub. L. 105–368, title VI, § 602(e)(2), Nov. 11, 1998, 112 Stat. 3347.)

AMENDMENTS

1998—Subsec. (e). Pub. L. 105–368 substituted ''deposited in the Veterans Housing Benefit Program Fund established by section 3722 of this title'' for '', as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 3723 or 3724 of this title, respectively''.

1994—Pub. L. 103–446 substituted ''Veterans' mortgage life insurance'' for ''Veterans' Mortgage Life Insurance'' as section catchline.

1992—Subsec. (b). Pub. L. 102–568 struck out ''initial'' after ''The'' and substituted ''$90,000'' for ''$40,000''.

1991—Pub. L. 102–83, § 5(a), renumbered section 806 of this title as this section.

Subsecs. (a) to (d). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''3723 or 3724'' for ''1823 or 1824''.

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

Subsecs. (f) to (h), (j). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

1988—Pub. L. 100–322 amended section generally, substituting provisions relating to veterans' mortgage life insurance for former provisions relating to mortgage protection life insurance.

1986—Subsec. (b). Pub. L. 99–576, § 701(49)(A), substituted ''the veteran's'' for ''his''.

Subsec. (c). Pub. L. 99–576, § 701(49)(B), substituted ''the veteran'' for ''he'' before ''may thereafter''.

Subsec. (d). Pub. L. 99–576, § 701(49)(C), substituted ''the veteran's'' for ''he'' in last sentence.

Subsec. (g)(2). Pub. L. 99–576, § 701(49)(D)(i), substituted ''the Administrator'' for ''he'' in two places, ''the Administrator's'' for ''his'', and ''the Administrator'' for ''him'' in two places.

Subsec. (g)(3). Pub. L. 99–576, § 701(49)(D)(ii), substituted ''the veteran'' for ''he''.

Subsec. (g)(5). Pub. L. 99–576, § 701(49)(D)(iii), substituted ''the Administrator'' for ''him'' in two places.

Subsec. (h). Pub. L. 99–576, § 701(49)(E), substituted ''the Administrator's'' for ''his'' in first sentence and ''the veteran's'' for ''his'' in second sentence.

1976—Subsec. (c). Pub. L. 94–433 substituted $40,000 for $30,000.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–368, title VI, § 602(f), Nov. 11, 1998, 112 Stat. 3348, provided that: ''This title [enacting sections 3722 and 3771 to 3775 of this title, amending this section and sections 3702, 3703, 3711, 3720, 3727, 3729, 3733 to 3735, and 3763 of this title, repealing sections 3723 to 3725 of this title, and enacting provisions set out as a note under section 3722 of this title] and the amendments made by this title shall take effect on October 1, 1998.''

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–568 effective Dec. 1, 1992, see section 205 of Pub. L. 102–568, set out as an Effective Date note under section 1922A of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 333(b) of Pub. L. 100–322 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on the first day of the fourth

month beginning after the date of the enactment of this Act [May 20, 1988].''

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.

SAVINGS PROVISION; DISCONTINUANCE OF CONTRACT PROGRAM; DEFINITION

Section 333(c)–(e) of Pub. L. 100–322 provided that:

''(c) SAVINGS PROVISION.—Mortgage protection life insurance granted to any veteran under the former section 806 shall continue in force with the United States as insurer, subject to the terms of subsection (d). Nothing in that subsection shall impair any rights of any veteran or mortgage loan holder under the former section 806 that matured before the effective date specified in subsection (b) [see Effective Date of 1988 Amendment note above].

''(d) DISCONTINUANCE OF CONTRACT PROGRAM.—(1) Effective as of the effective date specified in subsection (b), the Administrator shall discontinue the policy of insurance purchased in accordance with the former section 806.

''(2) All premiums collected or received by the insurer on or after such effective date under a policy purchased under the former section 806 shall be promptly forwarded to the Administrator and shall be credited to the 'Veterans Insurance and Indemnities' appropriation account. Any positive balance of the contingency reserve maintained by the insurer under such policy remaining after all charges have been made shall be payable to the Administrator and shall be deposited by the Administrator in such account, except that such balance may, upon the election of the insurer, be paid by the insurer in equal monthly installments over a period of not more than two years beginning on the date, after such effective date, that the Administrator specifies.

''(e) FORMER SECTION 806 DEFINED.—For the purpose of subsections (c) and (d), the term 'former section 806' means section 806 [this section] of title 38, United States Code, as in effect on the day before the effective date specified in subsection (b).''

CHAPTER 23—BURIAL BENEFITS

Sec.
2301. Flags.
2302. Funeral expenses.
2303. Death in Department facility; plot allowance.
2304. Claims for reimbursement.
2305. Persons eligible under prior law.
2306. Headstones, markers, and burial receptacles.
2307. Death from service-connected disability.
2308. Transportation of deceased veteran to a national cemetery.

AMENDMENTS

1996—Pub. L. 104–275, title II, § 213(b)(2), Oct. 9, 1996, 110 Stat. 3332, substituted ''burial receptacles'' for ''grave liners'' in item 2306.

1991—Pub. L. 102–83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 901 to 908 as 2301 to 2308, respectively.

Pub. L. 102–83, § 4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404, substituted ''Department'' for ''Veterans' Administration'' in item 903.

1988—Pub. L. 100–322, title III, § 344(b)(2), May 20, 1988, 102 Stat. 540, substituted ''Headstones, markers, and grave liners'' for ''Headstones and markers'' in item 906.

1976—Pub. L. 94–433, title III, § 304(b), Sept. 30, 1976, 90 Stat. 1377, added item 908.

1973—Pub. L. 93–43, § 5(b), June 18, 1973, 87 Stat. 81, inserted ''; plot allowance'' in item 903 and added items 906 and 907.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 107, 1315, 1503 of this title; title 10 section 1490; title 26 section 6334; title 46 section 11201.

§ 2301. Flags

(a) The Secretary shall furnish a flag to drape the casket of each—

(1) deceased veteran who—

(A) was a veteran of any war, or of service after January 31, 1955;

(B) had served at least one enlistment; or

(C) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty; and

(2) deceased individual who at the time of death was entitled to retired pay under chapter 67[1] of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(b) After the burial of the veteran the flag so furnished shall be given to the veteran's next of kin. If no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran. If a flag is given to a close friend or associate of the deceased veteran, no flag shall be given to any other person on account of the death of such veteran.

(c) For the purpose of this section, the term ''Mexican border period'' as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916.

(d) In the case of any person who died while in the active military, naval, or air service after May 27, 1941, the Secretary shall furnish a flag to the next of kin, or to such other person as the Secretary considers most appropriate, if such next of kin or other person is not otherwise entitled to receive a flag under this section or under section 1482(a) of title 10.

(e) The Secretary shall furnish a flag to drape the casket of each deceased person who is buried in a national cemetery by virtue of eligibility for burial in such cemetery under section 2402(6) of this title. After the burial, the flag shall be given to the next of kin or to such other person as the Secretary considers appropriate.

(f)(1) The Secretary shall furnish a flag to drape the casket of each deceased member or former member of the Selected Reserve (as described in section 10143 of title 10) who is not otherwise eligible for a flag under this section or section 1482(a) of title 10—

(A) who completed at least one enlistment as a member of the Selected Reserve or, in the case of an officer, completed the period of initial obligated service as a member of the Selected Reserve;

(B) who was discharged before completion of the person's initial enlistment as a member of the Selected Reserve or, in the case of an officer, period of initial obligated service as a member of the Selected Reserve, for a disability incurred or aggravated in line of duty; or

(C) who died while a member of the Selected Reserve.

(2) A flag may not be furnished under subparagraphs[2] (A) or (B) of paragraph (1) in the case of

[1] See References in Text note below.

[2] So in original. Probably should be ''subparagraph''.

a person whose last discharge from service in the Armed Forces was under conditions less favorable than honorable.

(3) After the burial, a flag furnished under paragraph (1) shall be given to the next of kin or to such other person as the Secretary considers appropriate.

(g)(1) The Secretary may not procure any flag for the purposes of this section that is not wholly produced in the United States.

(2)(A) The Secretary may waive the requirement of paragraph (1) if the Secretary determines—

(i) that the requirement cannot be reasonably met; or

(ii) that compliance with the requirement would not be in the national interest of the United States.

(B) The Secretary shall submit to Congress in writing notice of a determination under subparagraph (A) not later than 30 days after the date on which such determination is made.

(3) For the purpose of paragraph (1), a flag shall be considered to be wholly produced in the United States only if—

(A) the materials and components of the flag are entirely grown, manufactured, or created in the United States;

(B) the processing (including spinning, weaving, dyeing, and finishing) of such materials and components is entirely performed in the United States; and

(C) the manufacture and assembling of such materials and components into the flag is entirely performed in the United States.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1169, § 901; Pub. L. 87–240, Sept. 14, 1961, 75 Stat. 512; Pub. L. 89–358, § 9, Mar. 3, 1966, 80 Stat. 28; Pub. L. 90–77, title IV, § 402, Aug. 31, 1967, 81 Stat. 190; Pub. L. 91–588, § 9(g), Dec. 24, 1970, 84 Stat. 1585; Pub. L. 97–306, title IV, § 402(a), Oct. 14, 1982, 96 Stat. 1442; Pub. L. 99–576, title VII, § 701(50), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 102–54, § 14(b)(20), June 13, 1991, 105 Stat. 284; renumbered § 2301 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–547, § 11(a), Oct. 28, 1992, 106 Stat. 3644; Pub. L. 105–261, div. A, title V, § 517, title X, § 1073(a), Oct. 17, 1998, 112 Stat. 2009, 2137.)

REFERENCES IN TEXT

Chapter 67 of title 10, referred to in subsec. (a)(2), was transferred to part II of subtitle E of Title 10, Armed Forces, renumbered as chapter 1223, and amended generally by Pub. L. 103–337, div. A, title XVI, § 1662(j)(1), Oct. 5, 1994, 108 Stat. 2998. A new chapter 67 (§ 1331) of Title 10 was added by section 1662(j)(7) of Pub. L. 103–337.

AMENDMENTS

1998—Subsec. (f). Pub. L. 105–261, § 517, added subsec. (f).

Subsec. (g). Pub. L. 105–261, § 1073(a), added subsec. (g).

1992—Subsec. (a). Pub. L. 102–547 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''The Secretary shall furnish a flag to drape the casket of each deceased veteran who—

''(1) was a veteran of any war, or of service after January 31, 1955;

''(2) had served at least one enlistment; or

''(3) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty.''

1991—Pub. L. 102–83, § 5(a), renumbered section 901 of this title as this section.

Subsec. (d). Pub. L. 102–54 substituted ''considers'' for ''deems'', struck out comma after ''this section'', and struck out '', United States Code'' after ''title 10''.

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''2402(6)'' for ''1002(6)''.

1989—Subsecs. (a), (d), (e). Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Subsec. (b). Pub. L. 99–576 substituted ''the veteran's'' for ''his''.

1982—Subsec. (e). Pub. L. 97–306 added subsec. (e).

1970—Subsec. (a). Pub. L. 91–588, § 9(g)(1), struck out reference to the Mexican border service.

Subsec. (c). Pub. L. 91–588, § 9(g)(2), substituted ''For the purpose of this section, the term 'Mexican border period' as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916'' for ''For the purpose of this section, the term 'Mexican border service' means active military, naval, or air service during the period beginning on January 1, 1911, and ending on April 5, 1917, in Mexico, on the borders thereof, or in the waters adjacent thereto''.

1967—Subsec. (d). Pub. L. 90–77 added subsec. (d).

1966—Subsec. (a)(1). Pub. L. 89–358 required a flag to be furnished to drape the casket of a deceased veteran who served after Jan. 31, 1955.

1961—Subsec. (a). Pub. L. 87–240, § 1(1), inserted ''or of Mexican border service'' after ''veteran of any war''.

Subsec. (c). Pub. L. 87–240, § 1(2), added subsec. (c).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–261, div. A, title X, § 1073(b), Oct. 17, 1998, 112 Stat. 2138, provided that: ''Subsection (g) of section 2301 of title 38, United States Code, as added by subsection (a), shall apply to flags procured by the Secretary of Veterans Affairs for the purposes of section 2301 of title 38, United States Code, after the end of the 30-day period beginning on the date of the enactment of this Act [Oct. 17, 1998].''

EFFECTIVE DATE OF 1982 AMENDMENT

Section 402(b) of Pub. L. 97–306 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to burials after September 30, 1982.''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 113 of this title.

§ 2302. Funeral expenses

(a) In the case of a deceased veteran—

(1) who at the time of death was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or was in receipt of pension, or

(2) who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and with respect to whom the Secretary determines—

(A) that there is no next of kin or other person claiming the body of the deceased veteran, and

(B) that there are not available sufficient resources to cover burial and funeral expenses,

the Secretary, in the Secretary's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $300 to such person as the Secretary prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term ''veteran'' includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.

(b) Except as hereafter provided in this subsection, no deduction shall be made from the burial allowance because of the veteran's net assets at the time of the death of such veteran, or because of any contribution from any source toward the burial and funeral expenses (including transportation) unless the amount of expenses incurred is covered by the amount actually paid therefor by the United States, a State, any agency or political subdivision of the United States or of a State, or the employer of the deceased veteran. No claim shall be allowed (1) for more than the difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing, or (2) when the burial allowance would revert to the funds of a public or private organization or would discharge such an organization's obligation without payment. The burial allowance or any part thereof shall not be paid in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1169, § 902; Pub. L. 88–359, July 7, 1964, 78 Stat. 296; Pub. L. 89–360, Mar. 7, 1966, 80 Stat. 29; Pub. L. 95–476, title II, § 203(b), Oct. 18, 1978, 92 Stat. 1506; Pub. L. 95–479, title III, § 303(a), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 97–35, title XX, § 2001(a)(1), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97–306, title IV, § 403[(a)], Oct. 14, 1982, 96 Stat. 1443; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2302, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 902 of this title as this section.

1989—Subsec. (a). Pub. L. 101–237 substituted ''Secretary'' and ''Secretary's'' for ''Administrator'' and ''Administrator's'', respectively, wherever appearing.

1982—Subsec. (a). Pub. L. 97–306 substituted requirement of a deceased veteran who at the time of death was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or was in receipt of pension, or who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and with respect to whom the Administrator determines that there is no next of kin or other person claiming the body of the deceased veteran, and that there are not available sufficient resources to cover burial and funeral expenses, for requirement of a veteran who dies in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or in receipt of pension.

1981—Subsec. (a). Pub. L. 97–35 substituted provisions relating to death of a veteran in receipt of compensation or a pension, for provisions relating to a veteran who dies of a service-connected disability, or who was a veteran of any war, discharged for a disability incurred or aggravated in line of duty, or in receipt of disability compensation.

1978—Subsec. (a). Pub. L. 95–479 substituted ''$300'' for ''$250''.

Pub. L. 95–476, § 203(b)(1), (2), substituted ''in the Administrator's discretion'' and ''as the Administrator prescribes'' for ''in his discretion'' and ''as he prescribes'', respectively.

Subsec. (b). Pub. L. 95–476, § 203(b)(3), substituted ''the death of such veteran'' for ''his death''.

1966—Subsec. (a). Pub. L. 89–360 extended authorized burial allowance to include peacetime veterans who die of a service connected disability but who have neither applied for disability compensation for disability nor been discharged for disability.

1964—Subsec. (b). Pub. L. 88–359 provided that no claim shall be allowed when allowance would revert to the funds of a public or private organization, or would discharge such an organization's obligation without payment, and struck out requirement that amounts paid by burial associations toward burial and funeral expenses be deducted prior to payment of allowance.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 403(b) of Pub. L. 97–306 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to burial and funeral expenses incurred after September 30, 1982.''

EFFECTIVE DATE OF 1981 AMENDMENT

Section 2001(a)(2) of Pub. L. 97–35 provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect with respect to deaths occurring after September 30, 1981.''

EFFECTIVE DATE OF 1978 AMENDMENTS

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.

Amendment by Pub. L. 95–476 effective Oct. 18, 1978, see section 205(a) of Pub. L. 95–476, set out as a note under section 2303 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 2303, 2304, 2307, 2308 of this title; title 50 App. section 461.

§ 2303. Death in Department facility; plot allowance

(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

(A) pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

(2) A facility described in this paragraph is—

(A) a facility of the Department (as defined in section 1701(3) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

(B) an institution at which the deceased veteran was, at the time of death, receiving—

(i) hospital care in accordance with section 1703 of this title;

(ii) nursing home care under section 1720 of this title; or

(iii) nursing home care for which payments are made under section 1741 of this title.

(b) In addition to the benefits provided for under section 2302 of this title and subsection (a) of this section, in the case of a veteran who is eligible for a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war and who is not buried in a national cemetery or other cemetery under the jurisdiction of the United States—

(1) if such veteran is buried (without charge for the cost of a plot or interment) in a cemetery, or a section of a cemetery, that (A) is used solely for the interment of persons eligible for burial in a national cemetery, and (B) is owned by a State or by an agency or political subdivision of a State, the Secretary shall pay to such State, agency, or political subdivision the sum of $150 as a plot or interment allowance for such veteran; and

(2) if such veteran (other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war) is buried in a cemetery, or a section of a cemetery, other than as described in clause (1) of this subsection, the Secretary shall pay a sum not exceeding $150 as a plot or interment allowance to such person as the Secretary prescribes, except that if any part of the plot or interment costs of a burial to which this clause applies has been paid or assumed by a State, an agency or political subdivision of a State, or a former employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1170, § 903; Pub. L. 86–70, § 29(a), June 25, 1959, 73 Stat. 148; Pub. L. 86–624, § 25(b), July 12, 1960, 74 Stat. 418; Pub. L. 87–99, July 21, 1961, 75 Stat. 218; Pub. L. 89–358, § 4(i), Mar. 3, 1966, 80 Stat. 24; Pub. L. 93–43, § 5(a)(1), June 18, 1973, 87 Stat. 80; Pub. L. 94–581, title II, § 204, Oct. 21, 1976, 90 Stat. 2856; Pub. L. 95–476, title II, § 202(a), Oct. 18, 1978, 92 Stat. 1503; Pub. L. 95–479, title III, § 303(a), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 97–35, title XX, § 2001(b), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97–306, title IV, § 404(a), Oct. 14, 1982, 96 Stat. 1443; Pub. L. 99–272, title XIX, § 19012(c)(4), Apr. 7, 1986, 100 Stat. 382; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 101–508, title VIII, § 8042(a), Nov. 5, 1990, 104 Stat. 1388–349; renumbered § 2303 and amended Pub. L. 102–83, §§ 4(a)(3), (4), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 104–275, title II, § 212, Oct. 9, 1996, 110 Stat. 3330; Pub. L. 105–114, title IV, § 401(a), Nov. 21, 1997, 111 Stat. 2293.)

AMENDMENTS

1997—Subsec. (a)(2)(A). Pub. L. 105–114 substituted "a facility of the Department (as defined in section 1701(3) of this title)" for "a Department facility (as defined in section 1701(4) of this title)".

1996—Subsec. (a). Pub. L. 104–275 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "When a veteran dies in a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title or in an institution at which the deceased veteran was receiving hospital care in accordance with section 1703 of this title or nursing home care under section 1720 of this title at the expense of the United States at the time of death, the Secretary—

"(1) shall pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State."

1991—Pub. L. 102–83, § 5(a), renumbered section 903 of this title as this section.

Pub. L. 102–83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in section catchline.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "1701(4)" for "601(4)", "1710 or 1711(a)" for "610 or 611(a)", "1703" for "603", and "1720" for "620" in introductory provisions.

Pub. L. 102–83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in introductory provisions and in par. (1).

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted "2302" for "902" in two places in introductory provisions.

1990—Subsec. (b)(2). Pub. L. 101–508 inserted "(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)" after "if such veteran".

1989—Pub. L. 101–237 substituted "Secretary" for "Administrator" wherever appearing.

1986—Subsec. (a). Pub. L. 99–272 inserted "hospital care in accordance with section 603 of this title or".

1982—Subsec. (a). Pub. L. 97–306 substituted "When a veteran dies in a Veterans' Administration facility (as defined in section 601(4) of this title)" for "Where death occurs in a Veterans' Administration facility" and inserted "or in an institution at which the deceased veteran was receiving nursing home care under section 620 of this title at the expense of the United States at the time of death" after "611(a) of this title.

1981—Subsec. (b). Pub. L. 97–35 inserted provisions relating to a veteran discharged from active duty for a disability incurred or aggravated in the line of duty, or a war veteran.

1978—Subsec. (a)(1). Pub. L. 95–479 substituted "$300" for $250".

Subsec. (b). Pub. L. 95–476 substituted provisions requiring Administrator to pay an interment allowance of $150 to a State or an agency or subdivision of a State, for burial of an eligible veteran in a cemetery, reserved for burial of persons eligible for burial in a national cemetery, owned by the State or such agency or political subdivision, or to any person prescribed by Administrator for burial of an eligible veteran in a cemetery other than one so reserved for provisions authorizing Administrator in his discretion to pay up to $150 as an interment allowance to any person he prescribed.

1976—Subsec. (a). Pub. L. 94–581 inserted ", nursing home," after "hospital" and substituted "611(a)" for "611" in provisions preceding par. (1).

1973—Pub. L. 93–43, in revising text, substituted reference to section "611" for "611(a)" in opening text of subsec. (a), designated existing provisions of subsec. (a) as first part of par. (1) of such subsec. (a), incorporated provisions of former subsec. (c) as second part of par. (1) of subsec. (a), redesignated former subsec. (b) as par. (2) of subsec. (a), and added subsec. (b).

1966—Subsec. (b). Pub. L. 89–358 struck out last sentence including the Canal Zone in the term "State" for purposes of subsec. (b), now incorporated in section 101(20) of this title.

1961—Subsec. (b). Pub. L. 87–99 substituted "a State" and "in the same, or any other State" for "the continental United States or Hawaii" and "in the con-

tinental United States or Hawaii'', respectively, and defined State to include Canal Zone.

1960—Subsec. (b). Pub. L. 86–624 substituted ''continental United States or Hawaii'' for ''continental United States (including Alaska)'' in two places.

1959—Subsec. (b). Pub. L. 86–70 substituted ''continental United States (including Alaska), the Administrator shall transport the body to the place of burial in the continental United States (including Alaska)'' for ''continental United States, the Administrator shall transport the body to the place of burial in the United States, or to the place of burial within Alaska if the deceased was a resident of Alaska who had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care''.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8042(b) of Pub. L. 101–508 provided that: ''This section [amending this section] shall apply to deaths occurring on or after November 1, 1990.''

EFFECTIVE DATE OF 1982 AMENDMENT

Section 404(b) of Pub. L. 97–306 provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to deaths occurring after September 30, 1982.''

EFFECTIVE DATE OF 1978 AMENDMENTS

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.

Section 205 of title II of Pub. L. 95–476 provided that:

''(a) Except as provided in subsection (b), the amendments made by this title [enacting section 1008 [now 2408] of this title and amending sections 902, 906, and 1798 [now 2302, 2306, and 3698] of this title] shall take effect on the date of the enactment of this Act [Oct. 18, 1978].

''(b) The amendment made by section 202(a) of this title [amending this section] shall take effect on October 1, 1978.''

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 10(b) of Pub. L. 93–43 provided that: ''Clause (1) of section 5(a) [amending this section] shall take effect on the first day of the second calendar month following the date of enactment of this Act [June 18, 1973].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 2307 of this title.

§ 2304. Claims for reimbursement

Applications for payments under section 2302 of this title must be filed within two years after the burial of the veteran. If the burial allowance was not payable at the death of the veteran because of the nature of the veteran's discharge from the service, but after the veteran's death the veteran's discharge has been corrected by competent authority so as to reflect a discharge from the service under conditions other than dishonorable, then the burial allowance may be paid if a claim is filed within two years from the date of correction of the discharge. If a claimant's application is incomplete at the time it is originally submitted, the Secretary shall notify the applicant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no allowance may be paid.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1170, § 904; Pub. L. 88–3, Apr. 2, 1963, 77 Stat. 4; Pub. L. 91–24, § 7, June 11, 1969, 83 Stat. 34; Pub. L. 99–576, title VII, § 701(51), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2304 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 904 of this title as this section and substituted ''2302'' for ''902''.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator''.

1986—Pub. L. 99–576 substituted ''the veteran's'' for ''his'' in three places.

1969—Pub. L. 91–24 substituted ''two years from the date of correction of the discharge'' for ''two years from whichever last occurs, the date of correction of the discharge or the date of enactment of this sentence''.

1963—Pub. L. 88–3 authorized payment of a burial allowance in cases where it was not payable at death because of the nature of the veteran's discharge, where such discharge has been corrected by competent authority to reflect conditions other than dishonorable, and the claim is filed within two years from whichever last occurs, the date of correction of the discharge or the date of enactment of Pub. L. 88–3 [approved Apr. 2, 1963].

§ 2305. Persons eligible under prior law

The death of any person who had a status which would, under the laws in effect on December 31, 1957, afford entitlement to the burial benefits and other benefits provided for in this chapter, but who did not meet the service requirements contained in this chapter, shall afford entitlement to such benefits, notwithstanding the failure of such person to meet such service requirements.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1170, § 905; renumbered § 2305, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 905 of this title as this section.

§ 2306. Headstones, markers, and burial receptacles

(a) The Secretary shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

(1) Any individual buried in a national cemetery or in a post cemetery.

(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 2402(4), (5), and (6) of this title.

(3) Soldiers of the Union and Confederate Armies of the Civil War.

(4) Any individual described in section 2402(5) of this title who is buried in a veterans' cemetery owned by a State.

(5) Any individual who at the time of death was entitled to retired pay under chapter 67[1] of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(b)(1) The Secretary shall furnish, when requested, an appropriate memorial headstone or

[1] See References in Text note below.

marker for the purpose of commemorating an eligible individual whose remains are unavailable. Such a headstone or marker shall be furnished for placement in a national cemetery area reserved for that purpose under section 2403 of this title, a veterans' cemetery owned by a State, or, in the case of a veteran, in a State, local, or private cemetery.

(2) For purposes of paragraph (1), an eligible individual is any of the following:

(A) A veteran.

(B) The spouse or surviving spouse of a veteran.

(3) For purposes of paragraph (1), the remains of an individual shall be considered to be unavailable if the individual's remains—

(A) have not been recovered or identified;

(B) were buried at sea, whether by the individual's own choice or otherwise;

(C) were donated to science; or

(D) were cremated and the ashes scattered without interment of any portion of the ashes.

(4) For purposes of this subsection:

(A) The term ''veteran'' includes an individual who dies in the active military, naval, or air service.

(B) The term ''surviving spouse'' includes an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce.

(c) A headstone or marker furnished under subsection (a) or (b) of this section may be of any material, including but not limited to marble, granite, bronze, or slate, requested by the person entitled to request such headstone or marker if the material requested is determined by the Secretary (1) to be cost effective, and (2) in a case in which the headstone or marker is to be placed in a national cemetery, to be aesthetically compatible with the area of the cemetery in which it is to be placed.

(d)(1) The Secretary of Veterans Affairs shall provide an outer burial receptacle for each new grave in an open cemetery under the control of the National Cemetery Administration in which remains are interred in a casket. The Secretary of the Army may provide an outer burial receptacle for such a grave in the Arlington National Cemetery.

(2) The use of outer burial receptacles in a cemetery under the control of the National Cemetery Administration or in the Arlington National Cemetery shall be in accordance with regulations or procedures approved by the Secretary of Veterans Affairs or Secretary of the Army, respectively.

(3) Regulations or procedures under paragraph (2) may specify that—

(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.

(e)(1) When the Secretary has furnished a headstone or marker under subsection (a) for the unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker under that subsection for the surviving spouse of such individual.

(2) When the Secretary has furnished a memorial headstone or marker under subsection (b) for purposes of commemorating a veteran or an individual who died in the active military, naval, or air service, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate memorial headstone or marker under that subsection for the surviving spouse of such individual.

(Added Pub. L. 93–43, § 5(a)(2), June 18, 1973, 87 Stat. 80, § 906; amended Pub. L. 95–476, title II, § 203(a), Oct. 18, 1978, 92 Stat. 1505; Pub. L. 95–479, title III, § 303(b), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 96–385, title V, § 502, Oct. 7, 1980, 94 Stat. 1534; Pub. L. 97–66, title VI, § 603(a), Oct. 17, 1981, 95 Stat. 1034; Pub. L. 100–322, title III, § 344(a), (b)(1), May 20, 1988, 102 Stat. 540; Pub. L. 101–237, title III, § 313(b)(1), (3), title V, §§ 501, 504(a), Dec. 18, 1989, 103 Stat. 2077, 2093, 2094; Pub. L. 101–508, title VIII, § 8041(a), Nov. 5, 1990, 104 Stat. 1388–349; renumbered § 2306 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–547, § 11(b), Oct. 28, 1992, 106 Stat. 3644; Pub. L. 104–275, title II, § 213(a), (b)(1), Oct. 9, 1996, 110 Stat. 3331, 3332; Pub. L. 105–368, title IV, §§ 401(a), (b), 403(c)(2), Nov. 11, 1998, 112 Stat. 3334, 3335, 3338.)

REFERENCES IN TEXT

Chapter 67 of title 10, referred to in subsec. (a)(5), was transferred to part II of subtitle E of Title 10, Armed Forces, renumbered as chapter 1223, and amended generally by Pub. L. 103–337, div. A, title XVI, § 1662(j)(1), Oct. 5, 1994, 108 Stat. 2998. A new chapter 67 (§ 1331) of Title 10 was added by section 1662(j)(7) of Pub. L. 103–337.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105–368, § 401(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating any veteran—

''(1) whose remains have not been recovered or identified,

''(2) whose remains were buried at sea, whether by the veteran's own choice or otherwise,

''(3) whose remains were donated to science, or

''(4) whose remains were cremated and the ashes scattered without interment of any portion of the ashes,

for placement by the applicant in a national cemetery area reserved for such purpose under the provisions of section 2403 of this title or in a State, local, or private cemetery.''

Subsec. (d)(1), (2). Pub. L. 105–368, § 403(c)(2), substituted ''under the control of the National Cemetery Administration'' for ''within the National Cemetery System''.

Subsec. (e). Pub. L. 105–368, § 401(b), added subsec. (e).

1996—Pub. L. 104–275, § 213(b)(1), substituted ''burial receptacles'' for ''grave liners'' in section catchline.

Subsec. (d)(1). Pub. L. 104–275, § 213(a)(1), substituted ''an outer burial receptacle'' for ''a grave liner'' in two places.

Subsec. (d)(2). Pub. L. 104–275, § 213(a)(2), substituted ''outer burial receptacles'' for ''grave liners'' and ''regulations or procedures'' for ''specifications and procedures''.

Subsec. (d)(3), (4). Pub. L. 104–275, § 213(a)(3), added pars. (3) and (4).

1992—Subsec. (a)(5). Pub. L. 102–547 added par. (5).

1991—Pub. L. 102–83, § 5(a), renumbered section 906 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''2402(4)'' for ''1002(4)'' in par. (2) and ''2402(5)'' for ''1002(5)'' in par. (4).

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''2403'' for ''1003'' in concluding provisions.

1990—Subsecs. (d), (e). Pub. L. 101–508 redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: ''In lieu of furnishing a headstone or marker under subsection (a)(2) or (b) of this section, the Secretary, in the Secretary's discretion, having due regard for the circumstances in each case, may reimburse the person entitled to request such headstone or marker for the cost of acquiring a non-Government headstone or marker for placement in any cemetery other than a national cemetery in connection with the burial or memorialization of the deceased individual. The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be. Reimbursement under this subsection may be made only upon the request of the person entitled to request the headstone or marker and may not be made in an amount in excess of the average actual cost, as determined by the Secretary, of headstones and markers furnished under subsections (a) and (b) of this section.''

1989—Subsecs. (a) to (c). Pub. L. 101–237, § 313(b)(1), substituted ''Secretary'' for ''Administrator''.

Subsec. (d). Pub. L. 101–237, § 501, substituted ''cost of acquiring'' for ''actual costs incurred by or on behalf of such person in acquiring'' in first sentence, inserted after first sentence ''The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be.'', and substituted ''this subsection'' for ''the preceding sentence'' in last sentence.

Pub. L. 101–237, § 313(b)(1), substituted ''Secretary'' and ''Secretary's'' for ''Administrator'' and ''Administrator's'', respectively, wherever appearing.

Subsec. (e)(1). Pub. L. 101–237, § 504(a), inserted first sentence and struck out former first sentence which read as follows: ''The Secretary may provide a grave liner for any grave in a cemetery within the National Cemetery System in which remains are interred in a casket.''

Pub. L. 101–237, § 313(b)(1), substituted ''Secretary may provide'' for ''Administrator may provide''.

Subsec. (e)(2). Pub. L. 101–237, § 313(b)(3), substituted ''Secretary of Veterans Affairs or Secretary of the Army'' for ''Administrator or the Secretary''.

1988—Pub. L. 100–322, § 344(b)(1), substituted ''Headstones, markers, and grave liners'' for ''Headstones and markers'' in section catchline.

Subsec. (e). Pub. L. 100–322, § 344(a), added subsec. (e).

1981—Subsec. (b). Pub. L. 97–66 inserted provisions relating to veterans whose remains were donated to science or whose remains were cremated and the ashes scattered without interment of any portion of the ashes.

1980—Subsec. (a)(4). Pub. L. 96–385 added par. (4).

1978—Subsec. (b). Pub. L. 95–479 struck out ''dying in the service, and'' after ''to commemorate any veteran''.

Subsecs. (c), (d). Pub. L. 95–476 added subsecs. (c) and (d).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–368, title IV, § 401(d), Nov. 11, 1998, 112 Stat. 3335, provided that: ''The amendments made by subsections (a) and (b) [amending this section] shall apply to deaths occurring after the date of the enactment of this Act [Nov. 11, 1998].''

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8041(b) of Pub. L. 101–508 provided that: ''This section [amending this section] shall apply to deaths occurring on or after November 1, 1990.''

EFFECTIVE DATE OF 1989 AMENDMENT

Section 504(b) of Pub. L. 101–237 provided that: ''The amendment made by subsection (a) [amending this section] shall apply to interments that occur after January 1, 1990.''

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 applicable with respect to veterans dying before, on, or after Oct. 17, 1981, see section 701(b)(6) 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 with respect to individuals who die after Sept. 30, 1980, see section 601(c) of Pub. L. 96–385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENTS

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.

Amendment by Pub. L. 95–476 effective Oct. 18, 1978, see section 205(a) of Pub. L. 95–476, set out as a note under section 2303 of this title.

EFFECTIVE DATE

Section 10(c) of Pub. L. 93–43 provided that: ''Clause (2) of section 5(a) [enacting this section and section 907 [now 2307] of this title] and sections 6 [enacting provisions set out a note under section 2404 of this title] and 7 [repealing sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of Title 24, Hospitals and Asylums, and enacting provisions set out as notes under sections 271 to 276 of Title 24] of this Act shall take effect September 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 2403 of this title; title 46 section 11201.

§ 2307. Death from service-connected disability

In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Secretary, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the greater of (1) $1,500, or (2) the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of

any benefits authorized under sections 2302 and 2303(a)(1) and (b) of this title.

(Added Pub. L. 93–43, § 5(a)(2), June 18, 1973, 87 Stat. 80, § 907; amended Pub. L. 95–479, title III, § 303(c), Oct. 18, 1978, 92 Stat. 1565; Pub. L. 100–322, title III, § 303, May 20, 1988, 102 Stat. 534; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2307 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 907 of this title as this section and substituted ''2302 and 2303(a)(1)'' for ''902 and 903(a)(1)''.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator''.

1988—Pub. L. 100–322 substituted ''$1,500'' for ''$1,100''.

1978—Pub. L. 95–479 inserted ''the greater of (1) $1,100, or (2)'' after ''not exceeding''.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–322 effective Apr. 1, 1988, see section 304 of Pub. L. 100–322, set out as a note under section 2102 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

Section effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 2306 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 2308 of this title; title 2 section 905.

§ 2308. Transportation of deceased veteran to a national cemetery

Where a veteran dies as the result of a service-connected disability, or is in receipt of (but for the receipt of retirement pay or pension under this title would have been entitled to) disability compensation, the Secretary may pay, in addition to any amount paid pursuant to section 2302 or 2307 of this title, the cost of transportation of the deceased veteran for burial in a national cemetery. Such payment shall not exceed the cost of transportation to the national cemetery nearest the veteran's last place of residence in which burial space is available.

(Added Pub. L. 94–433, title III, § 304(a), Sept. 30, 1976, 90 Stat. 1377, § 908; amended Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2308 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 908 of this title as this section and substituted ''2302 or 2307'' for ''902 or 907''.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator''.

EFFECTIVE DATE

Section effective Oct. 1, 1976, see section 406 of Pub. L. 94–433, set out as an Effective Date of 1976 Amendment note under section 1101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 113 of this title.

CHAPTER 24—NATIONAL CEMETERIES AND MEMORIALS

Sec.
2400. Establishment of National Cemetery Administration; composition of Administration.
2401. Advisory Committee on Cemeteries and Memorials.
2402. Persons eligible for interment in national cemeteries.
2403. Memorial areas.
2404. Administration.
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2406. Acquisition of lands.
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2408. Aid to States for establishment, expansion, and improvement of veterans' cemeteries.
2409. Memorial areas in Arlington National Cemetery.
2410. Burial of cremated remains in Arlington National Cemetery.
2411. Prohibition against interment or memorialization in the National Cemetery Administration or Arlington National Cemetery of persons committing Federal or State capital crimes.

AMENDMENTS

1998—Pub. L. 105–368, title IV, § 403(c)(4), (d)(1), Nov. 11, 1998, 112 Stat. 3338, 3339, substituted ''Administration; composition of Administration'' for ''System; composition of such system; appointment of director'' in item 2400 and ''Administration'' for ''System'' in item 2411.

1997—Pub. L. 105–116, § 1(b), Nov. 21, 1997, 111 Stat. 2382, added item 2411.

1991—Pub. L. 102–83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1000 to 1010 as 2400 to 2410, respectively.

1989—Pub. L. 101–237, title V, § 502(b), Dec. 18, 1989, 103 Stat. 2093, added item 1010.

1986—Pub. L. 99–576, title IV, § 413(b), Oct. 28, 1986, 100 Stat. 3284, added item 1009.

1978—Pub. L. 95–476, title II, § 202(b)(2), Oct. 18, 1978, 92 Stat. 1505, added item 1008.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 36 section 2105; title 46 section 11201.

§ 2400. Establishment of National Cemetery Administration; composition of Administration

(a) There shall be within the Department a National Cemetery Administration responsible for the interment of deceased servicemembers and veterans. The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs, who shall perform such functions as may be assigned by the Secretary.

(b) The national cemeteries and other facilities under the control of the National Cemetery Administration shall consist of—

(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Secretary.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 75, § 1000; amended Pub. L. 99–576, title VII,

§ 701(52), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 100–527, § 13(i), Oct. 25, 1988, 102 Stat. 2644; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2400 and amended Pub. L. 102–83, §§ 4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 105–368, title IV, § 403(c)(3), Nov. 11, 1998, 112 Stat. 3338.)

REFERENCES IN TEXT

The National Cemeteries Act of 1973, referred to in subsec. (b)(1), (3), is Pub. L. 93–43, June 18, 1973, 87 Stat. 75, as amended, which is classified principally to this chapter (§ 2400 et seq.). For complete classification of this Act to the Code, see section 1 of Pub. L. 93–43 set out as a Short Title of 1973 Amendment note under section 101 of this title and Tables.

For national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973, and any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, referred to in subsec. (b)(1), (3), see Transfer of Functions note set out under section 2404 of this title.

The date of enactment of this chapter, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 93–43, which was approved June 18, 1973.

AMENDMENTS

1998—Pub. L. 105–368, § 403(c)(3)(C), substituted ''Administration; composition of Administration'' for ''System; composition of such system; appointment of director'' in section catchline.

Subsec. (a). Pub. L. 105–368, § 403(c)(3)(A), in first sentence, substituted ''Administration responsible'' for ''System'' and, in second sentence, substituted ''The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs'' for ''Such system shall be headed by the Director of the National Cemetery System''.

Subsec. (b). Pub. L. 105–368, § 403(c)(3)(B), substituted ''national cemeteries and other facilities under the control of the National Cemetery Administration'' for ''National Cemetery System'' in introductory provisions.

1991—Pub. L. 102–83, § 5(a), renumbered section 1000 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

1989—Subsec. (b)(3). Pub. L. 101–237 substituted ''Secretary'' for ''Administrator''.

1988—Subsec. (a). Pub. L. 100–527 substituted ''Such system shall be headed by the Director of the National Cemetery System, who shall perform such functions as may be assigned by the Secretary'' for ''The Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator''.

1986—Subsec. (a). Pub. L. 99–576 substituted ''servicemembers'' for ''servicemen'' and ''The Administrator'' for ''To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator''.

CHANGE OF NAME

Pub. L. 105–368, title IV, § 403(a)(1), Nov. 11, 1998, 112 Stat. 3337, provided that: ''The National Cemetery System of the Department of Veterans Affairs shall hereafter be known and designated as the National Cemetery Administration. The position of Director of the National Cemetery System is hereby redesignated as Under Secretary of Veterans Affairs for Memorial Affairs.''

Pub. L. 105–368, title IV, § 403(d), Nov. 11, 1998, 112 Stat. 3339, provided that:

''(1) Any reference in a law, map, regulation, document, paper, or other record of the United States to the National Cemetery System shall be deemed to be a reference to the National Cemetery Administration.

''(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the National Cemetery System shall be deemed to be a reference to the Under Secretary of Veterans Affairs for Memorial Affairs.''

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of this title.

EFFECTIVE DATE

Section 10(a) of Pub. L. 93–43 provided that: ''The first section [set out as a Short Title of 1973 Amendment note under section 101 of this title] and sections 2 [enacting this chapter and amending section 5316 of Title 5, Government Organization and Employees], 3 [set out as a note under section 2404 of this title], 4 [enacting section 218 and repealing section 625 of this title], and 8 [amending section 3505 [now 6105] of this title] of this Act shall take effect on the date of enactment of this Act [June 18, 1973].''

SHORT TITLE

For short title of Pub. L. 93–43, June 18, 1973, 87 Stat. 75, which enacted this chapter, as the ''National Cemeteries Act of 1973'', see section 1 of Pub. L. 93–43 set out as a Short Title of 1973 Amendment note under section 101 of this title.

REIMBURSEMENT OF ACCOUNT

Pub. L. 105–276, title I, Oct. 21, 1998, 112 Stat. 2466, provided in part: ''That during fiscal year 1999, or in subsequent fiscal years, the 'Construction, major projects' account shall be reimbursed, in the amount transferred, from other funds as they become part of the Pershing Hall Revolving Fund.''

TRANSFER OF PERSHING HALL TO DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 102–86, title IV, § 403, Aug. 14, 1991, 105 Stat. 422, as amended by Pub. L. 103–79, § 4, Aug. 13, 1993, 107 Stat. 772; Pub. L. 103–446, title XII, § 1202(c), Nov. 2, 1994, 108 Stat. 4689, provided that:

''(a) IN GENERAL.—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

''(b) ADMINISTRATION.—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

''(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

''(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

''(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

''(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

''(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 707 of title 38, United States Code, to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

''(c) LEASES.—(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 99 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

''(2) Leases entered into by the Secretary under this subsection shall be for consideration in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

''(d) FUND.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

''(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed $1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

''(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74–171; 49 Stat. 426) [former 36 U.S.C. 491], is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

''(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

''(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

''(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than $100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

''(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

''(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

''(e) WAIVER.—The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.''

[Section 403 of Pub. L. 102–86, set out above, was classified to section 493 of former Title 36 prior to the general revision and enactment of Title 36, Patriotic and National Observances, Ceremonies, and Organizations, by Pub. L. 105–225, § 1, Aug. 12, 1998, 112 Stat. 1253.]

AUTHORITY TO ESTABLISH NATIONAL CEMETERIES

Section 414 of Pub. L. 99–576 provided that:

''(a) AUTHORITY.—The authority of the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] under chapter 24 of title 38, United States Code, to develop and acquire cemeteries as part of the National Cemetery System [now National Cemetery Administration] includes, but is not limited to, the authority to establish additional national cemeteries to serve the needs of veterans and their families in—

''(1) San Francisco, California;
''(2) Chicago, Illinois;
''(3) Cleveland, Ohio;
''(4) Pittsburgh, Pennsylvania;
''(5) Dallas/Fort Worth, Texas;
''(6) Miami, Florida;
''(7) Seattle, Washington;
''(8) Atlanta, Georgia;
''(9) Phoenix/Tucson, Arizona;
''(10) Birmingham, Alabama; and
''(11) any other State in which a national cemetery is not available for the burial of veterans.

''(b) LAND ACQUISITION.—The Administrator [now Secretary] may acquire land necessary for a cemetery authorized by subsection (a) of this section by donation, purchase, condemnation, exchange of lands in the United States public domain, or otherwise.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 307 of this title.

§ 2401. Advisory Committee on Cemeteries and Memorials

There shall be appointed by the Secretary an Advisory Committee on Cemeteries and Memorials. The Secretary shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which the Secretary is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Secretary and to Congress.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 75, § 1001; amended Pub. L. 99–576, title VII, § 701(53), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2401, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1001 of this title as this section.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Pub. L. 99–576 substituted ''the Administrator'' for ''he'' before ''is responsible''.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such

committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2402. Persons eligible for interment in national cemeteries

Under such regulations as the Secretary may prescribe and subject to the provisions of section 6105 of this title, the remains of the following persons may be buried in any open national cemetery under the control of the National Cemetery Administration:

(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while such member is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while such member is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while such member is—

(A) attending an authorized training camp or on an authorized practice cruise;

(B) performing authorized travel to or from that camp or cruise; or

(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while such member is—

(i) attending that camp or on that cruise;

(ii) performing that travel; or

(iii) undergoing that hospitalization or treatment at the expense of the United States.

(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

(5) The spouse, surviving spouse (which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce), minor child (which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution), and, in the discretion of the Secretary, unmarried adult child of any of the persons listed in paragraphs (1) through (4) and paragraph (7).

(6) Such other persons or classes of persons as may be designated by the Secretary.

(7) Any person who at the time of death was entitled to retired pay under chapter 67[1] of title 10 or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 75, § 1002; amended Pub. L. 99–576, title VII, § 701(54), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 2402, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–240, § 1, May 4, 1994, 108 Stat. 609; Pub. L. 103–446, title VIII, §§ 801, 802, Nov. 2, 1994, 108 Stat. 4675; Pub. L. 104–275, title II, § 211, Oct. 9, 1996, 110 Stat. 3330; Pub. L. 105–368, title IV, § 403(c)(5), Nov. 11, 1998, 112 Stat. 3338.)

REFERENCES IN TEXT

Chapter 67 of title 10, referred to in par. (7), was transferred to part II of subtitle E of Title 10, Armed Forces, renumbered as chapter 1223, and amended generally by Pub. L. 103–337, div. A, title XVI, § 1662(j)(1), Oct. 5, 1994, 108 Stat. 2998. A new chapter 67 (§ 1331) of Title 10 was added by section 1662(j)(7) of Pub. L. 103–337.

AMENDMENTS

1998—Pub. L. 105–368 substituted "under the control of the National Cemetery Administration" for "in the National Cemetery System" in introductory provisions.

1996—Par. (5). Pub. L. 104–275 inserted "(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)" after "minor child".

1994—Par. (5). Pub. L. 103–446 inserted "spouse," after "The" and "(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)" after "surviving spouse".

Pub. L. 103–240, § 1(b), inserted "and paragraph (7)" after "paragraphs (1) through (4)".

Par. (7). Pub. L. 103–240, § 1(a), added par. (7).

1991—Pub. L. 102–83 renumbered section 1002 of this title as this section.

Pub. L. 102–40 substituted "6105" for "3505" in introductory provisions.

1989—Pub. L. 101–237 substituted "Secretary" for "Administrator" wherever appearing.

1986—Pars. (2), (3). Pub. L. 99–576, § 701(54)(A), substituted "while such member" for "while he" wherever appearing.

Par. (5). Pub. L. 99–576, § 701(54)(B), struck out "wife, husband," before "surviving spouse".

ELIGIBILITY OF FORMER PRISONERS OF WAR FOR BURIAL IN ARLINGTON NATIONAL CEMETERY

Pub. L. 103–160, div. A, title XI, § 1176, Nov. 30, 1993, 107 Stat. 1768, provided that:

"(a) ELIGIBILITY FOR BURIAL.—Former prisoners of war described in subsection (b) are eligible for burial in Arlington National Cemetery, Arlington, Virginia.

"(b) ELIGIBLE FORMER POWS.—A former prisoner of war referred to in subsection (a) is a former prisoner of war—

"(1) who dies on or after the date of the enactment of this Act [Nov. 30, 1993]; and

"(2) who, while a prisoner of war, served honorably in the active military, naval, or air service, as determined under regulations prescribed by the Secretary of the military department concerned.

"(c) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery a former prisoner of war who is eligible to be buried in that cemetery under another provision of law.

"(d) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of the

[1] See References in Text note below.

Army. Those regulations may prescribe a minimum period of internment as a prisoner of war for purposes of eligibility under this section for burial in Arlington National Cemetery.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'former prisoner of war' has the meaning given such term in section 101(32) of title 38, United States Code.

''(2) The term 'active military, naval, or air service' has the meaning given such term in section 101(24) of such title.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2301, 2306 of this title.

§ 2403. Memorial areas

(a) The Secretary shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces and veterans—

(1) who are missing in action;

(2) whose remains have not been recovered or identified;

(3) whose remains were buried at sea, whether by the member's or veteran's own choice or otherwise;

(4) whose remains were donated to science; or

(5) whose remains were cremated and the ashes scattered without interment of any portion of the ashes.

(b) Under regulations prescribed by the Secretary, group memorials may be placed to honor the memory of groups of individuals referred to in subsection (a), and appropriate memorial headstones and markers may be placed to honor the memory of individuals referred to in subsection (a) and section 2306(b) of this title.

(c) All national and other veterans' cemeteries under the control of the National Cemetery Administration shall be considered national shrines as a tribute to our gallant dead and, notwithstanding the provisions of any other law, the Secretary is hereby authorized to permit appropriate officials to fly the flag of the United States of America at such cemeteries twenty-four hours each day.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 76, § 1003; amended Pub. L. 97–66, title VI, § 603(b), Oct. 17, 1981, 95 Stat. 1034; Pub. L. 97–295, § 4(34), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2403, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105–368, title IV, §§ 401(c), 403(c)(6), Nov. 11, 1998, 112 Stat. 3335, 3339.)

REFERENCES IN TEXT

For cemeteries under the control of the National Cemetery Administration, referred to in subsec. (c), see section 2400(b) of this title.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105–368, § 401(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''Under regulations prescribed by the Secretary, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.''

Subsec. (c). Pub. L. 105–368, § 403(c)(6), substituted ''under the control of the National Cemetery Administration'' for ''in the National Cemetery System created by this chapter''.

1991—Pub. L. 102–83 renumbered section 1003 of this title as this section.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1982—Subsec. (c). Pub. L. 97–295 substituted ''chapter'' for ''Act'' after ''created by this''.

1981—Subsec. (a). Pub. L. 97–66 substituted provisions relating to members of the Armed Forces and veterans, for provisions that related only to members of the Armed Forces, struck out provisions limiting the subsection to persons who died or were killed while serving in the Armed Forces, and inserted provisions relating to persons whose remains have not been recovered, whose remains were donated to science, or whose remains were cremated and the ashes scattered without interment of any portion of the ashes.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 applicable with respect to veterans dying before, on, or after Oct. 17, 1981, see section 701(b)(6) of Pub. L. 97–66, set out as a note under section 1114 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2306, 2411 of this title.

§ 2404. Administration

(a) The Secretary is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

(b) In conjunction with the development and administration of cemeteries for which the Secretary is responsible, the Secretary shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

(c)(1) Subject to paragraph (2), each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Secretary shall by regulation prescribe.

(2) The grave markers referred to in paragraph (1) shall be upright for interments that occur on or after January 1, 1987, except that—

(A) in the case of any cemetery scheduled to be closed by September 30, 1991, as indicated in the documents submitted by the Administrator of Veterans' Affairs to the Congress in justification for the amounts included for Veterans' Administration programs in the President's Budget for fiscal year 1987, the Secretary may provide for flat grave markers;

(B) in the case of any cemetery with a section which has flat markers on October 28, 1986, the Secretary may continue to provide for flat grave markers in such section;

(C) in the case of any cemetery located on the grounds of or adjacent to a Department health-care facility, the Secretary may provide for flat grave markers; and

(D) in the case of grave sites of cremated remains that are interred in the ground, the Secretary may provide for flat grave markers.

(d) There shall be kept in each national cemetery, and at the main office of the Department, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which the veteran is buried, and such other information as the Secretary by regulation may prescribe.

(e) In carrying out the Secretary's responsibilities under this chapter, the Secretary may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under the Secretary's jurisdiction as the Secretary shall choose, under such terms and conditions as the Secretary may prescribe.

(f)(1) The Secretary is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Secretary in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

(2) The Secretary may, to the extent of appropriated funds available for such purpose, make a contribution to local authorities for the construction of road improvements or traffic controls or other devices on land adjacent to a national cemetery if the Secretary determines that such a contribution is essential to ensure safe ingress to or egress from the cemetery.

(g) Notwithstanding any other provision of law, the Secretary may at such time as the Secretary deems desirable, relinquish to the State in which any cemetery, monument, or memorial under the Secretary's jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 76, § 1004; amended Pub. L. 99–576, title IV, § 411, title VII, § 701(55), Oct. 28, 1986, 100 Stat. 3283, 3295; Pub. L. 100–322, title III, §§ 341(a), 342, May 20, 1988, 102 Stat. 539, 540; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; Pub. L. 102–54, § 14(b)(21), June 13, 1991, 105 Stat. 284; renumbered § 2404 and amended Pub. L. 102–83, §§ 4(a)(3), (4), (b)(7), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 1004 of this title as this section.

Subsec. (c)(2)(A). Pub. L. 102–83, § 4(b)(7), substituted ''Administrator of Veterans' Affairs'' for ''Secretary''.

Subsec. (c)(2)(B). Pub. L. 102–54 substituted ''October 28, 1986'' for ''the date of the enactment of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986''.

Subsec. (c)(2)(C). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Subsec. (d). Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

1989—Pub. L. 101–237 substituted ''Secretary'' and ''Secretary's'' for ''Administrator'' and ''Administrator's'', respectively, wherever appearing.

1988—Subsec. (c)(2)(C), (D). Pub. L. 100–322, § 341(a), added subpars. (C) and (D).

Subsec. (f). Pub. L. 100–322, § 342, designated existing provisions as par. (1) and added par. (2).

1986—Subsec. (b). Pub. L. 99–576, § 701(55)(B), substituted ''the Administrator'' for ''he'' before ''is responsible''.

Subsec. (c). Pub. L. 99–576, § 411, designated existing provisions as par. (1), substituted ''Subject to paragraph (2), each'' for ''Each'', and added par. (2).

Subsec. (d). Pub. L. 99–576, § 701(55)(A), substituted ''the veteran'' for ''he''.

Subsecs. (e), (g). Pub. L. 99–576, § 701(55)(B), (C), substituted ''the Administrator'' and ''the Administrator's'' for ''he'' and ''his'', respectively, wherever appearing.

TRANSFER OF FUNCTIONS

Section 6 of Pub. L. 93–43 provided that:

''[*Jurisdiction*] (a)(1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' and Airmen's Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section [see note hereunder] (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act [see Tables for classification].

''(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section [see note hereunder] (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act [see Tables for classification].

''[*Personnel; property; records; and funds*] (b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

''[*Savings provision; offenses, penalties and forfeitures*] (c) All offenses committed and all penalties an forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

''[*Same; rules; regulations, permits, and other privileges*] (d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

''[*Abatement of proceedings; proceedings against United States or officer of Veterans' Administration; judicial orders; continuation of suits by Administrator*] (e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to

functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect [see note hereunder], any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.''

[Section 6 of Pub. L. 93–43 effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as an Effective Date note under section 2306 of this title.]

[The United States Soldiers' and Airmen's Home and the United States Naval Home were incorporated into the Armed Forces Retirement Home by section 411 of Title 24, Hospitals and Asylums.]

GRAVE MARKERS IN CERTAIN LOCATIONS

Pub. L. 103–446, title VIII, § 804, Nov. 2, 1994, 108 Stat. 4675, provided that: ''Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary of Veterans Affairs may provide for flat grave markers at the Willamette National Cemetery, Oregon.''

Section 11 of Pub. L. 102–54, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: ''Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary may provide for flat grave markers in that section of the Florida National Cemetery in which preplaced grave liners were installed before July 30, 1988.''

Section 341(b) of Pub. L. 100–322, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: ''Notwithstanding section 2404(c)(2) of title 38, United States Code, the Administrator may provide for flat grave markers in the cases of the national cemeteries in Riverside, California; Bourne, Massachusetts; Augusta, Michigan; and Indiantown Gap, Pennsylvania; and the proposed national cemetery approved by the Administrator, as of July 31, 1987, for Northern California.''

FUNCTIONS, POWERS, AND DUTIES OF SECRETARIES UNAFFECTED

Repeal of sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of Title 24, Hospitals and Asylums, and enactment of provisions set out as notes under sections 271 to 276 of Title 24 without effect upon functions, powers, and duties of secretaries of the military departments with respect to cemeteries, memorials, or monuments under the jurisdiction of the secretary concerned to which the transfer provisions of section 6(a) of Pub. L. 93–43, set out as a note above, do not apply, see section 7(b) of Pub. L. 93–43, set out as a note under sections 271 to 276 of Title 24.

STUDIES; RECOMMENDATIONS TO CONGRESS

Section 3 of Pub. L. 93–43 authorized the Administrator to conduct a comprehensive study concerning the criteria governing the development and operation of the National Cemetery System, including the concept of regional cemeteries, the relationship of the National Cemetery System to other burial benefits provided by Federal and State Governments to servicemen and veterans, steps taken to conform the existing system to the recommended criteria, private burial and funeral costs in the United States, current headstone and marker programs, and the marketing and sales practices of non-Federal cemeteries and interment facilities, and to submit his recommendations within twelve months after the convening of the first session of the Ninety-third Congress and also authorized the Administrator, in conjunction with the Secretary of Defense, to conduct a comprehensive study concerning the advisability of including Arlington National Cemetery within the National Cemetery System, the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery and the advisability of establishing another national cemetery, and to submit the results of their joint recommendations within twelve months after the convening of the first session of the Ninety-third Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2408 of this title.

§ 2405. Disposition of inactive cemeteries

(a) The Secretary may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within the Secretary's control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior shall be administered by the Secretary of the Interior as a part of the National Park System, and funds appropriated to the Secretary of the Interior for such system shall be available for the management and operation of such cemetery.

(b) The Secretary may also transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereon, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the grantee shall cease or fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Secretary, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

(c) If a cemetery not under the control of the National Cemetery Administration has been or is to be discontinued, the Secretary may provide for the removal of remains from that cemetery to any cemetery under the control of such Administration. The Secretary may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 77, § 1005; amended Pub. L. 99–576, title VII, § 701(56), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101–237, title III, § 313(b)(1), (4), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2405, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105–368, title IV, § 403(c)(7), Nov. 11, 1998, 112 Stat. 3339.)

AMENDMENTS

1998—Subsec. (c). Pub. L. 105–368, in first sentence, substituted ''under the control of the National Cemetery Administration'' for ''within the National Cemetery System'' and ''under the control of such Administration'' for ''within such System''.

1991—Pub. L. 102–83 renumbered section 1005 of this title as this section.

1989—Subsec. (a). Pub. L. 101–237, § 313(b)(4), inserted ''of the Interior'' after ''funds appropriated to the Secretary''.

Pub. L. 101–237, § 313(b)(1), substituted ''Secretary may transfer'' for ''Administrator may transfer'' and ''Secretary's'' for ''Administrator's''.

Subsecs. (b), (c). Pub. L. 101–237, § 313(b)(1), substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Subsec. (a). Pub. L. 99–576, § 701(56)(A), substituted ''the Administrator's'' for ''his''.

Subsec. (c). Pub. L. 99–576, § 701(56)(B), substituted ''The Administrator'' for ''He''.

§ 2406. Acquisition of lands

As additional lands are needed for national cemeteries, they may be acquired by the Secretary by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as the Secretary determines to be in the best interest of the United States.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 78, § 1006; amended Pub. L. 99–576, title VII, § 701(57), Oct. 28, 1986, 100 Stat. 3295; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2406, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1006 of this title as this section.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Pub. L. 99–576 substituted ''the Administrator'' for ''he''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 115 of this title.

§ 2407. Authority to accept and maintain suitable memorials

Subject to such restrictions as the Secretary may prescribe, the Secretary may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. The Secretary may make land available for this purpose, and may furnish such care and maintenance as the Secretary deems necessary.

(Added Pub. L. 93–43, § 2(a), June 18, 1973, 87 Stat. 78, § 1007; amended Pub. L. 99–576, title VII, § 701(58), Oct. 28, 1986, 100 Stat. 3296; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2407, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1007 of this title as this section.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Pub. L. 99–576 substituted ''the Administrator'' for ''he'' in two places and ''The Administrator'' for ''He''.

§ 2408. Aid to States for establishment, expansion, and improvement of veterans' cemeteries

(a)(1) Subject to subsection (b) of this section, the Secretary may make grants to any State to assist such State in establishing, expanding, or improving veterans' cemeteries owned by such State. Any such grant may be made only upon submission of an application to the Secretary in such form and manner, and containing such information, as the Secretary may require.

(2) There is authorized to be appropriated such sums as may be necessary for fiscal year 1999 and for each succeeding fiscal year through fiscal year 2004 for the purpose of making grants under paragraph (1).

(b) Grants under this section shall be subject to the following conditions:

(1) The amount of a grant under this section may not exceed—

(A) in the case of the establishment of a new cemetery, the sum of: (i) the cost of improvements to be made on the land to be converted into a cemetery; and (ii) the cost of initial equipment necessary to operate the cemetery; and

(B) in the case of the expansion or improvement of an existing cemetery, the sum of: (i) the cost of improvements to be made on any land to be added to the cemetery; and (ii) the cost of any improvements to be made to the existing cemetery.

(2) If the amount of a grant under this section is less than the amount of costs referred to in subparagraph (A) or (B) of paragraph (1), the State receiving the grant shall contribute the excess of such costs over the grant.

(3) If a State that has received a grant under this section to establish, expand, or improve a veterans' cemetery ceases to own such cemetery, ceases to operate such cemetery as a veterans' cemetery, or uses any part of the funds provided through such grant for a purpose other than that for which the grant was made, the United States shall be entitled to recover from such State the total of all grants made under this section to such State in connection with such cemetery.

(c)(1) In addition to the conditions specified in subsection (b) of this section, any grant to a State under this section to assist such State in establishing a veterans' cemetery shall be made on the condition that such cemetery shall conform to such standards and guidelines relating to site selection, planning, and construction as the Secretary may by regulation prescribe. In prescribing regulations for the purposes of the preceding sentence, the Secretary shall take into account the standards and guidelines for site selection, planning, and construction that are applicable to cemeteries under the control of the National Cemetery Administration, including those provided in subsections (b), (c), and (d) of section 2404 of this title.

(2) The Secretary may by regulation prescribe such additional terms and conditions for grants under this section as the Secretary considers appropriate.

(d)(1) In addition to the conditions specified in subsections (b) and (c), any grant made on or after November 21, 1997, to a State under this section to assist such State in establishing, expanding, or improving a veterans' cemetery shall be made subject to the condition specified in paragraph (2).

(2) For purposes of paragraph (1), the condition described in this paragraph is that, after the

date of the receipt of the grant, such State prohibit the interment or memorialization in that cemetery of a person described in section 2411(b) of this title, subject to the receipt of notice described in subsection (a)(2) of such section, except that for purposes of this subsection—

(A) such notice shall be furnished to an appropriate official of such State; and

(B) a finding described in subsection (b)(3) of such section shall be made by an appropriate official of such State.

(e) Sums appropriated under subsection (a) of this section shall remain available until expended. If all funds from a grant under this section have not been utilized by a State for the purpose for which the grant was made within three years after such grant is made, the United States shall be entitled to recover any such unused grant funds from such State.

(Added Pub. L. 95–476, title II, § 202(b)(1), Oct. 18, 1978, 92 Stat. 1504, § 1008; amended Pub. L. 98–223, title II, § 202, Mar. 2, 1984, 98 Stat. 41; Pub. L. 100–322, title III, § 343, May 20, 1988, 102 Stat. 540; Pub. L. 100–687, div. B, title XVI, § 1601, Nov. 18, 1988, 102 Stat. 4137; Pub. L. 101–237, title III, § 313(b)(1), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2408 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–446, title VIII, § 803, Nov. 2, 1994, 108 Stat. 4675; Pub. L. 105–116, § 2, Nov. 21, 1997, 111 Stat. 2382; Pub. L. 105–368, title IV, §§ 403(c)(8), 404(a)(1), (b), (c), title X, § 1005(b)(5), Nov. 11, 1998, 112 Stat. 3339, 3365.)

AMENDMENTS

1998—Subsec. (a)(2). Pub. L. 105–368, § 404(c), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''There is authorized to be appropriated $5,000,000 for fiscal year 1980 and for each of the four succeeding fiscal years, and such sums as may be necessary for fiscal year 1985 and for each of the fourteen succeeding fiscal years, for the purpose of making grants under paragraph (1) of this subsection.''

Subsec. (b)(1), (2). Pub. L. 105–368, § 404(a)(1), amended pars. (1) and (2) generally. Prior to amendment, pars. (1) and (2) read as follows:

''(1) The amount of any grant under this section may not exceed an amount equal to 50 percent of the total of the value of the land to be acquired or dedicated for the cemetery and the cost of the improvements to be made on such land, with the remaining amount to be contributed by the State receiving the grant.

''(2) If at the time of a grant under this section the State receiving the grant dedicates for the purposes of the cemetery involved land already owned by the State, the value of such land may be considered in determining the amount of the State's contribution under paragraph (1) of this subsection, but the value of such land may not be used for more than an amount equal to 50 percent of the amount of such contribution and may not be used as part of such State's contribution for any subsequent grant under this section.''

Subsec. (c)(1). Pub. L. 105–368, § 403(c)(8), substituted ''under the control of the National Cemetery Administration'' for ''in the National Cemetery System''.

Subsec. (d)(1). Pub. L. 105–368, § 1005(b)(5), substituted ''November 21, 1997,'' for ''the date of the enactment of this subsection'' and ''subject to the condition specified in'' for ''on the condition described in''.

Subsec. (e). Pub. L. 105–368, § 401(b), substituted ''shall remain available until expended'' for ''shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated'' in first sentence.

1997—Subsecs. (d), (e). Pub. L. 105–116 added subsec. (d) and redesignated former subsec. (d) as (e).

1994—Subsec. (a)(2). Pub. L. 103–446 substituted ''fourteen'' for ''nine''.

1991—Pub. L. 102–83, § 5(a), renumbered section 1008 of this title as this section.

Subsec. (c)(1). Pub. L. 102–83, § 5(c)(1), substituted ''2404'' for ''1004''.

1989—Subsecs. (a)(1), (c). Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1988—Subsec. (a)(2). Pub. L. 100–687 substituted ''nine'' for second reference to ''four''.

Subsec. (b)(1). Pub. L. 100–322, § 343(1)–(3), redesignated par. (2) as (1), substituted ''percent'' for ''per centum'', and struck out former par. (1) which read as follows: ''No State may receive grants under this section in any fiscal year in a total amount in excess of 20 per centum of the total amount appropriated for such grants for such fiscal year.''

Subsec. (b)(2). Pub. L. 100–322, § 343(2)–(4), redesignated par. (3) as (2) and substituted ''percent'' for ''per centum'' and ''paragraph (1)'' for ''paragraph (2)''. Former par. (2) redesignated (1).

Subsec. (b)(3), (4). Pub. L. 100–322, § 343(2), redesignated par. (4) as (3). Former par. (3) redesignated (2).

1984—Subsec. (a)(2). Pub. L. 98–223 inserted '', and such sums as may be necessary for fiscal year 1985 and for each of the four succeeding fiscal years,'' after ''fiscal years''.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–368, title IV, § 404(a)(2), Nov. 11, 1998, 112 Stat. 3339, provided that: ''The amendment made by paragraph (1) [amending this section] shall apply with respect to grants under section 2408 of title 38, United States Code, made after the end of the 60-day period beginning on the date of the enactment of this Act [Nov. 11, 1998].''

EFFECTIVE DATE

Section effective Oct. 18, 1978, see section 205(a) of Pub. L. 95–476, set out as an Effective Date of 1978 Amendment note under section 2303 of this title.

§ 2409. Memorial areas in Arlington National Cemetery

(a) The Secretary of the Army may set aside, when available, a suitable area or areas in Arlington National Cemetery, Virginia, to honor the memory of members of the Armed Forces and veterans—

(1) who are missing in action;

(2) whose remains have not been recovered or identified;

(3) whose remains were buried at sea, whether by the member's or veteran's own choice or otherwise;

(4) whose remains were donated to science; or

(5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.

(b) Under regulations prescribed by the Secretary of the Army, appropriate memorials or markers may be erected in Arlington National Cemetery to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

(Added Pub. L. 99–576, title IV, § 413(a), Oct. 28, 1986, 100 Stat. 3284, § 1009; amended Pub. L. 101–237, title III, § 313(b)(5), Dec. 18, 1989, 103 Stat. 2077; renumbered § 2409, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1009 of this title as this section.