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-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

-HEAD-

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

-MISC1-

SUBCHAPTER I - GENERAL

Sec.

- 1101. Definitions.
- 1102. Special provisions relating to surviving spouses.
- 1103. Special provisions relating to claims based upon effects of tobacco products.
- 1104. Cost-of-living adjustments.

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

- 1110. Basic entitlement.
- 1111. Presumption of sound condition.
- 1112. Presumptions relating to certain diseases and disabilities.
- 1113. Presumptions rebuttable.
- 1114. Rates of wartime disability compensation.
- 1115. Additional compensation for dependents.
- 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam.
- 1117. Compensation for disabilities occurring in Persian Gulf War veterans.
- 1118. Presumptions of service connection for illnesses associated with service in the Persian Gulf during the Persian Gulf War.

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.
- 1135. Additional compensation for dependents.
- 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.
 - 1156. Temporary disability ratings.
 - 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

2008 - Pub. L. 110-389, title II, Sec. 211(c), Oct. 10, 2008, 122 Stat. 4151, added item 1156.

2001 - Pub. L. 107-103, title II, Sec. 201(c)(2)(B), Dec. 27, 2001, 115 Stat. 988, substituted "Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam" for "Presumptions of service connection for diseases associated with exposure to certain herbicide agents" in item 1116.

1998 - Pub. L. 105-368, title X, Sec. 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, Sec. 1602(a)(2), Oct. 21, 1998, 112 Stat. 2681-744, added item 1118.

Pub. L. 105-178, title VIII, Sec. 8202(a)(2), as added by Pub. L. 105-206, title IX, Sec. 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, Sec. 8031(a)(2), Aug. 5, 1997, 111 Stat. 668, added item 1103 "Cost-of-living adjustments".

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

1992 - Pub. L. 102-568, title IV, Sec. 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, Sec. 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 301 to 363 as 1101 to 1163, respectively.

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

1986 - Pub. L. 99-576, title I, Sec. 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, Sec. 111(a)(2), Oct. 24, 1984, 98 Stat. 2739, added item 363.

1982 - Pub. L. 97-295, Sec. 4(9), Oct. 12, 1982, 96 Stat. 1305, added item 361.

1976 - Pub. L. 94-433, title IV, Secs. 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, Sec. 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, Secs. 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, Sec. 3(c), Aug. 12, 1970, 84 Stat. 789, inserted reference to disabilities in item 312.

1966 - Pub. L. 89-358, Sec. 7(b), Mar. 3, 1966, 80 Stat. 27, added item 337.

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

1962 - Pub. L. 87-610, Sec. 2, Aug. 28, 1962, 76 Stat. 406, added item 360.

1960 - Pub. L. 86-501, Sec. 2, June 10, 1960, 74 Stat. 195, added item 359.

-End-

-CITE-

38 USC SUBCHAPTER I - GENERAL

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER I - GENERAL

-HEAD-

SUBCHAPTER I - GENERAL

-End-

-CITE-

38 USC Sec. 1101

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER I - GENERAL

-HEAD-

Sec. 1101. Definitions

-STATUTE-

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.

-SOURCE-

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

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 301 of this title as this section.

Pars. (3), (4). Pub. L. 102-83, Sec. 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, Sec. 404(1), substituted "such veteran" for "him" in subpars. (A) and (B).

Par. (3). Pub. L. 94-433, Sec. 401(2), substituted "Hansen's disease" for "Leprosy".

Par. (4). Pub. L. 94-433, Sec. 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, Sec. 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.]

VETERANS' DISABILITY BENEFITS COMMISSION

Pub. L. 108-136, div. A, title XV, Nov. 24, 2003, 117 Stat. 1676, as amended by Pub. L. 109-163, div. A, title V, Sec. 590, Jan. 6, 2006, 119 Stat. 3279, provided that:

"SEC. 1501. ESTABLISHMENT OF COMMISSION.

"(a) Establishment of Commission. - There is hereby established a commission to be known as the Veterans' Disability Benefits Commission (hereinafter in this title referred to as the 'commission').

"(b) Membership. - (1) The commission shall be composed of 13 members, appointed as follows:

"(A) Two members appointed by the Speaker of the House of Representatives, at least one of whom shall be a veteran who was awarded a decoration specified in paragraph (2).

"(B) Two members appointed by the minority leader of the House of Representatives, at least one of whom shall be a veteran who was awarded a decoration specified in paragraph (2).

"(C) Two members appointed by the majority leader of the Senate, at least one of whom shall be a veteran who was awarded a decoration specified in paragraph (2).

"(D) Two members appointed by the minority leader of the Senate, at least one of whom shall be a veteran who was awarded a decoration specified in paragraph (2).

"(E) Five members appointed by the President, at least three of whom shall be veterans who were awarded a decoration specified in paragraph (2).

"(2) A decoration specified in this paragraph is any of the following:

"(A) The Medal of Honor.

"(B) The Distinguished Service Cross, the Navy Cross, or the Air Force Cross.

"(C) The Silver Star.

"(3) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(4) The appointment of members of the commission under this subsection shall be made not later than 60 days after the date of the enactment of this Act [Nov. 24, 2003].

"(c) Period of Appointment. - Members of the commission shall be appointed for the life of the commission. A vacancy in the commission shall not affect its powers.

"(d) Initial Meeting. - The commission shall hold its first meeting not later than 30 days after the date on which a majority of the members of the commission have been appointed.

"(e) Meetings. - The commission shall meet at the call of the chairman.

"(f) Quorum. - A majority of the members of the commission shall constitute a quorum, but a lesser number may hold hearings.

"(g) Chairman. - The President shall designate a member of the commission to be chairman of the commission.

"SEC. 1502. DUTIES OF THE COMMISSION.

"(a) Study. - The commission shall carry out a study of the benefits under the laws of the United States that are provided to compensate and assist veterans and their survivors for disabilities and deaths attributable to military service.

"(b) Scope of Study. - In carrying out the study, the commission shall examine and make recommendations concerning the following:

"(1) The appropriateness of such benefits under the laws in effect on the date of the enactment of this Act [Nov. 24, 2003].

"(2) The appropriateness of the level of such benefits.

"(3) The appropriate standard or standards for determining whether a disability or death of a veteran should be compensated.

"(c) Contents of Study. - The study to be carried out by the commission under this section shall be a comprehensive evaluation and assessment of the benefits provided under the laws of the United States to compensate veterans and their survivors for disability or death attributable to military service, together with any related issues that the commission determines are relevant to the purposes of the study. The study shall include an evaluation and assessment of the following:

"(1) The laws and regulations which determine eligibility for disability and death benefits, and other assistance for veterans and their survivors.

"(2) The rates of such compensation, including the appropriateness of a schedule for rating disabilities based on average impairment of earning capacity.

"(3) Comparable disability benefits provided to individuals by the Federal Government, State governments, and the private sector.

"(d) Consultation With Institute of Medicine. - In carrying out the study under this section, the commission shall consult with the Institute of Medicine of the National Academy of Sciences with respect to the medical aspects of contemporary disability compensation policies.

"SEC. 1503. REPORT.

"Not later than October 1, 2007, the commission shall submit to the President and Congress a report on the study. The report shall include the following:

"(1) The findings and conclusions of the commission, including its findings and conclusions with respect to the matters referred to in section 1502(c).

"(2) The recommendations of the commission for revising the benefits provided by the United States to veterans and their survivors for disability and death attributable to military service.

"(3) Other information and recommendations with respect to such benefits as the commission considers appropriate.

"SEC. 1504. POWERS OF THE COMMISSION.

"(a) Hearings. - The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out the purposes of this title.

"(b) Information From Federal Agencies. - In addition to the information referred to in section 1502(c), the commission may secure directly from any Federal department or agency such information as the commission considers necessary to carry out the provisions of this title. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

"(c) Postal Services. - The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(d) Gifts. - The commission may accept, use, and dispose of gifts or donations of services or property.

"SEC. 1505. PERSONNEL MATTERS.

"(a) Compensation of Members. - Each member of the commission who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the commission. All members of the commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(b) Travel Expenses. - The members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of

chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

"(c) Staff. - (1) The chairman of the commission may, without regard to the civil service laws and regulations, appoint an executive director and such other personnel as may be necessary to enable the commission to perform its duties. The appointment of an executive director shall be subject to approval by the commission.

"(2) The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

"(d) Detail of Government Employees. - Upon request of the chairman of the commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the commission to assist it in carrying out its duties.

"(e) Procurement of Temporary and Intermittent Services. - The chairman of the commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"SEC. 1506. TERMINATION OF COMMISSION.

"The commission shall terminate 60 days after the date on which the commission submits its report under section 1503.

"SEC. 1507. FUNDING.

"(a) In General. - The Secretary of Veterans Affairs shall, upon the request of the chairman of the commission, make available to the commission such amounts as the commission may require to carry out its duties under this title.

"(b) Availability. - Any sums made available to the commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the commission."

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

Pub. L. 103-446, title V, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 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 [former] chapter 3 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, Sec. 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, Sec. 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.

-End-

-CITE-

38 USC Sec. 1102

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER I - GENERAL

-HEAD-

Sec. 1102. Special provisions relating to surviving spouses

-STATUTE-

(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.

-SOURCE-

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

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 302 of this title as this section.

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

1976 - Pub. L. 94-433, Sec. 404(4), substituted "surviving spouses" for "widows" in section catchline.

Subsec. (a). Pub. L. 94-433, Sec. 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, Sec. 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.

-End-

-CITE-

38 USC Sec. 1103

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-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER I - GENERAL

-HEAD-

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

-STATUTE-

(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.

-SOURCE-

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

-MISC1-

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, Sec. 8202(b), as amended by Pub. L. 105-206, title IX, Sec. 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]."

-End-

-CITE-

38 USC Sec. 1104

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER I - GENERAL

-HEAD-

Sec. 1104. Cost-of-living adjustments

-STATUTE-

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

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

-SOURCE-

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

-REFTEXT-

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 (Sec. 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.

-MISC1-

AMENDMENTS

2003 - Subsec. (a). Pub. L. 108-183 substituted "2013" for "2011".

2001 - Subsec. (a). Pub. L. 107-103 substituted "2011" for "2002".

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

-End-

-CITE-

38 USC SUBCHAPTER II - WARTIME DISABILITY COMPENSATION 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-End-

-CITE-

38 USC Sec. 1110 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

Sec. 1110. Basic entitlement

-STATUTE-

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.

-SOURCE-

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

-MISC1-

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, Sec. 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.

-End-

-CITE-

38 USC Sec. 1111

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

Sec. 1111. Presumption of sound condition

-STATUTE-

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.

-SOURCE-

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

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 311 of this title as this section.

Pub. L. 102-83, Sec. 5(c)(1), substituted "1110" for "310".

-End-

-CITE-

38 USC Sec. 1112

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

Sec. 1112. Presumptions relating to certain diseases and disabilities

-STATUTE-

(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)(1) 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 -

(A) a disease specified in paragraph (2) 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; and

(B) if the veteran was detained or interned as a prisoner of war for not less than thirty days, a disease specified in paragraph (3) 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.

(2) The diseases specified in this paragraph are the following:

- (A) Psychosis.
- (B) Any of the anxiety states.
- (C) Dysthymic disorder (or depressive neurosis).
- (D) Organic residuals of frostbite, if the Secretary determines that the veteran was detained or interned in climatic conditions consistent with the occurrence of frostbite.
- (E) Post-traumatic osteoarthritis.
- (F) Osteoporosis, if the Secretary determines that the veteran has post-traumatic stress disorder (PTSD).

(3) The diseases specified in this paragraph are the following:

- (A) Avitaminosis.
- (B) Beriberi (including beriberi heart disease).
- (C) Chronic dysentery.
- (D) Helminthiasis.
- (E) Malnutrition (including optic atrophy associated with malnutrition).
- (F) Pellagra.
- (G) Any other nutritional deficiency.
- (H) Cirrhosis of the liver.
- (I) Peripheral neuropathy except where directly related to infectious causes.
- (J) Irritable bowel syndrome.
- (K) Peptic ulcer disease.
- (L) Atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia).
- (M) Stroke and its complications.

(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.
- (P) Bronchiolo-alveolar carcinoma.
- (Q) Cancer of the bone.
- (R) Cancer of the brain.
- (S) Cancer of the colon.

- (T) Cancer of the lung.
- (U) Cancer of the ovary.

(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.

(iv) Service in a capacity which, if performed as an employee of the Department of Energy, would qualify the individual for inclusion as a member of the Special Exposure Cohort under section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384(14)).

(4) A radiation-exposed veteran who receives a payment under the provisions of the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note) shall not be deprived, by reason of the receipt of that payment, of receipt of compensation to which that veteran is entitled by reason of paragraph (1), but there shall be deducted from payment of such compensation the amount of the payment under that Act.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1120, Sec. 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, Sec. 3, Sept. 7, 1962, 76 Stat. 442; Pub. L. 91-376, Sec. 3(a), (b), Aug. 12, 1970, 84 Stat. 788, 789; Pub. L. 97-37, Sec. 4(a), Aug. 14, 1981, 95 Stat. 936; Pub. L. 98-223, title I, Secs. 101(c), 111, Mar. 2, 1984, 98 Stat. 38, 40; Pub. L. 99-576, title I, Sec. 108(a), Oct. 28, 1986, 100 Stat. 3252; Pub. L. 100-321, Sec. 2(a), May 20, 1988, 102 Stat. 485; Pub. L. 100-322, title III, Sec. 312, May 20, 1988, 102 Stat. 534; renumbered Sec. 1112 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title I, Secs. 104(a), 105, Aug. 14, 1991, 105 Stat. 415; Pub. L. 102-578, Sec. 2(a), Oct. 30, 1992, 106 Stat. 4774; Pub. L. 103-446, title V, Sec. 501(a), Nov. 2, 1994, 108 Stat. 4663; Pub. L. 106-117, title V, Sec. 503, Nov. 30, 1999, 113 Stat. 1575; Pub. L. 108-183, title II, Sec. 201, Dec. 16, 2003, 117 Stat. 2656; Pub. L. 108-454, title III, Secs. 302(a), 306(a), (b), Dec. 10, 2004, 118 Stat. 3610, 3612; Pub. L. 109-233, title IV, Sec. 401, June 15, 2006, 120 Stat. 407; Pub. L. 110-389, title I, Sec. 106, Oct. 10, 2008, 122 Stat. 4149.)

-REFTEXT-

REFERENCES IN TEXT

The Radiation Exposure Compensation Act, referred to in subsec. (c)(4), is Pub. L. 101-426, Oct. 15, 1990, 104 Stat. 920, as amended, which is set out as a note under section 2210 of Title 42, The Public Health and Welfare.

-MISC1-

AMENDMENTS

2008 - Subsec. (b)(2)(F). Pub. L. 110-389 added subpar. (F).

2006 - Subsec. (b)(3)(L), (M). Pub. L. 109-233 added subpars. (L) and (M).

2004 - Subsec. (c)(2)(Q) to (U). Pub. L. 108-454, Sec. 306(a), added subpars. (Q) to (U).

Subsec. (c)(3)(B)(iv). Pub. L. 108-454, Sec. 306(b), added cl. (iv).

Subsec. (c)(4). Pub. L. 108-454, Sec. 302(a), added par. (4).

2003 - Subsec. (b). Pub. L. 108-183 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "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."

1999 - Subsec. (c)(2)(P). Pub. L. 106-117 added subpar. (P).

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, Sec. 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, Sec. 2(a)(2), added subpars. (N) and (O).

Subsec. (c)(3), (4). Pub. L. 102-578, Sec. 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, Sec. 5(a), renumbered section 312 of this title as this section.

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

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

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

Subsec. (c)(1). Pub. L. 102-86, Sec. 105(1), amended subsec. (c)(1) of this section as in effect before the redesignations made by Pub. L. 102-83, Sec. 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, Sec. 5(c)(1), substituted "1110" for "310" and "1113" for "313".

Subsec. (c)(3). Pub. L. 102-86, Sec. 104(a), amended subsec. (c)(3) of this section as in effect before the redesignations made by Pub. L. 102-83, Sec. 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, Sec. 105(2), amended subsec. (c)(4)(A) of this section as in effect before the redesignations made by Pub. L. 102-83, Sec. 5, by inserting "(i)" after "means" and adding cl. (ii).

Subsec. (c)(4)(B)(iii). Pub. L. 102-83, Sec. 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, Sec. 101(c), substituted "percent" for "per centum".

Subsec. (b). Pub. L. 98-223, Sec. 111, added par. (10).

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

1981 - Subsecs. (b), (c). Pub. L. 97-37, Sec. 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 2004 AMENDMENT

Pub. L. 108-454, title III, Sec. 302(c), Dec. 10, 2004, 118 Stat. 3610, provided that: "Paragraph (4) of section 1112(c) of title 38, United States Code, as added by subsection (a), shall take effect with respect to compensation payments for months beginning after

March 26, 2002. Subsection (c) of section 1310 of such title, as added by subsection (b), shall take effect with respect to dependency and indemnity compensation payments for months beginning after March 26, 2002."

Pub. L. 108-454, title III, Sec. 306(c), Dec. 10, 2004, 118 Stat. 3612, provided that: "The amendments made by this section [amending this section] shall take effect as of March 26, 2002."

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 (Secs. 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."

-End-

-CITE-

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
 PART II - GENERAL BENEFITS
 CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
 SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

Sec. 1113. Presumptions rebuttable

-STATUTE-

(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.

-SOURCE-

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

-MISC1-**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, Sec. 1602(b)(1), substituted "1117, or 1118" for "or 1117".

1994 - Subsec. (a). Pub. L. 103-446, Sec. 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, Sec. 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, Sec. 106(b)(1), substituted "section 1112, 1116, or 1117" for "section 1112 or 1116".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 313 of this title as this section.

Pub. L. 102-83, Sec. 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]."

-End-

-CITE-

38 USC Sec. 1114

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

Sec. 1114. Rates of wartime disability compensation

-STATUTE-

For the purposes of section 1110 of this title -

(a) if and while the disability is rated 10 percent the monthly compensation shall be \$123;

(b) if and while the disability is rated 20 percent the monthly compensation shall be \$243;

(c) if and while the disability is rated 30 percent the monthly compensation shall be \$376;

(d) if and while the disability is rated 40 percent the monthly compensation shall be \$541;

(e) if and while the disability is rated 50 percent the monthly compensation shall be \$770;

(f) if and while the disability is rated 60 percent the monthly compensation shall be \$974;

(g) if and while the disability is rated 70 percent the monthly compensation shall be \$1,228;

(h) if and while the disability is rated 80 percent the monthly compensation shall be \$1,427;

(i) if and while the disability is rated 90 percent the monthly compensation shall be \$1,604;

(j) if and while the disability is rated as total the monthly compensation shall be \$2,673;

(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, has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction, or, in the case of a woman veteran, has suffered the anatomical loss of 25 percent or more of tissue from a single breast or both breasts in combination (including loss by mastectomy or partial mastectomy) or has received radiation treatment of breast tissue, the rate of compensation therefor shall be \$96 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 \$3,327 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 \$96 per month for each such loss or loss of use, but in no event to exceed \$4,667 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 with such significant disabilities as to be in need of regular aid and attendance, the monthly compensation shall be \$3,327;

(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 with factors preventing natural knee action with prostheses in place, or of one arm and one leg with factors 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 significantly disabled as to be in need of regular aid and attendance, the monthly compensation shall be \$3,671;

(n) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both arms with factors preventing natural elbow action with prostheses in place, has suffered the anatomical loss of both legs with factors that prevent the use of prosthetic appliances, or has suffered the anatomical loss of one arm and one leg with factors that 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 \$4,176;

(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 20/200 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 with factors that prevent the use of prosthetic appliances, the monthly compensation shall be \$4,667;

(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 \$4,667. 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 \$4,667. 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 \$4,667. 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 \$4,667. 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, Sec. 4(a), Aug. 19, 1968, 82 Stat. 809.]

(r) Subject to section 5503(c) 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 \$2,002; 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 \$2,983, 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 \$2,993. 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.

(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain

injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1).

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1120, Sec. 314; Pub. L. 85-782, Sec. 2, Aug. 27, 1958, 72 Stat. 936; Pub. L. 86-663, Sec. 1, July 14, 1960, 74 Stat. 528; Pub. L. 87-645, Secs. 1(a), 2(a), Sept. 7, 1962, 76 Stat. 441; Pub. L. 88-20, Sec. 1, May 15, 1963, 77 Stat. 17; Pub. L. 88-22, Sec. 1, May 15, 1963, 77 Stat. 18; Pub. L. 89-311, Secs. 1(a), 3(d), (e), Oct. 31, 1965, 79 Stat. 1154, 1155; Pub. L. 90-77, title IV, Sec. 401, Aug. 31, 1967, 81 Stat. 190; Pub. L. 90-493, Secs. 1(a), 4(a), Aug. 19, 1968, 82 Stat. 808, 809; Pub. L. 91-376, Sec. 1(a), Aug. 12, 1970, 84 Stat. 787; Pub. L. 92-328, title I, Sec. 101(a), June 30, 1972, 86 Stat. 393; Pub. L. 93-295, title I, Sec. 101(a), May 31, 1974, 88 Stat. 181; Pub. L. 94-71, title I, Sec. 101(a), Aug. 5, 1975, 89 Stat. 395; Pub. L. 94-433, title I, Sec. 101(a), title IV, Secs. 401(4), (5), 404(6)-(8), Sept. 30, 1976, 90 Stat. 1374, 1377, 1378; Pub. L. 95-117, title I, Sec. 101(a), Oct. 3, 1977, 91 Stat. 1063; Pub. L. 95-479, title I, Sec. 101(a)-(d), Oct. 18, 1978, 92 Stat. 1560, 1561; Pub. L. 96-128, title I, Secs. 101(a), 104, 105, Nov. 28, 1979, 93 Stat. 982, 984; Pub. L. 96-385, title I, Sec. 101(a), Oct. 7, 1980, 94 Stat. 1528; Pub. L. 97-66, title I, Secs. 101(a), 104, Oct. 17, 1981, 95 Stat. 1026, 1027; Pub. L. 97-253, title IV, Secs. 404(a), 405(b), Sept. 8, 1982, 96 Stat. 803; Pub. L. 97-306, title I, Secs. 101(a), 107, 111(a), (b), Oct. 14, 1982, 96 Stat. 1429, 1431, 1432; Pub. L. 98-223, title I, Secs. 101(a), 112, Mar. 2, 1984, 98 Stat. 37, 40; Pub. L. 98-543, title I, Sec. 101(a), Oct. 24, 1984, 98 Stat. 2735; Pub. L. 99-238, title I, Sec. 101(a), Jan. 13, 1986, 99 Stat. 1765; Pub. L. 99-576, title I, Secs. 101(a), 109(b), Oct. 28, 1986, 100 Stat. 3250, 3253; Pub. L. 100-227, title I, Sec. 101(a), Dec. 31, 1987, 101 Stat. 1552; Pub. L. 100-687, div. B, title XI, Sec. 1101(a), Nov. 18, 1988, 102 Stat. 4123; Pub. L. 101-237, title I, Sec. 101(a), Dec. 18, 1989, 103 Stat. 2062; Pub. L. 102-3, Sec. 2(a), Feb. 6, 1991, 105 Stat. 7; Pub. L. 102-40, title IV, Sec. 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered Sec. 1114 and amended Pub. L. 102-83, Secs. 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-152, Sec. 2(a), Nov. 12, 1991, 105 Stat. 985; Pub. L. 103-78, Sec. 1, Aug. 13, 1993, 107 Stat. 767; Pub. L. 103-140, Sec. 2, Nov. 11, 1993, 107 Stat. 1485; Pub. L. 105-98, Sec. 2(a), Nov. 19, 1997, 111 Stat. 2155; Pub. L. 106-118, Sec. 2(a), Nov. 30, 1999, 113 Stat. 1601; Pub. L. 106-419, title III, Sec. 302, Nov. 1, 2000, 114 Stat. 1853; Pub. L. 107-94, Sec. 2(a), Dec. 21, 2001, 115 Stat. 900; Pub. L. 107-103, title II, Sec. 204(b)(1), Dec. 27, 2001, 115 Stat. 990; Pub. L. 107-330, title I, Sec. 102, title III, Sec. 309(a), Dec. 6, 2002, 116 Stat. 2821, 2829; Pub. L. 108-454, title III, Sec. 307(a), Dec. 10, 2004, 118 Stat. 3612; Pub. L. 109-111, Sec. 2(a), Nov. 22, 2005, 119 Stat. 2362; Pub. L. 109-233, title V, Sec. 502(1), (2), June 15, 2006, 120 Stat. 415; Pub. L. 109-444, Sec. 9(a), Dec. 21, 2006, 120 Stat. 3314; Pub. L. 109-461, title X, Secs. 1005(a), 1006(b), Dec. 22, 2006, 120 Stat. 3466, 3468; Pub. L. 110-157, title I, Sec. 101, Dec. 26, 2007, 121 Stat. 1831; Pub.

L. 110-324, Sec. 3(a), Sept. 24, 2008, 122 Stat. 3550; Pub. L. 111-37, Sec. 3(a), June 30, 2009, 123 Stat. 1928; Pub. L. 111-275, title VI, Sec. 601(a), (b)(1), title X, Sec. 1001(b), Oct. 13, 2010, 124 Stat. 2884, 2896.)

-MISC1-

AMENDMENTS

2010 - Subsec. (m). Pub. L. 111-275, Sec. 601(a)(1), substituted "both legs with factors" for "both legs at a level, or with complications," and "one leg with factors" for "one leg at levels, or with complications,".

Subsec. (n). Pub. L. 111-275, Sec. 601(a)(2), substituted "both arms with factors" for "both arms at levels, or with complications," "both legs with factors that" for "both legs so near the hip as to", and "one leg with factors that" for "one leg so near the shoulder and hip as to".

Subsec. (o). Pub. L. 111-275, Sec. 601(a)(3), substituted "with factors that" for "so near the shoulder as to".

Subsec. (p). Pub. L. 111-275, Sec. 601(b)(1)(A), substituted a period for the semicolon at end.

Subsec. (r)(2). Pub. L. 111-275, Sec. 1001(b), substituted "\$2,983" for "\$\$2,983".

Subsec. (t). Pub. L. 111-275, Sec. 601(b)(1)(B), added subsec. (t).

2009 - Subsec. (a). Pub. L. 111-37, Sec. 3(a)(1), substituted "\$123" for "\$117".

Subsec. (b). Pub. L. 111-37, Sec. 3(a)(2), substituted "\$243" for "\$230".

Subsec. (c). Pub. L. 111-37, Sec. 3(a)(3), substituted "\$376" for "\$356".

Subsec. (d). Pub. L. 111-37, Sec. 3(a)(4), substituted "\$541" for "\$512".

Subsec. (e). Pub. L. 111-37, Sec. 3(a)(5), substituted "\$770" for "\$728".

Subsec. (f). Pub. L. 111-37, Sec. 3(a)(6), substituted "\$974" for "\$921".

Subsec. (g). Pub. L. 111-37, Sec. 3(a)(7), substituted "\$1,228" for "\$1,161".

Subsec. (h). Pub. L. 111-37, Sec. 3(a)(8), substituted "\$1,427" for "\$1,349".

Subsec. (i). Pub. L. 111-37, Sec. 3(a)(9), substituted "\$1,604" for "\$1,517".

Subsec. (j). Pub. L. 111-37, Sec. 3(a)(10), substituted "\$2,673" for "\$2,527".

Subsec. (k). Pub. L. 111-37, Sec. 3(a)(11), substituted "\$96" for "\$91" in two places and substituted "\$3,327" and "\$4,667" for "\$3,145" and "\$4,412", respectively.

Subsec. (l). Pub. L. 111-37, Sec. 3(a)(12), substituted "\$3,327" for "\$3,145".

Subsec. (m). Pub. L. 111-37, Sec. 3(a)(13), substituted "\$3,671" for "\$3,470".

Subsec. (n). Pub. L. 111-37, Sec. 3(a)(14), substituted "\$4,176" for "\$3,948".

Subsecs. (o), (p). Pub. L. 111-37, Sec. 3(a)(15), substituted "\$4,667" for "\$4,412" wherever appearing.

Subsec. (r)(1). Pub. L. 111-37, Sec. 3(a)(16), substituted "\$2,002" for "\$1,893".

Subsec. (r)(2). Pub. L. 111-37, Sec. 3(a)(16), substituted "\$2,983" for "\$2,820".

Subsec. (s). Pub. L. 111-37, Sec. 3(a)(17), substituted "\$2,993"

for "\$2,829".

2008 - Subsec. (a). Pub. L. 110-324, Sec. 3(a)(1), substituted "\$117" for "\$115".

Subsec. (b). Pub. L. 110-324, Sec. 3(a)(2), substituted "\$230" for "\$225".

Subsec. (c). Pub. L. 110-324, Sec. 3(a)(3), substituted "\$356" for "\$348".

Subsec. (d). Pub. L. 110-324, Sec. 3(a)(4), substituted "\$512" for "\$501".

Subsec. (e). Pub. L. 110-324, Sec. 3(a)(5), substituted "\$728" for "\$712".

Subsec. (f). Pub. L. 110-324, Sec. 3(a)(6), substituted "\$921" for "\$901".

Subsec. (g). Pub. L. 110-324, Sec. 3(a)(7), substituted "\$1,161" for "\$1,135".

Subsec. (h). Pub. L. 110-324, Sec. 3(a)(8), substituted "\$1,349" for "\$1,319".

Subsec. (i). Pub. L. 110-324, Sec. 3(a)(9), substituted "\$1,517" for "\$1,483".

Subsec. (j). Pub. L. 110-324, Sec. 3(a)(10), substituted "\$2,527" for "\$2,471".

Subsec. (k). Pub. L. 110-324, Sec. 3(a)(11), substituted "\$91" for "\$89" in two places and substituted "\$3,145" and "\$4,412" for "\$3,075" and "\$4,313", respectively.

Subsec. (l). Pub. L. 110-324, Sec. 3(a)(12), substituted "\$3,145" for "\$3,075".

Subsec. (m). Pub. L. 110-324, Sec. 3(a)(13), substituted "\$3,470" for "\$3,392".

Subsec. (n). Pub. L. 110-324, Sec. 3(a)(14), substituted "\$3,948" for "\$3,860".

Subsecs. (o), (p). Pub. L. 110-324, Sec. 3(a)(15), substituted "\$4,412" for "\$4,313" wherever appearing.

Subsec. (r)(1). Pub. L. 110-324, Sec. 3(a)(16), substituted "\$1,893" for "\$1,851".

Subsec. (r)(2). Pub. L. 110-324, Sec. 3(a)(16), substituted "\$2,820" for "\$2,757".

Subsec. (s). Pub. L. 110-324, Sec. 3(a)(17), substituted "\$2,829" for "\$2,766".

2007 - Subsec. (o). Pub. L. 110-157 substituted "20/200" for "5/200".

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

Subsec. (a). Pub. L. 109-461, Sec. 1005(a)(1), substituted "\$115" for "\$112".

Pub. L. 109-444, Sec. 9(a)(1), which substituted "\$115" for "\$112", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (b). Pub. L. 109-461, Sec. 1005(a)(2), substituted "\$225" for "\$218".

Pub. L. 109-444, Sec. 9(a)(2), which substituted "\$225" for "\$218", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (c). Pub. L. 109-461, Sec. 1005(a)(3), substituted "\$348" for "\$337".

Pub. L. 109-444, Sec. 9(a)(3), which substituted "\$348" for "\$337", was terminated by Pub. L. 109-461, Sec. 1006(b). See

Amendment notes above.

Subsec. (d). Pub. L. 109-461, Sec. 1005(a)(4), substituted "\$501" for "\$485".

Pub. L. 109-444, Sec. 9(a)(4), which substituted "\$501" for "\$485", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (e). Pub. L. 109-461, Sec. 1005(a)(5), substituted "\$712" for "\$690".

Pub. L. 109-444, Sec. 9(a)(5), which substituted "\$712" for "\$690", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (f). Pub. L. 109-461, Sec. 1005(a)(6), substituted "\$901" for "\$873".

Pub. L. 109-444, Sec. 9(a)(6), which substituted "\$901" for "\$873", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (g). Pub. L. 109-461, Sec. 1005(a)(7), substituted "\$1,135" for "\$1,099".

Pub. L. 109-444, Sec. 9(a)(7), which substituted "\$1,135" for "\$1,099", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (h). Pub. L. 109-461, Sec. 1005(a)(8), substituted "\$1,319" for "\$1,277".

Pub. L. 109-444, Sec. 9(a)(8), which substituted "\$1,319" for "\$1,277", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (i). Pub. L. 109-461, Sec. 1005(a)(9), substituted "\$1,483" for "\$1,436".

Pub. L. 109-444, Sec. 9(a)(9), which substituted "\$1,483" for "\$1,436", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (j). Pub. L. 109-461, Sec. 1005(a)(10), substituted "\$2,471" for "\$2,393".

Pub. L. 109-444, Sec. 9(a)(10), which substituted "\$2,471" for "\$2,393", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (k). Pub. L. 109-461, Sec. 1005(a)(11), substituted "\$89" for "\$87" in two places and substituted "\$3,075" and "\$4,313" for "\$2,977" and "\$4,176", respectively.

Pub. L. 109-444, Sec. 9(a)(11), which substituted "\$89" for "\$87" in two places and substituted "\$3,075" and "\$4,313" for "\$2,977" and "\$4,176", respectively, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (l). Pub. L. 109-461, Sec. 1005(a)(12), substituted "\$3,075" for "\$2,977".

Pub. L. 109-444, Sec. 9(a)(12), which substituted "\$3,075" for "\$2,977", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Pub. L. 109-233, Sec. 502(1), substituted "with such significant disabilities" for "so helpless".

Subsec. (m). Pub. L. 109-461, Sec. 1005(a)(13), substituted "\$3,392" for "\$3,284".

Pub. L. 109-444, Sec. 9(a)(13), which substituted "\$3,392" for "\$3,284", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Pub. L. 109-233, Sec. 502(2), substituted "so significantly disabled" for "so helpless".

Subsec. (n). Pub. L. 109-461, Sec. 1005(a)(14), substituted "\$3,860" for "\$3,737".

Pub. L. 109-444, Sec. 9(a)(14), which substituted "\$3,860" for "\$3,737", was terminated by Pub. L. 109-461, Sec. 1006(b). See

Amendment notes above.

Subsecs. (o), (p). Pub. L. 109-461, Sec. 1005(a)(15), substituted "\$4,313" for "\$4,176" wherever appearing.

Pub. L. 109-444, Sec. 9(a)(15), which substituted "\$4,313" for "\$4,176" wherever appearing, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (r). Pub. L. 109-461, Sec. 1005(a)(16), substituted "\$1,851" and "\$2,757" for "\$1,792" and "2,669", respectively.

Pub. L. 109-444, Sec. 9(a)(16), which substituted "\$1,851" and "\$2,757" for "\$1,792" and "2,669", respectively, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (s). Pub. L. 109-461, Sec. 1005(a)(17), substituted "\$2,766" for "\$2,678".

Pub. L. 109-444, Sec. 9(a)(17), which substituted "\$2,766" for "\$2,678", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

2005 - Subsec. (a). Pub. L. 109-111, Sec. 2(a)(1), substituted "\$112" for "\$106".

Subsec. (b). Pub. L. 109-111, Sec. 2(a)(2), substituted "\$218" for "\$205".

Subsec. (c). Pub. L. 109-111, Sec. 2(a)(3), substituted "\$337" for "\$316".

Subsec. (d). Pub. L. 109-111, Sec. 2(a)(4), substituted "\$485" for "\$454".

Subsec. (e). Pub. L. 109-111, Sec. 2(a)(5), substituted "\$690" for "\$646".

Subsec. (f). Pub. L. 109-111, Sec. 2(a)(6), substituted "\$873" for "\$817".

Subsec. (g). Pub. L. 109-111, Sec. 2(a)(7), substituted "\$1,099" for "\$1,029".

Subsec. (h). Pub. L. 109-111, Sec. 2(a)(8), substituted "\$1,277" for "\$1,195".

Subsec. (i). Pub. L. 109-111, Sec. 2(a)(9), substituted "\$1,436" for "\$1,344".

Subsec. (j). Pub. L. 109-111, Sec. 2(a)(10), substituted "\$2,393" for "\$2,239".

Subsec. (k). Pub. L. 109-111, Sec. 2(a)(11), substituted "\$87" for "\$82" in two places and substituted "\$2,977" and "\$4,176" for "\$2,785" and "\$3,907", respectively.

Subsec. (l). Pub. L. 109-111, Sec. 2(a)(12), substituted "\$2,977" for "\$2,785".

Subsec. (m). Pub. L. 109-111, Sec. 2(a)(13), substituted "\$3,284" for "\$3,073".

Subsec. (n). Pub. L. 109-111, Sec. 2(a)(14), substituted "\$3,737" for "\$3,496".

Subsecs. (o), (p). Pub. L. 109-111, Sec. 2(a)(15), substituted "\$4,176" for "\$3,907" wherever appearing.

Subsec. (r). Pub. L. 109-111, Sec. 2(a)(16), substituted "\$1,792" and "\$2,669" for "\$1,677" and "\$2,497", respectively.

Subsec. (s). Pub. L. 109-111, Sec. 2(a)(17), substituted "\$2,678" for "\$2,506".

2004 - Subsec. (a). Pub. L. 108-454, Sec. 307(a)(1), substituted "\$106" for "\$104".

Subsec. (b). Pub. L. 108-454, Sec. 307(a)(2), substituted "\$205" for "\$201".

Subsec. (c). Pub. L. 108-454, Sec. 307(a)(3), substituted "\$316" for "\$310".

Subsec. (d). Pub. L. 108-454, Sec. 307(a)(4), substituted "\$454" for "\$445".

Subsec. (e). Pub. L. 108-454, Sec. 307(a)(5), substituted "\$646" for "\$633".

Subsec. (f). Pub. L. 108-454, Sec. 307(a)(6), substituted "\$817" for "\$801".

Subsec. (g). Pub. L. 108-454, Sec. 307(a)(7), substituted "\$1,029" for "\$1,008".

Subsec. (h). Pub. L. 108-454, Sec. 307(a)(8), substituted "\$1,195" for "\$1,171".

Subsec. (i). Pub. L. 108-454, Sec. 307(a)(9), substituted "\$1,344" for "\$1,317".

Subsec. (j). Pub. L. 108-454, Sec. 307(a)(10), substituted "\$2,239" for "\$2,193".

Subsec. (k). Pub. L. 108-454, Sec. 307(a)(11), substituted "\$82" for "\$81" in two places and substituted "\$2,785" and "\$3,907" for "\$2,728" and "\$3,827", respectively.

Subsec. (l). Pub. L. 108-454, Sec. 307(a)(12), substituted "\$2,785" for "\$2,728".

Subsec. (m). Pub. L. 108-454, Sec. 307(a)(13), substituted "\$3,073" for "\$3,010".

Subsec. (n). Pub. L. 108-454, Sec. 307(a)(14), substituted "\$3,496" for "\$3,425".

Subsecs. (o), (p). Pub. L. 108-454, Sec. 307(a)(15), substituted "\$3,907" for "\$3,827" wherever appearing.

Subsec. (r). Pub. L. 108-454, Sec. 307(a)(16), substituted "\$1,677" and "\$2,497" for "\$1,643" and "\$2,446", respectively.

Subsec. (s). Pub. L. 108-454, Sec. 307(a)(17), substituted "\$2,506" for "\$2,455".

2002 - Subsec. (a). Pub. L. 107-330, Sec. 309(a)(1), substituted "\$104" for "\$103".

Subsec. (b). Pub. L. 107-330, Sec. 309(a)(2), substituted "\$201" for "\$199".

Subsec. (c). Pub. L. 107-330, Sec. 309(a)(3), substituted "\$310" for "\$306".

Subsec. (d). Pub. L. 107-330, Sec. 309(a)(4), substituted "\$445" for "\$439".

Subsec. (e). Pub. L. 107-330, Sec. 309(a)(5), substituted "\$633" for "\$625".

Subsec. (f). Pub. L. 107-330, Sec. 309(a)(6), substituted "\$801" for "\$790".

Subsec. (g). Pub. L. 107-330, Sec. 309(a)(7), substituted "\$1,008" for "\$995".

Subsec. (h). Pub. L. 107-330, Sec. 309(a)(8), substituted "\$1,171" for "\$1,155".

Subsec. (i). Pub. L. 107-330, Sec. 309(a)(9), substituted "\$1,317" for "\$1,299".

Subsec. (j). Pub. L. 107-330, Sec. 309(a)(10), substituted "\$2,193" for "\$2,163".

Subsec. (k). Pub. L. 107-330, Sec. 309(a)(11), substituted "\$81" for "\$80" in two places and substituted "\$2,728" and "\$3,827" for "\$2,691" and "\$3,775", respectively.

Pub. L. 107-330, Sec. 102, substituted "25 percent or more of tissue from a single breast or both breasts in combination (including loss by mastectomy or partial mastectomy) or has received radiation treatment of breast tissue" for "one or both breasts (including loss by mastectomy)".

Subsec. (l). Pub. L. 107-330, Sec. 309(a)(12), substituted "\$2,728" for "\$2,691".

Subsec. (m). Pub. L. 107-330, Sec. 309(a)(13), substituted "\$3,010" for "\$2,969".

Subsec. (n). Pub. L. 107-330, Sec. 309(a)(14), substituted "\$3,425" for "\$3,378".

Subsecs. (o), (p). Pub. L. 107-330, Sec. 309(a)(15), substituted "\$3,827" for "\$3,775" wherever appearing.

Subsec. (r). Pub. L. 107-330, Sec. 309(a)(16), substituted "\$1,643" and "\$2,446" for "\$1,621" and "\$2,413", respectively.

Subsec. (s). Pub. L. 107-330, Sec. 309(a)(17), substituted "\$2,455" for "\$2,422".

2001 - Subsec. (a). Pub. L. 107-94, Sec. 2(a)(1), substituted "\$103" for "\$98".

Subsec. (b). Pub. L. 107-94, Sec. 2(a)(2), substituted "\$199" for "\$188".

Subsec. (c). Pub. L. 107-94, Sec. 2(a)(3), substituted "\$306" for "\$288".

Subsec. (d). Pub. L. 107-94, Sec. 2(a)(4), substituted "\$439" for "\$413".

Subsec. (e). Pub. L. 107-94, Sec. 2(a)(5), substituted "\$625" for "\$589".

Subsec. (f). Pub. L. 107-94, Sec. 2(a)(6), substituted "\$790" for "\$743".

Subsec. (g). Pub. L. 107-94, Sec. 2(a)(7), substituted "\$995" for "\$937".

Subsec. (h). Pub. L. 107-94, Sec. 2(a)(8), substituted "\$1,155" for "\$1,087".

Subsec. (i). Pub. L. 107-94, Sec. 2(a)(9), substituted "\$1,299" for "\$1,224".

Subsec. (j). Pub. L. 107-94, Sec. 2(a)(10), substituted "\$2,163" for "\$2,036".

Subsec. (k). Pub. L. 107-94, Sec. 2(a)(11), substituted "\$80" for "\$76" in two places, "\$2,691" for "\$2,533", and "\$3,775" for "\$3,553".

Subsec. (l). Pub. L. 107-94, Sec. 2(a)(12), substituted "\$2,691" for "\$2,533".

Subsec. (m). Pub. L. 107-94, Sec. 2(a)(13), substituted "\$2,969" for "\$2,794".

Subsec. (n). Pub. L. 107-94, Sec. 2(a)(14), substituted "\$3,378" for "\$3,179".

Subsecs. (o), (p). Pub. L. 107-94, Sec. 2(a)(15), substituted "\$3,775" for "\$3,553" wherever appearing.

Subsec. (r). Pub. L. 107-103 substituted "section 5503(c)" for "section 5503(e)" in introductory provisions.

Subsec. (r)(1). Pub. L. 107-94, Sec. 2(a)(16), substituted "\$1,621" for "\$1,525".

Subsec. (r)(2). Pub. L. 107-94, Sec. 2(a)(16), substituted "\$2,413" for "\$2,271".

Subsec. (s). Pub. L. 107-94, Sec. 2(a)(17), substituted "\$2,422" for "\$2,280".

2000 - Subsec. (k). Pub. L. 106-419 substituted "has suffered complete organic" for "or has suffered complete organic" and inserted "or, in the case of a woman veteran, has suffered the anatomical loss of one or both breasts (including loss by mastectomy)," after "air and bone conduction,".

1999 - Subsec. (a). Pub. L. 106-118, Sec. 2(a)(1), substituted "\$98" for "\$95".

Subsec. (b). Pub. L. 106-118, Sec. 2(a)(2), substituted "\$188" for "\$182".

Subsec. (c). Pub. L. 106-118, Sec. 2(a)(3), substituted "\$288" for "\$279".

Subsec. (d). Pub. L. 106-118, Sec. 2(a)(4), substituted "\$413" for "\$399".

Subsec. (e). Pub. L. 106-118, Sec. 2(a)(5), substituted "\$589" for "\$569".

Subsec. (f). Pub. L. 106-118, Sec. 2(a)(6), substituted "\$743" for "\$717".

Subsec. (g). Pub. L. 106-118, Sec. 2(a)(7), substituted "\$937"

for "\$905".

Subsec. (h). Pub. L. 106-118, Sec. 2(a)(8), substituted "\$1,087" for "\$1,049".

Subsec. (i). Pub. L. 106-118, Sec. 2(a)(9), substituted "\$1,224" for "\$1,181".

Subsec. (j). Pub. L. 106-118, Sec. 2(a)(10), substituted "\$2,036" for "\$1,964".

Subsec. (k). Pub. L. 106-118, Sec. 2(a)(11), substituted "\$76" for "\$75" in two places and substituted "\$2,533" and "\$3,553" for "\$2,443" and "\$3,426", respectively.

Subsec. (l). Pub. L. 106-118, Sec. 2(a)(12), substituted "\$2,533" for "\$2,443".

Subsec. (m). Pub. L. 106-118, Sec. 2(a)(13), substituted "\$2,794" for "\$2,694".

Subsec. (n). Pub. L. 106-118, Sec. 2(a)(14), substituted "\$3,179" for "\$3,066".

Subsecs. (o), (p). Pub. L. 106-118, Sec. 2(a)(15), substituted "\$3,553" for "\$3,426" wherever appearing.

Subsec. (r). Pub. L. 106-118, Sec. 2(a)(16), substituted "\$1,525" and "\$2,271" for "\$1,471" and "\$2,190", respectively.

Subsec. (s). Pub. L. 106-118, Sec. 2(a)(17), substituted "\$2,280" for "\$2,199".

1997 - Subsec. (a). Pub. L. 105-98, Sec. 2(a)(1), substituted "\$95" for "\$87".

Subsec. (b). Pub. L. 105-98, Sec. 2(a)(2), substituted "\$182" for "\$166".

Subsec. (c). Pub. L. 105-98, Sec. 2(a)(3), substituted "\$279" for "\$253".

Subsec. (d). Pub. L. 105-98, Sec. 2(a)(4), substituted "\$399" for "\$361".

Subsec. (e). Pub. L. 105-98, Sec. 2(a)(5), substituted "\$569" for "\$515".

Subsec. (f). Pub. L. 105-98, Sec. 2(a)(6), substituted "\$717" for "\$648".

Subsec. (g). Pub. L. 105-98, Sec. 2(a)(7), substituted "\$905" for "\$819".

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

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

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

Subsec. (k). Pub. L. 105-98, Sec. 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, Sec. 2(a)(12), substituted "\$2,443" for "\$2,207".

Subsec. (m). Pub. L. 105-98, Sec. 2(a)(13), substituted "\$2,694" for "\$2,432".

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

Subsecs. (o), (p). Pub. L. 105-98, Sec. 2(a)(15), substituted "\$3,426" for "\$3,093" wherever appearing.

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

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

1993 - Subsec. (a). Pub. L. 103-140, Sec. 2(1), substituted "\$87" for "\$85".

Pub. L. 103-78, Sec. 1(1), substituted "\$85" for "\$83".

Subsec. (b). Pub. L. 103-140, Sec. 2(2), substituted "\$166" for

"\$162".
Pub. L. 103-78, Sec. 1(2), substituted "\$162" for "\$157".
Subsec. (c). Pub. L. 103-140, Sec. 2(3), substituted "\$253" for "\$247".
Pub. L. 103-78, Sec. 1(3), substituted "\$247" for "\$240".
Subsec. (d). Pub. L. 103-140, Sec. 2(4), substituted "\$361" for "\$352".
Pub. L. 103-78, Sec. 1(4), substituted "\$352" for "\$342".
Subsec. (e). Pub. L. 103-140, Sec. 2(5), substituted "\$515" for "\$502".
Pub. L. 103-78, Sec. 1(5), substituted "\$502" for "\$487".
Subsec. (f). Pub. L. 103-140, Sec. 2(6), substituted "\$648" for "\$632".
Pub. L. 103-78, Sec. 1(6), substituted "\$632" for "\$614".
Subsec. (g). Pub. L. 103-140, Sec. 2(7), substituted "\$819" for "\$799".
Pub. L. 103-78, Sec. 1(7), substituted "\$799" for "\$776".
Subsec. (h). Pub. L. 103-140, Sec. 2(8), substituted "\$948" for "\$924".
Pub. L. 103-78, Sec. 1(8), substituted "\$924" for "\$897".
Subsec. (i). Pub. L. 103-140, Sec. 2(9), substituted "\$1,067" for "\$1,040".
Pub. L. 103-78, Sec. 1(9), substituted "\$1,040" for "\$1,010".
Subsec. (j). Pub. L. 103-140, Sec. 2(10), substituted "\$1,774" for "\$1,730".
Pub. L. 103-78, Sec. 1(10), substituted "\$1,730" for "\$1,680".
Subsec. (k). Pub. L. 103-140, Sec. 2(11), substituted "\$2,207" and "\$3,093" for "\$2,152" and "\$3,015", respectively.
Pub. L. 103-78, Sec. 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, Sec. 1(11), substituted "\$2,152" and "\$3,015" for "\$2,089" and "\$2,927", respectively.
Subsec. (l). Pub. L. 103-140, Sec. 2(12), substituted "\$2,207" for "\$2,152".
Pub. L. 103-78, Sec. 1(12), substituted "\$2,152" for "\$2,089".
Subsec. (m). Pub. L. 103-140, Sec. 2(13), substituted "\$2,432" for "\$2,371".
Pub. L. 103-78, Sec. 1(13), substituted "\$2,371" for "\$2,302".
Subsec. (n). Pub. L. 103-140, Sec. 2(14), substituted "\$2,768" for "\$2,698".
Pub. L. 103-78, Sec. 1(14), substituted "\$2,698" for "\$2,619".
Subsec. (o). Pub. L. 103-140, Sec. 2(15), substituted "\$3,093" for "\$3,015".
Pub. L. 103-78, Sec. 1(15), substituted "\$3,015" for "\$2,927".
Subsec. (p). Pub. L. 103-140, Sec. 2(15), substituted "\$3,093" for "\$3,015" wherever appearing.
Pub. L. 103-78, Sec. 1(15), substituted "\$3,015" for "\$2,927" wherever appearing.
Subsec. (r). Pub. L. 103-140, Sec. 2(16), substituted "\$1,328" for "\$1,295" in par. (1) and "\$1,978" for "\$1,928" in par. (2).
Pub. L. 103-78, Sec. 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, Sec. 2(17), substituted "\$1,985" for "\$1,935".
Pub. L. 103-78, Sec. 1(17), substituted "\$1,935" for "\$1,879".
1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 314 of this title as this section.
Pub. L. 102-83, Sec. 5(c)(1), substituted "1110" for "310" in introductory provisions.
Subsec. (a). Pub. L. 102-152, Sec. 2(a)(1), substituted "\$83" for

"\$80".

Pub. L. 102-3, Sec. 2(a)(1), substituted "\$80" for "\$76".

Subsec. (b). Pub. L. 102-152, Sec. 2(a)(2), substituted "\$157" for "\$151".

Pub. L. 102-3, Sec. 2(a)(2), substituted "\$151" for "\$144".

Subsec. (c). Pub. L. 102-152, Sec. 2(a)(3), substituted "\$240" for "\$231".

Pub. L. 102-3, Sec. 2(a)(3), substituted "\$231" for "\$220".

Subsec. (d). Pub. L. 102-152, Sec. 2(a)(4), substituted "\$342" for "\$330".

Pub. L. 102-3, Sec. 2(a)(4), substituted "\$330" for "\$314".

Subsec. (e). Pub. L. 102-152, Sec. 2(a)(5), substituted "\$487" for "\$470".

Pub. L. 102-3, Sec. 2(a)(5), substituted "\$470" for "\$446".

Subsec. (f). Pub. L. 102-152, Sec. 2(a)(6), substituted "\$614" for "\$592".

Pub. L. 102-3, Sec. 2(a)(6), substituted "\$592" for "\$562".

Subsec. (g). Pub. L. 102-152, Sec. 2(a)(7), substituted "\$776" for "\$748".

Pub. L. 102-3, Sec. 2(a)(7), substituted "\$748" for "\$710".

Subsec. (h). Pub. L. 102-152, Sec. 2(a)(8), substituted "\$897" for "\$865".

Pub. L. 102-3, Sec. 2(a)(8), substituted "\$865" for "\$821".

Subsec. (i). Pub. L. 102-152, Sec. 2(a)(9), substituted "\$1,010" for "\$974".

Pub. L. 102-3, Sec. 2(a)(9), substituted "\$974" for "\$925".

Subsec. (j). Pub. L. 102-152, Sec. 2(a)(10), substituted "\$1,680" for "\$1,620".

Pub. L. 102-3, Sec. 2(a)(10), substituted "\$1,620" for "\$1,537".

Subsec. (k). Pub. L. 102-152, Sec. 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, Sec. 2(a)(11), substituted "\$2,014" for "\$1,911" and "\$2,823" for "\$2,679".

Subsec. (l). Pub. L. 102-152, Sec. 2(a)(12), substituted "\$2,089" for "\$2,014".

Pub. L. 102-3, Sec. 2(a)(12), substituted "\$2,014" for "\$1,911".

Subsec. (m). Pub. L. 102-152, Sec. 2(a)(13), substituted "\$2,302" for "\$2,220".

Pub. L. 102-3, Sec. 2(a)(13), substituted "\$2,220" for "\$2,107".

Subsec. (n). Pub. L. 102-152, Sec. 2(a)(14), substituted "\$2,619" for "\$2,526".

Pub. L. 102-3, Sec. 2(a)(14), substituted "\$2,526" for "\$2,397".

Subsec. (o). Pub. L. 102-152, Sec. 2(a)(15), substituted "\$2,927" for "\$2,823".

Pub. L. 102-3, Sec. 2(a)(15), substituted "\$2,823" for "\$2,679".

Subsec. (p). Pub. L. 102-152, Sec. 2(a)(15), substituted "\$2,927" for "\$2,823" wherever appearing.

Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 102-3, Sec. 2(a)(15), substituted "\$2,823" for "\$2,679" wherever appearing.

Subsec. (r). Pub. L. 102-152, Sec. 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, Sec. 5(c)(1), substituted "1134" for "334" in last sentence.

Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in par. (2).

Pub. L. 102-83, Sec. 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, Sec. 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, Sec. 2(a)(17), substituted "\$1,879" for "\$1,812".

Pub. L. 102-3, Sec. 2(a)(17), substituted "\$1,812" for "\$1,720".

1989 - Subsec. (a). Pub. L. 101-237, Sec. 101(a)(1), substituted "\$76" for "\$73".

Subsec. (b). Pub. L. 101-237, Sec. 101(a)(2), substituted "\$144" for "\$138".

Subsec. (c). Pub. L. 101-237, Sec. 101(a)(3), substituted "\$220" for "\$210".

Subsec. (d). Pub. L. 101-237, Sec. 101(a)(4), substituted "\$314" for "\$300".

Subsec. (e). Pub. L. 101-237, Sec. 101(a)(5), substituted "\$446" for "\$426".

Subsec. (f). Pub. L. 101-237, Sec. 101(a)(6), substituted "\$562" for "\$537".

Subsec. (g). Pub. L. 101-237, Sec. 101(a)(7), substituted "\$710" for "\$678".

Subsec. (h). Pub. L. 101-237, Sec. 101(a)(8), substituted "\$821" for "\$784".

Subsec. (i). Pub. L. 101-237, Sec. 101(a)(9), substituted "\$925" for "\$883".

Subsec. (j). Pub. L. 101-237, Sec. 101(a)(10), substituted "\$1,537" for "\$1,468".

Subsec. (k). Pub. L. 101-237, Sec. 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, Sec. 101(a)(12), substituted "\$1,911" for "\$1,825".

Subsec. (m). Pub. L. 101-237, Sec. 101(a)(13), substituted "\$2,107" for "\$2,012".

Subsec. (n). Pub. L. 101-237, Sec. 101(a)(14), substituted "\$2,397" for "\$2,289".

Subsecs. (o), (p). Pub. L. 101-237, Sec. 101(a)(15), substituted "\$2,679" for "\$2,559" wherever appearing.

Subsec. (r). Pub. L. 101-237, Sec. 101(a)(16), substituted "\$1,150" and "\$1,713" for "\$1,098" and "\$1,636", respectively.

Subsec. (s). Pub. L. 101-237, Sec. 101(a)(17), substituted "\$1,720" for "\$1,643".

1988 - Subsec. (a). Pub. L. 100-687, Sec. 1101(a)(1), substituted "\$73" for "\$71".

Subsec. (b). Pub. L. 100-687, Sec. 1101(a)(2), substituted "\$138" for "\$133".

Subsec. (c). Pub. L. 100-687, Sec. 1101(a)(3), substituted "\$210" for "\$202".

Subsec. (d). Pub. L. 100-687, Sec. 1101(a)(4), substituted "\$300" for "\$289".

Subsec. (e). Pub. L. 100-687, Sec. 1101(a)(5), substituted "\$426" for "\$410".

Subsec. (f). Pub. L. 100-687, Sec. 1101(a)(6), substituted "\$537" for "\$516".

Subsec. (g). Pub. L. 100-687, Sec. 1101(a)(7), substituted "\$678" for "\$652".

Subsec. (h). Pub. L. 100-687, Sec. 1101(a)(8), substituted "\$784" for "\$754".

Subsec. (i). Pub. L. 100-687, Sec. 1101(a)(9), substituted "\$883" for "\$849".

Subsec. (j). Pub. L. 100-687, Sec. 1101(a)(10), substituted "\$1,468" for "\$1,411".

Subsec. (k). Pub. L. 100-687, Sec. 1101(a)(11), substituted "\$1,825" and "\$2,559" for "\$1,754" and "\$2,459", respectively.

Subsec. (l). Pub. L. 100-687, Sec. 1101(a)(12), substituted "\$1,825" for "\$1,754".

Subsec. (m). Pub. L. 100-687, Sec. 1101(a)(13), substituted "\$2,012" for "\$1,933".

Subsec. (n). Pub. L. 100-687, Sec. 1101(a)(14), substituted "\$2,289" for "\$2,199".

Subsecs. (o), (p). Pub. L. 100-687, Sec. 1101(a)(15), substituted "\$2,559" for "\$2,459" wherever appearing.

Subsec. (r). Pub. L. 100-687, Sec. 1101(a)(16), substituted "\$1,098" and "\$1,636" for "\$1,055" and "\$1,572", respectively.

Subsec. (s). Pub. L. 100-687, Sec. 1101(a)(17), substituted "\$1,643" for "\$1,579".

1987 - Subsec. (a). Pub. L. 100-227, Sec. 101(a)(1), substituted "\$71" for "\$69".

Subsec. (b). Pub. L. 100-227, Sec. 101(a)(2), substituted "\$133" for "\$128".

Subsec. (c). Pub. L. 100-227, Sec. 101(a)(3), substituted "\$202" for "\$194".

Subsec. (d). Pub. L. 100-227, Sec. 101(a)(4), substituted "\$289" for "\$278".

Subsec. (e). Pub. L. 100-227, Sec. 101(a)(5), substituted "\$410" for "\$394".

Subsec. (f). Pub. L. 100-227, Sec. 101(a)(6), substituted "\$516" for "\$496".

Subsec. (g). Pub. L. 100-227, Sec. 101(a)(7), substituted "\$652" for "\$626".

Subsec. (h). Pub. L. 100-227, Sec. 101(a)(8), substituted "\$754" for "\$724".

Subsec. (i). Pub. L. 100-227, Sec. 101(a)(9), substituted "\$849" for "\$815".

Subsec. (j). Pub. L. 100-227, Sec. 101(a)(10), substituted "\$1,411" for "\$1,355".

Subsec. (k). Pub. L. 100-227, Sec. 101(a)(11), substituted "\$1,754" and "\$2,459" for "\$1,684" and "\$2,360", respectively.

Subsec. (l). Pub. L. 100-227, Sec. 101(a)(12), substituted "\$1,754" for "\$1,684".

Subsec. (m). Pub. L. 100-227, Sec. 101(a)(13), substituted "\$1,933" for "\$1,856".

Subsec. (n). Pub. L. 100-227, Sec. 101(a)(14), substituted "\$2,199" for "\$2,111".

Subsecs. (o), (p). Pub. L. 100-227, Sec. 101(a)(15), substituted "\$2,459" for "\$2,360" wherever appearing.

Subsec. (r). Pub. L. 100-227, Sec. 101(a)(16), substituted "\$1,055" and "\$1,572" for "\$1,013" and "\$1,509", respectively.

Subsec. (s). Pub. L. 100-227, Sec. 101(a)(17), substituted "\$1,579" for "\$1,516".

1986 - Subsec. (a). Pub. L. 99-576, Sec. 101(a)(1), substituted "\$69" for "\$68".

Pub. L. 99-238, Sec. 101(a)(1), substituted "\$68" for "\$66".

Subsec. (b). Pub. L. 99-576, Sec. 101(a)(2), substituted "\$128" for "\$126".

Pub. L. 99-238, Sec. 101(a)(2), substituted "\$126" for "\$122".

Subsec. (c). Pub. L. 99-576, Sec. 101(a)(3), substituted "\$194" for "\$191".

Pub. L. 99-238, Sec. 101(a)(3), substituted "\$191" for "\$185".

Subsec. (d). Pub. L. 99-576, Sec. 101(a)(4), substituted "\$278" for "\$274".

Pub. L. 99-238, Sec. 101(a)(4), substituted "\$274" for "\$266".

Subsec. (e). Pub. L. 99-576, Sec. 101(a)(5), substituted "\$394"

for "\$388".

Pub. L. 99-238, Sec. 101(a)(5), substituted "\$388" for "\$376".

Subsec. (f). Pub. L. 99-576, Sec. 101(a)(6), substituted "\$496" for "\$489".

Pub. L. 99-238, Sec. 101(a)(6), substituted "\$489" for "\$474".

Subsec. (g). Pub. L. 99-576, Sec. 101(a)(7), substituted "\$626" for "\$617".

Pub. L. 99-238, Sec. 101(a)(7), substituted "\$617" for "\$598".

Subsec. (h). Pub. L. 99-576, Sec. 101(a)(8), substituted "\$724" for "\$713".

Pub. L. 99-238, Sec. 101(a)(8), substituted "\$713" for "\$692".

Subsec. (i). Pub. L. 99-576, Sec. 101(a)(9), substituted "\$815" for "\$803".

Pub. L. 99-238, Sec. 101(a)(9), substituted "\$803" for "\$779".

Subsec. (j). Pub. L. 99-576, Sec. 101(a)(10), substituted "\$1,355" for "\$1,335".

Pub. L. 99-238, Sec. 101(a)(10), substituted "\$1,335" for "\$1,295".

Subsec. (k). Pub. L. 99-576, Sec. 101(a)(11), substituted "\$63", "\$1,684", and "\$2,360" for "\$62", "\$1,659", and "\$2,325", respectively.

Pub. L. 99-238, Sec. 101(a)(11), substituted "\$1,659" and "\$2,325" for "\$1,609" and "\$2,255", respectively.

Subsec. (l). Pub. L. 99-576, Sec. 101(a)(12), substituted "\$1,684" for "\$1,659".

Pub. L. 99-238, Sec. 101(a)(12), substituted "\$1,659" for "\$1,609".

Subsec. (m). Pub. L. 99-576, Sec. 101(a)(13), substituted "\$1,856" for "\$1,829".

Pub. L. 99-238, Sec. 101(a)(13), substituted "\$1,829" for "\$1,774".

Subsec. (n). Pub. L. 99-576, Sec. 101(a)(14), substituted "\$2,111" for "\$2,080".

Pub. L. 99-238, Sec. 101(a)(14), substituted "\$2,080" for "\$2,017".

Subsecs. (o), (p). Pub. L. 99-576, Sec. 101(a)(15), substituted "\$2,360" for "\$2,325" wherever appearing.

Pub. L. 99-238, Sec. 101(a)(15), substituted "\$2,325" for "\$2,255" wherever appearing.

Subsec. (r). Pub. L. 99-576, Sec. 101(a)(16), substituted "\$1,013" and "\$1,509" for "\$998" and "\$1,487", respectively.

Pub. L. 99-238, Sec. 101(a)(16), substituted "\$998" and "\$1,487" for "\$968" and "\$1,442", respectively.

Subsec. (s). Pub. L. 99-576, Sec. 101(a)(17), substituted "\$1,516" for "\$1,494".

Pub. L. 99-238, Sec. 101(a)(17), substituted "\$1,494" for "\$1,449".

Subsec. (t). Pub. L. 99-576, Sec. 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, Sec. 101(a)(18), substituted "\$289" for "\$280" in par. (1).

1984 - Subsec. (a). Pub. L. 98-543, Sec. 101(a)(1), substituted "\$66" for "\$64".

Pub. L. 98-223, Sec. 101(a)(1), substituted "\$64" for "\$62".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (b). Pub. L. 98-543, Sec. 101(a)(2), substituted "\$122" for "\$118".

Pub. L. 98-223, Sec. 101(a)(2), substituted "\$118" for "\$114".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (c). Pub. L. 98-543, Sec. 101(a)(3), substituted "\$185" for "\$179".

Pub. L. 98-223, Sec. 101(a)(3), substituted "\$179" for "\$173".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (d). Pub. L. 98-543, Sec. 101(a)(4), substituted "\$266" for "\$258".

Pub. L. 98-223, Sec. 101(a)(4), substituted "\$258" for "\$249".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (e). Pub. L. 98-543, Sec. 101(a)(5), substituted "376" for "364".

Pub. L. 98-223, Sec. 101(a)(5), substituted "\$364" for "\$352".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (f). Pub. L. 98-543, Sec. 101(a)(6), substituted "\$474" for "\$459".

Pub. L. 98-223, Sec. 101(a)(6), substituted "\$459" for "\$443".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (g). Pub. L. 98-543, Sec. 101(a)(7), substituted "\$598" for "\$579".

Pub. L. 98-223, Sec. 101(a)(7), substituted "\$579" for "\$559".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (h). Pub. L. 98-543, Sec. 101(a)(8), substituted "\$692" for "\$671".

Pub. L. 98-223, Sec. 101(a)(8), substituted "\$671" for "\$648".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (i). Pub. L. 98-543, Sec. 101(a)(9), substituted "\$779" for "\$755".

Pub. L. 98-223, Sec. 101(a)(9), substituted "\$755" for "\$729".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (j). Pub. L. 98-543, Sec. 101(a)(10), substituted "\$1,295" for "\$1,255".

Pub. L. 98-223, Sec. 101(a)(10), substituted "\$1,255" for "\$1,213".

Subsec. (k). Pub. L. 98-543, Sec. 101(a)(11), substituted

"\$1,609" and "\$2,255" for "\$1,559" and "\$2,185", respectively.

Pub. L. 98-223, Sec. 101(a)(11), substituted "\$1,559" and "\$2,185" for "\$1,506" and "\$2,111", respectively.

Subsec. (l). Pub. L. 98-543, Sec. 101(a)(12), substituted "\$1,609" for "\$1,559".

Pub. L. 98-223, Sec. 101(a)(12), substituted "\$1,559" for "\$1,506".

Subsec. (m). Pub. L. 98-543, Sec. 101(a)(13), substituted "\$1,774" for "\$1,719".

Pub. L. 98-223, Sec. 101(a)(13), substituted "\$1,719" for "\$1,661".

Subsec. (n). Pub. L. 98-543, Sec. 101(a)(14), substituted "\$2,017" for "\$1,954".

Pub. L. 98-223, Sec. 101(a)(14), substituted "\$1,954" for "\$1,888".

Subsec. (o). Pub. L. 98-543, Sec. 101(a)(15), substituted "\$2,255" for "\$2,185".

Pub. L. 98-223, Sec. 101(a)(15), substituted "\$2,185" for "\$2,111".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Pub. L. 98-223, Sec. 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, Sec. 101(a)(15), substituted "\$2,255" for "\$2,185" in four places.

Pub. L. 98-223, Sec. 101(a)(15), substituted "\$2,185" for "\$2,111" in three places.

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Pub. L. 98-223, Sec. 112(b)(1), substituted "30" for "40" in cl. (1).

Pub. L. 98-223, Sec. 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, Sec. 101(a)(16), substituted "\$968" and "\$1,442" for "\$938" and "\$1,397", respectively.

Pub. L. 98-223, Sec. 101(a)(16), substituted "\$938" and "\$1,397" for "\$906" and "\$1,350", respectively.

Subsec. (s). Pub. L. 98-543, Sec. 101(a)(17), substituted "\$1,449" for "\$1,404".

Pub. L. 98-223, Sec. 101(a)(17), substituted "\$1,404" for "\$1,357".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum".

Subsec. (t)(1). Pub. L. 98-543, Sec. 101(a)(18), substituted "\$280" for "\$271".

Pub. L. 98-223, Sec. 101(a)(18), substituted "\$271" for "\$262".

Pub. L. 98-223, Sec. 101(a)(19), substituted "percent" for "per centum" in two places.

1982 - Subsec. (a). Pub. L. 97-306, Secs. 101(a)(1), 107, 108, substituted "\$62" for "\$58", and repealed amendment made by Pub. L. 97-253, Sec. 405(b)(1), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 405(b)(1), (h), eff. Jan. 1, 1983,

substituted "\$57" for "\$58".

Subsec. (b). Pub. L. 97-306, Sec. 101(a)(2), substituted "\$114" for "\$107".

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

Pub. L. 97-253, Sec. 405(b)(2), (h), eff. Jan. 1, 1983, substituted "\$161" for "\$162".

Subsec. (d). Pub. L. 97-306, Sec. 101(a)(4), substituted "\$249" for "\$232".

Subsec. (e). Pub. L. 97-306, Sec. 101(a)(5), substituted "\$352" for "\$328".

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

Pub. L. 97-253, Sec. 405(b)(3), (h), eff. Jan. 1, 1983, substituted "\$412" for "\$413".

Subsec. (g). Pub. L. 97-306, Sec. 101(a)(7), substituted "\$559" for "\$521".

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

Pub. L. 97-253, Sec. 405(b)(4), (h), eff. Jan. 1, 1983, substituted "\$603" for "\$604".

Subsec. (i). Pub. L. 97-306, Sec. 101(a)(9), substituted "\$729" for "\$679".

Subsec. (j). Pub. L. 97-306, Sec. 101(a)(10), substituted "\$1,213" for "\$1,130".

Subsec. (k). Pub. L. 97-306, Secs. 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, Sec. 405(b)(5), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 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, Secs. 101(a)(12), 107, 108, substituted "\$1,506" for "\$1,403", and repealed amendment made by Pub. L. 97-253, Sec. 405(b)(6), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 405(b)(6), (h), eff. Jan. 1, 1983, substituted "\$1,402" for "\$1,403".

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

Pub. L. 97-253, Sec. 405(b)(7), (h), eff. Jan. 1, 1983, substituted "\$1,546" for "\$1,547".

Subsec. (n). Pub. L. 97-306, Secs. 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, Sec. 405(b)(8), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 405(b)(8), (h), eff. Jan. 1, 1983, substituted "\$1,757" for "\$1,758".

Subsec. (o). Pub. L. 97-306, Secs. 101(a)(15), 107, 108, substituted "\$2,111" for "\$1,966", and repealed amendment made by Pub. L. 97-253, Sec. 405(b)(9), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 405(b)(9), (h), eff. Jan. 1, 1983, substituted "\$1,965" for "\$1,966".

Subsec. (p). Pub. L. 97-306, Secs. 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, Sec. 405(b)(9), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 405(b)(9), (h), eff. Jan. 1, 1983, substituted "\$1,965" for "\$1,966" wherever appearing.

Pub. L. 97-253, Sec. 404(a), inserted "down" after "arithmetic mean, rounded".

Subsec. (r). Pub. L. 97-306, Secs. 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, Sec. 405(b)(10), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 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, Secs. 101(a)(17), 107, 108, substituted "\$1,357" for "\$1,264", and repealed amendment made by Pub. L. 97-253, Sec. 405(b)(11), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 405(b)(11), (h), eff. Jan. 1, 1983, substituted "\$1,263" for "\$1,264".

Subsec. (t)(1). Pub. L. 97-306, Secs. 101(a)(18), 107, 108, substituted "\$262" for "\$244", and repealed amendment made by Pub. L. 97-253, Sec. 405(b)(12), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 405(b)(12), (h), eff. Jan. 1, 1983, substituted "\$243" for "\$244".

1981 - Subsecs. (a) to (k). Pub. L. 97-66, Sec. 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, Secs. 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, Secs. 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, Secs. 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, Secs. 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, Sec. 101(a)(15), substituted "\$1,966" for "\$1,768" in three places.

Subsec. (r). Pub. L. 97-66, Sec. 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, Sec. 101(a)(17), increased compensation from \$1,137 to \$1,264.

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

1980 - Subsecs. (a) to (o). Pub. L. 96-385, Sec. 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, Sec. 101(a)(15), substituted "\$1,768" for "\$1,547" in three places.

Subsec. (r). Pub. L. 96-385, Sec. 101(a)(16), substituted "\$759" for "\$664" in cl. (1) and "\$1,130" for "\$989" in cl. (2).

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

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

1979 - Subsecs. (a) to (o). Pub. L. 96-128, Sec. 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, Secs. 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, Secs. 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, Sec. 101(a)(17), increased compensation from \$905 to \$995.

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

1978 - Subsecs. (a) to (o). Pub. L. 95-479, Sec. 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, Sec. 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, Sec. 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, Sec. 101(a)(16), substituted "\$905"

for "\$843".

Subsec. (t). Pub. L. 95-479, Sec. 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, Sec. 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, Sec. 101(a)(13), 404(6), increased compensation from \$896 to \$968 and substituted "such veteran" for "him", respectively.

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

Subsec. (o). Pub. L. 94-433, Secs. 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, Secs. 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, Secs. 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, Secs. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Secs. 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, Sec. 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, Sec. 1(a)(15), substituted "\$250" for "\$200".

Subsec. (s). Pub. L. 89-311, Sec. 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, Sec. 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, Secs. 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, Sec. 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 2010 AMENDMENT

Pub. L. 111-275, title VI, Sec. 601(c), Oct. 13, 2010, 124 Stat. 2884, provided that: "The amendments made by this section [amending this section and section 5503 of this title] shall take effect on October 1, 2011."

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-37, Sec. 3(g), June 30, 2009, 123 Stat. 1931, provided that: "The amendments made by this section [amending this section and sections 1115, 1162, 1311, and 1313 to 1315 of this title] shall take effect on December 1, 2008."

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-324, Sec. 3(f), Sept. 24, 2008, 122 Stat. 3552, provided that: "The amendments made by this section [amending this section and sections 1115, 1162, 1311, 1313, and 1314 of this title] shall take effect on December 1, 2007."

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-111, Sec. 2(f), Nov. 22, 2005, 119 Stat. 2364, provided that: "The amendments made by this section [amending this section and sections 1115, 1162, 1311, 1313, and 1314 of this title] shall take effect on December 1, 2005."

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-94, Sec. 7, Dec. 21, 2001, 115 Stat. 902, 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, 2001."

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-118, Sec. 7, Nov. 30, 1999, 113 Stat. 1603, 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, 1999."

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 (Secs. 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 (Secs. 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 (Secs. 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, Sec. 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, Sec. 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. 112-53, Sec. 2(a)-(c), (e), Nov. 9, 2011, 125 Stat. 548, 549, provided that:

"(a) Rate Adjustment. - Effective on December 1, 2011, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2011, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection

(b).

"(b) Amounts To Be Increased. - The dollar amounts to be increased pursuant to subsection (a) are the following:

"(1) Wartime disability compensation. - Each of the dollar amounts under section 1114 of title 38, United States Code.

"(2) Additional compensation for dependents. - Each of the dollar amounts under section 1115(1) of such title.

"(3) Clothing allowance. - The dollar amount under section 1162 of such title.

"(4) Dependency and indemnity compensation to surviving spouse. - Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

"(5) Dependency and indemnity compensation to children. - Each of the dollar amounts under sections 1313(a) and 1314 of such title.

"(c) Determination of Increase. -

"(1) Percentage. - Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2011, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

"(2) Rounding. - Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

"(e) Publication of Adjusted Rates. - The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2012."

Similar provisions were contained in the following acts: Pub. L. 111-247, Secs. 2(a)-(c), 3, Sept. 30, 2010, 124 Stat. 2623, 2624.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pub. L. 112-53, Sec. 2(d), Nov. 9, 2011, 125 Stat. 549, provided that: "The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a) [set out as a note above], the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) [set out as a note preceding section 101 of this title] who have not received compensation under chapter 11 of title 38, United States Code."

Similar provisions were contained in the following acts:

- Pub. L. 111-247, Sec. 2(d), Sept. 30, 2010, 124 Stat. 2624.
- Pub. L. 111-37, Sec. 2(d), June 30, 2009, 123 Stat. 1928.
- Pub. L. 110-324, Sec. 2(d), Sept. 24, 2008, 122 Stat. 3550.
- Pub. L. 110-111, Sec. 2(d), Nov. 5, 2007, 121 Stat. 1036.
- Pub. L. 109-361, Sec. 2(d), Oct. 16, 2006, 120 Stat. 2063.
- Pub. L. 109-111, Sec. 2(g), Nov. 22, 2005, 119 Stat. 2364.
- Pub. L. 108-363, Sec. 2(d), Oct. 25, 2004, 118 Stat. 1706.
- Pub. L. 108-147, Sec. 2(d), Dec. 3, 2003, 117 Stat. 1886.
- Pub. L. 107-247, Sec. 2(d), Oct. 23, 2002, 116 Stat. 1518.
- Pub. L. 107-94, Sec. 2(b), Dec. 21, 2001, 115 Stat. 901.
- Pub. L. 106-413, Sec. 2(d), Nov. 1, 2000, 114 Stat. 1799.
- Pub. L. 106-118, Sec. 2(b), Nov. 30, 1999, 113 Stat. 1602.
- Pub. L. 105-368, title XI, Sec. 1101(d), Nov. 11, 1998, 112 Stat. 3366.
- Pub. L. 105-98, Sec. 2(b), Nov. 19, 1997, 111 Stat. 2156.
- Pub. L. 104-263, Sec. 2(b), Oct. 9, 1996, 110 Stat. 3212.
- Pub. L. 104-57, Sec. 2(d), Nov. 22, 1995, 109 Stat. 556.
- Pub. L. 103-418, Sec. 2(d), Oct. 25, 1994, 108 Stat. 4337.
- Pub. L. 102-510, Sec. 2(b), Oct. 24, 1992, 106 Stat. 3318.
- Pub. L. 102-152, Sec. 2(b), Nov. 12, 1991, 105 Stat. 986.
- Pub. L. 102-3, Sec. 2(b), Feb. 6, 1991, 105 Stat. 8.
- Pub. L. 101-237, title I, Sec. 101(b), Dec. 18, 1989, 103 Stat. 2063.
- Pub. L. 100-687, div. B, title XI, Sec. 1101(b), Nov. 18, 1988, 102 Stat. 4123.
- Pub. L. 100-227, title I, Sec. 101(b), Dec. 31, 1987, 101 Stat. 1553.
- Pub. L. 99-576, title I, Sec. 101(b), Oct. 28, 1986, 100 Stat. 3251.
- Pub. L. 99-238, title I, Sec. 101(b), Jan. 13, 1986, 99 Stat. 1766.
- Pub. L. 98-543, title I, Sec. 101(b), Oct. 24, 1984, 98 Stat. 2736.
- Pub. L. 98-223, title I, Sec. 101(b), Mar. 2, 1984, 98 Stat. 38.
- Pub. L. 97-306, title I, Sec. 101(b), Oct. 14, 1982, 96 Stat. 1430.
- Pub. L. 97-66, title I, Sec. 101(b), Oct. 17, 1981, 95 Stat. 1027.
- Pub. L. 96-385, title I, Sec. 101(b), Oct. 7, 1980, 94 Stat. 1529.
- Pub. L. 96-128, title I, Sec. 101(b), Nov. 28, 1979, 93 Stat. 983.
- Pub. L. 95-479, title I, Sec. 101(e), Oct. 18, 1978, 92 Stat. 1562.
- Pub. L. 95-117, title I, Sec. 101(b), Oct. 3, 1977, 91 Stat. 1063.
- Pub. L. 94-433, title I, Sec. 101(b), Sept. 30, 1976, 90 Stat. 1374.
- Pub. L. 94-71, title I, Sec. 101(b), Aug. 5, 1975, 89 Stat. 395.
- Pub. L. 93-295, title I, Sec. 101(b), May 31, 1974, 88 Stat. 181.

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

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

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

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

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

-End-

-CITE-

38 USC Sec. 1115

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

Sec. 1115. Additional compensation for dependents

-STATUTE-

Any veteran entitled to compensation at the rates provided in section 1114 of this title, and whose disability is rated not less than 30 percent, shall be entitled to additional compensation for dependents in the following monthly amounts:

(1) If and while rated totally disabled and -

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

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

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

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

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

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

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

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1121, Sec. 315; Pub. L. 86-499, Sec. 1, June 8, 1960, 74 Stat. 165; Pub. L. 89-137, Sec. 1(b), Aug. 26, 1965, 79 Stat. 576; Pub. L. 89-311, Sec. 2(a), (b), Oct. 31, 1965, 79 Stat. 1154, 1155; Pub. L. 91-376, Sec. 2, Aug. 12, 1970, 84 Stat. 788; Pub. L. 92-328, title I, Sec. 102, June 30, 1972, 86 Stat. 394; Pub. L. 93-295, title I, Sec. 102, May 31, 1974, 88 Stat. 181; Pub. L. 94-71, title I, Sec. 102, Aug. 5, 1975, 89 Stat. 396; Pub. L. 94-433, title I, Sec. 102, title IV, Sec. 404(9)-(11), Sept. 30, 1976, 90 Stat. 1375, 1378; Pub. L. 95-117, title I, Sec. 102, Oct. 3, 1977, 91 Stat. 1064; Pub. L. 95-479, title I, Sec. 102, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96-128, title I, Sec. 102, Nov. 28, 1979, 93 Stat. 983; Pub. L. 96-385, title I, Sec. 102, Oct. 7, 1980, 94 Stat. 1529; Pub. L. 97-66, title I, Sec. 102, Oct. 17, 1981, 95 Stat. 1027; Pub. L. 97-253, title IV, Secs. 404(b), 405(c), Sept. 8, 1982, 96 Stat. 803; Pub. L. 97-306, title I, Secs. 102, 107, Oct. 14, 1982, 96 Stat. 1430, 1431; Pub. L. 98-223, title I, Sec. 102, Mar. 2, 1984, 98 Stat. 38; Pub. L. 98-543, title I, Sec. 102, Oct. 24, 1984, 98 Stat. 2736; Pub. L. 99-238, title I, Sec. 102, Jan. 13, 1986, 99 Stat. 1766; Pub. L. 99-576, title I, Sec. 102, Oct. 28, 1986, 100 Stat. 3251; Pub. L. 100-227, title I, Sec. 102, Dec. 31, 1987, 101 Stat. 1553; Pub. L. 100-687, div. B, title XI, Sec. 1102, Nov. 18, 1988, 102 Stat. 4123; Pub. L. 101-237, title I, Sec. 102, Dec. 18, 1989, 103 Stat. 2063; Pub. L. 102-3, Sec. 3, Feb. 6, 1991, 105 Stat. 8; renumbered Sec. 1115 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-152, Sec. 3, Nov. 12, 1991, 105 Stat. 986; Pub. L. 103-78, Sec. 2, Aug. 13, 1993, 107 Stat. 768; Pub. L. 103-140, Sec. 3, Nov. 11, 1993, 107 Stat. 1486; Pub. L. 105-98, Sec. 3, Nov. 19, 1997, 111 Stat. 2156; Pub. L. 106-118, Sec. 3, Nov. 30, 1999, 113 Stat. 1602; Pub. L. 107-94, Sec. 3, Dec. 21, 2001, 115 Stat. 901; Pub. L. 107-330, title III, Sec. 309(b), Dec. 6, 2002, 116 Stat. 2830; Pub. L. 108-454, title III, Sec. 307(b), Dec. 10, 2004, 118 Stat. 3613; Pub. L. 109-111, Sec. 2(b), Nov. 22, 2005, 119 Stat. 2363; Pub. L. 109-233, title V, Sec. 502(3), June 15, 2006, 120 Stat. 415; Pub. L. 109-444, Sec. 9(b), Dec. 21, 2006, 120 Stat. 3314; Pub. L. 109-461, title X, Secs. 1005(b), 1006(b), Dec. 22, 2006, 120 Stat. 3467, 3468; Pub. L. 110-324, Sec. 3(b), Sept. 24, 2008, 122 Stat. 3551; Pub. L. 111-37, Sec. 3(b), June 30, 2009, 123 Stat. 1929.)

-MISC1-

AMENDMENTS

2009 - Par. (1)(A). Pub. L. 111-37, Sec. 3(b)(1), substituted "\$150" for "\$142".

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

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

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

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

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

2008 - Par. (1)(A). Pub. L. 110-324, Sec. 3(b)(1), substituted "\$142" for "\$139".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Par. (1)(E)(ii). Pub. L. 109-233 substituted "blind, or so nearly blind or significantly disabled as to" for "helpless or blind, or so nearly helpless or blind as to".

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

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

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

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

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

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

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

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

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

Par. (1)(B). Pub. L. 108-454, Sec. 307(b)(2), substituted "\$219"

and "\$65" for "\$215" and "\$64", respectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Par. (1)(B). Pub. L. 103-140, Sec. 3(2), substituted "\$178" for

"\$174" and "\$55" for "\$54".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

for "\$155".

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

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

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

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

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

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

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

1986 - Par. (1)(A). Pub. L. 99-576, Sec. 102(1), substituted "\$82" for "\$81".

Pub. L. 99-238, Sec. 102(1), substituted "\$81" for "\$79".

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

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

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

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

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

Pub. L. 99-238, Sec. 102(4), substituted "\$66" for "\$64".

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

Pub. L. 99-238, Sec. 102(5), substituted "\$147" for "\$143".

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

Pub. L. 99-238, Sec. 102(6), substituted "\$124" for "\$120".

1984 - Pub. L. 98-223, Sec. 102(b), substituted "percent" for "per centum" in provision preceding par. (1).

Par. (1)(A). Pub. L. 98-543, Sec. 102(1), substituted "\$79" for "\$77".

Pub. L. 98-223, Sec. 102(a)(1), substituted "\$77" for "\$74".

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

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

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

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

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

Pub. L. 98-223, Sec. 102(a)(4), substituted "\$62" for "\$60".

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

Pub. L. 98-223, Sec. 102(a)(5), substituted "\$139" for "\$134".

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

Pub. L. 98-223, Sec. 102(a)(6), substituted "\$116" for "\$112".

Par. (2). Pub. L. 98-223, Sec. 102(b), substituted "percent" for "per centum".

1982 - Par. (1)(A). Pub. L. 97-306, Sec. 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, Secs. 102(1), 107, 108, added subpar. (B), repealed amendment made by Pub. L. 97-253, Sec. 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, Sec. 405(c)(1), (h), eff. Jan. 1, 1983, substituted "\$115" for "\$116".

Par. (1)(C). Pub. L. 97-306, Sec. 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, Secs. 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, Sec. 405(c)(2), eff. Oct. 1, 1982.

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

Par. (1)(E). Pub. L. 97-306, Sec. 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, Sec. 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, Secs. 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, Sec. 405(c)(3), eff. Oct. 1, 1982.

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

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

Par. (2). Pub. L. 97-253, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 102(a)(10), (b)(1)(B), substituted "paragraph" for "subsection", "\$82" for "\$75", and "section" for "subsection".

Par. (2). Pub. L. 96-128, Sec. 102(b)(2), inserted "of this section" after "(1)".

1978 - Pub. L. 95-479, Sec. 102(b), substituted "30 per centum" for "50 per centum" in provisions preceding par. (1).

Par. (1). Pub. L. 95-479, Sec. 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, Sec. 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, Sec. 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, Secs. 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, Sec. 404(11), struck out "his" before "disability bears".

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

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

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

1970 - Par. (1). Pub. L. 91-376 substituted \$28 for \$25 in

subpar. (A), \$48 for \$43 in subpar. (B), \$61 for \$55 in subpar. (C), \$75 and \$14 for \$68 and \$13, respectively, in subpar. (D), \$19 for \$17 in subpar. (E), \$33 for \$30 in subpar. (F), \$48 and \$14 for \$43 and \$13, respectively, in subpar. (G), \$23 for \$21 in subpar. (H), and \$44 for \$40 in subpar. (I).

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

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

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

EFFECTIVE DATE OF 2009 AMENDMENT

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

EFFECTIVE DATE OF 2008 AMENDMENT

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

EFFECTIVE DATE OF 2005 AMENDMENT

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

EFFECTIVE DATE OF 2001 AMENDMENT

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

EFFECTIVE DATE OF 1999 AMENDMENT

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

EFFECTIVE DATE OF 1997 AMENDMENT

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

EFFECTIVE DATE OF 1993 AMENDMENT

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

EFFECTIVE DATE OF 1991 AMENDMENTS

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

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

EFFECTIVE DATE OF 1989 AMENDMENT

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

EFFECTIVE DATE OF 1988 AMENDMENT

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

EFFECTIVE DATE OF 1987 AMENDMENT

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

EFFECTIVE DATE OF 1986 AMENDMENTS

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

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

EFFECTIVE DATE OF 1984 AMENDMENTS

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

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

EFFECTIVE DATE OF 1982 AMENDMENTS

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

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

EFFECTIVE DATE OF 1981 AMENDMENT

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

EFFECTIVE DATE OF 1980 AMENDMENT

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

EFFECTIVE DATE OF 1979 AMENDMENT

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

EFFECTIVE DATE OF 1978 AMENDMENT

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

this title.

EFFECTIVE DATE OF 1977 AMENDMENT

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

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

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

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-295 effective May 1, 1974, see section 401 of Pub. L. 93-295, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

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

EFFECTIVE DATE OF 1970 AMENDMENT

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

EFFECTIVE DATE OF 1965 AMENDMENTS

Amendment by Pub. L. 89-311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89-311, set out as a note under section 1114 of this title.

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

EFFECTIVE DATE OF 1960 AMENDMENT

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

REPEAL

Section 405(c) of Pub. L. 97-253, cited as a credit to this section, was repealed by Pub. L. 97-306, Secs. 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.

-End-

-CITE-

38 USC Sec. 1116

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

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

-STATUTE-

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

(A) a disease specified in paragraph (2) of this subsection becoming manifest as specified in that paragraph in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975; and

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

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

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

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

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

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

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

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

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

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

(H) Diabetes Mellitus (Type 2).

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

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

(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 regulations 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 on September 30, 2015.

(f) For purposes of establishing service connection for a disability or death resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, 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, 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.

-SOURCE-

(Added Pub. L. 102-4, Sec. 2(a)(1), Feb. 6, 1991, 105 Stat. 11, Sec. 316; renumbered Sec. 1116 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title V, Sec. 505, title XII, Sec. 1201(e)(6), Nov. 2, 1994, 108 Stat. 4664, 4685; Pub. L. 104-275, title V, Sec. 505(b), Oct. 9, 1996, 110 Stat. 3342; Pub. L. 106-419, title IV, Sec. 404(a)(1), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 107-103, title II, Sec. 201(a)(1)(A), (b)-(c)(2)(A), (d)(1), Dec. 27, 2001, 115 Stat. 987, 988.)

-REFTEXT-

REFERENCES IN TEXT

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

-MISC1-

AMENDMENTS

2001 - Pub. L. 107-103, Sec. 201(c)(2)(A), amended section catchline generally. Prior to amendment, catchline read as follows: "Presumptions of service connection for diseases associated with exposure to certain herbicide agents".

Subsec. (a)(2)(F). Pub. L. 107-103, Sec. 201(a)(1)(A), struck out "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" before period at end.

Subsec. (a)(2)(H). Pub. L. 107-103, Sec. 201(b), added subpar. (H).

Subsec. (a)(3), (4). Pub. L. 107-103, Sec. 201(c)(1)(B), redesignated par. (4) as (3). Former par. (3) redesignated as subsec. (f).

Subsec. (e). Pub. L. 107-103, Sec. 201(d)(1), substituted "on September 30, 2015" for "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".

Subsec. (f). Pub. L. 107-103, Sec. 201(c)(1)(A), (C), redesignated subsec. (a)(3) as (f), substituted "For purposes of establishing service connection for a disability or death resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, a veteran" for "For the purposes of this subsection, a veteran", and struck out "and has a disease referred to in paragraph (1)(B) of this subsection" after "May 7, 1975,".

2000 - Subsec. (a)(2)(F). Pub. L. 106-419 inserted "of disability" after "to a degree".

1996 - Subsec. (a)(1)(A). Pub. L. 104-275, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 1201(e)(6), substituted "(i)" for "(1)" and "(ii)" for "(2)".

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

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 316 of this title as this section.

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

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title II, Sec. 201(a)(1)(B), Dec. 27, 2001, 115 Stat. 987, provided that: "The amendment made by subparagraph (A) [amending this section] shall take effect January 1, 2002."

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.

REPORT ON TIME LIMIT FOR PRESUMPTION OF CANCER CAUSED BY HERBICIDE AGENT

Pub. L. 107-103, title II, Sec. 201(a)(2)-(4), Dec. 27, 2001, 115 Stat. 987, provided that:

"(2) The Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences, not later than six months after the date of the enactment of this Act [Dec. 27, 2001], for the performance of a study to include a review of all available scientific literature on the effects of exposure to an herbicide agent containing dioxin on the development of respiratory cancers in humans and whether it is possible to identify a period of time

after exposure to herbicides after which a presumption of service-connection for such exposure would not be warranted. Under the contract, the National Academy of Sciences shall submit a report to the Secretary setting forth its conclusions. The report shall be submitted not later than 18 months after the contract is entered into.

"(3) For a period of six months beginning on the date of the receipt of the report of the National Academy of Sciences under paragraph (2), the Secretary may, if warranted by clear scientific evidence presented in the National Academy of Sciences report, initiate a rulemaking under which the Secretary would specify a limit on the number of years after a claimant's departure from Vietnam after which respiratory cancers would not be presumed to have been associated with the claimant's exposure to herbicides while serving in Vietnam. Any such limit under such a rule may not take effect until 120 days have passed after the publication of a final rule to impose such a limit.

"(4)(A) Subject to subparagraphs (B) and (C), if the Secretary imposes such a limit under paragraph (3), that limit shall be effective only as to claims filed on or after the effective date of that limit.

"(B) In the case of any veteran whose disability or death due to respiratory cancer is found by the Secretary to be service-connected under section 1116(a)(2)(F) of title 38, United States Code, as amended by paragraph (1), such disability or death shall remain service-connected for purposes of all provisions of law under such title notwithstanding the imposition, if any, of a time limit by the Secretary by rulemaking authorized under paragraph (3).

"(C) Subparagraph [sic] (B) does not apply in a case in which -

"(i) the original award of compensation or service connection was based on fraud; or

"(ii) it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge."

AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES

Section 3 of Pub. L. 102-4, as amended by Pub. L. 102-83, Sec. 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-86, title V, Sec. 503(a), (b)(1), Aug. 14, 1991, 105 Stat. 424, 425; Pub. L. 107-103, title II, Sec. 201(d)(2), Dec. 27, 2001, 115 Stat. 988, 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 Academy 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 on

October 1, 2014.

"(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, Sec. 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, Sec. 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, Sec. 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, Sec. 307, Dec. 20, 1979, 93 Stat.

1097, as amended by Pub. L. 97-72, title IV, Sec. 401, Nov. 3, 1981, 95 Stat. 1061; Pub. L. 98-542, Sec. 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.

-End-

-CITE-

38 USC Sec. 1117

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

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

-STATUTE-

(a)(1) The Secretary may pay compensation under this subchapter to a Persian Gulf veteran with a qualifying chronic disability that became manifest -

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

(B) to a degree of 10 percent or more during the presumptive period prescribed under subsection (b).

(2) For purposes of this subsection, the term "qualifying chronic disability" means a chronic disability resulting from any of the following (or any combination of any of the following):

(A) An undiagnosed illness.

(B) A medically unexplained chronic multisymptom illness (such as chronic fatigue syndrome, fibromyalgia, and irritable bowel syndrome) that is defined by a cluster of signs or symptoms.

(C) Any diagnosed illness that the Secretary determines in regulations prescribed under subsection (d) warrants a presumption of service-connection.

(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 previously established under this section is no longer warranted -

(A) a veteran who was awarded compensation under this section 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 on September 30, 2011.

(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.

(g) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness or a chronic multisymptom illness include the following:

(1) Fatigue.

(2) Unexplained rashes or other dermatological signs or symptoms.

(3) Headache.

(4) Muscle pain.

(5) Joint pain.

(6) Neurological signs and symptoms.

(7) Neuropsychological signs or symptoms.

(8) Signs or symptoms involving the upper or lower respiratory system.

(9) Sleep disturbances.

(10) Gastrointestinal signs or symptoms.

(11) Cardiovascular signs or symptoms.

(12) Abnormal weight loss.

(13) Menstrual disorders.

(h)(1) If the Secretary determines with respect to a medical research project sponsored by the Department that it is necessary for the conduct of the project that Persian Gulf veterans in receipt of compensation under this section or section 1118 of this title participate in the project without the possibility of loss of service connection under either such section, the Secretary shall provide that service connection granted under either such section for disability of a veteran who participated in the research project may not be terminated. Except as provided in paragraph (2), notwithstanding any other provision of law any grant of service-connection protected under this subsection shall remain service-connected for purposes of all provisions of law under this title.

(2) Paragraph (1) does not apply in a case in which -

(A) the original award of compensation or service connection was based on fraud; or

(B) it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge.

(3) The Secretary shall publish in the Federal Register a list of medical research projects sponsored by the Department for which service connection granted under this section or section 1118 of this title may not be terminated pursuant to paragraph (1).

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(Added Pub. L. 103-446, title I, Sec. 106(a)(1), Nov. 2, 1994, 108

Stat. 4650; amended Pub. L. 105-277, div. C, title XVI, Sec. 1602(c), Oct. 21, 1998, 112 Stat. 2681-744; Pub. L. 107-103, title II, Secs. 202(a), (b)(1), (d)(1), 203(a), Dec. 27, 2001, 115 Stat. 988, 989; Pub. L. 109-233, title V, Sec. 503(1), June 15, 2006, 120 Stat. 415.)

-MISC1-

AMENDMENTS

2006 - Subsec. (h)(1). Pub. L. 109-233 substituted "notwithstanding" for "nothwithstanding".

2001 - Subsec. (a). Pub. L. 107-103, Sec. 202(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "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)."

Subsec. (c)(1). Pub. L. 107-103, Sec. 202(a)(2)(A), struck out "for an undiagnosed illness (or combination of undiagnosed illnesses)" after "service connection" in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 107-103, Sec. 202(a)(2)(B), struck out "for such illness (or combination of illnesses)" after "awarded compensation under this section".

Subsec. (c)(2). Pub. L. 107-103, Sec. 202(d)(1), substituted "on September 30, 2011" for "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".

Subsec. (g). Pub. L. 107-103, Sec. 202(b)(1), added subsec. (g).

Subsec. (h). Pub. L. 107-103, Sec. 203(a), added subsec. (h).

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

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title II, Sec. 202(c), Dec. 27, 2001, 115 Stat. 989, provided that: "The amendments made by subsections (a) and (b) [amending this section and section 1118 of this title] shall take effect on March 1, 2002."

Pub. L. 107-103, title II, Sec. 203(b), Dec. 27, 2001, 115 Stat. 990, provided that: "The authority provided by subsection (h) of section 1117 of title 38, United States Code, as added by subsection (a), may be used by the Secretary of Veterans Affairs with respect to any medical research project of the Department of Veterans Affairs, whether commenced before, on, or after the date of the enactment of this Act [Dec. 27, 2001]."

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."

AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES REGARDING EVALUATION OF
HEALTH CONSEQUENCES OF SERVICE IN SOUTHWEST ASIA DURING THE PERSIAN
GULF WAR

Pub. L. 105-368, title I, Sec. 101, Nov. 11, 1998, 112 Stat.
3317, as amended by Pub. L. 111-275, title VIII, Sec. 806(b)(1),
(2), Oct. 13, 2010, 124 Stat. 2891, 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 a part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between illness and service in the Persian Gulf War.

"(b) Agreement. - (1) 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 2 months after the date of the enactment of this Act [Nov. 11, 1998].

"(2)(A) If the Secretary is unable within the time period set forth in paragraph (1) to enter into an agreement with the Academy 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 Federal Government, operates as a not-for-profit entity, and has expertise and objectivity comparable to that of the Academy.

"(B) If the Secretary enters into an agreement with another organization under this paragraph, any reference in this section to the National Academy of Sciences shall be treated as a reference to such other organization.

"(c) Review of Scientific Evidence. - (1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct a comprehensive review and evaluation of the available scientific and medical information regarding the health status of veterans who served in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations and the health consequences of exposures to risk factors during such service. In conducting such review and evaluation, the Academy shall -

"(A) identify the biological, chemical, or other toxic agents, environmental or wartime hazards, or preventive medicines or vaccines (including the agents specified in subsection (d)(1)) to which members of the Armed Forces who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations;

"(B) identify the illnesses associated with the agents, hazards, or medicines or vaccines identified under subparagraph (A); and

"(C) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) for which there is scientific evidence of a higher prevalence among populations of Gulf War veterans when compared with other appropriate populations of individuals.

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

"(3) In conducting the review and evaluation under paragraph (1), the Academy shall, for each illness identified under subparagraph (B) or (C) of that paragraph, assess the latency period, if any, between service or exposure to any potential risk factor (including an agent, hazard, or medicine or vaccine identified under subparagraph (A) of that paragraph) and the manifestation of such illness.

"(d) Specified Agents. - (1) In identifying under subsection (c)(1)(A) the agents, hazards, or preventive medicines or vaccines to which members of the Armed Forces may have been exposed, the National Academy of Sciences shall consider 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 hydrocarbons 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.

"(G) The following sources of 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 escherichia 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 (h).

"(3) Not later than 6 months after entry into the agreement under subsection (b), the Academy shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report specifying the agents, hazards, and medicines and vaccines considered under paragraph (1).

"(e) Scientific Determinations Concerning Illnesses. - (1) For each illness identified under subparagraph (B) or (C) of subsection (c)(1), the National Academy of Sciences shall determine (to the extent available scientific evidence permits) whether there is scientific evidence of an association of that illness with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations or exposure during such service to one or more agents, hazards, or medicines or vaccines. In making those determinations, the Academy shall consider -

"(A) the strength of scientific evidence, the replicability of results, the statistical significance of results, and the appropriateness of the scientific methods used to detect the association;

"(B) in any case where there is evidence of an apparent association, whether there is reasonable confidence that that apparent association is not due to chance, bias, or confounding;

"(C) the increased risk of the illness among human or animal populations exposed to the agents, hazards, or medicines or vaccines;

"(D) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agents, hazards, or medicines or vaccines and the illnesses;

"(E) in any case where information about exposure levels is available, whether the evidence indicates that the levels of exposure of the studied populations were of the same magnitude as the estimated likely exposures of veterans described in subsection (c)(1); and

"(F) whether there is an increased risk of illness among veterans described in subsection (c)(1) in comparison with appropriate peer groups.

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

"(f) 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 service described in subsection (c)(1)(A) or exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with such 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.

"(g) 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

information referred to in subsection (c), the evidence referred to in subsection (e), and the data referred to in subsection (f) that became available since the last review of such information, 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.

"(h) Reports by Academy. - (1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Secretary of Veterans Affairs periodic written reports regarding the Academy's activities under the agreement.

"(2) The first report under paragraph (1) shall be submitted not later than 2 years after entry into the agreement under subsection (b). That report shall include -

"(A) the determinations and discussion referred to in subsection (e); and

"(B) any recommendations of the Academy under subsection (f).

"(3) Reports shall be submitted under this subsection at least once every 2 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) In each report under this subsection submitted after the date of the enactment of this paragraph [Oct. 13, 2010], any determinations, discussions, and recommendations as described in paragraph (2) shall be submitted separately as follows:

"(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

"(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.

"(i) Reports by Secretary. - (1) The Secretary shall review each report from the Academy under subsection (h). As part of such review, the Secretary shall seek comments on, and evaluation of, the Academy's report from the heads of other affected departments and agencies of the United States.

"(2) Based upon a review under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the available scientific and medical information regarding the health consequences of service described in subsection (c)(1)(A) and of exposures to risk factors during such service. The Secretary shall include in the report the Secretary's recommendations as to whether there is sufficient evidence to warrant a presumption of service-connection for the occurrence of a specified condition in veterans described in subsection (c)(1)(A). In determining whether to make such a recommendation, the Secretary shall consider the matters specified in subparagraphs (A) through (F) of subsection (e)(1).

"(3) The report under this subsection shall be submitted not later than 120 days after the date on which the Secretary receives the report from the Academy.

"(4) In each report under this subsection submitted after the date of the enactment of this paragraph [Oct. 13, 2010], any recommendations as described in paragraph (2) shall be submitted separately as follows:

"(A) For the Southwest Asia theater of operations for the

period of the Persian Gulf War ending on September 11, 2001.

"(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.

"(j) Sunset. - This section shall cease to be effective on October 1, 2018.

"(k) Definition. - In this section:

"(1) The term 'Persian Gulf War' has the meaning given that term in section 101(33) of title 38, United States Code.

"(2) The term 'Post-9/11 Global Theater of Operations' means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.

"(3) The term 'toxic agent, environmental or wartime hazard, or preventive medicine or vaccine', with respect to service described in subsection (c)(1)(A), 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 described in such subsection (c)(1)(A), whether such association arises as a result of single, repeated, or sustained exposure and whether such association arises through exposure singularly or in combination."

IMPROVING EFFECTIVENESS OF CARE OF PERSIAN GULF WAR VETERANS Pub. L. 105-368, title I, Sec. 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, Secs. 1603-1605, Oct. 21, 1998, 112 Stat. 2681-745 to 2681-748, as amended by Pub. L. 107-103, title II, Sec. 202(d)(2), Dec. 27, 2001, 115 Stat. 989; Pub.

L. 111-275, title VIII, Sec. 806(a), (b)(3), Oct. 13, 2010, 124
Stat. 2890, 2893, 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 may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; 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 service described in subsection (c)(1)(A).

"(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 (6) 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) In each report under this subsection submitted after the date of the enactment of this paragraph [Oct. 13, 2010], any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

"(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

"(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.

"(6) 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 on October 1, 2015.

"(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.

"(l) Definitions. - In this section:

"(1) The term 'Persian Gulf War' has the meaning given that term in section 101(33) of title 38, United States Code.

"(2) The term 'Post-9/11 Global Theater of Operations' means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.

"[SEC. 1604. Repealed. Pub. L. 111-275, title VIII, Sec. 806(b)(3), Oct. 13, 2010, 124 Stat. 2893.]

"SEC. 1605. DEFINITIONS.

"In this title [enacting section 1118 of this title, amending this section and section 1113 of this title, and enacting this note and provisions set out as a note under section 101 of 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."

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, Sec. 352(a), Oct. 9, 1996, 110 Stat. 3210; Pub. L. 105-368, title I, Sec. 107, Nov. 11, 1998, 112 Stat. 3325; Pub. L. 106-117, title II, Sec. 205(b), (c), Nov. 30, 1999, 113 Stat. 1563, 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 exhibiting 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, 2003.

"(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, 2003.

"(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, Sec. 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.

-EXEC-

EXECUTIVE ORDER NO. 12961

Ex. Ord. No. 12961, May 26, 1995, 60 F.R. 28507, which established the Presidential Advisory Committee on Gulf War Veterans' Illnesses, was revoked by Ex. Ord. No. 13138, Sec. 3(g), Sept. 30, 1999, 64 F.R. 53880, formerly set out as a note under section 14 of the Appendix to Title 5, Government Organization and Employees.

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.

-End-

-CITE-

38 USC Sec. 1118

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER II - WARTIME DISABILITY COMPENSATION

-HEAD-

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

-STATUTE-

(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.

(4) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the signs and symptoms listed in section 1117(g) of this title.

(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 on September 30, 2011.

-SOURCE-

(Added Pub. L. 105-277, div. C, title XVI, Sec. 1602(a)(1), Oct. 21, 1998, 112 Stat. 2681-742; amended Pub. L. 107-103, title II, Sec. 202(b)(2), (d)(1), Dec. 27, 2001, 115 Stat. 989.)

-REFTEXT-

REFERENCES IN TEXT

Section 1603 of the Persian Gulf War Veterans Act of 1998, referred to in subsecs. (b)(2)(A)(i) and (c)(1), is section 1603 of Pub. L. 105-277, which is set out in a note under section 1117 of this title.

-MISC1-

AMENDMENTS

2001 - Subsec. (a)(4). Pub. L. 107-103, Sec. 202(b)(2), added par. (4).

Subsec. (e). Pub. L. 107-103, Sec. 202(d)(1), substituted "on September 30, 2011" for "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".

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 202(b)(2) of Pub. L. 107-103 effective Mar. 1, 2002, see section 202(c) of Pub. L. 107-103, set out as a note under section 1117 of this title.

-End-

-CITE-

38 USC SUBCHAPTER III - WARTIME DEATH COMPENSATION 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER III - WARTIME DEATH COMPENSATION

-HEAD-

SUBCHAPTER III - WARTIME DEATH COMPENSATION

-End-

-CITE-

38 USC Sec. 1121

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER III - WARTIME DEATH COMPENSATION

-HEAD-

Sec. 1121. Basic entitlement

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, Sec. 321; Pub. L. 92-197, Sec. 6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94-433, title IV, Sec. 404(12), Sept. 30, 1976, 90 Stat. 1378; renumbered Sec. 1121 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 321 of this title as this section.

Pub. L. 102-83, Sec. 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.

-End-

-CITE-

38 USC Sec. 1122

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER III - WARTIME DEATH COMPENSATION

-HEAD-

Sec. 1122. Rates of wartime death compensation

-STATUTE-

(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) blind, or so nearly blind or significantly disabled as to need or require the regular aid and attendance of another person.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, Sec. 322; Pub. L. 91-96, Sec. 7, Oct. 27, 1969, 83 Stat. 146; Pub. L. 91-588, Sec. 3(a), Dec. 24, 1970, 84 Stat. 1583; Pub. L. 92-197, Sec. 9, Dec. 15, 1971, 85 Stat. 662; Pub. L. 93-295, title II, Sec. 204, May 31, 1974, 88 Stat. 183; Pub. L. 94-169, title II, Sec. 202, Dec. 23, 1975, 89 Stat. 1021; Pub. L. 94-432, title IV, Sec. 401, Sept. 30, 1976, 90 Stat. 1372; Pub. L. 94-433, title IV, Sec. 404(13)-(17), Sept. 30, 1976, 90 Stat. 1378, 1379; Pub. L. 95-204, title III, Sec. 301, Dec. 2, 1977, 91 Stat. 1459; renumbered Sec. 1122, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-233, title V, Sec. 502(3), June 15, 2006, 120 Stat. 415.)

-MISC1-

AMENDMENTS

2006 - Subsec. (b)(2). Pub. L. 109-233 substituted "blind, or so nearly blind or significantly disabled as to" for "helpless or blind, or so nearly helpless or blind as to".

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, Sec. 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, Sec. 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.

-End-

-CITE-

38 USC SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-HEAD-

SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-End-

-CITE-

38 USC Sec. 1131

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-HEAD-

Sec. 1131. Basic entitlement

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, Sec. 331; Pub. L. 101-508, title VIII, Sec. 8052(a)(3), Nov. 5, 1990, 104 Stat. 1388-351; renumbered Sec. 1131, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-178, title VIII, Sec. 8202(b), June 9, 1998, 112 Stat. 492; Pub. L. 105-206, title IX, Sec. 9014(a), July 22, 1998, 112 Stat. 865.)

-MISC1-

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, Sec. 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.

-End-

-CITE-

38 USC Sec. 1132

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-HEAD-

Sec. 1132. Presumption of sound condition

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, Sec. 332; renumbered Sec. 1132 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 332 of this title as this section.

Pub. L. 102-83, Sec. 5(c)(1), substituted "1131" for "331".

-End-

-CITE-

38 USC Sec. 1133

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-HEAD-

Sec. 1133. Presumptions relating to certain diseases

-STATUTE-

(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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, Sec. 333; renumbered Sec. 1133 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 333 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "1131" for "331".

-End-

-CITE-

38 USC Sec. 1134

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-HEAD-

Sec. 1134. Rates of peacetime disability compensation

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, Sec. 334; Pub. L. 92-328, title I, Sec. 108(a), June 30, 1972, 86 Stat. 396; renumbered Sec. 1134 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 334 of this title as this section.

Pub. L. 102-83, Sec. 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."

-End-

-CITE-

38 USC Sec. 1135

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-HEAD-

Sec. 1135. Additional compensation for dependents

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, Sec. 335; Pub. L. 92-328, title I, Sec. 108(b), June 30, 1972, 86 Stat. 396; Pub. L. 98-543, title I, Sec. 112(a), Oct. 24, 1984, 98 Stat. 2740; renumbered Sec. 1135 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 335 of this title as this section.

Pub. L. 102-83, Sec. 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.

-End-

-CITE-

38 USC Sec. 1136

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-HEAD-

[Sec. 1136. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102-83, Sec. 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, Sec. 108(c), title III, Sec. 301(b), June 30, 1972, 86 Stat. 396, 398, effective July 1, 1973.

-End-

-CITE-

38 USC Sec. 1137

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER IV - PEACETIME DISABILITY COMPENSATION

-HEAD-

Sec. 1137. Wartime presumptions for certain veterans

-STATUTE-

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.

-SOURCE-

(Added Pub. L. 89-358, Sec. 7(a), Mar. 3, 1966, 80 Stat. 27, Sec. 337; amended Pub. L. 93-295, title II, Sec. 205, May 31, 1974, 88 Stat. 183; renumbered Sec. 1137 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 337 of this title as this section.

Pub. L. 102-83, Sec. 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.

-End-

-CITE-

38 USC SUBCHAPTER V - PEACETIME DEATH COMPENSATION 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER V - PEACETIME DEATH COMPENSATION

-HEAD-

SUBCHAPTER V - PEACETIME DEATH COMPENSATION

-End-

-CITE-

38 USC Sec. 1141 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART II - GENERAL BENEFITS
CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER V - PEACETIME DEATH COMPENSATION

-HEAD-

Sec. 1141. Basic entitlement

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, Sec. 341; Pub. L. 92-197, Sec. 6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94-433, title IV, Sec. 404(18), Sept. 30, 1976, 90 Stat. 1379; renumbered Sec. 1141, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

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.

-End-

-CITE-

38 USC Sec. 1142

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER V - PEACETIME DEATH COMPENSATION

-HEAD-

Sec. 1142. Rates of peacetime death compensation

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, Sec. 342; Pub. L. 93-

295, title II, Sec. 206(a), May 31, 1974, 88 Stat. 183; renumbered Sec. 1142 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 342 of this title as this section.

Pub. L. 102-83, Sec. 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.

-End-

-CITE-

38 USC Sec. 1143

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER V - PEACETIME DEATH COMPENSATION

-HEAD-

[Sec. 1143. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102-83, Sec. 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, Sec. 206(b), title IV, Sec. 401, May 31, 1974, 88 Stat. 183, 184, effective May 1, 1974.

-End-

-CITE-

38 USC SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-End-

-CITE-

38 USC Sec. 1151

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1151. Benefits for persons disabled by treatment or vocational rehabilitation

-STATUTE-

(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 (A) 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, or (B) by participation in a program (known as a "compensated work therapy program") under section 1718 of this title.

(b)(1) 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 (except as otherwise provided in paragraph (2)) 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.

(2) In the case of a judgment, settlement, or compromise covered by paragraph (1) that becomes final on or after the date of the

enactment of this paragraph and that includes an amount that is specifically designated for a purpose for which benefits are provided under chapter 21 or 39 of this title (hereinafter in this paragraph referred to as the "offset amount"), if such judgment, settlement, or compromise becomes final before the date of the award of benefits under chapter 21 or 39 for the purpose for which the offset amount was specifically designated -

(A) the amount of such award shall be reduced by the offset amount; and

(B) if the offset amount is greater than the amount of such award, the excess amount received pursuant to the judgment, settlement or compromise, shall be offset against benefits otherwise payable under this chapter.

(c) A qualifying additional disability under this section shall be treated in the same manner as if it were a service-connected disability for purposes of the following provisions of this title:

- (1) Chapter 21, relating to specially adapted housing.
- (2) Chapter 39, relating to automobiles and adaptive equipment.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, Sec. 351; Pub. L. 87-825, Sec. 3, Oct. 15, 1962, 76 Stat. 950; Pub. L. 91-24, Sec. 3, June 11, 1969, 83 Stat. 33; Pub. L. 94-433, title IV, Sec. 404(19), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-223, title II, Sec. 213(1), Mar. 2, 1984, 98 Stat. 46; renumbered Sec. 1151 and amended Pub. L. 102-83, Secs. 4(a)(1), 5(a), Aug. 6, 1991, 105 Stat. 403, 406; Pub. L. 104-204, title IV, Sec. 422(a), Sept. 26, 1996, 110 Stat. 2926; Pub. L. 106-419, title III, Sec. 303, Nov. 1, 2000, 114 Stat. 1853; Pub. L. 108-454, title III, Sec. 304(a),(c), Dec. 10, 2004, 118 Stat. 3611.)

-REFTEXT-

REFERENCES IN TEXT

The date of the enactment of this paragraph, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 108-454, which was approved Dec. 10, 2004.

-MISC1-

AMENDMENTS

2004 - Subsec. (b). Pub. L. 108-454, Sec. 304(c), designated existing provision as par. (1), inserted "(except as otherwise provided in paragraph (2))" after "service-connected, then", and added par. (2).

Subsec. (c). Pub. L. 108-454, Sec. 304(a), added subsec. (c).

2000 - Subsec. (a)(2). Pub. L. 106-419 inserted "(A)" after "proximately caused" and added cl. (B).

1996 - Subsec. (a). Pub. L. 104-204, Sec. 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, Sec. 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, Sec. 5(a), renumbered section 351 of this title as this section.

Pub. L. 102-83, Sec. 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 2004 AMENDMENT

Pub. L. 108-454, title III, Sec. 304(b), Dec. 10, 2004, 118 Stat. 3611, provided that: "Subsection (c) of section 1151 of title 38, United States Code, as added by subsection (a), shall apply with respect to eligibility for benefits and services provided by the Secretary of Veterans Affairs on or after the date of the enactment of this Act [Dec. 10, 2004]."

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) Notwithstanding [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.

-End-

-CITE-

38 USC Sec. 1152

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1152. Persons heretofore having a compensable status

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, Sec. 352; renumbered Sec. 1152, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 352 of this title as this section.

-End-

-CITE-

38 USC Sec. 1153

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1153. Aggravation

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, Sec. 353; renumbered Sec. 1153, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 353 of this title as this section.

-End-

-CITE-

38 USC Sec. 1154

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1154. Consideration to be accorded time, place, and circumstances of service

-STATUTE-

(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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1124, Sec. 354; Pub. L. 94-

433, title IV, Sec. 404(20), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-542, Sec. 4, Oct. 24, 1984, 98 Stat. 2727; Pub. L. 102-54, Sec. 14(b)(1), June 13, 1991, 105 Stat. 282; renumbered Sec. 1154 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

-REFTEXT-

REFERENCES IN TEXT

Section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, referred to in subsec. (a), is set out below.

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 354 of this title as this section.

Pub. L. 102-54, Sec. 14(b)(1)(A), inserted a comma after "place" in section catchline.

Subsec. (a). Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-54, Sec. 14(b)(1)(B), inserted before period at end "(Public Law 98-542; 98 Stat. 2727)".

Subsec. (b). Pub. L. 102-83, Sec. 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.

RADIATION DOSE RECONSTRUCTION PROGRAM OF DEPARTMENT OF DEFENSE

Pub. L. 108-183, title VI, Sec. 601, Dec. 16, 2003, 117 Stat. 2667, provided that:

"(a) Review of Mission, Procedures, and Administration. - (1) The Secretary of Veterans Affairs and the Secretary of Defense shall jointly conduct a review of the mission, procedures, and administration of the Radiation Dose Reconstruction Program of the Department of Defense.

"(2) In conducting the review under paragraph (1), the Secretaries shall -

"(A) determine whether any additional actions are required to ensure that the quality assurance and quality control mechanisms of the Radiation Dose Reconstruction Program are adequate and sufficient for purposes of the program; and

"(B) determine the actions that are required to ensure that the mechanisms of the Radiation Dose Reconstruction Program for communication and interaction with veterans are adequate and sufficient for purposes of the program, including mechanisms to permit veterans to review the assumptions utilized in their dose reconstructions.

"(3) Not later than 90 days after the date of the enactment of this Act [Dec. 16, 2003], the Secretaries shall jointly submit to Congress a report on the review under paragraph (1). The report shall set forth -

"(A) the results of the review;

"(B) a plan for any actions determined to be required under

paragraph (2); and

"(C) such other recommendations for the improvement of the mission, procedures, and administration of the Radiation Dose Reconstruction Program as the Secretaries jointly consider appropriate.

"(b) On-Going Review and Oversight. - The Secretaries shall jointly take appropriate actions to ensure the on-going independent review and oversight of the Radiation Dose Reconstruction Program, including the establishment of the advisory board required by subsection (c).

"(c) Advisory Board. - (1) In taking actions under subsection (b), the Secretaries shall jointly appoint an advisory board to provide review and oversight of the Radiation Dose Reconstruction Program.

"(2) The advisory board under paragraph (1) shall be composed of the following:

"(A) At least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program.

"(B) At least one expert in radiation health matters.

"(C) At least one expert in risk communications matters.

"(D) A representative of the Department of Veterans Affairs.

"(E) A representative of the Defense Threat Reduction Agency.

"(F) At least three veterans, including at least one veteran who is a member of an atomic veterans group.

"(3) The advisory board under paragraph (1) shall -

"(A) conduct periodic, random audits of dose reconstructions under the Radiation Dose Reconstruction Program and of decisions by the Department of Veterans Affairs on claims for service connection of radiogenic diseases;

"(B) assist the Department of Veterans Affairs and the Defense Threat Reduction Agency in communicating to veterans information on the mission, procedures, and evidentiary requirements of the Radiation Dose Reconstruction Program; and

"(C) carry out such other activities with respect to the review and oversight of the Radiation Dose Reconstruction Program as the Secretaries shall jointly specify.

"(4) The advisory board under paragraph (1) may make such recommendations on modifications in the mission or procedures of the Radiation Dose Reconstruction Program as the advisory board considers appropriate as a result of the audits conducted under paragraph (3)(A)."

REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY

Pub. L. 106-419, title III, Sec. 305, Nov. 1, 2000, 114 Stat. 1853, provided that:

"(a) Review by National Academy of Sciences. - Not later than 30 days after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Defense shall enter into a contract with the National Academy of Sciences to carry out periodic reviews of the program of the Defense Threat Reduction Agency of the Department of Defense known as the 'dose reconstruction program'.

"(b) Review Activities. - The periodic reviews of the dose reconstruction program under the contract under subsection (a) shall consist of the periodic selection of random samples of doses reconstructed by the Defense Threat Reduction Agency in order to determine -

"(1) whether or not the reconstruction of the sampled doses is accurate;

"(2) whether or not the reconstructed dosage number is

accurately reported;

"(3) whether or not the assumptions made regarding radiation exposure based upon the sampled doses are credible; and

"(4) whether or not the data from nuclear tests used by the Defense Threat Reduction Agency as part of the reconstruction of the sampled doses is accurate.

"(c) Duration of Review. - The periodic reviews under the contract under subsection (a) shall occur over a period of 24 months.

"(d) Report. - (1) Not later than 60 days after the conclusion of the period referred to in subsection (c), the National Academy of Sciences shall submit to Congress a report on its activities under the contract under this section.

"(2) The report shall include the following:

"(A) A detailed description of the activities of the National Academy of Sciences under the contract.

"(B) Any recommendations that the National Academy of Sciences considers appropriate regarding a permanent system of review of the dose reconstruction program of the Defense Threat Reduction Agency."

IONIZING RADIATION REGISTRY

Pub. L. 99-576, title II, Sec. 232, Oct. 28, 1986, 100 Stat. 3264, as amended by Pub. L. 102-83, Secs. 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, Sec. 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, Sec. 2(c), May 20, 1988, 102 Stat. 486; Pub. L. 102-4, Sec. 10(c), (d), Feb. 6, 1991, 105 Stat. 19, 20; Pub. L. 102-83, Sec. 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, Sec. 10(e), Feb. 6, 1991, 105 Stat. 20, as amended by Pub. L. 102-86, title V, Sec. 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, Sec. 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, Sec. 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.

-End-

-CITE-

38 USC Sec. 1155

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1155. Authority for schedule for rating disabilities

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, Sec. 355; Pub. L. 98-223, title I, Sec. 101(c), Mar. 2, 1984, 98 Stat. 38; renumbered Sec. 1155 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title I, Sec. 103(a), Aug. 14, 1991, 105 Stat. 414.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-86 amended this section as in effect before the redesignations made by Pub. L. 102-83, Sec. 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, Sec. 5(a), renumbered section 355 of this title as this section.

Pub. L. 102-83, Sec. 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.

-End-

-CITE-

38 USC Sec. 1156

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1156. Temporary disability ratings

-STATUTE-

(a) Assignment of Temporary Ratings. - (1) For the purpose of providing disability compensation under this chapter to veterans, the Secretary shall assign a temporary disability rating to a veteran as follows:

(A) To a veteran who -

(i) was discharged or released from active duty not more than 365 days before the date such veteran submits a claim for disability compensation under this chapter;

(ii) has one or more disabilities for which a rating of total is not immediately assignable -

(I) under the regular provisions of the schedule of ratings; or

(II) on the basis of individual unemployability; and

(iii) has one or more -

(I) severe disabilities that result in substantially

gainful employment not being feasible or advisable; or

(II) healed, unhealed, or incompletely healed wounds or

injuries that make material impairment of employability likely.

(B) To a veteran who, as a result of a highly stressful in-service event, has a mental disorder that is severe enough to bring about the veteran's discharge or release from active duty.

(C) To a veteran who has a service-connected disability that requires hospital treatment or observation in a Department of Veterans Affairs or approved hospital for a period in excess of 21 days.

(D) To a veteran who has a service-connected disability that has required convalescent care or treatment at hospital discharge (regular discharge or release to non-bed care) or outpatient release that meets the requirements of regulations prescribed by the Secretary.

(2) With respect to a veteran described in paragraph (1)(A), the Secretary may assign a temporary disability rating to such veteran regardless of whether such veteran has obtained a medical examination or a medical opinion concerning such veteran's disability.

(3) With respect to a veteran described in paragraph (1)(B), the Secretary shall schedule a medical examination for such veteran not later than six months after the separation or discharge of such veteran from active duty.

(b) Termination of Temporary Disability Ratings. - (1) Except as provided in paragraph (2), a temporary disability rating assigned to a veteran under this section shall remain in effect as follows:

(A) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(A), until the later of the date that is -

- (i) 12 months after the date of discharge or release from active duty; or
- (ii) provided in regulations prescribed by the Secretary.

(B) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(B), until the date on which a rating decision is issued to such veteran following the medical examination scheduled under subsection (a)(3).

(C) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(C), until the later of the date that is -

- (i) the last day of the month in which the veteran is discharged from the hospital as described in such subsection (a)(1)(C); or
- (ii) provided in regulations prescribed by the Secretary.

(D) For a veteran who is assigned a temporary disability rating under subsection (a)(1)(D), until the date that is provided in regulations prescribed by the Secretary.

(2) The Secretary may extend a temporary disability rating assigned to a veteran under subsection (a) beyond the applicable termination date under paragraph (1) if the Secretary determines that such an extension is appropriate.

(c) Regulations. - The Secretary shall prescribe regulations to carry out the provisions of this section.

(d) Construction. - Nothing in this section shall be construed to preclude the Secretary from providing a temporary disability rating under an authority other than this section.

-SOURCE-

(Added Pub. L. 110-389, title II, Sec. 211(a), Oct. 10, 2008, 122 Stat. 4149.)

-COD-

CODIFICATION

Prior to renumbering of sections 301 to 363 of this chapter as sections 1101 to 1163 by Pub. L. 102-83, Sec. 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, Sec. 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.

-MISC1-

EFFECTIVE DATE

Pub. L. 110-389, title II, Sec. 211(b), Oct. 10, 2008, 122 Stat. 4151, provided that: "Section 1156(a)(1) of title 38, United States Code, as added by subsection (a), shall apply with respect to a veteran who is discharged or released from active duty (as defined in section 101 of title 38, United States Code) on or after the date of the enactment of this Act [Oct. 10, 2008]."

-End-

-CITE-

38 USC Sec. 1157

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1157. Combination of certain ratings

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, Sec. 357; renumbered Sec. 1157 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 357 of this title as this section.

Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for

"Administrator".

-End-

-CITE-

38 USC Sec. 1158

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1158. Disappearance

-STATUTE-

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.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1125, Sec. 358; Pub. L. 86-212, Sept. 1, 1959, 73 Stat. 436; Pub. L. 94-433, title IV, Sec. 404(21), Sept. 30, 1976, 90 Stat. 1379; renumbered Sec. 1158 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 358 of this title as this section.

Pub. L. 102-83, Sec. 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.

-End-

-CITE-

38 USC Sec. 1159

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH
SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1159. Protection of service connection

-STATUTE-

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.

-SOURCE-

(Added Pub. L. 86-501, Sec. 1, June 10, 1960, 74 Stat. 195, Sec. 359; amended Pub. L. 87-825, Sec. 6, Oct. 15, 1962, 76 Stat. 950; renumbered Sec. 1159 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 359 of this title as this section.

Pub. L. 102-83, Sec. 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.

-End-

-CITE-

38 USC Sec. 1160

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1160. Special consideration for certain cases of loss of paired organs or extremities

-STATUTE-

(a) Where a veteran has suffered -

(1) impairment of vision in one eye as a result of service-connected disability and impairment of vision in the other eye as a result of non-service-connected disability not the result of

the veteran's own willful misconduct and -

(A) the impairment of vision in each eye is rated at a visual acuity of 20/200 or less; or

(B) the peripheral field of vision for each eye is 20 degrees or less;

(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) deafness compensable to a degree of 10 percent or more in one ear as a result of service-connected disability and 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.

-SOURCE-

(Added Pub. L. 87-610, Sec. 1, Aug. 28, 1962, 76 Stat. 406, Sec. 360; amended Pub. L. 89-311, Sec. 3(a), (b), Oct. 31, 1965, 79 Stat. 1155; Pub. L. 94-433, title IV, Sec. 404(22), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-160, title VII, Sec. 702(3), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 99-576, title I, Sec. 109(a)(1), Oct. 28, 1986, 100 Stat. 3253; renumbered Sec. 1160 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-330, title I, Sec. 103, Dec. 6, 2002, 116 Stat. 2821; Pub. L. 110-157, title I, Sec. 102, Dec. 26, 2007, 121 Stat. 1831.)

-MISC1-

AMENDMENTS

2007 - Subsec. (a)(1). Pub. L. 110-157 substituted "impairment of vision" for "blindness" in two places and "misconduct and -" for "misconduct;" and added subpars. (A) and (B).

2002 - Subsec. (a)(3). Pub. L. 107-330 substituted "deafness compensable to a degree of 10 percent or more in one ear" for "total deafness in one ear" and "deafness in the other ear" for

"total deafness in the other ear".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 360 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 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.

-End-

-CITE-

38 USC Sec. 1161

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1161. Payment of disability compensation in disability severance cases

-STATUTE-

The deduction of disability severance pay from disability compensation, to the extent required by section 1212(d) 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.

-SOURCE-

(Added Pub. L. 91-241, May 7, 1970, 84 Stat. 203, Sec. 361; amended Pub. L. 94-433, title IV, Sec. 404(23), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98-160, title VII, Sec. 702(4), Nov. 21, 1983, 97 Stat. 1009; renumbered Sec. 1161 and amended Pub. L. 102-83, Secs. 4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 110-181, div. A, title XVI, Sec. 1646(c), as added Pub. L. 110-389, title I, Sec. 103(a)(2), Oct. 10, 2008, 122 Stat. 4148.)

-MISC1-

AMENDMENTS

2008 - Pub. L. 110-181, Sec. 1646(c), as added by Pub. L. 110-389, Sec. 103(a)(2), substituted "to the extent required by section 1212(d) of title 10" for "as required by section 1212(c) of title 10".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 361 of this title as this section.

Pub. L. 102-83, Sec. 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 2008 AMENDMENT

Pub. L. 110-389, title I, Sec. 103(b), Oct. 10, 2008, 122 Stat. 4148, provided that: "The amendments made by subsection (a) [adding section 1646(c) to Pub. L. 110-181 and provisions set out as a note under section 1212 of Title 10, Armed Forces] shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act [title XVI of Pub. L. 110-181]), as if included in that Act, to which they relate."

Amendment by section 1646(c) of Pub. L. 110-181 effective Jan. 28, 2008, and applicable with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date, see section 1646(d)

of Pub. L. 110-181, set out as a note under section 1212 of Title 10, Armed Forces.

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.

-End-

-CITE-

38 USC Sec. 1162

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1162. Clothing allowance

-STATUTE-

The Secretary under regulations which the Secretary shall prescribe, shall pay a clothing allowance of \$716 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 outer garments.

-SOURCE-

(Added Pub. L. 92-328, title I, Sec. 103(a), June 30, 1972, 86 Stat. 394, Sec. 362; amended Pub. L. 94-71, title I, Sec. 103, Aug. 5, 1975, 89 Stat. 396; Pub. L. 94-433, title III, Sec. 301, title IV, Sec. 404(24), Sept. 30, 1976, 90 Stat. 1377, 1379; Pub. L. 95-117, title III, Sec. 301, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95-479, title I, Sec. 103, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96-128, title I, Sec. 103, Nov. 28, 1979, 93 Stat. 984; Pub. L. 96-385, title I, Sec. 103, Oct. 7, 1980, 94 Stat. 1529; Pub. L. 97-66, title I, Sec. 103, Oct. 17, 1981, 95 Stat. 1027; Pub. L. 97-253, title IV, Sec. 405(d), Sept. 8, 1982, 96 Stat. 804; Pub. L. 97-306, title I, Secs. 103, 107, Oct. 14, 1982, 96 Stat. 1430, 1431; Pub. L. 98-223, title I, Sec. 103, Mar. 2, 1984, 98 Stat. 38; Pub. L. 98-543, title I, Sec. 103, Oct. 24, 1984, 98 Stat. 2736; Pub. L. 99-238, title I, Sec. 103, Jan. 13, 1986, 99 Stat. 1766; Pub. L. 99-576, title I, Sec. 103, Oct. 28, 1986, 100 Stat. 3251; Pub. L. 100-227, title I, Sec. 103, Dec. 31, 1987, 101 Stat. 1553; Pub. L. 100-687, div. B, title XI, Sec. 1103, Nov. 18, 1988, 102 Stat. 4124; Pub. L. 101-237, title I, Secs. 103, 112, Dec. 18, 1989, 103 Stat. 2063, 2065; Pub. L. 102-3, Sec. 4, Feb. 6, 1991, 105 Stat. 8; renumbered Sec. 1162, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-152, Sec. 4, Nov. 12, 1991, 105 Stat. 986; Pub. L. 103-78, Sec. 3, Aug. 13, 1993, 107 Stat. 768; Pub. L. 103-140, Sec. 4, Nov. 11, 1993, 107 Stat. 1486; Pub. L. 105-

98, Sec. 4, Nov. 19, 1997, 111 Stat. 2156; Pub. L. 106-118, Sec. 4, Nov. 30, 1999, 113 Stat. 1602; Pub. L. 107-94, Sec. 4, Dec. 21, 2001, 115 Stat. 901; Pub. L. 107-330, title III, Sec. 309(c), Dec. 6, 2002, 116 Stat. 2830; Pub. L. 108-454, title III, Sec. 307(c), Dec. 10, 2004, 118 Stat. 3613; Pub. L. 109-111, Sec. 2(c), Nov. 22, 2005, 119 Stat. 2363; Pub. L. 109-444, Sec. 9(c), Dec. 21, 2006, 120 Stat. 3315; Pub. L. 109-461, title X, Secs. 1005(c), 1006(b), Dec. 22, 2006, 120 Stat. 3467, 3468; Pub. L. 110-324, Sec. 3(c), Sept. 24, 2008, 122 Stat. 3551; Pub. L. 111-37, Sec. 3(c), June 30, 2009, 123 Stat. 1929.)

-MISC1-

AMENDMENTS

2009 - Pub. L. 111-37 substituted "\$716" for "\$677" in introductory provisions.

2008 - Pub. L. 110-324 substituted "\$677" for "\$662" in introductory provisions.

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

Pub. L. 109-461, Sec. 1005(c), substituted "\$662" for "\$641".

Pub. L. 109-444, which substituted "\$662" for "\$641", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

2005 - Pub. L. 109-111 substituted "\$641" for "\$600".

2004 - Pub. L. 108-454 substituted "\$600" for "\$588".

2002 - Pub. L. 107-330 substituted "\$588" for "\$580".

2001 - Pub. L. 107-94 substituted "\$580" for "\$546".

1999 - Pub. L. 106-118 substituted "\$546" for "\$528".

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, Sec. 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, Sec. 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, Secs. 103, 107, 108, substituted "\$327" for "\$305" and repealed amendment made by Pub. L. 97-253, Sec. 405(d), eff. Oct. 1, 1982.

Pub. L. 97-253, Sec. 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, Secs. 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 2009 AMENDMENT

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

EFFECTIVE DATE OF 2008 AMENDMENT

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

EFFECTIVE DATE OF 2005 AMENDMENT

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

EFFECTIVE DATE OF 2001 AMENDMENT

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

EFFECTIVE DATE OF 1999 AMENDMENT

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

EFFECTIVE DATE OF 1997 AMENDMENT

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

EFFECTIVE DATE OF 1993 AMENDMENT

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

EFFECTIVE DATE OF 1991 AMENDMENTS

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

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

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by 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, Secs. 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.

-End-

-CITE-

38 USC Sec. 1163

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART II - GENERAL BENEFITS

CHAPTER 11 - COMPENSATION FOR SERVICE-CONNECTED DISABILITY OR DEATH

SUBCHAPTER VI - GENERAL COMPENSATION PROVISIONS

-HEAD-

Sec. 1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings

-STATUTE-

(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.

-SOURCE-

(Added Pub. L. 98-543, title I, Sec. 111(a)(1), Oct. 24, 1984, 98 Stat. 2738, Sec. 363; amended Pub. L. 100-687, div. B, title XIII, Sec. 1301, Nov. 18, 1988, 102 Stat. 4127; renumbered Sec. 1163 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-291, Sec. 2(a), May 20, 1992, 106 Stat. 178; Pub. L. 102-568, title IV, Sec. 401(a)-(d)(1), Oct. 29, 1992, 106 Stat. 4336.)

-MISC1-

AMENDMENTS

1992 - Pub. L. 102-568, Sec. 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, Sec. 401(a)(1), substituted "after January 31, 1985," for "during the program period".

Subsec. (a)(2). Pub. L. 102-568, Sec. 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, Sec. 401(b), substituted "The Secretary" for "During the program period, the Secretary".

Subsec. (c)(1). Pub. L. 102-568, Sec. 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, Sec. 5(a), renumbered section 363 of this title as this section.

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3104(a)(2)" for "1504(a)(2)" and "3104(a)(5)" for "1504(a)(5)".

Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (c). Pub. L. 102-83, Sec. 5(c)(1), substituted "3106(a)" for "1506(a)" in par. (2).

Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in pars. (1) and (2).

1988 - Subsec. (a)(2)(B). Pub. L. 100-687, Sec. 1301(a),

substituted "1992" for "1989".

Subsec. (c)(1). Pub. L. 100-687, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 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.

-End-