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38 USC CHAPTER 1 – GENERAL 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

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AMENDMENTS

2000 – Pub. L. 106–419, title IV, Sec. 403(d)(1)(B), Nov. 1,

2000, 114 Stat. 1864, added item 116.

1991 – Pub. L. 102–86, title IV, Sec. 402(b), Aug. 14, 1991, 105 Stat. 422, added item 115.

1989 – Pub. L. 101–237, title VI, Sec. 601(b)(2), Dec. 18, 1989, 103 Stat. 2094, struck out "for certain medical items" after "Multiyear procurement" in item 114.

1988 – Pub. L. 100–322, title I, Sec. 108(e)(2), title IV, Sec. 404(b), May 20, 1988, 102 Stat. 498, 547, substituted "Payments or allowances for beneficiary travel" for "Travel expenses" in item 111 and added item 114.

1986 – Pub. L. 99–576, title VI, Sec. 601(a)(2), title VII, Sec. 701(1)(B), Oct. 28, 1986, 100 Stat. 3289, 3290, struck out "; husbands" after "parents" in item 102 and added item 113.

1972 – Pub. L. 92–540, title IV, Sec. 409, Oct. 24, 1972, 86 Stat. 1092, substituted "Dependent parents; husbands" for "Dependent parents and dependent husbands" in item 102.

1965 – Pub. L. 89–88, Sec. 1(b), July 24, 1965, 79 Stat. 264, added item 112.

1964 – Pub. L. 88–445, Sec. 1(c), Aug. 19, 1964, 78 Stat. 464, substituted "Preservation of disability ratings" for "Preservation of total disability ratings" in item 110.

–End–

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38 USC Sec. 101 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

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Sec. 101. Definitions

–STATUTE–

For the purposes of this title –

(1) The terms "Secretary" and "Department" mean the Secretary of Veterans Affairs and the Department of Veterans Affairs, respectively.

(2) The term "veteran" means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(3) The term "surviving spouse" means (except for purposes of chapter 19 of this title) a person of the opposite sex who was the spouse of a veteran at the time of the veteran's death, and who lived with the veteran continuously from the date of marriage to the date of the veteran's death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried or (in cases not involving remarriage) has not since the death of the veteran, and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be

the spouse of such other person.

(4)(A) The term "child" means (except for purposes of chapter 19 of this title (other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter) and section 8502(b) of this title) a person who is unmarried and –

(i) who is under the age of eighteen years;

(ii) who, before attaining the age of eighteen years, became permanently incapable of self-support; or

(iii) who, after attaining the age of eighteen years and until completion of education or training (but not after attaining the age of twenty-three years), is pursuing a course of instruction at an approved educational institution;

and who is a legitimate child, a legally adopted child, a stepchild who is a member of a veteran's household or was a member at the time of the veteran's death, or an illegitimate child but, as to the alleged father, only if acknowledged in writing signed by him, or if he has been judicially ordered to contribute to the child's support or has been, before his death, judicially decreed to be the father of such child, or if he is otherwise shown by evidence satisfactory to the Secretary to be the father of such child. A

person shall be deemed, as of the date of death of a veteran, to be the legally adopted child of such veteran if such person was at the time of the veteran's death living in the veteran's household and was legally adopted by the veteran's surviving spouse before August 26, 1961, or within two years after the veteran's death; however, this sentence shall not apply if at the time of the veteran's

death, such person was receiving regular contributions toward the person's support from some individual other than the veteran or the veteran's spouse, or from any public or private welfare organization which furnishes services or assistance for children. A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded, if the child remains in the custody of the adopting parent or parents during the interlocutory period. A person who has been placed for adoption under an agreement entered into by the adopting parent or parents with any agency authorized under law to so act shall be recognized thereafter as a legally adopted child, unless and until such agreement is terminated, if the child remains in the custody of the adopting parent or parents during the period of placement for adoption under such agreement. A person described in clause (ii) of the first sentence of this subparagraph who was a member of a veteran's household at the time the person became 18 years of age and who is adopted by the veteran shall be recognized as a legally adopted child of the veteran regardless of the age of such person at the time of adoption.

(B) For the purposes of subparagraph (A) of this paragraph, in the case of an adoption under the laws of any jurisdiction other than a State (as defined in section 101(20) of this title and including the Commonwealth of the Northern Mariana Islands) –

(i) a person residing outside any of the States shall not be considered to be a legally adopted child of a veteran during the

lifetime of such veteran (including for purposes of this subparagraph a Commonwealth Army veteran or new Philippine Scout, as defined in section 3566 of this title) unless such person –

(I) was less than eighteen years of age at the time of adoption;

(II) is receiving one-half or more of such person's annual support from such veteran;

(III) is not in the custody of such person's natural parent, unless such natural parent is such veteran's spouse; and

(IV) is residing with such veteran (or in the case of divorce following adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which such person is residing apart from such veteran (or such divorced spouse) for purposes of full-time attendance at an educational institution or during which such person or such veteran (or such divorced spouse) is confined in a hospital, nursing home, other health-care facility, or other institution; and

(ii) a person shall not be considered to have been a legally adopted child of a veteran as of the date of such veteran's death and thereafter unless –

(I) at any time within the one-year period immediately preceding such veteran's death, such veteran was entitled to and was receiving a dependent's allowance or similar monetary benefit under this title for such person; or

(II) for a period of at least one year prior to such

veteran's death, such person met the requirements of clause (i) of this subparagraph.

(5) The term "parent" means (except for purposes of chapter 19 of this title) a father, a mother, a father through adoption, a mother through adoption, or an individual who for a period of not less than one year stood in the relationship of a parent to a veteran at any time before the veteran's entry into active military, naval, or air service or if two persons stood in the relationship of a father or a mother for one year or more, the person who last stood in the relationship of father or mother before the veteran's last entry into active military, naval, or air service.

(6) The term "Spanish–American War" (A) means the period beginning on April 21, 1898, and ending on July 4, 1902, (B) includes the Philippine Insurrection and the Boxer Rebellion, and (C) in the case of a veteran who served with the United States military forces engaged in hostilities in the Moro Province, means the period beginning on April 21, 1898, and ending on July 15, 1903.

(7) The term "World War I" (A) means the period beginning on April 6, 1917, and ending on November 11, 1918, and (B) in the case of a veteran who served with the United States military forces in Russia, means the period beginning on April 6, 1917, and ending on April 1, 1920.

(8) The term "World War II" means (except for purposes of chapters 31 and 37 of this title) the period beginning on December 7, 1941, and ending on December 31, 1946.

(9) The term "Korean conflict" means the period beginning on June 27, 1950, and ending on January 31, 1955.

(10) The term "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.

(11) The term "period of war" means the Spanish–American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(12) The term "veteran of any war" means any veteran who served in the active military, naval, or air service during a period of war.

(13) The term "compensation" means a monthly payment made by the Secretary to a veteran because of service–connected disability, or to a surviving spouse, child, or parent of a veteran because of the service–connected death of the veteran occurring before January 1, 1957.

(14) The term "dependency and indemnity compensation" means a monthly payment made by the Secretary to a surviving spouse, child, or parent (A) because of a service–connected death occurring after December 31, 1956, or (B) pursuant to the election of a surviving spouse, child, or parent, in the case of such a death occurring before January 1, 1957.

(15) The term "pension" means a monthly or other periodic payment

made by the Secretary to a veteran because of service, age, or non-service-connected disability, or to a surviving spouse or child of a veteran because of the non-service-connected death of the veteran.

(16) The term "service-connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

(17) The term "non-service-connected" means, with respect to disability or death, that such disability was not incurred or aggravated, or that the death did not result from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

(18) The term "discharge or release" includes (A) retirement from the active military, naval, or air service, and (B) the satisfactory completion of the period of active military, naval, or air service for which a person was obligated at the time of entry into such service in the case of a person who, due to enlistment or reenlistment, was not awarded a discharge or release from such period of service at the time of such completion thereof and who, at such time, would otherwise have been eligible for the award of a discharge or release under conditions other than dishonorable.

(19) The term "State home" means a home established by a State (other than a possession) for veterans disabled by age, disease, or otherwise who by reason of such disability are incapable of earning

a living. Such term also includes such a home which furnishes nursing home care for veterans.

(20) The term "State" means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. For the purpose of section 2303 and chapters 34 and 35 of this title, such term also includes the Canal Zone.

(21) The term "active duty" means –

(A) full-time duty in the Armed Forces, other than active duty for training;

(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits" or (iii) at any time, for the purposes of chapter 13 of this title;

(C) full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessor organization the Coast and Geodetic Survey (i) on or after July 29, 1945, or (ii) before that date (I) while on transfer to one of the Armed Forces, or (II) while, in time of war or national emergency declared by the President, assigned to duty on a project for one of the Armed Forces in an area determined by the Secretary of Defense to be of immediate military hazard, or (III) in the Philippine Islands on December 7, 1941, and continuously in such islands thereafter, or (iii) at any time, for the

purposes of chapter 13 of this title;

(D) service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy; and

(E) authorized travel to or from such duty or service.

(22) The term "active duty for training" means –

(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service (i) on or after July 29, 1945, or (ii) before that date under circumstances affording entitlement to "full military benefits", or (iii) at any time, for the purposes of chapter 13 of this title;

(C) in the case of members of the Army National Guard or Air National Guard of any State, full-time duty under section 316, 502, 503, 504, or 505 of title 32, or the prior corresponding provisions of law;

(D) duty performed by a member of a Senior Reserve Officers' Training Corps program when ordered to such duty for the purpose of training or a practice cruise under chapter 103 of title 10 for a period of not less than four weeks and which must be completed by the member before the member is commissioned; and

(E) authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve.

(23) The term "inactive duty training" means –

(A) duty (other than full-time duty) prescribed for Reserves

(including commissioned officers of the Reserve Corps of the Public Health Service) by the Secretary concerned under section 206 of title 37 or any other provision of law;

(B) special additional duties authorized for Reserves

(including commissioned officers of the Reserve Corps of the Public Health Service) by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned; and

(C) training (other than active duty for training) by a member of, or applicant for membership (as defined in section 8140(g) of title 5) in, the Senior Reserve Officers' Training Corps prescribed under chapter 103 of title 10.

In the case of a member of the Army National Guard or Air National Guard of any State, such term means duty (other than full-time duty) under sections 316, 502, 503, 504, or 505 of title 32, or the prior corresponding provisions of law. Such term does not include (i) work or study performed in connection with correspondence courses, (ii) attendance at an educational institution in an inactive status, or (iii) duty performed as a temporary member of the Coast Guard Reserve.

(24) The term "active military, naval, or air service" includes –

(A) active duty;

(B) any period of active duty for training during which the

individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

(C) any period of inactive duty training during which the individual concerned was disabled or died –

(i) from an injury incurred or aggravated in line of duty; or
(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.

(25) The term "Secretary concerned" means –

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy or the Marine Corps;

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force;

(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard;

(E) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(F) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration or its predecessor organization the Coast and Geodetic Survey.

(26) The term "Reserve" means a member of a reserve component of one of the Armed Forces.

(27) The term "reserve component" means, with respect to the Armed Forces –

(A) the Army Reserve;

- (B) the Naval Reserve;
- (C) the Marine Corps Reserve;
- (D) the Air Force Reserve;
- (E) the Coast Guard Reserve;
- (F) the Army National Guard of the United States; and
- (G) the Air National Guard of the United States.

(28) The term "nursing home care" means the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require nursing care and related medical services, if such nursing care and medical services are prescribed by, or are performed under the general direction of, persons duly licensed to provide such care. Such term includes services furnished in skilled nursing care facilities, in intermediate care facilities, and in combined facilities. It does not include domiciliary care.

(29) The term "Vietnam era" means the following:

(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.

(30) The term "Mexican border period" means the period beginning on May 9, 1916, and ending on April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the waters adjacent thereto.

(31) The term "spouse" means a person of the opposite sex who is

a wife or husband.

(32) The term "former prisoner of war" means a person who, while serving in the active military, naval or air service, was forcibly detained or interned in line of duty –

(A) by an enemy government or its agents, or a hostile force, during a period of war; or

(B) by a foreign government or its agents, or a hostile force, under circumstances which the Secretary finds to have been comparable to the circumstances under which persons have generally been forcibly detained or interned by enemy governments during periods of war.

(33) The term "Persian Gulf War" means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1106; Pub. L. 86–195, Aug. 25, 1959, 73 Stat. 424; Pub. L. 87–674, Sec. 1, Sept. 19, 1962, 76 Stat. 558; Pub. L. 87–815, Sec. 3, Oct. 15, 1962, 76 Stat. 927; Pub. L. 88–450, Sec. 4(c), (d), Aug. 19, 1964, 78 Stat. 504; Pub. L. 89–311, Sec. 2(c)(1), Oct. 31, 1965, 79 Stat. 1155; Pub. L. 89–358, Sec. 4(d), Mar. 3, 1966, 80 Stat. 24; Pub. L. 90–77, title II, Sec. 201, Aug. 31, 1967, 81 Stat. 181; Pub. L. 91–24, Secs. 1(a), (b), 16, June 11, 1969, 83 Stat. 33, 35; Pub. L. 91–262, Sec. 1, May 21, 1970, 84 Stat. 256; Pub. L. 91–588, Sec. 9(a), (b), Dec. 24, 1970, 84 Stat. 1584; Pub. L. 91–621, Sec. 6(a)(1), (2), Dec. 31, 1970, 84 Stat. 1864; Pub. L. 92–198, Sec. 5(a), Dec. 15, 1971,

85 Stat. 664; Pub. L. 92–540, title IV, Sec. 407, Oct. 24, 1972, 86 Stat. 1092; Pub. L. 94–169, title I, Sec. 101(1), Dec. 23, 1975, 89 Stat. 1013; Pub. L. 94–417, Sec. 1(b), Sept. 21, 1976, 90 Stat. 1277; Pub. L. 95–126, Sec. 3, Oct. 8, 1977, 91 Stat. 1108; Pub. L. 95–202, title III, Sec. 309(a), Nov. 23, 1977, 91 Stat. 1446; Pub. L. 95–588, title III, Sec. 301, Nov. 4, 1978, 92 Stat. 2506; Pub. L. 96–22, title IV, Sec. 401, June 13, 1979, 93 Stat. 62; Pub. L. 97–37, Sec. 3(a), Aug. 14, 1981, 95 Stat. 936; Pub. L. 97–295, Sec. 4(2), (95)(A), Oct. 12, 1982, 96 Stat. 1304, 1313; Pub. L. 97–306, title I, Sec. 113(a), Oct. 14, 1982, 96 Stat. 1432; Pub. L. 98–223, title II, Sec. 201, Mar. 2, 1984, 98 Stat. 41; Pub. L. 99–576, title VII, Sec. 702(1), Oct. 28, 1986, 100 Stat. 3301; Pub. L. 100–322, title I, Sec. 103(a), title III, Sec. 311, May 20, 1988, 102 Stat. 493, 534; Pub. L. 100–456, div. A, title VI, Sec. 633(c), Sept. 29, 1988, 102 Stat. 1987; Pub. L. 101–237, Sec. 2(a), Dec. 18, 1989, 103 Stat. 2062; Pub. L. 102–25, title III, Sec. 332, Apr. 6, 1991, 105 Stat. 88; Pub. L. 102–40, title IV, Sec. 402(d)(1), May 7, 1991, 105 Stat. 239; Pub. L. 102–54, Sec. 14(a)(1), June 13, 1991, 105 Stat. 282; Pub. L. 102–83, Secs. 4(a)(3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–446, title XII, Sec. 1201(a)(1), Nov. 2, 1994, 108 Stat. 4682; Pub. L. 104–275, title V, Sec. 505(a), Oct. 9, 1996, 110 Stat. 3342; Pub. L. 106–419, title III, Sec. 301(a), Nov. 1, 2000, 114 Stat. 1852; Pub. L. 107–14, Sec. 4(a)(2), June 5, 2001, 115 Stat. 26; Pub. L. 107–296, title XVII, Sec. 1704(d), Nov. 25, 2002, 116 Stat. 2315.)

–REFTEXT–

REFERENCES IN TEXT

For definition of Canal Zone, referred to in par. (20), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

–MISC1–

AMENDMENTS

2002 – Par. (25)(D). Pub. L. 107–296, Sec. 1704(d), which directed that section "101(25)(d)" be amended by substituting "of Homeland Security" for "of Transportation", was executed to subpar. (D) to reflect the probable intent of Congress.

2001 – Par. (4)(A). Pub. L. 107–14 inserted "(other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter)" after "except for purposes of chapter 19 of this title" in introductory provisions.

2000 – Par. (24). Pub. L. 106–419 amended par. (24) generally. Prior to amendment, par. (24) read as follows: "The term 'active military, naval, or air service' includes active duty, any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty, and any period of inactive duty training during which the individual concerned was disabled or died from an injury incurred or aggravated in line of duty."

1996 – Par. (29). Pub. L. 104–275 amended par. (29) generally. Prior to amendment, par. (29) read as follows: "The term 'Vietnam era' means the period beginning August 5, 1964, and ending on May 7, 1975."

1994 – Par. (1). Pub. L. 103–446 amended par. (1) generally.

Prior to amendment, par. (1) read as follows: "The terms 'Secretary' and 'Administrator' mean the Secretary of Veterans Affairs, and the terms 'Department' and 'Department' mean the Department of Veterans Affairs."

1991 – Par. (1). Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Par. (4)(A). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in concluding provisions.

Pub. L. 102–40 substituted "8502(b)" for "5202(b)" in introductory provisions.

Par. (4)(B)(i). Pub. L. 102–83, Sec. 5(c)(1), substituted "3566" for "1766" in introductory provisions.

Par. (11). Pub. L. 102–25, Sec. 332(1), inserted "the Persian Gulf War," after "the Vietnam era,".

Pars. (13) to (15). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Par. (20). Pub. L. 102–83, Sec. 5(c)(1), substituted "2303" for "903".

Par. (21)(C)(ii). Pub. L. 102–54 redesignated subcls. (a), (b), and (c) as (I), (II), and (III), respectively.

Par. (32)(B). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Par. (33). Pub. L. 102–25, Sec. 332(2), added par. (33).

1989 – Par. (1). Pub. L. 101–237 amended par. (1) generally.

Prior to amendment, par. (1) read as follows: "The term 'Administrator' means the Administrator of Veterans' Affairs."

1988 – Par. (22)(D). Pub. L. 100–456, Sec. 633(c)(1), substituted "training or a practice cruise under chapter 103 of title 10 for a period of not less than four weeks and which must be completed by the member before the member is commissioned" for "field training or a practice cruise under chapter 103 of title 10".

Par. (23)(C). Pub. L. 100–456, Sec. 633(c)(2), added subpar. (C).

Par. (28). Pub. L. 100–322, Sec. 103(a), substituted "who require nursing care" for "who require skilled nursing care" and "Such term includes services furnished in skilled nursing care facilities, in intermediate care facilities, and in combined facilities. It does not include domiciliary care." for "The term includes intensive care where the nursing service is under the supervision of a registered professional nurse."

Par. (32)(B). Pub. L. 100–322, Sec. 311, struck out "during a period other than a period of war in which such person was held" before "under circumstances which".

1986 – Pars. (22)(C), (23), (27)(F). Pub. L. 99–576, Sec. 702(1)(A), inserted "Army" before "National Guard".

Par. (31). Pub. L. 99–576, Sec. 702(1)(B), struck out "and the term 'surviving spouse' means a person of the opposite sex who is a widow or widower" after "husband".

1984 – Par. (4)(A). Pub. L. 98–223 inserted provision that a person described in cl. (ii) of first sentence of subpar. (A) who was a member of a veteran's household at the time the person became 18 years of age and who is adopted by the veteran be recognized as a legally adopted child of the veteran regardless of the age of

such person at the time of the adoption.

1982 – Par. (4)(A). Pub. L. 97–295, Sec. 4(2), substituted "before August 26, 1961, or within two years after the veteran's death" for "within two years after the veteran's death or the date of enactment of this sentence".

Par. (22)(C). Pub. L. 97–306, Sec. 113(a)(1), struck out "and" after "of law;".

Par. (22)(D), (E). Pub. L. 97–306, Sec. 113(a)(2), (3), added subpar. (D) and redesignated former subpar. (D) as (E).

Par. (25)(E). Pub. L. 97–295, Sec. 4(95)(A), substituted "Health and Human Services" for "Health, Education, and Welfare".

1981 – Par. (32). Pub. L. 97–37 added par. (32).

1979 – Par. (4). Pub. L. 96–22 designated existing provisions as subpar. (A) and existing subpars. (A), (B), and (C) thereof as cls. (i), (ii), and (iii), respectively, and added subpar. (B).

1978 – Par. (15). Pub. L. 95–588 inserted "or other periodic" after "monthly".

1977 – Par. (18). Pub. L. 95–126 designated existing provisions as cl. (A) and added cl. (B).

Par. (29). Pub. L. 95–202 substituted "May 7, 1975" for "such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

1976 – Par. (19). Pub. L. 94–417 struck out "of any war (including the Indian Wars)" before "disabled" and "of any war" after "care for veterans".

1975 – Par. (3). Pub. L. 94–169, Sec. 101(1)(A), substituted

"surviving spouse" for "widow", "person of the opposite sex" for "woman", "spouse" for "wife" wherever appearing, "the veteran's" for "his" wherever appearing, "with the veteran" for "with him", "person" for "man" wherever appearing and "himself or herself" for "herself".

Par. (4). Pub. L. 94-169, Sec. 101(1)(B), substituted "regular contributions toward the person's support from some individual other than the veteran or the veteran's spouse" for "regular contribution toward his support from some individual other than the veteran or his spouse".

Par. (5). Pub. L. 94-169, Sec. 101(1)(C), substituted "before the veteran's entry" for "before his entry".

Pars. (13) to (15). Pub. L. 94-169, Sec. 101(1)(D)-(F), substituted "surviving spouse" for "widow" wherever appearing.

Par. (31). Pub. L. 94-169, Sec. 101(1)(G), added par. (31).

1972 – Par. (4). Pub. L. 92-540 inserted provision recognizing as a legally adopted child a person who has been placed for adoption under an agreement entered into by the adopting parent or parents with an agency authorized by law to so act.

1971 – Par. (30). Pub. L. 92-198 struck out service requirement of 90 days or more.

1970 – Par. (4). Pub. L. 91-262 inserted provision recognizing an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree.

Par. (11). Pub. L. 91-588, Sec. 9(a), inserted reference to the Mexican border period.

Par. (21)(C). Pub. L. 91-621, Sec. 6(a)(1), included within "active duty" duty as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessor organization.

Par. (25)(F). Pub. L. 91-621, Sec. 6(a)(2), inserted "the National Oceanic and Atmospheric Administration or its predecessor organization" before "the Coast and Geodetic Survey".

Par. (30). Pub. L. 91-588, Sec. 9(b), added par. (30).

1969 – Par. (3). Pub. L. 91-24, Sec. 16, substituted "September 16, 1962" for "enactment of the 1962 amendment to this paragraph".

Par. (23)(A). Pub. L. 91-24, Sec. 1(a), substituted "section 206 of title 37" for "section 301 of title 37".

Par. (25)(D). Pub. L. 91-24, Sec. 1(b), substituted "Secretary of Transportation" for "Secretary of the Treasury".

1967 – Par. (11). Pub. L. 90-77, Sec. 201(a), included Vietnam era within definition of "period of war" and substituted "the date" for "a date".

Par. (29). Pub. L. 90-77, Sec. 201(b), added par. (29).

1966 – Par. (20). Pub. L. 89-358 defined "State" to include the Canal Zone for the purpose of section 903 and chapters 34 and 35 of this title.

1965 – Par. (4)(C). Pub. L. 89-311 substituted "twenty-three years" for "twenty-one years".

1964 – Par. (19). Pub. L. 88-450, Sec. 4(c), included within "State home" a home which furnishes nursing home care for veterans of any war.

Par. (28). Pub. L. 88-450, Sec. 4(d), added par. (28).

1962 – Par. (3). Pub. L. 87-674 inserted requirement that a widow, in cases not involving remarriage, must not, since the death of the veteran and after the enactment of this amendment, have lived with another man and held herself out openly to the public to be the wife of such other man, and struck out "(unless the purported remarriage is void)" after "who has not remarried".

Par. (26). Pub. L. 87-815 substituted " 'Reserve' means a member" for " 'Reserves' means members".

1959 – Par. (4). Pub. L. 86-195 provided that a person shall be deemed, as of the date of death of a veteran, to be the legally adopted child of the veteran if such person was at the time of the veteran's death living in the veteran's household and was legally adopted by the surviving spouse of the veteran within two years after the veteran's death or Aug. 25, 1959, the date of enactment of Pub. L. 86-195, provided that such person was not receiving regular contributions toward his support from some individual other than the veteran or his spouse, or from any public or private welfare organization.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-14, Sec. 4(g), June 5, 2001, 115 Stat. 30, provided

that:

"(1) The amendments made by this section [amending this section and sections 1965 and 1967 to 1970 of this title] shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act [June 5, 2001].

"(2) Each Secretary concerned, acting in consultation with the Secretary of Veterans Affairs, shall take such action as is necessary to ensure that during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) each eligible member –

"(A) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section; and

"(B) is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

"(3) For purposes of paragraph (2):

"(A) The term 'Secretary concerned' has the meaning given that term in section 101 of title 38, United States Code.

"(B) The term 'eligible member' means a member of the uniformed services described in subparagraph (A) or (C) of section 1967(a)(1) of title 38, United States Code, as amended by subsection (b)(1)."

EFFECTIVE DATE OF 1996 AMENDMENT

Section 505(d) of Pub. L. 104–275 provided that: "The amendments made by this section [amending this section and sections 1116 and

1710 of this title] shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable only with respect to training performed after Sept. 30, 1988, see section 633(e) of Pub. L. 100-456, set out as a note under section 2109 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 113(d) of Pub. L. 97-306, as amended by Pub. L. 98-223, title II, Sec. 210, Mar. 2, 1984, 98 Stat. 45, provided that: "The amendments made by subsections (a) [amending this section] and (b) [repealing former section 403 of this title] and the provisions of subsection (c) [set out as a note under section 8140 of Title 5, Government Organization and Employees] –

"(1) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, shall take effect as of October 1, 1982; and

"(2) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated before October 1, 1982, shall take effect as of October 1, 1983."

EFFECTIVE DATE OF 1978 AMENDMENT

Section 401 of Pub. L. 95-588 provided that: "The amendments made by this Act [see Tables for classification] to title 38, United States Code, shall become effective on January 1, 1979."

EFFECTIVE DATE OF 1977 AMENDMENTS

Section 501 of Pub. L. 95–202 provided that: "The provisions of this Act [see Tables for classification] shall become effective on the first day of the first month beginning 60 days after the date of enactment of this Act [Nov. 23, 1977], except that the provisions of title I and section 304(a)(1)(A) shall be effective retroactively to October 1, 1977, the provisions of sections 201 and 202 shall become effective on January 1, 1978, the provisions of section 203 shall be effective retroactively to May 31, 1976, and the provisions of sections 301, 302(2), 304(a)(1)(B), 304(a)(2), 305(a)(3), 305(b)(2), 305(b)(3), 305(b)(4), 305(c), 306, 307, 308, 309, and 310 and of title IV shall be effective upon enactment [Nov. 23, 1977]."

Amendment by Pub. L. 95–126 effective Oct. 8, 1977, see section 5 of Pub. L. 95–126, set out as a note under section 5303 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 101 of Pub. L. 94–169 provided that the amendment made by that section is effective Jan. 1, 1976.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91–588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 405 of Pub. L. 90-77 provided that:

"(a) Except as provided in subsections (b) and (c) of this section, this Act [see Tables for classification] shall become effective on the first day of the first calendar month which begins more than ten days after the date of enactment of this Act [Aug. 31, 1967].

"(b) The amendments made by section 203 of this Act [amending sections 602 and 612 [now 1702 and 1712 of this title] shall become effective upon enactment [Aug. 31, 1967].

"(c) The amendments made by title II [Secs. 201-204] of this Act [amending this section] relating to the payment of burial benefits in the case of veterans of the Vietnam era shall become effective on the date of enactment of this Act [Aug. 31, 1967]. If the burial allowance authorized by section 902 [now 2302] of title 38, United States Code is payable solely by virtue of the enactment of this Act, the two-year period for filing applications, referred to in section 904 [now 2304] of such title 38, shall not end, with respect to an individual whose death occurred prior to the enactment of this Act; before the expiration of the two-year period which begins on the date of enactment of this Act; or in any case involving the correction of a discharge after the date of enactment of this Act; before the expiration of two years from the date of such correction."

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.

SHORT TITLE OF 2002 AMENDMENTS

Pub. L. 107–330, Sec. 1(a), Dec. 6, 2002, 116 Stat. 2820, provided that: "This Act [enacting section 3707A of this title, amending sections 103, 107, 112, 1114, 1115, 1160, 1162, 1311, 1313, 1314, 1562, 1701, 1705, 1707, 1710, 1729B, 1781, 2106, 2301, 2306, 2411, 3011, 3014A, 3018C, 3031, 3035, 3103, 3485, 3512, 3674, 3689, 3703, 3734, 7261, 7292, and 7315 of this title, section 6103 of Title 26, Internal Revenue Code, and section 511 of Title 50, Appendix, War and National Defense, enacting provisions set out as notes under sections 103, 112, 1562, 2306, 2409, 3035, 3103, 3512, 3703, 3729, 7261, and 7292 of this title and section 2412 of Title 28, Judiciary and Judicial Procedure, and amending provisions set out as notes under sections 2306 and 2400 of this title] may be cited as the 'Veterans Benefits Act of 2002'."

Pub. L. 107–288, Sec. 1(a), Nov. 7, 2002, 116 Stat. 2033, provided that: "This Act [enacting sections 4112 and 4215 of this title, amending sections 3117, 4101 to 4104, 4106, 4107, 4109, 4211, 4212, and 4214 of this title, repealing section 4104A of this title, and enacting provisions set out as notes under sections 4100, 4101, 4102, 4102A, 4103A, 4106, 4107, 4211, 4214, and 4215 of this title] may be cited as the 'Jobs for Veterans Act'."

Pub. L. 107–287, Sec. 1, Nov. 7, 2002, 116 Stat. 2024, provided that: "This Act [enacting sections 1785, 7325, 7326, and 8117 of this title, amending sections 308 and 8111A of this title and

section 5315 of Title 5, Government Organization and Employees, enacting provisions set out as notes under sections 7325 and 7326 of this title, and amending provisions set out as a note preceding section 8117 of this title] may be cited as the 'Department of Veterans Affairs Emergency Preparedness Act of 2002'."

Pub. L. 107-247, Sec. 1, Oct. 23, 2002, 116 Stat. 1517, provided that: "This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the 'Veterans' Compensation Cost-of-Living Adjustment Act of 2002'."

Pub. L. 107-135, Sec. 1(a), Jan. 23, 2002, 115 Stat. 2446, provided that: "This Act [enacting sections 1782 to 1784 and 7324 of this title, amending sections 103, 1701, 1705 to 1707, 1710, 1711, 1712A, 1714, 1729, 1729A, 1781, 7303, 7306, 7426, 7451, 7454, 7631, 7672, 7673, 7682, 7683, 8110 to 8111A, 8152, 8502, 8520, and 8521 of this title and sections 8415 and 8422 of Title 5, Government Organization and Employees, renumbering section 1713 of this title as section 1781 of this title, repealing sections 7676 and 7684 of this title, and enacting provisions set out as notes under sections 1705, 1710, 7303, 7311, 7324, 7451, 7454, 7631, and 7682 of this title and section 8415 of Title 5] may be cited as the 'Department of Veterans Affairs Health Care Programs Enhancement Act of 2001'."

SHORT TITLE OF 2001 AMENDMENTS

Pub. L. 107-103, Sec. 1(a), Dec. 27, 2001, 115 Stat. 976, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans Education and Benefits Expansion Act of

2001'."

Pub. L. 107-95, Sec. 1(a), Dec. 21, 2001, 115 Stat. 903, provided that: "This Act [enacting chapter 20 of this title, amending sections 1706, 1720A, 2031, 2033, 2034, 2051, 2052, 4103A, 4104, 8122, and 8162 of this title and sections 1437f and 11312 of Title 42, The Public Health and Welfare, renumbering sections 1771 to 1774 of this title as sections 2031 to 2034 of this title, respectively, section 3735 of this title as section 2041 of this title, and sections 3772 to 3775 of this title as sections 2051 to 2054 of this title, respectively, repealing sections 3771 and 4111 of this title and section 11448 of Title 42, enacting provisions set out as notes under sections 2001, 2061, and 8162 of this title, and repealing provisions set out as notes under section 7721 of this title] may be cited as the 'Homeless Veterans Comprehensive Assistance Act of 2001'."

Pub. L. 107-94, Sec. 1(a), Dec. 21, 2001, 115 Stat. 900, provided that: "This Act [amending sections 1114, 1115, 1162, 1311, 1313, and 1314 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the 'Veterans' Compensation Rate Amendments of 2001'."

Pub. L. 107-14, Sec. 1(a), June 5, 2001, 115 Stat. 25, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Survivor Benefits Improvements Act of 2001'."

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-475, Sec. 1, Nov. 9, 2000, 114 Stat. 2096, provided that: "This Act [enacting sections 5100, 5102 to 5103A, and 5126 of

this title, amending sections 5106 and 5107 of this title, repealing former sections 5102 and 5103 of this title, and enacting provisions set out as a note under section 5107 of this title] may be cited as the 'Veterans Claims Assistance Act of 2000'."

Pub. L. 106-419, Sec. 1(a), Nov. 1, 2000, 114 Stat. 1822, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans Benefits and Health Care Improvement Act of 2000'."

Pub. L. 106-413, Sec. 1, Nov. 1, 2000, 114 Stat. 1798, provided that: "This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the 'Veterans' Compensation Cost-of-Living Adjustment Act of 2000'."

SHORT TITLE OF 1999 AMENDMENTS

Pub. L. 106-118, Sec. 1(a), Nov. 30, 1999, 113 Stat. 1601, provided that: "This Act [amending sections 1114, 1115, 1162, 1311, 1313, and 1314 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the 'Veterans' Compensation Cost-of-Living Adjustment Act of 1999'."

Pub. L. 106-117, Sec. 1(a), Nov. 30, 1999, 113 Stat. 1545, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans Millennium Health Care and Benefits Act'."

Pub. L. 106-117, title V, Sec. 501(a), Nov. 30, 1999, 113 Stat. 1573, provided that: "This section [amending section 1318 of this title] may be cited as the 'John William Rolen Act'."

Pub. L. 106-117, title X, Sec. 1001, Nov. 30, 1999, 113 Stat. 1587, provided that: "This title [enacting sections 7257 and 7299

of this title, amending sections 7253, 7254, 7281, and 7296 to 7298 of this title, and enacting provisions set out as notes under sections 7253 and 7296 of this title] may be cited as the 'Court of Appeals for Veterans Claims Amendments of 1999'."

SHORT TITLE OF 1998 AMENDMENTS

Pub. L. 105–368, Sec. 1(a), Nov. 11, 1998, 112 Stat. 3315, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans Programs Enhancement Act of 1998'."

Pub. L. 105–368, title VIII, Sec. 801, Nov. 11, 1998, 112 Stat. 3352, provided that: "This title [enacting sections 7671 to 7676 and 7681 to 7684 of this title, amending sections 7601 to 7604, 7632, and 7636 of this title, and repealing provisions set out as a note under section 7601 of this title] may be cited as the 'Department of Veterans Affairs Health Care Personnel Incentive Act of 1998'."

Pub. L. 105–277, div. C, title XVI, Sec. 1601, Oct. 21, 1998, 112 Stat. 2681–742, provided that: "This title [enacting section 1118 of this title, amending sections 1113 and 1117 of this title, and enacting provisions set out as a note under section 1117 of this title] may be cited as the 'Persian Gulf War Veterans Act of 1998'."

Pub. L. 105–178, title VIII, Sec. 8201, June 9, 1998, 112 Stat. 492, provided that: "This subtitle [subtitle B (Secs. 8201–8209) of title VIII of Pub. L. 105–178, amending sections 1110, 1131, 1311, 2102, 3015, and 3902 of this title and section 16131 of Title 10, Armed Forces, and enacting provisions set out as notes under

sections 1311, 1521, 2102, 3015, and 3902 of this title and sections 1174 and 16131 of Title 10] may be cited as the 'Veterans Benefits Act of 1998'."

SHORT TITLE OF 1997 AMENDMENTS

Pub. L. 105-114, Sec. 1(a), Nov. 21, 1997, 111 Stat. 2277, provided that: "This Act [enacting sections 319, 516, 1771 to 1774, and 7322 of this title, amending sections 1710, 1717, 1720, 1720A, 1720C, 1801, 1804, 1806, 2303, 3015, 3018C, 3680A, 3735, 3761, 3762, 5310, 7618, 8153, and 8169 of this title and sections 11448 and 11450 of Title 42, The Public Health and Welfare, repealing section 8168 of this title, enacting provisions set out as notes under sections 319, 516, 1710, 1801, 7322, and 7611 of this title, amending provisions set out as a note under section 7721 of this title, and repealing provisions set out as notes under sections 527, 1712, 1718, and 7721 of this title] may be cited as the 'Veterans' Benefits Act of 1997'."

Pub. L. 105-98, Sec. 1(a), Nov. 19, 1997, 111 Stat. 2155, provided that: "This Act [amending sections 1114, 1115, 1162, 1311, 1313, and 1314 of this title and enacting provisions set out as notes under section 1114 of this title] may be cited as the 'Veterans' Compensation Rate Amendments of 1997'."

Pub. L. 105-33, title VIII, Sec. 8001(a), Aug. 5, 1997, 111 Stat. 663, provided that: "This title [enacting sections 1103, 1303, and 1729A of this title, amending sections 712, 1710, 1722A, 1729, 3720, 3726, 3729, 3732, 5302, 5317, and 5503 of this title, enacting provisions set out as notes under sections 712, 1729,

1729A, and 3726 of this title, and amending provisions set out as a note under section 1710 of this title] may be cited as the 'Veterans Reconciliation Act of 1997'."

SHORT TITLE OF 1996 AMENDMENTS

Section 1(a) of Pub. L. 104–275 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits Improvements Act of 1996'."

Section 401 of title IV of Pub. L. 104–275 provided that: "This title [amending sections 1315, 1965, 1967 to 1971, 1973, 1974, 1977, 3017, and 3224 of this title and enacting provisions set out as notes under sections 1965 and 1968 of this title] may be cited as the 'Veterans' Insurance Reform Act of 1996'."

Pub. L. 104–263, Sec. 1, Oct. 9, 1996, 110 Stat. 3212, provided that: "This Act [enacting provisions set out as a note under section 1114 of this title] may be cited as the 'Veterans' Compensation Cost-of-Living Adjustment Act of 1996'."

Pub. L. 104–262, Sec. 1(a), Oct. 9, 1996, 110 Stat. 3177, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Health Care Eligibility Reform Act of 1996'."

Pub. L. 104–106, div. B, title XXVIII, Sec. 2822(a), Feb. 10, 1996, 110 Stat. 556, provided that: "This section [enacting section 3708 of this title and provisions set out as a note under section 3708 of this title] may be cited as the 'Military Housing Assistance Act of 1995'."

SHORT TITLE OF 1995 AMENDMENT

Pub. L. 104–57, Sec. 1, Nov. 22, 1995, 109 Stat. 555, provided that: "This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the 'Veterans' Compensation Cost-of-Living Adjustment Act of 1995'."

SHORT TITLE OF 1994 AMENDMENTS

Pub. L. 103–452, Sec. 1(a), Nov. 2, 1994, 108 Stat. 4783, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans Health Programs Extension Act of 1994'."

Section 1(a) of Pub. L. 103–446 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits Improvements Act of 1994'."

Section 101 of title I of Pub. L. 103–446 provided that: "This Act [probably means title I of Pub. L. 103–446, see Tables for classification] may be cited as the 'Persian Gulf War Veterans' Benefits Act'."

Pub. L. 103–418, Sec. 1, Oct. 25, 1994, 108 Stat. 4336, provided that: "This Act [enacting provisions set out as notes under section 1114 of this title] may be cited as the 'Veterans' Compensation Cost-of-Living Adjustment Act of 1994'."

Pub. L. 103–353, Sec. 1, Oct. 13, 1994, 108 Stat. 3149, provided that: "This Act [see Tables for classification] may be cited as the 'Uniformed Services Employment and Reemployment Rights Act of 1994'."

Pub. L. 103–271, Sec. 1, July 1, 1994, 108 Stat. 740, provided that: "This Act [see Tables for classification] may be cited as the 'Board of Veterans' Appeals Administrative Procedures Improvement

Act of 1994'."

SHORT TITLE OF 1993 AMENDMENTS

Pub. L. 103–140, Sec. 1(a), Nov. 11, 1993, 107 Stat. 1485, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Compensation Rates Amendments of 1993'."

Pub. L. 103–66, title XII, Sec. 12001, Aug. 10, 1993, 107 Stat. 413, provided that: "This title [see Tables for classification] may be cited as the 'Veterans Reconciliation Act of 1993'."

SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102–590, Sec. 1, Nov. 10, 1992, 106 Stat. 5136, provided that: "This Act [see Tables for classification] may be cited as the 'Homeless Veterans Comprehensive Service Programs Act of 1992'."

Pub. L. 102–585, Sec. 1(a), Nov. 4, 1992, 106 Stat. 4943, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans Health Care Act of 1992'."

Pub. L. 102–585, title I, Sec. 101, Nov. 4, 1992, 106 Stat. 4944, provided that: "This title [see Tables for classification] may be cited as the 'Women Veterans Health Programs Act of 1992'."

Pub. L. 102–578, Sec. 1, Oct. 30, 1992, 106 Stat. 4774, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Radiation Exposure Amendments of 1992'."

Pub. L. 102–568, Sec. 1(a), Oct. 29, 1992, 106 Stat. 4320, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits Act of 1992'."

Pub. L. 102–568, title I, Sec. 101, Oct. 29, 1992, 106 Stat. 4321, provided that: "This title [see Tables for classification]

may be cited as the 'Dependency and Indemnity Compensation Reform Act of 1992'."

Pub. L. 102-547, Sec. 1, Oct. 28, 1992, 106 Stat. 3633, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans Home Loan Program Amendments of 1992'."

Pub. L. 102-510, Sec. 1, Oct. 24, 1992, 106 Stat. 3318, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Compensation Cost-of-Living Adjustment Act of 1992'."

Pub. L. 102-405, Sec. 1(a), Oct. 9, 1992, 106 Stat. 1972, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Medical Programs Amendments of 1992'."

SHORT TITLE OF 1991 AMENDMENTS

Pub. L. 102-152, Sec. 1(a), Nov. 12, 1991, 105 Stat. 985, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Compensation Rate Amendments of 1991'."

Pub. L. 102-127, Sec. 1, Oct. 10, 1991, 105 Stat. 619, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Educational Assistance Amendments of 1991'."

Section 1(a) of Pub. L. 102-86 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits Programs Improvement Act of 1991'."

Section 1(a) of Pub. L. 102-83 provided that: "This Act [see Tables for classification] may be cited as the 'Department of Veterans Affairs Codification Act'."

Section 1(a) of Pub. L. 102-40 provided that: "This Act [see Tables for classification] may be cited as the 'Department of

Veterans Affairs Health–Care Personnel Act of 1991'."

Section 101 of title I of Pub. L. 102–40 provided that: "This title [see Tables for classification] may be cited as the 'Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991'."

Section 201 of title II of Pub. L. 102–40 provided that: "This title [see Tables for classification] may be cited as the 'Department of Veterans Affairs Labor Relations Improvement Act of 1991'."

Section 331 of Pub. L. 102–25 provided that: "This part [part C (Secs. 331–341) of title III of Pub. L. 102–25, see Tables for classification] may be cited as the 'Persian Gulf War Veterans' Benefits Act of 1991'."

Pub. L. 102–4, Sec. 1, Feb. 6, 1991, 105 Stat. 11, provided that: "This Act [see Tables for classification] may be cited as the 'Agent Orange Act of 1991'."

Pub. L. 102–3, Sec. 1(a), Feb. 6, 1991, 105 Stat. 7, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Compensation Amendments of 1991'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–366, Sec. 1, Aug. 15, 1990, 104 Stat. 430, provided that: "This Act [see Tables for classification] may be cited as the 'Department of Veterans Affairs Nurse Pay Act of 1990'."

SHORT TITLE OF 1989 AMENDMENTS

Section 1(a) of Pub. L. 101–237 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits

Amendments of 1989'."

Section 301 of title III of Pub. L. 101–237 provided that: "This title [see Tables for classification] may be cited as the 'Veterans Home Loan Indemnity and Restructuring Act of 1989'."

Section 401 of title IV of Pub. L. 101–237 provided that: "This title [see Tables for classification] may be cited as the 'Veterans Education and Employment Amendments of 1989'."

Pub. L. 101–94, Sec. 1, Aug. 16, 1989, 103 Stat. 617, provided that: "This Act [see Tables for classification] may be cited as the 'Court of Veterans Appeals Judges Retirement Act'."

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100–689, Sec. 1, Nov. 18, 1988, 102 Stat. 4161, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits and Programs Improvement Act of 1988'."

Pub. L. 100–687, div. A, Sec. 1(a), Nov. 18, 1988, 102 Stat. 4105, provided that: "This division [see Tables for classification] may be cited as the 'Veterans' Judicial Review Act'."

Pub. L. 100–687, div. B, Sec. 1001(a), Nov. 18, 1988, 102 Stat. 4122, provided that: "This division [see Tables for classification] may be cited as the 'Veterans' Benefits Improvement Act of 1988'."

For short title of Pub. L. 100–527 as the "Department of Veterans Affairs Act", see section 1 of Pub. L. 100–527, set out as a note under section 301 of this title.

Pub. L. 100–323, Sec. 1(a), May 20, 1988, 102 Stat. 556, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Employment, Training, and Counseling Amendments of

1988'."

Section 1(a) of Pub. L. 100–322 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits and Services Act of 1988'."

Pub. L. 100–321, Sec. 1, May 20, 1988, 102 Stat. 485, provided that: "This Act [see Tables for classification] may be cited as the 'Radiation–Exposed Veterans Compensation Act of 1988'."

Pub. L. 100–253, Sec. 1, Feb. 29, 1988, 102 Stat. 20, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Home Loan Program Emergency Amendments of 1988'."

SHORT TITLE OF 1987 AMENDMENTS

Pub. L. 100–227, Sec. 1(a), Dec. 31, 1987, 101 Stat. 1552, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Compensation Cost–of–Living Adjustment Act of 1987'."

Pub. L. 100–198, Sec. 1(a), Dec. 21, 1987, 101 Stat. 1315, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987'."

Pub. L. 100–48, Sec. 1, June 1, 1987, 101 Stat. 331, provided that: "This Act [see Tables for classification] may be cited as the 'New GI Bill Continuation Act'."

SHORT TITLE OF 1986 AMENDMENTS

Section 1(a) of Pub. L. 99–576 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits Improvement and Health–Care Authorization Act of 1986'."

Pub. L. 99-272, title XIX, Sec. 19001(a), Apr. 7, 1986, 100 Stat.

372, provided that: "This title [see Tables for classification] may be cited as the 'Veterans' Health-Care Amendments of 1986'."

Pub. L. 99-238, Sec. 1, Jan. 13, 1986, 99 Stat. 1765, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Compensation Rate Increase and Job Training Amendments of 1985'."

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-166, Sec. 1(a), Dec. 3, 1985, 99 Stat. 941, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Administration Health-Care Amendments of 1985'."

SHORT TITLE OF 1984 AMENDMENTS

Pub. L. 98-543, Sec. 1(a), Oct. 24, 1984, 98 Stat. 2735, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Benefits Improvement Act of 1984'."

For short title of Pub. L. 98-542 as the "Veterans' Dioxin and Radiation Exposure Compensation Standards Act", see section 1 of Pub. L. 98-542, set out as a note under section 1154 of this title.

Pub. L. 98-528, Sec. 1(a), Oct. 19, 1984, 98 Stat. 2686, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Health Care Act of 1984'."

Pub. L. 98-525, title VII, Sec. 701, Oct. 19, 1984, 98 Stat. 2553, as amended by Pub. L. 100-48, Sec. 2, June 1, 1987, 101 Stat. 331, provided that: "This title [see Tables for classification] may be cited as the 'Montgomery GI Bill Act of 1984'."

Section 1 of Pub. L. 98-223 provided in part: "That (a) this Act

[see Tables for classification] may be cited as the 'Veterans' Compensation and Program Improvements Amendments of 1984'."

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 98–160, Sec. 1(a), Nov. 21, 1983, 97 Stat. 993, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Health Care Amendments of 1983'."

SHORT TITLE OF 1982 AMENDMENTS

Section 1(a) of Pub. L. 97–306 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Compensation, Education, and Employment Amendments of 1982'."

Pub. L. 97–251, Sec. 1(a), Sept. 8, 1982, 96 Stat. 711, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Administration Health–Care Programs Improvement and Extension Act of 1982'."

Pub. L. 97–174, Sec. 1, May 4, 1982, 96 Stat. 70, provided: "That this Act [see Tables for classification] may be cited as the 'Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act'."

SHORT TITLE OF 1981 AMENDMENTS

Pub. L. 97–72, Sec. 1(a), Nov. 3, 1981, 95 Stat. 1047, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Health Care, Training, and Small Business Loan Act of 1981'."

Pub. L. 97–72, title III, Sec. 301, Nov. 3, 1981, 95 Stat. 1055, provided that: "This title [see Tables for classification] may be cited as the 'Veterans' Small Business Loan Act of 1981'."

Pub. L. 97–66, Sec. 1(a), Oct. 17, 1981, 95 Stat. 1026, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981'."

Pub. L. 97–37, Sec. 1(a), Aug. 14, 1981, 95 Stat. 935, provided that: "this Act [see Tables for classification] may be cited as the 'Former Prisoner of War Benefits Act of 1981'."

SHORT TITLE OF 1980 AMENDMENTS

Pub. L. 96–466, Sec. 1(a), Oct. 17, 1980, 94 Stat. 2171, provided that: "this Act [see Tables for classification] may be cited as the 'Veterans' Rehabilitation and Education Amendments of 1980'."

Pub. L. 96–385, Sec. 1(a), Oct. 7, 1980, 94 Stat. 1528, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Disability Compensation and Housing Benefits Amendments of 1980'."

Pub. L. 96–330, Sec. 1(a), Aug. 26, 1980, 94 Stat. 1030, provided that: "this Act [see Tables for classification] may be cited as the 'Veterans' Administration Health–Care Amendments of 1980'."

SHORT TITLE OF 1979 AMENDMENTS

Pub. L. 96–151, Sec. 1(a), Dec. 20, 1979, 93 Stat. 1092, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans Health Programs Extension and Improvement Act of 1979'."

Pub. L. 96–128, Sec. 1, Nov. 28, 1979, 93 Stat. 982, provided:

"That this Act [see Tables for classification] may be cited as the 'Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979'."

Section 1(a) of Pub. L. 96-22 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Health Care Amendments of 1979'."

SHORT TITLE OF 1978 AMENDMENTS

Section 1 of Pub. L. 95-588 provided: "That this Act [see Tables for classification] may be cited as the 'Veterans' and Survivors' Pension Improvement Act of 1978'."

Pub. L. 95-520, Sec. 1, Oct. 26, 1978, 92 Stat. 1820, provided:

"That this Act [see Tables for classification] may be cited as the 'Veterans' Administration Programs Extension Act of 1978'."

Pub. L. 95-479, Sec. 1(a), Oct. 18, 1978, 92 Stat. 1560, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Disability Compensation and Survivors' Benefits Act of 1978'."

Pub. L. 95-476, Sec. 1(a), Oct. 18, 1978, 92 Stat. 1497, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Housing Benefits Act of 1978'."

SHORT TITLE OF 1977 AMENDMENTS

Pub. L. 95-204, Sec. 1, Dec. 2, 1977, 91 Stat. 1455, provided:

"That this Act [see Tables for classification] be cited as the 'Veterans and Survivors Pension Adjustment Act of 1977'."

Section 1 of Pub. L. 95-202 provided: "That this Act [see Tables for classification] may be cited as the 'GI Bill Improvement Act of 1977'."

Pub. L. 95-201, Sec. 1, Nov. 23, 1977, 91 Stat. 1429, provided:

"That this Act [see Tables for classification] may be cited as the

'Veterans' Administration Physician and Dentist Pay Comparability

Amendments of 1977'."

Pub. L. 95–117, Sec. 1, Oct. 3, 1977, 91 Stat. 1063, provided:

"That this Act [see Tables for classification] may be cited as the

'Veterans Disability Compensation and Survivor Benefits Act of

1977'."

Pub. L. 95–62, Sec. 1, July 5, 1977, 91 Stat. 262, provided:

"That this Act [see Tables for classification] may be cited as the

'State Veterans' Home Assistance Improvement Act of 1977'."

SHORT TITLE OF 1976 AMENDMENTS

Pub. L. 94–581, Sec. 1, Oct. 21, 1976, 90 Stat. 2842, provided:

"That this Act [see Tables for classification] may be cited as the

'Veterans Omnibus Health Care Act of 1976'."

Pub. L. 94–581, title II, Sec. 201, Oct. 21, 1976, 90 Stat. 2855,

provided that: "This title [see Tables for classification] may be

cited as the 'Veterans Medical Technical and Conforming Amendments

of 1976'."

Pub. L. 94–502, Sec. 1, Oct. 15, 1976, 90 Stat. 2383, provided:

"That this Act [see Tables for classification] may be cited as the

'Veterans' Education and Employment Assistance Act of 1976'."

Pub. L. 94–502, Sec. 401, Oct. 15, 1976, 90 Stat. 2392, provided

that: "This title [see Tables for classification] may be cited as

the 'Post–Vietnam Era Veterans' Educational Assistance Act of

1977'."

Pub. L. 94–433, Sec. 1, Sept. 30, 1976, 90 Stat. 1374, provided:

"That this Act [see Tables for classification] may be cited as the

'Veterans Disability Compensation and Survivor Benefits Act of 1976'."

Pub. L. 94-432, Sec. 1, Sept. 30, 1976, 90 Stat. 1369, provided:

"That this Act [see Tables for classification] may be cited as the

'Veterans and Survivors Pension Adjustment Act of 1976'."

Pub. L. 94-324, Sec. 1, June 30, 1976, 90 Stat. 720, provided

that: "This Act [see Tables for classification] may be cited as the

'Veterans Housing Amendments Act of 1976'."

SHORT TITLE OF 1975 AMENDMENTS

Section 1 of Pub. L. 94-169 provided: "That this Act [see Tables

for classification] may be cited as the 'Veterans and Survivors

Pension Interim Adjustment Act of 1975'."

Pub. L. 94-123, Sec. 1, Oct. 22, 1975, 89 Stat. 669, provided:

"That this Act [see Tables for classification] may be cited as the

'Veterans' Administration Physician and Dentist Pay Comparability

Act of 1975'."

Pub. L. 94-71, Sec. 1, Aug. 5, 1975, 89 Stat. 395, provided:

"That this Act [see Tables for classification] may be cited as the

'Veterans Disability Compensation and Survivor Benefits Act of

1975'."

SHORT TITLE OF 1974 AMENDMENTS

Pub. L. 93-602, title II, Sec. 201, Jan. 2, 1975, 88 Stat. 1958,

provided that: "This title [see Tables for classification] may be

cited as the 'Veterans' Education and Rehabilitation Equalization

Amendments Act of 1974'."

Pub. L. 93-569, Sec. 1, Dec. 31, 1974, 88 Stat. 1863, provided:

"That this Act [see Tables for classification] may be cited as the
'Veterans Housing Act of 1974'."

Pub. L. 93-538, Sec. 1, Dec. 22, 1974, 88 Stat. 1736, provided:

"That this Act [see Tables for classification] may be cited as the
'Disabled Veterans' and Servicemen's Automobile and Adaptive
Equipment Amendments of 1974'."

Pub. L. 93-527, Sec. 1, Dec. 21, 1974, 88 Stat. 1702, provided:

"That this Act [see Tables for classification] may be cited as the
'Veterans and Survivors Pension Adjustment Act of 1974'."

Pub. L. 93-508, Sec. 1, Dec. 3, 1974, 88 Stat. 1578, provided:

"That this Act [see Tables for classification] may be cited as the
'Vietnam Era Veterans' Readjustment Assistance Act of 1974'."

Pub. L. 93-295, Sec. 1, May 31, 1974, 88 Stat. 180, provided:

"That this Act [see Tables for classification] may be cited as the
'Veterans Disability Compensation and Survivor Benefits Act of
1974'."

Pub. L. 93-289, Sec. 1, May 24, 1974, 88 Stat. 165, provided:

"That this Act [see Tables for classification] may be cited as the
'Veterans' Insurance Act of 1974'."

SHORT TITLE OF 1973 AMENDMENTS

Pub. L. 93-82, Sec. 1, Aug. 2, 1973, 87 Stat. 179, provided:

"That this Act [see Tables for classification] may be cited as the
'Veterans Health Care Expansion Act of 1973'."

Pub. L. 93-43, Sec. 1, June 18, 1973, 87 Stat. 75, provided:

"That this Act [see Tables for classification] may be cited as the
'National Cemeteries Act of 1973'."

SHORT TITLE OF 1972 AMENDMENTS

Pub. L. 92-541, Sec. 1, Oct. 24, 1972, 86 Stat. 1100, provided:

"That this Act [see Tables for classification] may be cited as the 'Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972'."

Section 1 of Pub. L. 92-540 provided: "That this Act [see Tables for classification] may be cited as the 'Vietnam Era Veterans' Readjustment Assistance Act of 1972'."

Section 501 of title V of Pub. L. 92-540 provided that: "This title [see Tables for classification] may be cited as the 'Veterans' Employment and Readjustment Act of 1972'."

Pub. L. 92-328, Sec. 1, June 30, 1972, 86 Stat. 393, provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Compensation and Relief Act of 1972'."

SHORT TITLE OF 1971 AMENDMENT

Pub. L. 91-666, Sec. 1, Jan. 11, 1971, 84 Stat. 1998, provided:

"That this Act [see Tables for classification] may be cited as the 'Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970'."

SHORT TITLE OF 1970 AMENDMENTS

Pub. L. 91-506, Sec. 1, Oct. 23, 1970, 84 Stat. 1108, provided:

"That this Act [see Tables for classification] may be cited as the 'Veterans' Housing Act of 1970'."

Pub. L. 91-219, Sec. 1, Mar. 26, 1970, 84 Stat. 76, provided:

"That this Act [see Tables for classification] may be cited as the 'Veterans Education and Training Amendments Act of 1970'."

SHORT TITLE OF 1967 AMENDMENT

Section 1 of Pub. L. 90–77 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Pension and Readjustment Assistance Act of 1967'."

SHORT TITLE OF 1966 AMENDMENTS

Pub. L. 89–785, Sec. 1, Nov. 7, 1966, 80 Stat. 1368, provided:

"That this Act [see Tables for classification] may be cited as the 'Veterans Hospitalization and Medical Services Modernization Amendments of 1966'."

Section 1 of Pub. L. 89–358 provided that: "This Act [see Tables for classification] may be cited as the 'Veterans' Readjustment Benefits Act of 1966'."

SHORT TITLE OF 1959 AMENDMENT

Pub. L. 86–211, Sec. 1, Aug. 29, 1959, 73 Stat. 432, provided:

"That this Act [see Tables for classification] may be cited as the 'Veterans' Pension Act of 1959'."

–TRANS–

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

REDESIGNATION OF SECTIONS; COORDINATION OF REDESIGNATIONS WITH
OTHER AMENDMENTS BY PUB. L. 102–83

Section 5 of Pub. L. 102–83 provided that:

"(a) Redesignation of Sections To Conform To Chapter Numbers. –

Each section contained in any of chapters 11 through 23 is redesignated by replacing the first digit of the section number with the number of the chapter containing that section. Each section contained in any of chapters 24 through 42 is redesignated so that the first two digits of the section number of that section are the same as the chapter number of the chapter containing that section.

"(b) Tables of Sections and Chapters. – (1) The tables of sections at the beginning of the chapters referred to in subsection (a) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

"(2) The table of chapters before part I and the tables of chapters at the beginning of parts I, II, and III are revised so as to conform the section references in those tables to the redesignations made by subsection (a).

"(c) Cross–References. – (1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by subsection (a) is amended so that the reference refers to the section as redesignated.

"(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (a)

shall be deemed to refer to the section as so redesignated.

"(d) Rule for Execution. – The redesignations made by subsection (a) and the amendments made by subsections (b) and (c) shall be executed after any other amendments made by this Act [see Tables for classification]."

STUDY OF BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES; REPORT AND RECOMMENDATIONS NOT LATER THAN FEBRUARY 1, 1980

Pub. L. 96–22, title IV, Sec. 402, June 13, 1979, 93 Stat. 63, authorized Administrator of Veterans' Affairs, in consultation with Secretary of State, to carry out a comprehensive study of benefits payable under this title to persons residing outside the fifty States and the District of Columbia and required submission of a report to Congress and to President on results of such study not later than Feb. 1, 1980.

DISABILITY COMPENSATION OR DEPENDENCY AND INDEMNITY COMPENSATION AWARD; EFFECTIVE DATE

Section 6(b) of Pub. L. 91–621 provided effective date for an award by Veteran's Administration arising from injury or death occurring prior to Dec. 31, 1970, and based on a claim arising from amendments made to pars. (21)(C) and (25)(F) of this section and section 5305 of this title, prior to repeal by Pub. L. 107–372, title II, Sec. 271(3), Dec. 19, 2002, 116 Stat. 3094.

–EXEC–

PROC. NO. 4373. TERMINAL DATE RESPECTING SERVICE DURING VIETNAM ERA

Proc. No. 4373, May 7, 1975, 40 F.R. 20257, provided:

The Congress has provided that entitlement to certain veterans

benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have entered the active military, naval, or air service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101(29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101(29), that May 7, 1975, is designated as the last day of the "Vietnam era."

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford.

—CROSS—

SECRETARY AND DEPARTMENT DEFINED

Pub. L. 106-117, Sec. 3, Nov. 30, 1999, 113 Stat. 1547, provided that: "For purposes of this Act [see Tables for classification] –

"(1) the term 'Secretary' means the Secretary of Veterans

Affairs; and

"(2) the term 'Department' means the Department of Veterans

Affairs."

DEFINITION OF ADMINISTRATOR FOR 1988 AMENDMENTS

Pub. L. 100–687, div. B, Sec. 1002, Nov. 18, 1988, 102 Stat.

4122, provided that: "For purposes of this division [see Tables for classification], the term 'Administrator' means the Administrator of Veterans' Affairs."

Section 3 of Pub. L. 100–322 provided that: "For purposes of this Act [see Tables for classification], the term 'Administrator' means the Administrator of Veterans' Affairs."

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1965, 2301, 3020, 3729, 4303, 5302, 8111A of this title; title 5 sections 2108, 3501, 6303; title 7 section 1983; title 8 sections 1612, 1613, 1622; title 10 sections 1413, 1413a, 1414, 1491, 2641; title 15 section 632; title 26 sections 3121, 6334; title 42 sections 410, 1477; title 43 section 1629g; title 49 section 47112; title 50 App. section 591.

–End–

–CITE–

38 USC Sec. 102 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 102. Dependent parents

–STATUTE–

- (a) Dependency of a parent, which may arise before or after the death of a veteran, shall be determined in accordance with regulations prescribed by the Secretary.
- (b) Dependency of a parent shall not be denied (1) solely because of remarriage, or (2) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Secretary shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support.
- (c) For the purposes of this section, in determining monthly income the Secretary shall not consider any payments under laws administered by the Secretary because of disability or death or payments of bonus or similar cash gratuity by any State based upon service in the Armed Forces.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1109; Pub. L. 89–358, Sec. 4(e), (f), Mar. 3, 1966, 80 Stat. 24; Pub. L. 92–540, title IV, Sec. 408, Oct. 24, 1972, 86 Stat. 1092; Pub. L. 94–432, title IV, Sec. 402, Sept. 30, 1976, 90 Stat. 1372; Pub. L. 99–576, title VII, Sec. 701(1), Oct. 28, 1986, 100 Stat. 3289; Pub. L. 102–54, Sec. 14(a)(2), June 13, 1991, 105 Stat. 282; Pub. L. 102–83, Sec.

4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405.)

–MISC1–

AMENDMENTS

1991 – Subsecs. (a), (b). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

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

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

Pub. L. 102–54 substituted "(c)" for "(C)" as subsec. designation.

1986 – Pub. L. 99–576, Sec. 701(1)(B), substituted "Dependent parents" for "Dependent parents; husbands" in section catchline.

Subsec. (a). Pub. L. 99–576, Sec. 701(1)(A)(ii), (iii), (v), struck out par. (1) designation and redesignated par. (2) of subsec. (a) as subsec. (b) and par. (3) of subsec. (a) as subsec. (C).

Subsec. (b). Pub. L. 99–576, Sec. 701(1)(A)(i), (iii), (iv), redesignated former subsec. (a)(2) as subsec. (b) and substituted "(1)" and "(2)" for "(A)" and "(B)", respectively. Former subsec. (b), which read "For the purposes of this title, (1) the term 'wife' includes the husband of any female veteran; and (2) the term 'widow' includes the widower of any female veteran", was struck out.

Subsec. (c). Pub. L. 99–576, Sec. 701(1)(A)(v), redesignated former subsec. (a)(3) as subsec. (C) and substituted "For the

purposes of this section," for "For the purposes of this subsection".

1976 – Subsec. (a)(2). Pub. L. 94-432 substituted prohibition against denial of dependency of a parent "(B) in any case in any State where the monthly income for a mother or father does not exceed minimum levels which the Administrator shall prescribe by regulation, giving due regard to the marital status of the mother or father and additional members of the family whom the mother or father is under a moral or legal obligation to support" for such prohibition "(B) in any case in any State where the monthly income for a mother or father, not living together, is not more than \$105, or where the monthly income for a mother and father living together, is not more than \$175, plus, in either case, \$45, for each additional member of the family whom the father or mother is under a moral or legal obligation to support, as determined by the Administrator".

1972 – Pub. L. 92-540, Sec. 408(2), substituted "Dependent parents; husbands" for "Dependent parents and dependent husbands" in section catchline.

Subsec. (b). Pub. L. 92-540, Sec. 408(1), struck out exception which made definition of terms inapplicable to chapter 19 of this title and struck out from definitions of "wife" and "widow" provisions relating to the ability of such persons to maintain and support themselves.

1966 – Subsec. (a)(2). Pub. L. 89-358, Sec. 4(e), substituted "Dependency" for "Except for the purposes of chapter 33 of this

title, dependency".

Subsec. (b). Pub. L. 89-358, Sec. 4(f), struck out from introductory parenthetical phrase reference to chapter 33 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-432 effective Sept. 30, 1976, see section 405(a) of Pub. L. 94-432, set out as a note under section 1521 of this title.

-End-

-CITE-

38 USC Sec. 103 01/06/03

-EXPCITE-

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

-HEAD-

Sec. 103. Special provisions relating to marriages

-STATUTE-

(a) Whenever, in the consideration of any claim filed by a person as the widow or widower of a veteran for gratuitous death benefits under laws administered by the Secretary, it is established by evidence satisfactory to the Secretary that such person, without knowledge of any legal impediment, entered into a marriage with such veteran which, but for a legal impediment, would have been valid, and thereafter cohabited with the veteran for one year or more immediately before the veteran's death, or for any period of

time if a child was born of the purported marriage or was born to them before such marriage, the purported marriage shall be deemed to be a valid marriage, but only if no claim has been filed by a legal widow or widower of such veteran who is found to be entitled to such benefits. No duplicate payments shall be made by virtue of this subsection.

(b) Where a surviving spouse has been legally married to a veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage has been met.

(c) In determining whether or not a person is or was the spouse of a veteran, their marriage shall be proven as valid for the purposes of all laws administered by the Secretary according to the law of the place where the parties resided at the time of the marriage or the law of the place where the parties resided when the right to benefits accrued.

(d)(1) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits to such person as the surviving spouse of the veteran if the remarriage is void, or has been annulled by a court with basic authority to render annulment decrees unless the Secretary determines that the annulment was secured through fraud by either party or collusion.

(2)(A) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits specified in paragraph (5) to such person as the surviving spouse of the veteran if the remarriage has been terminated by death or divorce unless the

Secretary determines that the divorce was secured through fraud or collusion.

(B) The remarriage after age 55 of the surviving spouse of a veteran shall not bar the furnishing of benefits under section 1781 of this title to such person as the surviving spouse of the veteran.

(3) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public as that person's spouse, the bar to granting that person benefits as the surviving spouse of the veteran shall not apply in the case of the benefits specified in paragraph (5).

(4) The first month of eligibility for benefits for a surviving spouse by reason of this subsection shall be the month after –

(A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (2); or

(B) the month of the cessation described in paragraph (3), in the case of a surviving spouse described in that paragraph.

(5) Paragraphs (2) and (3) apply with respect to benefits under the following provisions of this title:

(A) Section 1311, relating to dependency and indemnity compensation.

(B) Section 1781, relating to medical care for survivors and dependents of certain veterans.

(C) Chapter 35, relating to educational assistance.

(D) Chapter 37, relating to housing loans.

(e) The marriage of a child of a veteran shall not bar

recognition of such child as the child of the veteran for benefit purposes if the marriage is void, or has been annulled by a court with basic authority to render annulment decrees unless the Secretary determines that the annulment was secured through fraud by either party or collusion.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1109; Pub. L. 87–674, Sec. 2, Sept. 19, 1962, 76 Stat. 558; Pub. L. 90–77, title I, Sec. 101(b), Aug. 31, 1967, 81 Stat. 178; Pub. L. 91–376, Sec. 4, Aug. 12, 1970, 84 Stat. 789; Pub. L. 93–527, Sec. 9(a), Dec. 21, 1974, 88 Stat. 1705; Pub. L. 99–576, title VII, Sec. 701(2), Oct. 28, 1986, 100 Stat. 3290; Pub. L. 101–508, title VIII, Sec. 8004(a), Nov. 5, 1990, 104 Stat. 1388–343; Pub. L. 102–83, Sec. 4(a)(1), (2)(A)(i), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405; Pub. L. 106–117, title V, Sec. 502(a), Nov. 30, 1999, 113 Stat. 1574; Pub. L. 107–135, title II, Sec. 208(e)(1), Jan. 23, 2002, 115 Stat. 2463; Pub. L. 107–330, title I, Sec. 101(a), Dec. 6, 2002, 116 Stat. 2821.)

–MISC1–

AMENDMENTS

2002 – Subsec. (d)(2). Pub. L. 107–330 designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (d)(5)(B). Pub. L. 107–135 substituted "1781" for "1713".

1999 – Subsec. (d). Pub. L. 106–117 designated existing provisions as par. (1) and added pars. (2) to (5).

1991 – Subsec. (a). Pub. L. 102–83, Sec. 4(a)(1), (b)(1), (2)(E),

substituted "administered by the Secretary" for "administered by the Veterans' Administration" and "Secretary" for "Administrator".

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

Subsecs. (d), (e). Pub. L. 102-83, Sec. 4(a)(2)(A)(i), substituted "Secretary" for "Veterans' Administration".

1990 – Subsec. (d). Pub. L. 101-508, Sec. 8004(a)(1), designated par. (1) as entire subsec. (d) and struck out pars. (2) and (3) which read as follows:

"(2) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits to such person as the surviving spouse of the veteran if the remarriage has been terminated by death or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by the surviving spouse or collusion.

"(3) If a surviving spouse ceases living with another person and holding himself or herself out openly to the public as that person's spouse, the bar to granting that person benefits as the surviving spouse of the veteran shall not apply."

Subsec. (e). Pub. L. 101-508, Sec. 8004(a)(2), designated par. (1) as entire subsec. (e) and struck out par. (2) which read as follows: "The marriage of a child of a veteran shall not bar the recognition of such child as the child of the veteran for benefit purposes if the marriage has been terminated by death or has been

dissolved by a court, with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by either party or collusion."

1986 – Subsec. (a). Pub. L. 99-576, Sec. 701(2)(A), substituted "person as the widow or widower" for "woman as the widow", "such person" for "she", "the veteran" for "him", "the veteran's" for "his", and "legal widow or widower" for "legal widow".

Subsec. (b). Pub. L. 99-576, Sec. 701(2)(B), substituted "surviving spouse" for "widow".

Subsec. (c). Pub. L. 99-576, Sec. 701(2)(C), substituted "person is or was the spouse" for "woman is or was the wife".

Subsec. (d)(1). Pub. L. 99-576, Sec. 701(2)(D), substituted "surviving spouse of a veteran shall not bar the furnishing of benefits to such person as the surviving spouse" for "widow of a veteran shall not bar the furnishing of benefits to her as the widow".

Subsec. (d)(2). Pub. L. 99-576, Sec. 701(2)(E), substituted "surviving spouse" for "widow" wherever appearing, and "such person" for "her".

Subsec. (d)(3). Pub. L. 99-576, Sec. 701(2)(F), substituted "surviving spouse" for "widow" wherever appearing, "person" for "man", "himself or herself" for "herself", "that person's spouse" for "his wife", and "that person" for "her".

1974 – Subsec. (e). Pub. L. 93-527 designated existing provisions as par. (1) and added par. (2).

1970 – Subsec. (d). Pub. L. 91-376 designated existing provisions

as par. (1) and added pars. (2) and (3).

1967 – Subsec. (a). Pub. L. 90–77 reduced cohabitation period from five years to one year for purposes of deeming a purported marriage valid and provided for cohabitation for any period of time if a child was born of the purported marriage or was born before the marriage.

1962 – Subsecs. (d), (e). Pub. L. 87–674 added subsecs. (d) and (e).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–330, title I, Sec. 101(c), Dec. 6, 2002, 116 Stat.

2821, provided that: "The amendments made by this section [amending this section] shall take effect on the date that is 60 days after the date of the enactment of this Act [Dec. 6, 2002]."

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–117, title V, Sec. 502(c), Nov. 30, 1999, 113 Stat.

1574, provided that: "The amendments made by subsections (a) and (b) [amending this section and section 1311 of this title] shall take effect on the first day of the first month beginning after the month in which this Act is enacted [November 1999]."

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8004(b) of Pub. L. 101–508 provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to claims filed after October 31, 1990, and shall not operate to reduce or terminate benefits to any individual whose benefits were predicated on section 103(d)(2), 103(d)(3), or 103(e)(2) before the effective date of those amendments."

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–527 effective Jan. 1, 1975, see section 10 of Pub. L. 93–527, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–376 effective Jan. 1, 1971, see section 9 of Pub. L. 91–376, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

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

APPLICATION FOR BENEFITS

Pub. L. 107–330, title I, Sec. 101(b), Dec. 6, 2002, 116 Stat. 2821, provided that: "In the case of an individual who but for having remarried would be eligible for medical care under section 1781 of title 38, United States Code, and whose remarriage was before the date of the enactment of this Act [Dec. 6, 2002] and after the individual had attained age 55, the individual shall be eligible for such medical care by reason of the amendments made by subsection (a) [amending this section] only if an application for such medical care is received by the Secretary of Veterans Affairs during the 1–year period ending on the effective date specified in subsection (c) [set out as an Effective Date of 2002 Amendment note above]."

LIMITATION ON PAYMENTS

Pub. L. 106–117, title V, Sec. 502(d), Nov. 30, 1999, 113 Stat.

1574, provided that: "No payment may be made to a person by reason of paragraphs (2) and (3) of section 103(d) of title 38, United States Code, as added by subsection (a), for any period before the effective date specified in subsection (c) [set out as an Effective Date of 1999 Amendment note above]."

APPLICABILITY OF AMENDMENTS

Pub. L. 102–568, title I, Sec. 103, Oct. 29, 1992, 106 Stat.

4322, provided that:

"(a) Exception. – The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (105 Stat. 424) [Pub. L. 101–508, 104 Stat. 1388–343, amending this section] shall not apply to any case in which a legal proceeding to terminate an existing marital relationship was commenced before November 1, 1990, by an individual described in subsection (b) if that proceeding directly resulted in the termination of such marriage.

"(b) Covered Individuals. – An individual referred to in subsection (a) is an individual who, but for the marital relationship referred to in subsection (a), would be considered to be the surviving spouse of a veteran."

Pub. L. 102–86, title V, Sec. 502, Aug. 14, 1991, 105 Stat. 424, provided that: "The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) [amending this section] shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the

meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse."

REINSTATEMENT OF BENEFITS SUBSEQUENT TO TERMINATION OF RELATIONSHIP OR CONDUCT RESTRICTING PAYMENT OF BENEFITS; EFFECTIVE DATE OF AWARD

Section 5 of Pub. L. 91-376, effective January 1, 1971, provided that:

"(a) If a widow terminates a relationship or conduct which resulted in imposition of a prior restriction on payment of benefits, in the nature of inference or presumption of remarriage, or relating to open and notorious adulterous cohabitation or similar conduct, she shall not be denied any benefits by the Veterans' Administration, other than insurance, solely because of such prior relationship or conduct.

"(b) The effective date of an award of benefits resulting from enactment of subsection (a) of this section shall not be earlier than the date of receipt of application therefor, filed after termination of the particular relationship or conduct and after December 31, 1970."

—SECRET—

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5110 of this title.

—End—

—CITE—

38 USC Sec. 104 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 104. Approval of educational institutions

–STATUTE–

(a) For the purpose of determining whether or not benefits are payable under this title (except chapter 35 of this title) for a child over the age of eighteen years and under the age of twenty-three years who is attending a school, college, academy, seminary, technical institute, university, or other educational institution, the Secretary may approve or disapprove such educational institutions.

(b) The Secretary may not approve an educational institution under this section unless such institution has agreed to report to the Secretary the termination of attendance of any child. If any educational institution fails to report any such termination promptly, the approval of the Secretary shall be withdrawn.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1110; Pub. L. 91–24, Sec. 1(c), June 11, 1969, 83 Stat. 33; Pub. L. 99–576, title VII, Sec. 701(3), Oct. 28, 1986, 100 Stat. 3290; Pub. L. 102–83, Sec. 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

AMENDMENTS

1991 – Pub. L. 102–83 substituted "Secretary" for "Administrator"

wherever appearing.

1986 – Subsec. (b). Pub. L. 99–576 substituted "report to the Administrator" for "report to him".

1969 – Subsec. (a). Pub. L. 91–24 substituted "the age of twenty–three years" for "the age of twenty–one years".

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1314 of this title.

–End–

–CITE–

38 USC Sec. 105 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 105. Line of duty and misconduct

–STATUTE–

(a) An injury or disease incurred during active military, naval, or air service will be deemed to have been incurred in line of duty and not the result of the veteran's own misconduct when the person on whose account benefits are claimed was, at the time the injury was suffered or disease contracted, in active military, naval, or air service, whether on active duty or on authorized leave, unless such injury or disease was a result of the person's own willful

misconduct or abuse of alcohol or drugs. Venereal disease shall not be presumed to be due to willful misconduct if the person in service complies with the regulations of the appropriate service department requiring the person to report and receive treatment for such disease.

(b) The requirement for line of duty will not be met if it appears that at the time the injury was suffered or disease contracted the person on whose account benefits are claimed (1) was avoiding duty by deserting the service or by absenting himself or herself without leave materially interfering with the performance of military duties; (2) was confined under sentence of court-martial involving an unremitted dishonorable discharge; or (3) was confined under sentence of a civil court for a felony (as determined under the laws of the jurisdiction where the person was convicted by such court).

(c) For the purposes of any provision relating to the extension of a delimiting period under any education-benefit or rehabilitation program administered by the Secretary, the disabling effects of chronic alcoholism shall not be considered to be the result of willful misconduct.

—SOURCE—

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1110; Pub. L. 99-576, title VII, Sec. 701(4), Oct. 28, 1986, 100 Stat. 3290; Pub. L. 100-689, title I, Sec. 109, Nov. 18, 1988, 102 Stat. 4170; Pub. L. 101-508, title VIII, Sec. 8052(a)(1), Nov. 5, 1990, 104 Stat. 1388-351; Pub. L. 102-83, Sec. 4(a)(1), Aug. 6, 1991, 105 Stat.

403.)

–MISC1–

AMENDMENTS

1991 – Subsec. (c). Pub. L. 102–83 substituted "administered by the Secretary" for "administered by the Veterans' Administration".

1990 – Subsec. (a). Pub. L. 101–508 substituted "a result of the person's own willful misconduct or abuse of alcohol or drugs" for "the result of the person's own willful misconduct".

1988 – Subsec. (c). Pub. L. 100–689 added subsec. (c).

1986 – Subsec. (a). Pub. L. 99–576, Sec. 701(4)(A), substituted "result of the person's" for "result of his" and "requiring the person" for "requiring him".

Subsec. (b)(1). Pub. L. 99–576, Sec. 701(4)(B), substituted "service or by absenting himself or herself" for "service, or by absenting himself".

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8052(b) of Pub. L. 101–508 provided that: "The amendments made by subsection (a) [amending this section and sections 310 and 331 [now 1110 and 1131] of this title] shall take effect with respect to claims filed after October 31, 1990."

–SECREf–

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 593.

–End–

–CITE–

38 USC Sec. 106 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 106. Certain service deemed to be active service

–STATUTE–

(a)(1) Service as a member of the Women's Army Auxiliary Corps for ninety days or more by any woman who before October 1, 1943, was honorably discharged for disability incurred or aggravated in line of duty which rendered her physically unfit to perform further service in the Women's Army Auxiliary Corps or the Women's Army Corps shall be considered active duty for the purposes of all laws administered by the Secretary.

(2) Any person entitled to compensation or pension by reason of this subsection and to employees' compensation based upon the same service under subchapter I of chapter 81 of title 5 must elect which benefit she will receive.

(b) Any person –

(1) who has applied for enlistment or enrollment in the active military, naval, or air service and has been provisionally accepted and directed or ordered to report to a place for final acceptance into such service; or

(2) who has been selected or drafted for service in the Armed Forces and has reported pursuant to the call of the person's local draft board and before rejection; or

(3) who has been called into the Federal service as a member of the National Guard, but has not been enrolled for the Federal service; and

who has suffered an injury or contracted a disease in line of duty while en route to or from, or at, a place for final acceptance or entry upon active duty, will, for the purposes of chapters 11, 13, 19, 21, 31, and 39 of this title, and for purposes of determining service-connection of a disability under chapter 17 of this title, be considered to have been on active duty and to have incurred such disability in the active military, naval, or air service.

(c) For the purposes of this title, an individual discharged or released from a period of active duty shall be deemed to have continued on active duty during the period of time immediately following the date of such discharge or release from such duty determined by the Secretary concerned to have been required for that individual to proceed to that individual's home by the most direct route, and in any event that individual shall be deemed to have continued on active duty until midnight of the date of such discharge or release.

(d)(1) For the purposes of this title, any individual –

(A) who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(B) who is disabled or dies from an injury or covered disease incurred while proceeding directly to or returning directly from such active duty for training or inactive duty training, as the

case may be;

shall be deemed to have been on active duty for training or inactive duty training, as the case may be, at the time such injury or covered disease was incurred.

(2) In determining whether or not such individual was so authorized or required to perform such duty, and whether or not such individual was disabled or died from injury or covered disease so incurred, the Secretary shall take into account the hour on which such individual began so to proceed or to return; the hour on which such individual was scheduled to arrive for, or on which such individual ceased to perform, such duty; the method of travel employed; the itinerary; the manner in which the travel was performed; and the immediate cause of disability or death.

(3) Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

(4) For purposes of this subsection, the term "covered disease" means any of the following:

(A) Acute myocardial infarction.

(B) A cardiac arrest.

(C) A cerebrovascular accident.

(e) Each person who has incurred a disability as a result of an injury or disease described in subsection (b) shall be entitled to the same rights, privileges, and benefits under title 5 as a preference eligible described in section 2108(3)(C) of title 5.

(f) Service as a member of the Alaska Territorial Guard during

World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001, shall be considered active duty for purposes of all laws administered by the Secretary.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1110; Pub. L. 87–102, Sec. 1, July 21, 1961, 75 Stat. 219; Pub. L. 88–616, Oct. 2, 1964, 78 Stat. 994; Pub. L. 89–311, Sec. 5, Oct. 31, 1965, 79 Stat. 1156; Pub. L. 97–295, Sec. 4(3), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 99–576, title VII, Sec. 701(5), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102–83, Sec. 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405; Pub. L. 106–259, title VIII, Sec. 8147(a), Aug. 9, 2000, 114 Stat. 705; Pub. L. 106–419, title III, Sec. 301(b), Nov. 1, 2000, 114 Stat. 1852.)

–REFTEXT–

REFERENCES IN TEXT

Section 8147 of the Department of Defense Appropriations Act, 2001, referred to in subsec. (f), is section 8147 of Pub. L. 106–259, which amended this section and enacted provisions set out as a note below.

–MISC1–

AMENDMENTS

2000 – Subsec. (d). Pub. L. 106–419 designated first sentence as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), and inserted "or covered disease" after "injury" in subpar. (B) and in concluding provisions,

designated second sentence as par. (2) and inserted "or covered disease" after "injury", designated third sentence as par. (3), and added par. (4).

Subsec. (f). Pub. L. 106–259 added subsec. (f).

1991 – Subsec. (a)(1). Pub. L. 102–83, Sec. 4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

Subsec. (d). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in concluding provisions.

1986 – Subsec. (b)(2). Pub. L. 99–576, Sec. 701(5)(A), substituted "the person's" for "his".

Subsec. (c). Pub. L. 99–576, Sec. 701(5)(B), substituted "required for that individual" for "required for him", "proceed to that individual's home" for "proceed to his home", and "in any event that individual" for "in any event he".

Subsec. (d). Pub. L. 99–576, Sec. 701(5)(C), struck out "by him" after "injury incurred" in cl. (2), and in closing provisions, substituted "such individual was disabled" for "he was disabled", "on which such individual began" for "on which he began", "such individual was scheduled" for "he was scheduled", "such individual ceased" for "he ceased", and "the itinerary" for "his itinerary".

1982 – Subsec. (a)(2). Pub. L. 97–295, Sec. 4(3)(A), substituted "subchapter I of chapter 81 of title 5" for "the Federal Employees' Compensation Act".

Subsec. (e). Pub. L. 97–295, Sec. 4(3)(B), substituted "title 5 as a preference eligible described in section 2108(3)(C) of title

5" for "the Act of June 27, 1944, (58 Stat. 387–391), as a person described in section 2(1) of such Act".

1965 – Subsec. (e). Pub. L. 89–311 added subsec. (e).

1964 – Subsec. (d)(2). Pub. L. 88–616 struck out "after December 31, 1956," after "injury incurred".

1961 – Subsec. (c). Pub. L. 87–102 extended provisions for benefits based on limited periods immediately following discharge from active duty after December 31, 1956 to veterans discharged before such date.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 2 of Pub. L. 87–102 provided that: "No monetary benefits shall accrue by reason of the amendments made by this Act [amending this section] for any period prior to the date of enactment [July 21, 1961]."

SERVICE IN ALASKA TERRITORIAL GUARD

Pub. L. 106–259, title VIII, Sec. 8147(b), (c), Aug. 9, 2000, 114 Stat. 705, provided that:

"(b) Discharge. – (1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

"(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

"(c) Prohibition on Retroactive Benefits. – No benefits shall be paid to any individual for any period before the date of the enactment of this Act [Aug. 9, 2000] by reason of the enactment of this section [amending this section and enacting this note]."

WOMEN'S AIR FORCES SERVICE PILOTS

Pub. L. 95–202, title IV, Sec. 401, Nov. 23, 1977, 91 Stat. 1449, as amended by Pub. L. 96–466, title VIII, Sec. 801(m)(3), Oct. 17, 1980, 94 Stat. 2217; Pub. L. 98–94, title XII, Sec. 1263(a), Sept. 24, 1983, 97 Stat. 703; Pub. L. 102–83, Sec. 6(b), Aug. 6, 1991, 105 Stat. 407, provided that:

"(a)(1) Notwithstanding any other provision of law, the service of any person as a member of the Women's Air Forces Service Pilots (a group of Federal civilian employees attached to the United States Army Air Force during World War II), or the service of any person in any other similarly situated group the members of which rendered service to the Armed Forces of the United States in a capacity considered civilian employment or contractual service at the time such service was rendered, shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs if the Secretary of Defense, pursuant to regulations which the Secretary shall prescribe –

"(A) after a full review of the historical records and all other available evidence pertaining to the service of any such group, determines, on the basis of judicial and other appropriate precedent, that the service of such group constituted active military service, and

"(B) in the case of any such group with respect to which such Secretary has made an affirmative determination that the service of such group constituted active military service, issues to each member of such group a discharge from such service under honorable conditions where the nature and duration of the service of such member so warrants.

Discharges issued pursuant to the provisions of the first sentence of this paragraph shall designate as the date of discharge that date, as determined by the Secretary of Defense, on which such service by the person concerned was terminated.

"(2) In making a determination under clause (A) of paragraph (1) of this subsection with respect to any group described in such paragraph, the Secretary of Defense may take into consideration the extent to which –

"(A) such group received military training and acquired a military capability or the service performed by such group was critical to the success of a military mission,

"(B) the members of such group were subject to military justice, discipline, and control,

"(C) the members of such group were permitted to resign,

"(D) the members of such group were susceptible to assignment for duty in a combat zone, and

"(E) the members of such group had reasonable expectations that their service would be considered to be active military service.

"(b)(1) No benefits shall be paid to any person for any period prior to the date of enactment of this title [Nov. 23, 1977] as a

result of the enactment of subsection (a) of this section.

"(2) The provisions of section 106(a)(2) of title 38, United States Code, relating to election of benefits, shall be applicable to persons made eligible for benefits, under laws administered by the Secretary of Veterans Affairs, as a result of implementation of the provisions of subsection (a) of this section.

"(c) Under regulations prescribed by the Secretary of Defense, any person who is issued a discharge under honorable conditions pursuant to the implementation of subsection (a) of this section may be awarded any campaign or service medal warranted by such person's service."

[Section 1263(b) of Pub. L. 98-94 provided that: "The amendment made by subsection (a) [enacting subsec. (c) set out above] shall apply to all persons issued discharges under honorable conditions pursuant to section 401 of the GI Bill Improvements Act of 1977 [Pub. L. 95-202, set out above] whether such discharges are awarded before, on, or after the date of the enactment of this Act [Sept. 24, 1983]."]

[Amendment of subsec. (a)(1)(B), set out above, by Pub. L. 96-466, effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as an Effective Date of 1980 Amendment note under section 3452 of this title.]

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1302, 2302 of this title; title 5 section 2302.

–End–

–CITE–

38 USC Sec. 107 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 107. Certain service deemed not to be active service

–STATUTE–

(a) Service before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, shall not be deemed to have been active military, naval, or air service for the purposes of any law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or the service of any other person in the Armed Forces, except benefits under –

(1) contracts of National Service Life Insurance entered into before February 18, 1946;

(2) chapter 10 of title 37; and

(3) chapters 11, 13 (except section 1312(a)), 23, and 24 (to the extent provided for in section 2402(8)) of this title.

Except as provided in subsection (c) or (d), payments under such chapters shall be made at a rate of \$0.50 for each dollar authorized, and where annual income is a factor in entitlement to benefits, the dollar limitations in the law specifying such annual income shall apply at a rate of \$0.50 for each dollar. Any payments made before February 18, 1946, to any such member under such laws conferring rights, benefits, or privileges shall not be deemed to have been invalid by reason of the circumstance that such member's service was not service in the Armed Forces or any component thereof within the meaning of any such law.

(b) Service in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 shall not be deemed to have been active military, naval, or air service for the purposes of any of the laws administered by the Secretary except –

(1) with respect to contracts of National Service Life Insurance entered into (A) before May 27, 1946, (B) under section 620 or 621 of the National Service Life Insurance Act of 1940, or (C) under section 1922 of this title; and

(2) chapters 11 and 13 (except section 1312(a)) of this title.

Payments under such chapters shall be made at a rate of \$0.50 for each dollar authorized, and where annual income is a factor in entitlement to benefits, the dollar limitations in the law specifying such annual income shall apply at a rate of \$0.50 for each dollar.

(c) In the case of benefits under subchapters II and IV of chapter 11 of this title paid by reason of service described in subsection (a) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of subsection (a) shall not apply.

(d)(1) With respect to benefits under chapter 23 of this title, in the case of an individual described in paragraph (2), the second sentence of subsection (a) shall not apply.

(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after November 1, 2000, if the individual, on the individual's date of death –

(A) is a citizen of, or an alien lawfully admitted for permanent residence in, the United States;

(B) is residing in the United States; and

(C) either –

(i) is receiving compensation under chapter 11 of this title;

or

(ii) if the individual's service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1111; Pub. L. 87–268, Sec. 1(b), Sept. 21, 1961, 75 Stat. 566; Pub. L. 89–641, Sec. 2(a), Oct. 11, 1966, 80 Stat. 885; Pub. L. 97–295, Sec. 4(4), Oct. 12, 1982,

96 Stat. 1305; Pub. L. 99–576, title VII, Sec. 701(6), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102–83, Secs. 4(a)(1), 5(c)(1), Aug. 6, 1991, 105 Stat. 403, 406; Pub. L. 103–446, title V, Sec. 507(a), Nov. 2, 1994, 108 Stat. 4664; Pub. L. 106–377, Sec. 1(a)(1) [title V, Sec. 501(a)(1)], Oct. 27, 2000, 114 Stat. 1441, 1441A–57; Pub. L. 106–419, title III, Secs. 331(b), 332(a), Nov. 1, 2000, 114 Stat. 1856; Pub. L. 107–14, Sec. 8(a)(1), June 5, 2001, 115 Stat. 34; Pub. L. 107–330, title III, Sec. 308(g)(2), Dec. 6, 2002, 116 Stat. 2828.)

–REFTEXT–

REFERENCES IN TEXT

Section 14 of the Armed Forces Voluntary Recruitment Act of 1945, referred to in subsec. (b), is section 14 of act Oct. 6, 1945, ch. 393, 59 Stat. 543, which enacted section 637 of former Title 10, Army and Air Force, and was omitted from the Code in the revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

Sections 620 and 621 of the National Service Life Insurance Act of 1940, referred to in subsec. (b)(1), are sections 620 and 621 of act Oct. 8, 1940, ch. 757, title VI, pt. I, as added Apr. 25, 1951, ch. 39, pt. II, Sec. 10, 65 Stat. 36, which enacted sections 820 and 821 of former Title 38, Pensions, Bonuses, and Veterans' Relief, which were repealed and the provisions thereof reenacted as sections 722(a) and 723 [now 1922(a) and 1923] of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

–MISC1–

AMENDMENTS

2002 – Subsec. (d)(2). Pub. L. 107–330 substituted "November 1, 2000," for "the date of the enactment of this subsection" in introductory provisions.

2001 – Subsec. (a). Pub. L. 107–14, Sec. 8(a)(1)(A), inserted "or (d)" after "subsection (c)" in concluding provisions.

Subsecs. (c), (d). Pub. L. 107–14, Sec. 8(a)(1)(B), (C), redesignated subsec. (c) relating to the inapplicability of the second sentence of subsec. (a) to an individual described in paragraph (2) as (d) and substituted "With respect to benefits under chapter 23 of this title, in" for "In" in par. (1).

2000 – Subsec. (a). Pub. L. 106–419, Sec. 332(a)(1), which directed substitution of "Subject to subsection (c), payments" for "Payments", could not be executed because "Payments" did not appear subsequent to the amendment by Pub. L. 106–377, Sec. 1(a)(1) [title V, Sec. 501(a)(1)(A)]. See below.

Pub. L. 106–377, Sec. 1(a)(1) [title V, Sec. 501(a)(1)(A)], substituted "Except as provided in subsection (c), payments" for "Payments" in concluding provisions.

Subsec. (a)(3). Pub. L. 106–419, Sec. 331(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "chapters 11, 13 (except section 1312(a)), and 23 of this title."

Subsec. (c). Pub. L. 106–419, Sec. 332(a)(2), added subsec. (c) relating to the inapplicability of the second sentence of subsec. (a) to an individual described in paragraph (2).

Pub. L. 106–377, Sec. 1(a)(1) [title V, Sec. 501(a)(1)(B)], added

subsec. (c) relating to the inapplicability of the second sentence of subsec. (a) to cases of benefits under subchapters II and IV of chapter 11 of this title paid to United States citizens or to permanent resident aliens.

1994 – Subsecs. (a), (b). Pub. L. 103–446 substituted "rate of" for "rate in pesos as is equivalent to" and for "rate in Philippine pesos as is equivalent to" in second sentence.

1991 – Subsec. (a)(3). Pub. L. 102–83, Sec. 5(c)(1), substituted "1312(a)" for "412(a)".

Subsec. (b). Pub. L. 102–83, Sec. 5(c)(1), substituted "1922" for "722" in par. (1)(C) and "1312(a)" for "412(a)" in par. (2).

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

1986 – Subsec. (a). Pub. L. 99–576 substituted "that such member's" for "that his" in last sentence.

1982 – Subsec. (a)(2). Pub. L. 97–295 substituted "chapter 10 of title 37" for "the Missing Persons Act".

1966 – Pub. L. 89–641 increased the specified dollar/peso rate for payments from one peso for each dollar otherwise authorized to a rate in Philippine pesos equivalent to \$0.50 for each dollar.

1961 – Pub. L. 87–268 substituted "section 412(a)" for "sections 412" wherever appearing.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–14, Sec. 8(a)(1), June 5, 2001, 115 Stat. 34, provided that the amendment made by section 8(a)(1) is effective Nov. 1, 2000.

EFFECTIVE DATE OF 2000 AMENDMENTS

Pub. L. 106-419, title III, Sec. 331(c), Nov. 1, 2000, 114 Stat.

1856, provided that: "The amendments made by this section [amending this section and section 2402 of this title] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Nov. 1, 2000]."

Pub. L. 106-419, title III, Sec. 332(b), Nov. 1, 2000, 114 Stat.

1856, provided that: "No benefits shall accrue to any person for any period before the date of the enactment of this Act [Nov. 1, 2000] by reason of the amendments made by subsection (a) [amending this section]."

Pub. L. 106-377, Sec. 1(a)(1) [title V, Sec. 501(a)(2)], Oct. 27,

2000, 114 Stat. 1441, 1441A-57, provided that: "The amendments made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [Oct. 27, 2000] and shall apply to benefits paid for months beginning on or after that date."

EFFECTIVE DATE OF 1994 AMENDMENT

Section 507(c) of Pub. L. 103-446 provided that: "The amendments made by this section [amending this section and sections 3532 and 3565 of this title] shall apply with respect to payments made after December 31, 1994."

EFFECTIVE DATE OF 1966 AMENDMENT

Section 2(b) of Pub. L. 89-641 provided that: "The amendments made by subsection (a) of this section [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 [Oct. 11,

1966]."

EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-268 effective Oct. 1, 1961, see section 3 of Pub. L. 87-268, set out as a note under section 1312 of this title.

REFUND OF ERRONEOUSLY DEDUCTED NSLI PREMIUM TO PHILIPPINE VETERANS ON PROPER APPLICATION

Section 1 of Pub. L. 89-641 provided for refund of erroneously deducted insurance premiums to Philippine armed forces members in service of the United States Armed Forces, such refund to be made upon receipt of an application within two years after Oct. 11, 1966. In event of death of such member, refund was to be made only to widow or widower, children or parents of such member, in that order, with no refunds to heirs or legal representatives.

—SECREF—

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1734, 1925, 2402 of this title; title 8 sections 1612, 1613, 1622.

—End—

—CITE—

38 USC Sec. 108 01/06/03

—EXPCITE—

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

—HEAD—

Sec. 108. Seven-year absence presumption of death

–STATUTE–

(a) No State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Secretary.

(b) If evidence satisfactory to the Secretary is submitted establishing the continued and unexplained absence of any individual from that individual's home and family for seven or more years, and establishing that after diligent search no evidence of that individual's existence after the date of disappearance has been found or received, the death of such individual as of the date of the expiration of such period shall be considered as sufficiently proved.

(c) Except in a suit brought pursuant to section 1984 of this title, the finding of death made by the Secretary shall be final and conclusive.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1112; Pub. L. 99–576, title VII, Sec. 701(7), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102–83, Secs. 4(a)(1), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 403–406.)

–MISC1–

AMENDMENTS

1991 – Subsec. (a). Pub. L. 102–83, Sec. 4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

Subsec. (b). 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 "1984" for

"784".

Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for

"Administrator".

1986 – Subsec. (b). Pub. L. 99–576 substituted "that

individual's" for "his" in two places.

–End–

–CITE–

38 USC Sec. 109 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 109. Benefits for discharged members of allied forces

–STATUTE–

(a)(1) In consideration of reciprocal services extended to the

United States, the Secretary, upon request of the proper officials

of the government of any nation allied or associated with the

United States in World War I (except any nation which was an enemy

of the United States during World War II), or in World War II, may

furnish to discharged members of the armed forces of such

government, under agreements requiring reimbursement in cash of

expenses so incurred, at such rates and under such regulations as

the Secretary may prescribe, medical, surgical, and dental treatment, hospital care, transportation and traveling expenses, prosthetic appliances, education, training, or similar benefits authorized by the laws of such nation for its veterans, and services required in extending such benefits. Hospitalization in a Department facility shall not be afforded under this section, except in emergencies, unless there are available beds surplus to the needs of veterans of this country. The Secretary may also pay the court costs and other expenses incident to the proceedings taken for the commitment of such discharged members who are mentally incompetent to institutions for the care or treatment of the insane.

(2) The Secretary, in carrying out the provisions of this subsection, may contract for necessary services in private, State, and other Government hospitals.

(3) All amounts received by the Department as reimbursement for such services shall be credited to the current appropriation of the Department from which expenditures were made under this subsection.

(b) Persons who served in the active service in the armed forces of any government allied with the United States in World War II and who at time of entrance into such active service were citizens of the United States shall, by virtue of such service, and if otherwise qualified, be entitled to the benefits of chapters 31 and 37 of this title in the same manner and to the same extent as veterans of World War II are entitled. No such benefit shall be extended to any person who is not a resident of the United States

at the time of filing claim, or to any person who has applied for and received the same or any similar benefit from the government in whose armed forces such person served.

(c)(1) Any person who served during World War I or World War II as a member of any armed force of the Government of Czechoslovakia or Poland and participated while so serving in armed conflict with an enemy of the United States and has been a citizen of the United States for at least ten years shall, by virtue of such service, and upon satisfactory evidence thereof, be entitled to hospital and domiciliary care and medical services within the United States under chapter 17 of this title to the same extent as if such service had been performed in the Armed Forces of the United States unless such person is entitled to, or would, upon application thereof, be entitled to, payment for equivalent care and services under a program established by the foreign government concerned for persons who served in its armed forces in World War I or World War II.

(2) In order to assist the Secretary in making a determination of proper service eligibility under this subsection, each applicant for the benefits thereof shall furnish an authenticated certification from the French Ministry of Defense or the British War Office as to records in either such Office which clearly indicate military service of the applicant in the Czechoslovakian or Polish armed forces and subsequent service in or with the armed forces of France or Great Britain during the period of World War I or World War II.

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1112; Pub. L. 94–491, Oct. 14, 1976, 90 Stat. 2363; Pub. L. 99–576, title VII, Sec. 701(8), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102–83, Sec. 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

AMENDMENTS

1991 – Subsec. (a)(1). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing. Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

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

Subsec. (a)(3). Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in two places.

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

1986 – Subsec. (b). Pub. L. 99–576 substituted "such person" for "he".

1976 – Subsec. (c). Pub. L. 94–491 added subsec. (c).

–End–

–CITE–

38 USC Sec. 110 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 110. Preservation of disability ratings

–STATUTE–

A rating of total disability or permanent total disability which has been made for compensation, pension, or insurance purposes under laws administered by the Secretary, and which has been continuously in force for twenty or more years, shall not be reduced thereafter, except upon a showing that such rating was based on fraud. A disability which has been continuously rated at or above evaluation for twenty or more years for compensation purposes under laws administered by the Secretary shall not thereafter be rated at less than such evaluation, except upon a showing that such rating was based on fraud. 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–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1113; Pub. L. 87–825, Sec. 6, Oct. 15, 1962, 76 Stat. 950; Pub. L. 88–445, Sec. 1(a), (b), Aug. 19, 1964, 78 Stat. 464; Pub. L. 91–32, June 23, 1969, 83 Stat. 38; Pub. L. 102–83, Sec. 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405.)

–MISC1–

AMENDMENTS

1991 – Pub. L. 102–83 substituted "Secretary" for "Administrator" and substituted "administered by the Secretary" for "administered

by the Veterans' Administration" in two places.

1969 – Pub. L. 91–32 substituted "evaluation" for "percentage" wherever appearing.

1964 – Pub. L. 88–445 substituted "Preservation of disability ratings" for "Preservation of total disability ratings" in section catchline, and inserted sentence directing that a disability which has been continuously rated at or above any percentage for twenty or more years for compensation purposes shall not thereafter be rated at less than such percentage, except upon a showing that such rating was based on fraud.

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

EFFECTIVE DATE OF 1969 AMENDMENT

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

EFFECTIVE DATE OF 1962 AMENDMENT

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

such effective date. If such event occurred before such effective date, action shall be taken pursuant to the prior laws and regulations."

–End–

–CITE–

38 USC Sec. 111 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 111. Payments or allowances for beneficiary travel

–STATUTE–

(a) Under regulations prescribed by the President pursuant to the provisions of this section, the Secretary may pay the actual necessary expense of travel (including lodging and subsistence), or in lieu thereof an allowance based upon mileage traveled, of any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care. In addition to the mileage allowance authorized by this section, there may be allowed reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls.

(b)(1) Except as provided in subsection (c) of this section and notwithstanding subsection (g)(2)(A) of this section or any other

provision of law, if, with respect to any fiscal year, the Secretary exercises the authority under this section to make any payments, the Secretary shall make the payments provided for in this section to or for the following persons for travel during such fiscal year for examination, treatment, or care for which the person is eligible:

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

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

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

(D) A veteran (i) whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension which would be payable to such veteran if such veteran were eligible for pension under section 1521 of this title, or (ii) who is determined, under regulations prescribed by the Secretary, to be unable to defray the expenses of the travel for which payment under this section is claimed.

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

(F) A veteran whose travel to a Department facility is incident

to a scheduled compensation and pension examination.

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

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

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

(c)(1) Except as otherwise provided in this subsection, the Secretary, in making a payment under this section to or for a

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

(2) In the case of a person who is determined by the Secretary to be a person who is required to make six or more one-way trips for needed examination, treatment, or care during the remainder of the calendar month in which the determination is made or during any subsequent calendar month during the one-year period following the last day of the month in which the determination is made, the amount deducted by the Secretary pursuant to paragraph (1) of this subsection from payments for trips made to or from such facility during any such month shall not, except as provided in paragraph (5) of this subsection, exceed \$18.

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

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

(5) Whenever the Secretary increases or decreases the rates of

allowances or reimbursement to be paid under this section, the Secretary shall, effective on the date on which such increase or decrease takes effect, adjust proportionately the dollar amounts specified in paragraphs (1) and (2) of this subsection as such amounts may have been increased or decreased pursuant to this paragraph before such date.

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

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

(2) Actual local travel expenses.

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

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

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

(g)(1) In carrying out the purposes of this section, the Secretary, in consultation with the Administrator of General Services, the Secretary of Transportation, the Comptroller General

of the United States, and representatives of organizations of veterans, shall conduct periodic investigations of the actual cost of travel (including lodging and subsistence) to beneficiaries while traveling to or from a Department facility or other place pursuant to the provisions of this section, and the estimated cost of alternative modes of travel, including public transportation and the operation of privately owned vehicles. The Secretary shall conduct such investigations immediately following any alteration in the rates described in paragraph (3)(C) of this subsection, and, in any event, immediately following the enactment of this subsection and not less often than annually thereafter, and based thereon, shall determine rates of allowances or reimbursement to be paid under this section.

(2) In no event shall payment be provided under this section –

(A) unless the person claiming reimbursement has been determined, pursuant to regulations which the Secretary shall prescribe, to be unable to defray the expenses of such travel (except with respect to a person receiving benefits for or in connection with a service-connected disability under this title, a veteran receiving or eligible to receive pension under section 1521 of this title, or a person whose annual income, determined in accordance with section 1503 of this title, does not exceed the maximum annual rate of pension which would be payable to such person if such person were eligible for pension under section 1521 of this title);

(B) to reimburse for the cost of travel by privately owned

vehicle in any amount in excess of the cost of such travel by public transportation unless (i) public transportation is not reasonably accessible or would be medically inadvisable, or (ii) the cost of such travel is not greater than the cost of public transportation; and

(C) in excess of the actual expense incurred by such person as certified in writing by such person.

(3) In conducting investigations and determining rates under this section, the Secretary shall review and analyze, among other factors, the following factors:

(A)(i) Depreciation of original vehicle costs;

(ii) gasoline and oil costs;

(iii) maintenance, accessories, parts, and tire costs;

(iv) insurance costs; and

(v) State and Federal taxes.

(B) The availability of and time required for public transportation.

(C) The per diem rates, mileage allowances, and expenses of travel authorized under sections 5702 and 5704 of title 5 for employees of the United States.

(4) Before determining rates or adjusting amounts under this section and not later than sixty days after any alteration in the rates described in paragraph (3)(C) of this subsection, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the rates and amounts the Secretary proposes to establish or continue

with a full justification therefor in terms of each of the

limitations and factors set forth in this section.

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

–SOURCE–

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1113; Pub. L. 86–590, July 5, 1960, 74 Stat. 329; Pub. L. 89–358, Sec. 4(g), Mar. 3, 1966, 80 Stat. 24; Pub. L. 89–455, June 18, 1966, 80 Stat. 208; Pub. L. 94–581, title I, Sec. 101, Oct. 21, 1976, 90 Stat. 2842; Pub. L. 96–151, title II, Sec. 201(a), Dec. 20, 1979, 93 Stat. 1093; Pub. L. 97–295, Sec. 4(5), Oct. 12, 1982, 96 Stat. 1305; Pub. L. 100–322, title I, Sec. 108(a), (b)(1), (c)–(e)(1), May 20, 1988, 102 Stat. 496–498; Pub. L. 102–83, Secs. 4(a)(3), (4), (6), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 103–446, title XII, Sec. 1201(e)(1), Nov. 2, 1994, 108 Stat. 4685.)

–MISC1–

AMENDMENTS

1994 – Subsec. (b)(3)(B). Pub. L. 103–446 substituted "a

Department facility" for "the Department facility".

1991 – Subsec. (a). Pub. L. 102–83, Sec. 4(b)(1), (2)(E),

substituted "Secretary" for "Administrator" in two places.

Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for

"Veterans' Administration".

Subsec. (b). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted

"Secretary" for "Administrator" wherever appearing.

Subsec. (b)(1)(C), (D). Pub. L. 102–83, Sec. 5(c)(1), substituted

"1521" for "521" in subpar. (C) and "1503" for "503" and "1521" for

"521" in subpar. (D).

Subsec. (b)(1)(E), (F). Pub. L. 102–83, Sec. 4(a)(3), (4),

substituted "Department" for "Veterans' Administration".

Subsec. (b)(3)(B). Pub. L. 102–83, Sec. 4(a)(6), substituted

"Department facility" for "Veteran's Administration facility".

Subsec. (c)(1), (2). Pub. L. 102–83, Sec. 4(b)(1), (2)(E),

substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (c)(3). Pub. L. 102–83, Sec. 4(a)(3), (4), substituted

"Department" for "Veterans' Administration".

Subsec. (c)(4), (5). Pub. L. 102–83, Sec. 4(b)(1), (2)(E),

substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (e). Pub. L. 102–83, Sec. 4(a)(3), (4), substituted

"Department" for "Veterans' Administration".

Subsec. (f). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted

"Secretary" for "Administrator".

Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for

"Veterans' Administration".

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

Pub. L. 102-83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

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

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

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

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

Pub. L. 102-83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration" wherever appearing.

1988 – Pub. L. 100-322, Sec. 108(e)(1), substituted "Payments or allowances for beneficiary travel" for "Travel expenses" in section catchline.

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

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

subsec. (d) redesignated (f).

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

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

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

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

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

1976 – Subsec. (a). Pub. L. 94-581, Sec. 101(1), inserted "pursuant to the provisions of this section" after "President".

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

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

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

attendant.

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

EFFECTIVE DATE OF 1988 AMENDMENT

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

EFFECTIVE DATE OF 1979 AMENDMENT

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

EFFECTIVE DATE OF 1976 AMENDMENT

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

TRANSITION PROVISION FOR 1988 AMENDMENT

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

enactment of this Act [May 20, 1988]."

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

Pub. L. 98-160, title I, Sec. 108, Nov. 21, 1983, 97 Stat. 999,
provided that promulgation of guidelines pending issuance of
regulations covering the travel of beneficiaries during an interim
period beginning Jan. 1, 1984, and directed that a report be made
to Congress not later than Apr. 1, 1984, regarding travel payments.

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

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

-EXEC-

EXECUTIVE ORDER NO. 10810

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

EXECUTIVE ORDER NO. 11142

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

EX. ORD. NO. 11302. REGULATIONS GOVERNING ALLOWANCES

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

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

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

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

Sec. 3. Whenever a claimant or beneficiary requires an attendant other than an employee of the Veterans' Administration for the performance of travel specified in Section 1 and 2 hereof, the travel expenses of such attendant may be allowed in the same manner and to the same extent that travel expenses are allowed to such claimant or beneficiary.

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

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

2 hereof.

b. Actual local travel expenses.

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

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

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

—SECRE—

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1701, 1714, 1720, 1728, 1782, 3104 of this title.

—End—

—CITE—

38 USC Sec. 112 01/06/03

—EXPCITE—

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

—HEAD—

Sec. 112. Presidential memorial certificate program

—STATUTE—

(a) At the request of the President the Secretary may conduct a program for honoring the memory of deceased veterans, discharged under honorable conditions, by preparing and sending to eligible

recipients a certificate bearing the signature of the President and expressing the country's grateful recognition of the veteran's service in the Armed Forces. The award of a certificate to one eligible recipient will not preclude authorization of another certificate if a request is received from some other eligible recipient.

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

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

–SOURCE–

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

–MISC1–

AMENDMENTS

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

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

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–330, title II, Sec. 201(d), Dec. 6, 2002, 116 Stat. 2823, provided that: "The amendments made by this section [amending

this section and sections 2301 and 2306 of this title] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Dec. 6, 2002]."

–End–

–CITE–

38 USC Sec. 113 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 113. Treatment of certain programs under sequestration procedures

–STATUTE–

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

(1) Benefits under chapter 21 of this title, relating to specially adapted housing and mortgage-protection life insurance for certain veterans with service-connected disabilities.

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

(3) Benefits under chapter 39 of this title, relating to

automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

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

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

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

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

(1) The following life insurance accounts:

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

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

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

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

(E) The United States Government Life Insurance Fund

authorized by section 1955 of this title.

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

(2) The following revolving fund accounts:

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

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

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

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

(3) In implementation of a sequestration order or law with respect to each account from which a benefit described in paragraph (1) or (2) of this subsection is paid (including the making of determinations of the amounts by which such benefits are to be reduced), the total of the amounts (as estimated by the Secretary

after consultation with the Director of the Congressional Budget Office) by which payments of such benefit will be reduced by reason of such paragraph after the last day of the period during which such order or law is in effect shall be deemed to be additional reductions in the payments of such benefit made, and in new budget authority for such payments, during such period.

(d) In computing the amount of new budget authority by which a budget account of the Department is to be reduced for a fiscal year under a report of the Director of the Office of Management and Budget, or under an order of the President under part C of the Balanced Budget and Emergency Deficit Control Act of 1985, the base from which the amount of the reduction for such account is determined shall be established without regard to any amount of new budget authority in such account (determined under section 251(a)(6) (!1) of such Act) for any of the programs listed in subsection (a) of this section.

(e) This section applies without regard to any other provision of law (whether enacted before, on, or after the date of the enactment of this section) unless such Act expressly provides that it is enacted as a limitation to this section.

(f) For the purposes of this section:

(1) The term "sequestration" means a reduction in spending authority and loan guarantee commitments generally throughout the Government under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other law.

(2) The term "sequestration law" means a law enacted with

respect to a sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other law (under the procedures specified in that Act or otherwise).

(3) The term "sequestration order" means an order of the President issued under part C of such Act.

–SOURCE–

(Added Pub. L. 99–576, title VI, Sec. 601(a)(1), Oct. 28, 1986, 100 Stat. 3287; amended Pub. L. 100–198, Sec. 12(a), Dec. 21, 1987, 101 Stat. 1325; Pub. L. 100–322, title IV, Sec. 411(b), (c), May 20, 1988, 102 Stat. 547; Pub. L. 102–40, title IV, Sec. 402(d)(1), May 7, 1991, 105 Stat. 239; Pub. L. 102–83, Secs. 4(a)(2)(B)(i), (3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 403–406.)

–REFTEXT–

REFERENCES IN TEXT

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsecs. (a), (b), (d), and (f), is title II of Pub.

L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended. Part C of the Act is classified generally to subchapter I (Sec. 900 et seq.) of chapter 20 of Title 2, The Congress. Section 251 of the Act is classified to section 901 of Title 2, and was amended generally by Pub. L. 101–508, title XIII, Sec. 13101(a), Nov. 5, 1990, 104 Stat. 1388–577. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

The date of the enactment of this section, referred to in subsec.

(e), is the date of enactment of Pub. L. 99–576, which was approved

Oct. 28, 1986.

–MISC1–

AMENDMENTS

1991 – Subsec. (a)(2). Pub. L. 102–83, Sec. 5(c)(1), substituted "2307" for "907".

Subsec. (b). Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in introductory provisions.

Subsec. (b)(1). Pub. L. 102–83, Sec. 5(c)(1), substituted "1920" for "720" in subpar. (A), "1922" for "722" in subpar. (B), "1923" for "723" in subpar. (C), "1925" for "725" in subpar. (D), "1955" for "755" in subpar. (E), and "1919" for "719" in subpar. (F).

Subsec. (b)(2)(A). Pub. L. 102–83, Sec. 5(c)(1), substituted "1718(c)" for "618(c)".

Pub. L. 102–83, Sec. 4(a)(2)(B)(i), substituted "Department of Veterans Affairs" for "Veterans' Administration".

Subsec. (b)(2)(B). Pub. L. 102–40 substituted "7804" for "4204".

Subsec. (c)(1). Pub. L. 102–83, Sec. 5(c)(1), substituted "2301, 2302, 2303, 2306, or 2308" for "901, 902, 903, 906, or 908".

Subsec. (c)(3). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (d). Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

1988 – Subsec. (a)(4), (5). Pub. L. 100–322, Sec. 411(b), struck out "(but only with respect to fiscal year 1987)" before period at end.

Subsec. (d). Pub. L. 100–322, Sec. 411(c), substituted "a report of the Director of the Office of Management and Budget" for "a joint report of the Directors of the Office of Management and Budget and the Congressional Budget Office".

1987 – Subsec. (a)(6). Pub. L. 100–198, Sec. 12(a)(1), added par. (6).

Subsec. (c)(2). Pub. L. 100–198, Sec. 12(a)(3), substituted "31, 34, 35, or 36" for "34, or 36".

Subsecs. (e) to (g). Pub. L. 100–198, Sec. 12(a)(2), redesignated subsecs. (f) and (g) as (e) and (f), respectively, and struck out former subsec. (e) which read as follows: "If a final order issued by the President pursuant to a law providing for the cancellation of loan guarantee commitments imposes a limitation on the total amount of loans that may be guaranteed under chapter 37 of this title in any fiscal year, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a monthly report (not later than the 10th day of each month during the remainder of such fiscal year following the issuance of such final order) providing the following information:

"(1) The total amount of the loans for which commitments of guarantees were made under such chapter during the preceding month.

"(2) The total amount of the loans for which commitments were made during the fiscal year through the end of such preceding month.

"(3) The Administrator's estimates as to the total amounts of

the loans for which commitments would, in the absence of any limits on such commitments or guarantees, be made during (A) the month in which the report is required to be submitted, and (B) the succeeding months of the fiscal year."

EFFECTIVE DATE OF 1987 AMENDMENT

Section 12(b) of Pub. L. 100–198 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on November 19, 1987."

EFFECTIVE DATE

Section 601(b) of Pub. L. 99–576 provided that: "Section 113 of title 38, United States Code (as added by subsection (a)), shall apply with respect to a sequestration order issued, or a sequestration law enacted, for a fiscal year after fiscal year 1986."

RESTORATION OF CERTAIN REVOLVING FUNDS

Section 411(a) of Pub. L. 100–322 provided that:

"(1) Notwithstanding section 601(b) of the Veterans' Benefits Improvement and Health–Care Authorization Act of 1986 (Public Law 99–576) [set out as a note above], section 113(b)(2) of title 38, United States Code, shall apply with respect to a sequestration order issued, or a sequestration law enacted, for any fiscal year after fiscal year 1985.

"(2) The Secretary of the Treasury shall take such action as is necessary to implement paragraph (1). Not later than 60 days after the date of the enactment of this Act [May 20, 1988], the Secretary shall submit to the Committees on Veterans' Affairs of the Senate

and House of Representatives a report on the action taken by the Secretary pursuant to that paragraph."

–FOOTNOTE–

(!1) See References in Text note below.

–End–

–CITE–

38 USC Sec. 114 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 114. Multiyear procurement

–STATUTE–

(a) The Secretary may enter into a multiyear contract for the procurement of supplies or services if the Secretary makes each of the following determinations:

(1) Appropriations are available for obligations that are necessary for total payments that would be required during the fiscal year in which the contract is entered into, plus the estimated amount of any cancellation charge payable under the contract.

(2) The contract is in the best interest of the United States by reason of the effect that use of a multiyear, rather than one-year, contract would have in –

(A) reducing costs;

(B) achieving economies in contract administration or in any

other Department activities;

(C) increasing quality of performance by or service from the

contractors; or

(D) encouraging effective competition.

(3) During the proposed contract period –

(A) there will be a continuing or recurring need for the

supplies or services being procured;

(B) there is not a substantial likelihood of substantial

changes in the need for such supplies or services in terms of

the total quantity of such supplies or services or of the rate

of delivery of such supplies or services; and

(C) the specifications for the supplies or services are

expected to be reasonably stable.

(4) The risks relating to the prospective contractor's ability

to perform in accordance with the specifications and other terms

of the contract are not excessive.

(5) The use of a multiyear contract will not inhibit small

business concerns in competing for the contract.

(6) In the case of the procurement of a pharmaceutical item for

which a patent has expired less than four years before the date

on which the solicitation of offers is issued, there is no

substantial likelihood that increased competition among potential

contractors would occur during the term of the contract as the

result of the availability of generic equivalents increasing

during the term of the contract.

(b)(1) A multiyear contract authorized by this section shall contain –

(A) a provision that the obligation of the United States under the contract during any fiscal year which is included in the contract period and is subsequent to the fiscal year during which the contract is entered into is contingent on the availability of sufficient appropriations (as determined by the Secretary pursuant to paragraph (2)(A) of this subsection) if, at the time the contract is entered into, appropriations are not available to cover the total estimated payments that will be required during the full term of the contract; and

(B) notwithstanding section 1502(a) of title 31, a provision for the payment of reasonable cancellation charges to compensate the contractor for nonrecurring, unrecovered costs, if any, if the performance is cancelled pursuant to the provision required by subparagraph (A) of this paragraph.

(2)(A) If, during a fiscal year after the fiscal year during which a multiyear contract is entered into under this section, the Secretary determines that, in light of other funding needs involved in the operation of Department programs, the amount of funds appropriated for such subsequent fiscal year is not sufficient for such contract, the Secretary shall cancel such contract pursuant to the provisions required by paragraph (1)(A) of this subsection.

(B) Cancellation charges under a multiyear contract shall be paid from the appropriated funds which were originally available for performance of the contract or the payment of cancellation costs

unless such funds are not available in an amount sufficient to pay the entire amount of the cancellation charges payable under the contract. In a case in which such funds are not available in such amount, funds available for the procurement of supplies and services for use for the same purposes as the supplies or services procured through such contract shall be used to the extent necessary to pay such cost.

(c) Nothing in this section shall be construed so as to restrict the Secretary's exercise of the right to terminate for convenience a contract under any other provision of law which authorizes multiyear contracting.

(d) The Secretary shall prescribe regulations for the implementation of this section.

(e) For the purposes of this section:

(1) The term "appropriations" has the meaning given that term in section 1511 of title 31.

(2) The term "multiyear contract" means a contract which by its terms is to remain in effect for a period which extends beyond the end of the fiscal year during which the contract is entered into but not beyond the end of the fourth fiscal year following such fiscal year. Such term does not include a contract for construction or for a lease of real property.

(3) The term "nonrecurring, unrecovered costs" means those costs reasonably incurred by the contractor in performing a multiyear contract which (as determined under regulations prescribed under subsection (d) of this section) are generally

incurred on a one-time basis.

–SOURCE–

(Added Pub. L. 100–322, title IV, Sec. 404(a), May 20, 1988, 102 Stat. 545; amended Pub. L. 101–237, title VI, Sec. 601(a), (b)(1), Dec. 18, 1989, 103 Stat. 2094; Pub. L. 102–83, Sec. 4(a)(3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405.)

–MISC1–

AMENDMENTS

1991 – Subsec. (a). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places in introductory provisions.

Subsec. (a)(2)(B). Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

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

Subsec. (b)(2)(A). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Pub. L. 102–83, Sec. 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Subsec. (c). Pub. L. 102–83, Sec. 4(b)(1), (2)(E), substituted "Secretary's" for "Administrator's".

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

1989 – Pub. L. 101–237, Sec. 601(b)(1), struck out "for certain medical items" after "Multiyear procurement" in section catchline.

Subsec. (a). Pub. L. 101–237, Sec. 601(a)(1), struck out "for use

in Veterans' Administration health-care facilities" after "supplies or services".

Subsec. (b)(2)(A). Pub. L. 101-237, Sec. 601(a)(2), struck out "health-care" before "programs, the amount".

Subsec. (e)(2) to (4). Pub. L. 101-237, Sec. 601(a)(3), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: "The term 'cancel' or 'cancellation' refers to the termination of a contract by the Administrator as required under paragraph (2)(B)(i) of this subsection."

-End-

-CITE-

38 USC Sec. 115 01/06/03

-EXPCITE-

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

-HEAD-

Sec. 115. Acquisition of real property

-STATUTE-

For the purposes of sections 314, 315, 316, and 2406 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property –

(1) before title to the property is approved under section 3111 of title 40; and

(2) even though the property will be held in other than a fee

simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.

–SOURCE–

(Added Pub. L. 102–86, title IV, Sec. 402(a), Aug. 14, 1991, 105 Stat. 422; amended Pub. L. 102–83, Sec. 5(c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–446, title XII, Sec. 1201(d)(1), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 107–217, Sec. 3(j)(1), Aug. 21, 2002, 116 Stat. 1300.)

–MISC1–

AMENDMENTS

2002 – Par. (1). Pub. L. 107–217 substituted "section 3111 of title 40" for "section 355 of the Revised Statutes (40 U.S.C. 255)".

1994 – Pub. L. 103–446 substituted "sections 314, 315, 316," for "sections 230" in introductory provisions.

1991 – Pub. L. 102–83 substituted "2406" for "1006" in introductory provisions.

–End–

–CITE–

38 USC Sec. 116 01/06/03

–EXPCITE–

TITLE 38 – VETERANS' BENEFITS

PART I – GENERAL PROVISIONS

CHAPTER 1 – GENERAL

–HEAD–

Sec. 116. Reports to Congress: cost information

–STATUTE–

Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report –

- (1) a statement of the cost of preparing the report; and
- (2) a brief explanation of the methodology used in preparing that cost statement.

–SOURCE–

(Added Pub. L. 106–419, title IV, Sec. 403(d)(1)(A), Nov. 1, 2000, 114 Stat. 1864.)

–MISC1–

EFFECTIVE DATE

Pub. L. 106–419, title IV, Sec. 403(d)(2), Nov. 1, 2000, 114 Stat. 1864, provided that: "Section 116 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90–day period beginning on the date of the enactment of this Act [Nov. 1, 2000]."

–End–