§ 101. Definitions

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 subparagraph (B) or (C) of section 1965(10) 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.


(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 Navy 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.

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

Amendments


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.”

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.”


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


Par. (20). Pub. L. 102–83, § 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.


1988—Par. (22)(D). Pub. L. 100–456, § 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. (28). Pub. L. 100–322, § 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, § 311, struck out “during a period other than a period of war in which such person was held” before “under circumstances which”.


Par. (31). Pub. L. 99–576, § 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, § 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)(D), (E). Pub. L. 97–306, § 113(a)(2), (3), added subpar. (D) and redesignated former subpar. (D) as (E).


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.”
38 USC 101

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/usprint.html).


1975—Par. (3). Pub. L. 94–169, § 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, § 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, § 101(1)(C), substituted “before the veteran’s entry” for “before his entry”.


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.


Par. (21)(C). Pub. L. 91–621, § 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, § 6(a)(2), inserted “the National Oceanic and Atmospheric Administration or its predecessor organization” before “the Coast and Geodetic Survey”.


Par. (25)(D). Pub. L. 91–24, § 1(b), substituted “Secretary of Transportation” for “Secretary of the Treasury”.

1967—Par. (11). Pub. L. 90–77, § 201(a), included Vietnam era within definition of “period of war” and substituted “the date” for “a date”.


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.


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 2006 Amendment

Pub. L. 109–461, title X, § 1004(b), Dec. 22, 2006, 120 Stat. 3466, provided that the amendment made by section 1004(b) is effective Nov. 25, 2002.


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, § 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(c) 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, § 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)(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


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 [§§ 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


Short Title of 2011 Amendment

Pub. L. 112–56, title II, § 201, Nov. 21, 2011, 125 Stat. 712, provided that: “This title [see Tables for classification] may be cited as the ‘VOW to Hire Heroes Act of 2011’.”

Pub. L. 112–53, § 1, Nov. 9, 2011, 125 Stat. 548, 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 2011’.”


Pub. L. 112–26, § 1, Aug. 3, 2011, 125 Stat. 268, provided that: “This Act [amending section 3729 of this title and enacting provisions set out as notes under sections 3313 and 3729 of this title] may be cited as the ‘Restoring GI Bill Fairness Act of 2011’.”
Short Title of 2010 Amendment


Pub. L. 111–275, title V, § 502(a), Oct. 13, 2010, 124 Stat. 2882, provided that: “This section [amending sections 107, 2301, 2306, and 2402 of this title and enacting provisions set out as notes under sections 107 and 2402 of this title] may be cited as the ‘Corey Shea Act’.”


Short Title of 2009 Amendment


Pub. L. 111–37, § 1, June 30, 2009, 123 Stat. 1927, provided that: “This Act [amending sections 1114, 1115, 1162, 1311, and 1313 to 1315 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 2009’.”

Short Title of 2008 Amendment


1720A, 1803, 2044, 7311, and 8119 of this title, amending provisions set out as notes under sections 1710B and 1712A of this title, and repealing provisions set out as a note under section 7333 of this title may be cited as the ‘Veterans’ Mental Health and Other Care Improvements Act of 2008’.


Pub. L. 110–252, title I, § 1303(d), June 30, 2008, 122 Stat. 2328, provided that: “This section [enacting section 5302A of this title and provisions set out as notes under section 5302A of this title] may be cited as the ‘Combat Veterans Debt Elimination Act of 2008’.”

Pub. L. 110–252, title V, § 5001, June 30, 2008, 122 Stat. 2357, provided that: “This title [enacting chapter 33 of this title and sections 16132a and 16163a of Title 10, Armed Forces, amending sections 3015, 3020, 3033, 3485, 3674, 3688 to 3690, 3692, 3695, 3697, and 3697A of this title and sections 16133 and 16163 of Title 10, and enacting provisions set out as notes under sections 3015 and 3031 of this title and section 16163 of Title 10] may be cited as the ‘Post-9/11 Veterans Educational Assistance Act of 2008’.”

Short Title of 2007 Amendment


Pub. L. 110–110, § 1, Nov. 5, 2007, 121 Stat. 1031, provided that: “This Act [enacting section 1720F of this title and provisions set out as a note under section 1720F of this title] may be cited as the ‘Joshua Omvig Veterans Suicide Prevention Act’.”

Short Title of 2006 Amendment


Pub. L. 109–228, § 1, May 29, 2006, 120 Stat. 387, provided that: “This Act [enacting section 2413 of this title, section 1387 of Title 18, Crimes and Criminal Procedure, and provisions set out as a note under section 2413 of this title] may be cited as the ‘Respect for America’s Fallen Heroes Act’.”

Short Title of 2005 Amendments


Pub. L. 108–422, § 1(a), Nov. 30, 2004, 118 Stat. 2379, provided that: “This Act [enacting sections 1744, 7327, 7328, and 8118 of this title, amending sections 305, 1703, 1710B, 1720D, 1741, 2013, 7401, 7803, 8104, 8109, 8111, 8122, and 8164 to 8166 of this title, repealing section 8116 of this title, enacting provisions set out as notes under sections 1710B, 1744, 7327, 7328, 7451, 8110, and 8118 of this title, and amending provisions set out as a note under section 1710B of this title] may be cited as the ‘Veterans Health Programs Improvement Act of 2004’.”


Short Title of 2003 Amendments


Pub. L. 108–170, § 1(a), Dec. 6, 2003, 117 Stat. 2042, provided that: “This Act [enacting sections 7307 and 7364A of this title, amending sections 516, 701, 1710A, 1712, 1718, 1720, 1722A, 1734, 2041, 2065, 7303, 7316, 7321, 7366, 7368, 7401 to 7405, 7409, 7421, 7454, 7802, 8104, 8107, 8121, 8153, and 8163 to 8165 of this title and section 1680B of Title 25, Indians, enacting provisions set out as notes under sections 7316, 7401, 7454, and 8121 of this title and section 1680F of Title 25, and amending provisions set out as notes under sections 1710B and 1712A of this title] may be cited as the ‘Veterans Health Care, Capital Asset, and Business Improvement Act of 2003’.”


Short Title of 2002 Amendments


38 USC 101

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscpint.html).

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. 107–95, § 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’.


Short Title of 2000 Amendments

Pub. L. 106–475, § 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’.


Short Title of 1998 Amendments


Pub. L. 105–368, title VIII, § 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’.”


**Short Title of 1997 Amendments**


Pub. L. 105–98, § 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’.”


**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’.”


**Short Title of 1995 Amendment**


**Short Title of 1994 Amendments**


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. 103–271, § 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, § 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’.”


**Short Title of 1992 Amendments**


**Short Title of 1991 Amendments**


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’.”


Short Title of 1990 Amendment


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, § 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, § 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, § 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, § 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.


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. 100–253, § 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. 100–48, § 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, § 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’.”


Short Title of 1985 Amendment

Short Title of 1984 Amendments


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

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, § 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’.”


Short Title of 1981 Amendments


Short Title of 1980 Amendments


Short Title of 1979 Amendments
Pub. L. 96–151, § 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, § 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’.


Short Title of 1977 Amendments


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’.


Short Title of 1976 Amendments


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’.


Short Title of 1974 Amendments


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, § 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’.”


Pub. L. 89–785, § 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’.”

Pub. L. 86–211, § 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’.”
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.

Coordination of Provisions With Pub. L. 109–444

Pub. L. 109-461, title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3468, provided that: “If this Act is enacted after the enactment of the Veterans Programs Extension Act of 2006 [Pub. L. 109–444, approved Dec. 21, 2006], then as of the date of the enactment of this Act [Dec. 22, 2006], the Veterans Programs Extension Act of 2006 [see Tables for classification] and the amendments made by that Act shall be deemed for all purposes not to have taken effect and the Veterans Programs Extension Act of 2006 and the amendments made by that Act shall cease to be in effect.”

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, § 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


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.

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.

**Secretary and Department Defined**

Pub. L. 106–17, § 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, § 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.”