

Public Law 85-56

AN ACT

June 17, 1957
[H. R. 53]

To consolidate into one Act, and to simplify and make more uniform, the laws administered by the Veterans' Administration relating to compensation, pension, hospitalization, and burial benefits, and to consolidate into one Act the laws pertaining to the administration of the laws administered by the Veterans' Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, divided into titles and sections according to the following Table of Contents, may be cited as the "Veterans' Benefits Act of 1957".

Veterans' Benefits Act of 1957.

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TITLE I—GENERAL

DEFINITIONS

SEC. 101. For the purposes of this Act—

(1) The term "Administrator" means the Administrator of Veterans' Affairs.

(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 "widow" means a woman who, according to the law of the place where the parties resided when the marital relationship began or ended, was the lawful wife of a veteran at the time of his death, and who lived with him continuously from the date of marriage to the date of his death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the wife) and who has not remarried (unless the purported remarriage is void).

(4) The term "child" means a person who is unmarried and—

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

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

(C) who, after attaining the age of eighteen years and until completion of education or training (but not after attaining the age of twenty-one 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 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 Administrator to be the father of such child.

(5) The term "parent" means 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 his 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 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 "Indian Wars" means the campaigns, engagements, and expeditions of the United States military forces against Indian tribes or nations, service in which has been recognized heretofore as pensionable service.

(11) The term "military, naval, or air service" means service in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, including the reserve components thereof.

(12) The term "period of war" means the Spanish-American War, World War I, World War II, the Korean conflict, and the period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress.

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

(14) The term "compensation" means a monthly payment made by the Administrator to a veteran because of service-connected disability, or to a widow, child, or parent of a veteran because of the service-connected death of the veteran occurring before January 1, 1957.

(15) The term "dependency and indemnity compensation" means a monthly payment made by the Administrator to a widow, child, or parent (A) because of a service-connected death occurring after Decem-

ber 31, 1956, or (B) pursuant to the election of a widow, child, or parent, in the case of such a death occurring before January 1, 1957.

(16) The term "pension" means a monthly payment made by the Administrator to a veteran because of service, age, or non-service-connected disability, or to a widow or child of a veteran because of the non-service-connected death of the veteran.

(17) 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.

(18) 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.

DEPENDENT PARENTS

SEC. 102. (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 Administrator.

(b) Dependency of a parent shall not be denied (1) solely because of remarriage, or (2) in any case in the United States, its Territories, Commonwealths, and possessions, where the monthly income for a mother or father, not living together, does not exceed \$105, or where the monthly income for a mother and father living together does not exceed \$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.

(c) For the purposes of this section in determining monthly income the Administrator shall not consider any payments made by the United States because of disability or death under laws administered by the Veterans' Administration.

Post, p. 632.

DETERMINATION OF DATE OF MARRIAGE

SEC. 103. Where a widow 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 marriage has been met.

Post, p. 485.

APPROVAL OF EDUCATIONAL INSTITUTIONS

SEC. 104. (a) For the purpose of determining whether or not benefits are payable under this Act and title II of the Servicemen's and Veterans' Survivor Benefits Act for a child over the age of eighteen years and under the age of twenty-one years who is attending a school, college, academy, seminary, technical institute, university, or other educational institution, the Administrator may approve or disapprove such educational institutions.

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

70 Stat. 862.
38 USC 1111.

LINE OF DUTY AND MISCONDUCT

SEC. 105. An injury or disease incurred during 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 the result of his own willful misconduct: *Provided*, That 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 him to report and receive treatment for such disease: *Provided further*, That 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 without leave materially interfering with the performance of military duties; or (2) was confined under sentence of court-martial or civil court: *Provided, however*, That disease, injury, or death incurred without willful misconduct on the part of the service person shall be deemed to have been incurred in line of duty if the sentence of the court-martial did not involve an unremitted dishonorable discharge or if the offense for which convicted by civil court did not involve a felony as defined under the laws of the jurisdiction where the service person was convicted by such civil court.

DISCHARGE OR RELEASE INCLUDES RETIREMENT

SEC. 106. For the purposes of all laws administered by the Veterans' Administration, retirement of an individual from the military, naval, or air service shall be considered to be a discharge or release from such service.

TITLE II—VETERANS' ADMINISTRATION; OFFICERS AND EMPLOYEES

PART A—VETERANS' ADMINISTRATION

VETERANS' ADMINISTRATION AN INDEPENDENT AGENCY

SEC. 201. The Veterans' Administration is an independent establishment in the executive branch of the Government, especially created for or concerned in the administration of laws relating to the relief and other benefits provided by law for veterans, their dependents, and their beneficiaries.

SEAL OF THE VETERANS' ADMINISTRATION

SEC. 202. The seal of the Veterans' Administration shall be judicially noticed. Copies of any public documents, records, or papers belonging to or in the files of the Veterans' Administration, when authenticated by the seal and certified by the Administrator or by any employee of the Veterans' Administration to whom proper authority shall have been delegated in writing by the Administrator, shall be evidence equal with the originals thereof.

PART B—ADMINISTRATOR OF VETERANS' AFFAIRS

APPOINTMENT AND GENERAL AUTHORITY OF ADMINISTRATOR

SEC. 210. (a) The Administrator of Veterans' Affairs is the head of the Veterans' Administration. He is appointed by the President, by and with the advice and consent of the Senate. He shall receive a salary of \$21,000 a year, payable monthly.

(b) The Administrator, under the direction of the President, is responsible for the proper execution and administration of all laws

administered by the Veterans' Administration and for the control, direction, and management of the Veterans' Administration. Except to the extent inconsistent with law, he may consolidate, eliminate, abolish, or redistribute the functions of the bureaus, agencies, offices, or activities in the Veterans' Administration, create new bureaus, agencies, offices, or activities therein, and fix the functions thereof and the duties and powers of their respective executive heads.

(c) The Administrator has authority to make all rules and regulations which are necessary or appropriate to carry out the laws administered by the Veterans' Administration and are consistent therewith, including regulations with respect to the nature and extent of proofs and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws, the forms of application by claimants under such laws, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards.

DECISIONS BY ADMINISTRATOR; OPINIONS OF ATTORNEY GENERAL

SEC. 211. (a) Except as provided in section 19 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 455), section 617 of the National Service Life Insurance Act of 1940 (38 U. S. C., sec. 817), section 261 (a) of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C., sec. 971 (a)), and section 501 (a) of the War Orphans' Educational Assistance Act of 1956 (38 U. S. C., sec. 1033 (a)), the decisions of the Administrator on any question of law or fact concerning a claim for benefits or payments under any law administered by the Veterans' Administration shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decision.

(b) The Administrator may require the opinion of the Attorney General on any question of law arising in the Administration of the Veterans' Administration.

DELEGATION OF AUTHORITY AND ASSIGNMENT OF DUTIES

SEC. 212. (a) The Administrator may assign duties, and delegate authority to render decisions, with respect to all laws administered by the Veterans' Administration, to such officers and employees as he may find necessary. Within the limitations of such delegations or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Administrator.

(b) There shall be included on the technical and administrative staff of the Administrator such staff officers, experts, inspectors, and assistants (including legal assistants), as the Administrator may prescribe.

REPORTS TO THE CONGRESS

SEC. 213. The Administrator shall make annually, at the close of each fiscal year, a report in writing to the Congress, giving an account of all moneys received and disbursed by the Veterans' Administration, describing the work done, and stating the activities of the Veterans' Administration for such fiscal year.

PUBLICATION OF LAWS RELATING TO VETERANS

SEC. 214. The Administrator may compile and publish all Federal laws relating to veterans' relief, including such laws as are administered by the Veterans' Administration as well as by other agencies of

43 Stat. 612.
38 USC 445.

60 Stat. 788.
66 Stat. 678.

70 Stat. 419.

the Government, in such form as he deems advisable for the purpose of making currently available in convenient form for the use of the Veterans' Administration and full-time representatives of the several service organizations an annotated, indexed, and cross-referenced statement of the laws providing veterans' relief. The Administrator may maintain such compilation on a current basis either by the publication, from time to time, of supplementary documents or by complete revision of the compilation. The distribution of the compilation to the representatives of the several service organizations shall be as determined by the Administrator.

RESEARCH BY ADMINISTRATOR

SEC. 215. (a) The Administrator shall conduct research in the field of prosthesis, prosthetic appliances, orthopedic appliances, and sensory devices.

(b) In order that the unique investigative materials and research data in the possession of the Government may result in improved prosthetic appliances for all disabled persons, the Administrator may make available to any person the results of his research.

(c) There is authorized to be appropriated annually \$1,000,000, to remain available until expended, to carry out this section.

TRANSCRIPT OF TRIAL RECORDS

SEC. 216. The Administrator may purchase transcripts of the record, including all evidence, of trial of litigated cases.

PART C—VETERANS' ADMINISTRATION REGIONAL OFFICES; EMPLOYEES

CENTRAL AND REGIONAL OFFICES

SEC. 230. (a) The Central Office of the Veterans' Administration shall be in the District of Columbia. The Administrator may establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as he deems necessary.

(b) The Administrator may exercise authority under this section in territory of the Republic of the Philippines until June 30, 1960.

PLACEMENT OF EMPLOYEES IN MILITARY INSTALLATIONS

SEC. 231. The Administrator may place officers and employees of the Veterans' Administration in such Army, Navy, and Air Force installations as may be deemed advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Armed Forces who are about to be discharged or released from active military, naval, or air service.

EMPLOYMENT OF TRANSLATORS

SEC. 232. The Administrator may contract for the services of translators, without regard to the Act of August 5, 1882 (5 U. S. C., secs. 39, 46, and 50) and the Classification Act of 1949.

63 Stat. 954, 972.
5 USC 1071 note.

EMPLOYEES' APPAREL; SCHOOL TRANSPORTATION; RECREATIONAL
EQUIPMENT; VISUAL EXHIBITS

SEC. 233. The Administrator, subject to such limitations as he may prescribe, may—

(1) furnish and launder such wearing apparel as may be prescribed for employees in the performance of their official duties;

(2) transport children of Veterans' Administration employees located at isolated stations to and from school in available Government-owned automotive equipment;

(3) provide recreational facilities, supplies, and equipment for the use of patients in hospitals, and employees in isolated installations; and

(4) provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures and other visual educational information and descriptive material.

For the purposes of subparagraph (4), the Administrator may purchase or rent equipment.

TELEPHONE SERVICE FOR MEDICAL OFFICERS

SEC. 234. The Administrator may pay for official telephone service and rental in the field whenever incurred in case of official telephones for medical officers of the Veterans' Administration where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations established by the Administrator.

COURSES OF INSTRUCTION FOR PROFESSIONAL PERSONNEL

SEC. 235. (a) The Administrator may provide courses of instruction for the professional personnel of the Veterans' Administration, and may detail employees to attend such courses.

(b) The Administrator may detail not more than 2 per centum of the professional personnel of the Veterans' Administration to attend professional courses conducted by agencies other than the Veterans' Administration.

(c) Employees detailed to attend courses under this section shall in addition to their salaries be paid their expenses incident to such detail, including transportation.

(d) This section does not authorize travel or instruction outside the forty-eight States and the District of Columbia.

TITLE III—COMPENSATION FOR SERVICE-
CONNECTED DISABILITY OR DEATH

PART A—GENERAL

DEFINITIONS

SEC. 301. For the purposes of this title—

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

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

(A) any period of service performed by him after November 11, 1918, and before July 2, 1921, if such veteran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918; and

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

(3) The term "chronic disease" includes—

- Anemia, primary
- Arteriosclerosis
- Arthritis
- Atrophy, progressive muscular
- Brain hemorrhage
- Brain thrombosis
- Bronchiectasis
- Calculi of the kidney, bladder, or gallbladder
- Cardiovascular-renal disease, including hypertension
- Cirrhosis of the liver
- Coccidioidomycosis
- Diabetes mellitus
- Encephalitis lethargica residuals
- Endocarditis
- Endocrinopathies
- Epilepsies
- Hodgkin's disease
- Leprosy
- Leukemia
- Myasthenia gravis
- Myelitis
- Myocarditis
- Nephritis
- Other organic diseases of the nervous system
- Osteitis deformans (Paget's disease)
- Osteomalacia
- Palsy, bulbar
- Paralysis agitans
- Psychoses
- Purpura idiopathic, hemorrhagic
- Raynaud's disease
- Sarcoidosis
- Scleroderma
- Sclerosis, amyotrophic lateral
- Sclerosis, multiple
- Syringomyelia
- Thromboangiitis obliterans (Buerger's disease)
- Tuberculosis, active
- Tumors, malignant, or of the brain or spinal cord or peripheral nerves

Ulcers, peptic (gastric or duodenal)
and such other chronic diseases as the Administrator may add to this list;

(4) The term "tropical disease" includes—

- Amebiasis
- Blackwater fever
- Cholera
- Dracontiasis
- Dysentery
- Filiariasis
- Leishmaniasis, including kala-azar
- Leprosy
- Loiasis
- Malaria
- Onchocerciasis

Oroya fever
 Pinta
 Plague
 Schistosomiasis
 Yaws
 Yellow fever

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

SPECIAL PROVISIONS RELATING TO WIDOWS

Post, p. 485.

SEC. 302. No compensation shall be paid to the widow of a veteran under this title unless she was married to him—

- (1) before the expiration of ten years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or
- (2) for ten or more years.

The foregoing shall not be applicable to any widow who, with respect to date of marriage, could have qualified as a widow for death compensation under any law administered by the Veterans' Administration in effect on the day before the effective date of this Act.

PART B—WARTIME DISABILITY COMPENSATION

BASIC ENTITLEMENT

SEC. 310. For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during a period of war, the United States will pay to any veteran thus disabled and who was discharged under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as hereinafter provided in this part, but no compensation shall be paid if the disability is the result of the veteran's own willful misconduct.

PROVISIONAL ACCEPTANCE

SEC. 311. Any person who, after April 5, 1917, and before November 12, 1918, (1) applied for enlistment or enrollment in the active military, naval, or air service and was provisionally accepted and directed or ordered to report to a place for final acceptance into such service, or (2) was drafted for military, naval, or air service and after reporting pursuant to the call of his local draft board and prior to rejection, or (3) after being called into the Federal service as a member of the National Guard but before being enrolled for the Federal service, suffered an injury or contracted a disease in line of duty and not the result of his own misconduct, will be considered to have incurred such disability in the active military, naval, or air service. Such person and the survivors of any such person who died from such disability before January 1, 1957, will be entitled to compensation provided by this title for veterans of World War I and their dependents.

PRESUMPTION OF SOUND CONDITION

SEC. 312. For the purposes of section 310, every veteran shall be taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or

disease existed before acceptance and enrollment and was not aggravated by such service.

PRESUMPTIONS RELATING TO CERTAIN DISEASES

SEC. 313. For the purposes of section 310, and subject to the provisions of section 314, in the case of any veteran who served for ninety days or more during a period of war—

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

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

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

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

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

PRESUMPTIONS REBUTTABLE

SEC. 314. (a) Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases within the purview of section 313, has been suffered between the date of separation from service and the onset of any of such diseases, or the disability is due to the veteran's own misconduct, service connection pursuant to section 313 will not be in order.

(b) Nothing in section 313 or subsection (a) of this section shall be construed to prevent the granting of service connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, or air service.

RATES OF WARTIME DISABILITY COMPENSATION

SEC. 315. For the purposes of section 310—

(a) if and while the disability is rated 10 per centum the monthly compensation shall be \$17;

(b) if and while the disability is rated 20 per centum the monthly compensation shall be \$33;

(c) if and while the disability is rated 30 per centum the monthly compensation shall be \$50;

(d) if and while the disability is rated 40 per centum the monthly compensation shall be \$66;

(e) if and while the disability is rated 50 per centum the monthly compensation shall be \$91;

(f) if and while the disability is rated 60 per centum the monthly compensation shall be \$109;

(g) if and while the disability is rated 70 per centum the monthly compensation shall be \$127;

(h) if and while the disability is rated 80 per centum the monthly compensation shall be \$145;

(i) if and while the disability is rated 90 per centum the monthly compensation shall be \$163;

(j) if and while the disability is rated as total the monthly compensation shall be \$181;

(k) if the veteran, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, the rate of compensation therefor shall be \$47 per month independent of any other compensation provided in subsections (a) through (j) of this section; and in the event of anatomical loss or loss of use of a creative organ, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subsections (l) through (n) of this section, the rate of compensation shall be increased by \$47 per month for each such loss or loss of use, but in no event to exceed \$420 per month;

(l) if the veteran, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with $5/200$ visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly compensation shall be \$279;

(m) if the veteran, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly compensation shall be \$329;

(n) if the veteran, as the result of service-incurred disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly compensation shall be \$371;

(o) if the veteran, as the result of service-incurred disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more subsections (l) through (n) of this section, no condition being considered twice in the determination, or has suffered total deafness in combination with total blindness with $5/200$ visual acuity or less, the monthly compensation shall be \$420;

(p) in the event the veteran's service-incurred disabilities exceed the requirements for any of the rates prescribed in this section, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of \$420; and

(q) if the veteran is shown to have had a service-incurred disability resulting from an active tuberculous disease, which disease in the judgment of the Administrator has reached a condition of complete arrest, the monthly compensation shall be not less than \$67.

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 316. (a) Any veteran entitled to compensation at the rates provided in section 315, and whose disability is rated not less than

50 per centum, shall be entitled to additional compensation for dependents in the following monthly amounts:

- (1) If and while rated totally disabled and—
- (A) has a wife but no child living, \$21;
 - (B) has a wife and one child living, \$35;
 - (C) has a wife and two children living, \$45.50;
 - (D) has a wife and three or more children living, \$56;
 - (E) has no wife but one child living, \$14;
 - (F) has no wife but two children living, \$24.50;
 - (G) has no wife but three or more children living, \$35; and
 - (H) has a mother or father, either or both dependent upon him for support, then, in addition to the above amounts, \$17.50 for each parent so dependent.

(2) If and while rated partially disabled, but not less than 50 per centum, in an amount having the same ratio to the amount specified in paragraph (1) as the degree of his disability bears to total disability.

(b) The additional compensation for a dependent or dependents provided by this section shall not be payable to any veteran during any period he is in receipt of an increased rate of subsistence allowance or education and training allowance on account of a dependent or dependents under any other law administered by the Veterans' Administration.

The veteran may elect to receive whichever is the greater.

PART C—WARTIME DEATH COMPENSATION

BASIC ENTITLEMENT

SEC. 321. The surviving widow, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 (or after April 30, 1957, under the circumstances described in section 501 (a) (3) (B) of the Servicemen's and Veterans' Survivor Benefits Act) as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during a period of war, shall be entitled to receive compensation at the monthly rates specified in section 322.

70 Stat. 880.
38 USC 823note.

RATES OF WARTIME DEATH COMPENSATION

SEC. 322. The monthly rates of death compensation shall be as follows:

- (1) Widow but no child, \$87;
- (2) Widow with one child, \$121 (with \$29 for each additional child);
- (3) No widow but one child, \$67;
- (4) No widow but two children, \$94 (equally divided);
- (5) No widow but three children, \$122 (equally divided) (with \$23 for each additional child, total amount to be equally divided);
- (6) Dependent mother or father, \$75;
- (7) Dependent mother and father, \$40 each.

PART D—PEACETIME DISABILITY COMPENSATION

BASIC ENTITLEMENT

SEC. 331. For disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during other than a period of war, the United States will pay to any veteran thus disabled and who was dis-

charged under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as hereinafter provided in this part, but no compensation shall be paid if the disability is the result of the veteran's own willful misconduct.

PROVISIONAL ACCEPTANCE

SEC. 332. Any person, who, after August 26, 1940, and before January 1, 1947, or during the Korean conflict (1) applied for enlistment or enrollment in the active military, naval, or air service and was provisionally accepted and directed or ordered to report to a place for final acceptance into such service, (2) was selected for military, naval, or air service and after reporting pursuant to the call of his local draft board and prior to rejection, or (3) after being called into the Federal service as a member of the National Guard but before being enrolled for the Federal service, suffered an injury or contracted a disease in line of duty and not the result of his own misconduct, will be considered to have incurred such disability in the active military, naval, or air service. Such person and the survivors of any such person who died from such disability before January 1, 1957, will be entitled to compensation provided by this title for veterans of service during other than a period of war and their dependents. If the disability was incurred during World War II or the Korean conflict, the applicable rates of compensation provided by parts B and C shall be payable.

PRESUMPTION OF SOUND CONDITION

SEC. 333. For the purposes of section 331, every person employed in the active military, naval, or air service for six months or more shall be taken to have been in sound condition when examined, accepted and enrolled for service, except as to defects, infirmities, or disorders noted at the time of the examination, acceptance and enrollment, or where evidence or medical judgment is such as to warrant a finding that the disease or injury existed before acceptance and enrollment.

PRESUMPTIONS RELATING TO CERTAIN DISEASES

SEC. 334. (a) For the purposes of section 331, and subject to the provisions of subsections (b) and (c) of this section, any veteran who served for six months or more and contracts a tropical disease or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease, or as a preventative thereof, shall be deemed to have incurred such disability in the active military, naval, or air service when it is shown to exist within one year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period thereof commenced during active service.

(b) Service connection shall not be granted pursuant to subsection (a), in any case where the disease or disorder is shown by clear and unmistakable evidence to have had its inception before or after active service.

(c) Nothing in this section shall be construed to prevent the granting of service connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active service.

RATES OF PEACETIME DISABILITY COMPENSATION

SEC. 335. For the purposes of section 331 of this Act, the compensation payable for the disability shall be equal to 80 per centum of the compensation payable for such disability under section 315 of this Act, adjusted upward or downward to the nearest dollar.

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 336. Any veteran entitled to compensation at the rates provided in section 335, and whose disability is rated not less than 50 per centum, shall be entitled to additional monthly compensation for dependents equal to 80 per centum of the additional compensation for dependents provided in section 316, and subject to the limitations thereof.

CONDITIONS UNDER WHICH WARTIME RATES PAYABLE

SEC. 337. Any veteran otherwise entitled to compensation under the provisions of this part shall be entitled to receive the rate of compensation provided in sections 315 and 316 of this Act, if the disability of such veteran resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, (2) while engaged in extrahazardous service, including such service under conditions simulating war, or (3) after December 31, 1946, and before July 26, 1947.

PART E—PEACETIME DEATH COMPENSATION

BASIC ENTITLEMENT

SEC. 341. The surviving widow, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 (or after April 30, 1957, under the circumstances described in section 501 (a) (3) (B) of the Servicemen's and Veterans' Survivor Benefits Act) as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during other than a period of war, shall be entitled to receive compensation as hereinafter provided in this part.

70 Stat. 880.
38 USC 823 note.

RATES OF PEACETIME DEATH COMPENSATION

SEC. 342. For the purposes of section 341, the monthly rates of death compensation payable shall be equal to 80 per centum of the rates prescribed by section 322.

CONDITIONS UNDER WHICH WARTIME RATES PAYABLE

SEC. 343. The dependents of any deceased veteran otherwise entitled to compensation under the provisions of this part shall be entitled to receive the rate of compensation provided in section 322 of this Act, if the death of such veteran resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, (2) while engaged in extrahazardous service, including such service under conditions simulating war, or (3) after December 31, 1946, and before July 26, 1947, or (4) while the United States was engaged in any war before April 21, 1898.

PART F—GENERAL COMPENSATION PROVISIONS

BENEFITS FOR PERSONS DISABLED BY TREATMENT

SEC. 351. Where any veteran shall have suffered an injury, or an aggravation of an injury, as the result of vocational rehabilitation training, hospitalization, or medical or surgical treatment, awarded him under any of the laws administered by the Veterans' Administration, or as a result of having submitted to an examination under any such law and not the result of his misconduct, and such injury or aggravation results in additional disability to or the death of such veteran, disability compensation under this title and dependency and indemnity compensation under the Servicemen's and Veterans' Survivor Benefits Act shall be awarded in the same manner as if such disability, aggravation, or death were service connected; except that no benefits shall be awarded unless application be made therefor within two years after such injury or aggravation was suffered, or such death occurred.

70 Stat. 857.
38 USC 1101
note.

PERSONS HERETOFORE HAVING A COMPENSABLE STATUS

SEC. 352. The death and disability benefits of parts D and E shall, notwithstanding the service requirements of such parts, be granted to persons heretofore recognized by law as having a compensable status, including persons whose claims are based on war or peacetime service rendered before April 21, 1898.

AGGRAVATION

SEC. 353. A preexisting injury or disease will be considered to have been aggravated by active military, naval, or air service, where there is an increase in disability during active service, unless there is a specific finding that the increase in disability is due to the natural progress of the disease.

CONSIDERATION TO BE ACCORDED TIME, PLACE, AND CIRCUMSTANCES OF SERVICE

SEC. 354. (a) The Administrator is authorized and directed to include in the regulations pertaining to service-connection of disabilities, additional provisions in effect requiring that in each case where a veteran is seeking service-connection for any disability due consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all pertinent medical and lay evidence.

(b) In the case of any veteran who engaged in combat with the enemy in active service with a military, naval, or air organization of the United States during a period of war, campaign, or expedition, the Administrator is authorized and directed to accept as sufficient proof of service connection of any disease or injury alleged to have been incurred in or aggravated by such service satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service connection in each case shall be recorded in full.

AUTHORITY FOR SCHEDULE FOR RATING DISABILITIES

SEC. 355. The Administrator is authorized and directed to adopt and apply a schedule of ratings of reductions in earning capacity from specific injuries or combination of injuries. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations. The schedule shall be constructed so as to provide ten grades of disability and no more, upon which payments of compensation shall be based, namely, 10 per centum, 20 per centum, 30 per centum, 40 per centum, 50 per centum, 60 per centum, 70 per centum, 80 per centum, 90 per centum, and total, 100 per centum. The Administrator shall from time to time readjust this schedule of ratings in accordance with experience.

MINIMUM RATING FOR ARRESTED TUBERCULOSIS

SEC. 356. Any veteran shown to have active tuberculosis which is compensable under this title, who in the judgment of the Administrator has reached a condition of complete arrest, shall be rated as totally disabled for a period of two years following such date of arrest, as 50 per centum disabled for an additional period of four years, and 30 per centum for a further five years. Following far advanced active lesions the permanent rating shall be 30 per centum, and following moderately advanced lesions, the permanent rating, after eleven years, shall be 20 per centum, provided there is continued disability, dyspnea on exertion, impairment of health, and so forth; otherwise the rating shall be zero per centum. The total disability rating herein provided for the two years following a complete arrest may be reduced to 50 per centum for failure to follow prescribed treatment or to submit to examination when requested. This section shall not be construed as requiring a reduction of compensation authorized under any other provision of this title.

COMBINATION OF CERTAIN RATINGS

SEC. 357. The Administrator is authorized and directed to provide for the combination of ratings and to pay compensation at the rates prescribed in part B to those veterans who served during a period of war and during any other time, who have suffered disability in line of duty in each period of service.

DISAPPEARANCE

SEC. 358. Where an incompetent veteran receiving compensation under this title disappears, the Administrator, in his discretion, may pay the compensation otherwise payable to the veteran to his wife, children, and parents. Payments made to a wife, child, or parent under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability.

TITLE IV—PENSION FOR NON-SERVICE-CONNECTED
DISABILITY OR DEATH, OR FOR SERVICE

PART A—GENERAL

DEFINITION

SEC. 401. For the purposes of this title the term "World War I" includes, in the case of any veteran, any period of service performed by him after November 11, 1918, and before July 2, 1921, if such vet-

eran served in the active military, naval, or air service after April 5, 1917, and before November 12, 1918.

DETERMINATIONS WITH RESPECT TO DISABILITY

SEC. 402. (a) For the purposes of this title, a person shall be considered to be permanently and totally disabled if he is suffering from—

(1) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the disabled person; or

(2) any disease or disorder determined by the Administrator to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled.

(b) For the purposes of this title, a person shall be considered to be in need of regular aid and attendance if he is helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

ITEMS NOT CONSIDERED IN DETERMINING INCOME

Post, p. 632.

SEC. 403. For the purposes of this title, in determining annual income, the Administrator shall not consider—

(1) payments under laws administered by the Veterans' Administration because of disability or death;

(2) payments of mustering-out pay;

(3) payments of the six months' death gratuity;

70A Stat. 108.

(4) annuities under chapter 73 of title 10 of the United States Code; and

(5) payments of adjusted compensation.

PERSONS HERETOFORE HAVING A PENSIONABLE STATUS

SEC. 404. The pension benefits of parts B and C of this title shall, notwithstanding the service requirements of such parts, be granted to persons heretofore recognized by law as having a pensionable status.

PAYMENT OF PENSION DURING CONFINEMENT IN PENAL INSTITUTIONS

SEC. 405. (a) No pension under public or private laws administered by the Veterans' Administration shall be paid to or for an individual who has been imprisoned in a Federal, State, or local penal institution as a result of conviction of a felony or misdemeanor for any part of the period beginning sixty-one days after his imprisonment begins and ending when his imprisonment ends.

(b) Where any veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Administrator may apportion and pay to his wife or children the pension which such veteran would receive for that period but for this section.

(c) Where any widow or child of a veteran is disqualified for pension for any period solely by reason of subsection (a) of this section, the Administrator may (1) if the widow is disqualified, pay to the child, or children, the pension which would be payable if there were no such widow or (2) if a child is disqualified, pay to the widow the pension which would be payable if there were no such child.

PART B—VETERANS' PENSIONS

SUBPART I—SERVICE PENSION

INDIAN WAR VETERANS

SEC. 411. (a) The Administrator shall pay to each veteran of the Indian Wars who meets the service requirements of this section a pension at the following monthly rate:

- (1) \$101.59; or
- (2) \$135.45 if the veteran is in need of regular aid and attendance.

(b) A veteran meets the service requirements of this section if he served in one of the Indian Wars—

- (1) for thirty days or more; or
- (2) for the duration of such Indian War;

in any military organization, whether or not such service was the result of regular muster into the service of the United States, if such service was under the authority or by the approval of the United States or any State or Territory.

SPANISH-AMERICAN WAR VETERANS

SEC. 412. (a) (1) The Administrator shall pay to each veteran of the Spanish-American War who meets the service requirements of this subsection a pension at the following monthly rate:

- (A) \$101.59; or
- (B) \$135.45 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if he served in the active military or naval service—

- (A) for ninety days or more during the Spanish-American War;

(B) during the Spanish-American War and was discharged or released from such service for a service-connected disability; or

- (C) for a period of ninety consecutive days or more and such period began or ended during the Spanish-American War.

(b) (1) The Administrator shall pay to each veteran of the Spanish-American War who does not meet the service requirements of subsection (a), but who meets the service requirements of this subsection, a pension at the following monthly rate:

- (A) \$67.73; or
- (B) \$88.04 if the veteran is in need of regular aid and attendance.

(2) A veteran meets the service requirements of this subsection if he served in the active military or naval service—

- (A) for seventy days or more during the Spanish-American War; or

(B) for a period of seventy consecutive days or more and such period began or ended during the Spanish-American War.

SUBPART II—NON-SERVICE-CONNECTED DISABILITY PENSION

VETERANS OF WORLD WAR I, WORLD WAR II, OR THE KOREAN CONFLICT

SEC. 421. (a) The Administrator shall pay to each veteran of World War I, World War II, or the Korean conflict, who meets the service requirements of this section, and who is permanently and totally

disabled from non-service-connected disability not the result of the veteran's willful misconduct or vicious habits, a pension at the following monthly rate:

(1) \$66.15; or

(2) \$78.75 if (A) the veteran is sixty-five years of age or older, or (B) the veteran has been rated as permanently and totally disabled for a continuous period of ten years and he has been in receipt of pension throughout such period; or

(3) \$135.45 if the veteran is in need of regular aid and attendance.

(b) A veteran meets the service requirements of this section if he served in the active military, naval, or air service—

(1) for ninety days or more during either World War I, World War II, or the Korean conflict;

(2) during World War I, World War II, or the Korean conflict, and was discharged or released from such service for a service-connected disability; or

(3) for a period of ninety consecutive days or more and such period ended during World War I, or began or ended during World War II or the Korean conflict.

INCOME LIMITATIONS

SEC. 422. (a) No pension shall be paid under this subpart to any unmarried veteran whose annual income exceeds \$1,400, or to any married veteran or any veteran with children whose annual income exceeds \$2,700.

(b) As a condition of granting or continuing pension under this subpart, the Administrator may require from any veteran applying for, or in receipt of, pension under this subpart such information, proofs, or evidence as he desires in order to determine the annual income of such veteran.

COMBINATION OF RATINGS

SEC. 423. (a) The Administrator shall provide that, for the purpose of determining whether or not a veteran is permanently and totally disabled, ratings for service-connected disabilities may be combined with ratings for non-service-connected disabilities.

(b) Where a veteran, by virtue of subsection (a), is found to be entitled to a pension under this subpart, and is entitled to compensation for a service-connected disability, the Administrator shall pay him the greater benefit.

PART C—PENSIONS TO WIDOWS AND CHILDREN

SUBPART I—WARS BEFORE WORLD WAR I

WIDOWS OF MEXICAN WAR VETERANS

SEC. 431. The Administrator shall pay to the widow of each veteran of the Mexican War, who is on the pension rolls on the day before the effective date of this Act under any public law, a pension at the monthly rate of \$52.50.

WIDOWS OF CIVIL WAR VETERANS

SEC. 432. (a) The Administrator shall pay to the widow of each Civil War veteran who met the service requirements of this section a pension at the following monthly rate:

- (1) \$40.64 if she is below seventy years of age; or
- (2) \$54.18 if she is seventy years of age or older;

unless she was the wife of the veteran during his service in the Civil War, in which case the monthly rate shall be \$67.73.

(b) If there is a child of the veteran, the rate of pension paid to the widow under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) A veteran met the service requirements of this section if he served for ninety days or more in the active military or naval service during the Civil War, as heretofore defined under public laws administered by the Veterans' Administration, or if he was discharged or released from such service upon a surgeon's certificate of disability.

(d) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

- (1) before June 27, 1905; or
- (2) for ten or more years.

Post, p. 485.

CHILDREN OF CIVIL WAR VETERANS

SEC. 433. Whenever there is no widow entitled to pension under section 432, the Administrator shall pay to the children of each Civil War veteran who met the service requirements of section 432 a pension at the monthly rate of \$48.77 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

WIDOWS OF INDIAN WAR VETERANS

SEC. 434. (a) The Administrator shall pay to the widow of each Indian War veteran who met the service requirements of section 411 a pension at the following monthly rate:

- (1) \$40.64 if she is below seventy years of age; or
- (2) \$54.18 if she is seventy years of age or older;

unless she was the wife of the veteran during his service in one of the Indian Wars, in which case the monthly rate shall be \$67.73.

(b) If there is a child of the veteran, the rate of pension paid to the widow under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

- (1) before March 4, 1917; or
- (2) for ten or more years.

Post, p. 485.

CHILDREN OF INDIAN WAR VETERANS

SEC. 435. Whenever there is no widow entitled to pension under section 434, the Administrator shall pay to the children of each Indian War veteran who met the service requirements of section 411 a pension at the monthly rate of \$48.77 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

WIDOWS OF SPANISH-AMERICAN WAR VETERANS

Post, p. 485.

SEC. 436. (a) The Administrator shall pay to the widow of each Spanish-American War veteran who met the service requirements of section 412 (a) a pension at the monthly rate of \$54.18, unless she was the wife of the veteran during his service in the Spanish-American War, in which case the monthly rate shall be \$67.73.

(b) If there is a child of the veteran, the rate of pension paid to the widow under subsection (a) shall be increased by \$8.13 per month for each such child.

(c) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

- (1) before January 1, 1938; or
- (2) for ten or more years.

CHILDREN OF SPANISH-AMERICAN WAR VETERANS

SEC. 437. Whenever there is no widow entitled to pension under section 436, the Administrator shall pay to the children of each Spanish-American War veteran who met the service requirements of section 412 (a) a pension at the monthly rate of \$62.31 for one child, plus \$8.13 for each additional child, with the total amount equally divided.

SUBPART II—WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT

WIDOWS OF WORLD WAR I VETERANS

Post, p. 485.

SEC. 441. (a) The Administrator shall pay to the widow of each veteran of World War I who met the service requirements of section 421, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay based upon a service-connected disability, a pension at the following monthly rate:

- (1) Widow, no child, \$50.40;
- (2) Widow, one child, \$63, with \$7.56 for each additional child.

(b) No pension shall be paid to a widow of a veteran under this section unless she was married to him—

- (1) before December 14, 1944; or
- (2) for ten or more years.

CHILDREN OF WORLD WAR I VETERANS

SEC. 442. (a) Whenever there is no widow entitled to pension under section 441, the Administrator shall pay to the children of each veteran of World War I who met the service requirements of section 421, or who at the time of his death was receiving (or entitled to receive) compensation or retirement pay based upon a service-connected disability, a pension at the following monthly rate:

- (1) One child, \$27.30;
- (2) Two children, \$40.95; and
- (3) Three children, \$54.60, with \$7.56 for each additional child.

(b) Pension prescribed by this section shall be paid to eligible children in equal shares.

WIDOWS OF WORLD WAR II OR KOREAN CONFLICT VETERANS

SEC. 443. (a) The Administrator shall pay to the widow of each veteran of World War II or of the Korean conflict—

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(1) who met the service requirements of section 421, and at the time of his death had a service-connected disability for which compensation would have been payable if 10 per centum or more in degree disabling; or

(2) who, at the time of his death, was receiving (or entitled to receive) compensation or retirement pay based upon a service-connected disability;

a pension at the rate prescribed by section 441 for the widow of a veteran of World War I.

(b) (1) No pension shall be paid to a widow of a veteran of World War II under this section unless she was married to him before January 1, 1957.

(2) No pension shall be paid to a widow of a veteran of the Korean conflict under this section unless she was married to him before February 1, 1965.

CHILDREN OF WORLD WAR II OR KOREAN CONFLICT VETERANS

SEC. 444. Whenever there is no widow entitled to pension under section 443, the Administrator shall pay to the children of each veteran of World War II or of the Korean conflict described in paragraph (1) or (2) of section 443 (a) a pension at the rate prescribed by section 442 for the children of a veteran of World War I.

INCOME LIMITATIONS

SEC. 445. (a) No pension shall be paid under this subpart to any widow without child, or to or on account of any child whose annual income exceeds \$1,400, or to a widow (with a child) whose annual income exceeds \$2,700.

(b) Where pension is not payable to a widow because of this section, payments to children shall be made as though there were no widow.

PART D—ARMY, NAVY, AND AIR FORCE MEDAL OF HONOR ROLL

MEDAL OF HONOR ROLL; PERSONS ELIGIBLE

SEC. 460. (a) There shall be in the Department of the Army, the Department of the Navy, and the Department of the Air Force, respectively, a roll designated as the "Army, Navy, and Air Force Medal of Honor Roll".

(b) Upon written application to the Secretary concerned, the Secretary shall enter and record on such roll the name of each surviving person who has served in the active military, naval, or air service of the United States in any war, who has attained the age of sixty-five years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise.

(c) Applications for entry on such roll shall be made in the form and under regulations prescribed by the Department concerned. Proper blanks and instructions shall be furnished by the Secretary concerned, without charge upon the request of any person claiming the benefits of this part.

CERTIFICATE ENTITLING HOLDER TO PENSION

SEC. 461. (a) The Secretary concerned shall determine whether or not each applicant is entitled to the benefits of this part. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shows that the medal of honor was awarded to the applicant for an act described in section 460, such award or notice shall be sufficient to entitle the applicant to special pension under this part without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.

(b) Each person whose name is entered on the Army, Navy, and Air Force Medal of Honor Roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, of enrollment on such roll, and of his right to special pension.

(c) The Secretary concerned shall deliver to the Administrator a certified copy of each certificate which he issues under this part. Such copy shall authorize the Administrator to pay to the person named in the certificate the special pension provided for in this part.

SPECIAL PROVISIONS RELATING TO PENSION

SEC. 462. (a) The Administrator shall pay monthly to each person whose name has been entered on the Army, Navy, and Air Force Medal of Honor Roll a special pension at the rate of \$10, beginning as of the date of application therefor under section 460.

(b) The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.

(c) Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.

(d) If any person has been awarded more than one medal of honor, he shall not receive more than one special pension.

TITLE V—HOSPITAL, DOMICILIARY, AND MEDICAL CARE

PART A—DEFINITIONS

DEFINITIONS

SEC. 501. For the purposes of this title—

(1) The term "disability" means a disease, injury, or other physical or mental defect.

(2) The term "veteran of any war" includes any veteran of the Indian Wars, and the term "period of war" includes each of the Indian Wars.

(3) The term "Veterans' Administration facilities" means—

(A) facilities over which the Administrator has direct and exclusive jurisdiction;

(B) Government facilities for which the Administrator contracts; and

(C) private facilities for which the Administrator contracts in order to provide hospital care (i) in emergency cases for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service; (ii) for women veterans of

any war; or (iii) for veterans of any war in a Territory, Commonwealth, or possession of the United States.

(4) The term "hospital care" includes medical services rendered in the course of hospitalization and transportation and incidental expenses for veterans who are in need of treatment for a service-connected disability or are unable to defray the expense of transportation.

(5) The term "medical services" includes, in addition to medical examination and treatment, dental and surgical services, and dental appliances, wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies as the Administrator determines to be reasonable and necessary.

(6) The term "domiciliary care" includes transportation and incidental expenses for veterans who are unable to defray the expense of transportation.

PRESUMPTION RELATING TO PSYCHOSIS

SEC. 502. For the purposes of this title, any veteran of World War II or of the Korean conflict who develops an active psychosis (1) within two years after his discharge or release from the active military, naval, or air service, and (2) before July 26, 1949, in the case of a veteran of World War II, or February 1, 1957, in the case of a veteran of the Korean conflict, shall be deemed to have incurred such disability in the active military, naval, or air service.

PART B—HOSPITAL OR DOMICILIARY CARE AND MEDICAL TREATMENT

ELIGIBILITY FOR HOSPITAL AND DOMICILIARY CARE

SEC. 510. (a) The Administrator, within the limits of Veterans' Administration facilities, may furnish hospital care which he determines is needed to—

(1) a veteran of any war for a service-connected disability incurred or aggravated during a period of war, or for any other disability if such veteran is unable to defray the expenses of necessary hospital care;

(2) a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty; and

(3) a person who is in receipt of disability compensation.

(b) The Administrator, within the limits of Veterans' Administration facilities, may furnish domiciliary care to—

(1) a veteran who was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or a person who is in receipt of disability compensation, when he is suffering from a permanent disability or tuberculosis or neuropsychiatric ailment and is incapacitated from earning a living and has no adequate means of support; and

(2) a veteran of any war who is in need of domiciliary care, if he is unable to defray the expenses of necessary domiciliary care.

HOSPITALIZATION DURING EXAMINATIONS AND IN EMERGENCIES

SEC. 511. (a) The Administrator may furnish hospital care incident to physical examinations where such examinations are necessary in carrying out the provisions of other laws administered by him.

(b) The Administrator may furnish hospital care as a humanitarian service in emergency cases, but he shall charge for such care at rates prescribed by him.

ELIGIBILITY FOR MEDICAL TREATMENT

SEC. 512. (a) Except as provided in subsection (b), the Administrator, within the limits of Veterans' Administration facilities, may furnish such medical services for a service-connected disability as he finds to be reasonably necessary to a veteran of any war, to a veteran discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or to a person in receipt of disability compensation. Veterans eligible under this subsection by reason of discharge or release for disability incurred or aggravated in line of duty may also be furnished medical services for that disability, even though it is not a service-connected disability for the purposes of this title.

(b) Outpatient dental services and treatment, and related dental appliances, shall be furnished under this section only for a dental condition or disability—

(1) which is service-connected and compensable in degree;

(2) which is service-connected, but not compensable in degree, but only (A) if it is shown to have been in existence at time of discharge or release from active military, naval, or air service and (B) if application for treatment is made within one year after such discharge or release;

(3) which is a service-connected dental condition or disability due to combat wounds or other service trauma, or of a former prisoner of war;

(4) which is associated with and is aggravating a disability resulting from some other disease or injury which was incurred in or aggravated by active military, naval, or air service; or

(5) from which a veteran of the Spanish-American War is suffering.

(c) Dental services and related appliances for a dental condition or disability described in clause (2) of subsection (b) of this section shall be furnished on a one-time completion basis, unless the services rendered on a one-time completion basis are found unacceptable within the limitations of good professional standards, in which event such additional services may be afforded as are required to complete professionally acceptable treatment.

(d) Dental appliances, wheelchairs, artificial limbs, trusses, special clothing, and similar appliances to be furnished by the Administrator under this section may be procured by him either by purchase or by manufacture, whichever he determines may be advantageous and reasonably necessary.

(e) Any disability of a veteran of the Spanish-American War, upon application for the benefits of this section or outpatient medical services under section 524, shall be considered for the purposes thereof to be a service-connected disability incurred or aggravated in a period of war.

FITTING AND TRAINING IN USE OF PROSTHETIC APPLIANCES

SEC. 513. Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Veterans' Administration facility or other training institution, or by out-patient treatment, including such service under contract, and including necessary travel expenses to and from his home to such hospital or training institution.

SEEING-EYE DOGS

SEC. 514. The Administrator may provide seeing-eye or guide dogs trained for the aid of the blind to veterans who are entitled to disability compensation, and he may pay all necessary travel expenses to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs. The Administrator may also provide such veterans with mechanical-electronic equipment for aiding them in overcoming the handicap of blindness.

TOBACCO FOR HOSPITALIZED VETERANS

SEC. 515. The Administrator may furnish tobacco to veterans receiving hospital or domiciliary care.

PART C—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL CARE AND MEDICAL TREATMENT OF VETERANS

POWER TO MAKE RULES AND REGULATIONS

SEC. 521. The Administrator shall prescribe—

- (1) such rules and procedure governing the furnishing of hospital and domiciliary care as he may deem proper and necessary;
- (2) limitations in connection with the furnishing of hospital and domiciliary care; and
- (3) such rules and regulations as he deems necessary in order to promote good conduct on the part of persons who are receiving hospital or domiciliary care in Veterans' Administration facilities.

STATEMENT UNDER OATH

SEC. 522. For the purposes of section 510 (a) (1) and section 510 (b) (2), the statement under oath of an applicant on such form as may be prescribed by the Administrator shall be accepted as sufficient evidence of inability to defray necessary expenses.

FURNISHING OF CLOTHING

SEC. 523. The Administrator shall not furnish clothing to persons who are in Veterans' Administration facilities, except (1) where the furnishing of such clothing to indigent persons is necessary to protect health or sanitation, and (2) where he furnishes veterans with special clothing made necessary by the wearing of prosthetic appliances.

HOSPITAL CARE AND MEDICAL SERVICES ABROAD

SEC. 524. The Administrator shall not furnish hospital or domiciliary care or medical services outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States, except that he may furnish necessary hospital care and medical services for service-connected disabilities incurred during a period of war to veterans who are citizens of the United States temporarily sojourning or residing abroad.

ARRESTS FOR CRIMES IN HOSPITAL AND DOMICILIARY RESERVATIONS

SEC. 525. For the purpose of maintaining law and order and of protecting persons and property at hospitals and domiciliaries of the Veterans' Administration, the Administrator may designate at such hospitals and domiciliaries persons who shall have authority to make arrests for any crime or offense against the United States committed

on the reservation of the hospital or domiciliary. Any person so arrested shall be taken forthwith before the nearest United States commissioner, within whose jurisdiction the hospital is located.

REIMBURSEMENT FOR LOSS OF PERSONAL EFFECTS BY FIRE

SEC. 526. The Administrator shall, under regulations which he shall prescribe, reimburse veterans in Veterans' Administration hospitals and domiciliaries for any loss of personal effects sustained by fire while such effects were stored in designated locations in Veterans' Administration hospitals or domiciliaries.

PERSONS ELIGIBLE UNDER PRIOR LAW

SEC. 527. Persons who have a status which would, under the laws in effect on the day before the effective date of this Act, entitle them to the medical services, hospital and domiciliary care, and other benefits, provided for in this title, but who do not meet the service requirements contained in this title, shall be entitled to such benefits notwithstanding failure to meet such service requirements.

TITLE VI—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

VETERANS ELIGIBLE FOR ASSISTANCE

SEC. 601. The Administrator is authorized, under such regulations as he may prescribe, to assist any veteran, who is entitled to compensation under title III of this Act, based on service after April 20, 1898, for permanent and total service-connected disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheel chair, in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor. The regulations of the Administrator shall include, but not be limited to, provisions requiring findings that (1) it is medically feasible for such veteran to reside in the proposed housing unit and in the proposed locality; (2) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and (3) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

Ante, p. 94.

LIMITATIONS ON ASSISTANCE FURNISHED

SEC. 602. The assistance authorized by section 601 shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and shall be afforded under one of the following plans, at the option of the veteran but shall not exceed \$10,000 in any one case—

(1) where the veteran elects to construct a housing unit on land to be acquired by him, the Administrator shall pay not to exceed 50 per centum of the total cost to the veteran of (A) the housing unit and (B) the necessary land upon which it is to be situated;

(2) where the veteran elects to construct a housing unit on land acquired by him prior to application for assistance under this title, the Administrator shall pay not to exceed the smaller of the following sums: (A) 50 per centum of the total cost to the veteran of the housing unit and the land necessary for such housing unit,

or (B) 50 per centum of the cost to the veteran of the housing unit plus the full amount of the unpaid balance, if any, of the cost to the veteran of the land necessary for such housing unit;

(3) where the veteran elects to remodel a dwelling, which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this title, the Administrator shall pay not to exceed the total of (A) 50 per centum of the cost to the veteran of such remodeling, plus (B) the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and

(4) where the veteran has acquired a suitable housing unit, the Administrator shall pay not to exceed the smaller of the following sums: (A) 50 per centum of the cost to the veteran of such housing unit and the necessary land upon which it is situated, or (B) the full amount of the unpaid balance, if any, of the cost to the veteran of such housing unit and the necessary land upon which it is situated.

FURNISHING OF PLANS AND SPECIFICATIONS

SEC. 603. The Administrator is authorized to furnish to veterans eligible for assistance under this title, without cost to the veterans, model plans and specifications of suitable housing units.

BENEFITS ADDITIONAL TO BENEFITS UNDER OTHER LAWS

SEC. 604. Any veteran who accepts the benefits of this title shall not by reason thereof be denied the benefits of title III of the Servicemen's Readjustment Act of 1944; however, the assistance authorized by this title shall not be available to any veteran who has received financial assistance under part IX of Veterans Regulation Numbered 1 (a).

58 Stat. 291.
38 USC 694-
694c.

38 USC ch. 12A.

NONLIABILITY OF UNITED STATES

SEC. 605. The Government of the United States shall have no liability in connection with any housing unit, or necessary land therefor, acquired under the provisions of this title.

TITLE VII—AUTOMOBILES FOR DISABLED VETERANS

VETERANS ELIGIBLE FOR ASSISTANCE

SEC. 701. (a) The Administrator, under such regulations as he may prescribe, shall provide or assist in providing an automobile or other conveyance by paying not to exceed \$1,600 on the purchase price, including equipment with such special attachments and devices as the Administrator may deem necessary, for each veteran who is entitled to compensation under title III of this Act for any of the following due to disability incurred in or aggravated by active military, naval, or air service during World War II or the Korean conflict:

Ante, p. 94.

(1) Loss or permanent loss of use of one or both feet;

(2) Loss or permanent loss of use of one or both hands;

(3) Permanent impairment of vision of both eyes of the following status: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye.

(b) For the purposes of this section, the term "World War II" includes, in the case of any veteran, any period of continuous service performed by him after December 31, 1946, and before July 26, 1947, if such period began before January 1, 1947.

LIMITATION ON TYPES OF ASSISTANCE FURNISHED AND VETERANS
OTHERWISE ENTITLED

SEC. 702. No payment shall be made under this title for the repair, maintenance, or replacement of any such automobile or other conveyance and no veteran shall be given an automobile or other conveyance until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance by the State of his residence or other proper licensing authority; however, a veteran who cannot qualify to operate a vehicle shall nevertheless be entitled to the payment of not to exceed \$1,600 on the purchase price of an automobile or other conveyance, as provided in section 701, to be operated for him by another person, but only if such veteran meets the other eligibility requirements of this title.

LIMITATION ON AMOUNTS PAID BY UNITED STATES

SEC. 703. The furnishing of such automobile or other conveyance, or the assisting therein, shall be accomplished by the Administrator paying the total purchase price, if not in excess of \$1,600, or the amount of \$1,600 if the total purchase price is in excess of \$1,600, to the seller from whom the veteran is purchasing under sales agreement between the seller and the veteran.

PROHIBITION AGAINST DUPLICATION OF BENEFITS

SEC. 704. (a) No veteran shall be entitled to receive more than one automobile or other conveyance under the provisions of this title.

(b) No veteran who has received or who hereafter receives an automobile or other conveyance under (1) the provisions of the paragraph under the heading "Veterans' Administration" in the First Supplemental Appropriation Act, 1947 (2) the Act of September 21, 1950 (64 Stat. 894), or (3) the Act of October 20, 1951 (65 Stat. 574; 38 U. S. C., secs. 252a-252e), shall be entitled to receive an automobile or other conveyance under the provisions of this title.

60 Stat. 915.

APPLICATIONS

SEC. 705. The benefits provided in this title shall not be available to any veteran who has not made application for such benefits to the Administrator within five years after the date of the veteran's discharge or release from active service; except that in the case of any veteran whose loss or permanent loss of use of one or both feet, or one or both hands, or permanent impairment of vision, as specified in section 701, shall have occurred after his discharge or release from active service, application may be made within three years after the occurrence of such disability. Notwithstanding the foregoing time limits, no otherwise eligible veteran shall be denied the benefits of this title who makes application within one year from the date on which his entitlement to compensation for loss or permanent loss of use of one or both feet, or one or both hands, or permanent impairment of vision, as specified in section 701, shall have been determined.

TITLE VIII—BURIAL BENEFITS

FLAGS

SEC. 801. (a) The Administrator shall furnish a flag to drape the casket of each deceased veteran who—

- (1) was a veteran of any war;
- (2) had served at least one enlistment; or
- (3) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty.

(b) After the burial of the veteran the flag so furnished shall be given to his next of kin. If no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran. If a flag is given to a close friend or associate of the deceased veteran, no flag shall be given to any other person on account of the death of such veteran.

FUNERAL EXPENSES

SEC. 802. (a) Where a veteran dies who—

- (1) was a veteran of any war;
 - (2) had been discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty;
- or

(3) was in receipt of disability compensation;

the Administrator, in his discretion having due regard to the circumstances in each case, may pay a sum not exceeding \$150 to such person as he prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial.

(b) Except as hereafter provided in this subsection, no deduction shall be made from the burial allowance because of the veteran's net assets at the time of his death, or because of any contribution from any source toward the burial and funeral expenses (including transportation) unless the amount of expenses incurred is covered by the amount actually paid therefor by the United States, a State, any agency or political subdivision of the United States or of a State, the employer of the deceased veteran, or a burial association. No claim shall be allowed for more than the difference between the entire amount of the expenses incurred, and the amount paid by any or all of the foregoing. The Administrator shall not deny or reduce the amount of the burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services. The burial allowance or any part thereof shall not be paid in any case where specific provision is otherwise made for payment of expenses of funeral, transportation, and interment under any other Act.

DEATH IN VETERANS' ADMINISTRATION FACILITY

SEC. 803. (a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under authority of section 510 or 511 (a) of this Act, the Administrator shall pay the actual cost (not to exceed \$150) of the burial and funeral.

(b) In addition to the foregoing, when such a death occurs in the continental United States, the Administrator shall transport the body to the place of burial in the United States, or to the place of burial within Alaska if the deceased was a resident of Alaska who had been

brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care. Where such a death occurs in a Territory, a Commonwealth, or a possession of the United States, the Administrator shall transport the body to the place of burial within such Territory, Commonwealth, or possession.

(c) Within the limits prescribed in subsection (a), the Administrator may make contracts for burial and funeral services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration.

CLAIMS FOR REIMBURSEMENT

SEC. 804. Applications for payments under section 802 must be filed within two years after the burial of the veteran. If a claimant's application is incomplete at the time it is originally submitted, the Administrator shall notify the applicant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no allowance may be paid.

PERSONS ELIGIBLE UNDER PRIOR LAW

SEC. 805. The death of any person who had a status which would, under the laws in effect on the day before the effective date of this Act, afford entitlement to the burial benefits and other benefits provided for in this title, but who did not meet the service requirements contained in this title, shall afford entitlement to such benefits notwithstanding the failure of such person to meet such service requirements.

TITLE IX—APPLICATIONS, EFFECTIVE DATES AND PAYMENTS

PART A—APPLICATIONS

CLAIMS AND FORMS

SEC. 901. (a) A specific claim in the form prescribed by the Administrator (or jointly with the Secretary of Health, Education, and Welfare under section 601 of the Servicemen's and Veterans' Survivor Benefits Act) must be filed in order for benefits to be paid or furnished to any individual under the laws administered by the Veterans' Administration.

(b) (1) A claim by a widow or child for compensation or dependency and indemnity compensation shall also be considered to be a claim for death pension and accrued benefits under section 921, and a claim by a widow or child for death pension shall be considered to be a claim for death compensation (or dependency and indemnity compensation) and accrued benefits under section 921.

(2) A claim by a parent for compensation or dependency and indemnity compensation shall also be considered to be a claim for accrued benefits under section 921.

APPLICATION FORMS FURNISHED UPON REQUEST

SEC. 902. Upon request made in person or in writing by any person claiming or applying for benefits under the laws administered by the Veterans' Administration, the Administrator shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing such claim.

INCOMPLETE APPLICATIONS

SEC. 903. (a) If a claimant's application for benefits under the laws administered by the Veterans' Administration is incomplete, the Administrator shall notify the claimant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no benefits may be paid or furnished by reason of such application.

(b) This section shall not apply to any application or claim for Government life insurance benefits.

DISALLOWED CLAIMS

SEC. 904. (a) Where a claim has been finally disallowed, a later claim on the same factual basis, if supported by new and material evidence, shall have the attributes of a new claim, except that whenever any disallowed claim is reopened and thereafter allowed on the basis of new and material evidence resulting from the correction of the military records of the proper service department under section 1552 of title 10 of the United States Code, the effective date of commencement of the benefits so awarded shall be the date on which an application was filed for correction of the military record.

70A Stat. 116.

(b) This section shall not apply to any application or claim for Government life insurance benefits.

PART B—EFFECTIVE DATES

EFFECTIVE DATES OF AWARDS

SEC. 910. (a) Unless specifically provided otherwise in this title, the effective date of an award of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor.

(b) The effective date of an award of disability compensation to a veteran shall be the date of his discharge or release if application therefor is received within one year from such date of discharge or release.

(c) The effective date of an award of death compensation, dependency and indemnity compensation, or death pension shall be the day after the date of death if application therefor is received within one year from such date of death.

(d) The effective date of an award of dependency and indemnity compensation to a child shall be the date the child's entitlement arose if application therefor is received within one year from such date the entitlement arose.

(e) Where a report or a finding of death of any person in the active military, naval, or air service has been made by the Secretary concerned, the effective date of an award of death compensation, dependency and indemnity compensation, or death pension, as applicable, shall be the day after the date fixed by the Secretary as the date of death in such report or finding, if application therefor is received within one year from the date such report or finding has been made; however, such benefits shall not be payable to any person for any period for which such person has received, or was entitled to receive, an allowance, allotment, or service pay of the deceased.

EFFECTIVE DATES OF INCREASES

SEC. 911. The effective date of an award of increased compensation, dependency and indemnity compensation, or pension (amending, reopening, or supplementing a previous award, authorizing any payments not previously authorized to the individual involved) shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of evidence showing entitlement thereto.

EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES

SEC. 912. (a) Except as otherwise specified in this section, the effective date of reduction or discontinuance of compensation, dependency and indemnity compensation, or pension shall be fixed in accordance with the facts found.

(b) Where compensation, dependency and indemnity compensation, or pension has been awarded and a reduction or discontinuance is thereafter effected as to rates, such reduction or discontinuance shall be effective the last day of the month in which the reduction or discontinuance is approved.

(c) The effective date of a reduction or discontinuance of compensation, dependency and indemnity compensation, or pension—

(1) by reason of death, shall be the date of death;

(2) by reason of marriage or remarriage, shall be the day before the date of marriage or remarriage;

(3) by reason of attaining age eighteen (or twenty-one, as applicable), shall be the day before the eighteenth (or twenty-first) birthday;

(4) by reason of fraud on the part of the beneficiary, or with his knowledge, shall be the effective date of the award; and

(5) by reason of receipt of active service pay or retirement pay, shall be the day before the date such pay began.

PART C—PAYMENT OF BENEFITS

PAYMENT OF BENEFITS BY CHECK; DELIVERY

SEC. 920. (a) Monetary benefits under laws administered by the Veterans' Administration shall be paid by checks drawn, pursuant to certification by the Administrator, by the Secretary of the Treasury in such form as to protect the United States against loss, and payable by the Secretary of the Treasury. Such checks shall be payable without separate vouchers or receipts except in any case in which the Administrator may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last-known address, and the envelope or cover thereof may bear an appropriate notice of the prohibition set forth in subsection (b).

(b) Postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any mail addressed by the United States and containing any such check to any person whomsoever, if he has died or moved, or in the case of a widow, if the postal employee believes that she has remarried (unless the mail is addressed to her in the name she has acquired by her remarriage). The preceding sentence shall apply in the case of checks in payment of benefits other than pension, compensation, dependency and indemnity compensation, and insurance, only insofar as the Administrator deems it necessary to protect the United States against loss.

(c) Whenever mail is not delivered because of the prohibition of subsection (b), such mail shall be returned forthwith by the post-

master with a statement of the reason for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned under this subsection because of death or remarriage shall be canceled.

PAYMENT OF ACCRUED BENEFITS UPON DEATH OF A BENEFICIARY

SEC. 921. (a) Pension, compensation, dependency and indemnity compensation, retirement pay, subsistence allowance, education and training allowance, special training allowance, and educational assistance allowance to which an individual was entitled at his death under existing ratings or decisions, or those based on evidence in the file at date of death (hereafter in this section and section 922 referred to as "accrued benefits") and due and unpaid for a period not to exceed one year, shall, upon the death of such individual, be paid as follows:

(1) Upon the death of a person receiving an apportioned share of benefits payable to a veteran, all or any part of such benefits to the veteran or to any other dependent or dependents of the veteran, as may be determined by the Administrator;

(2) Upon the death of a veteran, to the living person first listed below:

(A) His spouse;

(B) His children (in equal shares);

(C) His dependent parents (in equal shares);

(3) Upon the death of a widow or remarried widow, to the children of the deceased veteran;

(4) Upon the death of a child, to the surviving children of the veteran who are entitled to death compensation, dependency and indemnity compensation, or death pension; and

(5) In all other cases, only so much of the accrued benefits may be paid as may be necessary to reimburse the person who bore the expense of last sickness and burial.

(b) No part of any accrued benefits shall be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary.

(c) Applications for accrued benefits must be filed within one year after the date of death. If a claimant's application is incomplete at the time it is originally submitted, the Administrator shall notify the claimant of the evidence necessary to complete the application. If such evidence is not received within one year from the date of such notification, no accrued benefits may be paid.

CANCELLATION OF CHECKS MAILED TO DECEASED PAYEES

SEC. 922. A check received by a payee in payment of accrued benefits shall, if the payee died on or after the last day of the period covered by the check, be returned to the Veterans' Administration and canceled, unless negotiated by the payee or the duly appointed representative of his estate. The amount represented by such check, or any amount recovered by reason of improper negotiation of any such check, shall be payable in the manner provided in section 921, without regard to section 921 (c). Any amount not paid in the manner provided in section 921 shall be paid upon settlement by the General Accounting Office to the estate of the deceased payee unless the estate will escheat.

TITLE X—SPECIAL PROVISIONS RELATING TO BENEFITS

NONASSIGNABILITY AND EXEMPT STATUS OF BENEFITS

SEC. 1001. (a) Payments of benefits due or to become due under any law administered by the Veterans' Administration shall not be assignable except to the extent specifically authorized by law, and such payments made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claim of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to claims of the United States arising under such laws nor shall the exemption therein contained as to taxation extend to any property purchased in part or wholly out of such payments. The provisions of this section shall not be construed to prohibit the assignment by any person, to whom converted insurance shall be payable under title III of the World War Veterans' Act, 1924, of his interest in such insurance to any other member of the permitted class of beneficiaries or the assignment, otherwise authorized, of insurance under the National Service Life Insurance Act of 1940, or of indemnity under the Servicemen's Indemnity Act of 1951.

(b) This section shall prohibit the collection by setoff or otherwise out of any benefits payable pursuant to any law administered by the Veterans' Administration and relating to veterans, their estates, or their dependents, of any claim of the United States or any agency thereof against (1) any person other than the indebted beneficiary or his estate; or (2) any beneficiary or his estate except amounts due the United States by such beneficiary or his estate by reason of overpayments or illegal payments made under such laws to such beneficiary or his estate or to his dependents as such. If the benefits referred to in the preceding sentence are insurance payable by reason of yearly renewable term or of United States Government life (converted) insurance or of National Service Life Insurance, issued by the United States, the exemption provided in this section shall not apply to indebtedness existing against the particular insurance contract upon the maturity of which the claim is based, whether such indebtedness is in the form of liens to secure unpaid premiums or loans, or interest on such premiums or loans, or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits.

(c) Notwithstanding subsection (a), payments of benefits under laws administered by the Veterans' Administration shall not be exempt from levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to seizure of property for collection of taxes).

WAIVER OF RECOVERY OF OVERPAYMENTS

SEC. 1002. (a) There shall be no recovery of overpayments of any benefits (except servicemen's indemnity) under any of the laws administered by the Veterans' Administration from any person who, in the judgment of the Administrator, is without fault on his part, and where, in the judgment of the Administrator, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience.

(b) No certifying or disbursing officer shall be liable for any amount paid to any person where the recovery of such amount is waived under subsection (a).

43 Stat. 624.
38 USC 511-
518.

54 Stat. 1008.
38 USC 818.
70 Stat. 886.

68A Stat. 783.

CERTAIN BARS TO BENEFITS

SEC. 1003. (a) The discharge or dismissal by reason of the sentence of a general court-martial of any person from the Armed Forces, or the discharge of any such person on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, or as a deserter, or of an officer by the acceptance of his resignation for the good of the service, or (except as provided in subsection (c)) the discharge of any individual during a period of hostilities as an alien, shall bar all rights of such person under laws administered by the Veterans' Administration based upon the period of service from which discharged or dismissed.

(b) Notwithstanding subsection (a), if it is established to the satisfaction of the Administrator that, at the time of the commission of an offense leading to his court-martial, discharge, or resignation, any person was insane, such person shall not be precluded from benefits under laws administered by the Veterans' Administration based upon the period of service from which he was separated.

(c) Subsection (a) shall not apply to any alien whose service was honest and faithful, and who was not discharged on his own application or solicitation as an alien.

(d) This section shall not apply to any war-risk insurance, Government (converted) or national service life insurance policy.

PROHIBITION AGAINST DUPLICATION OF BENEFITS

SEC. 1004. (a) Except to the extent that retirement pay is waived under other laws, not more than one award of pension, compensation, emergency officers', regular, or reserve retirement pay, or initial award of naval pension granted after July 13, 1943, shall be made concurrently to any person based on his own service.

(b) The receipt of pension, compensation, or dependency and indemnity compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person.

(c) Pension, compensation, or retirement pay on account of his own service shall not be paid to any person for any period for which he receives active service pay.

WAIVER OF RETIRED PAY

SEC. 1005. Any person who is receiving pay pursuant to any provision of law relating to the retirement of persons in the regular military, naval, or air service, or relating to retirement from any reserve component of the military, naval, or air service for disability, and who would be eligible to receive pension or compensation under the laws administered by the Veterans' Administration if he were not receiving such retired pay, shall be entitled to receive such pension or compensation upon the filing by such person with the department by which such retired pay is paid of a waiver of so much of his retired pay as is equal in amount to such pension or compensation. To prevent duplication of payments, the department with which any such waiver is filed shall notify the Veterans' Administration of the receipt of such waiver, the amount waived, and the effective date of the reduction in retired pay.

RENOUNCEMENT OF RIGHT TO BENEFITS

SEC. 1006. (a) Any person entitled to pension, compensation, or dependency and indemnity compensation under any of the laws administered by the Veterans' Administration may renounce his right thereto. The application renouncing the right shall be in writing over the person's signature. Upon the filing of such an application, payment of such benefits and the right thereto shall be terminated, and such person shall be denied any and all rights thereto from such filing.

(b) Renunciation of rights under subsection (a) or under prior law on this subject shall not preclude any person from filing a new application for pension, compensation, or dependency and indemnity compensation at a later date, but such new application shall be treated as an original application, and no payments shall be made for any period before the date such new application is filed.

APPORTIONMENT OF BENEFITS

SEC. 1007. (a) All or any part of the compensation, pension, or emergency officers retirement pay payable on account of any veteran may—

(1) if the veteran is being furnished hospital treatment, institutional, or domiciliary care by the United States, or any political subdivision thereof, be apportioned on behalf of his wife, children, or dependent parents; and

(2) if the veteran is not living with his wife, or if his children are not in his custody, be apportioned as may be prescribed by the Administrator.

(b) Where any of the children of a deceased veteran are not in the custody of the veteran's widow, the pension, compensation, or dependency and indemnity compensation otherwise payable to the widow may be apportioned as prescribed by the Administrator.

WITHHOLDING BENEFITS OF PERSONS IN TERRITORY OF THE ENEMY

SEC. 1008. (a) When any alien entitled to gratuitous benefits under laws administered by the Veterans' Administration is located in territory of, or under military control of, an enemy of the United States or of any of its allies, any award of such benefits in favor of such alien shall be terminated forthwith.

(b) Any alien whose award is terminated under subsection (a) shall not thereafter be entitled to any such gratuitous benefits except upon the filing of a new claim, accompanied by evidence satisfactory to the Administrator showing that such alien was not guilty of mutiny, treason, sabotage, or rendering assistance to such enemy. Except as provided in section 2106, such gratuitous benefits shall not be paid for any period before the date the new claim is filed.

(c) While such alien is located in territory of, or under military control of, an enemy of the United States or any of its allies, the Administrator, in his discretion, may apportion and pay any part of such benefits to the dependents of such alien. No dependent of such alien shall receive benefits by reason of this subsection in excess of the amount to which he would be entitled if such alien were dead.

TITLE XI—PENAL AND FORFEITURE PROVISIONS

MISAPPROPRIATION BY FIDUCIARIES

SEC. 1101. (a) Whoever, being a guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, or any other person having charge and custody in a fiduciary capacity of money heretofore or hereafter paid under any of the laws administered by the Veterans' Administration for the benefit of any minor, incompetent, or other beneficiary, shall lend, borrow, pledge, hypothecate, use, or exchange for other funds or property, except as authorized by law, or embezzle or in any manner misappropriate any such money or property derived therefrom in whole or in part and coming into his control in any manner whatever in the execution of his trust, or under color of his office or service as such fiduciary, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(b) Any willful neglect or refusal to make and file proper accountings or reports concerning such money or property as required by law shall be taken to be sufficient evidence prima facie of such embezzlement or misappropriation.

FRAUDULENT ACCEPTANCE OF PAYMENTS

SEC. 1102. (a) Any person entitled to monetary benefits under any of the laws administered by the Veterans' Administration whose right to payment thereof ceases upon the happening of any contingency, who thereafter fraudulently accepts any such payment, shall be fined not more than \$2,000, or imprisoned not more than one year, or both.

(b) Whoever obtains or receives any money or check under any of the laws administered by the Veterans' Administration without being entitled to it, and with intent to defraud the United States or any beneficiary of the United States, shall be fined not more than \$2,000, or imprisoned not more than one year, or both.

FORFEITURE FOR FRAUD

SEC. 1103. (a) Whoever knowingly makes or causes to be made or conspires, combines, aids, or assists in, agrees to, arranges for, or in any way procures the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, concerning any claim for benefits under any of the laws administered by the Veterans' Administration (except laws pertaining to insurance benefits) shall forfeit all rights, claims, and benefits under all laws administered by the Veterans' Administration (except laws pertaining to insurance benefits).

(b) Whenever a veteran entitled to disability compensation has forfeited his right to such compensation under section 504 of the World War Veterans' Act, 1924, section 15 of Public, Numbered 2, Seventy-third Congress, or this section, the compensation payable but for the forfeiture shall thereafter be paid to his wife, children, and parents. Payments made to a wife, children, and parents under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability. No wife, child, or parent who participated in the fraud for which forfeiture was imposed shall receive any payment by reason of this subsection.

(c) Forfeiture of benefits by a veteran under this section or prior law on such subject shall not prohibit payment of the burial allowance, death compensation, dependency and indemnity compensation, or death pension in the event of his death.

43 Stat. 629.
38 USC 421.
48 Stat. 11.
38 USC 715.

FORFEITURE FOR TREASON

SEC. 1104. (a) Any person shown by evidence satisfactory to the Administrator to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future gratuitous benefits under laws administered by the Veterans' Administration.

(b) The Administrator, in his discretion, may apportion and pay any part of benefits forfeited under subsection (a) to the dependents of the person forfeiting such benefits. No dependent of any person shall receive benefits by reason of this subsection in excess of the amount to which he would be entitled if such person were dead.

TITLE XII—DISCLOSURE OF INFORMATION AND FURNISHING COPIES OF RECORDS; INVESTIGATIONS

PART A—DISCLOSURE OF INFORMATION

CONFIDENTIAL NATURE OF CLAIMS

SEC. 1201. All files, records, reports, and other papers and documents pertaining to any claim under any of the laws administered by the Veterans' Administration shall be confidential and privileged, and no disclosure thereof shall be made except as follows:

(1) To a claimant or his duly authorized agent or representative as to matters concerning himself alone when, in the judgment of the Administrator, such disclosure would not be injurious to the physical or mental health of the claimant;

(2) When required by process of a United States court to be produced in any suit or proceeding therein pending or when such production is deemed by the Administrator to be necessary in any suit or proceeding brought under the World War Veterans' Act, 1924, or the National Service Life Insurance Act of 1940;

(3) When required by any department or other agency of the United States Government;

(4) In all proceedings in the nature of an inquest into the mental competency of a claimant;

(5) In any judicial proceeding when in the judgment of the Administrator of Veterans' Affairs such disclosure is deemed necessary and proper;

(6) The amount of pension, compensation, or dependency and indemnity compensation of any beneficiary shall be made known to any person who applies for such information, and the Administrator, with the approval of the President, upon determination that the public interest warrants or requires, may, at any time and in any manner, publish any or all information of record pertaining to any claim;

(7) The Administrator in his discretion may authorize an inspection of Veterans' Administration records by duly authorized representatives of recognized organizations;

(8) The Administrator may release information, statistics, or reports to individuals or organizations when in his judgment such release would serve a useful purpose.

43 Stat. 607.
38 USC 421.
54 Stat. 1008.
38 USC 818.

FURNISHING OF RECORDS

SEC. 1202. (a) Any person desiring a copy of any record, paper, and so forth, in the custody of the Veterans' Administration, which may be disclosed under section 1201, must make written application therefor to the Veterans' Administration, stating specifically:

- (1) The particular record, paper, and so forth, a copy of which is desired and whether certified or uncertified; and
- (2) The purpose for which such copy is desired to be used.

(b) The Administrator is authorized to fix a schedule of fees for copies and certification of such records.

PART B—INVESTIGATIONS

AUTHORITY TO ISSUE SUBPENAS

SEC. 1211. For the purposes of the laws administered by the Veterans' Administration, the Administrator, and those employees to whom the Administrator may delegate such authority, to the extent of the authority so delegated, shall have the power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles from the place of hearing, to require the production of books, papers, documents, and other evidence, to take affidavits, to administer oaths and affirmations, to aid claimants in the preparation and presentation of claims, and to make investigations and examine witnesses upon any matter within the jurisdiction of the Veterans' Administration. Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

VALIDITY OF AFFIDAVITS

SEC. 1212. Any such oath, affirmation, affidavit, or examination, when certified under the hand of any such employee by whom it was administered or taken and authenticated by the seal of the Veterans' Administration, may be offered or used in any court of the United States and without further proof of the identity or authority of such employee shall have like force and effect as if administered or taken before a clerk of such court.

DISOBEDIENCE TO SUBPENA

SEC. 1213. In case of disobedience to any such subpoena, the aid of any district court of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

TITLE XIII—BOARD OF VETERANS' APPEALS

COMPOSITION OF BOARD OF VETERANS' APPEALS

SEC. 1301. (a) There shall be in the Veterans' Administration a Board of Veterans' Appeals (hereafter in this title referred to as the "Board") under the administrative control and supervision of a chairman directly responsible to the Administrator. The Board shall consist of a Chairman, a Vice Chairman, such number (not more than fifty) of associate members as may be found necessary, and such other professional, administrative, clerical, and stenographic personnel as are necessary in conducting hearings and considering and disposing of appeals properly before the Board.

(b) Members of the Board (including the Chairman and Vice Chairman) shall be appointed by the Administrator with the approval of the President.

ASSIGNMENT OF MEMBERS OF BOARD

SEC. 1302. The Chairman may from time to time divide the Board into sections of three members, assign the members of the Board thereto, and designate the chief thereof. If a section as a result of a vacancy or absence or inability of a member assigned thereto to serve thereon is composed of a number of members less than designated for the section, the Chairman may assign other members to the section or direct the section to proceed with the transaction of business without awaiting any additional assignment of members thereto. A hearing docket shall be maintained and formal recorded hearings shall be held by such associate member or members as the Chairman may designate, the associate member or members being of the section which will make final determination in the claim. A section of the Board shall make a determination on any proceeding instituted before the Board and on any motion in connection therewith assigned to such section by the Chairman and shall make a report of any such determination, which report shall constitute its final disposition of the proceeding.

DETERMINATIONS BY THE BOARD

SEC. 1303. (a) The determination of the section, when unanimously concurred in by the members of the section, shall be the final determination of the Board, except that the Board on its own motion may correct an obvious error in the record, or may upon the basis of additional official information from the service department concerned reach a contrary conclusion.

(b) When there is a disagreement among the members of the section the concurrence of the Chairman with the majority of members of such section shall constitute the final determination of the Board, except that the Board on its own motion may correct an obvious error in the record, or may upon the basis of additional official information from the service department concerned reach a contrary conclusion.

JURISDICTION OF THE BOARD

SEC. 1304. (a) All questions on claims involving benefits under the laws administered by the Veterans' Administration shall be subject to one review on appeal to the Administrator. Final decisions on such appeals shall be made by the Board.

(b) When a claim is disallowed by the Board, it may not thereafter be reopened and allowed, and no claim based upon the same factual basis shall be considered; however, where subsequent to disallowance of a claim, new and material evidence in the form of official reports

from the proper service department is secured, the Board may authorize the reopening of the claim and review of the former decision.

(c) The Board shall be bound in its decisions by the regulations of the Veterans' Administration, instructions of the Administrator, and the precedent opinions of the chief law officer.

APPLICATIONS FOR REVIEW ON APPEAL

SEC. 1305. (a) Except in the case of simultaneously contested claims, applications for review on appeal shall be filed within one year from the date of mailing of notice of the result of initial review or determination. Such applications must be filed with the activity which entered the denial. If such an application is timely filed, a reasonable time thereafter will be allowed, if requested, for the perfection of the appeal and the presentation of additional evidence before final determination or decision is made. Applications post-marked before the expiration of the one-year period will be accepted as timely filed.

(b) If no application for review on appeal is filed in accordance with this title within the one-year period, the action taken on initial review or determination shall become final and the claim will not thereafter be reopened or allowed, except that where subsequent to such disallowance new and material evidence in the form of official reports from the proper service department is secured the Administrator may authorize the reopening of the claim and review of the former decision.

(c) (1) Application for review on appeal may be made in writing by the claimant, his legal guardian, or such accredited representative, or authorized agent, as may be selected by him. Not more than one recognized organization or authorized agent will be recognized at any one time in the prosecution of a claim.

(2) Application for review on appeal may be made within the one-year period prescribed by this section by such officials of the Veterans' Administration as may be designated by the Administrator. An application entered under this paragraph shall not operate to deprive the claimant of the right of review on appeal as provided in this title.

(d) In each application for review on appeal the name and service of the veteran on account of whose service the claim is based must be stated, together with the number of the claim and the date of the action from which the appeal is taken. The application must clearly identify the benefit sought.

(e) Each application for review on appeal should contain specific assignments of the alleged mistake of fact or error of law in the adjudication of the claim. Any application which is insufficient may be dismissed.

DOCKETING OF APPEAL

SEC. 1306. All cases received pursuant to application for review on appeal shall be considered and decided in regular order according to their places upon the docket; however, for cause shown a case may be advanced on motion for earlier consideration and determination. Every such motion shall set forth succinctly the grounds upon which it is based. No such motion shall be granted except in cases involving interpretation of law of general application affecting other claims, or for other sufficient cause shown.

SIMULTANEOUSLY CONTESTED CLAIMS

SEC. 1307. (a) In simultaneously contested claims where one is allowed and one rejected, the time allowed for the filing of an application for review on appeal shall be sixty days, from the date notice is mailed of the original action to the claimant to whom the action is adverse. In such cases the activity concerned shall promptly notify all parties in interest of the original action taken, expressly inviting attention to the fact that an application for review on appeal will not be entertained unless filed within the sixty-day period prescribed by this subsection. Such notices shall be forwarded to the parties in interest to the last known address of record.

(b) Upon the filing of an application for review on appeal in simultaneously contested claims, all parties other than the applicant for review on appeal whose interests may be adversely affected by the decision, shall be notified of the substance thereof and allowed thirty days from the date of mailing of such notice within which to file brief or argument in answer thereto before the record is forwarded on application for review on appeal. Such notice shall be forwarded to the last known address of record of the parties whose interests may be adversely affected, and such action shall constitute sufficient evidence of notice.

REJECTION OF APPLICATIONS

SEC. 1308. An application for review on appeal shall not be entertained unless it is in conformity with this title.

TITLE XIV—DEPARTMENT OF MEDICINE AND SURGERY

FUNCTIONS OF DEPARTMENT

SEC. 1401. There shall be in the Veterans' Administration a Department of Medicine and Surgery under a Chief Medical Director. The functions of the Department of Medicine and Surgery shall be those necessary for a complete medical and hospital service, as prescribed by the Administrator pursuant to this title and other statutory authority, for the medical care and treatment of veterans.

DIVISIONS OF DEPARTMENT

SEC. 1402. The Department of Medicine and Surgery shall include the following: Office of the Chief Medical Director, Medical Service, Dental Service, Nursing Service, and Auxiliary Service.

APPOINTMENTS AND COMPENSATION

SEC. 1403. (a) The Office of the Chief Medical Director shall consist of the Chief Medical Director, one Deputy Chief Medical Director, not to exceed eight Assistant Chief Medical Directors, and such other personnel and employees as may be authorized by this title.

(b) The Chief Medical Director shall be the Chief of the Department of Medicine and Surgery and shall be directly responsible to the Administrator for the operations of the Department. He shall be a qualified doctor of medicine, appointed by the Administrator. During the period of his service as such, the Chief Medical Director shall be paid a salary of \$17,800 a year.

(c) The Deputy Chief Medical Director shall be the principal assistant of the Chief Medical Director. He shall be a qualified doctor of medicine, appointed by the Administrator. During the period of his service as such, the Deputy Chief Medical Director shall be paid a salary of \$16,800 a year.

(d) Each Assistant Chief Medical Director shall be appointed by the Administrator upon the recommendation of the Chief Medical Director and shall be paid a salary of \$15,800. One Assistant Chief Medical Director shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operations of the Dental Service. Not to exceed twenty directors of service or chiefs of division, designated by the Chief Medical Director, shall, within the limitations otherwise prescribed in this title, be paid a salary of \$13,225 minimum to \$14,300 maximum.

(e) The Director and Deputy Director of Nursing Service shall be qualified registered nurses, appointed by the Administrator and shall be responsible to the Chief Medical Director for the operation of the Nursing Service. During the period of her service as such, the Director of Nursing Service shall be paid a salary of \$11,610 a year and the Deputy Director shall be paid a salary of \$10,320 a year.

(f) The Administrator may appoint a chief pharmacist, a chief dietitian, a chief physical therapist, and a chief occupational therapist. During the period of his service as such, each chief shall be paid a salary of \$10,320 a year.

(g) Any appointment hereinabove provided shall be for a period of four years subject to removal by the Administrator for cause.

(h) Reappointments may be made for successive like periods.

ADDITIONAL APPOINTMENTS

SEC. 1404. There shall be appointed by the Administrator additional personnel as he may find necessary for the medical care of veterans, as follows:

- (1) Physicians, dentists, and nurses;
- (2) Managers, pharmacists, physical therapists, occupational therapists, dietitians, scientific personnel, such as pathologists, bacteriologists, chemists, biostatisticians, and other medical and dental technologists.

QUALIFICATIONS OF APPOINTEES

SEC. 1405. Any person to be eligible for appointment in the Department of Medicine and Surgery must—

- (1) be a citizen of the United States;
- (2) in the Medical Service—

hold the degree of doctor of medicine or of doctor of osteopathy from a college or university approved by the Administrator, have completed an internship satisfactory to the Administrator, and be licensed to practice medicine, surgery, or osteopathy in one of the States, Territories, or Commonwealths of the United States or in the District of Columbia;

- (3) in the Dental Service—

hold the degree of doctor of dental surgery or dental medicine from a college or university approved by the Administrator, and be licensed to practice dentistry in one of the States, Territories, or Commonwealths of the United States or in the District of Columbia;

- (4) in the Nursing Service—

have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and be registered as a graduate nurse in one of the States, Territories, or Commonwealths of the United States or in the District of Columbia;

- (5) in the Auxiliary Service—
- (A) manager of hospital, home, or center—
have such business and administrative experience and qualifications as the Administrator shall prescribe;
 - (B) pharmacist—
hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in one of the States, Territories, or Commonwealths of the United States or in the District of Columbia;
 - (C) physical therapists, occupational therapists, dietitians, and other auxiliary employees shall have such scientific or technical qualifications as the Administrator shall prescribe.

PERIOD OF APPOINTMENTS; PROMOTIONS

SEC. 1406. (a) Appointments of physicians, dentists, and nurses shall be made only after qualifications have been satisfactorily established in accordance with regulations prescribed by the Administrator, without regard to civil-service requirements.

(b) Such appointments as described in subsection (a) of this section shall be for a probationary period of three years and the record of each person serving under such appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Administrator, and if said board shall find him not fully qualified and satisfactory he shall be separated from the service.

(c) Promotions of physicians, dentists, and nurses shall be made only after examination given in accordance with regulations prescribed by the Administrator. Automatic promotions within grade may be made in increments of the minimum pay of the grade in accordance with regulations prescribed by the Administrator.

(d) In determining eligibility for reinstatement in Federal civil service of persons appointed to positions in the Department of Medicine and Surgery, who at the time of appointment shall have a civil-service status, and whose employment in the Department of Medicine and Surgery is terminated, the period of service performed in the Department of Medicine and Surgery shall be included in computing the period of service under applicable Civil Service rules and regulations.

GRADES AND PAY SCALES

SEC. 1407. (a) The grades and per annum full-pay ranges for positions provided in paragraph (1) of section 1404 shall be as follows:

MEDICAL SERVICE

Chief grade, \$11,610 minimum to \$12,685 maximum.
 Senior grade, \$10,320 minimum to \$11,395 maximum.
 Intermediate grade, \$8,990 minimum to \$10,065 maximum.
 Full grade, \$7,570 minimum to \$8,645 maximum.
 Associate grade, \$6,390 minimum to \$7,465 maximum.
 Junior grade, \$5,915 minimum to \$6,720 maximum.

DENTAL SERVICE

Chief grade, \$11,610 minimum to \$12,685 maximum.
Senior grade, \$10,320 minimum to \$11,395 maximum.
Intermediate grade, \$8,990 minimum to \$10,065 maximum.
Full grade, \$7,570 minimum to \$8,645 maximum.
Associate grade, \$6,390 minimum to \$7,465 maximum.
Junior grade, \$5,915 minimum to \$6,720 maximum.

NURSING SERVICE

Assistant Director, \$7,570 minimum to \$8,645 maximum.
Senior grade, \$6,390 minimum to \$7,465 maximum.
Full grade, \$5,440 minimum to \$6,250 maximum.
Associate grade, \$4,730 minimum to \$5,590 maximum.
Junior grade, \$4,025 minimum to \$4,885 maximum.

ADMINISTRATION

(b) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of physicians, dentists, and nurses.

SPECIALIST RATINGS

SEC. 1408. (a) Within the restrictions herein imposed, the Chief Medical Director may rate any physician appointed under paragraph (1) of section 1404 as a medical or surgical specialist, and, upon the recommendation of the Assistant Chief Medical Director for Dentistry, may rate any doctor of dental surgery or dental medicine, appointed under paragraph (1) of section 1404 as a dental specialist; however, no person shall at any one time hold more than one such rating.

(b) No person may be rated as a medical, surgical, or dental specialist unless he is certified as a specialist by an American specialty board, recognized by the Administrator where such boards exist; or if no such boards exist, he has been examined and found qualified by a board appointed by the Chief Medical Director from specialists of the Department of Medicine and Surgery holding ratings in the specialty to which the candidate aspires. Whenever there are insufficient specialists, rated in the proper specialty, who are readily available to constitute such a board, the Chief Medical Director may substitute consultants with comparable qualifications employed under section 1414.

(c) Any person, rated as a medical, surgical, or dental specialist under the provisions of this section shall retain such rating until it shall be withdrawn by the Chief Medical Director. The Chief Medical Director shall not withdraw any such rating until it shall have been determined by a board of specialists that the person holding such rating is no longer qualified in his specialty.

(d) Any person, rated as a medical, surgical, or dental specialist under the provisions of this section or prior corresponding provisions of law, shall receive, in addition to his basic pay, an allowance equal to 25 percent of such pay, but in no event shall the pay plus the allowance authorized by this subsection exceed \$13,760 per annum.

RETIREMENT RIGHTS

SEC. 1409. Persons appointed to the Department of Medicine and Surgery shall be subject to the provisions of and entitled to benefits under the Civil Service Retirement Act.

DISCIPLINARY BOARDS

SEC. 1410. (a) The Chief Medical Director, under regulations prescribed by the Administrator shall from time to time appoint boards to be known as disciplinary boards, each such board to consist of not less than three nor more than five employees, senior in grade, of the Department of Medicine and Surgery, to determine, upon notice and fair hearing, charges of inaptitude, inefficiency, or misconduct of any person employed in a position provided in paragraph (1) of section 1404. When such charges concern a dentist, the majority of employees on the disciplinary board shall be dentists.

(b) The Administrator shall appoint the chairman and secretary of the board, each of whom shall have authority to administer oaths.

(c) The Chief Medical Director may designate or appoint one or more investigators, to assist each disciplinary board in the collection and presentation of evidence. Any person answering to charges before a disciplinary board may be represented by counsel of his own choosing.

(d) A disciplinary board, when in its judgment charges are sustained, shall recommend to the Administrator suitable disciplinary action, within limitation prescribed by the Administrator, which shall include reprimand, suspension without pay, reduction in grade, and discharge from the Department of Medicine and Surgery of such person. The Administrator shall either approve the recommendation of the board, approve such recommendation with modification or exception, approve such recommendation and suspend further action at the time, or disapprove such recommendation. He shall cause to be executed such action as he approves. The decision of the Administrator shall be final.

APPOINTMENT OF ADDITIONAL EMPLOYEES

SEC. 1411. There shall be appointed by the Administrator under civil-service laws, rules, and regulations, such additional employees, other than those provided in section 1403, paragraph (1) of section 1404, and those specified in section 1414, as may be necessary to carry out the provisions of this title.

MEDICAL ADVISORY GROUP

SEC. 1412. The Administrator shall establish a special medical advisory group composed of members of the medical, dental, and allied scientific professions, nominated by the Chief Medical Director, whose duties shall be to advise the Administrator, through the Chief Medical Director, and the Chief Medical Director direct, relative to the care and treatment of disabled veterans, and other matters pertinent to the Department of Medicine and Surgery. The special medical advisory group shall conduct regular calendar quarterly meetings. The number, terms of service, compensation, and allowances to members of such advisory group shall be in accord with existing law and regulations.

TRAVEL EXPENSES OF EMPLOYEES

SEC. 1413. (a) The Administrator may pay the expenses, except membership fees, of employees described in section 1403 and paragraph (1) of section 1404 detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related science.

(b) (1) The Administrator may place in schools of the Army, Navy, Air Force, and Public Health Service, and in civil institutions

of learning, with the consent of the authorities concerned, full-time professional, technical, and medical administrative employees of outstanding ability employed in the Department of Medicine and Surgery, other than temporary employees appointed under section 1414 (a), on duty for a period not to exceed two hundred and eighty days in a year, for the purpose of increasing their professional knowledge or technical training in fields of medical education, research, and related sciences and occupations, or their proficiency in medical administrative techniques and which will materially contribute to the medical care and treatment of veterans and the more effective functioning of the Department of Medicine and Surgery; however, the number of any one class of employees placed upon such duty at any one time shall not exceed 5 per centum of full-time personnel of such class employed in the Department, and no full-time employee with less than two years of experience in the service of the Veterans' Administration shall be placed upon such duty for a full academic year or the equivalent thereof.

(2) The Administrator is authorized, subject to available appropriations, to pay for tuition, transportation, and educational fees of personnel placed on duty under the provisions of paragraph (1) of this subsection.

(c) Any person authorized to attend a course of training shall be required to reimburse the Veterans' Administration the expenses thereof if he voluntarily leaves the service within two years after completion of such course.

TEMPORARY AND PART-TIME APPOINTMENTS

SEC. 1414. (a) The Administrator, upon the recommendation of the Chief Medical Director, may employ, without regard to the Classification Act of 1949, physicians, dentists, and nurses, on a temporary full-time, part-time, or fee basis; and dietitians, social workers, librarians, and such other professional, clerical, technical, and unskilled personnel, in addition to personnel described in section 1403, paragraph (1) of section 1404, and section 1411, on a temporary full-time or part-time basis at such rates of pay as he may prescribe. No temporary full-time appointment shall be for a period of more than ninety days.

63 Stat. 954.
5 USC 1071 note.

(b) The Administrator shall have authority to establish residencies and internships; to appoint qualified persons to such positions without regard to civil-service or classification laws, rules, or regulations; and to prescribe the conditions of such employment, including necessary training, and the customary amount and terms of pay during the period of such employment and training.

REGULATIONS

SEC. 1415. The Chief Medical Director with the approval of the Administrator, unless specifically otherwise provided, shall promulgate all regulations necessary to the administration of the Department of Medicine and Surgery and consistent with existing law, including regulations relating to travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and to the custody, use, and preservation of the records, papers, and property of the Department of Medicine and Surgery.

TITLE XV—MINORS, INCOMPETENTS, AND
OTHER WARDS

COMMITMENT ACTIONS

SEC. 1501. The Administrator may incur necessary court costs and other expenses incident to proceedings for the commitment of mentally incompetent veterans to a Veterans' Administration hospital or domiciliary when necessary for treatment or domiciliary purposes.

PAYMENTS TO AND SUPERVISION OF GUARDIANS

SEC. 1502. (a) Where any payment of benefits under any law administered by the Veterans' Administration is to be made to a minor, other than a person in the active military, naval, or air service, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State of residence of the claimant, or who is otherwise legally vested with the care of the claimant or his estate. Where in the opinion of the Administrator any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the Administrator may refuse to make future payments in such cases as he may deem proper. Before receipt of notice by the Veterans' Administration that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct. Where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the Administrator shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

(b) Whenever it appears that any guardian, curator, conservator, or other person, in the opinion of the Administrator, is not properly executing or has not properly executed the duties of his trust or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are inequitable or in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents of the ward, then the Administrator may appear, by his duly authorized attorney, in the court which has appointed such fiduciary, or in any court having original, concurrent, or appellate jurisdiction over said cause, and make proper presentation of such matters. The Administrator, in his discretion, may suspend payments to any such guardian, curator, conservator, or other person who shall neglect or refuse, after reasonable notice, to render an account to the Administrator from time to time showing the application of such payments for the benefit of such incompetent or minor beneficiary, or who shall neglect or refuse to administer the estate according to law. The Administrator may appear or intervene by his duly authorized attorney in any court as an interested party in any litigation instituted by himself or otherwise, directly affecting money paid to such fiduciary under this section.

(c) Authority is hereby granted for the payment of any court or other expenses incident to any investigation or court proceeding for the appointment of any guardian, curator, conservator, or other person legally vested with the care of the claimant or his estate or the removal of such fiduciary and appointment of another, and of expenses in connection with the administration of such estates by such fiduciaries, or

in connection with any other court proceeding hereby authorized, when such payment is authorized by the Administrator.

(d) All or any part of any benefits the payment of which is suspended or withheld under this section may, in the discretion of the Administrator, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary, to be used solely for the benefit of such beneficiary, or, in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate nor apportioned to his dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the Administrator for the benefit of such beneficiary or his dependents. Any balance remaining in such fund to the credit of any beneficiary may be paid to him if he recovers and is found competent, or, if a minor, attains majority, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as otherwise provided by law; however, payment will not be made to his personal representative if, under the law of his last legal residence, his estate would escheat to the State. Any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, derived from benefits payable under laws administered by the Veterans' Administration, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, or by the personal representative of the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Veterans' Administration, and shall be deposited to the credit of the applicable current appropriation.

(e) In the case of any incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents.

(f) Payment of death benefits to a widow for herself and child or children, if any, may be made directly to such widow, notwithstanding she may be a minor.

HOSPITALIZED VETERANS AND ESTATES OF INCOMPETENT INSTITUTIONALIZED VETERANS

SEC. 1503. (a) (1) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration any pension, compensation, or retirement pay otherwise payable shall continue without reduction until the first day of the seventh calendar month following the month of admission of such veteran for treatment or care. If treatment or care extends beyond that period, the pension, compensation, or retirement pay, if \$30 per month or less, shall continue without reduction, but if greater than \$30 per month, the pension, compensation, or retirement pay shall not exceed 50 per centum of the amount otherwise payable or \$30 per month, whichever is the greater. If such veteran is discharged from such treatment or care upon certification by the officer in charge of the hospital, institution, or home, that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional

amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under this section. If treatment or care is terminated by the veteran against medical advice or as the result of disciplinary action the amount by which any pension, compensation, or retirement pay is reduced hereunder, shall be paid to him at the expiration of six months after such termination or, in the event of his prior death, as provided in paragraph (2) of this subsection; and the pension, compensation, or retirement pay of any veteran leaving against medical advice or as the result of disciplinary action shall, upon a succeeding readmission for treatment or care, be subject to reduction, as herein provided, from the date of such readmission, but if such subsequent treatment or care is continued until discharge therefrom upon certification, by the officer in charge of the hospital, institution, or home in which treatment or care was furnished, that maximum benefits have been received or that release is approved, the veteran shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement pay has been reduced under this section after such readmission.

(2) (A) In the event of the death of any veteran subject to the provisions of this section, while receiving hospital treatment, institutional or domiciliary care, or before payment of any lump sum authorized herein, such lump sum shall be paid in the following order of precedence: First, to the spouse; second, if the decedent left no spouse, or if the spouse is dead at time of settlement, then to the children (without regard to their age or marital status) in equal parts; third, if no spouse or child, then to the father and mother in equal parts; fourth, if either the father or mother is dead, then to the one surviving; fifth, if there is no spouse, child, father, or mother at the time of settlement, then to the brothers and sisters in equal parts. If there are no persons in the classes named to whom payment may be made under this paragraph, no payment shall be made, except there may be paid only so much of the lump sum as may be necessary to reimburse a person who bore the expenses of last sickness or burial, but no part of the lump sum shall be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of such veteran.

(B) No payment shall be made under this paragraph (2) unless claim therefor is filed with the Veterans' Administration within five years after the death of the veteran, except that if any person so entitled under this paragraph is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability.

(b) (1) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration, and is rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, the pension, compensation, or retirement pay of such veteran shall be subject to the provisions of subsection (a) of this section; however, no payment of a lump sum herein authorized shall be made until after the expiration of six months following a finding of competency.

(2) In any case where the estate of such incompetent veteran derived from any source equals or exceeds \$1,500, further payments of such benefits (except retired pay, but including emergency officers' retirement pay) shall not be made until the estate is reduced to \$500; however, the amount which would be payable but for this subsection shall be paid to the veteran as provided for the lump sum in paragraph (1) of this subsection but in the event of the veteran's death no part thereof shall be payable.

(3) All or any part of the pension, compensation, or retirement pay payable on account of any incompetent veteran who is being furnished hospital treatment, institutional or domiciliary care may, in the discretion of the Administrator, be paid to the chief officer of the institution wherein the veteran is being furnished such treatment or care, to be properly accounted for by such chief officer and to be used for the benefit of the veteran.

(c) Any veteran subject to the provisions of subsection (a) or (b) shall be deemed to be single and without dependents in the absence of satisfactory evidence to the contrary. In no event shall increased compensation, pension, or retirement pay of such veteran be granted for any period more than one year before receipt of satisfactory evidence showing such veteran has a wife, child, or dependent parent.

(d) Notwithstanding any other provision of this section or any other provision of law, no reduction shall be made in the pension, compensation, or retirement pay of any veteran for any part of the period during which he is furnished hospital treatment, or institutional or domiciliary care, for Hansen's disease, by the United States or any political subdivision thereof.

ADMINISTRATION OF TRUST FUNDS

SEC. 1504. All cash balances in the personal funds of patients and the funds due incompetent beneficiaries trust funds administered by the Veterans' Administration, and all moneys received which are properly for deposit into these funds, may be deposited, respectively, into special deposit accounts with the Treasurer of the United States for credit to the several disbursing officers of the Division of Disbursement, Treasury Department, and such balances and deposits shall thereupon be available for disbursement for properly authorized purposes without covering into the Treasury of the United States and withdrawal on money requisitions. When any balances have been on deposit with the Treasurer of the United States for more than one year and represent moneys belonging to individuals whose whereabouts are unknown, they shall be transferred and disposed of as directed in the last proviso of subsection (a) of section 20 of the Permanent Appropriation Repeal Act, 1934 (31 U. S. C., sec. 725s).

48 Stat. 1233.

TITLE XVI—AGENTS AND ATTORNEYS

PROHIBITION AGAINST ACTING AS CLAIMS AGENT OR ATTORNEY

SEC. 1601. No individual may act as an agent or attorney in the preparation, presentation, or prosecution of any claim under laws administered by the Veterans' Administration unless he has been recognized for such purposes by the Administrator.

RECOGNITION OF REPRESENTATIVES OF ORGANIZATIONS

SEC. 1602. (a) (1) The Administrator may recognize representatives of the American National Red Cross, the American Legion, the Disabled American Veterans, the United Spanish War Veterans, the Veterans of Foreign Wars, and such other organizations as he may approve, in the preparation, presentation, and prosecution of claims under laws administered by the Veterans' Administration.

(2) The Administrator may, in his discretion, furnish, if available, space and office facilities for the use of paid full-time representatives of national organizations so recognized.

(b) No individual shall be recognized under this section—

(1) unless he has certified to the Administrator that no fee or compensation of any nature will be charged any individual for services rendered in connection with any claim; and

(2) unless, with respect to each claim, such individual has filed with the Administrator a power of attorney, executed in such manner and form as the Administrator may prescribe.

(c) Service rendered in connection with any such claim, while not on active duty, by any retired officer, warrant officer, or enlisted man of the Armed Forces recognized under this section shall not be a violation of section 281 or 283 of title 18 of the United States Code, or a violation of section 190 of the Revised Statutes of the United States (5 U. S. C., sec. 99).

62 Stat. 697.

RECOGNITION WITH RESPECT TO PARTICULAR CLAIMS

SEC. 1603. The Administrator may recognize any individual for the preparation, presentation, and prosecution of any particular claim for benefits under any of the laws administered by the Veterans' Administration if—

(1) such individual has certified to the Administrator that no fee or compensation of any nature will be charged any individual for services rendered in connection with such claim; and

(2) such individual has filed with the Administrator a power of attorney, executed in such manner and in such form as the Administrator may prescribe.

RECOGNITION OF AGENTS AND ATTORNEYS GENERALLY

SEC. 1604. (a) The Administrator may recognize any individual as an agent or attorney for the preparation, presentation, and prosecution of claims under laws administered by the Veterans' Administration. The Administrator may require that individuals, before being recognized under this section, show that they are of good moral character and in good repute, are qualified to render claimants valuable service, and otherwise are competent to assist claimants in presenting claims.

(b) The Administrator, after notice and opportunity for a hearing, may suspend or exclude from further practice before the Veterans' Administration any agent or attorney recognized under this section if he finds that such agent or attorney—

(1) has engaged in any unlawful, unprofessional, or dishonest practice;

(2) has been guilty of disreputable conduct;

(3) is incompetent;

(4) has violated or refused to comply with any of the laws administered by the Veterans' Administration, or with any of the regulations or instructions governing practice before the Veterans' Administration; or

(5) has in any manner deceived, misled, or threatened any actual or prospective claimant.

(c) The Administrator shall determine and pay fees to agents or attorneys recognized under this section in allowed claims for monetary benefits under laws administered by the Veterans' Administration. Such fees—

(1) shall be determined and paid as prescribed by the Administrator;

(2) shall not exceed \$10 with respect to any one claim; and

(3) shall be deducted from monetary benefits claimed and allowed.

PENALTY FOR CERTAIN ACTS

SEC. 1605. Whoever (1) directly or indirectly solicits, contracts for, charges, or receives, or attempts to solicit, contract for, charge, or receive, any fee or compensation except as provided in section 1604 of this title, section 19 of the World War Veterans' Act, 1924, or section 617 of the National Service Life Insurance Act of 1940, or (2) wrongfully withholds from any claimant or beneficiary any part of a benefit or claim allowed and due him, shall be fined not more than \$500 or imprisoned at hard labor for not more than two years, or both.

43 Stat. 612.
38 USC 445.
54 Stat. 659.
38 USC 801.

TITLE XVII—ACQUISITION AND OPERATION OF HOSPITAL AND DOMICILIARY FACILITIES; PROCUREMENT AND SUPPLY

PART A—PROVISIONS RELATING TO HOSPITALS AND HOMES

HOSPITAL AND DOMICILIARY FACILITIES

SEC. 1701. (a) The Administrator, subject to the approval of the President, shall provide hospitals, domiciliaries, and out-patient dispensary facilities for veterans entitled under this Act to hospital or domiciliary care or medical services. Such hospitals, domiciliaries, and other facilities may be provided by (1) purchase, replacement, or remodeling or extension of existing plants, or (2) construction of such facilities on sites already owned by the United States or on sites acquired by purchase, condemnation, gift, or otherwise.

(b) Hospital and domiciliaries provided by the Administrator under subsection (a) shall be of fireproof construction. Where an existing plant is purchased it shall be remodeled to be fireproof.

(c) The location of each hospital or domiciliary and its nature (whether for domiciliary care or the treatment of tuberculosis, neuropsychiatric cases, or general medical and surgical cases) shall be within the discretion of the Administrator, subject to the approval of the President.

(d) The Administrator may accept gifts or donations for any of the purposes of this section.

(e) The Administrator, subject to the approval of the President, may use as hospitals, domiciliaries, or out-patient dispensary facilities such suitable buildings, structures, and grounds owned by the United States on March 3, 1925, as may be available for such purposes, and the President may by Executive order transfer any such buildings, structures, and grounds to the control and jurisdiction of the Veterans' Administration upon the request of the Administrator.

(f) As used in this section and in section 1702 and 1703, the term "hospitals, domiciliaries, or out-patient dispensary facilities" includes necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, sidewalks abutting hospital reservations, vehicles, livestock, furniture, equipment, accessories, accommodations for officers, nurses, and attending personnel, and proper and suitable recreational facilities.

CONSTRUCTION AND REPAIR OF BUILDINGS

SEC. 1702. The construction of new hospitals, domiciliaries and out-patient dispensary facilities, or the replacement, extension, alteration, remodeling, or repair of all such facilities shall be done in such manner as the President may determine. The President may require the architectural, engineering, constructing, or other forces of any

of the departments of the Government to do or assist in such work, and he may employ individuals and agencies not connected with the Government, if in his opinion desirable, at such compensation as he may consider reasonable.

USE OF ARMED FORCES FACILITIES

SEC. 1703. The Administrator and the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy may enter into agreements and contracts for the mutual use or exchange of use of hospitals and domiciliary facilities, and such supplies, equipment, and material as may be needed to operate such facilities properly, or for the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans, except that at no time shall the Administrator enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number established or approved on June 22, 1944, plus the estimated number required to meet the load of eligibles under this Act, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government.

GARAGES ON HOSPITAL AND DOMICILIARY RESERVATIONS

SEC. 1704. The Administrator may construct and maintain on reservations of Veterans' Administration hospitals and domiciliaries, garages for the accommodation of privately owned automobiles of employees at such hospitals and domiciliaries. Employees using such garages shall make such reimbursement therefor as the Administrator may deem reasonable. Money received from the use of such garages shall be covered into the Treasury of the United States as miscellaneous receipts.

ACCEPTANCE OF CERTAIN PROPERTY

SEC. 1705. The President may accept from any State or other political subdivision, or from any person, any building, structure, equipment, or grounds suitable for the care of the disabled, with due regard to fire or other hazards, state of repair, and all other pertinent considerations. He may designate which agency of the Federal Government shall have the control and management of any property so accepted.

PART B—PROCUREMENT AND SUPPLY

REVOLVING SUPPLY FUND

SEC. 1711. (a) The revolving supply fund established for the operation and maintenance of a supply system for the Veterans' Administration (including procurement of supplies and equipment and personal services) shall be—

(1) available without fiscal year limitations for all expenses necessary for the operation and maintenance of such supply system;

(2) reimbursed from appropriations for the cost of all services, equipment, and supplies furnished, at rates determined by the Administrator on the basis of estimated or actual direct and indirect cost; and

(3) credited with advances from appropriations for activities to which services or supplies are to be furnished, and all other receipts resulting from the operation of the fund, including the

proceeds of disposal of scrap, excess or surplus personal property of the fund, and receipts from carriers and others for loss of or damage to personal property.

At the end of each fiscal year, any net income of the fund, after making provision for prior losses, shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) An adequate system of accounts for the fund shall be maintained on the accrual method, and financial reports prepared on the basis of such accounts. An annual business type budget shall be prepared for operations under the fund.

(c) The Administrator is authorized to capitalize, at fair and reasonable values as determined by him, all supplies and materials and depot stocks of equipment on hand or on order.

AUTHORITY TO PROCURE AND DISPOSE OF PROPERTY

SEC. 1712. (a) The Administrator may lease for a term not exceeding three years lands or buildings, or parts or parcels thereof, belonging to the United States and under his control. The proceeds from such leases, less expenses for maintenance, operation, and repair of buildings leased for living quarters, shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) The Administrator may, for the purpose of extending benefits to veterans and dependents, and to the extent he deems necessary, procure the necessary space for administrative, clinical, medical, and outpatient treatment purposes by lease, purchase, or construction of buildings, or by condemnation or declaration of taking, pursuant to law.

PROCUREMENT OF PROSTHETIC APPLIANCES

SEC. 1713. The Administrator may procure prosthetic appliances and necessary services required in the fitting, supplying, and training and use of prosthetic appliances by purchase, manufacture, contract, or in such other manner as he may determine to be proper, without regard to any other provision of law.

PROPERTY FORMERLY OWNED BY NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

SEC. 1714. If by reason of any defeasance or conditional clause or clauses contained in any deed of conveyance of property to the National Home for Disabled Volunteer Soldiers, which property is owned by the United States, the full and complete enjoyment and use of such property is threatened, the Attorney General, upon request of the President, shall institute in the United States district court for the district in which the property is located such proceedings as may be proper to extinguish all outstanding adverse interests. The Attorney General may procure and accept on behalf of the United States by gift, purchase, cession, or otherwise absolute title to and complete jurisdiction over all such property.

GRANT OF EASEMENTS IN GOVERNMENT-OWNED LANDS

SEC. 1715. The Administrator, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, may grant on behalf of the United States to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by

public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Administrator deems necessary or desirable, is hereby ceded to the State in which the land is located. The Administrator may accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired. Any such easement or right-of-way shall be terminated upon abandonment or nonuse of the same and all right, title, and interest in the land covered thereby shall thereupon revert to the United States or its assignee.

CONTRACTS AND PERSONAL SERVICES

SEC. 1716. The Administrator may, for purposes of all laws administered by the Veterans' Administration, accept uncompensated services, and enter into contracts or agreements with private or public agencies or persons, for such necessary services (including personal services) as he may deem practicable.

TITLE XVIII—ACCEPTANCE OF GIFTS AND BEQUESTS

AUTHORITY TO ACCEPT GIFTS, DEVISES, AND BEQUESTS

SEC. 1801. The Administrator may accept devises, bequests, and gifts, made in any manner, with respect to which the testator or donor shall have indicated his intention that such property shall be for the benefit of groups of persons formerly in the active military, naval, or air service who by virtue of such service alone, or disability suffered therein or therefrom, are or shall be patients or members of any one or more hospitals or homes operated by the United States Government, or has indicated his intention that such property shall be for the benefit of any such hospital or home, or shall be paid or delivered to any official, as such, or any agency in administrative control thereof.

LEGAL PROCEEDINGS

SEC. 1802. For the purpose of acquiring title to and possession of any property which he is by this title authorized to accept, the Administrator may initiate and appear in any appropriate legal proceedings, and take such steps therein or in connection therewith as in his discretion may be desirable and appropriate to reduce said property to possession. He may incur such expenses incident to such proceedings as he deems necessary or appropriate, which shall be paid as are other administrative expenses of the Veterans' Administration. All funds received by devise, bequest, gift, or otherwise, for the purposes contemplated in this title, including net proceeds of sales authorized by this title, shall be deposited with the Treasurer of the United States to the credit of the General Post Fund.

RESTRICTED GIFTS

SEC. 1803. Disbursements from the General Post Fund shall be made on orders by and within the discretion of the Administrator and in the manner prescribed in section 1923; except that (1) if the testator or donor has directed or shall direct that his devise, bequest, or gift be devoted to a particular use authorized by this title, the same, less expenses incurred, or the net proceeds thereof, shall be used or disbursed as directed, except that a precatory direction shall be fulfilled only

insofar as may be proper or practicable; and (2) if the testator or donor shall have indicated his desire that his devise, bequest, or gift shall be for the benefit of persons in hospitals or homes, or other institutions operated by the United States but under the jurisdiction of an official other than the Administrator, the same, less expenses incurred, or the net proceeds thereof which may come into possession of the Administrator shall be disbursed by transfer to the governing authorities of such institution, or otherwise, in such manner as the Administrator may determine, for the benefit of the persons in the institution indicated by the testator or donor, for proper purposes, as nearly as practicable in conformity with such desire of the testator or donor.

DISPOSITION OF PROPERTY

SEC. 1804. If the Administrator receives any property other than moneys as contemplated by this title, he is authorized in his discretion to sell, assign, transfer, and convey the same, or any interest therein claimed by virtue of such devise, bequest, or gift, for such price and upon such terms as he deems advantageous (including consent to partition of realty and compromise of contested claim of title) and his assignment, deed, or other conveyance of any such property, executed in the name and on behalf of the United States, shall be valid to pass to the purchaser thereof such title to said property as the United States, beneficially or as trustee of the General Post Fund, may have by virtue of any such devise, bequest, or gift, and the proceedings incident thereto, subject to the conditions, limitations, and provisions of the instruments so executed by the Administrator.

SAVINGS PROVISION

SEC. 1805. (a) Nothing contained in this title shall be construed to repeal or modify section 4831 of the Revised Statutes of the United States, or any other statute authorizing the acceptance of devises, bequests, or gifts to the United States for their own use and benefit or for any particular purpose specified by the donors or testators.

24 USC 111 note.

(b) Whenever the United States receives property and it appears that it is, or shall have been, the intention of the testator or donor that such devise, bequest, or gift be for the benefit of those persons described in section 1801, or any particular hospital or other institution operated primarily for their benefit, such property or the proceeds thereof shall be credited to the General Post Fund, and shall be used or disbursed in accordance with the provisions of this title.

TITLE XIX—DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

PART A—PROPERTY LEFT ON VETERANS' ADMINISTRATION FACILITY

VESTING OF PROPERTY LEFT BY DECEDENTS

SEC. 1901. (a) Personal property left by any decedent upon premises used as a Veterans' Administration facility, which premises are subject to the exclusive legislative jurisdiction of the United States and are within the exterior boundaries of any State, Territory, Commonwealth, insular possession, or dependency of the United States, shall vest and be disposed of as provided in this part, except that—

(1) if such person died leaving a last will and testament probated under the laws of the place of his domicile or under the laws of the State, Territory, Commonwealth, insular possession, or dependency of the United States within the exterior bound-

aries of which such premises or a part thereof may be, the personal property of such decedent situated upon such premises shall vest in the person or persons entitled thereto under the provisions of such last will and testament; and

(2) if such person died leaving any such property not disposed of by a last will and testament probated in accord with the provisions of paragraph (1) such property shall vest in the persons entitled to take such property by inheritance under and upon the conditions provided by the law of the decedent's domicile. This paragraph shall not apply to property to which the United States is entitled except where such title is divested out of the United States.

(b) Any officer or employee of the United States in possession of any such property may deliver same to the executor (or the administrator with will annexed) who shall have qualified in either jurisdiction as provided in subsection (a) (1); or if none such then to the domiciliary administrator or to any other qualified administrator who shall demand such property. When delivery shall have been made to any such executor or administrator in accordance with this subsection, neither the United States nor any officer or employee thereof shall be liable therefor.

DISPOSITION OF UNCLAIMED PERSONAL PROPERTY

SEC. 1902. (a) Notwithstanding the provisions of section 1901, the Administrator may dispose of the personal property of such decedent left or found upon such premises as hereafter provided in this part.

(b) If any veteran (admitted as a veteran), upon his last admission to, or during his last period of maintenance in, a Veterans' Administration facility, shall have designated in writing a person (natural or corporate) to whom he desires his personal property situated upon such facility to be delivered, upon the death of such veteran the Administrator or employee of the Veterans' Administration authorized by him so to act, may transfer possession of such personal property to the person so designated. If there exists no person so designated by the veteran or if the one so designated declines to receive such property, or if he has failed to request such property within ninety days after the Veterans' Administration mails to such designate a notice of death and of the fact of such designation, a description of the property, and an estimate of transportation cost, which shall be paid by such designate if required under the regulations hereinafter mentioned, or if the Administrator declines to transfer possession to such designate, possession of such property may in the discretion of the Administrator of Veterans' Affairs, or his designated subordinate, be transferred to the following persons in the order and manner herein specified unless the parties otherwise agree as provided in this part, namely, executor or administrator, or if no notice of appointment received, to the spouse, child, grandchild, mother, father, grandmother, grandfather, brother, or sister of the veteran. In case two or more of those named above request the property, only one shall be entitled to possession thereof and in the order hereinbefore set forth, unless they otherwise agree in writing delivered to the Veterans' Administration. If claim is made by two or more such relatives having equal priorities, as hereinabove prescribed, or if there are conflicting claims the Administrator or his designee may in such case select the one to receive such possession, or may make delivery as may be agreed upon by those entitled, or may in his discretion withhold delivery from them and require the qualification of an administrator or executor of the veterans' estate and thereupon make delivery to such.

(c) If the property of any decedent is not so delivered or claimed and accepted the Administrator or his designee may dispose of such property by public or private sale in accordance with the provisions of this part and regulations prescribed by the Administrator.

(d) All sales authorized by this part shall be for cash upon delivery at the premises where sold and without warranty, express or implied. The proceeds of such sales after payment of any expenses incident thereto as may be prescribed by regulations, together with any other moneys left or found on a facility, not disposed of in accordance with this part, shall be credited to the General Post Fund, National Homes, Veterans' Administration, a trust fund provided for in section 20 (45) of the Permanent Appropriation Repeal Act, 1934 (31 U. S. C., sec. 725s). In addition to the purposes for which such fund may be used under the existing law, disbursements may be made therefrom as authorized by the Administrator by regulation or otherwise for the purpose of satisfying any legal liability incurred by any employee in administering the provisions of this part, including any expense incurred in connection therewith. Legal liability shall not exist when delivery or sale shall have been made in accordance with this part.

48 Stat. 1234.

(e) If, notwithstanding such sale, a claim is filed with the Administrator within five years after notice of sale as herein required, by or on behalf of any person or persons who if known would have been entitled to the property under section 1901 or to possession thereof under this section, the Administrator shall determine the person or persons entitled under the provisions of this part and may pay to such person or persons so entitled the proceeds of sale of such property, less expenses. Such payment shall be made out of the said trust fund, and in accord with the provisions of this section or section 1901. Persons under legal disability to sue in their own name may make claim for the proceeds of sale of such property at any time within five years after termination of such legal disability.

(f) Any such property, the sale of which is authorized under this part and which remains unsold, may be used, destroyed, or otherwise disposed of in accordance with regulations promulgated by the Administrator.

NOTICE OF PROVISIONS OF THIS PART

SEC. 1903. All persons having or bringing personal property on the premises of a Veterans' Administration facility shall be given reasonable notice of the provisions of this part. In case of a mentally incompetent person, notice hereof shall be given the guardian or other person having custody or control of such person or, if none, to his nearest relative if known. The admission to or continued maintenance in such facility after reasonable notice of the provisions of this part shall constitute consent to the provisions hereof. The death of any person on any such facility or the leaving of property thereon shall be prima facie evidence of a valid agreement for the disposition of such property in accordance with the provisions of this part.

DISPOSITION OF OTHER UNCLAIMED PROPERTY

SEC. 1904. Any other unclaimed property found on the premises under the control of the Veterans' Administration shall be stored by the officer in charge of such premises and may be sold, used, destroyed, or otherwise disposed of in accordance with regulations promulgated by the Administrator if the owner thereof fails to claim same within ninety days. If undisposed of, the same may be reclaimed by the owner, his personal representative or next of kin, upon payment of

reasonable storage charges prescribed by regulations. If sold, the net proceeds thereof shall be credited to said post fund to be expended as other assets of such funds. The person who was entitled to such property, or his legal representative, or assignee, shall be paid the proceeds of sale thereof, less expenses if claim therefor be made within five years from the date of finding. If the owner shall have died intestate without creditors or next of kin surviving, such proceeds shall not be paid to his legal representative.

SALE OR OTHER DISPOSITION OF PROPERTY

SEC. 1905. Any unclaimed personal property as described in section 1902 of veterans who have heretofore died or who may hereafter die while maintained as such in a Veterans' Administration facility, and also any unclaimed property heretofore or hereafter found or situated in such facility, may be sold, used, destroyed, or otherwise disposed of in accordance with this part, and subject to regulations promulgated by the Administrator pursuant hereto; and the net proceeds of sale thereof shall be credited and be subject to disbursement as provided in this part.

NOTICE OF SALE

SEC. 1906. At least ninety days before any sale pursuant to this part, written or printed notice thereof describing the property to be sold shall be mailed to the owner of the property or, if deceased, to his executor or administrator, or to the nearest kin, if any such appear by the records of the Veterans' Administration. If none such appears from said records, similar notice shall be posted at the facility where the death occurred or property shall have been found (if in existence) and at the place where such property is situated at the time of such notice, and also at the place where probate notices are posted in the county wherein the sale is to be had. The person posting such notice shall make an affidavit setting forth the time and place of such posting and attaching thereto a copy of such notice, and such affidavit shall be prima facie evidence of such posting and admissible in evidence as proof of the same.

PAYMENT OF SMALL SHIPPING CHARGES

Post, p. 472.

SEC. 1907. Upon receipt of a proper claim for such property under the provisions of this part the Administrator is hereby authorized, in his discretion and in accordance with regulations by him promulgated, to pay mailing or shipping charges not to exceed \$10 in the case of each deceased veteran as hereinabove defined.

RELINQUISHMENT OF FEDERAL JURISDICTION

SEC. 1908. Subject to the provisions of this part and to the extent necessary to effectuate the purposes of this part, there is hereby relinquished to the respective State, Territory, Commonwealth, insular possession, or dependency of the United States such jurisdiction pertaining to the administration of estates of decedents as may have been ceded to the United States by said State, Territory, Commonwealth, insular possession, or dependency of the United States respecting the Federal reservation on which is situated any Veterans' Administration facility while such facility is operated by the Veterans' Administration; such jurisdiction with respect to any such property on any such reservation to be to the same extent as if such premises had not been ceded to the United States. Nothing in this

section shall be construed to deprive any said State, Territory, Commonwealth, insular possession, or dependency of the United States of any jurisdiction which it now has nor to give any State, Territory, Commonwealth, insular possession, or dependency of the United States authority over any Federal official as such on such premises or otherwise.

DEFINITIONS

SEC. 1909. The term "facility" or "Veterans' Administration facility" as used in this part means those facilities over which the Veterans' Administration has direct and exclusive administrative jurisdiction, including hospitals or other facilities on property owned or leased by the United States while operated by the Veterans' Administration.

FINALITY OF DECISIONS

SEC. 1910. Decisions by the Administrator under this part shall not be reviewable administratively by any other officer of the United States.

PART B—DEATH WHILE INMATE OF VETERANS' ADMINISTRATION FACILITY

VESTING OF PROPERTY LEFT BY DECEDENTS

SEC. 1920. (a) Whenever any veteran (admitted as a veteran) shall die while a member or patient in any facility, or any hospital while being furnished care or treatment therein by the Veterans' Administration, and shall not leave surviving him any spouse, next of kin, or heirs entitled, under the laws of his domicile, to his personal property as to which he dies intestate, all such property, including money and choses in action, owned by him at the time of death and not disposed of by will or otherwise, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund (hereafter in this part referred to as the "Fund"), a trust fund prescribed by section 20 (45) of the Permanent Appropriation Repeal Act, 1934 (31 U. S. C., sec. 725s (45)).

48 Stat. 1234.

(b) The provisions of subsection (a) are conditions precedent to the initial, and also to the further furnishing of care or treatment by the Veterans' Administration in a facility or hospital. The acceptance and the continued acceptance of care or treatment by any veteran (admitted as a veteran to a Veterans' Administration facility or hospital) shall constitute an acceptance of the provisions and conditions of this part and have the effect of an assignment, effective at his death, of such assets in accordance with and subject to the provisions of this part and regulations issued in accordance with this part and former provisions of law on this subject.

PRESUMPTION OF CONTRACT FOR DISPOSITION OF PERSONALTY

SEC. 1921. The fact of death of a veteran (admitted as such) in a facility or hospital, while being furnished care or treatment therein by the Veterans' Administration, leaving no spouse, next of kin, or heirs, shall give rise to a conclusive presumption of a valid contract for the disposition in accordance with this part, but subject to its conditions, of all property described in section 1920 owned by said decedent at death and as to which he dies intestate.

SALE OF ASSETS ACCRUING TO THE FUND

SEC. 1922. Any assets heretofore or hereafter accruing to the benefit of the Fund, other than money, but including jewelry and other personal effects, may be sold at the times and places and in the manner prescribed by regulations issued by the Administrator. Upon receipt of the purchase price he is authorized to deliver at the place of sale, said property sold, and upon request to execute and deliver appropriate assignments or other conveyances thereof in the name of the United States, which shall pass to the purchaser such title as decedent had at date of death. The net proceeds after paying any proper sales expenses as determined by the Administrator shall forthwith be paid to the Treasurer of the United States to the credit of the Fund; and may be disbursed as are other moneys in the Fund by the Division of Disbursements, Treasury Department, upon order of said Administrator. Articles of personal adornment which are obviously of sentimental value, shall be retained and not sold or otherwise disposed of until the expiration of five years from the date of death of the veteran, without a claim therefor, unless for sanitary or other proper reasons it is deemed unsafe to retain same, in which event they may be destroyed forthwith. Any other articles coming into possession of the Administrator or his representatives by virtue of this part which, under regulations promulgated by the Administrator, are determined to be unsalable may be destroyed forthwith or at the time prescribed by regulations, or may be used for the purposes for which disbursements might properly be made from the Fund, or if not usable, otherwise disposed of in accordance with regulations.

DISBURSEMENTS FROM THE FUND

SEC. 1923. Disbursements from the Fund shall be made by the Division of Disbursements, Treasury Department, upon the order and within the discretion of the Administrator for the benefit of members and patients while being supplied care or treatment by the Veterans' Administration in any facility or hospital. The authority contained in the preceding sentence is not limited to facilities or hospitals under direct administrative control of the Veterans' Administration. There shall be paid out of the assets of the decedent so far as may be the valid claims of creditors against his estate that would be legally payable therefrom in the absence of this part and without the benefit of any exemption statute, and which may be presented to the Veterans' Administration within one year from the date of death, or within the time, to the person, and in the manner required or permitted by the law of the State wherein administration, if any, is had upon the estate of the deceased veteran; and also the proper expenses and costs of administration, if any. If the decedent's estate is insolvent the distribution to creditors shall be in accordance with the laws of his domicile, and the preferences and priorities prescribed thereby shall govern, subject to any applicable law of the United States.

DISPOSAL OF REMAINING ASSETS

SEC. 1924. The remainder of such assets or their proceeds shall become assets of the United States as trustee for the Fund and disposed of in accordance with this part. If there is administration upon the decedent's estate such assets, other than money, upon claim therefor within the time required by law, shall be delivered by the administrator of the estate to the Administrator or his authorized representative, as upon final distribution; and upon the same claim there shall be paid to the Treasurer of the United States for credit to the Fund

any such money, available for final distribution. In the absence of administration, any money, chose in action, or other property of the deceased veteran held by any person shall be paid or transferred to the Administrator upon demand by him or his duly authorized representative, who shall deliver itemized receipt therefor. Such payment or transfer shall constitute a complete acquittance of the transferor with respect to any claims by any administrator, creditor, or next of kin of such decedent.

COURT ACTIONS

SEC. 1925. If necessary to obtain such assets the Administrator, through his authorized attorneys, may bring and prosecute appropriate actions at law or other legal proceedings, the costs and expenses thereof to be paid as are other administrative expenses of the Veterans' Administration.

FILING OF CLAIMS FOR ASSETS

SEC. 1926. Notwithstanding the crediting to said Fund of the assets, or proceeds thereof, of any decedent, whether upon determination by a court or the Veterans' Administration pursuant to the provisions of section 1920, any person claiming a right to such assets may within five years after the death of the decedent file a claim on behalf of himself and any others claiming with the Administrator. Upon receipt of due proof that any person was at date of death of the veteran entitled to his personal property, or a part thereof, under the laws of the State of domicile of the decedent, the Administrator may pay out of the Fund, but not to exceed the net amount credited thereto from said decedent's estate less any necessary expenses, the amount to which such person, or persons, was or were so entitled, and upon similar claim any assets of the decedent which shall not have been disposed of shall be delivered in kind to the parties legally entitled thereto. If any person so entitled is under legal disability at the date of death of such decedent, such five-year period of limitation shall run from the termination or removal of legal disability. In the event of doubt as to entitlement, the Administrator may cause administration or other appropriate proceedings to be instituted in any court having jurisdiction. In determining questions of fact or law involved in the adjudication of claims made under this section, no judgment, decree, or order entered in any action at law, suit in equity, or other legal proceeding of any character purporting to determine entitlement to said assets or any part thereof, shall be binding upon the United States or the Administrator or determinative of any fact or question involving entitlement to any such property or the proceeds thereof, or any part of the Fund, unless the Administrator has been reasonably served with notice and permitted to become a party to such suit or proceeding if he makes a request therefor within thirty days after such notice. Notice may be served in person or by registered mail upon the Administrator, or upon his authorized attorney in the State wherein the action or proceedings may be pending. Notice may be waived by the Administrator or by his authorized attorney, in which event the finding, judgment, or decree shall have the same effect as if the Administrator were a party and served with notice. Any necessary court costs or expenses if authorized by the Administrator may be paid as are other administrative expenses of the Veterans' Administration.

NOTICE OF PROVISIONS OF PART

SEC. 1927. The Administrator shall prescribe a form of application for hospital treatment and domiciliary care which shall include notice of the provisions of this part.

INVESTMENT OF THE FUND

SEC. 1928. Money in the Fund not required for current disbursements may be invested and reinvested by the Secretary of the Treasury in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

TITLE XX—VETERANS' CANTEEN SERVICE

PURPOSE OF VETERANS' CANTEEN SERVICE

SEC. 2001. The Veterans' Canteen Service (hereafter in this title referred to as the "Service") in the Veterans' Administration is an instrumentality of the United States, created for the primary purpose of making available to veterans of the Armed Forces who are hospitalized or domiciled in hospitals and homes of the Veterans' Administration, at reasonable prices, articles of merchandise and services essential to their comfort and well-being.

DUTIES OF ADMINISTRATOR WITH RESPECT TO SERVICE

SEC. 2002. The Administrator shall—

(1) establish, maintain, and operate canteens where deemed necessary and practicable at hospitals and homes of the Veterans' Administration and at other Veterans' Administration establishments where similar essential facilities are not reasonably available from outside commercial sources;

(2) establish, maintain, and operate such warehouses and storage depots as may be necessary in operating the canteens;

(3) furnish the Service, without charge, rental, or reimbursement, for its use in connection with the establishment, maintenance, and operation thereof, such space, buildings, and structures under control of the Veterans' Administration as he may consider necessary, including normal maintenance and repair service thereon;

(4) transfer to the Service without charge, rental, or reimbursement such necessary equipment as may not be needed for other purposes, and furnish the Service such services and utilities, including light, water, and heat, as may be available and necessary for its use. Reasonable charges, to be determined by the Administrator, shall be paid annually by the Service for the utilities so furnished;

(5) employ such persons as are necessary for the establishment, maintenance, and operation of the Service, and to pay the salaries, wages, and expenses of all such employees from the funds of the Service. Personnel necessary for the transaction of the business of the Service at canteens, warehouses, and storage depots shall be appointed, compensated from funds of the Service, and removed by the Administrator without regard to civil-service laws and the Classification Act of 1949. Such employees shall be subject to the Veterans' Preference Act of 1944, the Civil Service Retirement Act, and laws administered by the Bureau of Em-

63 Stat. 954.
5 USC 1071 note.
58 Stat. 387.
5 USC 851 note.
70 Stat. 743.
5 USC 2251 et
seq.

ployees Compensation applicable to civilian employees of the United States;

(6) make all necessary contracts or agreements to purchase or sell merchandise, fixtures, equipment, supplies, and services, without regard to section 3709 of the Revised Statutes of the United States (41 U. S. C., sec. 5), and to do all things necessary to carry out such contracts or agreements, including the making of necessary adjustments and compromising of claims in connection therewith;

(7) fix the prices of merchandise and services in canteens so as to carry out the purposes of this title;

(8) accept gifts and donations of merchandise, fixtures, equipment, and supplies for the use and benefit of the Service;

(9) make such rules and regulations, not inconsistent with the provisions of this title, as he considers necessary or appropriate to effectuate its purposes;

(10) delegate such duties and powers to employees as he considers necessary or appropriate, whose official acts performed within the scope of the delegated authority shall have the same force and effect as though performed by the Administrator;

(11) authorize the use of funds of the Service when available, subject to such regulations as he may deem appropriate, and without regard to the provisions of sections 3639 and 3651, Revised Statutes of the United States (31 U. S. C., secs. 521, 543), for the purpose of cashing checks, money orders, and similar instruments in nominal amounts for the payment of money presented by veterans hospitalized or domiciled at hospitals and homes of the Veterans' Administration, and by other persons authorized by section 2003 to make purchases at canteens. Such checks, money orders, and other similar instruments may be cashed outright or may be accepted, subject to strict administrative controls, in payment for merchandise or services, and the difference between the amount of the purchase and the amount of the tendered instrument refunded in cash.

OPERATION OF SERVICE

SEC. 2003. (a) The canteens at hospitals and homes of the Veterans' Administration shall be primarily for the use and benefit of veterans hospitalized or domiciled at such hospitals and homes. Service at such canteens may also be furnished to personnel of the Veterans' Administration and recognized veterans' organizations employed at such hospitals and homes and to other persons so employed, to the families of all the foregoing persons who reside at the hospital or home concerned, and to relatives and other persons while visiting any of the persons named in this subsection; however, service to any person not hospitalized, domiciled, or residing at the hospital or home shall be limited to the sale of merchandise or services for consumption or use on the premises.

(b) Service at canteens other than those established at hospitals and homes shall be limited to sales of merchandise and services for consumption or use on the premises, to personnel employed at such establishments, their visitors, and other persons at such establishments on official business.

FINANCING OF SERVICE

SEC. 2004. To finance the establishment, maintenance, and operation of the Service there is hereby authorized to be appropriated, from time to time, such amounts as are necessary to provide for (1) the acquisition of necessary furniture, furnishings, fixtures, and equip-

ment for the establishment, maintenance, and operation of canteens, warehouses, and storage depots; (2) stocks of merchandise and supplies for canteens and reserve stocks of same in warehouses and storage depots; (3) salaries, wages, and expenses of all employees; (4) administrative and operation expenses and premiums on fidelity bonds of employees; and (5) adequate working capital for each canteen and for the Service as a whole. Amounts appropriated under the authority contained in this title, amounts heretofore appropriated under Public Law 636, Seventy-ninth Congress, and all income from canteen operations become and will be administered as a revolving fund to effectuate the provisions of this title.

60 Stat. 887.
38 USC 13, 13a-
13g.

REVOLVING FUND

SEC. 2005. The revolving fund shall be deposited in a checking account with the Treasury of the United States. Such amounts thereof as the Administrator may determine to be necessary to establish and maintain operating accounts for the various canteens may be deposited in checking accounts in other depositaries selected by the Administrator.

BUDGET OF SERVICE

SEC. 2006. The Service shall prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act which shall contain an estimate of the needs of the Service for the ensuing fiscal year including an estimate of the amount required to restore any impairment of the revolving fund resulting from operations of the current fiscal year. Any balance in the revolving fund at the close of the fiscal year in excess of the estimated requirements for the ensuing fiscal year shall be covered into the Treasury as miscellaneous receipts.

59 Stat. 597.
31 USC 841 note.

AUDIT OF ACCOUNTS

SEC. 2007. The Service shall maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by the Government Corporation Control Act. No other audit shall be required.

31 USC 841 note.

SERVICE TO BE INDEPENDENT UNIT

SEC. 2008. It is the purpose of this title that, under control and supervision of the Administrator, the Service shall function as an independent unit in the Veterans' Administration and shall have exclusive control over all its activities including sales, procurement and supply, finance, including disbursements, and personnel management, except as otherwise herein provided.

TITLE XXI—MISCELLANEOUS

TRAVEL EXPENSES

SEC. 2101. (a) Under regulations prescribed by the President, the Administrator 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 Veterans' Administration facility or other place in connection with vocational rehabilitation, or for the purpose of examination, treatment, or care.

(b) Mileage may be paid under this section in connection with vocational rehabilitation, or upon termination of examination, treatment, or care, before the completion of travel.

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

(d) The Administrator 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 Veterans' Administration facility.

SEVEN-YEAR ABSENCE PRESUMPTION OF DEATH

SEC. 2102. (a) No State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Veterans' Administration.

(b) If evidence satisfactory to the Administrator is submitted establishing the continued and unexplained absence of any individual from his home and family for seven or more years, and establishing that after diligent search no evidence of his 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 19 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 445) or section 617 of the National Service Life Insurance Act of 1940 (38 U. S. C., sec. 817), the finding of death made by the Administrator shall be final and conclusive.

43 Stat. 612.
38 USC 445.

54 Stat. 659.
38 USC 801.

CERTIFICATION OF RECORDS OF DISTRICT OF COLUMBIA

SEC. 2103. When a copy of any public record of the District of Columbia is required by the Veterans' Administration to be used in determining the eligibility of any person for benefits under laws administered by the Veterans' Administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person (including any veterans' organization) acting on his behalf or the authorized representative of the Veterans' Administration with a certified copy of such record.

CERTAIN SERVICE DEEMED TO BE ACTIVE SERVICE

SEC. 2104. (a) Service as a cadet at the United States Military Academy or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, after December 6, 1941, and before January 1, 1947, shall be considered active military or naval service for the purposes of all laws administered by the Veterans' Administration.

(b) (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 service-connected disability 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 military service for the purposes of all laws administered by the Veterans' Administration.

(2) Any person entitled to compensation or pension by reason of this subsection and to compensation based upon the same service under the Federal Employees' Compensation Act must elect which benefit she will receive.

39 Stat. 742; 63
Stat. 865.
5 USC 751.

CERTAIN SERVICE DEEMED NOT TO BE ACTIVE SERVICE

SEC. 2105. (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 pursuant to the military order of the President dated July 26, 1941, 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 military, naval, or air service of the United States, except benefits under—

(1) the National Service Life Insurance Act of 1940, with respect to contracts of insurance entered into before February 18, 1946;

(2) the Missing Persons Act; and

(3) titles III and VIII of this Act and title II of the Servicemen's and Veterans' Survivor Benefits Act.

Payments under such titles III, VIII, and II shall be made at the rate of one peso for each dollar otherwise 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 the rate of one Philippine peso 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 his service was not service in the military or naval forces of the United States 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 be active military, naval, or air service for the purposes of any of the laws administered by the Veterans' Administration except—

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

(2) the Servicemen's Indemnity Act of 1951; and

(3) title III of this Act and title II of the Servicemen's and Veterans' Survivor Benefits Act.

Payments under such titles III and II shall be made at the rate of one peso for each dollar otherwise 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 the rate of one Philippine peso for each dollar.

PAYMENT OF CERTAIN WITHHELD BENEFITS

SEC. 2106. (a) Any person who, but for section 5 of Public Law 144, Seventy-eighth Congress, or section 1008 of this Act, was entitled to benefits under any of the laws administered by the Veterans' Administration, whose award of benefits was terminated under such section, or whose benefits were not paid pursuant to Public Law 828, Seventy-sixth Congress, and who was not guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or its allies, shall be paid the full amount of any benefits not paid because of such section 5 or 1008, or withheld (including the amount of any checks covered on his account into the Treasury as miscellaneous receipts together with any amount to his credit in the special-deposit account) pursuant to such Public Law 828. The Administrator shall certify to the Secretary of the Treasury the amounts of payments which, but for this section, would have been made from the

54 Stat. 1008.
38 USC 818.

56 Stat. 143; 58
Stat. 679.
50 U S C app.
1001 note.
70 Stat. 852.
38 USC 1111.

59 Stat. 543.
10 USC 635 note.

54 Stat. 1008.
38 USC 821, 822.

65 Stat. 33.
38 USC 851 note.

38 USC 1111.

57 Stat. 555.
38 USC 729.

54 Stat. 1086.
31 USC 123-128.

special deposit account, and the Secretary of the Treasury, as directed by the Administrator, shall reimburse the appropriations of the Veterans' Administration from such special deposit account, or cover into the Treasury as miscellaneous receipts the amounts so certified.

(b) No payments shall be made for any period before the date claim therefor is filed under this section to any person whose award was terminated, or whose benefits were not paid, because he was a citizen or subject of Germany or Japan residing in Germany or Japan.

BENEFITS FOR DISCHARGED MEMBERS OF ALLIED FORCES

SEC. 2107. (a) In consideration of reciprocal services extended to the United States, the Administrator, 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 military, naval, or air forces of such government, under agreements requiring reimbursement in cash of expenses so incurred, at such rates and under such regulations as the Administrator 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 Veterans' Administration 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 Administrator 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.

(b) The Administrator, in carrying out the provisions of this section, may contract for necessary services in private, State, and other Government hospitals.

(c) All amounts received by the Veterans' Administration as reimbursement for such services shall be credited to the current appropriation of the Veterans' Administration from which expenditures were made under this section.

PRESERVATION OF CERTAIN DISABILITY RATINGS

SEC. 2108. A rating of total disability or permanent total disability which has been made for compensation, pension, or insurance purposes under laws administered by the Veterans' Administration, 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.

TITLE XXII—AMENDMENTS AND REPEALS

AMENDMENTS

SEC. 2201. The following provisions of law are amended as follows:

(1) Section 441 of the Revised Statutes of the United States (5 U. S. C., sec. 485), is amended by striking out "Pensions and bounty-lands" and inserting "Bounty-lands".

(2) Clause (2) of subsection (b) of section 3 of the Civil Service Retirement Act is amended by striking out "during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part I, paragraph I" and inserting in lieu thereof "during a period of war (as that term is used in Title III of the Veterans' Benefits Act of 1957)".

70 Stat. 745.
5 USC 2253.

43 Stat. 607.

(3) Section 3 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 424), is amended by striking out "Titles II, III, and IV of".

43 Stat. 612.

(4) Section 19 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 445), is amended by adding at the end thereof the following new paragraph:

54 Stat. 659,
38 USC 801.

"Whenever a judgment or decree shall be rendered in an action brought pursuant to this section or section 617 of the National Service Life Insurance Act of 1940 (38 U. S. C., sec. 817), the court, as a part of its judgment or decree, shall determine and allow reasonable fees for the attorneys of the successful party or parties and apportion same if proper, said fees not to exceed 10 percent of the amount recovered and to be paid by the Veterans' Administration out of the payments to be made under the judgment or decree at a rate not exceeding one-tenth of each of such payments until paid; except that in a suit brought by or on behalf of an insured during his lifetime, for waiver of premiums on account of total disability, the court, as part of its judgment or decree, shall determine and allow a reasonable fee to be paid by the insured to his attorney."

43 Stat. 613; 46
Stat. 1016.

(5) Section 23 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 447), is amended (A) by striking out all beginning with "The" through "no compensation or insurance" and inserting "No insurance", and (B) by striking out ": Provided further, That the discharge of a person for having concealed the fact that he was a minor at the time of his enlistment shall not bar him from the benefits of this Act if his service was otherwise honorable".

43 Stat. 614.

(6) Section 24 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 448), is amended by striking out "he or those entitled thereto shall receive the benefits of compensation payable under Title II; and".

43 Stat. 614.

(7) Section 25 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 452), is amended by striking out "Titles II and" and inserting "Title".

43 Stat. 614.

(8) Section 26 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 451), is amended by striking out "of compensation, yearly renewable term insurance, or accrued maintenance and support allowance which has become payable under the provisions of Titles II, III, or IV hereof" and inserting "of yearly renewable term insurance which has become payable under the provisions of this Act".

43 Stat. 615.

(9) Section 27 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 452), is amended by striking out "compensation and".

43 Stat. 615.

(10) Section 28 of the World War Veterans' Act, 1924 (38 U. S. C., sec. 453), is amended by inserting immediately after "recovery of payments" the following: "of insurance under this Act".

(11) Subsection (b) of section 212 of the Act of June 30, 1932 (47 Stat. 406; 5 U. S. C., sec. 59a), is amended by striking out "an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part I, paragraph I" and inserting in lieu thereof "a period of war (as that term is used in title III of the Veterans' Benefits Act of 1957)".

38 USC chap.
12A.

(12) Part VII of Veterans Regulation Numbered 1 (a) is amended

58 Stat. 301.

(1) by striking out "honorably discharged therefrom" in paragraph 1. thereof and inserting "discharged or released therefrom under conditions other than dishonorable"; (2) by striking out "section 1503 of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 697c)" in subparagraph (b) of such paragraph and inserting "this paragraph";

65 Stat. 655.

(3) by striking out "207 of the Legislative Reorganization Act of 1946, as amended (5 U. S. C. 191a)" and inserting "1552 of title 10 of the United States Code" and (4) by adding at the end of such part the following:

"10. If a veteran is not living with his wife, or if any of his children are not in his custody, any subsistence allowance payable to the veteran under this part or part VIII may be apportioned as may be prescribed by the Administrator.

"11. Terms used in this part and part VIII shall have the meanings assigned to them by section 101 of the Veterans' Benefits Act of 1957. Effective dates relating to awards under this part and part VIII shall, to the extent feasible, correspond to the effective dates relating to awards of disability compensation under title IX of such Act."

(13) Section 616 of the National Service Life Insurance Act of 1940 (38 U. S. C., sec. 816) is amended by striking out "The" and all that follows down through "That assignments" and inserting in lieu thereof "Assignments".

54 Stat. 1014.

(14) Section 617 of the National Service Life Insurance Act of 1940 (38 U. S. C., sec. 817) is amended by striking out "sections 19 and 500" and inserting "section 19".

54 Stat. 1014.

(15) The first proviso in section 301 of the Servicemen's Readjustment Act of 1944 (38 U. S. C., sec. 693h) is amended by striking out "section 200 of the Act of June 29, 1936 (Public Law Numbered 844, Seventy-fourth Congress)" and inserting "title XVI of the Veterans' Benefits Act of 1957".

58 Stat. 286.

(16) Section 1503 of the Servicemen's Readjustment Act of 1944 (38 U. S. C., sec. 697c) is amended by striking out "or Public Law Numbered 2, Seventy-third Congress, as amended".

58 Stat. 301.

(17) Section 608 of the Federal Employees' Pay Act of 1945 (5 U. S. C., sec. 948) is amended by striking out "paragraph II (a) of part III of Veterans Regulation Numbered 1 (a), as amended" and inserting "section 422 of the Veterans' Benefits Act of 1957".

59 Stat. 305.

(18) The paragraph beginning "Finance Service, Army" under Title II of the Act of May 27, 1946 (60 Stat. 223) is amended by striking out the semicolon at the end of paragraph (4) and inserting a period, and by striking out paragraphs (5) and (6) and the provisos immediately following such paragraph (6).

(19) Section 8 of the Act of August 4, 1947 (61 Stat. 728; 5 U. S. C., sec. 1057), is amended by striking out "the Act of January 3, 1946 (Public Law 293, Seventy-ninth Congress)" and inserting in lieu thereof "title XIV of the Veterans' Benefits Act of 1957".

(20) Paragraph (3) of section 202 of the Classification Act of 1949 (63 Stat. 955; 5 U. S. C., sec. 1082) is amended by striking out "Public Law 293, Seventy-ninth Congress, approved January 3, 1946" and inserting "title XIV of the Veterans' Benefits Act of 1957".

(21) Paragraph (3) of subsection (b) of section 2 of the Performance Rating Act of 1950 (64 Stat. 1098; 5 U. S. C., sec. 2001) is amended by striking out "Public Law 293, Seventy-ninth Congress, approved January 3, 1946" and inserting in lieu thereof "title XIV of the Veterans' Benefits Act of 1957".

(22) The Act of December 28, 1950 (64 Stat. 1121; 38 U. S. C., sec. 701a), is amended (1) by striking out "part I, Veterans Regulation Numbered 1 (a), as amended" and inserting in lieu thereof "part B of title III of the Veterans' Benefits Act of 1957"; (2) by striking out "section 1503 of the Servicemen's Readjustment Act of 1944 (38 U. S. C. 697c)" and inserting "paragraph 1 of part VII of Veterans Regulation Numbered 1 (a)"; and (3) by striking out "207 of the Legislative Reorganization Act of 1946, as amended (5 U. S. C. 191a)" and inserting in lieu thereof "1552 of title 10 of the United States Code".

(23) Paragraph (5) of section 201 of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C., sec. 911) is amended by striking out "paragraph VI of Veterans Regulation Numbered 10, as amended"

66 Stat. 664.

38 USC ch. 12A. and "paragraph VII of Veterans Regulation Numbered 10, as amended" and inserting in lieu of each "section 101 of the Veterans' Benefits Act of 1957".

66 Stat. 678. (24) Subsection (a) of section 261 of the Veterans' Readjustment Assistance Act of 1952 (38 U. S. C., sec. 971) is amended by striking out all beginning with "The Administrator" through "payments" and inserting "Payments".

70 Stat. 885. (25) Paragraph (18) of section 121 (a) of the Internal Revenue Code of 1954 is amended to read as follows:

"(18) Benefits under laws administered by the Veterans' Administration, see section 1001 of the Veterans' Benefits Act of 1957."

70 Stat. 411. (26) Paragraph (8) of section 102 of the War Orphans' Educational Assistance Act of 1956 (38 U. S. C., sec. 1032) is amended by striking out "section 21 of the World War Veterans Act, 1924, as amended (38 U. S. C., sec. 450)," and inserting in lieu thereof "section 1502 of the Veterans' Benefits Act of 1957,".

70 Stat. 419. (27) Subsection (a) of section 501 of the War Orphans' Educational Assistance Act of 1956 (38 U. S. C., sec. 1033), is amended by striking out all beginning with "The Administrator" through "payments" and inserting "Payments".

70 Stat. 420. (28) Subsection (a) of section 502 of the War Orphans' Educational Assistance Act of 1956 (38 U. S. C., sec. 1034), is amended by inserting immediately after "compensation" each time it occurs the following: ", dependency and indemnity compensation,".

70 Stat. 860. (29) Paragraph (7) of section 102 of the Servicemen's and Veterans' Survivor Benefits Act (38 U. S. C., sec. 1101) is amended to read as follows:

"(7) Except for purposes of title IV, the terms 'child' and 'parent' have the meanings assigned to them by section 101 of the Veterans' Benefits Act of 1957."

70 Stat. 867. (30) (A) Subsection (a) of section 209 of the Servicemen's and Veterans' Survivor Benefits Act (38 U. S. C., sec. 1119) is amended by striking out the second and third sentences.

(B) Such section is further amended by striking out subsections (b) and (f).

70A Stat. 91. (31) (A) Chapter 61 of title 10 of the United States Code is amended by inserting at the end thereof the following:

"§ 1218. Explanation of rights before discharge

"(a) No person may be discharged or released from active duty in the Armed Forces until his certificate of discharge or release from active duty and his final pay (or a substantial portion of his final pay) are ready for delivery to him or to his next of kin or legal representative.

"(b) No person may be discharged or released from active duty in the Armed Forces on account of disability until he has executed (or refused to execute) a claim for compensation, pension, or hospitalization, to be filed with the Veterans' Administration, or has signed (or refused to sign) a statement that he has had explained to him his right to file such claim. Refusal or failure to file such a claim shall not prejudice any right such person may thereafter assert.

"(c) This section does not preclude the immediate transfer of any person to a Veterans' Administration facility for necessary hospital care.

"§ 1219. Statement against interest void

"No person in the Armed Forces may be required to sign a statement of any nature relating to the origin, incurrence, or aggravation of any disease or injury he may have. Any such statement against his own interest, whenever signed, is of no force and effect.

“§ 1220. Location of accredited representatives at military installations

“(a) Upon certification to the Secretary concerned by the Administrator of Veterans’ Affairs of paid full-time accredited representatives of organizations specified in section 1602 of the Veterans’ Benefits Act of 1957 and other national organizations recognized by the Administrator under laws administered by the Veterans’ Administration, the Secretary concerned shall permit the functioning, in accordance with regulations prescribed to carry out the purposes of this section, of such accredited representatives in military installations on shore from which persons are discharged or released from active duty.

“(b) Regulations necessary to carry out the purposes of this section in effect on January 1, 1958, shall remain in effect until changed by the Secretary concerned, acting jointly with the Administrator.

“(c) The commanding officer of each military installation shall cooperate fully with representatives authorized under this section in providing available space and equipment for such representatives.

“(d) Nothing in this section affects measures of military security.”

(B) The analysis of such chapter 61 is amended by inserting immediately below

70A Stat. 100.

“1217. Cadets, midshipmen, and aviation cadets: chapter does not apply to.”
the following:

“1218. Explanation of rights before discharge.

“1219. Statement against interest void.

“1220. Location of accredited representatives at military installations.”

(C) Chapter 561 of title 10 of the United States Code is amended by adding at the end thereof the following:

70A Stat. 385.

“§ 6159. Half rating to disabled naval enlisted personnel serving twenty years

“(a) There shall be paid to every person who, from age or infirmity, is disabled from sea service, but who has served as an enlisted man or petty officer, or both, in the Navy or Marine Corps for twenty or more years, and has not been discharged for misconduct, at his election, in lieu of being provided with a home in the Naval Home, Philadelphia, a pension equal to one-half the pay of his rating at the time of his discharge, payable monthly.

“(b) Applications for pension under this section shall be made to the Secretary of the Navy. If he is satisfied that the applicant is entitled to pension, he shall so certify to the Administrator, who shall pay naval pension to the applicant.

“§ 6160. Pension to persons serving ten years

“(a) Every disabled person who has served in the Navy or Marine Corps as an enlisted man or petty officer, or both, for ten or more years, and has not been discharged for misconduct, may apply to the Secretary of the Navy for aid.

“(b) Upon receipt of an application under subsection (a), the Secretary of the Navy may convene a board of not less than three naval officers (one of whom shall be a surgeon) to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time. If the Secretary of the Navy approves the recommendation, he shall so certify to the Administrator of Veterans’ Affairs, who shall pay a pension in such amount monthly to the applicant.

“(c) No naval pension under this section shall be paid at a rate in excess of the rate payable to a veteran of World War I for permanent and total non-service-connected disability, unless the applicant’s dis-

ability is service-connected, in which case the naval pension payable to him shall not exceed the rate of disability compensation payable for total disability to a veteran of any war, or of peacetime service, as the case may be."

(D) The analysis of such chapter 561 is amended by inserting immediately below

"6158. Exemption from arrest for debt; enlisted members of Marine Corps."

the following:

"6159. Half rating to disabled naval enlisted personnel serving twenty years.

"6160. Pension to persons serving ten years."

REPEALS

SEC. 2202. The following provisions of law are repealed:

(1) In the Revised Statutes of the United States, sections 470 (38 U. S. C., sec. 1); 471 (38 U. S. C., sec. 2; 43 U. S. C., sec. 784); 472 (38 U. S. C., sec. 3); 4692 (38 U. S. C., sec. 151); 4693 (38 U. S. C., sec. 152); 4694 (38 U. S. C., sec. 155); 4695 (38 U. S. C., sec. 153); 4696 (38 U. S. C., sec. 154); 4697 (38 U. S. C., sec. 155a); 4698 (38 U. S. C., sec. 156); 4698½ (38 U. S. C., sec. 58); 4699 (38 U. S. C., sec. 177); 4700 (38 U. S. C., sec. 30); 4701 (38 U. S. C., sec. 31); 4702 (38 U. S. C., sec. 191); 4703 (38 U. S. C., sec. 193); 4704 (38 U. S. C., sec. 202); 4705 (38 U. S. C., sec. 198); 4706 (38 U. S. C., sec. 200); 4707 (38 U. S. C., secs. 203, 204); 4708 (38 U. S. C., sec. 205); 4711 (38 U. S. C., sec. 116); 4712 (38 U. S. C., sec. 21); 4713 (38 U. S. C., sec. 95); 4719 (38 U. S. C., sec. 53); 4720 (38 U. S. C., sec. 28); 4721; 4722 (38 U. S. C., sec. 23); 4724 (38 U. S. C., sec. 26a); 4728 (38 U. S. C., sec. 221); 4729 (38 U. S. C., sec. 223); 4734 (38 U. S. C., sec. 55); 4735 (38 U. S. C., sec. 201); 4742 (38 U. S. C., sec. 329); 4745 (38 U. S. C., sec. 129); 4748 (38 U. S. C., sec. 41); 4756 (38 U. S. C., sec. 229); 4757 (38 U. S. C., sec. 230); 4766 and 4776 (38 U. S. C., secs. 44-47, 49, 74, 75, 192); 4785 (38 U. S. C., sec. 111); 4786 (38 U. S. C., sec. 114); and 5485 (38 U. S. C., sec. 112).

(2) The Act of June 6, 1874 (18 Stat. 61; 38 U. S. C., sec. 28 note).

(3) The Act of June 18, 1874 (ch. 298, 18 Stat. 78; 38 U. S. C., sec. 157).

(4) The Act of June 18, 1874 (ch. 299, 18 Stat. 78; 38 U. S. C., secs. 156, 157).

(5) The paragraph which begins "That the additional compensation" under the heading "MISCELLANEOUS." in the Act of March 3, 1875 (18 Stat. 374; 38 U. S. C., sec. 123).

(6) The Act of March 3, 1875 (ch. 253, 18 Stat. 671).

(7) The portion of the Act of January 19, 1877, which reads "which shall be stated in the annual report of the Commissioner of Pensions; and hereafter he shall report the total annual amount paid for additions also reductions on the annual pension rolls" (19 Stat. 223-224; 38 U. S. C., sec. 11e).

(8) The Act of February 28, 1877 (19 Stat. 264; 38 U. S. C., secs. 153, 155a, 164).

(9) The Act of March 3, 1877 (ch. 120, 19 Stat. 403; 38 U. S. C., secs. 151, 152).

(10) The Act of March 3, 1877 (ch. 121, 19 Stat. 403; 38 U. S. C., sec. 222).

(11) The Act of June 17, 1878 (20 Stat. 144; 38 U. S. C., sec. 159).

(12) The Act of June 18, 1878 (20 Stat. 166; 38 U. S. C., sec. 153).

(13) The Act of January 25, 1879 (20 Stat. 265; 38 U. S. C., secs. 91, 116).

(14) Section 2, and the last two paragraphs of the first section, of the Act of March 3, 1879 (20 Stat. 470; 38 U. S. C., secs. 91-93).

(15) The Act of March 3, 1879 (ch. 198, 20 Stat. 483).

(16) The Act of March 3, 1879 (20 Stat. 484; 38 U. S. C., sec. 159).

(17) The proviso in the first sentence in section 3 of the Act of June 21, 1879 (21 Stat. 30; 38 U. S. C., sec. 57).

(18) The Act of June 16, 1880 (21 Stat. 281; 38 U. S. C., sec. 158).

(19) Section 2 of the Act of March 3, 1881 (ch. 162, 21 Stat. 641).

(20) Sections 4 and 5 of the Act of July 25, 1882 (22 Stat. 175-176; 38 U. S. C., secs. 29, 71, 72).

(21) Section 2 of the Act of August 7, 1882 (22 Stat. 345; 38 U. S. C., sec. 199).

(22) The Act of March 3, 1883 (22 Stat. 453; 38 U. S. C., secs. 165, 169, 170).

(23) The Joint Resolution of February 1, 1884 (No. 4, 23 Stat. 266; 38 U. S. C., sec. 8).

(24) In the Act of July 4, 1884 (23 Stat. 99-101), the proviso in the paragraph which begins "For pay"; section 2; and section 6 (38 U. S. C., sec. 115).

(25) The second sentence in the paragraph which begins "For fees and expenses" in the Act of March 3, 1885 (23 Stat. 362; 38 U. S. C., sec. 24).

(26) The Act of March 3, 1885 (23 Stat. 437).

(27) The Act of March 19, 1886 (24 Stat. 5; 38 U. S. C., secs. 195, 196).

(28) The Act of August 4, 1886 (24 Stat. 220; 38 U. S. C., sec. 166).

(29) The Act of January 29, 1887 (24 Stat. 371-372; 38 U. S. C., secs. 261-262).

(30) In the Act of June 7, 1888 (25 Stat. 173), the second and fourth provisos in the paragraph which begins "For Army and Navy pensions as follows:" (38 U. S. C., sec. 94), and the second sentence of the paragraph which begins "For fees and expenses".

(31) The Act of August 27, 1888 (25 Stat. 449; 38 U. S. C., secs. 171, 173).

(32) The Act of February 12, 1889 (25 Stat. 659; 38 U. S. C., sec. 163).

(33) In the Act of March 1, 1889 (25 Stat. 782), the third, fourth, and fifth provisos in the paragraph which begins "For Army and Navy pensions" (38 U. S. C., sec. 59), and the second sentence in the paragraph which begins "For fees and expenses".

(34) The Act of March 4, 1890 (26 Stat. 16; 38 U. S. C., sec. 174).

(35) The third proviso in the paragraph which begins "For Army and Navy pensions" in the Act of April 4, 1890 (26 Stat. 40; 38 U. S. C., sec. 11e).

(36) The Act of June 27, 1890 (26 Stat. 182-183; 38 U. S. C., secs. 203, 205, 266, 281, 324, 328).

(37) In the Act of June 30, 1890 (26 Stat. 187-189), the third and fourth provisos in the paragraph which begins "For Army and Navy pensions" (38 U. S. C., sec. 96 note); all of the paragraph which begins "For fees and expenses" except the first sentence therein; all of the paragraph which begins "For the salaries" except the first sentence therein; the proviso in the paragraph which begins "For clerk-hire"; and all that follows "dollars" down through "respectively" in the paragraph which begins "For rents".

(38) The Act of July 1, 1890 (26 Stat. 209; 38 U. S. C., sec. 42 note).

(39) Section 2 of the Act of August 29, 1890 (ch. 820, 26 Stat. 371).

(40) The Joint Resolution of September 1, 1890 (26 Stat. 679; 38 U. S. C., sec. 42 note).

(41) In the Act of March 3, 1891 (26 Stat. 1081-1083), all that follows "accounted for separately" in the paragraph which begins "For Army and Navy pensions" (38 U. S. C., sec. 114); the second

sentence in the paragraph which begins "For fees and expenses"; and section 2 of such Act.

(42) The Act of March 3, 1891 (26 Stat. 1418; 38 U. S. C., sec. 289).

(43) The Act of July 14, 1892 (27 Stat. 149; 38 U. S. C., sec. 175).

(44) The Act of July 26, 1892 (27 Stat. 272; 38 U. S. C., secs. 42, 43).

(45) The Act of July 27, 1892 (27 Stat. 281-282; 38 U. S. C., secs. 371, 378, 379).

(46) The Act of August 5, 1892 (27 Stat. 348-349; 38 U. S. C., secs. 311, 311a).

(47) The Act of January 5, 1893 (27 Stat. 413; 38 U. S. C., sec. 264).

(48) The Act of February 3, 1893 (27 Stat. 429; 38 U. S. C., sec. 377).

(49) The proviso, and the sentence which begins "Such notice", in the paragraph headed "PENSION OFFICE" in the Act of December 21, 1893 (28 Stat. 18; 38 U. S. C., sec. 56).

(50) The second sentence in the paragraph which begins "For fees and expenses" in the Act of July 18, 1894 (28 Stat. 113; 38 U. S. C., sec. 73).

(51) The Act of August 23, 1894 (28 Stat. 499; 38 U. S. C., sec. 60).

(52) The Joint Resolution of February 15, 1895 (No. 13, 28 Stat. 970; 38 U. S. C., sec. 290).

(53) The second sentence in the paragraph which begins "For fees and expenses" in the Act of March 2, 1895 (28 Stat. 703-704; 38 U. S. C., sec. 176).

(54) The Act of March 2, 1895 (28 Stat. 964-965; 38 U. S. C., sec. 96).

(55) In the Act of March 6, 1896 (29 Stat. 45), all of the paragraph which begins "That whenever" (38 U. S. C., sec. 323); and all of the paragraph which begins "For fees and expenses" except the first sentence therein.

(56) The Act of March 13, 1896 (29 Stat. 57; 38 U. S. C., sec. 32).

(57) The Act of February 17, 1897 (29 Stat. 805; 38 U. S. C., sec. 289).

(58) The portion of the Act of July 19, 1897, which reads "That the provisions of the Act entitled 'An Act to authorize condemnation of land for sites of public buildings, and for other purposes,' approved August first, eighteen hundred and eighty-eight, shall be construed to apply to the Board of Managers of the National Home for Disabled Volunteer Soldiers." (30 Stat. 121; 38 U. S. C., sec. 11d-1).

(59) In the Act of March 14, 1898 (30 Stat. 276), the last proviso in the paragraph which begins "For army and navy pensions"; all of the paragraph which begins "For fees and expenses" except the first sentence therein; and the proviso in the paragraph which begins "For clerk hire".

(60) The Act of March 3, 1899 (30 Stat. 1379-1380; 38 U. S. C., sec. 192).

(61) The Act of April 18, 1900 (ch. 244, 31 Stat. 136).

(62) The Act of April 23, 1900 (31 Stat. 137-138; 38 U. S. C., sec. 264).

(63) Section 2 of the Act of March 3, 1901 (31 Stat. 1446; 38 U. S. C., sec. 206 note).

(64) All of the paragraph which begins "For fees and expenses" in the Act of March 10, 1902 (32 Stat. 62; 38 U. S. C., sec. 113 note) except the first sentence therein.

(65) The Act of June 27, 1902 (32 Stat. 399-400; 38 U. S. C., sec. 372).

(66) The paragraph which begins "Hereafter the officers" in the Act of June 28, 1902 (32 Stat. 472; 38 U. S. C., sec. 11c-1).

(67) The Joint Resolution of July 1, 1902 (32 Stat. 750; 38 U. S. C., secs. 272, 322).

(68) All of the paragraph which begins "For fees and expenses" in the Act of December 23, 1902 (32 Stat. 761; 38 U. S. C., sec. 113 note), except the first sentence therein.

(69) The Act of January 15, 1903 (32 Stat. 773; 38 U. S. C., sec. 172).

(70) Sections 2 and 3 of the Act of February 28, 1903 (32 Stat. 920-921; 38 U. S. C., secs. 205 note, 206).

(71) The Act of March 2, 1903 (32 Stat. 944; 38 U. S. C., secs. 162, 167).

(72) The Act of March 3, 1903 (32 Stat. 1228; 38 U. S. C., sec. 265).

(73) The Act of April 8, 1904 (33 Stat. 163; 38 U. S. C., sec. 160).

(74) All of the paragraph which begins "For fees and expenses" in the Act of April 27, 1904 (33 Stat. 315-316; 38 U. S. C., sec. 113 note), except the first sentence therein.

(75) All of the paragraph which begins "For fees and expenses" in the Act of March 3, 1905 (33 Stat. 849; 38 U. S. C., sec. 113 note), except the first sentence therein.

(76) The last proviso in the paragraph which begins "SUPPRESSING COUNTERFEITING AND OTHER CRIMES:" in the Act of March 3, 1905 (33 Stat. 1169; 38 U. S. C., sec. 97).

(77) In the Act of April 24, 1906 (34 Stat. 133), the last proviso in the paragraph which begins "For Army and Navy pensions" (38 U. S. C., sec. 178 note), and all of the paragraph which begins "For fees and expenses" (38 U. S. C., sec. 113 note), except the first sentence therein.

(78) The Act of February 6, 1907 (34 Stat. 879; 38 U. S. C., secs. 267, 328).

(79) In the Act of March 4, 1907 (34 Stat. 1406, 1407), the third and fourth provisos in the paragraph which begins "For Army and Navy pensions" (38 U. S. C., sec. 178); all of the paragraph which begins "For fees and expenses" (38 U. S. C., sec. 113 note) except the first sentence therein; and the paragraph which begins "Provided,".

(80) The Act of April 19, 1908 (35 Stat. 64; 38 U. S. C., secs. 197, 282, 324a).

(81) The proviso in the paragraph which begins "For additional amount" under the center heading "REVENUE CUTTER SERVICE" in the Act of May 27, 1908 (35 Stat. 322; 38 U. S. C., sec. 27).

(82) In the Act of May 28, 1908 (35 Stat. 418-420), the third proviso in the paragraph which begins "For Army and Navy pensions" (38 U. S. C., sec. 48); all of the paragraph which begins "For fees and expenses" (38 U. S. C., secs. 72 note, 113, and 125) except the first sentence therein; and the proviso in the paragraph which begins "For stationery".

(83) The Act of May 30, 1908 (35 Stat. 553; 38 U. S. C., sec. 373).

(84) In the Act of March 4, 1909 (35 Stat. 1057-1058), the last proviso in the paragraph which begins "For Army and Navy pensions" (38 U. S. C., sec. 194); and both provisos in the paragraph which begins "For stationery" (38 U. S. C., sec. 97).

(85) (A) The amendment made to the Act of June 25, 1910 (36 Stat. 703-774), by the Act of December 26, 1941 (55 Stat. 868-871), which amendment is hereby declared to have been solely an amendment to the paragraph beginning "Hereafter" on page 736 of volume

36 of the United States Statutes at Large (38 U. S. C., secs. 17–17j).

(B) The paragraph referred to in subparagraph (A).

(86) Section 2 of the Act of June 25, 1910 (36 Stat. 843; 38 U. S. C., sec. 61).

(87) The Act of May 11, 1912 (37 Stat. 112–114; 38 U. S. C., secs. 268, 269, 325, 328).

(88) In the Act of August 17, 1912 (37 Stat. 311–313), sections 2 through 6 (38 U. S. C., secs. 6, 7, 50, 52, 96, 128); and in the first section, (A) all of the paragraph which begins “For salary” that follows “cents” down through “said date” (38 U. S. C., sec. 5), and (B) the proviso in the paragraph which begins “For clerk hire”.

(89) The Act of February 19, 1913 (37 Stat. 679; 38 U. S. C., sec. 374).

(90) The portion of the Act of March 3, 1915, which reads “In all cases where an officer or enlisted man of the Army, Navy, or Marine Corps dies, or where an enlisted man of the Army, Navy, or Marine Corps is disabled by reason of any injury received or disease contracted in line of duty, the result of an aviation accident, received while employed in actual flying in or in handling aircraft, the amount of pension allowed shall be double that authorized to be paid should death or the disability have occurred by reason of an injury received or disease contracted in line of duty, not the result of an aviation accident.” (38 Stat. 940; 38 U. S. C., sec. 179).

(91) The Act of April 27, 1916 (39 Stat. 53; 38 U. S. C., secs. 391–394).

(92) The last proviso in the paragraph which begins “For Army and Navy pensions” in the Act of June 30, 1916 (39 Stat. 242; 38 U. S. C., sec. 393).

(93) The Act of September 8, 1916 (39 Stat. 844–846; 38 U. S. C., secs. 283–286, 325a).

(94) In the Act of March 3, 1917 (39 Stat. 1132), the proviso in the paragraph which begins “For fees and expenses” (38 U. S. C., sec. 72 note).

(95) The Act of March 4, 1917 (39 Stat. 1199–1201; 38 U. S. C., secs. 375–376).

(96) In the Act of October 6, 1917 (40 Stat. 398–411), sections 210 (38 U. S. C., sec. 575 note); 313 (38 U. S. C., sec. 502); and 314 (38 U. S. C., secs. 287, 357).

(97) Chapter VIII of the Act of July 9, 1918 (40 Stat. 881; 38 U. S. C., sec. 576).

(98) The Act of July 16, 1918 (40 Stat. 903–904; 38 U. S. C., secs. 355, 363 note).

(99) The Act of May 1, 1920 (41 Stat. 585–588; 38 U. S. C., secs. 168, 270, 271, 288, 312, 314, 321, 326, 327).

(100) The paragraph which begins “To increase the comfort” in the Act of June 5, 1920 (41 Stat. 905; 38 U. S. C., sec. 706c).

(101) The Act of June 5, 1920 (41 Stat. 982; 38 U. S. C., secs. 161, 168, 351, 352, 353, 361, 362).

(102) The Act of May 3, 1922 (42 Stat. 505; 38 U. S. C., sec. 51).

(103) The Act of September 1, 1922 (42 Stat. 834; 38 U. S. C., secs. 354, 356, 358–360, 363 note).

(104) The Act of September 22, 1922 (42 Stat. 1030; 38 U. S. C., secs. 71, 72).

(105) In the World War Veterans' Act, 1924, sections 2 (38 U. S. C., sec. 423); 4 (38 U. S. C., sec. 425); 5 (38 U. S. C., sec. 426); 6 (38 U. S. C., sec. 429); 7 (38 U. S. C., sec. 430); 9 (38 U. S. C., sec. 433); 10 (38 U. S. C., sec. 434); 11 (38 U. S. C., sec. 439); 12 (38 U. S. C., sec. 440); 13 (38 U. S. C., sec. 441); 14 (38 U. S. C., sec. 428); 15 (43 Stat. 611); 18 (38 U. S. C., sec. 444); 20 (38 U. S. C., sec. 446); 21

(38 U. S. C., sec. 450); 29 through 35 (38 U. S. C., secs. 455-459b); 37 through 39 (38 U. S. C., secs. 459d-459f); Title II (38 U. S. C., secs. 422, 471, 472, 473, 474-483, 484, 486-488, 489-501, 501b); Title IV (38 U. S. C., secs. 531-539); Title V (38 U. S. C., secs. 551-555, 557); and 602 through 604 (38 U. S. C., secs. 571-573).

(106) The Act of February 24, 1925 (43 Stat. 964; 38 U. S. C., sec. 575).

(107) The proviso in the paragraph which begins "For carrying out" under the center heading "UNITED STATES VETERANS' BUREAU" in the Act of March 3, 1925 (43 Stat. 1210; 38 U. S. C., sec. 427).

(108) The Act of March 3, 1925 (43 Stat. 1212; 38 U. S. C., secs. 435-437).

(109) The provisos in the paragraph which begins "For carrying out" under the center heading "UNITED STATES VETERANS' BUREAU" in the Act of April 22, 1926 (44 Stat. 319; 38 U. S. C., secs. 427, 460).

(110) The Act of May 1, 1926 (44 Stat. 382; 38 U. S. C., secs. 364-364g, 364h).

(111) The Act of May 5, 1926 (44 Stat. 396; 38 U. S. C., sec. 168b).

(112) The Act of July 3, 1926 (44 Stat. 806; 38 U. S. C., secs. 273, 291, 291 note, 292, 313, 321a, 326a).

(113) The Act of February 11, 1927 (44 Stat. 1085; 38 U. S. C., sec. 168a).

(114) The Act of March 3, 1927 (44 Stat. 1361; 38 U. S. C., secs. 381, 381a-381f).

(115) The Act of April 27, 1928 (45 Stat. 466; 38 U. S. C., sec. 232).

(116) The Act of May 23, 1928 (45 Stat. 714; 38 U. S. C., secs. 291a, 291a note, 321b, 326b).

(117) The Act of May 23, 1928 (45 Stat. 715; 38 U. S. C., secs. 438a-438e).

(118) The Act of May 24, 1928 (46 Stat. 1016; 38 U. S. C., secs. 581-582).

(119) The provisos in the paragraph which begins "For fees and mileage" under the center heading "SPECIAL INVESTIGATIONS AND EXAMINATIONS" in the Act of March 4, 1929 (45 Stat. 1588; 38 U. S. C., secs. 71, 72, 72a).

(120) Section 4 of the Legislative Pay Act of 1929 (38 U. S. C., sec. 9). 46 Stat. 38.

(121) The Act of December 23, 1929 (46 Stat. 53; 38 U. S. C., secs. 438f-438i).

(122) The Act of June 2, 1930 (46 Stat. 492; 38 U. S. C., secs. 365-365b, 365c-365h).

(123) The Act of June 9, 1930 (46 Stat. 529; 38 U. S. C., secs. 33, 274, 274 note, 275, 291b, 291b note, 321c, 326c).

(124) The Act of July 2, 1930 (46 Stat. 847; 38 U. S. C., secs. 238-238b).

(125) The Act of July 3, 1930 (46 Stat. 1016; 38 U. S. C., secs. 11-11e, 11 note).

(126) The Act of March 4, 1931 (46 Stat. 1551; 38 U. S. C., secs. 438j-438m).

(127) The Act of January 26, 1933 (47 Stat. 776; 38 U. S. C., sec. 583).

(128) Title I of the Act of March 20, 1933 (48 Stat. 8; 38 U. S. C., secs. 701, 702, 703, 704, 705, 706, 707-715, 717-721).

(129) In the Veterans Regulations, Veterans Regulations Numbered 1 (a) (except parts VII and VIII), 2 (a), 3 (a), 4, 5, 6 (a), 7 (a), 9 (a), 10, 11, and 12. 38 USC ch. 12A.

(130) In the Independent Offices Appropriation Act, 1934, the eighth proviso in the paragraph which begins "Administration" under

48 Stat. 301.

the center heading "MILITARY SERVICES" (38 U. S. C., sec. 445a); in the fourth proviso in such paragraph, the portion which begins "and notwithstanding" and ends "prescribe;" (38 U. S. C., sec. 11a-3 note); and section 20 thereof (38 U. S. C., sec. 722).

(131) Section 4 of the Act of March 27, 1934 (48 Stat. 508).

(132) In the Independent Offices Appropriation Act, 1935 (48 Stat. 509-527), sections 26 (38 U. S. C., sec. 473a); 27 (38 U. S. C., sec. 471a); 30 (38 U. S. C., secs. 366, 367); 31 (38 U. S. C., sec. 501a); 34 (38 U. S. C., sec. 723); 35 (38 U. S. C., sec. 511a); and in the paragraph which begins "Administration" under the center heading "VETERANS' ADMINISTRATION", the portion which begins "and notwithstanding" and ends "prescribe;" (38 U. S. C., sec. 11a-3 note).

(133) The Act of June 28, 1934 (48 Stat. 1281; 38 U. S. C., secs. 503-505, 506-507a).

(134) The portion of each of the following Acts which reads "and notwithstanding any provisions of law to the contrary, the Administrator is authorized to utilize Government-owned automotive equipment in transporting children of Veterans' Administration employees located at isolated stations to and from school under such limitations as he may by regulation prescribe;" (38 U. S. C., sec. 11a-3, 11a-3 note)—

(A) the Independent Offices Appropriation Act, 1936 (49 Stat. 17);

(B) the Independent Offices Appropriation Act, 1937 (49 Stat. 1181);

(C) the Independent Offices Appropriation Act, 1938 (50 Stat. 346);

(D) the Independent Offices Appropriation Act, 1939 (52 Stat. 429);

(E) the Independent Offices Appropriation Act, 1940 (52 Stat. 544);

(F) the Independent Offices Appropriation Act, 1941 (54 Stat. 139);

(G) the Independent Offices Appropriation Act, 1942 (55 Stat. 120);

(H) the Independent Offices Appropriation Act, 1943 (56 Stat. 420);

(I) the Independent Offices Appropriation Act, 1944 (57 Stat. 192);

(J) the Independent Offices Appropriation Act, 1945 (58 Stat. 381);

(K) the Independent Offices Appropriation Act, 1947 (60 Stat. 75).

(135) The Act of August 12, 1935 (49 Stat. 607; 38 U. S. C., secs. 454a, 556a, 556a note).

(136) The Act of August 13, 1935 (49 Stat. 614; 38 U. S. C., secs. 368, 369).

(137) The Act of August 23, 1935 (49 Stat. 724; 38 U. S. C., sec. 483a).

(138) The Act of August 26, 1935 (49 Stat. 869; 38 U. S. C., secs. 704a, 724).

(139) The Act of January 31, 1936 (49 Stat. 1105; 38 U. S. C., sec. 11g).

(140) The Act of June 20, 1936 (49 Stat. 1569-1570; 38 U. S. C., sec. 10).

(141) The Act of June 24, 1936 (49 Stat. 1910; 38 U. S. C., sec. 703a).

(142) In the Act of June 29, 1936 (49 Stat. 2031-2035), title I (38 U. S. C., sec. 508); title II (38 U. S. C., secs. 101-104); title III (38

53 Stat. 544.

U. S. C., secs. 131-134); title IV, except section 404 (38 U. S. C., secs. 472a, 34, ch. 12A); and section 600.

(143) In the Act of August 16, 1937 (50 Stat. 660-662), sections 3 (38 U. S. C., sec. 472b); 5 (38 U. S. C., sec. 424a); 6 (38 U. S. C., sec. 472d); 8 (38 U. S. C., sec. 472e); and 9 (38 U. S. C., sec. 510).

(144) The Act of August 25, 1937 (50 Stat. 786; 38 U. S. C., sec. 381-1).

(145) The first section and section 3 of the Act of May 13, 1938 (52 Stat. 352-353; 38 U. S. C., secs. 509a, 505a).

(146) The Act of May 24, 1938 (52 Stat. 440; 38 U. S. C., secs. 370-370d).

(147) The Act of June 25, 1938 (52 Stat. 1189; 38 U. S. C., secs. 16-16j).

(148) The Act of June 28, 1938 (52 Stat. 1214; 38 U. S. C., sec. 35).

(149) The Act of May 3, 1939 (53 Stat. 652; 38 U. S. C., sec. 706a).

(150) The Act of July 19, 1939 (53 Stat. 1067; 38 U. S. C., secs. 703b, 703c).

(151) In the Act of July 19, 1939 (53 Stat. 1068), sections 4 (38 U. S. C., sec. 706b); and 5 (38 U. S. C., sec. 472b).

(152) The Act of August 5, 1939 (53 Stat. 1209; 38 U. S. C., sec. 357a).

(153) The Act of August 7, 1939 (53 Stat. 1252; 38 U. S. C., sec. 36, 36 note).

(154) The Act of March 14, 1940 (54 Stat. 49; 38 U. S. C., secs. 76, 77).

(155) The portion of each of the following Acts which reads "*Provided further*, That the Administrator is hereby authorized to employ medical consultants for duty on such terms as he may deem advisable and without regard to the Classification Act of 1923, as amended:" (38 U. S. C., sec. 11a-1 note)—

(A) the Independent Offices Appropriation Act, 1941 (54 Stat. 140);

(B) the Independent Offices Appropriation Act, 1942 (55 Stat. 120);

(C) the Independent Offices Appropriation Act, 1943 (56 Stat. 420);

(D) the Independent Offices Appropriation Act, 1944 (57 Stat. 192).

(156) The Act of June 6, 1940 (54 Stat. 237).

38 USC ch. 12A.

(157) The Act of June 11, 1940 (54 Stat. 301; 38 U. S. C., sec. 351a).

(158) The Act of July 15, 1940 (54 Stat. 761; 38 U. S. C., secs. 582a-582b).

54 Stat. 760.

(159) The Act of July 18, 1940 (54 Stat. 762; 38 U. S. C., sec. 582c).

(160) In the Act of October 17, 1940 (54 Stat. 1193-1197), sections 3 (38 U. S. C., sec. 49a, 49a note); 6 (38 U. S. C., sec. 473); 8 (38 U. S. C., sec. 703b note); 9 (38 U. S. C., secs. 555a, 715a), 11 (38 U. S. C., sec. 11a-2); and 12 (38 U. S. C., sec. 501a-1).

(161) Section 4 of the Act of June 30, 1941 (55 Stat. 395; 38 U. S. C., sec. 26b).

(162) The Act of July 18, 1941 (55 Stat. 598; 38 U. S. C., secs. 238c-238e).

(163) The Act of July 30, 1941 (55 Stat. 608; 38 U. S. C., sec. 725, 725 note).

(164) The first section of the Act of August 21, 1941 (55 Stat. 665; 38 U. S. C., sec. 357b).

(165) Sections 2 and 3 of the Act of December 19, 1941 (55 Stat. 844).

(166) The Act of December 20, 1941 (55 Stat. 847; 38 U. S. C., sec. 726).

(167) The Act of June 5, 1942 (56 Stat. 325; 38 U. S. C., sec. 32a).

(168) Section 10 of the Act of July 11, 1942 (56 Stat. 659; 38 U. S. C., sec. 472b-1).

(169) The Act of July 30, 1942 (56 Stat. 731).

(170) In the Act of July 13, 1943 (57 Stat. 554-560), the first section (38 U. S. C., sec. 727); and sections 4 (38 U. S. C., sec. 728); 5 (38 U. S. C., sec. 729); 10 (38 U. S. C., sec. 730); 14 (38 U. S. C., sec. 731); 16 (38 U. S. C., sec. 731 note); and 17 (38 U. S. C., sec. 732).

(171) The first section of the Act of March 1, 1944 (58 Stat. 107; 38 U. S. C., sec. 370).

(172) The Act of April 1, 1944 (58 Stat. 186; 38 U. S. C., sec. 37).

(173) The Act of May 24, 1944 (58 Stat. 226; 38 U. S. C., sec. 251).

(174) In the Act of May 27, 1944 (58 Stat. 229-230), the first section (38 U. S. C., sec. 471a-1); and sections 2 (38 U. S. C., sec. 504); 3 (38 U. S. C., sec. 504 note); and 4 (38 U. S. C., sec. 507b).

(175) The Act of May 27, 1944 (58 Stat. 230-231; 38 U. S. C., sec. 26c).

58 Stat. 284, 300.

(176) In the Servicemen's Readjustment Act of 1944, Chapters I and II of title I (38 U. S. C., secs. 693-693f); section 300 (38 U. S. C., sec. 693g); subsection (a) of section 1500 (38 U. S. C., sec. 697); and section 1504 (38 U. S. C., sec. 697d).

(177) The portion of the Independent Offices Appropriation Act, 1945, which reads "*Provided further*, That the Administrator is hereby authorized to employ medical consultants for duty on such terms as he may deem advisable and without regard to the civil service and classification laws:" (58 Stat. 382; 38 U. S. C., sec. 11a-1).

(178) The Act of September 7, 1944 (58 Stat. 728; 38 U. S. C., sec. 733).

(179) The Act of December 7, 1944 (58 Stat. 797; 38 U. S. C., sec. 471a-2).

(180) The Act of December 8, 1944 (58 Stat. 797-798; 38 U. S. C., secs. 293-294).

(181) In the Act of December 14, 1944 (58 Stat. 803-804), sections 4 (38 U. S. C., sec. 503 note); 5 (38 U. S. C., sec. 734); and 6 (38 U. S. C., sec. 735).

(182) The portion of the Independent Offices Appropriation Act, 1946, which reads "and notwithstanding any provisions of law to the contrary, the Administrator is authorized to utilize Government-owned automotive equipment in transporting children of Veterans Administration employees located at isolated stations to and from school under such limitations as he may by regulation prescribe;" (59 Stat. 128; 38 U. S. C., sec. 11a-3 note), and the portion which reads "*Provided further*, That the Administrator is hereby authorized to employ medical consultants for duty on such terms as he may deem advisable and without regard to the civil service and classification laws:" (38 U. S. C., sec. 11a-1).

(183) The Act of December 3, 1945 (59 Stat. 591; 38 U. S. C., sec. 11h).

(184) The Act of January 3, 1946 (59 Stat. 675-679; 38 U. S. C., sec. 15-15n, 15 note).

(185) In the Act of February 18, 1946, the provisos in the paragraph under the heading "Transfer of Appropriations" which begins "Army of the Philippines" (60 Stat. 14; 38 U. S. C., sec. 38).

(186) The portion of the Independent Offices Appropriation Act, 1947, which reads "*Provided further*, That the Administrator is hereby authorized to employ medical consultants for duty on such terms as he may deem advisable and without regard to the civil service and classification laws;" (60 Stat. 60; 38 U. S. C., sec. 11a-1).

(187) The Act of June 27, 1946 (60 Stat. 319; 38 U. S. C., secs. 736-738).

(188) The Act of July 9, 1946 (60 Stat. 524; 38 U. S. C., sec. 700, 700 note).

(189) The Act of July 11, 1946 (60 Stat. 526; 38 U. S. C., secs. 488 note, 488a).

(190) The Act of July 16, 1946 (60 Stat. 537-539; 38 U. S. C., sec. 14-14e).

(191) The Act of August 7, 1946 (60 Stat. 863-864; 38 U. S. C., secs. 365b, 365b-1, 364g-1, 370e, 370e note).

(192) The Act of August 7, 1946 (60 Stat. 874; 38 U. S. C., sec. 729a).

(193) The Act of August 7, 1946 (60 Stat. 887-889; 38 U. S. C., secs. 13-13g).

(194) The Act of August 8, 1946 (60 Stat. 908-910); 38 U. S. C., secs. 739, 471a-3).

(195) The paragraph under the center heading "VETERANS' ADMINISTRATION" in the First Supplemental Appropriation Act, 1947 (60 Stat. 915; 38 U. S. C., sec. 252).

(196) The Act of May 31, 1947 (61 Stat. 124; 38 U. S. C., sec. 11i).

(197) The Act of June 14, 1947 (61 Stat. 132, 38 U. S. C., sec. 693a note).

(198) The Act of July 30, 1947 (61 Stat. 610; 38 U. S. C., secs. 276, 370f).

(199) The Act of January 19, 1948 (62 Stat. 4; 38 U. S. C., sec. 374a, 374a note).

(200) In the Act of April 3, 1948 (62 Stat. 160), the first section (38 U. S. C., sec. 11j); and section 4 (38 U. S. C., sec. 11k).

(201) The Act of June 19, 1948 (62 Stat. 566; 38 U. S. C., secs. 253, 254).

(202) The Act of June 24, 1948 (62 Stat. 645; 38 U. S. C., secs. 364i, 364j).

(203) The second paragraph under the center heading "VETERANS' ADMINISTRATION" in the Second Deficiency Appropriation Act, 1938 (62 Stat. 1035; 38 U. S. C., sec. 252 note).

(204) The Act of July 2, 1948 (62 Stat. 1219-1220; 38 U. S. C., secs. 740-743, 740 note).

(205) The Act of August 1, 1949 (63 Stat. 484; 38 U. S. C., sec. 744).

(206) In the Act of October 10, 1949 (63 Stat. 731-733), the first section (38 U. S. C., sec. 722); and sections 4 (38 U. S. C., sec. 740, 741); and 6 (38 U. S. C., sec. 740 note).

(207) The paragraph immediately preceding the center heading "WAR CLAIMS COMMISSION" in the Third Deficiency Appropriation Act, 1949 (63 Stat. 744; 38 U. S. C., sec. 252 note).

(208) The Act of October 29, 1949 (63 Stat. 1026; 38 U. S. C., sec. 471a-4, 471a-4 note).

(209) The Act of July 15, 1950 (64 Stat. 342; 38 U. S. C., sec. 11l).

(210) The Act of September 21, 1950 (64 Stat. 894-895; 38 U. S. C., sec. 252).

(211) The Act of April 25, 1951 (65 Stat. 32).

(212) The Joint Resolution of May 11, 1951 (65 Stat. 40; 38 U. S. C., sec. 745).

(213) The Act of August 4, 1951 (65 Stat. 174-175; 38 U. S. C., secs. 370g-370k, 370g note).

(214) The Act of October 20, 1951 (65 Stat. 574-575; 38 U. S. C., secs. 252a-252e, 252a note).

(215) The Act of October 30, 1951 (65 Stat. 694; 38 U. S. C., ch. 12A).

(216) In the Act of May 23, 1952 (66 Stat. 90-91), the first section (38 U. S. C., sec. 471a-5); subsection (b) of section 2 (38 U. S. C., ch. 12 note); and sections 5 (38 U. S. C., secs. 277, 370l); 6 (38 U. S. C., sec. 381-2); and 7 (38 U. S. C., sec. 277 note).

(217) In the Act of June 30, 1952 (66 Stat. 295-296), subsections (B) through (E) of the first section (38 U. S. C., ch. 12); and sections 3 (38 U. S. C., sec. 473); 4 (38 U. S. C., sec. 480); 5 (38 U. S. C., sec. 473); 6 (38 U. S. C., sec. 478); and 7 (38 U. S. C., sec. 473 note).

66 Stat. 681.

(218) In the Veterans' Readjustment Assistance Act of 1952, sections 270 (38 U. S. C., sec. 980) and 271 (38 U. S. C., sec. 981).

(219) The paragraph which begins "Supply fund" under the center heading "VETERANS' ADMINISTRATION" in the Second Independent Offices Appropriation Act, 1954 (67 Stat. 193; 38 U. S. C., sec. 12a).

38 USC ch. 12A.

(220) The Act of March 17, 1954 (68 Stat. 29; 38 U. S. C., sec. 746).

(221) Section 2 of the Act of June 30, 1954 (68 Stat. 360).

(222) The Act of July 1, 1954 (68 Stat. 377; 38 U. S. C., sec. 729b).

(223) The Act of August 24, 1954 (68 Stat. 789; 38 U. S. C., sec. 747).

(224) The Act of August 28, 1954 (68 Stat. 915; 38 U. S. C., secs. 748-750, 748 note).

70 Stat. 422.

(225) In the War Orphans' Educational Assistance Act of 1956, sections 510 (38 U. S. C., sec. 1042); and 511 (38 U. S. C., sec. 1043).

70 Stat. 867.

(226) Section 210 of the Servicemen's and Veterans' Survivor Benefits Act (38 U. S. C., sec. 1120), and the portion of the table of contents of such Act which reads "Sec. 210. Exemption from taxation and claims of creditors."

Ante, p. 25.

(227) The Act of April 25, 1957 (Public Law 85-24).

TITLE XXIII—EFFECTIVE DATE AND SAVINGS PROVISIONS

PART A—MISCELLANEOUS

EFFECTIVE DATE

SEC. 2301. This Act shall take effect on January 1, 1958.

OFFENSES COMMITTED UNDER REPEALED LAWS

SEC. 2302. (a) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such repeal or amendment had not occurred.

(b) Forfeitures of benefits under laws administered by the Veterans' Administration occurring before the effective date of this Act shall continue to be effective.

EFFECT ON CONTRACTS ENTERED INTO BEFORE EFFECTIVE DATE

SEC. 2303. Nothing in this Act, or any amendment or repeal made by it, shall affect any right of any person based on a contract entered into before the effective date of this Act, or affect the manner in which such right could have been enforced or obtained but for this Act, or such amendment or repeal.

CONTINUATION OF AUTHORITY UNDER ACT OF JULY 3, 1930

SEC. 2304. All functions, powers, and duties conferred upon and vested in the President and the Administrator by the Act of July 3, 1930 (46 Stat. 1016) and which are in effect on the day before the effective date of this Act are continued in effect.

CROSS REFERENCES IN OTHER LAWS

SEC. 2305. References in other laws to any provision of law repealed by this Act shall be deemed to refer to the corresponding provisions of this Act.

CONTINUING AVAILABILITY OF APPROPRIATIONS

SEC. 2306. Amounts heretofore appropriated to carry out the purposes of any provision of law repealed by this Act, and available on the day before the effective date of this Act, shall be available to carry out the purposes of the corresponding provisions of this Act.

OUTSTANDING RULES, REGULATIONS, AND ORDERS

SEC. 2307. All rules, regulations, orders, permits, and other privileges issued or granted by the Administrator before the effective date of this Act, and in effect on such effective date (or scheduled to take effect after such effective date) shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator.

PART B—PROVISIONS RELATING TO CLAIMANTS

PENDING CLAIMS

SEC. 2311. (a) A claim for pension or compensation which is pending in the Veterans' Administration on the effective date of this Act shall be adjudicated under the laws in effect on the day before the effective date of this Act with respect to the period before that date and, except as provided in sections 2312 (b), 2313, and 2316, under this Act thereafter. If a disallowance is required under such laws but entitlement is shown under this Act, the pending claim shall be considered a claim under this Act.

(b) A claim for assistance in acquiring specially adapted housing or an automobile or other conveyance which is pending in the Veterans' Administration on the effective date of this Act shall be considered a claim for such assistance under this Act.

PERSONS ON THE PENSION ROLLS

SEC. 2312. (a) Any person who is receiving, or entitled to receive, pension under public laws administered by the Veterans' Administration on the day before the effective date of this Act at a rate equal to or less than that to which he would be entitled under the provisions of this Act shall, except where there was fraud, clear and unmistakable error as to conclusions of fact or law, or misrepresentation of material facts, be paid pension under this Act beginning with the effective date of this Act.

(b) Any person who is receiving, or entitled to receive, pension on the day before the effective date of this Act under the laws in effect on that day and who is not entitled to pension under this Act, or who is entitled to pension at a higher rate under such laws than that to which he would be entitled under this Act, shall, except where there was fraud, clear and unmistakable error of fact or law, or misrepresentation of material facts, continue to be paid the rate of pension payable on the day before the effective date of this Act, so long as the conditions warranting such payment under those laws continue. In the event there is a change in such conditions, the entitlement thereafter of such person to pension will be determined under this Act. The provisions of this subsection shall apply to

those claims to which section 2311 applies in which it is determined on or after the effective date of this Act that pension is payable for the day before the effective date of this Act.

CLAIMS FOR PENSION BY NEWLY ELIGIBLE WIDOWS WHERE CHILDREN ARE ON THE ROLLS

SEC. 2313. Where any woman is eligible for pension under this Act as a "widow", but under the laws in effect on the day before the effective date of this Act, was not so eligible for pension, and a child is eligible for pension on the day before the effective date of this Act by reason of the death giving rise to eligibility of the widow, any pension payable to the widow under this Act shall be reduced by the amount of pension payable to all children by reason of such death, unless all such children are in the custody of the widow, in which case the pension otherwise payable to the children shall cease.

CLAIMS FOR PENSION FILED WITHIN ONE YEAR OF DEATH

SEC. 2314. A claim for death pension filed on or after the effective date of this Act and within one year from the date of the death of the veteran occurring before the effective date of this Act shall be adjudicated under this Act and the laws in effect on the day before such effective date. If entitlement is established, pension will be paid under such laws for the appropriate period before the effective date of this Act and under this Act thereafter.

PERSONS ENTITLED TO EMERGENCY OFFICERS' RETIREMENT PAY

SEC. 2315. Any person who is receiving, or entitled to receive, emergency officers' retirement pay, or other privileges or benefits as a retired emergency officer of World War I, on the day before the effective date of this Act under the laws in effect on that day, shall, except where there was fraud, clear and unmistakable error as to conclusion of fact or law, or misrepresentation of material facts, continue to receive, or be entitled to receive, emergency officers' retirement pay at the rate otherwise payable on the day before the effective date of this Act, and such other privileges and benefits, so long as the conditions warranting such pay, privileges, and benefits under those laws continue.

PERSONS ON THE COMPENSATION ROLLS

SEC. 2316. (a) Any person who is receiving compensation under public laws administered by the Veterans' Administration on the day before the effective date of this Act at a rate equal to or less than that to which he would be entitled under the provisions of this Act shall, except where there was fraud, clear and unmistakable error as to conclusions of fact or law, or misrepresentation of material facts, be paid compensation under this Act beginning with the effective date of this Act.

(b) Any person who is receiving compensation on the day before the effective date of this Act under the laws in effect on that day and who is not entitled to compensation under this Act or who is entitled to compensation at a higher rate under such laws than that to which he would be entitled under this Act, shall, except where there was fraud, clear and unmistakable error as to conclusion of fact or law, or misrepresentation of material facts, continue to be paid the rate of compensation payable on the day before the effective date of this Act, so long as the conditions warranting such payment under those laws continue. In the event there is a change in such conditions, the entitle-

ment thereafter of such person to compensation will be determined, except as to service-connection, without regard to the laws repealed by this Act. The provisions of this subsection shall apply to those claims within the purview of section 2311 in which it is determined on or after the effective date of this Act that compensation is payable for the day before the effective date of this Act.

CLAIMS FILED WITHIN ONE YEAR OF DISCHARGE OR DEATH

SEC. 2317. (a) A claim for disability compensation filed on or after the effective date of this Act and within one year from the date of the veteran's separation during the year immediately before such effective date from active military, naval, or air service, or a claim for death compensation filed on or after the effective date of this Act and within one year from the date of the veteran's death occurring in the year immediately before such effective date will be adjudicated under title III of this Act and the laws in effect on the day before such effective date. If entitlement is established, compensation will be paid under such laws for the appropriate period before the effective date of this Act and under this Act thereafter.

Ante, p. 94.

(b) A claim for compensation based on the disability (or death occurring before January 1, 1957) of a World War I veteran, if filed on or after the effective date of this Act and within one year following the date of enactment of this Act, may be adjudicated, as to service-connection only, under the laws in effect on the day before the effective date of this Act.

Approved June 17, 1957.

Public Law 85-57

AN ACT

To authorize the Secretary of the Interior to permit the construction of a bridge and road across Chincoteague National Wildlife Refuge, and for other purposes.

June 17, 1957
[H. R. 2493]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to permit the controlled development of a portion of the seashore of the Chincoteague National Wildlife Refuge, Virginia, for recreational purposes, the Secretary of the Interior is authorized to grant to the appropriate agency or agencies of the State of Virginia such easements and rights as may be necessary for the construction and maintenance of a bridge across Assateague Channel and terminating on the Chincoteague National Wildlife Refuge, and also for the construction and maintenance of an access road from the terminus of such bridge to a public beach and recreation area to be developed along the southeastern shore of Assateague Island as designated by the Secretary. The grant of such easements and other rights may be without consideration but shall be subject to such terms and conditions as the Secretary deems appropriate for the adequate protection of the wildlife refuge and other interests of the United States. The Secretary of the Interior also is authorized to enter into such agreements with State, county, or municipal agencies as he may deem necessary for the construction, maintenance, and operation by such agencies of a public beach, concession, parking areas, and other related public conveniences, which agreements also may be granted without consideration but shall contain appropriate conditions regarding the making of reasonable charges for use of the facilities by the public, taking into consideration the costs of construction, maintenance, and

Chincoteague
National Wildlife
Refuge, Va. Bridge,
etc.