

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

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

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

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

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

1962—Pub. L. 87-645 substituted “seven years” for “three years” in par. (4).

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

Pub. L. 86-187 substituted “three years” for “two years” in par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-454, title III, §302(c), Dec. 10, 2004, 118 Stat. 3610, provided that: “Paragraph (4) of section 1112(c) of title 38, United States Code, as added by subsection (a), shall take effect with respect to compensation payments for months beginning after March 26, 2002. Subsection (c) of section 1310 of such title, as added by subsection (b), shall take effect with respect to dependency and indemnity compensation payments for months beginning after March 26, 2002.”

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

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-578, §2(b), Oct. 30, 1992, 106 Stat. 4774, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1992.”

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-86, title I, §104(b), Aug. 14, 1991, 105 Stat. 415, provided that: “No benefit may be paid by reason of the amendment made by subsection (a) [amending this section] for any period before the date of the enactment of this Act [Aug. 14, 1991].”

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-321, §2(b), May 20, 1988, 102 Stat. 486, provided that: “Subsection (c) of section 312 [now 1112] of title 38, United States Code, as added by subsection (a), shall take effect on May 1, 1988.”

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-576, title I, §108(b), Oct. 28, 1986, 100 Stat. 3252, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as of October 1, 1986.”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 101(c) of Pub. L. 98-223 effective Apr. 1, 1984, see section 107 of Pub. L. 98-223, set out as a note under section 1114 of this title.

Pub. L. 98-223, title I, §114, Mar. 2, 1984, 98 Stat. 40, provided that: “The amendments made by this part [part B (§§111-114) of title I of Pub. L. 98-223, amending this section and sections 314 and 3011 [now 1114 and 5111] of this title] shall take effect as of October 1, 1983.”

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-37, §4(b), Aug. 14, 1981, 95 Stat. 936, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1981.”

EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87-645, §4, Sept. 7, 1962, 76 Stat. 442, provided that: “This Act [amending this section and sections 314 and 3203 [now 1114 and 5503] of this title and enacting provisions set out as a note under section 1114 of this title] shall take effect on the first day of the first calendar month which begins after the date of enactment of this Act [Sept. 7, 1962] but no payments shall be made by reason of this Act for any period before such effective date. The increased rate of compensation payable to any veteran entitled thereto on such first day shall be further increased, for such month only, in an amount equal to three times the monthly increase provided for such veteran by the amendments made by this Act.”

§ 1113. Presumptions rebuttable

(a) Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases or disabilities within the purview of section 1112, 1116, 1117, 1118, or 1120 of this title, has been suffered between the date of separation from service and the onset of any such diseases or disabilities, or the disability is due to the veteran's own willful misconduct, service-connection pursuant to section 1112, 1116, 1118, or 1120 of this title, or payments of compensation pursuant to section 1117 of this title, will not be in order.

(b) Nothing in section 1112, 1116, 1117, 1118, or 1120 of this title, subsection (a) of this section, or section 5 of Public Law 98-542 (38 U.S.C. 1154 note) shall be construed to prevent the granting of service-connection for any disease or disorder otherwise shown by sound judgment to have been incurred in or aggravated by active military, naval, air, or space service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1120, §313; Pub. L. 102-4, §2(b), Feb. 6, 1991, 105 Stat. 13; renumbered §1113 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title I, §106(b), title V, §501(b)(1), Nov. 2, 1994, 108 Stat. 4651, 4663; Pub. L. 105-277, div. C, title XVI, §1602(b), Oct. 21, 1998, 112 Stat. 2681-744; Pub. L. 116-283, div. A, title IX, §926(a)(9), Jan. 1, 2021, 134 Stat. 3830; Pub. L. 117-168, title IV, §406(c), Aug. 10, 2022, 136 Stat. 1784.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-168 substituted “1118, or 1120” for “or 1118” wherever appearing.

2021—Subsec. (b). Pub. L. 116-283 substituted “air, or space service” for “or air service”.

1998—Subsec. (a). Pub. L. 105-277 substituted “1117, or 1118” for “or 1117” and “, 1116, or 1118” for “or 1116”.

Subsec. (b). Pub. L. 105-277, §1602(b)(1), substituted “1117, or 1118” for “or 1117”.

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

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

Pub. L. 103-446, §106(b)(1), substituted “section 1112, 1116, or 1117” for “section 1112 or 1116”.

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

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

Pub. L. 102-4 inserted "or 316" after "section 312" wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-168 effective Aug. 10, 2022, with additional provisions for different applicability dates applying to various categories of veterans and claimants for compensation, see section 406(d) of Pub. L. 117-168, set out as an Effective Date note under section 1120 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-446, title V, §501(b)(2), Nov. 2, 1994, 108 Stat. 4663, provided that: "The amendments made by paragraph (1) [amending this section] shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act [Nov. 2, 1994]."

§ 1114. Rates of wartime disability compensation

For the purposes of section 1110 of this title—

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

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

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

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

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

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

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

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

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

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

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction, or, in the case of a woman veteran, has suffered the anatomical loss of 25 percent or more of tissue from a single breast or both breasts in combination (including loss by mastectomy or partial mastectomy) or has received radiation treatment of breast tissue, the rate of compensation therefor shall be \$96 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) through (j) or subsection (s) of this section but in no event to exceed \$3,327 per month; and in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection, in addition to the requirement for any of the rates specified in subsections (l) through (n) of this section, the rate of compensation shall be increased by \$96

per month for each such loss or loss of use, but in no event to exceed \$4,667 per month;

(l) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or with such significant disabilities as to be in need of regular aid and attendance, the monthly compensation shall be \$3,327;

(m) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both hands, or of both legs with factors preventing natural knee action with prostheses in place, or of one arm and one leg with factors preventing natural elbow and knee action with prostheses in place, or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering such veteran so significantly disabled as to be in need of regular aid and attendance, the monthly compensation shall be \$3,671;

(n) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of both arms with factors preventing natural elbow action with prostheses in place, has suffered the anatomical loss of both legs with factors that prevent the use of prosthetic appliances, or has suffered the anatomical loss of one arm and one leg with factors that prevent the use of prosthetic appliances, or has suffered the anatomical loss of both eyes, or has suffered blindness without light perception in both eyes, the monthly compensation shall be \$4,176;

(o) if the veteran, as the result of service-connected disability, has suffered disability under conditions which would entitle such veteran to two or more of the rates provided in one or more subsections (l) through (n) of this section, no condition being considered twice in the determination, or if the veteran has suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 60 percent or more disabling and the veteran has also suffered service-connected total blindness with 20/200 visual acuity or less, or if the veteran has suffered service-connected total deafness in one ear or bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 40 percent or more disabling and the veteran has also suffered service-connected blindness having only light perception or less, or if the veteran has suffered the anatomical loss of both arms with factors that prevent the use of prosthetic appliances, the monthly compensation shall be \$4,667;

(p) in the event the veteran's service-connected disabilities exceed the requirements for any of the rates prescribed in this section, the Secretary may allow the next higher rate or an intermediate rate, but in no event in excess of \$4,667. In the event the veteran has suffered service-connected blindness with 5/200 visual acuity or less and (1) has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at no less than 30 percent disabling, the