

program under which such organizations, or individuals who are volunteering their services to the Department, would take responsibility for the transportation, without reimbursement from the Department, to Department facilities of veterans (primarily those residing in areas which are geographically accessible to such facilities) who seek services or benefits from the Department under chapter 17 or other provisions of this title.

(2)(A) Not later than 90 days after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, the Secretary shall develop and establish a national protocol for the administration of medical examinations for volunteer drivers to participate in the program described in paragraph (1).

(B) In developing the protocol required by subparagraph (A), the Secretary shall consult with such persons as the Secretary determines have an interest in the program described in paragraph (1).

(C)(i) The Secretary shall implement the protocol by first conducting a one-year pilot program using the protocol.

(ii) After conducting the pilot program required by clause (i), the Secretary shall assess the pilot program and make such changes to the protocol as the Secretary considers appropriate.

(iii) After making changes to the protocol under clause (ii), the Secretary shall implement the protocol in phases during the course of one year.

(Added and amended Pub. L. 112-260, title II, § 202(a), (b), Jan. 10, 2013, 126 Stat. 2423, 2424; Pub. L. 113-59, § 6, Dec. 20, 2013, 127 Stat. 662; Pub. L. 113-175, title IV, § 401, Sept. 26, 2014, 128 Stat. 1905; Pub. L. 114-58, title IV, § 401, Sept. 30, 2015, 129 Stat. 534; Pub. L. 114-228, title IV, § 401, Sept. 29, 2016, 130 Stat. 939; Pub. L. 115-62, title IV, § 401, Sept. 29, 2017, 131 Stat. 1164; Pub. L. 115-251, title I, § 161, Sept. 29, 2018, 132 Stat. 3171; Pub. L. 116-159, div. E, title II, § 5204, Oct. 1, 2020, 134 Stat. 750; Pub. L. 116-315, title VII, § 7001, Jan. 5, 2021, 134 Stat. 5054; Pub. L. 117-180, div. E, title II, § 201, Sept. 30, 2022, 136 Stat. 2137.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, referred to in subsec. (b)(2)(A), is the date of enactment of Pub. L. 116-315, which was approved Jan. 5, 2021.

AMENDMENTS

2022—Subsec. (a)(2). Pub. L. 117-180 substituted “September 30, 2024” for “September 30, 2022”.

2021—Subsec. (b). Pub. L. 116-315 designated existing provisions as par. (1) and added par. (2).

2020—Subsec. (a)(2). Pub. L. 116-159 substituted “September 30, 2022” for “September 30, 2020”.

2018—Subsec. (a)(2). Pub. L. 115-251 substituted “September 30, 2020” for “September 30, 2019”.

2017—Subsec. (a)(2). Pub. L. 115-62 substituted “September 30, 2019” for “December 31, 2017”.

2016—Subsec. (a)(2). Pub. L. 114-228 substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (a)(2). Pub. L. 114-58 substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (a)(2). Pub. L. 113-175 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (a)(2). Pub. L. 113-59 substituted “December 31, 2014” for “the date that is one year after the date of the enactment of this section”.

Subsec. (b). Pub. L. 112-260, § 202(b), transferred subsec. (h) of section 111 of this title to this section, redesignated it as subsec. (b), and inserted heading.

§ 112. Presidential memorial certificate program

(a) At the request of the President the Secretary may conduct a program for honoring the memory of deceased persons eligible for burial in a national cemetery by reason of any of paragraphs (1), (2), (3), or (7) of section 2402(a) of this title, by preparing and sending to eligible recipients a certificate bearing the signature of the President and expressing the country's grateful recognition of the deceased individual's service in the Armed Forces. The award of a certificate to one eligible recipient will not preclude authorization of another certificate if a request is received from some other eligible recipient.

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

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

(Added Pub. L. 89-88, § 1(a), July 24, 1965, 79 Stat. 264; amended Pub. L. 102-83, § 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405; Pub. L. 107-330, title II, § 201(a), Dec. 6, 2002, 116 Stat. 2823; Pub. L. 112-154, title VI, § 603, Aug. 6, 2012, 126 Stat. 1201; Pub. L. 114-315, title III, § 302(a), Dec. 16, 2016, 130 Stat. 1551.)

Editorial Notes

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-315 substituted “persons eligible for burial in a national cemetery by reason of any of paragraphs (1), (2), (3), or (7) of section 2402(a) of this title,” for “veterans, discharged under honorable conditions, and persons who died in the active military, naval, or air service.”

2012—Subsec. (a). Pub. L. 112-154 inserted “and persons who died in the active military, naval, or air service,” after “under honorable conditions,” and substituted “deceased individual's” for “veteran's”.

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

1991—Subsec. (a). Pub. L. 102-83 substituted “Secretary” for “Administrator”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-315, title III, § 302(b), Dec. 16, 2016, 130 Stat. 1551, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to the death of a person eligible for burial in a national cemetery by reason of paragraph (1), (2), (3), or (7) of section 2402(a) of title 38, United States Code, occurring before, on, or after the date of the enactment of this Act [Dec. 16, 2016].”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-330, title II, § 201(d), Dec. 6, 2002, 116 Stat. 2823, provided that: “The amendments made by this section [amending this section and sections 2301 and 2306 of this title] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Dec. 6, 2002].”

§ 113. Treatment of certain programs under sequestration procedures

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

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

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

(3) Benefits under chapter 39 of this title, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

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

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

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

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

(1) The following life insurance accounts:

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

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

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

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

(E) The United States Government Life Insurance Fund authorized by section 1955 of this title.

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

(2) The following revolving fund accounts:

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

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

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

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

(3) In implementation of a sequestration order or law with respect to each account from which a benefit described in paragraph (1) or (2) of this subsection is paid (including the making of determinations of the amounts by which such benefits are to be reduced), the total of the amounts (as estimated by the Secretary after consultation with the Director of the Congressional Budget Office) by which payments of such benefit will be reduced by reason of such paragraph after the last day of the period during which such order or law is in effect shall be deemed to be additional reductions in the payments of such benefit made, and in new budget authority for such payments, during such period.

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

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

(f) For the purposes of this section:

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

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

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

(Added Pub. L. 99-576, title VI, § 601(a)(1), Oct. 28, 1986, 100 Stat. 3287; amended Pub. L. 100-198, § 12(a), Dec. 21, 1987, 101 Stat. 1325; Pub. L. 100-322, title IV, § 411(b), (c), May 20, 1988, 102 Stat. 547; Pub. L. 102-40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; Pub. L. 102-83, §§ 4(a)(2)(B)(i), (3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 116-315, title II, § 2202(b)(1)(D), Jan. 5, 2021, 134 Stat. 4985.)

¹ See References in Text note below.