

will pay to any veteran thus disabled and who was discharged or released 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 provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, §331; Pub. L. 101-508, title VIII, §8052(a)(3), Nov. 5, 1990, 104 Stat. 1388-351; renumbered §1131, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-178, title VIII, §8202(b), June 9, 1998, 112 Stat. 492; Pub. L. 105-206, title IX, §9014(a), July 22, 1998, 112 Stat. 865; Pub. L. 116-283, div. A, title IX, §926(a)(10), Jan. 1, 2021, 134 Stat. 3830.)

#### Editorial Notes

##### AMENDMENTS

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

1998—Pub. L. 105-178, which directed the substitution of “, abuse of alcohol or drugs, or use of tobacco products” for “or abuse of alcohol or drugs” before the period at end, was amended generally by Pub. L. 105-206, which provided that the amendments made by that section as originally enacted shall be treated for all purposes as not having been made. See Effective Date of 1998 Amendment note below.

1991—Pub. L. 102-83 renumbered section 331 of this title as this section.

1990—Pub. L. 101-508 substituted “a result of the veteran's own willful misconduct or abuse of alcohol or drugs” for “the result of the veteran's own willful misconduct”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective with respect to claims filed after Oct. 31, 1990, see section 8052(b) of Pub. L. 101-508, set out as a note under section 105 of this title.

##### CONSTRUCTION OF 1998 AMENDMENT

Pub. L. 105-206, title IX, §9014(a), July 22, 1998, 112 Stat. 865, provided that section 8202 of Pub. L. 105-178 is amended generally and that the amendments made by that section as originally enacted shall be treated for all purposes as not having been made.

#### § 1132. Presumption of sound condition

For the purposes of section 1131 of this title, every person employed in the active military, naval, air, or space 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.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, §332; renumbered §1132 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 116-283, div. A, title IX, §926(a)(11), Jan. 1, 2021, 134 Stat. 3830.)

#### Editorial Notes

##### AMENDMENTS

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

1991—Pub. L. 102-83, §5(a), renumbered section 332 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1131” for “331”.

#### § 1133. Presumptions relating to certain diseases

(a) For the purposes of section 1131 of this title, 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, air, or space 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 military, naval, air, or space 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 military, naval, air, or space service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, §333; renumbered §1133 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 116-283, div. A, title IX, §926(a)(12), Jan. 1, 2021, 134 Stat. 3830.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116-283 substituted “air, or space service” for “or air service” wherever appearing.

1991—Pub. L. 102-83, §5(a), renumbered section 333 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1131” for “331”.

#### § 1134. Rates of peacetime disability compensation

For the purposes of section 1131 of this title, the compensation payable for the disability shall be that specified in section 1114 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1123, §334; Pub. L. 92-328, title I, §108(a), June 30, 1972, 86 Stat. 396; renumbered §1134 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

#### Editorial Notes

##### AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 334 of this title as this section.