

date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, the Academies shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives an initial report on the activities of the Academies under the agreement.

(B) The report submitted under subparagraph (A) shall include the following:

- (i) The determinations described in subsection (d).
- (ii) A full explanation of the scientific evidence and reasoning that led to such determinations.
- (iii) Any recommendations of the Academies under subsection (f).

(2) Under an agreement between the Secretary and the Academies under this section, not less frequently than once every two years after the date on which the initial report is submitted under paragraph (1)(A), the Academies shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives an updated report on the activities of the Academies under the agreement.

(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—(1) If the Secretary is unable within the time period prescribed in subsection (b)(2) to enter into an agreement with the Academies for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that—

- (A) is not part of the Federal Government;
- (B) operates as a not-for-profit entity; and
- (C) has expertise and objectivity comparable to that of the Academies.

(2) If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this subchapter to the Academies shall be treated as a reference to the other organization.

(Added Pub. L. 117–168, title II, § 202(a), Aug. 10, 2022, 136 Stat. 1772.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, referred to in subsecs. (b)(2) and (g)(1)(A), is the date of enactment of Pub. L. 117–168, which was approved Aug. 10, 2022.

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Editorial Notes

AMENDMENTS

- 2022—Pub. L. 117–168, § 1(b)(2), title II, § 204(a), Aug. 10, 2022, 136 Stat. 1759, 1776, added item 1305.
- 1997—Pub. L. 105–33, title VIII, § 8031(b)(2), Aug. 5, 1997, 111 Stat. 669, added item 1303.
- 1991—Pub. L. 102–83, §§ 4(b)(3)(B), 5(b)(1), Aug. 6, 1991, 105 Stat. 405, 406, renumbered items 401 to 423 as 1301 to 1323, respectively, and in item 1323 substituted “with respect to circumstances of death” for “by Administrator”.
- 1988—Pub. L. 100–687, div. B, title XIV, § 1403(a)(2), Nov. 18, 1988, 102 Stat. 4130, added item 418.
- 1982—Pub. L. 97–306, title I, § 113(b)(2), Oct. 14, 1982, 96 Stat. 1432, struck out item 403 “Coverage of members of Reserve Officers’ Training Corps”.
- 1976—Pub. L. 94–433, § 405(6), (8), Sept. 30, 1976, 90 Stat. 1379, substituted “surviving spouses” for “widows” in item 404 and “surviving spouse” for “widow” in item 411.
- 1969—Pub. L. 91–96, § 6, Oct. 27, 1969, 83 Stat. 145, substituted “Determination of pay grade” for “Computation of basic pay” in item 402 and “Certifications with respect to pay grade” for “Certifications with respect to basic pay” in item 421.

Statutory Notes and Related Subsidiaries

UNIFORMED SERVICES, PROMOTION OF MEMBERS IN MISSING STATUS; EFFECTIVE DATE

Provisions of section 552(a) of Title 37, Pay and Allowances of the Uniformed Services, for full effectiveness for all purposes of promotion of a member while in a missing status notwithstanding a determination of death before the making of the promotion effective as of Nov. 24, 1971, for the purposes of this chapter, see section 2 of Pub. L. 93–26, Apr. 27, 1973, 87 Stat. 26, set out as an Effective Date of 1973 Amendment note under section 552 of Title 37.

SUBCHAPTER I—GENERAL

§ 1301. Definitions

As used in this chapter—

The term “veteran” includes a person who died in the active military, naval, air, or space service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1126, § 401; Pub. L. 91–24, § 4(a), June 11, 1969, 83 Stat. 33;

Pub. L. 91-96, § 5, Oct. 27, 1969, 83 Stat. 145; renumbered § 1301, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 116-283, div. A, title IX, § 926(a)(16), 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 renumbered section 401 of this title as this section.

1969—Pub. L. 91-96 struck out par. (1) which defined “basic pay”.

Par. (1). Pub. L. 91-24 substituted “sections 201, 202, 203, 204, 205, or 207 of title 37” for “sections 232(a), 232(e), or 308 of Title 37”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91-96, set out as a note under section 1302 of this title.

COST-OF-LIVING INCREASES IN COMPENSATION RATES

For limitation on increases in dependency and indemnity compensation payable under this chapter, see section 8005 of Pub. L. 101-508, set out as a note under section 1101 of this title.

§ 1302. Determination of pay grade

(a) With respect to a veteran who died in the active military, naval, air, or space service, such veteran's pay grade shall be determined as of the date of such veteran's death or as of the date of a promotion after death while in a missing status.

(b) With respect to a veteran who did not die in the active military, naval, air, or space service, such veteran's pay grade shall be determined as of—

(1) the time of such veteran's last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of such veteran's discharge or release from any period of active duty for training or inactive duty training, if such veteran's death results from service-connected disability incurred during such period and if such veteran was not thereafter discharged or released under conditions other than dishonorable from active duty.

(c) The pay grade of any veteran described in section 106(b) of this title shall be that to which such veteran would have been assigned upon final acceptance or entry upon active duty.

(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a pay grade higher than that specified in subsection (a) or (b) and any subsequent discharge or release from active duty was under conditions other than dishonorable, the higher pay grade shall be used if it will result in greater monthly payments to such veteran's surviving spouse under this chapter. The determination as to whether an individual has served satisfactorily for the required period in a higher pay grade shall be made by the Secretary of the department in which such higher pay grade was held.

(e) The pay grade of any person not otherwise described in this section, but who had a compen-

sable status on the date of such person's death under laws administered by the Secretary, shall be determined by the head of the department under which such person performed the services by which such person obtained such status (taking into consideration such person's duties and responsibilities) and certified to the Secretary. For the purposes of this chapter, such person shall be deemed to have been on active duty while performing such services.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1126, § 402; Pub. L. 86-492, June 8, 1960, 74 Stat. 161; Pub. L. 89-622, § 1, Oct. 4, 1966, 80 Stat. 873; Pub. L. 91-96, § 1, Oct. 27, 1969, 83 Stat. 144; Pub. L. 92-169, § 2, Nov. 24, 1971, 85 Stat. 489; Pub. L. 94-433, title IV, § 405(1)–(3), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 102-54, § 14(b)(2), June 13, 1991, 105 Stat. 283; renumbered § 1302 and amended Pub. L. 102-83, §§ 4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403–406; Pub. L. 116-283, div. A, title IX, § 926(a)(17), Jan. 1, 2021, 134 Stat. 3830.)

Editorial Notes

AMENDMENTS

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

1991—Pub. L. 102-83, § 5(a), renumbered section 402 of this title as this section.

Subsec. (d). Pub. L. 102-54 substituted “department” for “Department”.

Subsec. (e). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” before period at end of first sentence.

Pub. L. 102-83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans' Administration”.

1976—Subsec. (a). Pub. L. 94-433, § 405(1), substituted “such veteran's” for “his” in two places.

Subsec. (b). Pub. L. 94-433, § 405(1), substituted “such veteran's” for “his” in introductory clause and items (1) and (2) and “such veteran” for “he” in item (2).

Subsec. (c). Pub. L. 94-433, § 405(2), substituted “such veteran” for “he”.

Subsec. (d). Pub. L. 94-433, § 405(2), substituted “such veteran's surviving spouse” for “his widow”.

Subsec. (e). Pub. L. 94-433, § 405(3), substituted “such person's” for “his” in two places and “such person” for “he”.

1971—Subsec. (a). Pub. L. 92-169 provided, with regard to determination of veteran's pay grade at date of his death, that in the case of a promotion after death while the veteran is in a missing status, the pay grade determination date is the date of such promotion.

1969—Pub. L. 91-96 substituted “Determination of pay grade” for “Computation of basic pay” in section catchline.

Subsec. (a). Pub. L. 91-96 substituted provisions determining the pay grade of a veteran who died in the active service for provisions determining the basic pay of a veteran who died in the active service as that prescribed on Jan. 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank and years of service.

Subsec. (b). Pub. L. 91-96 substituted provisions determining the pay grade of a veteran who did not die in the active service for provisions determining the basic pay of a veteran who did not die in the active service as that prescribed on Jan. 1, 1957, or on the date of his death (whichever is the later date) for a member of a uniformed service on active duty of the same rank and years of service.

Subsec. (c). Pub. L. 91-96 redesignated former subsec. (c)(1) as (c) and substituted “pay grade” for “basic pay” and “assigned” for “entitled”. Former subsec. (c)(2) redesignated (e).