

erans" in item 543, included widows of World War II and Korean conflict veterans in item 541 and children of World War II and Korean conflict veterans in item 542, added item 506, and struck out items 544 and 545 which related to children of World War II or Korean conflict veterans and to income limitations.

SUBCHAPTER I—GENERAL

§ 1501. Definitions

For the purposes of this chapter—

(1) 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.

(2) The term "World War I" includes, in the case of any veteran, any period of service performed by such veteran 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.

(3) The term "Civil War veteran" includes a person who served in the military or naval forces of the Confederate States of America during the Civil War, and the term "active military or naval service" includes active service in those forces.

(4) The term "period of war" means the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and the period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of the Congress.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, § 501; Pub. L. 94-169, title I, § 106(1), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 95-588, title I, § 101, Nov. 4, 1978, 92 Stat. 2497; Pub. L. 102-25, title III, § 333(a), Apr. 6, 1991, 105 Stat. 88; renumbered § 1501, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 1500 and 1501 were renumbered sections 3100 and 3101 of this title, respectively.

Another prior section 1501, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171; Pub. L. 93-508, title I, § 101(1), Dec. 3, 1974, 88 Stat. 1578, defined "World War II" and "vocational rehabilitation" for purposes of chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1501 continue in effect until Mar. 31, 1981.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 501 of this title as this section.

Par. (4). Pub. L. 102-25 inserted "the Persian Gulf War," after "the Vietnam era,".

1978—Par. (4). Pub. L. 95-588 added par. (4).

1975—Par. (2). Pub. L. 94-169 substituted "such veteran" for "him".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Pub. L. 94-169, title I, § 106, Dec. 23, 1975, 89 Stat. 1017, provided that the amendment made by that section is effective Jan. 1, 1976.

PLAN TO ADDRESS THE FINANCIAL EXPLOITATION OF VETERANS RECEIVING PENSION FROM THE DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 116-315, title VI, § 6002, Jan. 5, 2021, 134 Stat. 5051, provided that:

"(a) DEVELOPMENT OF METHOD FOR SOLICITATION AND COLLECTION OF INFORMATION.—Not later than one year after the date of the enactment of this Act [Jan. 5, 2021], the Secretary of Veterans Affairs shall develop a method for systematically soliciting and collecting information on complaints received, referrals made, and actions taken by the pension management centers of the Department of Veterans Affairs and any other relevant components of the Department, in cases of potential financial exploitation of individuals receiving pension under chapter 15 of title 38, United States Code.

"(b) PLAN TO ASSESS AND ADDRESS FINANCIAL EXPLOITATION OF VETERANS.—

"(1) IN GENERAL.—The Secretary shall develop and periodically update a plan—

"(A) to regularly assess the information solicited and collected under subsection (a) to identify trends of potential financial exploitation of the individuals described in subsection (a) across the Department; and

"(B) to outline actions that the Department can take to improve education and training to address those trends.

"(2) SUBMISSION OF PLAN.—Not later than one year after the date of the enactment of this Act and not less frequently than once every two years thereafter until the date that is six years after the date of the enactment of this Act, the Secretary shall submit the plan most recently developed or updated under paragraph (1) to—

"(A) the Comptroller General of the United States; and

"(B) the Committee on Veterans' Affairs and the Special Committee on Aging of the Senate and the Committee on Veterans' Affairs of the House of Representatives."

NOTICE REGARDING FEES CHARGED IN CONNECTION WITH FILING AN APPLICATION FOR VETERANS PENSION

Pub. L. 116-315, title VI, § 6006, Jan. 5, 2021, 134 Stat. 5053, provided that: "The Under Secretary for Benefits of the Department of Veterans Affairs shall ensure that every paper or electronic document relating to the receipt of pension under chapter 15 of title 38, United States Code, that is available to individuals who apply for such pension, including educational forms about or applications for such pension, includes a notice that the Department does not charge any fee in connection with the filing of an application for such pension."

SECRETARY OF VETERANS AFFAIRS NOTICE OF DISHONEST, PREDATORY, OR OTHERWISE UNLAWFUL PRACTICES TARGETING INDIVIDUALS WHO ARE ELIGIBLE FOR INCREASED PENSION ON BASIS OF NEED FOR REGULAR AID AND ATTENDANCE

Pub. L. 115-131, § 2(a), Mar. 9, 2018, 132 Stat. 334, provided that: "The Secretary of Veterans Affairs shall include on the internet website of the Department of Veterans Affairs a warning to veterans relating to dishonest, predatory, or otherwise unlawful practices targeting individuals who are eligible for increased pension under chapter 15 of title 38, United States Code, on the basis of need for regular aid and attendance."

PENSION PROGRAM FOR NONSERVICE-CONNECTED DISABILITY OR DEATH; REPORT BY ADMINISTRATOR

Pub. L. 94-432, title IV, § 404, Sept. 30, 1976, 90 Stat. 1372, provided that, due to certain insufficiencies in

pension program for nonservice-connected disability or death authorized by this chapter, and lack of sufficient long-range information as to actual and anticipated financial characteristics of potential pensioners and their families upon which to estimate costs of existing alternative pension programs, it was necessary for Administrator of Veterans' Affairs to study existing and alternative nonservice-connected pension programs and to submit a report to Congress and the President not later than Oct. 1, 1977, on alternative courses of legislative and administrative action and long-range cost estimates therefor.

STUDY OF NEEDS AND PROBLEMS OF VETERANS AND THEIR WIDOWS SEVENTY-TWO YEARS OF AGE OR OLDER; REPORT BY ADMINISTRATOR

Pub. L. 93-527, § 8, Dec. 21, 1974, 88 Stat. 1705, directed Administrator of Veterans' Affairs to study needs and problems of veterans and their widows seventy-two years of age or older and required him to report to Congress and President not later than one hundred and eighty days after convening of Ninety-fourth Congress results of study together with any recommendations for legislative or administrative action.

§ 1502. Determinations with respect to disability

(a) For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is any of the following:

(1) A patient in a nursing home for long-term care because of disability.

(2) Disabled, as determined by the Commissioner of Social Security for purposes of any benefits administered by the Commissioner.

(3) Unemployable as a result of disability reasonably certain to continue throughout the life of the person.

(4) Suffering from—

(A) 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 person; or

(B) any disease or disorder determined by the Secretary 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 chapter, a person shall be considered to be in need of regular aid and attendance if such person is (1) a patient in a nursing home or (2) blind, or so nearly blind or significantly disabled as to need or require the regular aid and attendance of another person.

(c) For the purposes of this chapter, the requirement of "permanently housebound" will be considered to have been met when the veteran is substantially confined to such veteran's house (ward or clinical areas, if institutionalized) or immediate premises due to a disability or disabilities which it is reasonably certain will remain throughout such veteran's lifetime.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1134, § 502; Pub. L. 88-664, § 6(b), Oct. 13, 1964, 78 Stat. 1095; Pub. L. 90-77, title I, § 102, Aug. 31, 1967, 81 Stat. 178; Pub. L. 94-169, title I, § 106(2), Dec. 23, 1975, 89 Stat. 1017; Pub. L. 94-432, title II, § 201, Sept. 30, 1976, 90 Stat. 1369; Pub. L. 101-508, title VIII, § 8002(a), Nov. 5, 1990, 104 Stat. 1388-342; renumbered § 1502 and amended Pub. L. 102-83, §§ 4(b)(1),

(2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 107-103, title II, § 206(a), Dec. 27, 2001, 115 Stat. 990; Pub. L. 109-233, title V, § 502(3), June 15, 2006, 120 Stat. 415.)

Editorial Notes

PRIOR PROVISIONS

Prior section 1502 was renumbered section 3102 of this title.

Another prior section 1502, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1171; Pub. L. 86-721, § 3, Sept. 8, 1960, 74 Stat. 820; Pub. L. 87-815, § 7, Oct. 15, 1962, 76 Stat. 927; Pub. L. 89-138, § 2(2), Aug. 26, 1965, 79 Stat. 578; Pub. L. 90-631, § 1(a), Oct. 23, 1968, 82 Stat. 1331; Pub. L. 92-540, title I, § 101(1), title III, § 301, Oct. 24, 1972, 86 Stat. 1074, 1080; Pub. L. 93-508, title I, § 101(2), Dec. 3, 1974, 88 Stat. 1578; Pub. L. 94-502, title I, § 104(1), Oct. 15, 1976, 90 Stat. 2384, related to the basic entitlement of veterans with service-connected disabilities to vocational rehabilitation under chapter 31 of this title, prior to the general revision of chapter 31 of this title by Pub. L. 96-466. Section 802(a)(3) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title, provided that this prior section 1502 continue in effect until Mar. 31, 1981.

Prior section 1502A, Pub. L. 87-591, § 1, Aug. 16, 1962, 76 Stat. 393, which related to vocational rehabilitation for blinded veterans, was repealed by Pub. L. 89-138, § 2(3), Aug. 26, 1965, 79 Stat. 578.

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-233 substituted "blind, or so nearly blind or significantly disabled as to" for "helpless or blind, or so nearly helpless or blind as to".

2001—Subsec. (a). Pub. L. 107-103 substituted "such person is any of the following:" and pars. (1) to (4) for "such a person is unemployable as a result of disability reasonably certain to continue throughout the life of the disabled person, or 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 Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled."

1991—Pub. L. 102-83, § 5(a), renumbered section 502 of this title as this section.

Subsec. (a)(2). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1990—Subsec. (a). Pub. L. 101-508 amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: "For the purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is sixty-five years of age or older or became unemployable after age 65, or suffering from—".

1976—Subsec. (a). Pub. L. 94-432 inserted "or became unemployable after age 65," after "or older".

1975—Subsecs. (a) and (b). Pub. L. 94-169 substituted "such person" for "he".

Subsec. (c). Pub. L. 94-169 substituted "such veteran's" for "his" wherever appearing.

1967—Subsec. (a). Pub. L. 90-77, § 102(a), provided for consideration of a person sixty-five years of age or older as permanently and totally disabled.

Subsec. (b). Pub. L. 90-77, § 102(b), added cl. (1) and designated existing provisions as cl. (2).

1964—Subsec. (c). Pub. L. 88-664 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title II, § 206(b), Dec. 27, 2001, 115 Stat. 991, provided that: "The amendment made by sub-