

“(1) IN GENERAL.—The Secretary may make a payment from the compensation fund to an eligible person who, during the one-year period beginning on the date of the enactment of this Act [Feb. 17, 2009], submits to the Secretary a claim for benefits under this section. The application for the claim shall contain such information and evidence as the Secretary may require.

“(2) PAYMENT TO SURVIVING SPOUSE.—If an eligible person who has filed a claim for benefits under this section dies before payment is made under this section, the payment under this section shall be made instead to the surviving spouse, if any, of the eligible person.

“(d) ELIGIBLE PERSONS.—An eligible person is any person who—

“(1) served—

“(A) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

“(B) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538 [543])[enacting section 637 of former Title 10, Army and Air Force]; and

“(2) was discharged or released from service described in paragraph (1) under conditions other than dishonorable.

“(e) PAYMENT AMOUNTS.—Each payment under this section shall be—

“(1) in the case of an eligible person who is not a citizen of the United States, in the amount of \$9,000; and

“(2) in the case of an eligible person who is a citizen of the United States, in the amount of \$15,000.

“(f) LIMITATION.—The Secretary may not make more than one payment under this section for each eligible person described in subsection (d).

“(g) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER CERTAIN LAWS.—Amounts paid to a person under this section—

“(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

“(2) shall not be included in income or resources for purposes of determining—

“(A) eligibility of an individual to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits;

“(B) eligibility of an individual to receive benefits under title VIII of the Social Security Act [42 U.S.C. 1001 et seq.], or the amount of such benefits; or

“(C) eligibility of an individual for, or the amount of benefits under, any other Federal or federally assisted program.

“(h) RELEASE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the acceptance by an eligible person or surviving spouse, as applicable, of a payment under this section shall be final, and shall constitute a complete release of any claim against the United States by reason of any service described in subsection (d).

“(2) PAYMENT OF PRIOR ELIGIBILITY STATUS.—Nothing in this section shall prohibit a person from receiving any benefit (including health care, survivor, or burial benefits) which the person would have been eligible to receive based on laws in effect as of the day before the date of the enactment of this Act [Feb. 17, 2009].

“(i) RECOGNITION OF SERVICE.—The service of a person as described in subsection (d) is hereby recognized as active military service in the Armed Forces for purposes of, and to the extent provided in, this section.

“(j) ADMINISTRATION.—

“(1) The Secretary shall promptly issue application forms and instructions to ensure the prompt and efficient administration of the provisions of this section.

“(2) The Secretary shall administer the provisions of this section in a manner consistent with applicable provisions of title 38, United States Code, and other provisions of law, and shall apply the definitions in section 101 of such title in the administration of such provisions, except to the extent otherwise provided in this section.

“(k) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible persons receiving benefits, the amounts paid out of the compensation fund, and the administration of the compensation fund for the most recent fiscal year for which such data is available.

“(l) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the compensation fund \$198,000,000, to remain available until expended, to make payments under this section.”

#### REFUND OF ERRONEOUSLY DEDUCTED NSLI PREMIUM TO PHILIPPINE VETERANS ON PROPER APPLICATION

Pub. L. 89-641, § 1, Oct. 11, 1966, 80 Stat. 884, provided for refund of erroneously deducted insurance premiums to Philippine armed forces members in service of the United States Armed Forces, such refund to be made upon receipt of an application within two years after Oct. 11, 1966. In event of death of such member, refund was to be made only to widow or widower, children or parents of such member, in that order, with no refunds to heirs or legal representatives.

#### § 108. Seven-year absence presumption of death

(a) No State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Secretary.

(b) If evidence satisfactory to the Secretary is submitted establishing the continued and unexplained absence of any individual from that individual's home and family for seven or more years, and establishing that after diligent search no evidence of that individual's existence after the date of disappearance has been found or received, the death of such individual as of the date of the expiration of such period shall be considered as sufficiently proved.

(c) Except in a suit brought pursuant to section 1984 of this title, the finding of death made by the Secretary shall be final and conclusive.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1112; Pub. L. 99-576, title VII, § 701(7), Oct. 28, 1986, 100 Stat. 3291; Pub. L. 102-83, §§ 4(a)(1), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 403-406.)

#### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-83, § 4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans' Administration”.

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

Subsec. (c). Pub. L. 102-83, § 5(c)(1), substituted “1984” for “784”.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1986—Subsec. (b). Pub. L. 99-576 substituted “that individual's” for “his” in two places.

#### § 109. Benefits for discharged members of allied forces

(a)(1) In consideration of reciprocal services extended to the United States, the Secretary,