

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 101(c) of Pub. L. 98-223 effective Apr. 1, 1984, see section 107 of Pub. L. 98-223, set out as a note under section 1114 of this title.

Pub. L. 98-223, title I, § 114, Mar. 2, 1984, 98 Stat. 40, provided that: "The amendments made by this part [part B (§§ 111-114) of title I of Pub. L. 98-223, amending this section and sections 314 and 3011 [now 1114 and 5111] of this title] shall take effect as of October 1, 1983."

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-37, § 4(b), Aug. 14, 1981, 95 Stat. 936, provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1981."

EFFECTIVE DATE OF 1962 AMENDMENT

Pub. L. 87-645, § 4, Sept. 7, 1962, 76 Stat. 442, provided that: "This Act [amending this section and sections 314 and 3203 [now 1114 and 5503] of this title and enacting provisions set out as a note under section 1114 of this title] shall take effect on the first day of the first calendar month which begins after the date of enactment of this Act [Sept. 7, 1962] but no payments shall be made by reason of this Act for any period before such effective date. The increased rate of compensation payable to any veteran entitled thereto on such first day shall be further increased, for such month only, in an amount equal to three times the monthly increase provided for such veteran by the amendments made by this Act."

§ 1113. Presumptions rebuttable

(a) Where there is affirmative evidence to the contrary, or evidence to establish that an intercurrent injury or disease which is a recognized cause of any of the diseases or disabilities within the purview of section 1112, 1116, 1117, or 1118 of this title, has been suffered between the date of separation from service and the onset of any such diseases or disabilities, or the disability is due to the veteran's own willful misconduct, service-connection pursuant to section 1112, 1116, or 1118 of this title, or payments of compensation pursuant to section 1117 of this title, will not be in order.

(b) Nothing in section 1112, 1116, 1117, or 1118 of this title, subsection (a) of this section, or section 5 of Public Law 98-542 (38 U.S.C. 1154 note) 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, or air service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1120, § 313; Pub. L. 102-4, § 2(b), Feb. 6, 1991, 105 Stat. 13; renumbered § 1113 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title I, § 106(b), title V, § 501(b)(1), Nov. 2, 1994, 108 Stat. 4651, 4663; Pub. L. 105-277, div. C, title XVI, § 1602(b), Oct. 21, 1998, 112 Stat. 2681-744.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277 substituted "1117, or 1118" for "or 1117" and " , 1116, or 1118" for "or 1116".

Subsec. (b). Pub. L. 105-277, § 1602(b)(1), substituted "1117, or 1118" for "or 1117".

1994—Subsec. (a). Pub. L. 103-446, § 106(b), inserted "or disabilities" after "diseases" in two places, substituted "purview of section 1112, 1116, or 1117" for "purview of section 1112 or 1116", and inserted " , or payments of compensation pursuant to section 1117 of this title," before "will not".

Subsec. (b). Pub. L. 103-446, § 501(b)(1), substituted "title," for "title or" and inserted " , or section 5 of Public Law 98-542 (38 U.S.C. 1154 note)" after "of this section".

Pub. L. 103-446, § 106(b)(1), substituted "section 1112, 1116, or 1117" for "section 1112 or 1116".

1991—Pub. L. 102-83, § 5(a), renumbered section 313 of this title as this section.

Pub. L. 102-83, § 5(c)(1), substituted "1112 or 1116" for "312 or 316" wherever appearing.

Pub. L. 102-4 inserted "or 316" after "section 312" wherever appearing.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-446, title V, § 501(b)(2), Nov. 2, 1994, 108 Stat. 4663, provided that: "The amendments made by paragraph (1) [amending this section] shall apply with respect to applications for veterans benefits that are submitted to the Secretary of Veterans Affairs after the date of the enactment of this Act [Nov. 2, 1994]."

§ 1114. Rates of wartime disability compensation

For the purposes of section 1110 of this title—

(a) if and while the disability is rated 10 percent the monthly compensation shall be \$123;

(b) if and while the disability is rated 20 percent the monthly compensation shall be \$243;

(c) if and while the disability is rated 30 percent the monthly compensation shall be \$376;

(d) if and while the disability is rated 40 percent the monthly compensation shall be \$541;

(e) if and while the disability is rated 50 percent the monthly compensation shall be \$770;

(f) if and while the disability is rated 60 percent the monthly compensation shall be \$974;

(g) if and while the disability is rated 70 percent the monthly compensation shall be \$1,228;

(h) if and while the disability is rated 80 percent the monthly compensation shall be \$1,427;

(i) if and while the disability is rated 90 percent the monthly compensation shall be \$1,604;

(j) if and while the disability is rated as total the monthly compensation shall be \$2,673;

(k) if the veteran, as the result of service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, has suffered complete organic aphonia with constant inability to communicate by speech, or deafness of both ears, having absence of air and bone conduction, or, in the case of a woman veteran, has suffered the anatomical loss of 25 percent or more of tissue from a single breast or both breasts in combination (including loss by mastectomy or partial mastectomy) or has received radiation treatment of breast tissue, the rate of compensation therefor shall be \$96 per month for each such loss or loss of use independent of any other compensation provided in subsections (a) through (j) or subsection (s) of this section but in no event to exceed \$3,327 per month; and in the event the veteran has suffered one or more of the disabilities heretofore specified in this subsection, in addition to the requirement for any of the rates specified in subsections (l) through (n) of this section, the rate of compensation shall be increased by \$96 per month for each such loss or loss of use, but in no event to exceed \$4,667 per month;

(l) if the veteran, as the result of service-connected disability, has suffered the anatomical