

(ii) all other sound medical and scientific information and analyses available to the Secretary.

(B) In evaluating any report, information, or analysis for purposes of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

(3) An association between the occurrence of an illness in humans or animals and exposure to an agent, hazard, or medicine or vaccine shall be considered to be positive for purposes of this subsection if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

(c)(1) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 1603 of the Persian Gulf War Veterans Act of 1998, the Secretary shall determine whether or not a presumption of service connection is warranted for each illness, if any, covered by the report.

(2) If the Secretary determines under this subsection that a presumption of service connection is warranted, the Secretary shall, not later than 60 days after making the determination, issue proposed regulations setting forth the Secretary's determination.

(3)(A) If the Secretary determines under this subsection that a presumption of service connection is not warranted, the Secretary shall, not later than 60 days after making the determination, publish in the Federal Register a notice of the determination. The notice shall include an explanation of the scientific basis for the determination.

(B) If an illness already presumed to be service connected under this section is subject to a determination under subparagraph (A), the Secretary shall, not later than 60 days after publication of the notice under that subparagraph, issue proposed regulations removing the presumption of service connection for the illness.

(4) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

(d) Whenever the presumption of service connection for an illness under this section is removed under subsection (c)—

(1) a veteran who was awarded compensation for the illness on the basis of the presumption before the effective date of the removal of the presumption shall continue to be entitled to receive compensation on that basis; and

(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from the illness on the basis of the presumption before that date shall continue to be entitled to receive dependency and indemnity compensation on that basis.

(e) Subsections (b) through (d) shall cease to be effective on September 30, 2011.

(Added Pub. L. 105-277, div. C, title XVI, §1602(a)(1), Oct. 21, 1998, 112 Stat. 2681-742; amended Pub. L. 107-103, title II, §202(b)(2), (d)(1), Dec. 27, 2001, 115 Stat. 989.)

REFERENCES IN TEXT

Section 1603 of the Persian Gulf War Veterans Act of 1998, referred to in subsecs. (b)(2)(A)(i) and (c)(1), is section 1603 of Pub. L. 105-277, which is set out in a note under section 1117 of this title.

AMENDMENTS

2001—Subsec. (a)(4). Pub. L. 107-103, §202(b)(2), added par. (4).

Subsec. (e). Pub. L. 107-103, §202(d)(1), substituted “on September 30, 2011” for “10 years after the first day of the fiscal year in which the National Academy of Sciences submits to the Secretary the first report under section 1603 of the Persian Gulf War Veterans Act of 1998”.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 202(b)(2) of Pub. L. 107-103 effective Mar. 1, 2002, see section 202(c) of Pub. L. 107-103, set out as a note under section 1117 of this title.

SUBCHAPTER III—WARTIME DEATH
COMPENSATION

§ 1121. Basic entitlement

The surviving spouse, child or children, and dependent parent or parents of any veteran who died before January 1, 1957 as the result of injury or disease incurred in or aggravated by active military, naval, or air service, in line of duty, during a period of war, shall be entitled to receive compensation at the monthly rates specified in section 1122 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1122, §321; Pub. L. 92-197, §6, Dec. 15, 1971, 85 Stat. 662; Pub. L. 94-433, title IV, §404(12), Sept. 30, 1976, 90 Stat. 1378; renumbered §1121 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 321 of this title as this section.

Pub. L. 102-83, §5(c)(1), substituted “1122” for “322”.

1976—Pub. L. 94-433 substituted “spouse” for “widow”.

1971—Pub. L. 92-197 struck out eligibility clause when the veteran died after April 30, 1957, under circumstances described in section 417(a) of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-433 effective Oct. 1, 1976, see section 406 of Pub. L. 94-433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-197 effective Jan. 1, 1972, see section 10 of Pub. L. 92-197, set out as a note under section 1311 of this title.

§ 1122. Rates of wartime death compensation

(a) The monthly rates of death compensation shall be as follows:

- (1) Surviving spouse but no child, \$87;
- (2) Surviving spouse with one child, \$121 (with \$29 for each additional child);
- (3) No surviving spouse but one child, \$67;
- (4) No surviving spouse but two children, \$94 (equally divided);
- (5) No surviving spouse but three children, \$122 (equally divided) (with \$23 for each additional child, total amount to be equally divided);
- (6) Dependent parent, \$75;