

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111-163, title III, §305(e), May 5, 2010, 124 Stat. 1152, provided that: "The amendments made by subsections (b) and (d) of this section [amending this section] may not be construed as expanding or otherwise modifying eligibility for payments or allowances for beneficiary travel under section 111 of title 38, United States Code, as in effect on the day before the date of the enactment of this Act [May 5, 2010]."

CLARIFICATION OF RELATION TO PUBLIC TRANSPORTATION IN VETERANS HEALTH ADMINISTRATION HANDBOOK

Pub. L. 111-163, title III, §305(f), May 5, 2010, 124 Stat. 1152, provided that: "Not later than 30 days after the date of the enactment of this Act [May 5, 2010], the Secretary of Veterans Affairs shall revise the Veterans Health Administration Handbook to clarify that an allowance for travel based on mileage paid under section 111(a) of title 38, United States Code, may exceed the cost of such travel by public transportation regardless of medical necessity."

REINSTATEMENT OF AMOUNT OF DEDUCTION SPECIFIED BY STATUTE

Pub. L. 110-387, title IV, §401(a)(2), Oct. 10, 2008, 122 Stat. 4122, provided that: "Notwithstanding any adjustment made by the Secretary of Veterans Affairs under paragraph (5) of section 111(c) of title 38, United States Code, as such paragraph was in effect before the date of the enactment of this Act [Oct. 10, 2008], the amount deducted under paragraph (1) of such section 111(c) on or after such date shall be the amount specified in such paragraph."

INTERIM GUIDELINES FOR BENEFICIARY TRAVEL BETWEEN JANUARY 1, 1984, AND THE PROMULGATION OF REGULATIONS BY ADMINISTRATOR OF VETERANS' AFFAIRS

Pub. L. 98-160, title I, §108, Nov. 21, 1983, 97 Stat. 999, provided that promulgation of guidelines pending issuance of regulations covering the travel of beneficiaries during an interim period beginning Jan. 1, 1984, and directed that a report be made to Congress not later than Apr. 1, 1984, regarding travel payments.

AVAILABILITY OF FUNDS FOR TRAVEL OF ELIGIBLE VETERANS, DEPENDENTS, OR SURVIVORS

Pub. L. 96-330, title IV, §406, Aug. 26, 1980, 94 Stat. 1052, provided that: "No provision of law enacted after the date of the enactment of this Act [Aug. 26, 1980] which imposes any restriction or limitation on the availability of funds for the travel and transportation of officers and employees of the executive branch of the Government and their dependents, or on the transportation of things of such officers and employees and their dependents, shall be applicable to the travel of eligible veterans, dependents, or survivors, for which reimbursement is authorized under title 38, United States Code, pursuant to the terms and conditions of section 111 of such title, unless such provision is expressly made applicable to the travel of such veterans, dependents, or survivors."

Executive Documents

EXECUTIVE ORDER No. 10810

Ex. Ord. No. 10810, Apr. 22, 1959, 24 F.R. 3179, as amended by Ex. Ord. No. 10881, July 6, 1960, 25 F.R. 6414, which prescribed regulations governing allowances, was superseded by Ex. Ord. No. 11142, Feb. 12, 1964, 29 F.R. 2479.

EXECUTIVE ORDER No. 11142

Ex. Ord. No. 11142, Feb. 12, 1964, 29 F.R. 2479, which prescribed regulations governing allowances, was superseded by Ex. Ord. No. 11302, Sept. 6, 1966, 31 F.R. 11741, set out below.

EX. ORD. No. 11302. REGULATIONS GOVERNING ALLOWANCES

Ex. Ord. No. 11302, Sept. 6, 1966, 31 F.R. 11741, as amended by Ex. Ord. No. 11429, Sept. 9, 1968, 33 F.R. 12817; Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, provided:

By virtue of the authority vested in me by Section 111 of Title 38 of the United States Code, as amended by the Act of June 18, 1966 (Public Law 89-455), it is hereby ordered as follows:

SECTION 1. The Administrator of Veterans' Affairs may authorize or approve the payment of the actual necessary expenses of travel, including lodging and subsistence, of any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. The Administrator may authorize or approve such payment to the claimant or beneficiary, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 2. The Administrator of Veterans' Affairs may authorize or approve in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance, in such amount per mile as the Administrator shall from time to time fix pursuant to 38 U.S.C. 111 as affected by this order, to any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize or approve such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 3. Whenever a claimant or beneficiary requires an attendant other than an employee of the Veterans' Administration for the performance of travel specified in Section 1 and 2 hereof, the travel expenses of such attendant may be allowed in the same manner and to the same extent that travel expenses are allowed to such claimant or beneficiary.

SEC. 4. Payment of the following expenses or allowances in connection with vocational rehabilitation, counseling, or upon termination of examination, treatment, or care, may be made before the completion of travel:

a. The mileage allowance and fare and tolls authorized by Section 2 hereof.

b. Actual local travel expenses.

c. The expense of hiring an automobile or ambulance, or the fee authorized for services of a non-employee attendant.

SEC. 5. The Administrator of Veterans' Affairs may prescribe such rules and regulations not inconsistent herewith as may be necessary to effectuate the provisions of this order.

SEC. 6. Executive Order No. 11142 of February 12, 1964, is hereby superseded.

§ 111A. Transportation of individuals to and from Department facilities

(a) TRANSPORTATION BY SECRETARY.—(1) The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.

(2) The authority granted by paragraph (1) shall expire on September 30, 2022.

(b) **TRANSPORTATION BY THIRD-PARTIES.**—(1) The Secretary, in consultation and coordination with the Secretary of Transportation and appropriate representatives of veterans' service organizations, shall take all appropriate steps to facilitate the establishment and maintenance of a program under which such organizations, or individuals who are volunteering their services to the Department, would take responsibility for the transportation, without reimbursement from the Department, to Department facilities of veterans (primarily those residing in areas which are geographically accessible to such facilities) who seek services or benefits from the Department under chapter 17 or other provisions of this title.

(2)(A) Not later than 90 days after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, the Secretary shall develop and establish a national protocol for the administration of medical examinations for volunteer drivers to participate in the program described in paragraph (1).

(B) In developing the protocol required by subparagraph (A), the Secretary shall consult with such persons as the Secretary determines have an interest in the program described in paragraph (1).

(C)(i) The Secretary shall implement the protocol by first conducting a one-year pilot program using the protocol.

(ii) After conducting the pilot program required by clause (i), the Secretary shall assess the pilot program and make such changes to the protocol as the Secretary considers appropriate.

(iii) After making changes to the protocol under clause (ii), the Secretary shall implement the protocol in phases during the course of one year.

(Added and amended Pub. L. 112-260, title II, § 202(a), (b), Jan. 10, 2013, 126 Stat. 2423, 2424; Pub. L. 113-59, § 6, Dec. 20, 2013, 127 Stat. 662; Pub. L. 113-175, title IV, § 401, Sept. 26, 2014, 128 Stat. 1905; Pub. L. 114-58, title IV, § 401, Sept. 30, 2015, 129 Stat. 534; Pub. L. 114-228, title IV, § 401, Sept. 29, 2016, 130 Stat. 939; Pub. L. 115-62, title IV, § 401, Sept. 29, 2017, 131 Stat. 1164; Pub. L. 115-251, title I, § 161, Sept. 29, 2018, 132 Stat. 3171; Pub. L. 116-159, div. E, title II, § 5204, Oct. 1, 2020, 134 Stat. 750; Pub. L. 116-315, title VII, § 7001, Jan. 5, 2021, 134 Stat. 5054.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, referred to in subsec. (b)(2)(A), is the date of enactment of Pub. L. 116-315, which was approved Jan. 5, 2021.

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-315 designated existing provisions as par. (1) and added par. (2).

2020—Subsec. (a)(2). Pub. L. 116-159 substituted “September 30, 2022” for “September 30, 2020”.

2018—Subsec. (a)(2). Pub. L. 115-251 substituted “September 30, 2020” for “September 30, 2019”.

2017—Subsec. (a)(2). Pub. L. 115-62 substituted “September 30, 2019” for “December 31, 2017”.

2016—Subsec. (a)(2). Pub. L. 114-228 substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (a)(2). Pub. L. 114-58 substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (a)(2). Pub. L. 113-175 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (a)(2). Pub. L. 113-59 substituted “December 31, 2014” for “the date that is one year after the date of the enactment of this section”.

Subsec. (b). Pub. L. 112-260, § 202(b), transferred subsec. (h) of section 111 of this title to this section, redesignated it as subsec. (b), and inserted heading.

§ 112. Presidential memorial certificate program

(a) At the request of the President the Secretary may conduct a program for honoring the memory of deceased persons eligible for burial in a national cemetery by reason of any of paragraphs (1), (2), (3), or (7) of section 2402(a) of this title, by preparing and sending to eligible recipients a certificate bearing the signature of the President and expressing the country's grateful recognition of the deceased individual's service in the Armed Forces. The award of a certificate to one eligible recipient will not preclude authorization of another certificate if a request is received from some other eligible recipient.

(b) For the purpose of this section an “eligible recipient” means the next of kin, a relative or friend upon request, or an authorized service representative acting on behalf of such relative or friend.

(c) A certificate may not be furnished under the program under subsection (a) on behalf of a deceased person described in section 2411(b) of this title.

(Added Pub. L. 89-88, § 1(a), July 24, 1965, 79 Stat. 264; amended Pub. L. 102-83, § 4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405; Pub. L. 107-330, title II, § 201(a), Dec. 6, 2002, 116 Stat. 2823; Pub. L. 112-154, title VI, § 603, Aug. 6, 2012, 126 Stat. 1201; Pub. L. 114-315, title III, § 302(a), Dec. 16, 2016, 130 Stat. 1551.)

Editorial Notes

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-315 substituted “persons eligible for burial in a national cemetery by reason of any of paragraphs (1), (2), (3), or (7) of section 2402(a) of this title,” for “veterans, discharged under honorable conditions, and persons who died in the active military, naval, or air service.”

2012—Subsec. (a). Pub. L. 112-154 inserted “and persons who died in the active military, naval, or air service,” after “under honorable conditions,” and substituted “deceased individual's” for “veteran's”.

2002—Subsec. (c). Pub. L. 107-330 added subsec. (c).

1991—Subsec. (a). Pub. L. 102-83 substituted “Secretary” for “Administrator”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-315, title III, § 302(b), Dec. 16, 2016, 130 Stat. 1551, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to the death of a person eligible for burial in a national cemetery by reason of paragraph (1), (2), (3), or (7) of section 2402(a) of title 38, United States Code, occurring before, on, or after the date of the enactment of this Act [Dec. 16, 2016].”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-330, title II, § 201(d), Dec. 6, 2002, 116 Stat. 2823, provided that: “The amendments made by this