

section [amending this section and sections 2301 and 2306 of this title] shall apply with respect to deaths occurring on or after the date of the enactment of this Act [Dec. 6, 2002]."

§ 113. Treatment of certain programs under sequestration procedures

(a) The following programs shall be exempt from sequestration or reduction under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other sequestration law and shall not be included in any report specifying reductions in Federal spending:

(1) Benefits under chapter 21 of this title, relating to specially adapted housing and mortgage-protection life insurance for certain veterans with service-connected disabilities.

(2) Benefits under section 2307 of this title, relating to burial benefits for veterans who die as the result of a service-connected disability.

(3) Benefits under chapter 39 of this title, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

(4) Assistance and services under chapter 31 of this title, relating to training and rehabilitation for certain veterans with service-connected disabilities.

(5) Benefits under chapter 35 of this title, relating to educational assistance for survivors and dependents of certain veterans with service-connected disabilities.

(6) Benefits under subchapters I, II, and III of chapter 37 of this title, relating to housing loans for certain veterans and for the spouses and surviving spouses of certain veterans.

(b) The following accounts of the Department shall be exempt from sequestration or reduction under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other sequestration law and shall not be included in any report specifying reductions in Federal spending:

(1) The following life insurance accounts:

(A) The National Service Life Insurance Fund authorized by section 1920 of this title.

(B) The Service-Disabled Veterans Insurance Fund authorized by section 1922 of this title.

(C) The Veterans Special Life Insurance Fund authorized by section 1923 of this title.

(D) The Veterans Reopened Insurance Fund authorized by section 1925 of this title.

(E) The United States Government Life Insurance Fund authorized by section 1955 of this title.

(F) The Veterans Insurance and Indemnity appropriation authorized by section 1919 of this title.

(2) The following revolving fund accounts:

(A) The Department of Veterans Affairs Special Therapeutic and Rehabilitation Activities Fund established by section 1718(c) of this title.

(B) The Veterans' Canteen Service revolving fund authorized by section 7804 of this title.

(c)(1) A benefit under section 2301, 2302, 2303, 2306, or 2308 of this title that is subject to reduc-

tion under a sequestration order or sequestration law shall be paid in accordance with the rates determined under the sequestration order or law (if any) in effect on the date of the death of the veteran concerned.

(2) A benefit paid to, or on behalf of, an eligible veteran for pursuit of a program of education or training under chapter 30, 31, 34, 35, or 36 of this title that is subject to a sequestration order or a sequestration law shall be paid in accordance with the rates determined under the sequestration order or law (if any) in effect during the period of education or training for which the benefit is paid.

(3) In implementation of a sequestration order or law with respect to each account from which a benefit described in paragraph (1) or (2) of this subsection is paid (including the making of determinations of the amounts by which such benefits are to be reduced), the total of the amounts (as estimated by the Secretary after consultation with the Director of the Congressional Budget Office) by which payments of such benefit will be reduced by reason of such paragraph after the last day of the period during which such order or law is in effect shall be deemed to be additional reductions in the payments of such benefit made, and in new budget authority for such payments, during such period.

(d) In computing the amount of new budget authority by which a budget account of the Department is to be reduced for a fiscal year under a report of the Director of the Office of Management and Budget, or under an order of the President under part C of the Balanced Budget and Emergency Deficit Control Act of 1985, the base from which the amount of the reduction for such account is determined shall be established without regard to any amount of new budget authority in such account (determined under section 251(a)(6)¹ of such Act) for any of the programs listed in subsection (a) of this section.

(e) This section applies without regard to any other provision of law (whether enacted before, on, or after the date of the enactment of this section) unless such Act expressly provides that it is enacted as a limitation to this section.

(f) For the purposes of this section:

(1) The term "sequestration" means a reduction in spending authority and loan guarantee commitments generally throughout the Government under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other law.

(2) The term "sequestration law" means a law enacted with respect to a sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.) or any other law (under the procedures specified in that Act or otherwise).

(3) The term "sequestration order" means an order of the President issued under part C of such Act.

(Added Pub. L. 99-576, title VI, §601(a)(1), Oct. 28, 1986, 100 Stat. 3287; amended Pub. L. 100-198, §12(a), Dec. 21, 1987, 101 Stat. 1325; Pub. L. 100-322, title IV, §411(b), (c), May 20, 1988, 102 Stat. 547; Pub. L. 102-40, title IV, §402(d)(1), May

¹ See References in Text note below.

7, 1991, 105 Stat. 239; Pub. L. 102-83, §§4(a)(2)(B)(i), (3), (4), (b)(1), (2)(E), 5(c)(1), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 116-315, title II, §2202(b)(1)(D), Jan. 5, 2021, 134 Stat. 4985.)

AMENDMENT OF SUBSECTION (c)(1)

Pub. L. 116-315, title II, §2202(b)(1)(B), (d), Jan. 5, 2021, 134 Stat. 4985, provided that, applicable to deaths that occur on or after the date that is two years after Jan. 5, 2021, subsection (c)(1) of this section is amended by striking out “2302,” after “section 2301.”. See 2021 Amendment note below.

Editorial Notes

REFERENCES IN TEXT

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsecs. (a), (b), (d), and (f), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038. Part C of the Act is classified generally to subchapter I (§900 et seq.) of chapter 20 of Title 2, The Congress. Section 251 of the Act is classified to section 901 of Title 2, and was amended generally by Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-577, and Pub. L. 112-25, title I, §101, Aug. 2, 2011, 125 Stat. 241. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

The date of the enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 99-576, which was approved Oct. 28, 1986.

AMENDMENTS

2021—Subsec. (c)(1). Pub. L. 116-315 struck out “2302,” after “section 2301.”.

1991—Subsec. (a)(2). Pub. L. 102-83, §5(c)(1), substituted “2307” for “907”.

Subsec. (b). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in introductory provisions.

Subsec. (b)(1). Pub. L. 102-83, §5(c)(1), substituted “1920” for “720” in subpar. (A), “1922” for “722” in subpar. (B), “1923” for “723” in subpar. (C), “1925” for “725” in subpar. (D), “1955” for “755” in subpar. (E), and “1919” for “719” in subpar. (F).

Subsec. (b)(2)(A). Pub. L. 102-83, §5(c)(1), substituted “1718(c)” for “618(c)”.

Pub. L. 102-83, §4(a)(2)(B)(i), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

Subsec. (b)(2)(B). Pub. L. 102-40 substituted “7804” for “4204”.

Subsec. (c)(1). Pub. L. 102-83, §5(c)(1), substituted “2301, 2302, 2303, 2306, or 2308” for “901, 902, 903, 906, or 908”.

Subsec. (c)(3). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (d). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

1988—Subsec. (a)(4), (5). Pub. L. 100-322, §411(b), struck out “(but only with respect to fiscal year 1987)” before period at end.

Subsec. (d). Pub. L. 100-322, §411(c), substituted “a report of the Director of the Office of Management and Budget” for “a joint report of the Directors of the Office of Management and Budget and the Congressional Budget Office”.

1987—Subsec. (a)(6). Pub. L. 100-198, §12(a)(1), added par. (6).

Subsec. (c)(2). Pub. L. 100-198, §12(a)(3), substituted “31, 34, 35, or 36” for “34, or 36”.

Subsecs. (e) to (g). Pub. L. 100-198, §12(a)(2), redesignated subsecs. (f) and (g) as (e) and (f), respectively, and struck out former subsec. (e) which read as follows: “If a final order issued by the President pursuant to a law providing for the cancellation of loan guarantee commitments imposes a limitation on the total amount of loans that may be guaranteed under chapter 37 of this

title in any fiscal year, the Administrator shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a monthly report (not later than the 10th day of each month during the remainder of such fiscal year following the issuance of such final order) providing the following information:

“(1) The total amount of the loans for which commitments of guarantees were made under such chapter during the preceding month.

“(2) The total amount of the loans for which commitments were made during the fiscal year through the end of such preceding month.

“(3) The Administrator’s estimates as to the total amounts of the loans for which commitments would, in the absence of any limits on such commitments or guarantees, be made during (A) the month in which the report is required to be submitted, and (B) the succeeding months of the fiscal year.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-315, title II, §2202(d), Jan. 5, 2021, 134 Stat. 4985, provided that: “The amendments made by this section [amending this section and sections 2302 to 2304, 2307, 2308, and 5101 of this title and section 3810 of Title 50, War and National Defense] shall apply to deaths that occur on or after the date that is two years after the date of the enactment of this Act [Jan. 5, 2021].”

EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-198, §12(b), Dec. 21, 1987, 101 Stat. 1325, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on November 19, 1987.”

EFFECTIVE DATE

Pub. L. 99-576, title VI, §601(b), Oct. 28, 1986, 100 Stat. 3289, provided that: “Section 113 of title 38, United States Code (as added by subsection (a)), shall apply with respect to a sequestration order issued, or a sequestration law enacted, for a fiscal year after fiscal year 1986.”

RESTORATION OF CERTAIN REVOLVING FUNDS

Pub. L. 100-322, title IV, §411(a), May 20, 1988, 102 Stat. 547, provided that:

“(1) Notwithstanding section 601(b) of the Veterans’ Benefits Improvement and Health-Care Authorization Act of 1986 (Public Law 99-576) [set out as a note above], section 113(b)(2) of title 38, United States Code, shall apply with respect to a sequestration order issued, or a sequestration law enacted, for any fiscal year after fiscal year 1985.

“(2) The Secretary of the Treasury shall take such action as is necessary to implement paragraph (1). Not later than 60 days after the date of the enactment of this Act [May 20, 1988], the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the action taken by the Secretary pursuant to that paragraph.”

§ 114. Multiyear procurement

(a) The Secretary may enter into a multiyear contract for the procurement of supplies or services if the Secretary makes each of the following determinations:

(1) Appropriations are available for obligations that are necessary for total payments that would be required during the fiscal year in which the contract is entered into, plus the estimated amount of any cancellation charge payable under the contract.

(2) The contract is in the best interest of the United States by reason of the effect that use of a multiyear, rather than one-year, contract would have in—