

the Veterans' Administration" in concluding provisions.

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

Subsec. (b)(3)(F)(i). Pub. L. 102-83, §5(c)(1), substituted "3011(a)(1)(A)(ii)(II)" and "3012(b)(1)(A)(iv)" for "1411(a)(1)(A)(ii)(II)" and "1412(b)(1)(A)(iv)", respectively.

Subsec. (b)(3)(F)(ii). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-83, §5(c)(1), substituted "3011(a)(1)" for "1411(a)(1)" and "3012(b)(1)(A)(ii)" for "1412(b)(1)(A)(ii)".

Subsec. (b)(3)(F)(iii). Pub. L. 102-83, §5(c)(1), substituted "3011(a)(1)" for "1411(a)(1)" and "3012(b)(1)(A)(v)" for "1412(b)(1)(A)(v)".

Subsec. (b)(3)(F)(iv). Pub. L. 102-83, §5(c)(1), substituted "3011(a)(1)(A)(ii)(I)" for "1411(a)(1)(A)(ii)(I)".

Subsecs. (c)(1), (d)(1). Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

1990—Subsec. (b)(3)(F)(iv). Pub. L. 101-510 added cl. (iv).

1988—Subsec. (b)(3)(F). Pub. L. 100-689 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: "to benefits under chapter 30 of this title in the case of a person entitled to benefits under such chapter by reason of section 1411(a)(1)(A)(ii)(II) of this title."

1986—Subsec. (b)(3)(F). Pub. L. 99-576 added subpar. (F).

1982—Subsec. (b)(2)(B). Pub. L. 97-306, §408(a)(1), substituted "after October 16, 1981," for "on or after the date of the enactment of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981".

Subsecs. (d), (e). Pub. L. 97-306, §408(a)(2), added subsec. (d) and redesignated former subsec. (d) as (e).

Subsec. (f). Pub. L. 97-306, §408(a)(3), added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-353 effective with respect to reemployments initiated on or after the first day after the 60-day period beginning Oct. 13, 1994, with transition rules, see section 8 of Pub. L. 103-353, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 effective Oct. 19, 1984, see section 562(c) of Pub. L. 101-510 set out as a note under section 3011 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-689 effective July 1, 1985, with respect to individuals discharged or released for medical condition which preexisted service on active duty or in Selected Reserve and which Administrator determines is not service connected, and effective Oct. 1, 1987, with respect to individuals involuntarily discharged or released for convenience of Government as a result of reduction in force, see section 102(c) of Pub. L. 100-689, set out as a note under section 3011 of this title.

EFFECTIVE DATE

Section effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97-66, set out as an Effective Date of 1981 Amendment note under section 1114 of this title.

DELAYED APPLICATION OF EXCLUSION; ADDITIONAL WAGES CONSIDERED BENEFIT

Pub. L. 97-306, title IV, §408(b), Oct. 14, 1982, 96 Stat. 1446, provided that:

"(1) Subsection (d) of section 3103A [now 5303A] of title 38, United States Code, as added by subsection (a)(2), shall not apply with respect to the receipt by any

person of any benefit provided by or pursuant to law before the date of the enactment of this Act [Oct. 14, 1982].

"(2) For the purposes of paragraph (1) of this subsection, additional wages deemed to have been paid under section 229(a) of the Social Security Act (42 U.S.C. 429(a)) shall be considered to be a benefit that was received by a person on the date that such person was discharged or released from active duty (as defined in section 101(21) of title 38, United States Code)."

SCOPE OF EXCLUSION

Pub. L. 97-306, title IV, §408(d), Oct. 14, 1982, 96 Stat. 1446, provided that: "Section 3103A [now 5303A] of title 38, United States Code, as amended by subsection (a), is the law with respect to the matters stated in such section and applies, in accordance with its terms, with respect to benefits under Federal law, regardless of the particular title of the United States Code or other law under which any such benefit is provided or the department, agency, or instrumentality which administers any such benefit."

APPLICABILITY

Pub. L. 97-66, title VI, §604(b), Oct. 17, 1981, 95 Stat. 1036, provided that: "Section 5303A [formerly 3103A] of title 38, United States Code, as added by subsection (a), shall not apply with respect to the receipt by any person of any benefit provided by or pursuant to law before the date of the enactment of this Act [Oct. 17, 1981]. Notwithstanding such section, a person who before such date has received a certificate of eligibility from the Administrator of Veterans' Affairs [now Secretary of Veterans Affairs] for benefits under chapter 37 of title 38, United States Code, is eligible for such benefits after such date."

§ 5303B. Character of service determinations

(a) DETERMINATION.—The Secretary shall establish a process by which an individual who served in the Armed Forces and was discharged or dismissed therefrom may seek a determination from the Secretary with respect to whether such discharge or release was under a condition that bars the right of such individual to a benefit under the laws administered by the Secretary based upon the period of service from which discharged or dismissed.

(b) PROVISION OF INFORMATION.—If the Secretary determines under subsection (a) that an individual is barred to a benefit under the laws administered by the Secretary, the Secretary shall provide to such individual information regarding the ability of the individual to address such condition, including pursuant to section 5303 of this title and chapter 79 of title 10.

(Added Pub. L. 115-141, div. J, title II, §259(a), Mar. 23, 2018, 132 Stat. 828.)

§ 5304. Prohibition against duplication of benefits

(a)(1) Except as provided in section 1414 of title 10 or to the extent that retirement pay is waived under other provisions of law, not more than one award of pension, compensation, emergency officers', regular, or reserve retirement pay, or initial award of naval pension granted after July 13, 1943, shall be made concurrently to any person based on such person's own service or concurrently to any person based on the service of any other person.

(2) Notwithstanding the provisions of paragraph (1) of this subsection and of section 5305 of