

Public Law 89-311

AN ACT

October 31, 1965
[H. R. 168]

To amend title 38 of the United States Code to provide increases in the rates of disability compensation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out “\$20” in subsection (a) and inserting in lieu thereof “\$21”;

(2) by striking out “\$38” in subsection (b) and inserting in lieu thereof “\$40”;

(3) by striking out “\$58” in subsection (c) and inserting in lieu thereof “\$60”;

(4) by striking out “\$77” in subsection (d) and inserting in lieu thereof “\$82”;

(5) by striking out “\$107” in subsection (e) and inserting in lieu thereof “\$113”;

(6) by striking out “\$128” in subsection (f) and inserting in lieu thereof “\$136”;

(7) by striking out “\$149” in subsection (g) and inserting in lieu thereof “\$161”;

(8) by striking out “\$170” in subsection (h) and inserting in lieu thereof “\$186”;

(9) by striking out “\$191” in subsection (i) and inserting in lieu thereof “\$209”;

(10) by striking out “\$250” in subsection (j) and inserting in lieu thereof “\$300”;

(11) by striking out “\$525” in subsections (k) and (o) and inserting in lieu thereof “\$600”;

(12) by striking out “\$340” in subsection (l) and inserting in lieu thereof “\$400”;

(13) by striking out “\$390” in subsection (m) and inserting in lieu thereof “\$450”;

(14) by striking out “\$440” in subsection (n) and inserting in lieu thereof “\$525”;

(15) by striking out “\$200” in subsection (r) and inserting in lieu thereof “\$250”; and

(16) by striking out “\$290” in subsection (s) and inserting in lieu thereof “\$350”.

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. (a) Section 315(1) of title 38, United States Code, is amended—

(1) by striking out “\$23” in subparagraph (A) and inserting in lieu thereof “\$25”;

(2) by striking out “\$39” in subparagraph (B) and inserting in lieu thereof “\$43”;

(3) by striking out “\$50” in subparagraph (C) and inserting in lieu thereof “\$55”;

Veterans,
Disability com-
pensation, in-
crease.
72 Stat. 1120;
76 Stat. 441.

72 Stat. 936.

74 Stat. 528;
76 Stat. 441.

Rate adjust-
ments.

72 Stat. 1263.
38 USC prec.
101 note.
38 USC 301-360.
Ante, p. 576.
Additional com-
pensation for de-
pendents.

(4) by striking out "\$62" and "\$12" in subparagraph (D) and inserting in lieu thereof "\$68" and "\$13", respectively;

72 Stat. 1124;
74 Stat. 165.
38 USC 315.

(5) by striking out "\$15" in subparagraph (E) and inserting in lieu thereof "\$17";

(6) by striking out "\$27" in subparagraph (F) and inserting in lieu thereof "\$30";

(7) by striking out "\$39" and "\$12" in subparagraph (G) and inserting in lieu thereof "\$43" and "\$13", respectively; and

(8) by striking out "\$19" in subparagraph (H) and inserting in lieu thereof "\$21".

(b) Such section 315(1) is further amended by (1) striking out "and" at the end of subparagraph (G), (2) striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; and", and (3) adding at the end thereof the following:

"(I) notwithstanding the other provisions of this subsection, the monthly amount payable on account of each child who has attained the age of eighteen years and who is pursuing a course of instruction at an approved educational institution shall be \$40 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this subsection."

(c)(1) Section 101(4)(C) of title 38, United States Code, is amended by striking out "twenty-one years" and inserting in lieu thereof "twenty-three years".

"Child," definition.
72 Stat. 1106.

(2) Section 414(c) of title 38, United States Code, is amended by striking out "twenty-one" and inserting in lieu thereof "twenty-three".

SEC. 3. (a) Section 360 of title 38, United States Code, is amended (1) by inserting immediately before the words "the Administrator" the following: "or (3) has suffered total deafness in one ear as a result of service-connected disability and has suffered total deafness in the other ear as the result of non-service-connected disability not the result of his own willful misconduct," and (2) by inserting immediately after the words "kidney involvement" the following: "or such total deafness in both ears".

Bilateral deafness, compensation.
76 Stat. 406.

(b) Such section 360 is further amended by adding the following at the end of the catch line: "**or bilateral deafness**".

(c) The analysis of chapter 11 of such title 38 regarding section 360 is amended by inserting immediately before the period at the end thereof: "or bilateral deafness".

(d) Section 314(o) of title 38, United States Code, is amended by deleting the words "has suffered total deafness" and substituting in lieu thereof the words "if the veteran has suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at 60 per centum or more disabling and the veteran has also suffered service-connected total blindness with 5/200 visual acuity or less,".

72 Stat. 1121.

(e) Section 314(p) of title 38, United States Code, is amended by deleting "\$525; and" and substituting therefor the following: "\$600. In the event the veteran has suffered service-connected blindness with 5/200 visual acuity or less and (1) has also suffered bilateral deafness (and the hearing impairment in either one or both ears is service connected) rated at no less than 40 per centum disabling, the Adminis-

trator shall allow the next higher rate, or (2) has also suffered service-connected total deafness in one ear, the Administrator shall allow the next intermediate rate, but in no event in excess of \$600;”.

SEC. 4. Section 560(b) of title 38, United States Code, is amended by striking out “, who has attained the age of forty years,”.

SEC. 5. Section 106 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

“(e) Each person who has incurred a disability as a result of an injury or disease described in subsection (b) shall be entitled to the same rights, privileges, and benefits under the Act of June 27, 1944 (58 Stat. 387-391), as a person described in section 2(1) of such Act.”

SEC. 6. (a) Chapter 73 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“§ 4116. Defense of certain malpractice and negligence suits

“(a) The remedy by suit against the United States as provided by section 1346(b) of title 28 for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Medicine and Surgery shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.

“(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the Administrator to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Administrator.

“(c) Upon a certification by the Attorney General that the defendant was acting in the scope of his employment in or for the Department of Medicine and Surgery at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merit that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court.

“(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.”

Medal of Honor
Roll.
77 Stat. 95;
78 Stat. 1078.
72 Stat. 1110.

5 USC 851 and
note.
38 USC 4101 et
seq.

63 Stat. 62.

62 Stat. 869.

(b) The analysis of chapter 73 of title 38, United States Code, is amended by adding at the end thereof the following:

"4116. Defense of certain malpractice and negligence suits."

(c) The amendments made by this section shall take effect on the first day of the first calendar month which begins more than one hundred and eighty days after the date of enactment of this Act, but, in the case of an act or omission which occurred before such effective date, such amendments shall apply only if no suit or civil action has been commenced before such effective date with respect to such act or omission.

Effective date.

SEC. 7. (a) Subsection (c) of section 5033 and paragraph (3) of section 5035(b) of title 38, United States Code, are hereby repealed; and paragraphs (4) and (5) of section 5035(b) of such title are hereby redesignated as paragraphs (3) and (4), respectively.

Nursing home care.
Repeals,
78 Stat. 501.

(b) Section 5034(1) of such title is amended by striking out "one-half bed" and inserting in lieu thereof "one and one-half beds".

SEC. 8. (a) Section 5001(a) of title 38, United States Code, is amended by redesignating paragraph (2) thereof as paragraph (3) and by inserting immediately after paragraph (1) thereof the following:

72 Stat. 1251;
78 Stat. 500.

"(2) The Administrator, subject to the approval of the President, is authorized to establish and operate not less than one hundred and twenty-five thousand hospital beds in facilities over which the Administrator has direct and exclusive jurisdiction for the care and treatment of eligible veterans who are tuberculosis, neuropsychiatric, medical, and surgical cases."

(b) Paragraph (3) of such section (as redesignated by subsection (a) of this section) is amended by adding at the end thereof the following new sentence: "The nursing beds authorized by this paragraph shall be in addition to the hospital beds provided for in paragraph (2) of this subsection."

SEC. 9. The amendments made by the first section and sections 2, 3, and 4 of this Act shall take effect on the first day of the second calendar month following the date of enactment of this Act.

Effective date.

Approved October 31, 1965, 7:29 p.m.

Public Law 89-312

AN ACT

November 1, 1965
[H. R. 10369]

To give the consent of Congress to the States of Connecticut, Rhode Island, and Vermont to become parties to title II of the Compact on Taxation of Motor Fuels Consumed by Interstate Buses and the Agreement relating to Bus Taxation Proration and Reciprocity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the States of Connecticut, Rhode Island, and Vermont to become parties to title II of the Compact on Taxation of Motor Fuels Consumed by Interstate Buses and to the Agreement relating to Bus Taxation Proration and Reciprocity as consented to by the Congress in the Act of April 14, 1965 (79 Stat. 60).

Conn.-R.I.-Vt.
Bus taxation
compact.

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

Approved November 1, 1965.