EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–117 effective Oct. 1, 1977, see section 501 of Pub. L. 95–117, set out as a note under section 1114 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 1975 AMENDMENT

Amendment by Pub. L. 94–71 effective Aug. 1, 1975, see section 301 of Pub. L. 94–71, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective first day of second calendar month which begins after June 30, 1972, see section 301(a) of Pub. L. 92–328, set out as an Effective Date of 1972 Amendment note under section 1114 of this title.

REPEAL

Section 405(d) of Pub. L. 97–253, cited as a credit to this section, was repealed by Pub. L. 97–306, §§107, 108, Oct. 14, 1982, 96 Stat. 1431, 1432, eff. Oct. 1, 1982.

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

For increases in rates and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation, see notes set out under section 1114 of this title.

§ 1163. Trial work periods and vocational rehabilitation for certain veterans with total disability ratings

(a)(1) The disability rating of a qualified veteran who begins to engage in a substantially gainful occupation after January 31, 1985, may not be reduced on the basis of the veteran having secured and followed a substantially gainful occupation unless the veteran maintains such an occupation for a period of 12 consecutive months.

(2) For purposes of this section, the term ''qualified veteran'' means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

(b) The Secretary shall make counseling services described in section 3104(a)(2) of this title and placement and postplacement services described in section 3104(a)(5) of this title available to each qualified veteran (whether or not the veteran is participating in a vocational rehabilitation program under chapter 31 of this title).

(c)(1) In the case of each award after January 31, 1985, of a rating of total disability described in subsection (a)(2) of this section to a veteran, the Secretary shall provide to the veteran, at the time that notice of the award is provided to the veteran, a statement providing—

(A) notice of the provisions of this section;

(B) information explaining the purposes and availability of and eligibility for, and the procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title; and

(C) a summary description of the scope of services and assistance available under that chapter.

(2) After providing the notice required under paragraph (1) of this subsection, the Secretary shall offer the veteran the opportunity for an evaluation under section 3106(a) of this title.

(Added Pub. L. 98–543, title I, §111(a)(1), Oct. 24, 1984, 98 Stat. 2738, §363; amended Pub. L. 100–687, div. B, title XIII, §1301, Nov. 18, 1988, 102 Stat. 4127; renumbered §1163 and amended Pub. L. 102–83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–291, §2(a), May 20, 1992, 106 Stat. 178; Pub. L. 102–568, title IV, §401(a)–(d)(1), Oct. 29, 1992, 106 Stat. 4336.)

AMENDMENTS

1992—Pub. L. 102–568, §401(d)(1), substituted ''Trial work periods and vocational rehabilitation for certain veterans with total disability ratings'' for ''Temporary program for trial work periods and vocational rehabilitation for certain veterans with total disability ratings'' as section catchline.

Subsec. (a)(1). Pub. L. 102–568, §401(a)(1), substituted ''after January 31, 1985,'' for ''during the program period''.

Subsec. (a)(2). Pub. L. 102–568, §401(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''For purposes of this section:

''(A) The term 'qualified veteran' means a veteran who has a service-connected disability, or service-connected disabilities, not rated as total but who has been awarded a rating of total disability by reason of inability to secure or follow a substantially gainful occupation as a result of such disability or disabilities.

''(B) The term 'program period' means the period beginning on February 1, 1985, and ending on December 31, 1992.''

Pub. L. 102–291 substituted ''December 31, 1992'' for ''January 31, 1992'' in subpar. (B).

Subsec. (b). Pub. L. 102–568, §401(b), substituted ''The Secretary'' for ''During the program period, the Secretary''.

Subsec. (c)(1). Pub. L. 102–568, §401(c), substituted ''after January 31, 1985, of a rating of total disability described in subsection (a)(2)'' for ''during the program period of a rating of total disability described in subsection (a)(2)(A)''.

1991—Pub. L. 102–83, §5(a), renumbered section 363 of this title as this section.

Subsec. (b). Pub. L. 102–83, §5(c)(1), substituted ''3104(a)(2)'' for ''1504(a)(2)'' and ''3104(a)(5)'' for ''1504(a)(5)''.

Pub. L. 102–83, §4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Subsec. (c). Pub. L. 102–83, §5(c)(1), substituted ''3106(a)'' for ''1506(a)'' in par. (2).

Pub. L. 102–83, §4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in pars. (1) and (2).

1988—Subsec. (a)(2)(B). Pub. L. 100–687, §1301(a), substituted ''1992'' for ''1989''.

Subsec. (c)(1). Pub. L. 100–687, §1301(b)(2), (3), substituted ''(1) In'' for ''(1)(A) Except as provided in paragraph (4) of this subsection, in'', redesignated cls. (i), (ii), and (iii) as subpars. (A), (B), and (C), respectively, and struck out former subpar. (B) which required that, after providing notice, Administrator arrange promptly for evaluation to determine whether achievement of vocational goal by veteran is feasible.

Subsec. (c)(2). Pub. L. 100–687, §1301(b)(1), (3)(B), added par. (2) and struck out former par. (2) which related to failure of veteran to participate in evaluation, and reduction of disability rating.

Subsec. (c)(3). Pub. L. 100–687, §1301(b)(1), struck out par. (3) which related to individualized written plan of vocational rehabilitation after completion of evaluation, and failure to pursue program of vocational rehabilitation described in such plan.

Subsec. (c)(4). Pub. L. 100–687, §1301(b)(1), struck out par. (4) which read as follows: ''This subsection does

not apply with respect to a veteran as to whom the Administrator determines that an evaluation of vocational rehabilitation potential or achievement of a vocational goal is not reasonably feasible.''

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2(d) of Pub. L. 102–291 provided that: ''The amendments made by subsections (a) through (c) [amending this section and sections 1524 and 1525 of this title] shall take effect as of January 31, 1992.''

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING LAPSED PERIOD

Section 2(e) of Pub. L. 102–291 provided that: ''The following actions of the Secretary of Veterans Affairs during the period beginning on February 1, 1992, and ending on the date of the enactment of this Act [May 20, 1992] are hereby ratified with respect to that period:

''(1) A failure to reduce the disability rating of a veteran who began to engage in a substantially gainful occupation during that period.

''(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United States Code, and the making of related determinations under that section.

''(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.''

INFORMATION; TEMPORARY PROGRAM; ADMINISTRATOR

Section 111(b) of Pub. L. 98–543 directed Administrator of Veterans' Affairs to provide, not later than Apr. 1, 1985, to certain veterans with service-connected disabilities, a statement containing information explaining subsec. (b) of this section, information explaining purposes and availability of and eligibility for, and procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title, and a summary description of scope of services and assistance available under chapter 31.

REPORT TO CONGRESSIONAL COMMITTEES; TRIAL PROGRAM

Section 111(c) of Pub. L. 98–543, as amended by Pub. L. 99–576, title VII, § 703(a)(2), Oct. 28, 1986, 100 Stat. 3303, directed Administrator of Veterans' Affairs to submit, not later than Apr. 15, 1988, to Committees on Veterans' Affairs of Senate and House of Representatives a report on results of implementation of this section during the three-year period beginning on Feb. 1, 1985.

CHAPTER 13—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

SUBCHAPTER I—GENERAL

Sec.
1301. Definitions.
1302. Determination of pay grade.
1303. Cost-of-living adjustments.
1304. Special provisions relating to surviving spouses.

SUBCHAPTER II—DEPENDENCY AND INDEMNITY COMPENSATION

1310. Deaths entitling survivors to dependency and indemnity compensation.
1311. Dependency and indemnity compensation to a surviving spouse.
1312. Benefits in certain cases of in-service or service-connected deaths.
1313. Dependency and indemnity compensation to children.
1314. Supplemental dependency and indemnity compensation to children.
1315. Dependency and indemnity compensation to parents.
1316. Dependency and indemnity compensation in cases of prior deaths.
1317. Restriction on payments under this chapter.
1318. Benefits for survivors of certain veterans rated totally disabled at time of death.

SUBCHAPTER III—CERTIFICATIONS

1321. Certifications with respect to pay grade.
1322. Certifications with respect to social security entitlement.
1323. Certifications with respect to circumstances of death.

AMENDMENTS

1997—Pub. L. 105–33, title VIII, § 8031(b)(2), Aug. 5, 1997, 111 Stat. 669, added item 1303.

1991—Pub. L. 102–83, §§ 4(b)(3)(B), 5(b)(1), Aug. 6, 1991, 105 Stat. 405, 406, renumbered items 401 to 423 as 1301 to 1323, respectively, and in item 1323 substituted ''with respect to circumstances of death'' for ''by Administrator''.

1988—Pub. L. 100–687, div. B, title XIV, § 1403(a)(2), Nov. 18, 1988, 102 Stat. 4130, added item 418.

1982—Pub. L. 97–306, title I, § 113(b)(2), Oct. 14, 1982, 96 Stat. 1432, struck out item 403 ''Coverage of members of Reserve Officers' Training Corps''.

1976—Pub. L. 94–433, § 405(6), (8), Sept. 30, 1976, 90 Stat. 1379, substituted ''surviving spouses'' for ''widows'' in item 404 and ''surviving spouse'' for ''widow'' in item 411.

1969—Pub. L. 91–96, § 6, Oct. 27, 1969, 83 Stat. 145, substituted ''Determination of pay grade'' for ''Computation of basic pay'' in item 402 and ''Certifications with respect to pay grade'' for ''Certifications with respect to basic pay'' in item 421.

UNIFORMED SERVICES, PROMOTION OF MEMBERS IN MISSING STATUS; EFFECTIVE DATE

Provisions of section 552(a) of Title 37, Pay and Allowances of the Uniformed Services, for full effectiveness for all purposes of promotion of a member while in a missing status notwithstanding a determination of death before the making of the promotion effective as of Nov. 24, 1971, for the purposes of this chapter, see section 2 of Pub. L. 93–26, Apr. 27, 1973, 87 Stat. 26, set out as an Effective Date of 1973 Amendment note under section 552 of Title 37.

SUBCHAPTER I—GENERAL

§ 1301. Definitions

As used in this chapter—

The term ''veteran'' includes a person who died in the active military, naval, or air service.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1126, § 401; Pub. L. 91–24, § 4(a), June 11, 1969, 83 Stat. 33; Pub. L. 91–96, § 5, Oct. 27, 1969, 83 Stat. 145; renumbered § 1301, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 401 of this title as this section.

1969—Pub. L. 91–96 struck out par. (1) which defined ''basic pay''.

Par. (1). Pub. L. 91–24 substituted ''sections 201, 202, 203, 204, 205, or 207 of title 37'' for ''sections 232(a), 232(e), or 308 of Title 37''.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91–96 effective first day of second calendar month which begins after Oct. 27, 1969, see section 8 of Pub. L. 91–96, set out as a note under section 1302 of this title.

COST-OF-LIVING INCREASES IN COMPENSATION RATES

For limitation on increases in dependency and indemnity compensation payable under this chapter, see sec-