1986, 100 Stat. 3253; renumbered § 1160 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 107–330, title I, § 103, Dec. 6, 2002, 116 Stat. 2821; Pub. L. 110–157, title I, § 102, Dec. 26, 2007, 121 Stat. 1831.)

AMENDMENTS

2007—Subsec. (a)(1). Pub. L. 110–157 substituted ''impairment of vision'' for ''blindness'' in two places and ''misconduct and—'' for ''misconduct;'' and added subpars. (A) and (B).

2002—Subsec. (a)(3). Pub. L. 107–330 substituted ''deafness compensable to a degree of 10 percent or more in one ear'' for ''total deafness in one ear'' and ''deafness in the other ear'' for ''total deafness in the other ear''.

1991—Pub. L. 102–83, § 5(a), renumbered section 360 of this title as this section.

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

1986—Pub. L. 99–576 amended section generally, substituting ''loss of paired organs or extremities'' for ''blindness or bilateral kidney involvement or bilateral deafness'' in section catchline. Prior to amendment, text of section read as follows: ''Where any veteran (1) has suffered blindness in one eye as a result of service-connected disability and has suffered blindness in the other eye as a result of non-service-connected disability not the result of such veteran's own willful misconduct, or (2) has suffered the loss or loss of use of one kidney as a result of service-connected disability, and has suffered severe involvement of the other kidney such as to cause total disability, as a result of non-service-connected disability not the result of such veteran's own willful misconduct, 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 such veteran's own willful misconduct, the Administrator shall assign and pay to the veteran concerned the applicable rate of compensation under this chapter as if such veteran's blindness in both eyes or such bilateral kidney involvement were the result of service-connected disability.''

1983—Pub. L. 98–160 substituted ''(1) has suffered'' for ''has suffered (1)''.

1976—Pub. L. 94–433 substituted ''such veteran's'' for ''his'' wherever appearing.

1965—Pub. L. 89–311 added cl. (3) referring to total deafness in one ear as a result of service-connected disability and total deafness in the other ear as the result of non-service-connected disability not the result of his own willful misconduct, inserted reference to total deafness in both ears and, in section catchline, inserted reference to bilateral deafness.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 109(c) of Pub. L. 99–576 provided that:

''(1) Except as provided in paragraph (2), the amendments made by this section [amending this section and section 314 [now 1114] of this title] shall take effect on the date of the enactment of this Act [Oct. 28, 1986].

''(2) In the case of an award of compensation for a disability described in clause (1), (2), (3), or (5) of subsection (a) of section 360 [now 1160] of title 38, United States Code, as amended by subsection (a) of this section, subsection (b) of such section shall apply only to awards of compensation made on or after the date of the enactment of this Act [Oct. 28, 1986].''

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 1965 AMENDMENT

Amendment by Pub. L. 89–311 effective first day of second calendar month following Oct. 31, 1965, see section 9 of Pub. L. 89–311, set out as a note under section 1114 of this title.

§ 1161. Payment of disability compensation in disability severance cases

The deduction of disability severance pay from disability compensation, to the extent required by section 1212(d) of title 10, shall be made at a monthly rate not in excess of the rate of compensation to which the former member would be entitled based on the degree of such former member's disability as determined on the initial Department rating.

(Added Pub. L. 91–241, May 7, 1970, 84 Stat. 203, § 361; amended Pub. L. 94–433, title IV, § 404(23), Sept. 30, 1976, 90 Stat. 1379; Pub. L. 98–160, title VII, § 702(4), Nov. 21, 1983, 97 Stat. 1009; renumbered § 1161 and amended Pub. L. 102–83, §§ 4(a)(3), (4), 5(a), Aug. 6, 1991, 105 Stat. 404, 406; Pub. L. 110–181, div. A, title XVI, § 1646(c), as added Pub. L. 110–389, title I, § 103(a)(2), Oct. 10, 2008, 122 Stat. 4148.)

AMENDMENTS

2008—Pub. L. 110–181, § 1646(c), as added by Pub. L. 110–389, § 103(a)(2), substituted ''to the extent required by section 1212(d) of title 10'' for ''as required by section 1212(c) of title 10''.

1991—Pub. L. 102–83, § 5(a), renumbered section 361 of this title as this section.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

1983—Pub. L. 98–160 struck out ''United States Code,'' after ''title 10,''.

1976—Pub. L. 94–433 substituted ''such former member's'' for ''his''.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–389, title I, § 103(b), Oct. 10, 2008, 122 Stat. 4148, provided that: ''The amendments made by subsection (a) [adding section 1646(c) to Pub. L. 110–181 and provisions set out as a note under section 1212 of Title 10, Armed Forces] shall take effect on January 28, 2008 (the date of the enactment of the Wounded Warrior Act [title XVI of Pub. L. 110–181]), as if included in that Act, to which they relate.''

Amendment by section 1646(c) of Pub. L. 110–181 effective Jan. 28, 2008, and applicable with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date, see section 1646(d) of Pub. L. 110–181, set out as a note under section 1212 of Title 10, Armed Forces.

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.

§ 1162. Clothing allowance

The Secretary under regulations which the Secretary shall prescribe, shall pay a clothing allowance of $716 per year to each veteran who—

(1) because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance (including a wheelchair) which the Secretary determines tends to wear out or tear the clothing of the veteran; or

(2) uses medication which (A) a physician has prescribed for a skin condition which is due to a service-connected disability, and (B) the Secretary determines causes irreparable damage to the veteran's outergarments.

(Added Pub. L. 92–328, title I, § 103(a), June 30, 1972, 86 Stat. 394, § 362; amended Pub. L. 94–71, title I, § 103, Aug. 5, 1975, 89 Stat. 396; Pub. L. 94–433, title III, § 301, title IV, § 404(24), Sept. 30, 1976, 90 Stat. 1377, 1379; Pub. L. 95–117, title III, § 301, Oct. 3, 1977, 91 Stat. 1065; Pub. L. 95–479, title I, § 103, Oct. 18, 1978, 92 Stat. 1562; Pub. L. 96–128, title I, § 103, Nov. 28, 1979, 93 Stat. 984; Pub. L. 96–385, title I, § 103, Oct. 7, 1980, 94 Stat. 1529; Pub. L. 97–66, title I, § 103, Oct. 17, 1981, 95 Stat. 1027; Pub. L. 97–253, title IV, § 405(d), Sept. 8, 1982, 96 Stat. 804; Pub. L. 97–306, title I, §§ 103, 107, Oct. 14, 1982, 96 Stat. 1430, 1431; Pub. L. 98–223, title I, § 103, Mar. 2, 1984, 98 Stat. 38; Pub. L. 98–543, title I, § 103, Oct. 24, 1984, 98 Stat. 2736; Pub. L. 99–238, title I, § 103, Jan. 13, 1986, 99 Stat. 1766; Pub. L. 99–576, title I, § 103, Oct. 28, 1986, 100 Stat. 3251; Pub. L. 100–227, title I, § 103, Dec. 31, 1987, 101 Stat. 1553; Pub. L. 100–687, div. B, title XI, § 1103, Nov. 18, 1988, 102 Stat. 4124; Pub. L. 101–237, title I, §§ 103, 112, Dec. 18, 1989, 103 Stat. 2063, 2065; Pub. L. 102–3, § 4, Feb. 6, 1991, 105 Stat. 8; renumbered § 1162, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–152, § 4, Nov. 12, 1991, 105 Stat. 986; Pub. L. 103–78, § 3, Aug. 13, 1993, 107 Stat. 768; Pub. L. 103–140, § 4, Nov. 11, 1993, 107 Stat. 1486; Pub. L. 105–98, § 4, Nov. 19, 1997, 111 Stat. 2156; Pub. L. 106–118, § 4, Nov. 30, 1999, 113 Stat. 1602; Pub. L. 107–94, § 4, Dec. 21, 2001, 115 Stat. 901; Pub. L. 107–330, title III, § 309(c), Dec. 6, 2002, 116 Stat. 2830; Pub. L. 108–454, title III, § 307(c), Dec. 10, 2004, 118 Stat. 3613; Pub. L. 109–111, § 2(c), Nov. 22, 2005, 119 Stat. 2363; Pub. L. 109–444, § 9(c), Dec. 21, 2006, 120 Stat. 3315; Pub. L. 109–461, title X, §§ 1005(c), 1006(b), Dec. 22, 2006, 120 Stat. 3467, 3468; Pub. L. 110–324, § 3(c), Sept. 24, 2008, 122 Stat. 3551; Pub. L. 111–37, § 3(c), June 30, 2009, 123 Stat. 1929.)

AMENDMENTS

2009—Pub. L. 111–37 substituted ''$716'' for ''$677'' in introductory provisions.

2008—Pub. L. 110–324 substituted ''$677'' for ''$662'' in introductory provisions.

2006—Pub. L. 109–461, § 1006(b), provided that as of the enactment of Pub. L. 109–461, the amendments made by Pub. L. 109–444 were deemed for all purposes not to have taken effect and that Pub. L. 109–444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109–461, set out as a Coordination of Provisions With Pub. L. 109–444 note under section 101 of this title.

Pub. L. 109–461, § 1005(c), substituted ''$662'' for ''$641''.

Pub. L. 109–444, which substituted ''$662'' for ''$641'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

2005—Pub. L. 109–111 substituted ''$641'' for ''$600''.

2004—Pub. L. 108–454 substituted ''$600'' for ''$588''.

2002—Pub. L. 107–330 substituted ''$588'' for ''$580''.

2001—Pub. L. 107–94 substituted ''$580'' for ''$546''.

1999—Pub. L. 106–118 substituted ''$546'' for ''$528''.

1997—Pub. L. 105–98 substituted ''$528'' for ''$478''.

1993—Pub. L. 103–140 substituted ''$478'' for ''$466''.

Pub. L. 103–78 substituted ''$466'' for ''$452''.

1991—Pub. L. 102–152 substituted ''$452'' for ''$436''.

Pub. L. 102–83 renumbered section 362 of this title as this section.

Pub. L. 102–3 substituted ''$436'' for ''$414''.

1989—Pub. L. 101–237, § 112, substituted ''Secretary under'' for ''Administrator under'' and ''Secretary shall'' for ''Administrator shall'', and substituted ''who—'' and pars. (1) and (2) for ''who because of disability which is compensable under the provisions of this chapter, wears or uses prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such a veteran.''

Pub. L. 101–237, § 103, substituted ''$414'' for ''$395''.

1988—Pub. L. 100–687 substituted ''$395'' for ''$380''.

1987—Pub. L. 100–227 substituted ''$380'' for ''$365''.

1986—Pub. L. 99–576 substituted ''$365'' for ''$360''.

Pub. L. 99–238 substituted ''$360'' for ''$349''.

1984—Pub. L. 98–543 substituted ''$349'' for ''$338''.

Pub. L. 98–223 substituted ''$338'' for ''$327''.

1982—Pub. L. 97–306, §§ 103, 107, 108, substituted ''$327'' for ''$305'' and repealed amendment made by Pub. L. 97–253, § 405(d), eff. Oct. 1, 1982.

Pub. L. 97–253, § 405(d), (h), eff. Jan. 1, 1983, substituted ''$304'' for ''$305'' after ''clothing allowance of''.

1981—Pub. L. 97–66 substituted ''$305'' for ''$274''.

1980—Pub. L. 96–385 substituted ''$274'' for ''$240''.

1979—Pub. L. 96–128 substituted ''$240'' for ''$218''.

1978—Pub. L. 95–479 substituted ''$218'' for ''$203''.

1977—Pub. L. 95–117 substituted ''$203'' for ''$190''.

1976—Pub. L. 94–433, §§ 301, 404(24), substituted ''$190'' for ''$175'' and ''the Administrator shall prescribe'' for ''he shall prescribe''.

1975—Pub. L. 94–71 substituted ''$175'' for ''$150''.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111–37 effective Dec. 1, 2008, see section 3(g) of Pub. L. 111–37, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–324 effective Dec. 1, 2007, see section 3(f) of Pub. L. 110–324, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–111 effective Dec. 1, 2005, see section 2(f) of Pub. L. 109–111, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107–94 effective Dec. 1, 2001, see section 7 of Pub. L. 107–94, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106–118 effective Dec. 1, 1999, see section 7 of Pub. L. 106–118, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–98 effective Dec. 1, 1997, see section 7 of Pub. L. 105–98, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–140 effective Dec. 1, 1993, see section 7 of Pub. L. 103–140, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1991 AMENDMENTS

Amendment by Pub. L. 102–152 effective Dec. 1, 1991, see section 7 of Pub. L. 102–152, set out as a note under section 1114 of this title.

Amendment by Pub. L. 102–3 effective Jan. 1, 1991, see section 7 of Pub. L. 102–3, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 103 of Pub. L. 101–237 effective Dec. 1, 1989, see section 106 of Pub. L. 101–237, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–687 effective Dec. 1, 1988, see section 1106 of Pub. L. 100–687, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–227 effective Dec. 1, 1987, see section 107 of Pub. L. 100–227, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by Pub. L. 99–576 effective Dec. 1, 1986, but not effective unless benefit amounts payable under section 401 et seq. of Title 42, The Public Health and Welfare, are increased effective Dec. 1, 1986, as a result of a determination under section 415(i) of Title 42, see section 107 of Pub. L. 99–576, set out as a note under section 1114 of this title.

Amendment by Pub. L. 99–238 effective Dec. 1, 1985, see section 107 of Pub. L. 99–238, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1984 AMENDMENTS

Amendment by Pub. L. 98–543 effective Dec. 1, 1984, see section 107 of Pub. L. 98–543, set out as a note under section 1114 of this title.

Amendment by Pub. L. 98–223 effective Apr. 1, 1984, see section 107 of Pub. L. 98–223, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–306 effective Oct. 1, 1982, see section 108 of Pub. L. 97–306, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Oct. 1, 1981, see section 701(a) of Pub. L. 97–66, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–385 applicable only to payments for months beginning after Sept. 30, 1980, see section 601(a) of Pub. L. 96–385, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–128 effective Oct. 1, 1979, see section 601(a)(1) of Pub. L. 96–128, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–479 effective Oct. 1, 1978, see section 401(a) of Pub. L. 95–479, set out as a note under section 1114 of this title.

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-