

§ 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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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 ap-

pliance 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”.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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."

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-291, § 2(d), May 20, 1992, 106 Stat. 178, 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

Pub. L. 102-291, § 2(e), May 20, 1992, 106 Stat. 178, 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.