

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-576, title I, §109(c), Oct. 28, 1986, 100 Stat. 3253, 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.)

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

(a) **ELIGIBILITY REQUIREMENTS.**—The Secretary, under regulations which the Secretary shall prescribe, shall pay a clothing allowance of \$716¹ 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 outer garments.

(b) **CONTINUOUS NATURE OF PAYMENTS.**—Payments made to a veteran under subsection (a) shall continue on an automatically recurring annual basis until the earlier of the following:

(1) The date on which the veteran elects to no longer receive such payments.

(2) The date on which the Secretary determines the veteran is no longer eligible pursuant to subsection (c).

(c) **REVIEWS OF CLAIMS.**—(1) The Secretary shall, in accordance with this subsection, conduct reviews of a claim on which a clothing allowance for a veteran under subsection (a) is based to determine the continued eligibility of the veteran for such allowance.

(2) The Secretary shall prescribe standards for determining whether a claim for a clothing allowance is based on a veteran's wearing or use of a prosthetic, orthopedic appliance (including a wheelchair), or medication whose wear or tear or irreparable damage on a veteran's outer garments or clothing is as likely as not subject to no change for the duration of such wearing or use.

(3)(A) If the Secretary determines, pursuant to standards prescribed under paragraph (2), that a claim for a clothing allowance is based on wear or tear or irreparable damage that is as likely as not subject to no change, the veteran shall con-

¹ See Special Benefit Allowance Rates note below.