

birth defect spina bifida, possibly as the result of the exposure of one or both parents to herbicides during active service in the Republic of Vietnam during the Vietnam era, through the provision of health care and monetary benefits.”

SUBCHAPTER I—CHILDREN OF VIETNAM  
VETERANS BORN WITH SPINA BIFIDA

**§ 1802. Spina bifida conditions covered**

This subchapter applies with respect to all forms and manifestations of spina bifida except spina bifida occulta.

(Added Pub. L. 104-204, title IV, §421(b)(1), Sept. 26, 1996, 110 Stat. 2923; amended Pub. L. 106-419, title IV, §401(e)(1), Nov. 1, 2000, 114 Stat. 1860; Pub. L. 107-14, §8(b)(3), June 5, 2001, 115 Stat. 36.)

PRIOR PROVISIONS

A prior section 1802 was renumbered section 3702 of this title.

AMENDMENTS

2001—Pub. L. 107-14 made technical amendment to directory language of Pub. L. 106-419. See 2000 Amendment note below.

2000—Pub. L. 106-419, as amended by Pub. L. 107-14, substituted “This subchapter” for “This chapter”.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-14, §8(b), June 5, 2001, 115 Stat. 36, provided that the amendment made by section 8(b) is effective Nov. 1, 2000, and as if included in the Veterans Benefits and Health Care Improvement Act of 2000, Pub. L. 106-419, as enacted.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-419 effective on the first day of the first month beginning more than one year after Nov. 1, 2000, see section 401(g) of Pub. L. 106-419, set out as an Effective Date note under section 1811 of this title.

**§ 1803. Health care**

(a) In accordance with regulations which the Secretary shall prescribe, the Secretary shall provide a child of a Vietnam veteran who is suffering from spina bifida with health care under this section.

(b) The Secretary may provide health care under this section directly or by contract or other arrangement with any health care provider.

(c) For the purposes of this section—

(1) The term “health care”—

(A) means home care, hospital care, nursing home care, outpatient care, preventive care, habilitative and rehabilitative care, case management, and respite care; and

(B) includes—

(i) the training of appropriate members of a child’s family or household in the care of the child; and

(ii) the provision of such pharmaceuticals, supplies, equipment, devices, appliances, assistive technology, direct transportation costs to and from approved sources of health care, and other materials as the Secretary determines necessary.

(2) The term “health care provider” includes specialized spina bifida clinics, health care plans, insurers, organizations, institutions,

and any other entity or individual furnishing health care services that the Secretary determines are authorized under this section.

(3) The term “home care” means outpatient care, habilitative and rehabilitative care, preventive health services, and health-related services furnished to an individual in the individual’s home or other place of residence.

(4) The term “hospital care” means care and treatment for a disability furnished to an individual who has been admitted to a hospital as a patient.

(5) The term “nursing home care” means care and treatment for a disability furnished to an individual who has been admitted to a nursing home as a resident.

(6) The term “outpatient care” means care and treatment of a disability, and preventive health services, furnished to an individual other than hospital care or nursing home care.

(7) The term “preventive care” means care and treatment furnished to prevent disability or illness, including periodic examinations, immunizations, patient health education, and such other services as the Secretary determines necessary to provide effective and economical preventive health care.

(8) The term “habilitative and rehabilitative care” means such professional, counseling, and guidance services and treatment programs (other than vocational training under section 1804 of this title) as are necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of a disabled person.

(9) The term “respite care” means care furnished on an intermittent basis for a limited period to an individual who resides primarily in a private residence when such care will help the individual to continue residing in such private residence.

(Added Pub. L. 104-204, title IV, §421(b)(1), Sept. 26, 1996, 110 Stat. 2923; amended Pub. L. 105-368, title X, §1005(b)(4), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 110-387, title IV, §408(a), Oct. 10, 2008, 122 Stat. 4130.)

PRIOR PROVISIONS

A prior section 1803 was renumbered section 3703 of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-387 substituted “health care under this section” for “such health care as the Secretary determines is needed by the child for the spina bifida or any disability that is associated with such condition”.

1998—Subsec. (c)(2). Pub. L. 105-368 substituted “furnishing health care services that the Secretary determines are authorized” for “who furnishes health care that the Secretary determines authorized”.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-387, title IV, §408(b), Oct. 10, 2008, 122 Stat. 4130, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to care furnished after the date of the enactment of this Act [Oct. 10, 2008].”

**§ 1804. Vocational training and rehabilitation**

(a) Pursuant to such regulations as the Secretary may prescribe, the Secretary may pro-

vide vocational training under this section to a child of a Vietnam veteran who is suffering from spina bifida if the Secretary determines that the achievement of a vocational goal by such child is reasonably feasible.

(b) Any program of vocational training for a child under this section shall—

(1) be designed in consultation with the child in order to meet the child's individual needs;

(2) be set forth in an individualized written plan of vocational rehabilitation; and

(3) be designed and developed before the date specified in subsection (d)(3) so as to permit the beginning of the program as of the date specified in that subsection.

(c)(1) A vocational training program for a child under this section—

(A) shall consist of such vocationally oriented services and assistance, including such placement and post-placement services and personal and work adjustment training, as the Secretary determines are necessary to enable the child to prepare for and participate in vocational training or employment; and

(B) may include a program of education at an institution of higher learning if the Secretary determines that the program of education is predominantly vocational in content.

(2) A vocational training program under this section may not include the provision of any loan or subsistence allowance or any automobile adaptive equipment.

(d)(1) Except as provided in paragraph (2) and subject to subsection (e)(2), a vocational training program under this section may not exceed 24 months.

(2) The Secretary may grant an extension of a vocational training program for a child under this section for up to 24 additional months if the Secretary determines that the extension is necessary in order for the child to achieve a vocational goal identified (before the end of the first 24 months of such program) in the written plan of vocational rehabilitation formulated for the child pursuant to subsection (b).

(3) A vocational training program under this section may begin on the child's 18th birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's 18th birthday.

(e)(1) A child who is pursuing a program of vocational training under this section and is also eligible for assistance under a program under chapter 35 of this title may not receive assistance under both such programs concurrently. The child shall elect (in such form and manner as the Secretary may prescribe) the program under which the child is to receive assistance.

(2) The aggregate period for which a child may receive assistance under this section and chapter 35 of this title may not exceed 48 months (or the part-time equivalent thereof).

(Added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2924; amended Pub. L. 105-114, title IV, § 404(c), Nov. 21, 1997, 111 Stat. 2295; Pub.

L. 108-183, title VII, § 708(a)(3), Dec. 16, 2003, 117 Stat. 2673.)

#### PRIOR PROVISIONS

A prior section 1804 was renumbered section 3704 of this title.

#### AMENDMENTS

2003—Subsec. (c)(2). Pub. L. 108-183 substituted "section" for "subsection".

1997—Subsec. (b). Pub. L. 105-114, § 404(c)(1), substituted "shall—" for "shall be designed in consultation with the child in order to meet the child's individual needs and shall be set forth in an individualized written plan of vocational rehabilitation." and added pars. (1) to (3).

Subsec. (c)(1)(B). Pub. L. 105-114, § 404(c)(2), substituted "higher learning" for "higher education".

Subsec. (d)(3). Pub. L. 105-114, § 404(c)(3), added par. (3).

#### EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-114, title IV, § 404(d), Nov. 21, 1997, 111 Stat. 2295, provided that: "The amendments made by this section [amending this section and sections 1801 and 1806 of this title] shall take effect as of October 1, 1997."

### § 1805. Monetary allowance

(a) The Secretary shall pay a monthly allowance under this section to any child of a Vietnam veteran for any disability resulting from spina bifida suffered by such child.

(b)(1) The amount of the allowance paid to a child under this section shall be based on the degree of disability suffered by the child, as determined in accordance with such schedule for rating disabilities resulting from spina bifida as the Secretary may prescribe.

(2) The Secretary shall, in prescribing the rating schedule for the purposes of this section, establish three levels of disability upon which the amount of the allowance provided by this section shall be based.

(3) The amounts of the allowance shall be \$200 per month for the lowest level of disability prescribed, \$700 per month for the intermediate level of disability prescribed, and \$1,200 per month for the highest level of disability prescribed. Such amounts are subject to adjustment under section 5312 of this title.

(Added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2925; amended Pub. L. 106-419, title IV, § 401(c)(2), (e)(2), Nov. 1, 2000, 114 Stat. 1860.)

#### PRIOR PROVISIONS

A prior section 1805 was renumbered section 3705 of this title.

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-419, § 401(e)(2), substituted "this section" for "this chapter".

Subsecs. (c), (d). Pub. L. 106-419, § 401(c)(2), struck out subsecs. (c) and (d) which read as follows:

"(c) Notwithstanding any other provision of law, receipt by a child of an allowance under this section shall not impair, infringe, or otherwise affect the right of the child to receive any other benefit to which the child may otherwise be entitled under any law administered by the Secretary, nor shall receipt of such an allowance impair, infringe, or otherwise affect the right of any individual to receive any benefit to which the individual is entitled under any law administered by the Sec-