

or services has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party (as defined in section 1725(f) of this title) for payment of such care or services, including with respect to health-plan contracts (as defined in such section).

(Added Pub. L. 112-154, title I, § 102(b)(1), Aug. 6, 2012, 126 Stat. 1168.)

PRIOR PROVISIONS

Prior section 1787 was renumbered section 3687 of this title.

Another prior section 1787, added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the submission of false or misleading statements by educational institutions, persons or veterans, prior to repeal by section 316(1) of Pub. L. 92-540. See section 3690 of this title.

Prior section 1788 was renumbered section 3688 of this title.

Another prior section 1788 was renumbered section 3692 of this title.

Prior section 1789 was renumbered section 3689 of this title.

Another prior section 1789, which required the Administrator not to approve of enrollments in courses in institutions listed by the Attorney General under section 12 of Ex. Ord. No. 10450, was renumbered section 1793 of this title.

Prior section 1790 was renumbered section 3690 of this title.

Another prior section 1790 was renumbered section 3694 of this title.

Prior section 1791 was renumbered section 3691 of this title.

Another prior section 1791 was renumbered section 3695 of this title.

Prior sections 1792 and 1793 were renumbered sections 3692 and 3693 of this title, respectively.

Another prior section 1793, added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, § 1789; amended Pub. L. 91-24, § 15, June 11, 1969, 83 Stat. 35; renumbered and amended Pub. L. 92-540, title III, § 316(2), title IV, § 403(12), Oct. 24, 1972, 86 Stat. 1086, 1090, required that the Administrator not to approve of enrollment in any course in an institution listed by the Attorney General under section 12 of Executive Order 10450, prior to repeal by section 511(1) of Pub. L. 94-502.

Prior sections 1794 to 1799 were renumbered sections 3694 to 3699 of this title, respectively, and sections 3698 and 3699 were subsequently repealed.

EFFECTIVE DATE

Section effective Aug. 6, 2012, and applicable with respect to hospital care and medical services provided on or after Aug. 6, 2012, see section 102(d) of Pub. L. 112-154, set out as an Effective Date of 2012 Amendment note under section 1710 of this title.

§ 1788. Transplant procedures with live donors and related services

(a) **IN GENERAL.**—Subject to subsections (b) and (c), in a case in which a veteran is eligible for a transplant procedure from the Department, the Secretary may provide for an operation on a live donor to carry out such procedure for such veteran, notwithstanding that the live donor may not be eligible for health care from the Department.

(b) **OTHER SERVICES.**—Subject to the availability of appropriations for such purpose, the Secretary shall furnish to a live donor any care or services before and after conducting the transplant procedure under subsection (a) that may be required in connection with such procedure.

(c) **USE OF NON-DEPARTMENT FACILITIES.**—In carrying out this section, the Secretary may provide for the operation described in subsection (a) on a live donor and furnish to the live donor the care and services described in subsection (b) at a non-Department facility pursuant to an agreement entered into by the Secretary under this title. The live donor shall be deemed to be an individual eligible for hospital care and medical services at a non-Department facility pursuant to such an agreement solely for the purposes of receiving such operation, care, and services at the non-Department facility.

(Added Pub. L. 115-182, title I, § 153(a), June 6, 2018, 132 Stat. 1437; amended Pub. L. 115-251, title II, § 211(a)(10), Sept. 29, 2018, 132 Stat. 3175.)

AMENDMENTS

2018—Subsec. (c). Pub. L. 115-251 substituted “this title” for “this chapter”.

CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS

Sec.

[1801. Repealed.]

SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA

- 1802. Spina bifida conditions covered.
- 1803. Health care.
- 1804. Vocational training and rehabilitation.
- 1805. Monetary allowance.
- [1806. Repealed.]

SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

- 1811. Definitions.
- 1812. Covered birth defects.
- 1813. Health care.
- 1814. Vocational training.
- 1815. Monetary allowance.
- 1816. Regulations.

SUBCHAPTER III—CHILDREN OF CERTAIN KOREA AND THAILAND SERVICE VETERANS BORN WITH SPINA BIFIDA

- 1821. Benefits for children of certain Korea service veterans born with spina bifida.
- 1822. Benefits for children of certain Thailand service veterans born with spina bifida.

SUBCHAPTER IV—GENERAL PROVISIONS

- 1831. Definitions.
- 1832. Applicability of certain administrative provisions.
- 1833. Treatment of receipt of monetary allowance and other benefits.
- 1834. Nonduplication of benefits.

AMENDMENTS

2019—Pub. L. 116-23, § 4(c)(2), June 25, 2019, 133 Stat. 971, substituted “CHILDREN OF CERTAIN KOREA AND THAILAND SERVICE VETERANS BORN WITH SPINA BIFIDA” for “CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA” in item for subchapter III and added item 1822.

2003—Pub. L. 108-183, § 102(d)(2), (e)(1), Dec. 16, 2003, 117 Stat. 2654, substituted “BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS” for “BENEFITS FOR CHILDREN OF VIETNAM VETERANS” in chapter heading, added item for subchapter III and item 1821, and redesignated former item for subchapter III and items 1821 to 1824 as item for subchapter IV and items 1831 to 1834, respectively.

2000—Pub. L. 106-419, title IV, § 401(f)(1), (3), Nov. 1, 2000, 114 Stat. 1860, 1861, substituted “BENEFITS FOR CHILDREN OF VIETNAM VETERANS” for “BENEFITS FOR CHILDREN OF VIETNAM VETERANS WHO ARE BORN WITH SPINA BIFIDA” in chapter heading, added item for subchapter I, struck out items 1801 “Definitions” and 1806 “Applicability of certain administrative provisions”, added item for subchapter II and items 1811 to 1816, and added item for subchapter III and items 1821 to 1824.

1997—Pub. L. 105-114, title IV, § 404(b)(2), Nov. 21, 1997, 111 Stat. 2295, substituted “Applicability of certain administrative provisions” for “Effective date of awards” in item 1806.

[§ 1801. Repealed. Pub. L. 106-419, title IV, § 401(c)(1), Nov. 1, 2000, 114 Stat. 1860]

Section, added Pub. L. 104-204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2923; amended Pub. L. 105-114, title IV, § 404(a), Nov. 21, 1997, 111 Stat. 2294, defined “child” and “Vietnam veteran”.

A prior section 1801 was renumbered section 3701 of this title.

EFFECTIVE DATE OF REPEAL

Repeal 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.

EFFECTIVE DATE

Chapter effective Oct. 1, 1997, notwithstanding section 421(d) of Pub. L. 104-204, set out below, unless legislation other than Pub. L. 104-204 is enacted providing for an earlier effective date, see section 422(c) of Pub. L. 104-204, set out as an Effective Date of 1996 Amendment note under section 1151 of this title.

Pub. L. 104-204, title IV, § 421(d), Sept. 26, 1996, 110 Stat. 2926, provided that: “This section [enacting this chapter and amending section 5312 of this title] and the amendments made by this section shall take effect on January 1, 1997.”

CONGRESSIONAL PURPOSE

Pub. L. 104-204, title IV, § 421(a), Sept. 26, 1996, 110 Stat. 2923, provided that: “The purpose of this section [enacting this chapter and amending section 5312 of this title] is to provide for the special needs of certain children of Vietnam veterans who were born with the 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,