

ommendations for additional legislation as the Secretary deems necessary.

(Added Pub. L. 93-82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 187, § 654; renumbered § 1754 and amended Pub. L. 102-83, §§ 2(c)(3), 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 402, 404-406.)

#### AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 654 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, § 2(c)(3), substituted “section 529” for “section 214”.

#### [§§ 1761 to 1764. Repealed. Pub. L. 102-585, title V, § 514(a), Nov. 4, 1992, 106 Stat. 4958]

Section 1761, added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 661; amended Pub. L. 98-160, title I, § 106(b), Nov. 21, 1983, 97 Stat. 998; renumbered § 1761, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406, related to purpose of this subchapter, which established a preventive health-care services pilot program.

Prior section 1761 was renumbered section 3561 of this title.

Section 1762, added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 662; renumbered § 1762 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-585, title V, § 513(a), Nov. 4, 1992, 106 Stat. 4958, defined the term “preventive health-care services” for purposes of this subchapter. Section 1762 of this title was transferred to section 1701(9) of this title by Pub. L. 102-585.

Prior section 1762 was renumbered section 3562 of this title.

Section 1763, added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 663; amended Pub. L. 96-128, title V, § 501(d), Nov. 28, 1979, 93 Stat. 987; Pub. L. 98-160, title I, § 106(c), Nov. 21, 1983, 97 Stat. 998; Pub. L. 99-272, title XIX, § 19011(d)(6), Apr. 7, 1986, 100 Stat. 379; renumbered § 1763 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406, related to provision of preventive health-care services under this subchapter.

Prior section 1763 was renumbered section 3563 of this title.

Another prior section 1763, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201, provided for control by agencies of the United States, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3682 of this title.

Section 1764, added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 53, § 664; amended Pub. L. 98-160, title I, § 106(d), Nov. 21, 1983, 97 Stat. 999; renumbered § 1764 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406, directed Secretary to include comprehensive reports on administration of this subchapter in annual reports to Congress for fiscal years 1984 through 1988.

Prior section 1764, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201, provided for dismissal for conflict of interest, prior to repeal by Pub. L. 89-358, §§ 3(a)(3), 12(a), Mar. 3, 1966, 80 Stat. 20, 28, effective Mar. 3, 1966. See section 3683 of this title.

Prior section 1765 was renumbered section 3565 of this title.

Another prior section 1765, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202, provided for reports by institutions, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3684 of this title.

Prior section 1766 was renumbered section 3566 of this title.

Another prior section 1766, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202, related to overpayments to eligible persons, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3685 of this title.

Prior section 1767, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202, related to examination of records, prior to

repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20.

Prior section 1768, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202, related to false or misleading statements, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20.

A prior section 1770 was renumbered section 3670 of this title.

#### [SUBCHAPTER VII—TRANSFERRED]

#### [§§ 1771 to 1774. Renumbered §§ 2031 to 2034]

#### CODIFICATION

Former subchapter VII of chapter 17, which consisted of sections 1771 to 1774, was renumbered subchapter IV of chapter 20 of this title and transferred to follow section 2023 of this title, and sections 1771 to 1774 were renumbered sections 2031 to 2034 of this title, respectively.

A prior subchapter VII of this chapter, consisting of sections 1761 to 1764 of this title, related to preventive health care services pilot program, prior to repeal by Pub. L. 102-585, title V, § 514(a), Nov. 4, 1992, 106 Stat. 4958.

Other prior sections 1771 to 1774 were renumbered sections 3671 to 3674 of this title, respectively.

Prior sections 1775 to 1777 were renumbered sections 3675 to 3677 of this title, respectively.

Another prior section 1777 was renumbered section 1778 of this title.

Prior section 1778 was renumbered section 3678 of this title.

Another prior section 1778 was renumbered section 1779 of this title.

Prior sections 1779 and 1780 were renumbered sections 3679 and 3680 of this title, respectively.

#### SUBCHAPTER VIII—HEALTH CARE OF PERSONS OTHER THAN VETERANS

#### § 1781. Medical care for survivors and dependents of certain veterans

(a) The Secretary is authorized to provide medical care, in accordance with the provisions of subsection (b) of this section, for—

(1) the spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability,

(2) the surviving spouse or child of a veteran who (A) died as a result of a service-connected disability, or (B) at the time of death had a total disability permanent in nature, resulting from a service-connected disability, and

(3) the surviving spouse or child of a person who died in the active military, naval, or air service in the line of duty and not due to such person's own misconduct,

who are not otherwise eligible for medical care under chapter 55 of title 10 (CHAMPUS).

(b) In order to accomplish the purposes of subsection (a) of this section, the Secretary shall provide for medical care in the same or similar manner and subject to the same or similar limitations as medical care is furnished to certain dependents and survivors of active duty and retired members of the Armed Forces under chapter 55 of title 10 (CHAMPUS), by—

(1) entering into an agreement with the Secretary of Defense under which that Secretary shall include coverage for such medical care under the contract, or contracts, that Secretary enters into to carry out such chapter 55, and under which the Secretary of Veterans

Affairs shall fully reimburse the Secretary of Defense for all costs and expenditures made for the purposes of affording the medical care authorized pursuant to this section; or

(2) contracting in accordance with such regulations as the Secretary shall prescribe for such insurance, medical service, or health plans as the Secretary deems appropriate.

In cases in which Department medical facilities are equipped to provide the care and treatment, the Secretary is also authorized to carry out such purposes through the use of such facilities not being utilized for the care of eligible veterans. A dependent or survivor receiving care under the preceding sentence shall be eligible for the same medical services as a veteran, including services under sections 1782 and 1783 of this title.

(c) For the purposes of this section, a child between the ages of eighteen and twenty-three (1) who is eligible for benefits under subsection (a) of this section, (2) who is pursuing a full-time course of instruction at an educational institution approved under chapter 36 of this title, and (3) who, while pursuing such course of instruction, incurs a disabling illness or injury (including a disabling illness or injury incurred between terms, semesters, or quarters or during a vacation or holiday period) which is not the result of such child's own willful misconduct and which results in such child's inability to continue or resume such child's chosen program of education at an approved educational institution shall remain eligible for benefits under this section until the end of the six-month period beginning on the date the disability is removed, the end of the two-year period beginning on the date of the onset of the disability, or the twenty-third birthday of the child, whichever occurs first.

(d)(1)(A) An individual otherwise eligible for medical care under this section who is also entitled to hospital insurance benefits under part A of the medicare program is eligible for medical care under this section only if the individual is also enrolled in the supplementary medical insurance program under part B of the medicare program.

(B) The limitation in subparagraph (A) does not apply to an individual who—

(i) has attained 65 years of age as of June 5, 2001; and

(ii) is not enrolled in the supplementary medical insurance program under part B of the medicare program as of that date.

(2) Subject to paragraph (3), if an individual described in paragraph (1) receives medical care for which payment may be made under both this section and the medicare program, the amount payable for such medical care under this section shall be the amount by which (A) the costs for such medical care exceed (B) the sum of—

(i) the amount payable for such medical care under the medicare program; and

(ii) the total amount paid or payable for such medical care by third party payers other than the medicare program.

(3) The amount payable under this subsection for medical care may not exceed the total amount that would be paid under subsection (b)

if payment for such medical care were made solely under subsection (b).

(4) In this subsection:

(A) The term "medicare program" means the program of health insurance administered by the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) The term "third party" has the meaning given that term in section 1729(i)(3) of this title.

(Added Pub. L. 93-82, title I, §103(b), Aug. 2, 1973, 87 Stat. 181, §613; amended Pub. L. 94-581, title I, §104, title II, §210(a)(4), Oct. 21, 1976, 90 Stat. 2845, 2862; Pub. L. 96-151, title II, §205(a), Dec. 20, 1979, 93 Stat. 1094; Pub. L. 97-72, title I, §105, Nov. 3, 1981, 95 Stat. 1050; Pub. L. 97-251, §5(a), Sept. 8, 1982, 96 Stat. 716; renumbered §1713 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(B), (E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-190, div. A, title VII, §704(b)(2), Dec. 5, 1991, 105 Stat. 1402; Pub. L. 107-14, §3, June 5, 2001, 115 Stat. 25; renumbered §1781 and amended Pub. L. 107-135, title II, §208(c), Jan. 23, 2002, 115 Stat. 2463; Pub. L. 107-330, title III, §308(g)(8), Dec. 6, 2002, 116 Stat. 2829.)

#### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (d)(4)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XVIII of the Act is classified generally to subchapter XVIII (§1395 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### PRIOR PROVISIONS

A prior section 1781 was renumbered section 3681 of this title.

#### AMENDMENTS

2002—Pub. L. 107-135, §208(c)(1), (2), renumbered section 1713 of this title as this section.

Subsec. (b). Pub. L. 107-135, §208(c)(3), inserted at end "A dependent or survivor receiving care under the preceding sentence shall be eligible for the same medical services as a veteran, including services under sections 1782 and 1783 of this title."

Subsec. (d)(1)(B)(i). Pub. L. 107-330, §308(g)(8)(A), substituted "as of June 5, 2001" for "as of the date of the enactment of the Veterans' Survivor Benefits Improvements Act of 2001".

Subsec. (d)(4). Pub. L. 107-330, §308(g)(8)(B), substituted "subsection" for "paragraph" in introductory provisions.

2001—Subsec. (d). Pub. L. 107-14 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "Notwithstanding section 1086(d)(1) of title 10 or any other provision of law, any spouse, surviving spouse, or child who, after losing eligibility for medical care under this section by virtue of becoming entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), has exhausted any such benefits shall become eligible for medical care under this section and shall not thereafter lose such eligibility under this section by virtue of becoming again eligible for such hospital insurance benefits."

1991—Pub. L. 102-83, §5(a), renumbered section 613 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

Subsec. (b). Pub. L. 102-83, §4(b)(2)(B), substituted "that Secretary" for second and third references to

“the Secretary” and “the Secretary of Defense” for last reference to “the Secretary” in par. (1).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing in introductory and concluding provisions and in par. (2).

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in concluding provisions.

Subsec. (d). Pub. L. 102-190 substituted “section 1086(d)(1)” for “the second sentence of section 1086(c)”. 1982—Subsec. (d). Pub. L. 97-251 added subsec. (d).

1981—Subsec. (b). Pub. L. 97-72 substituted “equipped to provide the care and treatment” for “particularly equipped to provide the most effective care and treatment” in provisions following par. (2).

1979—Subsec. (a). Pub. L. 96-151, §205(a)(1), in cl. (1) substituted reference to spouse for reference to wife, in cl. (2) substituted reference to surviving spouse for reference to widow, and added cl. (3).

Subsec. (c). Pub. L. 96-151, §205(a)(2), added subsec. (c).

1976—Subsec. (a)(2). Pub. L. 94-581, §104, designated existing provisions as cl. (A) and added cl. (B).

Subsec. (b)(1). Pub. L. 94-581, §210(a)(4)(A), substituted “the Secretary enters” for “he enters”.

Subsec. (b)(2). Pub. L. 94-581, §210(a)(4)(B), substituted “the Administrator” for “he” in two places.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 5(b) of Pub. L. 97-251 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1982.”

#### EFFECTIVE DATE OF 1979 AMENDMENT

Section 205(b) of Pub. L. 96-151 provided that: “The amendments made by subsection (a) [amending this section] shall take effect with respect to fiscal year 1980 only to such extent and for such amounts as may be specifically provided for such purpose in appropriation Acts.”

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

#### EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

### § 1782. Counseling, training, and mental health services for immediate family members

(a) COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING SERVICE-CONNECTED TREATMENT.—In the case of a veteran who is receiving treatment for a service-connected disability pursuant to paragraph (1) or (2) of section 1710(a) of this title, the Secretary shall provide to individuals described in subsection (c) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment.

(b) COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING NON-SERVICE-CONNECTED TREATMENT.—In the case of a veteran who is eligible to receive treatment for a non-service-connected disability under the conditions described in paragraph (1), (2), or (3) of section 1710(a) of this title, the Secretary may, in the discretion of the Secretary, provide to individuals described in subsection (c) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment if—

(1) those services were initiated during the veteran’s hospitalization; and

(2) the continued provision of those services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.

(c) ELIGIBLE INDIVIDUALS.—Individuals who may be provided services under this subsection are—

(1) the members of the immediate family or the legal guardian of a veteran; or

(2) the individual in whose household such veteran certifies an intention to live.

(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—Services provided under subsections (a) and (b) may include, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of individuals described in subsection (c) in the case of any of the following:

(1) A veteran who is receiving care for a service-connected disability.

(2) A dependent or survivor receiving care under the last sentence of section 1783(b) of this title.

(Added Pub. L. 107-135, title II, §208(b), Jan. 23, 2002, 115 Stat. 2462.)

#### PRIOR PROVISIONS

A prior section 1782 was renumbered section 3682 of this title.

### § 1783. Bereavement counseling

(a) DEATHS OF VETERANS.—In the case of an individual who was a recipient of services under section 1782 of this title at the time of the death of the veteran, the Secretary may provide bereavement counseling to that individual in the case of a death—

(1) that was unexpected; or

(2) that occurred while the veteran was participating in a hospice program (or a similar program) conducted by the Secretary.

(b) DEATHS IN ACTIVE SERVICE.—(1) The Secretary may provide bereavement counseling to an individual who is a member of the immediate family of a member of the Armed Forces who dies in the active military, naval, or air service in the line of duty and under circumstances not due to the person’s own misconduct.

(2) For purposes of this subsection, the members of the immediate family of a member of the Armed Forces described in paragraph (1) include the parents of such member.

(c) PROVISION OF COUNSELING THROUGH VET CENTERS.—Bereavement counseling may be provided under this section through the facilities and personnel of centers for the provision of readjustment counseling and related mental health services under section 1712A of this title.

(d) BEREAVEMENT COUNSELING DEFINED.—For purposes of this section, the term “bereavement counseling” means such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist an individual with the emotional and psychological stress accompanying the death of another individual.

(Added Pub. L. 107-135, title II, §208(b), Jan. 23, 2002, 115 Stat. 2463; amended Pub. L. 109-461, title II, §216, Dec. 22, 2006, 120 Stat. 3424.)

## PRIOR PROVISIONS

A prior section 1783 was renumbered section 3683 of this title.

## AMENDMENTS

2006—Subsec. (b). Pub. L. 109-461, §216(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (c), (d). Pub. L. 109-461, §216(b), added subsec. (c) and redesignated former subsec. (c) as (d).

**§ 1784. Humanitarian care**

The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care and services at rates prescribed by the Secretary.

(Added Pub. L. 107-135, title II, §208(b), Jan. 23, 2002, 115 Stat. 2463.)

## PRIOR PROVISIONS

Prior section 1784 was renumbered section 3684 of this title.

**§ 1785. Care and services during certain disasters and emergencies**

(a) **AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.**—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

(b) **COVERED DISASTERS AND EMERGENCIES.**—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

(1) A major disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))<sup>1</sup> is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

(c) **APPLICABILITY TO ELIGIBLE INDIVIDUALS WHO ARE VETERANS.**—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

(d) **REIMBURSEMENT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.**—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

<sup>1</sup> See References in Text note below.

(e) **REPORT TO CONGRESSIONAL COMMITTEES.**—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.

(Added Pub. L. 107-287, §4(a)(1), Nov. 7, 2002, 116 Stat. 2028; amended Pub. L. 109-444, §8(a)(2), Dec. 21, 2006, 120 Stat. 3313; Pub. L. 109-461, title X, §§1004(a)(2), 1006(b), Dec. 22, 2006, 120 Stat. 3465, 3468.)

## REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

Section 2811(b) of the Public Health Service Act, referred to in subsec. (b)(2), was redesignated section 2812(a) of the Public Health Service Act by Pub. L. 109-417, title I, §102(a)(2), title III, §301(a)(3), Dec. 19, 2006, 120 Stat. 2832, 2853, and is classified to section 300hh-11(a) of Title 42, The Public Health and Welfare.

## PRIOR PROVISIONS

Prior sections 1785 and 1786 were renumbered sections 3685 and 3686 of this title, respectively.

Another prior section 1786, added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23, related to the examination of records, prior to repeal by section 316(1) of Pub. L. 92-540. See section 3690 of this title.

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 sec-

tion 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.

#### AMENDMENTS

2006—Subsec. (b)(1). 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, §1004(a)(2), substituted “Robert T.” for “Robert B.”.

Pub. L. 109-444, which substituted “Robert T.” for “Robert B.”, was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the National Disaster Medical System, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto, to the Secretary of Health and Human Services, see title III of Pub. L. 109-295, set out in part as a note under section 300hh-11 of Title 42, The Public Health and Welfare, and section 301(b) of Pub. L. 109-417, set out as a note under section 300hh-11 of Title 42.

For transfer of functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services and the Assistant Secretary for Public Health Emergency Preparedness [now Assistant Secretary for Preparedness and Response] relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(5) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### 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 SERVICE VETERANS BORN WITH SPINA BIFIDA

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

#### SUBCHAPTER IV—GENERAL PROVISIONS

1831. Definitions.  
1832. Applicability of certain administrative provisions.

Sec.  
1833. Treatment of receipt of monetary allowance and other benefits.  
1834. Nonduplication of benefits.

#### AMENDMENTS

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.

Section 421(d) of Pub. L. 104-204 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

Section 421(a) of Pub. L. 104-204 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,