retary 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

Section 404(d) of Pub. L. 105–114 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 Secretary that is based on the child's relationship to the individual.

''(d) Notwithstanding any other provision of law, the allowance paid to a child under this section shall not be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program.''

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.

[§ 1806. Repealed. Pub. L. 106–419, title IV, § 401(c)(3), Nov. 1, 2000, 114 Stat. 1860]

Section, added Pub. L. 104–204, title IV, § 421(b)(1), Sept. 26, 1996, 110 Stat. 2926; amended Pub. L. 105–114, title IV, § 404(b)(1), Nov. 21, 1997, 111 Stat. 2294, related to applicability of certain administrative provisions.

Prior section 1806 was renumbered section 3706 of this title.

Prior section 1807, added Pub. L. 94–324, § 2(a), June 30, 1976, 90 Stat. 720; amended Pub. L. 97–72, title III, § 303(d), Nov. 3, 1981, 95 Stat. 1060, related to service after July 25, 1947, and prior to June 27, 1950, prior to repeal by Pub. L. 100–322, title IV, § 415(a)(4), May 20, 1988, 102 Stat. 550.

Prior section 1810 was renumbered section 3710 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.

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

§ 1811. Definitions

In this subchapter:

(1) The term ''eligible child'' means an individual who—

(A) is the child (as defined in section 1831(1) of this title) of a woman Vietnam veteran; and

(B) was born with one or more covered birth defects.

(2) The term ''covered birth defect'' means a birth defect identified by the Secretary under section 1812 of this title.

(Added Pub. L. 106–419, title IV, § 401(a), Nov. 1, 2000, 114 Stat. 1857; amended Pub. L. 108–183, title I, § 102(d)(1), Dec. 16, 2003, 117 Stat. 2654.)

PRIOR PROVISIONS

A prior section 1811 was renumbered section 3711 of this title.

AMENDMENTS

2003—Par. (1)(A). Pub. L. 108–183 substituted ''section 1831(1)'' for ''section 1821(1)''.

EFFECTIVE DATE

Pub. L. 106–419, title IV, § 401(g), Nov. 1, 2000, 114 Stat. 1861, provided that:

''(1) Except as provided in paragraph (2), the amendments made by this section [enacting this subchapter and subchapter III of this chapter, amending sections 1802 and 1805 of this title, and repealing sections 1801 and 1806 of this title] shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act [Nov. 1, 2000].

''(2) The Secretary of Veterans Affairs shall identify birth defects under section 1812 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of chapter 18 of that title (as so added), not later than the effective date specified in paragraph (1).''

§ 1812. Covered birth defects

(a) IDENTIFICATION.—The Secretary shall identify the birth defects of children of women Vietnam veterans that—

(1) are associated with the service of those veterans in the Republic of Vietnam during the Vietnam era; and

(2) result in permanent physical or mental disability.

(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

(A) A familial disorder.

(B) A birth-related injury.

(C) A fetal or neonatal infirmity with well-established causes.

(2) In any case where affirmative evidence establishes that a covered birth defect of a child of a woman Vietnam veteran results from a cause other than the active military, naval, or air service of that veteran in the Republic of Vietnam during the Vietnam era, no benefits or assistance may be provided the child under this subchapter.

(Added Pub. L. 106–419, title IV, § 401(a), Nov. 1, 2000, 114 Stat. 1857.)

PRIOR PROVISIONS

A prior section 1812 was renumbered section 3712 of this title.

Another prior section 1812, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1210, automatically guaranteed loans made to a veteran if made for the purpose of purchasing farms and farm equipment, prior to repeal by Pub. L. 93–569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

§ 1813. Health care

(a) NEEDED CARE.—The Secretary shall provide an eligible child such health care as the Secretary determines is needed by the child for that child's covered birth defects or any disability that is associated with those birth defects.

(b) AUTHORITY FOR CARE TO BE PROVIDED DIRECTLY OR BY CONTRACT.—The Secretary may provide health care under this section directly or by contract or other arrangement with a health care provider.

(c) DEFINITIONS.—For purposes of this section, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this section, except that for such purposes—

(1) the reference to ''specialized spina bifida clinic'' in paragraph (2) of that section shall be treated as a reference to a specialized clinic treating the birth defect concerned under this section; and

(2) the reference to ''vocational training under section 1804 of this title'' in paragraph (8) of that section shall be treated as a reference to vocational training under section 1814 of this title.

(Added Pub. L. 106–419, title IV, § 401(a), Nov. 1, 2000, 114 Stat. 1857.)

PRIOR PROVISIONS

A prior section 1813 was renumbered section 3713 of this title.

Another prior section 1813, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1211, automatically guaranteed loans made to a veteran if made for the purpose of purchasing business property, prior to repeal by Pub. L. 93–569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

§ 1814. Vocational training

(a) AUTHORITY.—The Secretary may provide a program of vocational training to an eligible child if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

(b) APPLICABLE PROVISIONS.—Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under subsection (a).

(Added Pub. L. 106–419, title IV, § 401(a), Nov. 1, 2000, 114 Stat. 1858.)

PRIOR PROVISIONS

A prior section 1814 was renumbered section 3714 of this title.

Another prior section 1814, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1211, Pub. L. 86–665, § 3, July 14, 1960, 74