(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 Stat. 531; Pub. L. 87–84, § 1(c), July 6, 1961, 75 Stat. 201, automatically guaranteed loans made to a veteran if made for the purpose of refinancing delinquent indebtedness, prior to repeal by Pub. L. 93–569, § 7(a), Dec. 31, 1974, 88 Stat. 1866.

§ 1815. Monetary allowance

(a) MONETARY ALLOWANCE.—The Secretary shall pay a monthly allowance to any eligible child for any disability resulting from the covered birth defects of that child.

(b) SCHEDULE FOR RATING DISABILITIES.—(1) The amount of the monthly allowance paid under this section shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

(2) In prescribing a schedule for rating disabilities for the purposes of this section, the Secretary shall establish four levels of disability upon which the amount of the allowance provided by this section shall be based. The levels of disability established may take into account functional limitations, including limitations on cognition, communication, motor abilities, activities of daily living, and employability.

(c) AMOUNT OF MONTHLY ALLOWANCE.—The amount of the monthly allowance paid under this section shall be as follows:

(1) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under subsection (b), $100.

(2) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

(A) $214; or

(B) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

(3) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

(A) $743; or

(B) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

(4) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

(A) $1,272; or

(B) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

(d) INDEXING TO SOCIAL SECURITY BENEFIT INCREASES.—Amounts under paragraphs (1), (2)(A), (3)(A), and (4)(A) of subsection (c) shall be subject to adjustment from time to time under section 5312 of this title.

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

PRIOR PROVISIONS

A prior section 1815 was renumbered section 3703(a)(2) of this title.

§ 1816. Regulations

The Secretary shall prescribe regulations for purposes of the administration of this subchapter.

(Added Pub. L. 106–419, title IV, § 401(a), Nov. 1, 2000, 114 Stat. 1859.)

PRIOR PROVISIONS

A prior section 1816 was renumbered sections 3732 and 3733 of this title.

Prior sections 1817 and 1817A were renumbered sections 3713 and 3714 of this title, respectively.

A prior section 1818, added Pub. L. 89–358, § 5(a), Mar. 3, 1966, 80 Stat. 25; amended Pub. L. 91–506, § 2(e), Oct. 23, 1970, 84 Stat. 1108; Pub. L. 93–569, § 8(6), (7), Dec. 31, 1974, 88 Stat. 1866, 1867; Pub. L. 94–324, § 4, June 30, 1976, 90 Stat. 720; Pub. L. 95–476, title I, § 106(a), Oct. 18, 1978, 92 Stat. 1499; Pub. L. 97–72, title III, § 303(g), Nov. 3, 1981, 95 Stat. 1060; Pub. L. 97–295, § 4(66), Oct. 12, 1982, 96 Stat. 1310, related to service after Jan. 31, 1955, and prior to Aug. 5, 1964, or after May 7, 1975, prior to repeal by Pub. L. 100–322, title IV, § 415(b)(3), May 20, 1988, 102 Stat. 551.

A prior section 1819 was renumbered section 3712 of this title.

A prior section 1820 was renumbered section 3720 of this title.

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

PRIOR PROVISIONS

A prior subchapter III of this chapter, consisting of former sections 1821 to 1824, was redesignated subchapter IV of this chapter.

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

(a) BENEFITS AUTHORIZED.—The Secretary may provide to any child of a veteran of covered service in Korea who is suffering from spina bifida the health care, vocational training and rehabilitation, and monetary allowance required to be paid to a child of a Vietnam veteran who is suffering from spina bifida under subchapter I of this chapter as if such child of a veteran of covered service in Korea were a child of a Vietnam veteran who is suffering from spina bifida under such subchapter.

(b) SPINA BIFIDA CONDITIONS COVERED.—This section applies with respect to all forms and manifestations of spina bifida, except spina bifida occulta.

(c) VETERAN OF COVERED SERVICE IN KOREA.—For purposes of this section, a veteran of covered service in Korea is any individual, without regard to the characterization of that individual's service, who—

(1) served in the active military, naval, or air service in or near the Korean demilitarized zone (DMZ), as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on September 1, 1967, and ending on August 31, 1971; and

(2) is determined by the Secretary, in consultation with the Secretary of Defense, to have been exposed to a herbicide agent during such service in or near the Korean demilitarized zone.

(d) HERBICIDE AGENT.—For purposes of this section, the term ''herbicide agent'' means a chemical in a herbicide used in support of United States and allied military operations in or near the Korean demilitarized zone, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on September 1, 1967, and ending on August 31, 1971.

(Added Pub. L. 108–183, title I, § 102(a)(2), Dec. 16, 2003, 117 Stat. 2653.)

PRIOR PROVISIONS

A prior section 1821 was renumbered section 1831 of this title.

Another prior section 1821 was renumbered section 3721 of this title.

A prior section 1822 was renumbered section 1832 of this title.

Another prior section 1822, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1214; Pub. L. 89–358, § 5(c), Mar. 3, 1966, 88 Stat. 26; Pub. L. 89–623, § 1, Oct. 4, 1966, 80 Stat. 873; Pub. L. 90–301, § 2(b), May 7, 1968, 82 Stat. 113, provided for bringing of an action in district court, by veteran or Attorney General, against one who knowingly participated in sale of property to a veteran for consideration in excess of reasonable value of property, prior to repeal by Pub. L. 93–569, §§ 7(a), 10, Dec. 31, 1974, 88 Stat. 1866, 1867, effective Dec. 31, 1974.

A prior section 1823 was renumbered section 1833 of this title.

Another prior section 1823 was renumbered section 3723 of this title and subsequently repealed.

A prior section 1824 was renumbered section 1834 of this title.

Another prior section 1824 was renumbered section 3724 of this title and subsequently repealed.

Another prior section 1824 was renumbered section 3725 of this title and subsequently repealed.

A prior section 1825 was renumbered 3725 of this title and subsequently repealed.

Prior sections 1826 to 1830 were renumbered sections 3726 to 3730 of this title, respectively.

SUBCHAPTER IV—GENERAL PROVISIONS

AMENDMENTS

2003—Pub. L. 108–183, § 102(a)(1), Dec. 16, 2003, 117 Stat. 2653, redesignated former subchapter III of this chapter as this subchapter.

§ 1831. Definitions

In this chapter:

(1) The term ''child'' means the following:

(A) For purposes of subchapters I and II of this chapter, an individual, regardless of age or marital status, who—

(i) is the natural child of a Vietnam veteran; and

(ii) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

(B) For purposes of subchapter III of this chapter, an individual, regardless of age or marital status, who—

(i) is the natural child of a veteran of covered service in Korea (as determined for purposes of section 1821 of this title); and

(ii) was conceived after the date on which that veteran first entered service described in subsection (c) of that section.