

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.)

#### Editorial Notes

##### 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).

#### Statutory Notes and Related Subsidiaries

##### 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 pre-

scribed, \$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.)

#### Editorial Notes

##### 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.”

#### Statutory Notes and Related Subsidiaries

##### 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.

#### Statutory Notes and Related Subsidiaries

##### 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 CER- TAIN BIRTH DEFECTS

#### § 1811. Definitions

In this subchapter: