

(1) served in the active military, naval, or air service in Thailand, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 9, 1962, and ending on May 7, 1975; 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 Thailand.

(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 Thailand, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 9, 1962, and ending on May 7, 1975.

(Added Pub. L. 116–23, §4(a), June 25, 2019, 133 Stat. 970.)

Editorial Notes

PRIOR PROVISIONS

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Another prior section 1823 was renumbered section 3723 of this title and subsequently repealed.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Another prior section 1824 was renumbered section 3724 of this title and subsequently repealed.

Another prior section 1824 was renumbered section 3725 of this title and subsequently repealed.

A prior section 1825 was renumbered 3725 of this title and subsequently repealed.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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 116–23, §4(f), June 25, 2019, 133 Stat. 972, provided that: “The amendments made by this section [enacting this section and amending section 1831 of this title] shall take effect on January 1, 2020.”

IMPLEMENTATION

Pub. L. 116–23, §4(d), June 25, 2019, 133 Stat. 971, provided that:

“(1) **GUIDANCE.**—Notwithstanding section 501 of such title, the Secretary of Veterans Affairs may issue guidance to implement section 1822 of title 38, United States Code, as added by subsection (a), before prescribing new regulations under such section.

“(2) **UPDATES.**—(A) Not later than 120 days after the date of the enactment of this Act [June 25, 2019], the Secretary shall submit a report to the Committees on Veterans' Affairs of the House of Representatives and the Senate regarding the plans of the Secretary to respond to inquiries from veterans regarding claims for disability compensation under section 1822 of title 38, United States Code, as added by subsection (a) of this section.

“(B) On a quarterly basis during the period beginning on the date of the enactment of this Act and ending on the date on which regulations are prescribed to carry out such section 1822, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate updates on the status of such regulations.

“(3) **PENDING CASES.**—

“(A) **AUTHORITY TO STAY.**—The Secretary may stay a claim described in subparagraph (B) until the date on which the Secretary commences the implementation of section 1822 of title 38, United States Code, as added by subsection (a).

“(B) **CLAIMS DESCRIBED.**—A claim described in this subparagraph is a claim for benefits—

“(i) relating to the spina bifida and service covered by such section 1822; and

“(ii) that is pending at the Veterans Benefits Administration or the Board of Veterans' Appeals on or after the date of the enactment of this Act and before the date on which the Secretary commences the implementation of such section 1822.”

SUBCHAPTER IV—GENERAL PROVISIONS

Editorial Notes

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 section 1821 of this title, 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 that section); and

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

(C) For purposes of section 1822 of this title, an individual, regardless of age or marital status, who—

(i) is the natural child of a veteran of covered service in Thailand (as determined for purposes of that section); and

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

(2) The term “covered child” means a child who is eligible for health care and benefits under this chapter.

(3) The term “covered veteran” means an individual whose children are eligible for health care and benefits under this chapter.

(4) The term “Vietnam veteran” means an individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era, without regard to the characterization of that individual's service.

(5) The term “Vietnam era” with respect to—

(A) subchapter I of this chapter, means the period beginning on January 9, 1962, and ending on May 7, 1975; and

(B) subchapter II of this chapter, means the period beginning on February 28, 1961, and ending on May 7, 1975.

(Added Pub. L. 106–419, title IV, §401(b), Nov. 1, 2000, 114 Stat. 1859, §1821; renumbered §1831 and amended Pub. L. 108–183, title I, §102(a)(1), (b), Dec. 16, 2003, 117 Stat. 2653, 2654; Pub. L. 116–23, §4(b), June 25, 2019, 133 Stat. 971; Pub. L. 118–18, §1(a), Oct. 6, 2023, 137 Stat. 103.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1831 was renumbered section 3731 of this title.

AMENDMENTS

2023—Pars. (2) to (5). Pub. L. 118–18 added pars. (2) and (3) and redesignated former pars. (2) and (3) as (4) and (5), respectively.

2019—Par. (1)(B). Pub. L. 116–23, §4(b)(1)(A), substituted “section 1821 of this title” for “subchapter III of this chapter” in introductory provisions.

Par. (1)(B)(i). Pub. L. 116–23, §4(b)(1)(B), substituted “that section” for “section 1821 of this title”.

Par. (1)(C). Pub. L. 116–23, §4(b)(2), added subpar. (C). 2003—Pub. L. 108–183, §102(a)(1), renumbered section 1821 of this title as this section.

Par. (1). Pub. L. 108–183, §102(b), added par. (1) and struck out former par. (1) which read as follows: “The term ‘child’ means an individual, regardless of age or marital status, who—

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116–23 effective Jan. 1, 2020, see section 4(f) of Pub. L. 116–23, set out as an Effective Date note under section 1822 of this title.

EFFECTIVE DATE

Subchapter 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 a note under section 1811 of this title.

MEMORANDUM OF UNDERSTANDING

Pub. L. 118–18, §1(c), Oct. 6, 2023, 137 Stat. 104, provided that: “Not later than 90 days after the date of the enactment of this Act [Oct. 6, 2023], the Under Secretary for Benefits of the Department of Veterans Affairs and the Under Secretary for Health of the Department shall enter into a memorandum of understanding—

“(1) to better assist covered children (as defined in section 1831 of title 38, United States Code, as amended by subsection (a)); and

“(2) to establish conditions to be included in the report required by section 1836(c) of title 38, United States Code, as added by subsection (b).”

§ 1832. Applicability of certain administrative provisions

(a) **APPLICABILITY OF CERTAIN PROVISIONS RELATING TO COMPENSATION.**—The provisions of this title specified in subsection (b) apply with

respect to benefits and assistance under this chapter in the same manner as those provisions apply to compensation paid under chapter 11 of this title.

(b) **SPECIFIED PROVISIONS.**—The provisions of this title referred to in subsection (a) are the following:

(1) Section 5101(c).

(2) Subsections (a), (b)(3), (g), and (i) of section 5110.

(3) Section 5111.

(4) Subsection (a) and paragraphs (1), (6), (9), and (10) of subsection (b) of section 5112.

(Added Pub. L. 106–419, title IV, §401(b), Nov. 1, 2000, 114 Stat. 1859, §1822; renumbered §1832, Pub. L. 108–183, title I, §102(a)(1), Dec. 16, 2003, 117 Stat. 2653; amended Pub. L. 114–58, title VI, §601(8), Sept. 30, 2015, 129 Stat. 538.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1832 was renumbered section 3732 of this title.

Another prior section 1832 was renumbered section 3733(d) of this title.

AMENDMENTS

2015—Subsec. (b)(2). Pub. L. 114–58 substituted “(b)(3)” for “(b)(2)”.

2003—Pub. L. 108–183 renumbered section 1822 of this title as this section.

§ 1833. Treatment of receipt of monetary allowance and other benefits

(a) **COORDINATION WITH OTHER BENEFITS PAID TO THE RECIPIENT.**—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

(b) **COORDINATION WITH BENEFITS BASED ON RELATIONSHIP OF RECIPIENTS.**—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

(c) **MONETARY ALLOWANCE NOT TO BE CONSIDERED AS INCOME OR RESOURCES FOR CERTAIN PURPOSES.**—Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

(Added Pub. L. 106–419, title IV, §401(b), Nov. 1, 2000, 114 Stat. 1860, §1823; renumbered §1833, Pub. L. 108–183, title I, §102(a)(1), Dec. 16, 2003, 117 Stat. 2653.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1833 was renumbered section 3733 of this title.