

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.

AMENDMENTS

2003—Pub. L. 108-183 renumbered section 1823 of this title as this section.

§ 1834. Nonduplication of benefits

(a) MONETARY ALLOWANCE.—In the case of an eligible child under subchapter II of this chapter whose only covered birth defect is spina bifida, a monetary allowance shall be paid under subchapter I of this chapter. In the case of an eligible child under subchapter II of this chapter who has spina bifida and one or more additional covered birth defects, a monetary allowance shall be paid under subchapter II of this chapter. In the case of a child eligible for benefits under subchapter I or II of this chapter who is also eligible for benefits under subchapter III of this chapter, a monetary allowance shall be paid under the subchapter of this chapter elected by the child.

(b) VOCATIONAL REHABILITATION.—An individual may only be provided one program of vocational training under this chapter.

(Added Pub. L. 106-419, title IV, § 401(b), Nov. 1, 2000, 114 Stat. 1860, § 1824; renumbered § 1834 and amended, Pub. L. 108-183, title I, § 102(a)(1), (c), Dec. 16, 2003, 117 Stat. 2653, 2654.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1834 was renumbered section 3734 of this title.

AMENDMENTS

2003—Pub. L. 108-183, § 102(a)(1), renumbered section 1824 of this title as this section.

Subsec. (a). Pub. L. 108-183, § 102(c), inserted at end: “In the case of a child eligible for benefits under subchapter I or II of this chapter who is also eligible for benefits under subchapter III of this chapter, a monetary allowance shall be paid under the subchapter of this chapter elected by the child.”

§ 1835. Advisory council

(a) IN GENERAL.—The Secretary shall establish an advisory council on health care and benefits for covered children.

(b) MEMBERSHIP.—The advisory council established under subsection (a) shall be composed of Federal employees.

(c) DUTIES.—The advisory council established under subsection (a) shall solicit feedback from covered children and covered veterans on the health care and benefits provided under this chapter and communicate such feedback to the Secretary.

(Added Pub. L. 118-18, § 1(b), Oct. 6, 2023, 137 Stat. 103.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1835 was renumbered section 2041 of this title.

Statutory Notes and Related Subsidiaries

DEADLINE FOR ESTABLISHMENT OF ADVISORY COUNCIL

Pub. L. 118-18, § 1(d)(1), Oct. 6, 2023, 137 Stat. 104, provided that: “Not later than 270 days after the date of the enactment of this Act [Oct. 6, 2023], the Secretary of Veterans Affairs shall establish the advisory council required under section 1835 of title 38, United States Code, as added by subsection (b).”

§ 1836. Care and coordination teams

(a) IN GENERAL.—The Secretary shall establish care and coordination teams for covered children.

(b) OUTREACH.—A care and coordination team established under subsection (a) shall attempt to contact each covered child—

(1) not less frequently than once every 180 days, to ensure the continued care of the child and assist with any changes in care needed due to a changed situation of the child; and

(2) as soon as practicable after the identification of a condition listed in the report required by subsection (c).

(c) REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee