

<h1>ACF</h1> <p>Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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INFORMATION MEMORANDUM

TO: State and Territorial Agencies Administering or Supervising the Administration of Titles IV-B and IV-E of the Social Security Act

SUBJECT: Disregard of Monetary Allowances for Certain Children of Vietnam War Veterans

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act, the Social Security Act Amendments of 1994 (Public Law 103-432), 38 U.S.C. 1823(c), Public Law 104-204, Public Law 106-419

PURPOSE: The purpose of this Information Memorandum is: 1) to inform States and other interested parties of Public Law 106-419, the *Veterans Benefits and Health Care Improvement Act of 2000*, which amended chapter 18, section 401 of P. L. 104-204, the *Departments of Veterans Affairs and Housing and Urban Development, And Independent Agencies Appropriations Act of 1994*, to expand the benefits and services to children of women Vietnam veterans born with certain birth defects, and 2) to inform States and other interested parties of the July 31, 2002 final regulations on *Monetary Allowances for Certain Children of Vietnam Veterans; Identification of Covered Birth Defects*. Both can be accessed via www.access.gpo.gov/nara.

INFORMATION: Pursuant to sections 421 and 422(c) of Pub. L. 104-204, effective October 1, 1997, title 38, United States Code, was amended by the addition of a new chapter 18, under which certain Veterans Administration benefits and services are provided to children of Vietnam veterans (including adult children) who were born with the congenital defect *spina bifida*. A subsequent amendment to chapter 18 made by section 401 of

Pub. L. 106-419, effective December 1, 2001, provides VA benefits and services to children of women Vietnam veterans born with certain other birth defects. Included among the benefits provided for these children is a monthly monetary allowance paid at a rate that is based on the child's level of disability. Section 1823(c) of title 38, United States Code, states that "[n]otwithstanding any other provision of law, a monetary allowance paid an individual [chapter 18] shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program." The disregard should be applied in determining a child's eligibility for title IV-E based on his/her eligibility for the former Aid to Families with Dependent Children (AFDC) program under the State's July 16, 1996 title IV-A State plan.

INQUIRIES TO: ACF Regional Offices

Joan E. Ohl
Commissioner
Administration on Children, Youth and Families