

Calendar No. 101118TH CONGRESS
1ST SESSION**S. 112**

To amend title 38, United States Code, to strengthen benefits for children of Vietnam veterans born with spina bifida, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2023

Mr. BRAUN (for himself, Ms. HASSAN, Mr. RUBIO, Mr. BOOKER, Mr. WARNOCK, Mr. SCOTT of Florida, Ms. HIRONO, Mr. YOUNG, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JUNE 14, 2023

Reported by Mr. TESTER, without amendment

A BILL

To amend title 38, United States Code, to strengthen benefits for children of Vietnam veterans born with spina bifida, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. BENEFITS FOR CERTAIN CHILDREN OF VIET-**
2 **NAM VETERANS AND CERTAIN OTHER VET-**
3 **ERANS.**

4 (a) DEFINITIONS.—Section 1831 of title 38, United
5 States Code, is amended—

6 (1) by redesignating paragraphs (2) and (3) as
7 paragraphs (4) and (5), respectively; and

8 (2) by inserting after paragraph (1) the fol-
9 lowing new paragraphs:

10 “(2) The term ‘covered child’ means a child
11 who is eligible for health care and benefits under
12 this chapter.

13 “(3) The term ‘covered veteran’ means an indi-
14 vidual whose children are eligible for health care and
15 benefits under this chapter.”.

16 (b) IN GENERAL.—Subchapter IV of chapter 18 of
17 title 38, United States Code, is amended by adding at the
18 end the following new sections:

19 **“§ 1835. Advisory council**

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

23 “(b) MEMBERSHIP.—The advisory council estab-
24 lished under subsection (a) shall be composed of Federal
25 employees.

1 “(c) DUTIES.—The advisory council established
2 under subsection (a) shall solicit feedback from covered
3 children and covered veterans on the health care and bene-
4 fits provided under this chapter and communicate such
5 feedback to the Secretary.

6 “§ 1836. Care and coordination teams

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

9 “(b) OUTREACH.—A care and coordination team es-
10 tablished under subsection (a) shall attempt to contact
11 each covered child—

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

16 “(2) as soon as practicable after the identifica-
17 tion of a condition listed in the report required by
18 subsection (c).

19 “(c) REPORT.—Not later than 180 days after the
20 date of the enactment of this section, the Secretary shall
21 submit to the Committee on Veterans’ Affairs of the Sen-
22 ate and the Committee on Veterans’ Affairs of the House
23 of Representatives a report setting forth a list of condi-
24 tions that will trigger outreach to covered children under
25 subsection (b)(2).

1 **“§ 1837. Duration of health care and benefits pro-**
2 **vided**

3 “The Secretary shall provide a covered child with
4 health care and benefits under this chapter—

5 “(1) for the duration of the life of the child;
6 and

7 “(2) notwithstanding any death of a parent of
8 the child that precedes the death of the child.

9 **“§ 1838. Biennial report**

10 “Not less frequently than once every two years, the
11 Secretary shall submit to Congress a report setting forth
12 the following:

13 “(1) The number of covered children receiving
14 health care or benefits under this chapter as of the
15 date on which the report is submitted.

16 “(2) The number of covered children for which
17 the Department is paying for or providing a social
18 worker as of such date.

19 “(3) Metrics on outreach conducted under sec-
20 tion 1836(b) of this title.”.

21 (c) MEMORANDUM OF UNDERSTANDING.—Not later
22 than 90 days after the date of the enactment of this Act,
23 the Under Secretary for Benefits of the Department of
24 Veterans Affairs and the Under Secretary for Health of
25 the Department shall enter into a memorandum of under-
26 standing—

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

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

7 (d) IMPLEMENTATION.—

8 (1) ADVISORY COUNCIL.—Not later than 270
9 days after the date of the enactment of this Act, the
10 Secretary of Veterans Affairs shall establish the ad-
11 visory council required under section 1835 of title
12 38, United States Code, as added by subsection (b).

13 (2) CARE AND COORDINATION TEAMS.—Not
14 later than one year after the date of the enactment
15 of this Act, the Secretary of Veterans Affairs shall
16 establish the care and coordination teams required
17 under section 1836 of such title, as added by sub-
18 section (b).

19 (e) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 18 of title 38, United States
21 Code, is amended by adding at the end the following new
22 items:

“1835. Advisory council.

“1836. Care and coordination teams.

“1837. Duration of health care and benefits provided.

“1838. Biennial report.”.

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