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Public Law 118–18
118th Congress

An Act

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

Oct. 6, 2023
[S. 112]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BENEFITS FOR CERTAIN CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS.

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

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

(2) by inserting after paragraph (1) the following new paragraphs:

"(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.".

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

"§ 1835. Advisory council

38 USC 1835.

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

"(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.

"§ 1836. Care and coordination teams

38 USC 1836.

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

"(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 Time period.

"(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 on Veterans' Affairs of the House of Representatives a report setting forth a list of conditions that will trigger outreach to covered children under subsection (b)(2).

38 USC 1837.

"§ 1837. Duration of health care and benefits provided

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

"(1) for the duration of the life of the child; and

"(2) notwithstanding any death of a parent of the child that precedes the death of the child.

38 USC 1838.

"§ 1838. Biennial report

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

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

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

"(3) Metrics on outreach conducted under section 1836(b) of this title.".

38 USC 1831 note.

(c) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the date of the enactment of this Act, 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).

(d) IMPLEMENTATION.—

Deadline. 38 USC 1835 note.

(1) ADVISORY COUNCIL.—Not later than 270 days after the date of the enactment of this Act, 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).

38 USC 1836 note.

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

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

38 USC prec. 1801.

"1835. Advisory council.
"1836. Care and coordination teams.
"1837. Duration of health care and benefits provided.
"1838. Biennial report.".

Approved October 6, 2023.

LEGISLATIVE HISTORY—S. 112:

CONGRESSIONAL RECORD, Vol. 169 (2023):
July 13, considered and passed Senate.
Sept. 18, 19, considered and passed House.