



S. 112, A Bill to Strengthen Benefits for Children of Vietnam Veterans Born with Spina Bifida

Introduced by Senators Braun, Rubio, Hassan, Booker, Scott (FL), Cornyn, Warnock, Young, and Hirono

RATIONALE: 38 United States Code (USC) Chapter. 18 lays out the basis of the Spina Bifida program for the children of certain Agent Orange/herbicide exposed veterans. The VA Inspector General (VAOIG) has concluded that the Spina Bifida program is not delivering benefits appropriately and failing to conduct proper oversight, leading to waste of taxpayer dollars. The benefits owed to these beneficiaries include monetary allowance, vocational training and rehabilitation, and health care. In 2008, 38 USC was amended to create a Department of Veterans Affairs (VA) Spina Bifida Health Care Benefits Program as part of the Office of Community Care (OCC) headquartered in Denver, Colorado. This centralization of authority has led to challenges getting children into the program, communication on what benefits are authorized, and how the services and care can be contracted and paid for, which mostly falls on the families and children to do for themselves. We believe these issues need to be addressed by the program office.

Program & Issue Background:

- The OCC Spina Bifida Health Care Benefits Program Guide states, “This program provides services and supplies for enrolled beneficiaries for all covered medical conditions, not simply those related to Spina Bifida.” This assistance includes instrumental activities of daily living (i.e., cleaning a house or apartment, showering, cooking, etc.).
- VAOIG reported serious problems with the administration of the Spina Bifida program in their 2021 report, including payments to deceased beneficiaries and significant numbers of participants not receiving all the benefits for which they are eligible.¹
- It is estimated over 1,000 Veterans children suffer from the disease in the U.S., and yet less than half of those are enrolled in the program.²
- 38 USC Section.1803 states the Secretary of the VA shall provide healthcare to these beneficiaries, including case management. The recent VAOIG report identified that out of approximately 1,000 beneficiaries only 7 had used case management or social worker services during 2019 and 73 seriously disabled beneficiaries had never used their any of their healthcare benefits.
- The lack of social workers and case management services is particularly worrisome because this condition often leaves beneficiaries without the capacity to arrange their own care.

Proposed Bill:

Following the VAOIG report, the Spina Bifida program has proposed major changes to address key issues in the report. This bill would implement the recommendations to ensure the VA follows through and these beneficiaries get the care and benefits awarded to them by law. This includes assigning VA care coordination teams to proactively reach out to beneficiaries with assistance from an advisory committee, requiring a biennial report to Congress regarding the program, and establishing a Memorandum of Understanding between the Veterans Benefits Administration and Veterans Health Administration.

Legislative History:

- In early 2019, Senator Braun’s office received complaints (from constituents and the Vietnam Veterans of America) about poor program administration and asked the VA OIG to look into the program.
- In July 2019, Senator Braun asked the VA OIG for more formal evaluations of the program.
- On May 5, 2020, in the 116th Congress, Senator Braun and Rubio introduced [S. 3613](#) to address program shortcomings.
- On February 23, 2021, the VA OIG issues [its report](#) affirming problems in program administration
 - In short, the OIG found that “VBA and VHA did not adequately communicate or share data, contributing to improper payments being sent to beneficiaries after their deaths and delays in new beneficiaries being enrolled in health care. Further, because VA did not consistently and accurately reach out and communicate with eligible and enrolled beneficiaries, individuals with spina bifida and their caretakers did not receive needed information about spina bifida benefits and how to obtain them.”
- On December 9 2021, in the 117th Congress, the bill was re-introduced as [S. 3372](#) by Senators Braun, Rubio, Hassan, and Booker.
- On November 13, 2022, the Senate Committee on Veterans Affairs held a legislative hearing on this bill.
- On January 26, 2023, in the 118th Congress, the bill was re-introduced as [S. 112](#) by Senators Braun, Rubio, Hassan, Booker, Scott (FL), Cornyn, Warnock, Young, and Hirono.
- On February 16, 2023, SVAC considered and reported the measure without amendment.
- Endorsed by Vietnam Veterans of America, the American Legion, and the Fleet Reserve Association.
- Passed the Senate by Unanimous Consent on July 13, 2023.
- Passed the House Unanimously on September 19, 2023.

For more information, please contact Sydney Cox with Senator Braun at 202-224-5764, or at Sydney_Cox@braun.senate.gov.

¹ U.S. Department of Veterans Affairs, Office of Inspector General, “VA Needs Better Internal Communication and Data Sharing to Strengthen the Administration of Spina Bifida Benefits” Program Review, REPORT #20-00295-61 (Feb. 23, 2021), <https://www.va.gov/oig/pubs/VAOIG-20-00295-61.pdf>.

² U.S. Department of Veterans Affairs, Claims Processing and Eligibility System.