

108TH CONGRESS  
1ST SESSION

# S. 1132

To amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

Mr. SPECTER (for himself, Mr. BUNNING, and Mr. GRAHAM of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Survivors  
5 Benefits Enhancements Act of 2003”.

1 **SEC. 2. INCREASE IN RATES OF SURVIVORS' AND DEPEND-**  
2 **ENTS' EDUCATIONAL ASSISTANCE.**

3 (a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL  
4 ASSISTANCE.—Section 3532 of title 38, United States  
5 Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking “at the  
8 monthly rate of” and all that follows and in-  
9 serting “at the monthly rate of \$985 for full-  
10 time, \$740 for three-quarter-time, or \$492 for  
11 half-time pursuit.”; and

12 (B) in paragraph (2), by striking “at the  
13 rate of” and all that follows and inserting “at  
14 the rate of the lesser of—

15 “(A) the established charges for tuition and  
16 fees that the educational institution involved re-  
17 quires similarly circumstanced nonveterans enrolled  
18 in the same program to pay; or

19 “(B) \$985 per month for a full-time course.”;

20 (2) in subsection (b), by striking “\$670” and  
21 inserting “\$985”; and

22 (3) in subsection (c)(2), by striking “shall be”  
23 and all that follows and inserting “shall be \$795 for  
24 full-time, \$596 for three-quarter-time, or \$398 for  
25 half-time pursuit.”.

1 (b) CORRESPONDENCE COURSES.—Section 3534(b)  
2 of that title is amended by striking “\$670” and inserting  
3 “\$985”.

4 (c) SPECIAL RESTORATIVE TRAINING.—Section  
5 3542(a) of that title is amended—

6 (1) by striking “\$670” and inserting “\$985”;  
7 and

8 (2) by striking “\$210” each place it appears  
9 and inserting “\$307”.

10 (d) APPRENTICESHIP TRAINING.—Section  
11 3687(b)(2) of that title is amended by striking “shall be  
12 \$488 for the first six months” and all that follows and  
13 inserting “shall be \$717 for the first six months, \$536  
14 for the second six months, \$356 for the third six months,  
15 and \$179 for the fourth and any succeeding six-month pe-  
16 riod of training.”.

17 (e) EFFECTIVE DATE.—(1) The amendments made  
18 by this section shall take effect on October 1, 2003, and  
19 shall apply with respect to educational assistance allow-  
20 ances payable under chapter 35 and section 3687(b)(2)  
21 of title 38, United States Code, for months beginning on  
22 or after that date.

23 (2) No adjustment in rates of monthly training allow-  
24 ances shall be made under section 3687(d) of title 38,  
25 United States Code, for fiscal year 2004.

1 **SEC. 3. MODIFICATION OF DURATION OF EDUCATIONAL AS-**  
 2 **SISTANCE.**

3 Section 3511(a)(1) of title 38, United States Code,  
 4 is amended by striking “45 months” and all that follows  
 5 and inserting “45 months, or 36 months in the case of  
 6 a person who first files a claim for educational assistance  
 7 under this chapter after the date of the enactment of the  
 8 Veterans’ Survivors Benefits Enhancements Act of 2003,  
 9 or the equivalent thereof in part-time training.”.

10 **SEC. 4. ADDITIONAL DEPENDENCY AND INDEMNITY COM-**  
 11 **PENSATION FOR SURVIVING SPOUSES WITH**  
 12 **DEPENDENT CHILDREN.**

13 (a) ADDITIONAL DEPENDENCY AND INDEMNITY  
 14 COMPENSATION.—Section 1311 of title 38, United States  
 15 Code, is amended by adding at the end the following new  
 16 subsection:

17 “(e)(1) Subject to paragraphs (2) and (3), if there  
 18 is a surviving spouse with one or more children below the  
 19 age of eighteen, the dependency and indemnity compensa-  
 20 tion paid monthly to the surviving spouse shall be in-  
 21 creased by \$250, regardless of the number of such chil-  
 22 dren.

23 “(2) Dependency and indemnity compensation shall  
 24 be increased for a month under this subsection only for  
 25 months occurring during the five-year period beginning on

1 the date of death of the veteran on which such dependency  
2 and indemnity compensation is based.

3 “(3) The increase in dependency and indemnity com-  
4 pensation of a surviving spouse under this subsection shall  
5 cease beginning with the first month commencing after the  
6 month in which all children of the surviving spouse have  
7 attained the age of eighteen.

8 “(4) Dependency and indemnity compensation under  
9 this subsection is in addition to any other dependency and  
10 indemnity compensation payable by law.”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall take effect on the date of the enact-  
13 ment of this Act.

14 **SEC. 5. ELIGIBILITY OF SURVIVING SPOUSES WHO RE-**  
15 **MARRY FOR BURIAL IN NATIONAL CEME-**  
16 **TERIES.**

17 (a) IN GENERAL.—Section 2402(5) of title 38,  
18 United States Code, is amended by striking “(which for  
19 purposes of this chapter includes an unremarried surviving  
20 spouse who had a subsequent remarriage which was termi-  
21 nated by death or divorce)” and inserting “(which for pur-  
22 poses of this chapter includes a surviving spouse who had  
23 a subsequent remarriage)”.

1 (b) EFFECTIVE DATE.—The amendment made by  
 2 subsection (a) shall apply with respect to deaths occurring  
 3 on or after January 1, 2000.

4 **SEC. 6. BENEFIT FOR CHILDREN WITH SPINA BIFIDA OF**  
 5 **VETERANS OF CERTAIN SERVICE IN KOREA.**

6 (a) IN GENERAL.—Chapter 18 of title 38, United  
 7 States Code, is amended—

8 (1) by redesignating subchapter III, and sec-  
 9 tions 1821, 1822, 1823, and 1824, as subchapter  
 10 IV, and sections 1831, 1832, 1833, and 1834, re-  
 11 spectively; and

12 (2) by inserting after subchapter II the fol-  
 13 lowing new subchapter III:

14 “SUBCHAPTER III—CHILDREN OF CERTAIN  
 15 KOREA SERVICE VETERANS BORN WITH  
 16 SPINA BIFIDA

17 “§ 1821. **Benefits for children of certain Korea service**  
 18 **veterans born with spina bifida**

19 “(a) BENEFITS AUTHORIZED.—The Secretary may  
 20 provide to any child of a veteran of covered service in  
 21 Korea who is suffering from spina bifida the health care,  
 22 vocational training and rehabilitation, and monetary al-  
 23 lowance required to be paid to a child of a Vietnam vet-  
 24 eran who is suffering from spina bifida under subchapter  
 25 I of this chapter as if such child of a veteran of covered

1 service in Korea were a child of a Vietnam veteran who  
 2 is suffering from spina bifida under such subchapter I.

3 “(b) SPINA BIFIDA CONDITIONS COVERED.—This  
 4 section applies with respect to all forms and manifesta-  
 5 tions of spina bifida, except spina bifida occulta.

6 “(c) VETERAN OF COVERED SERVICE IN KOREA.—  
 7 For purposes of this section, a veteran of covered service  
 8 in Korea is any individual, without regard to the charac-  
 9 terization of that individual’s service, who—

10 “(1) served in the active military, naval, or air  
 11 service in or near the Korean demilitarized zone  
 12 (DMZ), as determined by the Secretary in consulta-  
 13 tion with the Secretary of Defense, during the period  
 14 beginning on January 1, 1967, and ending on De-  
 15 cember 31, 1969; and

16 “(2) is determined by the Secretary, in con-  
 17 sultation with the Secretary of Defense, to have been  
 18 exposed to a herbicide agent during such service in  
 19 or near the Korean demilitarized zone.

20 “(d) HERBICIDE AGENT.—For purposes of this sec-  
 21 tion, the term ‘herbicide agent’ means a chemical in a her-  
 22 bicide used in support of United States and allied military  
 23 operations in or near the Korean demilitarized zone, as  
 24 determined by the Secretary in consultation with the Sec-

1   retary of Defense, during the period beginning on January  
2   1, 1967, and ending on December 31, 1969.”.

3           (b) CHILD DEFINED.—Section 1831 of that title, as  
4   redesignated by subsection (a), is further amended by  
5   striking paragraph (1) and inserting the following new  
6   paragraph (1):

7           “(1) The term ‘child’ means the following:

8                   “(A) For purposes of subchapters I and II  
9                   of this chapter, an individual, regardless of age  
10                  or marital status, who—

11                          “(i) is the natural child of a Vietnam  
12                          veteran; and

13                          “(ii) was conceived after the date on  
14                          which that veteran first entered the Repub-  
15                          lic of Vietnam during the Vietnam era.

16                   “(B) For purposes of subchapter III of  
17                   this chapter, an individual, regardless of age or  
18                   marital status, who—

19                          “(i) is the natural child of a veteran  
20                          of covered service in Korea (as determined  
21                          for purposes of section 1821 of this title);  
22                          and

23                          “(ii) was conceived after the date on  
24                          which that veteran first entered service de-  
25                          scribed in subsection (c) of that section.”.



(c) NONDUPLICATION OF BENEFITS.—Section 1834(a) of that title, as redesignated by subsection (a), is further amended by adding at the end the following new sentence: “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.”.

(d) CONFORMING AMENDMENT.—(1) Section 1811(1)(A) of that title is amended by striking “section 1821(1)” and inserting “section 1831(1)”.

(2) The heading for chapter 18 of that title is amended to read as follows:

**“CHAPTER 18—BENEFITS FOR CHILDREN  
OF VIETNAM VETERANS AND CERTAIN  
OTHER VETERANS”.**

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 of that title is amended by striking the items relating to subchapter III and inserting the following new items:

“SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE  
VETERANS BORN WITH SPINA BIFIDA

“1821. Benefits for children of certain Korea service veterans born with spina bifida.

“SUBCHAPTER IV—GENERAL PROVISIONS

“1831. Definitions.

“1832. Applicability of certain administrative provisions.

“1833. Treatment of receipt of monetary allowance and other benefits.

“1834. Nonduplication of benefits.”.

1       (2) The table of chapters at the beginning of title  
 2 38, United States Code, and at the beginning of part II  
 3 of such title, are each amended by striking the item relat-  
 4 ing to chapter 18 and inserting the following new item:

**“18. Chapter 18—Benefits for Children of Vietnam Vet-  
 erans and Certain Other Veterans ..... 1802”.**

