

113TH CONGRESS
1ST SESSION

S. 1039

To amend title 38, United States Code, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

Mr. MERKLEY (for himself and Mr. HELLER) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed Forces who die in the line of duty, 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 “Spouses of Heroes
5 Education Act”.

1 **SEC. 2. EXPANSION OF MARINE GUNNERY SERGEANT JOHN**
 2 **DAVID FRY SCHOLARSHIP.**

3 (a) EXPANSION OF ENTITLEMENT.—Subsection
 4 (b)(9) of section 3311 of title 38, United States Code, is
 5 amended by inserting “or spouse” after “child”.

6 (b) LIMITATION AND ELECTION ON CERTAIN BENE-
 7 FITS.—Subsection (f) of such section is amended—

8 (1) by redesignating paragraph (2) as para-
 9 graph (4); and

10 (2) by inserting after paragraph (1) the fol-
 11 lowing new paragraphs:

12 “(2) LIMITATION.—The entitlement of an indi-
 13 vidual to assistance under subsection (a) pursuant to
 14 paragraph (9) of subsection (b) because the indi-
 15 vidual was a spouse of a person described in such
 16 paragraph shall expire on the earlier of—

17 “(A) the date that is 15 years after the
 18 date on which the person died; and

19 “(B) the date on which the individual re-
 20 marries.

21 “(3) ELECTION ON RECEIPT OF CERTAIN BENE-
 22 FITS.—A surviving spouse entitled to assistance
 23 under subsection (a) pursuant to paragraph (9) of
 24 subsection (b) who is also entitled to educational as-
 25 sistance under chapter 35 of this title may not re-
 26 ceive assistance under both this section and such

1 chapter, but shall make an irrevocable election (in
2 such form and manner as the Secretary may pre-
3 scribe) under which section or chapter to receive
4 educational assistance.”.

5 (c) CONFORMING AMENDMENT.—Section 3321(b)(4)
6 of such title is amended by striking “an individual” and
7 inserting “a child”.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the date that is 90 days
10 after the date of the enactment of this Act.

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