

116TH CONGRESS
2^D SESSION

S. 3613

To amend title 38, United States Code, to strengthen existing benefits for certain descendants of veterans exposed to herbicide agents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2020

Mr. BRAUN 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 strengthen existing benefits for certain descendants of veterans exposed to herbicide agents, 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. BENEFITS FOR ELIGIBLE DESCENDANTS OF**
4 **VETERANS EXPOSED TO HERBICIDE AGENTS.**

5 (a) IN GENERAL.—Chapter 18 of title 38, United
6 States Code, is amended to read as follows:

1 **“CHAPTER 18—BENEFITS FOR ELIGIBLE**
 2 **DESCENDANTS OF VETERANS EX-**
 3 **POSED TO HERBICIDE AGENTS**

“CHAPTER 18—BENEFITS FOR ELIGIBLE DESCENDANTS OF VETERANS
 EXPOSED TO HERBICIDE AGENTS

“Sec. 1801. Definitions.

“SUBCHAPTER I—ELIGIBLE DESCENDANTS OF VETERANS EXPOSED TO
 HERBICIDE AGENTS BORN WITH SPINA BIFIDA

“Sec. 1811. Eligibility.

“Sec. 1812. Health care.

“Sec. 1813. Vocational training.

“Sec. 1814. Monetary allowance.

“SUBCHAPTER II—ELIGIBLE DESCENDANTS OF WOMEN VETERANS EXPOSED
 TO HERBICIDE AGENTS BORN WITH CERTAIN BIRTH DEFECTS

“Sec. 1821. Eligibility; definition.

“Sec. 1822. Covered birth defects.

“Sec. 1823. Health care.

“Sec. 1824. Vocational training.

“Sec. 1825. Monetary allowance.

“Sec. 1826. Regulations.

“SUBCHAPTER III—ADMINISTRATION

“Sec. 1831. Determination of eligibility.

“Sec. 1832. Care coordinators for eligible descendants.

“Sec. 1833. Duration of health care and benefits provided.

“Sec. 1834. Applicability of certain administrative provisions.

“Sec. 1835. Treatment of receipt of monetary allowance and other benefits.

“Sec. 1836. Nonduplication of benefits.

4 **“§ 1801. Definitions**

5 “In this chapter:

6 “(1) COVERED BIRTH DEFECT.—The term ‘cov-
 7 ered birth defect’ means a birth defect identified by
 8 the Secretary under section 1822 of this title.

9 “(2) COVERED VETERAN.—The term ‘covered
 10 veteran’ means an individual who—

1 “(A) served in the active military, naval, or
2 air service, without regard to the characteriza-
3 tion of that individual’s service; and

4 “(B) is determined by the Secretary, in
5 consultation with the Secretary of Defense, to
6 have been exposed to a herbicide agent during
7 such service.

8 “(3) ELIGIBLE DESCENDANT.—The term ‘eligi-
9 ble descendant’ means—

10 “(A) for purposes of eligibility for health
11 care and benefits under subchapter I, an indi-
12 vidual described in section 1811 of this title;
13 and

14 “(B) for purposes of eligibility for health
15 care and benefits under subchapter II, an indi-
16 vidual described in section 1821(a) of this title.

17 “(4) FACILITY OF THE DEPARTMENT.—The
18 term ‘facility of the Department’ has the meaning
19 given the term ‘facilities of the Department’ in sec-
20 tion 1701 of this title.

21 “(5) HERBICIDE AGENT.—The term ‘herbicide
22 agent’ means a chemical in a herbicide used in sup-
23 port of United States and allied military operations,
24 as determined by the Secretary in consultation with
25 the Secretary of Defense.

1 “SUBCHAPTER I—ELIGIBLE DESCENDANTS OF
 2 VETERANS EXPOSED TO HERBICIDE
 3 AGENTS BORN WITH SPINA BIFIDA

4 “§ 1811. **Eligibility**

5 “For purposes of this subchapter, an eligible descend-
 6 ant is an individual, regardless of age or marital status,
 7 who—

8 “(1)(A)(i) is the natural child of a covered vet-
 9 eran; and

10 “(ii) was conceived after the date on which that
 11 veteran first was exposed to a herbicide agent during
 12 service in the active military, naval, or air service; or

13 “(B) is the natural child of an individual de-
 14 scribed in subparagraph (A); and

15 “(2) was born with any form or manifestation of
 16 spina bifida, except spina bifida occulta.

17 “§ 1812. **Health care**

18 “(a) IN GENERAL.—In accordance with regulations
 19 prescribed by the Secretary, the Secretary shall provide
 20 an eligible descendant with health care under this section.

21 “(b) PROVISION OF CARE.— The Secretary shall pro-
 22 vide health care under this section—

23 “(1) through facilities of the Department; or

24 “(2) by contract or other arrangement with any
 25 health care provider, as coordinated by the care co-

1 ordinator assigned under section 1832 of this title
2 for the eligible descendant.

3 “(c) DEFINITIONS.—In this section:

4 “(1) HEALTH CARE.—The term ‘health care’—

5 “(A) means home care, hospital care, nurs-
6 ing home care, outpatient care, preventive care,
7 habilitative and rehabilitative care, case man-
8 agement, and respite care; and

9 “(B) includes—

10 “(i) the training of appropriate mem-
11 bers of an eligible descendant’s family or
12 household in the care of the descendant;
13 and

14 “(ii) the provision of such pharma-
15 ceuticals, supplies, equipment, devices, ap-
16 pliances, assistive technology, direct trans-
17 portation costs to and from approved
18 sources of health care, and other materials
19 as the Secretary determines necessary.

20 “(2) HABILITATIVE AND REHABILITATIVE
21 CARE.—The term ‘habilitative and rehabilitative
22 care’ means such professional, counseling, and guid-
23 ance services and treatment programs (other than
24 vocational training under section 1813 of this title)
25 as are necessary to develop, maintain, or restore, to

1 the maximum extent practicable, the functioning of
2 a disabled person.

3 “(3) HEALTH CARE PROVIDER.—The term
4 ‘health care provider’ includes specialized spina
5 bifida clinics, health care plans, insurers, organiza-
6 tions, institutions, and any other entity or individual
7 furnishing health care services that the Secretary de-
8 termines are authorized under this section.

9 “(4) HOME CARE.—The term ‘home care’
10 means outpatient care, habilitative and rehabilitative
11 care, preventive health services, and health-related
12 services furnished to an individual in the individual’s
13 home or other place of residence, including assist-
14 ance with activities of daily living and instrumental
15 activities of daily living.

16 “(5) HOSPITAL CARE.—The term ‘hospital care’
17 means care and treatment for a disability furnished
18 to an individual who has been admitted to a hospital
19 as a patient.

20 “(6) NURSING HOME CARE.—The term ‘nursing
21 home care’ means care and treatment for a disability
22 furnished to an individual who has been admitted to
23 a nursing home as a resident.

24 “(7) OUTPATIENT CARE.—The term ‘outpatient
25 care’ means care and treatment of a disability, and

1 preventive health services, furnished to an individual
2 other than hospital care or nursing home care.

3 “(8) PREVENTIVE CARE.—The term ‘preventive
4 care’ means care and treatment furnished to prevent
5 disability or illness, including periodic examinations,
6 immunizations, patient health education, and such
7 other services as the Secretary determines necessary
8 to provide effective and economical preventive health
9 care.

10 “(9) RESPITE CARE.—The term ‘respite care’
11 means care furnished on an intermittent basis for a
12 limited period to an individual who resides primarily
13 in a private residence when such care will help the
14 individual to continue residing in such private resi-
15 dence.

16 **“§ 1813. Vocational training**

17 “(a) AUTHORITY.—Pursuant to regulations pre-
18 scribed by the Secretary, the Secretary may provide voca-
19 tional training under this section to an eligible descendant
20 if the Secretary determines that the achievement of a vo-
21 cational goal by such descendant is reasonably feasible.

22 “(b) PROGRAM DESIGN.—Any program of vocational
23 training for an eligible descendant under this section
24 shall—

1 “(1) be designed in consultation with the de-
2 scendant in order to meet the descendant’s indi-
3 vidual needs;

4 “(2) be set forth in an individualized written
5 plan of vocational rehabilitation; and

6 “(3) be designed and developed before the date
7 specified in subsection (d)(3) so as to permit the be-
8 ginning of the program as of such date.

9 “(c) PROGRAM ELEMENTS.—

10 “(1) IN GENERAL.—A vocational training pro-
11 gram for an eligible descendant under this section—

12 “(A) shall consist of such vocationally ori-
13 ented services and assistance, including such
14 placement and post-placement services and per-
15 sonal and work adjustment training, as the Sec-
16 retary determines are necessary to enable the
17 descendant to prepare for and participate in vo-
18 cational training or employment; and

19 “(B) may include a program of education
20 at an institution of higher learning if the Sec-
21 retary determines that the program of edu-
22 cation is predominantly vocational in content.

23 “(2) EXCLUSIONS.—A vocational training pro-
24 gram under this section may not include the provi-

1 sion of any loan or subsistence allowance or any
2 automobile adaptive equipment.

3 “(d) PROGRAM DURATION.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2) and subject to subsection (e)(2), a voca-
6 tional training program under this section may not
7 exceed 24 months.

8 “(2) EXTENSIONS.—The Secretary may grant
9 an extension of a vocational training program for an
10 eligible descendant under this section for up to 24
11 additional months if the Secretary determines that
12 the extension is necessary in order for the descend-
13 ant to achieve a vocational goal identified (before the
14 end of the first 24 months of such program) in the
15 written plan of vocational rehabilitation formulated
16 for the descendant pursuant to subsection (b).

17 “(3) COMMENCEMENT.—A vocational training
18 program under this section may begin on the eligible
19 descendant’s 18th birthday, or on the successful
20 completion of the descendant’s secondary schooling,
21 whichever first occurs, except that, if the descendant
22 is above the age of compulsory school attendance
23 under applicable State law and the Secretary deter-
24 mines that the descendant’s best interests will be

1 served thereby, the vocational training program may
2 begin before the descendant's 18th birthday.

3 “(e) RELATIONSHIP TO OTHER PROGRAMS.—

4 “(1) IN GENERAL.—An eligible descendant who
5 is pursuing a program of vocational training under
6 this section and is also eligible for assistance under
7 a program under chapter 35 of this title may not re-
8 ceive assistance under both such programs concu-
9 rently. The descendant shall elect (in such form and
10 manner as the Secretary may prescribe) the program
11 under which the descendant is to receive assistance.

12 “(2) AGGREGATE PERIOD.—The aggregate pe-
13 riod for which an eligible descendant may receive as-
14 sistance under this section and chapter 35 of this
15 title may not exceed 48 months (or the part-time
16 equivalent thereof).

17 **“§ 1814. Monetary allowance**

18 “(a) MONETARY ALLOWANCE.—The Secretary shall
19 pay a monthly allowance under this section to an eligible
20 descendant for any disability resulting from spina bifida
21 suffered by such descendant.

22 “(b) SCHEDULE FOR RATING OF DISABILITIES.—

23 “(1) IN GENERAL.—The amount of the allow-
24 ance paid to an eligible descendant under this sec-
25 tion shall be based on the degree of disability suf-

1 ferred by the descendant, as determined in accord-
2 ance with such schedule for rating disabilities result-
3 ing from spina bifida as the Secretary may pre-
4 scribe.

5 “(2) LEVELS OF DISABILITY.—The Secretary
6 shall, in prescribing the rating schedule for purposes
7 of this section, establish three levels of disability
8 upon which the amount of the allowance provided by
9 this section shall be based.

10 “(c) AMOUNT OF MONTHLY ALLOWANCE.—

11 “(1) IN GENERAL.—The amounts of the allow-
12 ance shall be \$200 per month for the lowest level of
13 disability prescribed, \$700 per month for the inter-
14 mediate level of disability prescribed, and \$1,200 per
15 month for the highest level of disability prescribed.

16 “(2) ADJUSTMENT.—Amounts under paragraph
17 (1) are subject to adjustment under section 5312 of
18 this title.

1 “SUBCHAPTER II—ELIGIBLE DESCENDANTS OF
2 WOMEN VETERANS EXPOSED TO HERBI-
3 CIDE AGENTS BORN WITH CERTAIN BIRTH
4 DEFECTS

5 **“§ 1821. Eligibility; definition**

6 “(a) ELIGIBILITY.—For purposes of this subchapter,
7 an eligible descendant is an individual, regardless of age
8 or marital status, who—

9 “(1)(A)(i) is the natural child of a covered
10 woman veteran; and

11 “(ii) was conceived after the date on which that
12 veteran first was exposed to a herbicide agent during
13 service in the active military, naval, or air service; or

14 “(B) is the natural child of an individual de-
15 scribed in subparagraph (A); and

16 “(2) was born with one or more covered birth defects.

17 “(b) COVERED WOMAN VETERAN DEFINED.—In this
18 subchapter, the term ‘covered woman veteran’ means a
19 covered veteran who is a woman.

20 **“§ 1822. Covered birth defects**

21 “(a) IDENTIFICATION.—The Secretary shall identify
22 the birth defects of eligible descendants that—

23 “(1) are associated with the service of covered
24 woman veterans; and

1 “(2) result in permanent physical or mental dis-
2 ability.

3 “(b) EXCLUSIONS.—The birth defects identified
4 under subsection (a) may not include birth defects result-
5 ing from the following:

6 “(1) A familial disorder.

7 “(2) A birth-related injury.

8 “(3) A fetal or neonatal infirmity with well-es-
9 tablished causes.

10 “(c) OTHER CAUSE.—In any case where affirmative
11 evidence establishes that a covered birth defect of an eligi-
12 ble descendant results from a cause other than the active
13 military, naval, or air service of a covered woman veteran,
14 no benefits or assistance may be provided the descendant
15 under this subchapter.

16 **“§ 1823. Health care**

17 “(a) NEEDED CARE.—The Secretary shall provide an
18 eligible descendant such health care as the Secretary de-
19 termines is needed by the descendant for that descendant’s
20 covered birth defects or any disability that is associated
21 with those birth defects.

22 “(b) PROVISION OF CARE.—The Secretary shall pro-
23 vide health care under this section—

24 “(1) through facilities of the Department; or

1 “(2) by contract or other arrangement with a
2 health care provider, as coordinated by the care co-
3 ordinator assigned under section 1832 of this title
4 for the eligible descendant.

5 “(c) DEFINITIONS.—For purposes of this section, the
6 definitions in section 1812(c) of this title shall apply with
7 respect to the provision of health care under this section,
8 except that for such purposes—

9 “(1) the reference to ‘vocational training under
10 section 1813 of this title’ in paragraph (2) of that
11 section shall be treated as a reference to vocational
12 training under section 1824 of this title; and

13 “(2) the reference to ‘specialized spina bifida
14 clinic’ in paragraph (3) of that section shall be treat-
15 ed as a reference to a specialized clinic treating the
16 birth defect concerned under this section.

17 **“§ 1824. Vocational training**

18 “(a) AUTHORITY.—The Secretary may provide a pro-
19 gram of vocational training to an eligible descendant if
20 the Secretary determines that the achievement of a voca-
21 tional goal by the descendant is reasonably feasible.

22 “(b) APPLICABLE PROVISIONS.—Subsections (b)
23 through (e) of section 1813 of this title shall apply with
24 respect to any program of vocational training provided
25 under subsection (a).

1 **“§ 1825. Monetary allowance**

2 “(a) MONETARY ALLOWANCE.—The Secretary shall
3 pay a monthly allowance to any eligible descendant for any
4 disability resulting from the covered birth defects of that
5 descendant.

6 “(b) SCHEDULE FOR RATING OF DISABILITIES.—

7 “(1) IN GENERAL.—The amount of the monthly
8 allowance paid under this section shall be based on
9 the degree of disability suffered by the eligible de-
10 scendant concerned, as determined in accordance
11 with a schedule for rating disabilities resulting from
12 covered birth defects that is prescribed by the Sec-
13 retary.

14 “(2) LEVELS OF DISABILITY.—In prescribing a
15 schedule for rating disabilities for purposes of this
16 section, the Secretary shall establish four levels of
17 disability upon which the amount of the allowance
18 provided by this section shall be based. The levels of
19 disability established may take into account func-
20 tional limitations, including limitations on cognition,
21 communication, motor abilities, activities of daily liv-
22 ing, and employability.

23 “(c) AMOUNT OF MONTHLY ALLOWANCE.—The
24 amount of the monthly allowance paid under this section
25 shall be as follows:

1 “(1) In the case of an eligible descendant suf-
2 fering from the lowest level of disability prescribed
3 in the schedule for rating disabilities under sub-
4 section (b), \$100.

5 “(2) In the case of an eligible descendant suf-
6 fering from the lower intermediate level of disability
7 prescribed in the schedule for rating disabilities
8 under subsection (b), the greater of—

9 “(A) \$214; or

10 “(B) the monthly amount payable under
11 section 1814(c) of this title for the lowest level
12 of disability prescribed for purposes of that sec-
13 tion.

14 “(3) In the case of an eligible descendant suf-
15 fering from the higher intermediate level of disability
16 prescribed in the schedule for rating disabilities
17 under subsection (b), the greater of—

18 “(A) \$743; or

19 “(B) the monthly amount payable under
20 section 1814(c) of this title for the intermediate
21 level of disability prescribed for purposes of
22 that section.

23 “(4) In the case of an eligible descendant suf-
24 fering from the highest level of disability prescribed

1 in the schedule for rating disabilities under sub-
 2 section (b), the greater of—

3 “(A) \$1,272; or

4 “(B) the monthly amount payable under
 5 section 1814(c) of this title for the highest level
 6 of disability prescribed for purposes of that sec-
 7 tion.

8 “(d) INDEXING TO SOCIAL SECURITY BENEFIT IN-
 9 CREASES.—Amounts under paragraphs (1), (2)(A),
 10 (3)(A), and (4)(A) of subsection (c) shall be subject to
 11 adjustment from time to time under section 5312 of this
 12 title.

13 **“§ 1826. Regulations**

14 “The Secretary shall prescribe regulations for pur-
 15 poses of the administration of this subchapter.

16 “SUBCHAPTER III—ADMINISTRATION

17 **“§ 1831. Determination of eligibility**

18 “(a) NOTIFICATION.—Each director of a facility of
 19 the Department shall notify each covered veteran who re-
 20 ceives care at the facility of the health care and benefits
 21 available to eligible descendants under this chapter.

22 “(b) MEDICAL EVALUATION.—

23 “(1) IN GENERAL.—The Secretary shall ensure
 24 that each descendant of a covered veteran who seeks
 25 health care or benefits under this chapter receives a

1 medical evaluation conducted at a facility of the De-
2 partment.

3 “(2) DETERMINATION.—Each director of a fa-
4 cility at which a medical evaluation for a descendant
5 is conducted under paragraph (1) shall determine
6 whether such descendant is eligible for health care
7 or benefits under this chapter.

8 **“§ 1832. Care coordinators for eligible descendants**

9 “(a) ASSIGNMENT.—

10 “(1) IN GENERAL.—If a director of a facility of
11 the Department determines that a descendant of a
12 covered veteran is eligible for health care and bene-
13 fits under this chapter under section 1831(b)(2), ex-
14 cept as provided in paragraph (2), the director shall
15 assign to the eligible descendant a social worker or
16 registered nurse employed by the Department at the
17 facility to serve as the care coordinator for the de-
18 scendant.

19 “(2) ALTERNATE LOCATION.—If another facil-
20 ity of the Department is more geographically con-
21 venient for an eligible descendant than the facility at
22 which the descendant received a medical evaluation
23 under section 1831(b)(1), the director of such other
24 facility shall assign to the descendant a social work-
25 er or registered nurse employed by the Department

1 at the facility to serve as the care coordinator for
2 the descendant.

3 “(b) FUNCTIONS.—

4 “(1) IN GENERAL.—A care coordinator as-
5 signed under subsection (a) shall ensure that each
6 eligible descendant to which the care coordinator is
7 assigned receives all health care, vocational training,
8 and monetary compensation for which the descend-
9 ant is eligible.

10 “(2) HOME MODIFICATIONS AND EQUIPMENT.—

11 A care coordinator assigned under subsection (a)
12 shall ensure that, for each eligible descendant to
13 which the care coordinator is assigned—

14 “(A) any home modifications that the care
15 coordinator determines are necessary, in con-
16 sultation with the primary care provider and
17 physical therapist of the descendant, are com-
18 pleted; and

19 “(B) any durable medical equipment that
20 the care coordinator determines is required, in
21 consultation with the primary care provider and
22 physical therapist of the descendant, is pro-
23 vided.

24 “(3) HOME VISITS.—A care coordinator as-
25 signed under subsection (a) shall conduct not fewer

1 than two home visits each year for each eligible de-
 2 scendant to which the care coordinator is assigned—

3 “(A) to evaluate the support and care
 4 being provided; and

5 “(B) to make improvements as needed.

6 “(4) ARRANGEMENTS WITH HEALTH CARE PRO-
 7 VIDERS.—

8 “(A) IN GENERAL.—A care coordinator as-
 9 signed under subsection (a) shall ensure that
 10 each eligible descendant to which the care coor-
 11 dinator is assigned is connected with appro-
 12 priate health care—

13 “(i) by locating health care providers;

14 “(ii) by educating those providers
 15 about the health care and benefits provided
 16 to eligible descendants under this chapter;
 17 and

18 “(iii) by arranging health care for the
 19 descendant from those providers.

20 “(B) HEALTH CARE INCLUDED.—Health
 21 care arranged under subparagraph (A)(iii) shall
 22 include such in-home support as an eligible de-
 23 scendant may need for assistance in completing
 24 all activities of daily living.

25 “(5) ADMINISTRATIVE RESPONSIBILITIES.—

1 “(A) IN GENERAL.—A care coordinator as-
2 signed under subsection (a) shall ensure, with
3 respect to each eligible descendant to which the
4 care coordinator is assigned, any necessary
5 preauthorizations, payments to providers, and
6 travel reimbursements are completed in a timely
7 manner.

8 “(B) RESOLUTION OF ISSUES.—The care
9 coordinator shall work with the eligible descend-
10 ant and the office of the Department that ad-
11 ministers health care and benefits under this
12 chapter to resolve any issues relating to the
13 matters described in subparagraph (A).

14 “(6) ASSIGNMENT OF FIDUCIARY.—If the
15 Under Secretary for Benefits determines that a fidu-
16 ciary is required for an eligible descendant for pur-
17 poses of managing compensation provided under sec-
18 tion 1814 or 1825 of this title, the care coordinator
19 assigned to the descendant under subsection (a)
20 shall ensure that the descendant has such a fidu-
21 ciary.

22 “(c) LOCAL CONTRACT CARE COORDINATOR.—

23 “(1) IN GENERAL.—In the case of an eligible
24 descendant who lives a significant driving distance
25 from a facility of the Department, the care coordi-

1 nator assigned to the descendant under subsection
 2 (a) may arrange for a local contract care coordinator
 3 to coordinate care for the descendant from sources
 4 other than a facility of the Department.

5 “(2) OVERSIGHT.—Each care coordinator who
 6 arranges for a local contract care coordinator under
 7 paragraph (1) shall oversee the local contract care
 8 coordinator, including through home visits required
 9 by subsection (b)(3).

10 “(d) PERFORMANCE AND EFFECTIVENESS.—Each
 11 director of a facility of the Department at which a care
 12 coordinator assigned under subsection (a) is located shall
 13 be responsible for the performance and effectiveness of the
 14 care coordinator.

15 **“§ 1833. Duration of health care and benefits pro-**
 16 **vided**

17 “The Secretary shall provide an eligible descendant
 18 with health care and benefits under this chapter—

19 “(1) for the duration of the life of the descend-
 20 ant; and

21 “(2) notwithstanding any death of a parent of
 22 the descendant that precedes the death of the de-
 23 scendant.

1 **“§ 1834. Applicability of certain administrative provi-**
 2 **sions**

3 “(a) APPLICABILITY OF CERTAIN PROVISIONS RE-
 4 LATING TO COMPENSATION.—The provisions of this title
 5 specified in subsection (b) apply with respect to benefits
 6 and assistance under this chapter in the same manner as
 7 those provisions apply to compensation paid under chapter
 8 11 of this title.

9 “(b) SPECIFIED PROVISIONS.—The provisions of this
 10 title referred to in subsection (a) are the following:

11 “(1) Section 5101(c).

12 “(2) Subsections (a), (b)(3), (g), and (i) of sec-
 13 tion 5110.

14 “(3) Section 5111.

15 “(4) Subsection (a) and paragraphs (1), (6),
 16 (9), and (10) of subsection (b) of section 5112.

17 **“§ 1835. Treatment of receipt of monetary allowance**
 18 **and other benefits**

19 “(a) COORDINATION WITH OTHER BENEFITS PAID
 20 TO THE RECIPIENT.—Notwithstanding any other provi-
 21 sion of law, receipt by an individual of a monetary allow-
 22 ance under this chapter shall not impair, infringe, or oth-
 23 erwise affect the right of the individual to receive any
 24 other benefit to which the individual is otherwise entitled
 25 under any law administered by the Secretary.

1 “(b) COORDINATION WITH BENEFITS BASED ON RE-
2 LATIONSHIP OF RECIPIENTS.—Notwithstanding any other
3 provision of law, receipt by an individual of a monetary
4 allowance under this chapter shall not impair, infringe, or
5 otherwise affect the right of any other individual to receive
6 any benefit to which such other individual is entitled under
7 any law administered by the Secretary based on the rela-
8 tionship of such other individual to the individual who re-
9 ceives such monetary allowance.

10 “(c) MONETARY ALLOWANCE NOT TO BE CONSID-
11 ERED AS INCOME OR RESOURCES FOR CERTAIN PUR-
12 POSES.—Notwithstanding any other provision of law, a
13 monetary allowance paid an individual under this chapter
14 shall not be considered as income or resources in deter-
15 mining eligibility for, or the amount of benefits under, any
16 Federal or federally assisted program.

17 **“§ 1836. Nonduplication of benefits**

18 “(a) MONETARY ALLOWANCE.—In the case of an eli-
19 gible descendant under subchapter II of this chapter
20 whose only covered birth defect is spina bifida, a monetary
21 allowance shall be paid under subchapter I of this chapter.
22 In the case of an eligible descendant under subchapter II
23 of this chapter who has spina bifida and one or more addi-
24 tional covered birth defects, a monetary allowance shall
25 be paid under subchapter II of this chapter.

1 “(b) VOCATIONAL TRAINING.—An individual may
2 only be provided one program of vocational training under
3 this chapter.”.

4 (b) CONFORMING AMENDMENTS.—Such title is fur-
5 ther amended—

6 (1) in section 5312, by striking “1805” both
7 places it appears and inserting “1814”; and

8 (2) in section 1116B(c), by striking “has the
9 meaning given such term in section 1821(d) of this
10 title” and inserting “means a chemical in a herbicide
11 used in support of United States and allied military
12 operations in or near the Korean demilitarized zone,
13 as determined by the Secretary in consultation with
14 the Secretary of Defense, during the period begin-
15 ning on September 1, 1967, and ending on August
16 31, 1971”.

○