

113TH CONGRESS
1ST SESSION

H. R. 883

To amend title 38, United States Code, to permit certain veterans who were discharged or released from the Armed Forces by reason of service-connected disability to transfer benefits under the Post-9/11 Educational Assistance Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2013

Mr. CHAFFETZ (for himself, Mr. LATTA, and Mr. LABRADOR) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to permit certain veterans who were discharged or released from the Armed Forces by reason of service-connected disability to transfer benefits under the Post-9/11 Educational Assistance Program, 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,*

1 **SECTION 1. SERVICE-CONNECTED DEATH, DISABILITY, OR**
2 **INJURY EXCEPTION FOR TRANSFERABILITY**
3 **OF ENTITLEMENT TO EDUCATIONAL ASSIST-**
4 **ANCE UNDER THE POST-9/11 EDUCATIONAL**
5 **ASSISTANCE PROGRAM.**

6 Section 3319 of title 38, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) by striking “(b) ELIGIBLE INDIVID-
10 UALS.—An individual,” and inserting the fol-
11 lowing:

12 “(b) ELIGIBLE INDIVIDUALS.—

13 “(1) IN GENERAL.—An individual”;

14 (B) by redesignating paragraphs (1) and
15 (2) as subparagraphs (A) and (B), respectively,
16 and moving them two ems to the right; and

17 (C) by adding at the end the following new
18 paragraph:

19 “(2) APPROVAL AFTER DEATH IN LINE OF
20 DUTY.—Notwithstanding the service requirements
21 under paragraph (1), an individual referred to in
22 subsection (a) shall also include an individual who
23 elected to transfer educational assistance as de-
24 scribed in subsection (a) but whose application for
25 such transfer was not approved before such indi-
26 vidual died in line of duty.”; and

1 (2) in subsection (f)—

2 (A) by striking “(1) TIME FOR TRANS-
3 FER.—Subject to” and inserting the following:

4 “(1) TIME FOR TRANSFER.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B) and subject to”; and

7 (B) by adding at the end the following new
8 subparagraph:

9 “(B) EXCEPTION.—

10 “(i) TIME FOR TRANSFER FOR SERV-
11 ICE-CONNECTED DISABILITY OR INJURY IN
12 LINE OF DUTY.—The limitation under sub-
13 paragraph (A) with respect to the time to
14 transfer entitlement benefits under this
15 section shall not apply if an individual is
16 discharged or released from active duty in
17 the Armed Forces in accordance with sec-
18 tion 3311(c) of this title—

19 “(I) due to a service-connected
20 disability; or

21 “(II) after sustaining an injury
22 in line of duty that requires hospital,
23 nursing home, or domiciliary care or
24 treatment.

1 “(ii) EXTENDED PERIOD OF ELIGI-
2 BILITY.—An individual referred to in
3 clause (i) may transfer entitlement benefits
4 under this section—

5 “(I) before the end of the 36-
6 month period beginning on the date of
7 the individual’s discharge or release
8 from active duty in the Armed Forces;
9 or

10 “(II) before the end of the 48-
11 month period beginning on the date of
12 such discharge or release if the Sec-
13 retary concerned determines special
14 circumstances exist.

15 “(iii) ALTERNATIVE PERIOD OF ELIGI-
16 BILITY.—In the case of an individual de-
17 scribed in clause (i) who is discharged or
18 released from active duty in the Armed
19 Forces on or after August 1, 2009, but be-
20 fore the date of the enactment of this sub-
21 paragraph, the extended period of eligi-
22 bility described in clause (ii) shall begin on
23 the date of the enactment of this subpara-
24 graph.

1 “(C) ADDITIONAL OPPORTUNITY TO MAKE
2 ELECTION.—An individual described in sub-
3 paragraph (B)(i) may elect to transfer the indi-
4 vidual’s entitlement under subsection (a), or to
5 make changes to the dependent or dependents
6 designated as the transferee or transferees of
7 the individual’s entitlement under this section,
8 one or more times during the time period re-
9 ferred to in subparagraph (B)(ii).”.

10 **SEC. 2. EFFECTIVE DATE.**

11 The amendments made by this Act to section 3319
12 of title 38, United States Code, shall apply with respect
13 to individuals who became eligible to transfer benefits
14 under such section on or after August 1, 2009.

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