

119TH CONGRESS
1ST SESSION

H. R. 790

To amend title 38, United States Code, to authorize an individual who is awarded the Purple Heart for service in the Armed Forces to transfer unused Post-9/11 Educational Assistance to a family member, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2025

Mr. LEVIN (for himself and Mr. MURPHY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to authorize an individual who is awarded the Purple Heart for service in the Armed Forces to transfer unused Post-9/11 Educational Assistance to a family member, 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. AUTHORITY FOR INDIVIDUALS AWARDED PUR-**
2 **PLE HEART TO TRANSFER UNUSED POST-9/11**
3 **EDUCATIONAL ASSISTANCE TO A FAMILY**
4 **MEMBER.**

5 (a) IN GENERAL.—Subchapter II of chapter 33 of
6 title 38, United States Code, is amended by inserting after
7 section 3319 the following new section:

8 **“§ 3319A. Authority for recipients of Purple Heart to**
9 **transfer unused Post-9/11 Educational As-**
10 **sistance to a family member**

11 “(a) IN GENERAL.—The Secretary shall permit an
12 individual described in subsection (b) who is entitled to
13 educational assistance under this chapter to elect to trans-
14 fer to one or more of the dependents specified in sub-
15 section (c) a portion of such individual’s entitlement to
16 such assistance, subject to the limitation under subsection
17 (d).

18 “(b) ELIGIBLE INDIVIDUALS.—An individual re-
19 ferred to in subsection (a) is any veteran who is awarded,
20 after being discharged or release from service in the active
21 military, naval, air, or space service, the Purple Heart for
22 service in the Armed Forces occurring on or after Sep-
23 tember 11, 2001.

24 “(c) ELIGIBLE DEPENDENTS.—

25 “(1) TRANSFER.—An individual approved to
26 transfer an entitlement to educational assistance

1 under this section may transfer the individual's enti-
2 tlement to an eligible dependent or a combination of
3 eligible dependents.

4 “(2) DEFINITION OF ELIGIBLE DEPENDENT.—
5 For purposes of this subsection, the term ‘eligible
6 dependent’ has the meaning given the term ‘depend-
7 ent’ under subparagraphs (A), (D), and (I) of sec-
8 tion 1072(2) of title 10.

9 “(d) LIMITATION ON MONTHS OF TRANSFER.—The
10 total number of months of entitlement transferred by an
11 individual under this section may not exceed 36 months.

12 “(e) DESIGNATION OF TRANSFEREE.—An individual
13 transferring an entitlement to educational assistance
14 under this section shall—

15 “(1) designate the dependent or dependents to
16 whom such entitlement is being transferred; and

17 “(2) designate the number of months of such
18 entitlement to be transferred to each such depend-
19 ent.

20 “(f) REVOCATION AND MODIFICATION.—

21 “(1) MODIFICATION OR REVOCATION.—

22 “(A) IN GENERAL.—An individual trans-
23 ferring entitlement under this section may mod-
24 ify or revoke at any time the transfer of any

1 unused portion of the entitlement so trans-
2 ferred.

3 “(B) NOTICE.—The modification or rev-
4 ocation of the transfer of entitlement under this
5 paragraph shall be made by the submittal of
6 written notice of the action to the Secretary of
7 Veterans Affairs and the Secretary of Defense.

8 “(2) PROHIBITION ON TREATMENT OF TRANS-
9 FERRED ENTITLEMENT AS MARITAL PROPERTY.—
10 Entitlement transferred under this section may not
11 be treated as marital property, or the asset of a
12 marital estate, subject to division in a divorce or
13 other civil proceeding.

14 “(g) COMMENCEMENT OF USE.—A dependent to
15 whom entitlement to educational assistance is transferred
16 under this section may not commence the use of the trans-
17 ferred entitlement, in the case of entitlement transferred
18 to a child, until either—

19 “(1) the completion by the child of the require-
20 ments of a secondary school diploma (or equivalency
21 certificate); or

22 “(2) the attainment by the child of 18 years of
23 age.

24 “(h) ADDITIONAL ADMINISTRATIVE MATTERS.—

1 “(1) USE.—The use of any entitlement to edu-
2 cational assistance transferred under this section
3 shall be charged against the entitlement of the indi-
4 vidual making the transfer at the rate of one month
5 for each month of transferred entitlement that is
6 used.

7 “(2) NATURE OF TRANSFERRED ENTITLE-
8 MENT.—Except as provided under subsection (e)(2)
9 and subject to paragraphs (5) and (6), the recipient
10 of entitlement transferred under this section is enti-
11 tled to educational assistance under this chapter in
12 the same manner as the individual from whom the
13 entitlement was transferred.

14 “(3) RATE OF PAYMENT.—The monthly rate of
15 educational assistance payable to a dependent to
16 whom entitlement referred to in paragraph (2) is
17 transferred under this section shall be payable at the
18 same rate as such entitlement would otherwise be
19 payable under this chapter to the individual making
20 the transfer.

21 “(4) DEATH OF TRANSFEROR.—

22 “(A) IN GENERAL.—The death of an indi-
23 vidual transferring an entitlement under this
24 section shall not affect the use of the entitle-

1 ment by the dependent to whom the entitlement
2 is transferred.

3 “(B) DEATH PRIOR TO TRANSFER TO DES-
4 IGNATED TRANSFEREES.—(i) In the case of an
5 eligible individual whom the Secretary, in con-
6 sultation with the Secretary of Defense, has ap-
7 proved to transfer the individual’s entitlement
8 under this section who, at the time of death, is
9 entitled to educational assistance under this
10 chapter and has designated a transferee or
11 transferees under subsection (e) but has not
12 transferred all of such entitlement to such
13 transferee or transferees, the Secretary shall
14 transfer the entitlement of the individual under
15 this section by evenly distributing the amount
16 of such entitlement between all such transferees
17 who would not be precluded from using some or
18 all of the transferred benefits due to the expira-
19 tion of time limitations found in paragraph (5)
20 of this subsection or section 3321 of this title,
21 notwithstanding the limitations under sub-
22 section (f).

23 “(ii) If a transferee cannot use all of the
24 transferred benefits under clause (i) because of
25 expiration of a time limitation, the unused ben-

1 efits will be distributed among the other des-
2 ignated transferees who would not be precluded
3 from using some or all of the transferred bene-
4 fits due to expiration of time limitations found
5 in paragraph (5) of this subsection or section
6 3321 of this title, unless or until there are no
7 transferees who would not be precluded from
8 using the transferred benefits because of expira-
9 tion of a time limitation.

10 “(5) LIMITATION ON AGE OF USE BY CHILD
11 TRANSFEREES.—

12 “(A) IN GENERAL.—A child to whom enti-
13 tlement is transferred under this section may
14 use the benefits transferred without regard to
15 the 15-year delimiting date specified in section
16 3321, but may not, except as provided in sub-
17 paragraph (B) or (C), use any benefits so
18 transferred after attaining the age of 26 years.

19 “(B) PRIMARY CAREGIVERS OF SERIOUSLY
20 INJURED MEMBERS OF THE ARMED FORCES
21 AND VETERANS.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), in the case of a child who, before at-
24 taining the age of 26 years, is prevented
25 from pursuing a chosen program of edu-

1 cation by reason of acting as the primary
2 provider of personal care services for a vet-
3 eran or member of the Armed Forces
4 under section 1720G(a), the child may use
5 the benefits beginning on the date specified
6 in clause (iii) for a period whose length is
7 specified in clause (iv).

8 “(ii) INAPPLICABILITY FOR REVOCA-
9 TION.—Clause (i) shall not apply with re-
10 spect to the period of an individual as a
11 primary provider of personal care services
12 if the period concludes with the revocation
13 of the individual’s designation as such a
14 primary provider under section
15 1720G(a)(7)(D).

16 “(iii) DATE FOR COMMENCEMENT OF
17 USE.—The date specified in this clause for
18 the beginning of the use of benefits by a
19 child under clause (i) is the later of—

20 “(I) the date on which the child
21 ceases acting as the primary provider
22 of personal care services for the vet-
23 eran or member concerned as de-
24 scribed in clause (i);

1 “(II) the date on which it is rea-
2 sonably feasible, as determined under
3 regulations prescribed by the Sec-
4 retary, for the child to initiate or re-
5 sume the use of benefits; or

6 “(III) the date on which the child
7 attains the age of 26 years.

8 “(iv) LENGTH OF USE.—The length
9 of the period specified in this clause for the
10 use of benefits by a child under clause (i)
11 is the length equal to the length of the pe-
12 riod that—

13 “(I) begins on the date on which
14 the child begins acting as the primary
15 provider of personal care services for
16 the veteran or member concerned as
17 described in clause (i); and

18 “(II) ends on the later of—

19 “(aa) the date on which the
20 child ceases acting as the pri-
21 mary provider of personal care
22 services for the veteran or mem-
23 ber as described in clause (i); or

24 “(bb) the date on which it is
25 reasonably feasible, as so deter-

1 mined, for the child to initiate or
2 resume the use of benefits.

3 “(C) EMERGENCY SITUATIONS.—In any
4 case in which the Secretary determines that an
5 individual to whom entitlement is transferred
6 under this section has been prevented from pur-
7 suing the individual’s chosen program of edu-
8 cation before the individual attains the age of
9 26 years because the educational institution or
10 training establishment closed (temporarily or
11 permanently) under an established policy based
12 on an Executive order of the President or due
13 to an emergency situation, the Secretary shall
14 extend the period during which the individual
15 may use such entitlement for a period equal to
16 the number of months that the individual was
17 so prevented from pursuing the program of
18 education, as determined by the Secretary.

19 “(6) SCOPE OF USE BY TRANSFEREES.—The
20 purposes for which a dependent to whom entitlement
21 is transferred under this section may use such enti-
22 tlement shall include the pursuit and completion of
23 the requirements of a secondary school diploma (or
24 equivalency certificate).

1 “(7) ADDITIONAL ADMINISTRATIVE PROVI-
2 SIONS.—The administrative provisions of this chap-
3 ter shall apply to the use of entitlement transferred
4 under this section, except that the dependent to
5 whom the entitlement is transferred shall be treated
6 as the eligible individual for purposes of such provi-
7 sions.

8 “(i) OVERPAYMENT.—In the event of an overpayment
9 of educational assistance with respect to a dependent to
10 whom entitlement is transferred under this section, the de-
11 pendent and the individual making the transfer shall be
12 jointly and severally liable to the United States for the
13 amount of the overpayment for purposes of section 3685.

14 “(j) REGULATIONS.—(1) The Secretary shall, in con-
15 sultation with the Secretary of Defense, prescribe regula-
16 tions for purposes of this section.

17 “(2) Such regulations shall specify—

18 “(A) the manner of authorizing the transfer of
19 entitlements under this section;

20 “(B) the eligibility criteria in accordance with
21 subsection (b); and

22 “(C) the manner and effect of an election to
23 modify or revoke a transfer of entitlement under
24 subsection (f)(2).

1 “(k) TRANSFER BY DEPENDENT.—In the case of an
2 individual who transfers entitlement to educational assist-
3 ance under this section who dies before the dependent to
4 whom entitlement to educational assistance is so trans-
5 ferred has used all of such entitlement, such dependent
6 may transfer such entitlement to another eligible depend-
7 ent in accordance with the provisions of this section.

8 “(l) COORDINATION.—The Secretary of Veterans Af-
9 fairs and the Secretary of Defense shall coordinate with
10 each other to facilitate the transfer of entitlement under
11 this section.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 3319 the following new
15 item:

“3319A. Authority for recipients of Purple Heart to transfer unused Post-9/11
Educational Assistance to a family member.”.

