

119TH CONGRESS
1ST SESSION

S. 342

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 SENATE OF THE UNITED STATES

JANUARY 30, 2025

Mrs. MURRAY (for herself, Mr. TILLIS, Mr. SCOTT of Florida, Mr. KING, Mr. BOOZMAN, Ms. ROSEN, Mr. DAINES, Mr. WYDEN, Mr. CORNYN, Mr. KELLY, Mr. CRAMER, and Mr. BENNET) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Purple Heart Veterans
5 Education Act of 2025”.

1 **SEC. 2. AUTHORITY FOR INDIVIDUALS AWARDED PURPLE**
 2 **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 released from service in the ac-
 21 tive military, naval, air, or space service, the Purple Heart
 22 for 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.

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

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

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

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

23 “(h) ADDITIONAL ADMINISTRATIVE MATTERS.—

24 “(1) USE.—The use of any entitlement to edu-
25 cational assistance transferred under this section

1 shall be charged against the entitlement of the indi-
2 vidual making the transfer at the rate of one month
3 for each month of transferred entitlement that is
4 used.

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

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

19 “(4) DEATH OF TRANSFEROR.—

20 “(A) IN GENERAL.—The death of an indi-
21 vidual transferring an entitlement under this
22 section shall not affect the use of the entitle-
23 ment by the dependent to whom the entitlement
24 is transferred.

“(B) DEATH PRIOR TO TRANSFER TO DESIGNATED TRANSFEREES.—(i) In the case of an eligible individual whom the Secretary, in consultation with the Secretary of Defense, has approved to transfer the individual’s entitlement under this section who, at the time of death, is entitled to educational assistance under this chapter and has designated a transferee or transferees under subsection (e) but has not transferred all of such entitlement to such transferee or transferees, the Secretary shall transfer the entitlement of the individual under this section by evenly distributing the amount of such entitlement between all such transferees who would not be precluded from using some or all of the transferred benefits due to the expiration of time limitations found in paragraph (5) of this subsection or section 3321 of this title, notwithstanding the limitations under subsection (f).

“(ii) If a transferee cannot use all of the transferred benefits under clause (i) because of expiration of a time limitation, the unused benefits will be distributed among the other designated transferees who would not be precluded

from using some or all of the transferred benefits due to expiration of time limitations found in paragraph (5) of this subsection or section 3321 of this title, unless or until there are no transferees who would not be precluded from using the transferred benefits because of expiration of a time limitation.

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

“(A) IN GENERAL.—A child to whom entitlement is transferred under this section may use the benefits transferred without regard to the 15-year delimiting date specified in section 3321 of this title, but may not, except as provided in subparagraph (B) or (C), use any benefits so transferred after attaining the age of 26 years.

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

“(i) IN GENERAL.—Subject to clause (ii), in the case of a child who, before attaining the age of 26 years, is prevented from pursuing a chosen program of education by reason of acting as the primary

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

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

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

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 of this title.

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

18 “(2) Such regulations shall specify—

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

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

23 “(C) the manner and effect of an election to
24 modify or revoke a transfer of entitlement under
25 subsection (f)(1).

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.”.

