

113TH CONGRESS
1ST SESSION

H. R. 2481

To amend title 38, United States Code, to codify and improve the election requirements for the receipt of educational assistance under the Post-9/11 Educational Assistance program of the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2013

Mr. FLORES introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to codify and improve the election requirements for the receipt of educational assistance under the Post-9/11 Educational Assistance program of the Department of Veterans Affairs.

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 “Veterans G.I. Bill En-
5 rollment Clarification Act of 2013”.

1 **SEC. 2. RECODIFICATION AND IMPROVEMENT OF ELEC-**
2 **TION PROCESS FOR POST-9/11 EDUCATIONAL**
3 **ASSISTANCE PROGRAM.**

4 (a) IN GENERAL.—Subchapter III of chapter 33 of
5 title 38, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 3326. Election to receive educational assistance**

8 “(a) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPA-
9 TION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An indi-
10 vidual may elect to receive educational assistance under
11 this chapter if such individual—

12 “(1) as of August 1, 2009—

13 “(A) is entitled to basic educational assist-
14 ance under chapter 30 of the title and has used,
15 but retains unused, entitlement under that
16 chapter;

17 “(B) is entitled to educational assistance
18 under chapter 107, 1606, or 1607 of title 10
19 and has used, but retains unused, entitlement
20 under the applicable chapter;

21 “(C) is entitled to basic educational assist-
22 ance under chapter 30 of this title but has not
23 used any entitlement under that chapter;

24 “(D) is entitled to educational assistance
25 under chapter 107, 1606, or 1607 of title 10

1 but has not used any entitlement under such
2 chapter;

3 “(E) is a member of the Armed Forces
4 who is eligible for receipt of basic educational
5 assistance under chapter 30 this title and is
6 making contributions toward such assistance
7 under section 3011(b) or 3012(c) of this title;
8 or

9 “(F) is a member of the Armed Forces
10 who is not entitled to basic educational assist-
11 ance under chapter 30 of this title by reason of
12 an election under section 3011(c)(1) or
13 3012(d)(1) of this title; and

14 “(2) as of the date of the individual’s election
15 under this paragraph, meets the requirements for
16 entitlement to educational assistance under this
17 chapter.

18 “(b) CESSATION OF CONTRIBUTIONS TOWARD GI
19 BILL.—Effective as of the first month beginning on or
20 after the date of an election under subsection (a) of an
21 individual described by paragraph (1)(E) of that sub-
22 section, the obligation of the individual to make contribu-
23 tions under section 3011(b) or 3012(c) of this title, as
24 applicable, shall cease, and the requirements of such sec-

1 tion shall be deemed to be no longer applicable to the indi-
2 vidual.

3 “(c) REVOCATION OF REMAINING TRANSFERRED
4 ENTITLEMENT.—

5 “(1) ELECTION TO REVOKE.—If, on the date an
6 individual described in paragraph (1)(A) or (1)(C) of
7 subsection (a) makes an election under that sub-
8 section, a transfer of the entitlement of the indi-
9 vidual to basic educational assistance under section
10 3020 of this title is in effect and a number of
11 months of the entitlement so transferred remain un-
12 utilized, the individual may elect to revoke all or a
13 portion of the entitlement so transferred that re-
14 mains unutilized.

15 “(2) AVAILABILITY OF REVOKED ENTITLE-
16 MENT.—Any entitlement revoked by an individual
17 under this paragraph shall no longer be available to
18 the dependent to whom transferred, but shall be
19 available to the individual instead for educational as-
20 sistance under chapter 33 of this title in accordance
21 with the provisions of this section.

22 “(3) AVAILABILITY OF UNREVOKED ENTITLE-
23 MENT.—Any entitlement described in paragraph (1)
24 that is not revoked by an individual in accordance
25 with that paragraph shall remain available to the de-

1 pendent or dependents concerned in accordance with
2 the current transfer of such entitlement under sec-
3 tion 3020 of this title.

4 “(d) POST-9/11 EDUCATIONAL ASSISTANCE.—

5 “(1) IN GENERAL.—Subject to paragraph (2)
6 and except as provided in subsection (e), an indi-
7 vidual making an election under subsection (a) shall
8 be entitled to educational assistance under this chap-
9 ter in accordance with the provisions of this chapter,
10 instead of basic educational assistance under chapter
11 30 this title, or educational assistance under chapter
12 107, 1606, or 1607 of title 10, as applicable.

13 “(2) LIMITATION ON ENTITLEMENT FOR CER-
14 TAIN INDIVIDUALS.—In the case of an individual
15 making an election under subsection (a) who is de-
16 scribed by paragraph (1)(A) of that subsection, the
17 number of months of entitlement of the individual to
18 educational assistance under this chapter 33 shall be
19 the number of months equal to—

20 “(A) the number of months of unused enti-
21 tlement of the individual under chapter 30 of
22 this title, as of the date of the election, plus

23 “(B) the number of months, if any, of enti-
24 tlement revoked by the individual under sub-
25 section (c)(1).

1 “(e) CONTINUING ENTITLEMENT TO EDUCATIONAL
2 ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE
3 PROGRAM.—

4 “(1) IN GENERAL.—In the event educational
5 assistance to which an individual making an election
6 under subsection (a) would be entitled under chapter
7 30 of this title, or chapter 107, 1606, or 1607 of
8 title 10, as applicable, is not authorized to be avail-
9 able to the individual under the provisions of this
10 chapter the individual shall remain entitled to such
11 educational assistance in accordance with the provi-
12 sions of the applicable chapter.

13 “(2) CHARGE FOR USE OF ENTITLEMENT.—
14 The utilization by an individual of entitlement under
15 paragraph (1) shall be chargeable against the enti-
16 tlement of the individual to educational assistance
17 under this chapter at the rate of one month of enti-
18 tlement under this chapter for each month of entitle-
19 ment utilized by the individual under paragraph (1)
20 (as determined as if such entitlement were utilized
21 under the provisions of chapter 30 of this title, or
22 chapter 107, 1606, or 1607 of title 10, as applica-
23 ble).

1 “(f) ADDITIONAL POST-9/11 ASSISTANCE FOR MEM-
2 BERS HAVING MADE CONTRIBUTIONS TOWARD GI
3 BILL.—

4 “(1) ADDITIONAL ASSISTANCE.—In the case of
5 an individual making an election under subsection
6 (a) who is described by subparagraph (A), (C), or
7 (E) of paragraph (1) of that subsection, the amount
8 of educational assistance payable to the individual
9 under this chapter 33 as a monthly stipend payable
10 under paragraph (1)(B) of section 3313(c) of this
11 title, or under paragraphs (2) through (7) of that
12 section (as applicable), shall be the amount other-
13 wise payable as a monthly stipend under the applica-
14 ble paragraph increased by the amount equal to—

15 “(A) the total amount of contributions to-
16 ward basic educational assistance made by the
17 individual under section 3011(b) or 3012(c) of
18 this title, as of the date of the election, multi-
19 plied by

20 “(B) the fraction—

21 “(i) the numerator of which is—

22 “(I) the number of months of en-
23 titlement to basic educational assist-
24 ance under chapter 30 of this title re-

1 remaining to the individual at the time
2 of the election; plus

3 “(II) the number of months, if
4 any, of entitlement under such chap-
5 ter 30 revoked by the individual under
6 subsection (c)(1); and

7 “(ii) the denominator of which is 36
8 months.

9 “(2) MONTHS OF REMAINING ENTITLEMENT
10 FOR CERTAIN INDIVIDUALS.—In the case of an indi-
11 vidual covered by paragraph (1) who is described by
12 subsection (a)(1)(E), the number of months of enti-
13 tlement to basic educational assistance remaining to
14 the individual for purposes of paragraph
15 (1)(B)(i)(II) shall be 36 months.

16 “(3) TIMING OF PAYMENT.—The amount pay-
17 able with respect to an individual under paragraph
18 (1) shall be paid to the individual together with the
19 last payment of the monthly stipend payable to the
20 individual under paragraph (1)(B) of section
21 3313(c) of this title, or under subsections (b)
22 through (g) of that section (as applicable), before
23 the exhaustion of the individual’s entitlement to edu-
24 cational assistance under this chapter.

1 “(g) CONTINUING ENTITLEMENT TO ADDITIONAL
2 ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND
3 ADDITIONAL SERVICE.—An individual making an election
4 under subsection (a)(1) who, at the time of the election,
5 is entitled to increased educational assistance under sec-
6 tion 3015(d) of this title, or section 16131(i) of title 10,
7 or supplemental educational assistance under subchapter
8 III of chapter 30 of this title, shall remain entitled to such
9 increased educational assistance or supplemental edu-
10 cational assistance in the utilization of entitlement to edu-
11 cational assistance under this chapter, in an amount equal
12 to the quarter, semester, or term, as applicable, equivalent
13 of the monthly amount of such increased educational as-
14 sistance or supplemental educational assistance payable
15 with respect to the individual at the time of the election.

16 “(h) ALTERNATIVE ELECTION BY SECRETARY.—

17 “(1) IN GENERAL.—In the case of an individual
18 who submits to the Secretary an election under this
19 section that the Secretary determines is clearly
20 against the interests of the individual, the Secretary
21 may make an alternative election on behalf of the in-
22 dividual that the Secretary determines is in the best
23 interests of the individual.

24 “(2) NOTICE.—If the Secretary makes an elec-
25 tion on behalf of an individual under this subsection,

1 the Secretary shall notify the individual by not later
2 than seven days after making such election and shall
3 provide the individual with a 30-day period, begin-
4 ning on the date of the individual’s receipt of such
5 notice, during which the individual may modify or
6 revoke the election made by the Secretary on the in-
7 dividual’s behalf. The Secretary shall include, as
8 part of such notice, a clear statement of why the al-
9 ternative election made by the Secretary is in the
10 best interests of the individual as compared to the
11 election submitted by the individual. The Secretary
12 shall provide the notice required under this para-
13 graph by electronic means whenever possible.

14 “(i) IRREVOCABILITY OF ELECTIONS.—An election
15 under subsection (a) or (c)(1) is irrevocable.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by adding
18 at the end the following new item:

“3326. Election to receive educational assistance.”.

19 (c) CONFORMING REPEAL.—Subsection (c) of section
20 5003 of the Post-9/11 Veterans Educational Assistance
21 Act of 2008 (Public Law 110–252; 38 U.S.C. 3301 note)
22 is hereby repealed.

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