

112TH CONGRESS  
1ST SESSION

# H. R. 2550

To amend title 38, United States Code, to provide for the transfer of entitlement to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs by deceased members of the Armed Forces.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2011

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

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## A BILL

To amend title 38, United States Code, to provide for the transfer of entitlement to educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs by deceased members of the Armed Forces.

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 “Spouses of Fallen He-  
5 roes Scholarship Act”.

1 **SEC. 2. TRANSFER OF ENTITLEMENT TO EDUCATIONAL AS-**  
2 **SISTANCE UNDER THE POST-9/11 EDU-**  
3 **CATIONAL ASSISTANCE PROGRAM OF THE**  
4 **DEPARTMENT OF VETERANS AFFAIRS BY DE-**  
5 **CEASED MEMBERS OF THE ARMED FORCES.**

6 (a) IN GENERAL.—Section 3319 of title 38, United  
7 States Code, is amended by—

8 (1) redesignating subsection (j) as subsection  
9 (k); and

10 (2) by inserting after subsection (i) the fol-  
11 lowing new subsection (j):

12 “(j) TRANSFER OF ENTITLEMENT BY DECEASED  
13 MEMBERS OF THE ARMED FORCES.—

14 “(1) IN GENERAL.—Notwithstanding sub-  
15 sections (b), (e) and (f), in the case of the death of  
16 any member of the Armed Forces who is entitled to  
17 educational assistance under this chapter while the  
18 member is serving on active duty, the member’s enti-  
19 tlement to educational assistance under this chapter  
20 shall be transferred under this section to the mem-  
21 ber’s surviving spouse, unless the member has des-  
22 ignated another eligible dependent.

23 “(2) MAXIMUM AMOUNT OF ENTITLEMENT FOR  
24 TRANSFER.—The maximum amount of entitlement  
25 that may be transferred under this section is the  
26 amount to which the deceased member of the Armed

1 Forces was actually entitled on the date of the mem-  
2 ber's death.

3 “(3) ELECTION.—A surviving spouse to whom  
4 educational assistance is transferred under this sec-  
5 tion who is also entitled to educational assistance  
6 under chapter 35 of this title may not receive assist-  
7 ance under both such chapter and this section, but  
8 shall make an irrevocable election (in such form and  
9 manner as the Secretary may prescribe) under which  
10 chapter or section to receive educational assistance.

11 “(4) SURVIVING SPOUSE DEFINED.—For pur-  
12 poses of this subsection, the term ‘surviving spouse’  
13 means a person of the opposite sex who was the  
14 spouse of a member of the Armed Forces at the time  
15 of the member's death, and who lived with the mem-  
16 ber continuously from the date of marriage to the  
17 date of the member's death (except where there was  
18 a separation which was due to the misconduct of, or  
19 procured by, the member without the fault of the  
20 spouse) regardless of remarriage.”.

21 (b) EFFECTIVE DATE; APPLICABILITY.—

22 (1) EFFECTIVE DATE.—The amendments made  
23 by this section shall take effect on August 1, 2009.

24 (2) APPLICABILITY.—The Secretary of Vet-  
25 erans Affairs shall begin making payments to indi-

1       viduals to whom entitlement to educational assist-  
2       ance is transferred by reason of subsection (j) of  
3       section 3319 of title 38, United States Code, as  
4       added by subsection (a), by not later than August 1,  
5       2011. In the case of an individual who is entitled to  
6       educational assistance for the period beginning on  
7       August 1, 2009, and ending on July 31, 2011, by  
8       reason of such a transfer and who was enrolled for  
9       any part of such period in an approved program of  
10      education, the Secretary shall make retroactive pay-  
11      ments to such individual for such period by not later  
12      than August 1, 2011.

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