

115TH CONGRESS  
2D SESSION

# S. 3627

To amend title 38, United States Code, to provide additional entitlement to Post-9/11 Educational Assistance to certain veterans and members of the Armed Forces who require extra time to complete remedial and deficiency courses, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2018

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide additional entitlement to Post-9/11 Educational Assistance to certain veterans and members of the Armed Forces who require extra time to complete remedial and deficiency courses, 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 “Veterans Education  
5 and Transfer Extension Act” or the “VET Extension  
6 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Individuals who are entitled to Post-9/11  
4 Educational Assistance who require remedial and de-  
5 ficiency courses exhaust their entitlement before  
6 completing a program of education with such assist-  
7 ance.

8 (2) Members of the Armed Forces who are enti-  
9 tled to Post-9/11 Educational Assistance and who do  
10 not have dependents while serving as members of the  
11 Armed Forces are not able to transfer their entitle-  
12 ment to such assistance when they come to have de-  
13 pendents.

14 (3) Under a Department of Defense policy  
15 issued in July 2018, eligibility to transfer entitle-  
16 ment to Post-9/11 Educational Assistance is limited  
17 to eligible members of the Armed Forces with less  
18 than 16 years of total active-duty or selected reserve  
19 service.

1 **SEC. 3. ADDITIONAL ENTITLEMENT TO POST-9/11 EDU-**  
2 **CATIONAL ASSISTANCE FOR CERTAIN VET-**  
3 **ERANS AND MEMBERS OF THE ARMED**  
4 **FORCES WHO REQUIRE EXTRA TIME TO COM-**  
5 **plete Remedial Courses.**

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

9 **“§ 3320A. Additional assistance**

10 “(a) IN GENERAL.—The number of months of edu-  
11 cational assistance under section 3313 an eligible indi-  
12 vidual is entitled to under section 3312 is hereby increased  
13 by the lesser of—

14 “(1) 15 months; and

15 “(2) in the case of an eligible individual who  
16 completed remedial and deficiency courses as de-  
17 scribed in subsection (b)(4), the full-time equivalent  
18 number of months of educational assistance used  
19 under this chapter to complete such remedial and  
20 deficiency courses.

21 “(b) ELIGIBILITY.—For purposes of this section, an  
22 eligible individual is an individual—

23 “(1) who is or was entitled to educational as-  
24 sistance under section 3311 of this title;

1           “(2) has received educational assistance under  
2 this chapter at any time during the most recent six  
3 month period;

4           “(3) who has used all of the educational assist-  
5 ance to which the individual is entitled under this  
6 chapter; and

7           “(4) who has completed remedial and deficiency  
8 courses in pursuit of completing a program of edu-  
9 cation at an institution of higher learning and in  
10 doing so requires more than the standard 128 se-  
11 mester (or 192 quarter) credit hours for completion  
12 of a program of education at an institution of higher  
13 learning.

14           “(c) DEFINITIONS.—In this section:

15           “(1) The term ‘institution of higher learning’  
16 has the meaning given such term in section 3452 of  
17 this title.

18           “(2) The term ‘remedial and deficiency course’  
19 means a course offered by an institution of higher  
20 learning that is designed to overcome a deficiency.”.

21           (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of such chapter is amended by inserting  
23 after the item relating to section 3320 the following new  
24 item:

“3320A. Additional assistance.”.

1 (c) CONFORMING AMENDMENT.—Section 3695 of  
 2 title 38, United States Code, is amended by adding at the  
 3 end the following new subsection:

4 “(d) In the case of an individual who receives addi-  
 5 tional educational assistance under section 3320A of this  
 6 title, the number of months specified in subsection (a)  
 7 shall instead be construed to specify the number of months  
 8 that is equal to the sum of—

9 “(1) such number of months, and

10 “(2) the amount of the increase in number of  
 11 months of educational assistance to which the indi-  
 12 vidual is entitled pursuant to section 3320A(a) of  
 13 such title.”.

14 **SEC. 4. INCREASED FLEXIBILITY IN TRANSFERRING ENTI-**  
 15 **TLEMENT TO POST-9/11 EDUCATIONAL AS-**  
 16 **SISTANCE.**

17 (a) ELECTION WITHOUT DEPENDENTS.—Section  
 18 3319 of title 38, United States Code, is amended—

19 (1) in subsection (e)—

20 (A) by redesignating paragraphs (1)  
 21 through (3) as subparagraphs (A) through (C),  
 22 respectively, and indenting such subparagraphs  
 23 appropriately;

1 (B) in the matter before subparagraph  
2 (A), as redesignated by subparagraph (A), by  
3 striking “An” and inserting the following:

4 “(1) IN GENERAL.—An”; and

5 (C) by adding at the end the following new  
6 paragraph (2):

7 “(2) TIMING OF DESIGNATION.—In the case of  
8 an individual who elects to transfer entitlement  
9 under subsection (a) but who at the time of the elec-  
10 tion does not have any eligible dependents, the indi-  
11 vidual may carry out the designations required by  
12 paragraph (1) when the individual comes to have an  
13 eligible dependent to whom the individual would like  
14 to transfer entitlement under this section.”;

15 (2) in subsection (f)—

16 (A) by striking paragraph (1); and

17 (B) by redesignating paragraphs (2) and  
18 (3) as paragraphs (1) and (2), respectively.

19 (b) NO LIMITATION ON WHEN ELECTION CAN BE  
20 MADE WHILE SERVING.—Subsection (j) of such section  
21 is amended by adding at the end the following new para-  
22 graph:

23 “(3) The Secretary of Defense may not prescribe  
24 under this subsection any limitation on the period in which  
25 a member of the Armed Forces may make an election

- 1 under this section that is not already specifically provided
- 2 for under this section.”.

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