

118TH CONGRESS  
2D SESSION

# S. 4396

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 2024

Mrs. MURRAY (for herself and Mr. TILLIS) 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 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 2024”.

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 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.

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.

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

21                 “(ii) If a transferee cannot use all of the  
22                 transferred benefits under clause (i) because of  
23                 expiration of a time limitation, the unused ben-  
24                 efits will be distributed among the other des-  
25                 ignated transferees who would not be precluded

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

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

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

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

20 “(i) IN GENERAL.—Subject to clause  
21 (ii), in the case of a child who, before at-  
22 taining the age of 26 years, is prevented  
23 from pursuing a chosen program of edu-  
24 cation by reason of acting as the primary  
25 provider of personal care services for a vet-

1           eran or member of the Armed Forces  
2           under section 1720G(a), the child may use  
3           the benefits beginning on the date specified  
4           in clause (iii) for a period whose length is  
5           specified in clause (iv).

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

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

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

23                 “(II) the date on which it is rea-  
24                 sonably feasible, as determined under  
25                 regulations prescribed by the Sec-



1                   retary, for the child to initiate or re-  
2                   sume the use of benefits; or

3                   “**(III)** the date on which the child  
4                   attains the age of 26 years.

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

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

15                   “(II) ends on the later of—

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

21                   “(bb) the date on which it is  
22                   reasonably feasible, as so deter-  
23                   mined, for the child to initiate or  
24                   resume the use of benefits.

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

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

23           “(7) ADDITIONAL ADMINISTRATIVE PROVI-  
24 SIONS.—The administrative provisions of this chap-  
25 ter shall apply to the use of entitlement transferred

1 under this section, except that the dependent to  
2 whom the entitlement is transferred shall be treated  
3 as the eligible individual for purposes of such provi-  
4 sions.

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

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

14 “(2) Such regulations shall specify—

15 “(A) the manner of authorizing the transfer of  
16 entitlements under this section;

17 “(B) the eligibility criteria in accordance with  
18 subsection (b); and

19 “(C) the manner and effect of an election to  
20 modify or revoke a transfer of entitlement under  
21 subsection (f)(2).

22 “(k) TRANSFER BY DEPENDENT.—In the case of an  
23 individual who transfers entitlement to educational assist-  
24 ance under this section who dies before the dependent to  
25 whom entitlement to educational assistance is so trans-

1 ferred has used all of such entitlement, such dependent  
2 may transfer such entitlement to another eligible depend-  
3 ent in accordance with the provisions of this section.

4 “(l) COORDINATION.—The Secretary of Veterans Af-  
5 fairs and the Secretary of Defense shall coordinate with  
6 each other to facilitate the transfer of entitlement under  
7 this section.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by inserting  
10 after the item relating to section 3319 the following new  
11 item:

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

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