

**AMENDMENT TO H.R. 4310, AS REPORTED  
OFFERED BY MR. CHAFFETZ OF UTAH**

At the end of subtitle G of title VI, add the following  
new section:

1 **SECTION 6 \_\_\_\_ . SERVICE-CONNECTED DEATH, DISABILITY,**  
2 **OR INJURY EXCEPTION FOR TRANSFER-**  
3 **ABILITY OF POST 9/11 VETERANS EDU-**  
4 **CATIONAL ASSISTANCE BENEFITS.**

5 (a) EXCEPTION.—Section 3319 of title 38, United  
6 States Code, is amended—

7 (1) in subsection (b)—

8 (A) by striking “(b) ELIGIBLE INDIVID-  
9 UALS.—An individual,” and inserting the fol-  
10 lowing:

11 “(b) ELIGIBLE INDIVIDUALS.—

12 “(1) IN GENERAL.—An individual”;

13 (B) by redesignating paragraphs (1) and  
14 (2) as subparagraphs (A) and (B) and moving  
15 them two ems to the right; and

16 (C) by adding at the end the following new  
17 paragraph:

18 “(2) APPROVAL AFTER DEATH IN LINE OF  
19 DUTY.—Notwithstanding the service requirements

1 under paragraph (1), an individual referred to in  
2 subsection (a) shall also include an individual who  
3 elected to transfer educational assistance as de-  
4 scribed in subsection (a) but whose application for  
5 such transfer was not approved before such indi-  
6 vidual died in line of duty.”; and

7 (2) in subsection (f)—

8 (A) by striking “(1) TIME FOR TRANS-  
9 FER.—Subject to” and inserting the following:

10 “(1) TIME FOR TRANSFER.—

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraph (B) and subject to”; and

13 (B) by adding at the end the following:

14 “(B) EXCEPTION.—

15 “(i) TIME FOR TRANSFER FOR SERV-  
16 ICE-CONNECTED DISABILITY OR INJURY IN  
17 LINE OF DUTY.—The limitation under sub-  
18 paragraph (A) with respect to the time to  
19 transfer entitlement benefits under this  
20 section shall not apply if an individual is  
21 discharged or released from active duty in  
22 the Armed Forces in accordance with sec-  
23 tion 3311(c)—

24 “(I) due to a service-connected  
25 disability; or

1                   “(II) after sustaining an injury  
2                   in line of duty that requires hospital,  
3                   nursing home, or domiciliary care or  
4                   treatment.

5                   “(ii) EXTENDED PERIOD OF ELIGI-  
6                   BILITY.—Such individuals may transfer  
7                   entitlement benefits under this section—

8                   “(I) before the end of the 36-  
9                   month period beginning on the date of  
10                  discharge or release from active duty  
11                  in the Armed Forces; or

12                  “(II) before the end of the 48-  
13                  month period beginning on the date of  
14                  such discharge or release if the Sec-  
15                  retary concerned determines special  
16                  circumstances exist.

17                  “(iii) ALTERNATIVE PERIOD OF ELIGI-  
18                  BILITY.—For individuals described in sub-  
19                  paragraph (B)(i) who were discharged or  
20                  released from active duty in the Armed  
21                  Forces after August 1, 2009 but before the  
22                  date of the enactment of this subpara-  
23                  graph, the extended periods of eligibility  
24                  described in subparagraph (ii) shall begin

1                   on the date of the enactment of this sub-  
2                   paragraph.

3                   “(C) ADDITIONAL OPPORTUNITY TO MAKE  
4                   ELECTION.—An individual described in sub-  
5                   paragraph (B)(i) may elect to transfer the indi-  
6                   vidual’s entitlement under subsection (a), or to  
7                   make changes to the dependent or dependents  
8                   designated as the transferee or transferees of  
9                   the individual’s entitlement under this section,  
10                  one or more times during the time period re-  
11                  ferred to in subparagraph (B)(ii).”.

12                  (b) EFFECTIVE DATE.—The amendments made by  
13                  subsection (a) to section 3319 of title 38, United States  
14                  Code, shall apply with respect to individuals who became  
15                  eligible to transfer benefits under such section on or after  
16                  August 1, 2009.

