

114TH CONGRESS
2D SESSION

S. 2661

To clarify the period of eligibility during which certain spouses are entitled to assistance under the Marine Gunnery Sergeant John David Fry Scholarship, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2016

Mr. BROWN (for himself, Mr. TILLIS, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To clarify the period of eligibility during which certain spouses are entitled to assistance under the Marine Gunnery Sergeant John David Fry Scholarship, 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 “Military Spouses
5 Achieving College Education for Survivors Act of 2016”
6 or the “ACES Act of 2016”.

1 **SEC. 2. CLARIFICATION OF ELIGIBILITY FOR MARINE GUN-**
 2 **NERY SERGEANT JOHN DAVID FRY SCHOLAR-**
 3 **SHIP.**

4 (a) IN GENERAL.—Section 701(d) of the Veterans
 5 Access, Choice, and Accountability Act of 2014 (Public
 6 Law 113–146; 128 Stat. 1796; 38 U.S.C. 3311 note) is
 7 amended to read as follows:

8 “(d) APPLICABILITY.—

9 “(1) IN GENERAL.—The amendments made by
 10 this section shall apply with respect to a quarter, se-
 11 mester, or term, as applicable, commencing on or
 12 after January 1, 2015.

13 “(2) DEATHS THAT OCCURRED BETWEEN SEP-
 14 TEMBER 11, 2001, AND DECEMBER 31, 2005.—For
 15 purposes of section 3311(f)(2) of title 38, United
 16 States Code, any member of the Armed Forces who
 17 died during the period beginning on September 11,
 18 2001, and ending on December 31, 2005, is deemed
 19 to have died on January 1, 2006.”.

20 (b) ELECTION ON RECEIPT OF CERTAIN BENE-
 21 FITS.—Section 3311(f) of title 38, United States Code,
 22 is amended—

23 (1) in paragraph (3), by striking “A surviving
 24 spouse” and inserting “Except as provided in para-
 25 graph (4), a surviving spouse”;

1 (2) by redesignating paragraph (4) as para-
2 graph (5); and

3 (3) by inserting after paragraph (3) the fol-
4 lowing new paragraph (4):

5 “(4) EXCEPTION FOR CERTAIN ELECTIONS.—

6 “(A) IN GENERAL.—An election made
7 under paragraph (3) by a spouse described in
8 subparagraph (B) may not be treated as irrev-
9 ocable if such election occurred before the date
10 of the enactment of this paragraph.

11 “(B) ELIGIBLE SURVIVING SPOUSE.—A
12 spouse described in this subparagraph is an in-
13 dividual—

14 “(i) who is entitled to assistance
15 under subsection (a) pursuant to para-
16 graph (9) of subsection (b); and

17 “(ii) who was the spouse of a member
18 of the Armed Forces who died during the
19 period beginning on September 11, 2001,
20 and ending on December 31, 2005.”.

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