

115TH CONGRESS  
1ST SESSION

# H. R. 2692

To amend title 38, United States Code, to eliminate the time limitation for use of eligibility and entitlement to educational assistance under certain programs of the Department of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2017

Mr. HIGGINS of New York introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 38, United States Code, to eliminate the time limitation for use of eligibility and entitlement to educational assistance under certain programs of the Department of Veterans Affairs, 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 Flexibility Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) According to the “National Survey of Vet-  
4 erans, Active Duty Service Members, Demobilized  
5 National Guard and Reserve Members, Family  
6 Members, and Surviving Spouses Final Report”,  
7 commissioned by the Secretary of Veterans Affairs  
8 in 2010, 20.6 percent of eligible veterans—approxi-  
9 mately 2,621,753 veterans—were unable to use their  
10 GI bill educational benefits because their period of  
11 eligibility expired.

12 (2) The time limitations for using GI bill edu-  
13 cational benefits do not reflect the realities of the  
14 modern economy of the United States. After leaving  
15 the service, many veterans postpone further edu-  
16 cation to join the workforce and support their fami-  
17 lies or are faced with lengthy rehabilitations from  
18 service-related injuries.

19 (3) Access to education and job retraining has  
20 proved the arbiter of success in today’s economy,  
21 and if the United States is to lower the unemploy-  
22 ment rate among the veteran population, the United  
23 States must provide veterans unfettered access to  
24 educational benefits.

25 (b) PURPOSE.—The purpose of this Act is to remove  
26 the delimiting dates and retroactively restore the Depart-

1 ment of Veterans Affairs Educational benefits within the  
 2 Post-Vietnam Era Veterans' Educational Assistance Pro-  
 3 gram (VEAP), Montgomery GI Bill—Active Duty (MGIB—  
 4 AD), and Post-9/11 GI Bill.

5 **SEC. 3. ELIMINATION OF TIME LIMITATION FOR USE OF**  
 6 **ELIGIBILITY AND ENTITLEMENT TO EDU-**  
 7 **CATIONAL ASSISTANCE.**

8 (a) MONTGOMERY GI BILL—ACTIVE DUTY.—

9 (1) IN GENERAL.—Section 3031 of chapter 30  
 10 of title 38, United States Code, is amended to read  
 11 as follows:

12 **“§ 3031. Extension of entitlement to educational as-**  
 13 **sistance expiring during a quarter or se-**  
 14 **mester or after a major portion of a**  
 15 **course is complete**

16 “(a) EDUCATIONAL INSTITUTIONS OPERATING ON  
 17 QUARTER OR SEMESTER SYSTEM.—If an individual eligi-  
 18 ble for educational assistance under this chapter is en-  
 19 rolled under this chapter in an educational institution reg-  
 20 ularly operated on the quarter or semester system and the  
 21 period of such individual's entitlement under this chapter  
 22 would, under section 3013, expire during a quarter or se-  
 23 mester, such period shall be extended to the end of such  
 24 quarter or semester.

1       “(b) OTHER EDUCATIONAL INSTITUTIONS.—If an in-  
 2       dividual eligible for educational assistance under this  
 3       chapter is enrolled under this chapter in an educational  
 4       institution not regularly operated on the quarter or semes-  
 5       ter system and the period of such individual’s entitlement  
 6       under this chapter would, under section 3013, expire after  
 7       a major portion of the course is completed, such period  
 8       shall be extended to the end of the course or for 12 weeks,  
 9       whichever is the lesser period of extension.”.

10               (2) CLERICAL AMENDMENT.—The table of sec-  
 11       tions at the beginning of such chapter is amended  
 12       by striking the item relating to section 3031 and in-  
 13       serting the following new item:

“3031. Extension of entitlement to educational assistance expiring during a  
       quarter or semester or after a major portion of a course is  
       complete.”.

14               (3) CONFORMING AMENDMENTS.—Chapter 33  
 15       of title 38, United States Code, is amended—

16               (A) in section 3018C(e)(3)(B)—

17                       (i) by striking “(i) The Secretary”  
 18                       and inserting “The Secretary”; and

19                       (ii) by striking clause (ii); and

20               (B) in section 3020—

21                       (i) in subsection (f)(1), by striking  
 22                       “Subject to the time limitation for use of  
 23                       entitlement under section 3031 of this  
 24                       title, an” and inserting “An”; and

1 (ii) in subsection (h), by striking  
 2 “Notwithstanding section 3031 of this  
 3 title, a” and inserting “A”.

4 (b) POST-VIETNAM ERA VETERANS’ EDUCATIONAL  
 5 ASSISTANCE PROGRAM.—

6 (1) IN GENERAL.—Section 3232 of title 38,  
 7 United States Code, is amended—

8 (A) by striking subsections (a) and (b);  
 9 and

10 (B) by redesignating subsections (c) and  
 11 (d) as subsections (a) and (b), respectively.

12 (2) CONFORMING AMENDMENT.—Section  
 13 3035(b)(1) of title 38, United States Code, is  
 14 amended by striking “and from” and all that follows  
 15 through “title”.

16 (c) POST-9/11 GI BILL.—

17 (1) IN GENERAL.—Section 3321 of chapter 30  
 18 of title 38, United States Code, is amended to read  
 19 as follows:

20 **“§ 3321. Extension of entitlement to educational as-**  
 21 **sistance expiring during a quarter or se-**  
 22 **mester or after a major portion of a**  
 23 **course is complete**

24 “Section 3031 shall apply with respect to the termi-  
 25 nation of an individual’s entitlement to educational assist-

1   ance under this chapter in the same manner as such sec-  
 2   tion applies to the termination of an individual's entitle-  
 3   ment to educational assistance under chapter 30, except  
 4   that, in the administration of such section for purposes  
 5   of this chapter, the reference to section 3013 shall be  
 6   deemed to be a reference to section 3312 of this title.”.

7           (2) CLERICAL AMENDMENT.—The table of sec-  
 8       tions at the beginning of such chapter is amended  
 9       by striking the item relating to section 3321 and in-  
 10      serting the following new item:

“3321. Extension of entitlement to educational assistance expiring during a  
      quarter or semester or after a major portion of a course is  
      complete.”.

11           (3) CONFORMING AMENDMENTS.—Chapter 33  
 12      of title 38, United States Code, is amended—

13           (A) in section 3312(b), by striking  
 14       “3321(b)(2)” and inserting “3321”;

15           (B) in section 3319—

16           (i) in subsection (f)(1), by striking  
 17       “Subject to” and all that follows through  
 18       “an” and inserting “An”; and

19           (ii) in subsection (h)(5)(A), by strik-  
 20       ing “may use” and all that follows through  
 21       “but”.

22           (d) CONFORMING AMENDMENTS FOR RESERVE COM-  
 23      PONENT PROGRAMS.—

1           (1) SELECTED RESERVE.—Section 16133(b) of  
2       title 10, United States Code, is amended—

3           (A) in paragraph (2), by striking “section  
4       3031(f)” and inserting “subsections (a) and (b)  
5       of section 3031”; and

6           (B) in paragraph (3), by inserting “, as  
7       such section existed on the day before the date  
8       of the enactment of the Veterans Education  
9       Flexibility Act,” after “title 38”.

10          (2) OTHER RESERVE COMPONENTS.—Section  
11       16164(b)(2) of title 10, United States Code, is  
12       amended to read as follows:

13       “(2) The following provisions shall apply to the pe-  
14       riod of entitlement prescribed by paragraph (1):

15           “(A) Subsections (a) and (b) of section 3031 of  
16       title 38.

17           “(B) Subsection (d) of section 3031 of title 38,  
18       as such subsection existed on the day before the date  
19       of the enactment of the Veterans Education Flexi-  
20       bility Act.”.

21       (e) APPLICABILITY.—The amendments made by this  
22       section shall apply with respect to any individual who has  
23       been entitled to educational assistance under chapters 30,  
24       32, or 33 of title 38, United States Code. For purposes  
25       of determining the number of months of entitlement to

1 such educational assistance that an individual is entitled  
2 to, the Secretary of Veterans Affairs shall disregard any  
3 delimiting date eliminated by this Act that occurred before  
4 the date of the enactment of this Act.

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