

119TH CONGRESS
1ST SESSION

S. 2698

To amend title 38, United States Code, to reinstate entitlement to Post-9/11 Educational Assistance for victims of sexual assault or domestic violence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 3, 2025

Mr. KING (for himself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to reinstate entitlement to Post-9/11 Educational Assistance for victims of sexual assault or domestic violence, 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 “Safeguarding Depart-
5 ment of Veterans Affairs Dependent Education Benefits
6 Act of 2025”.

1 **SEC. 2. REINSTATEMENT OF ENTITLEMENT TO POST-9/11**
 2 **EDUCATIONAL ASSISTANCE FOR VICTIMS OF**
 3 **SEXUAL ASSAULT OR DOMESTIC VIOLENCE.**

4 (a) IN GENERAL.—Chapter 33 of title 38, United
 5 States Code, is amended by inserting after section 3319,
 6 the following:

7 **“§ 3319A. Victims of sexual assault and domestic vio-**
 8 **lence; authority to retain transferred**
 9 **education benefits**

10 “(a) REINSTATEMENT OF EDUCATIONAL ASSIST-
 11 ANCE.—The Secretary concerned may, subject to regula-
 12 tions prescribed by the Secretary of Defense and the Sec-
 13 retary of Homeland Security in coordination with the Sec-
 14 retary of Veterans Affairs, reinstate terminated edu-
 15 cational assistance payments that were transferred to a
 16 spouse or a dependent child under section 3319 of this
 17 title if the Secretary concerned determines that the proxi-
 18 mate cause for the termination of payment is—

19 “(1) the administrative separation or conviction
 20 by a court martial, or by civilian, Tribal, or State
 21 court, of a covered individual for a dependent-abuse
 22 offense; and

23 “(2) the administrative separation or conviction
 24 resulted in a discharge characterization of the cov-
 25 ered individual that does not meet the requirements
 26 of section 3311(c) of this title.

1 “(b) APPLICATION.—(1) A spouse or dependent child
2 described in subsection (a) seeking reinstatement of termi-
3 nated educational assistance payments for a termination
4 described in such subsection shall apply for such reinstate-
5 ment.

6 “(2) An application under paragraph (1) shall include
7 sufficient information to substantiate that a spouse or de-
8 pendent child was the victim of dependent-abuse that re-
9 sulted in a discharge characterization that does not meet
10 the requirements of section 3311(c) of this title.

11 “(3) The Secretary shall consult with veterans service
12 organizations to ensure that the application process under
13 this subsection is trauma-informed.

14 “(c) LIMITATION.—Reinstated payments shall not ex-
15 ceed any unused portion of the educational benefits that
16 were transferred to a spouse or dependent child pursuant
17 to section 3319 of this title that remain unobligated at
18 the time of discharge of the covered member.

19 “(d) DETERMINATION BY THE SECRETARY CON-
20 CERNED.—The Secretary concerned may determine that
21 the proximate cause of termination of education benefits
22 is dependent-abuse, as specified in regulations prescribed
23 in subsection (e), only if—

24 “(1) the record for the administrative separa-
25 tion establishes, by a preponderance of evidence pre-

1 sented, that the covered individual perpetrated a de-
2 pendent-abuse offense; or

3 “(2) the covered individual is convicted of a de-
4 pendent-abuse offense.

5 “(e) REVIEW OF DETERMINATIONS.—(1) The Sec-
6 retary of Defense and the Secretary of Homeland Security
7 shall, in coordination with the Secretary of Veterans Af-
8 fairs, establish procedures by which a spouse or dependent
9 child whose application for reinstatement of terminated
10 educational assistance under subsection (b) is denied by
11 the Secretary concerned may request the applicable Sec-
12 retary review the application and denial.

13 “(2) Pursuant to a review by the Secretary of De-
14 fense or the Secretary of Homeland Security under para-
15 graph (1) of an application and denial, the Secretary of
16 Defense or the Secretary of Homeland Security, as the
17 case may be, may overturn the denial if the Secretary de-
18 termines such denial was made in error.

19 “(3) The Secretary receiving a request for a review
20 of an application and denial pursuant to the procedures
21 required by paragraph (1) shall review the application and
22 denial and respond to the request not later than 30 days
23 after receiving the request.

24 “(4) The Secretary of Defense and the Secretary of
25 Homeland Security shall, in coordination with the Sec-

1 retary of Veterans Affairs, develop and make available to
2 the public guidance on how a spouse or dependent child
3 may request a review pursuant to the procedures estab-
4 lished under paragraph (1).

5 “(f) REGULATIONS.—(1) The Secretary of Defense
6 and the Secretary of Homeland Security, in coordination
7 with the Secretary of Veterans Affairs, shall prescribe reg-
8 ulations to carry out this section.

9 “(2) Regulations under paragraph (1) shall include
10 the following:

11 “(A) The procedure for application of reinstatement
12 of education benefits.

13 “(B) The criminal offenses, or categories of offenses,
14 under the Uniform Code of Military Justice (chapter 47
15 of title 10), Federal criminal law, the criminal laws of the
16 States and other jurisdictions of the United States, and
17 the laws of other nations that are to be considered depend-
18 ent-abuse offenses for the purposes of this section.

19 “(g) BAR TO DUPLICATION OF EDUCATIONAL AS-
20 SISTANCE BENEFITS.—An individual entitled to education
21 assistance under this chapter who is also eligible for edu-
22 cational assistance under chapter 30, 31, 32, or 35 of this
23 title, chapter 107, 1606, or 1607 or section 510 of title
24 10, may not receive assistance under two or more such
25 program concurrently, but shall elect (in such form and

1 manner as the Secretary may prescribe) under which sec-
 2 tion to receive educational assistance.

3 “(h) DEFINITIONS.—In this section:

4 “(1) The term ‘covered individual’ means a
 5 member of the Armed Forces described in section
 6 3311(b) of this title.

7 “(2) The term ‘dependent-abuse offense’ means
 8 conduct by a covered individual while a member of
 9 the Armed Forces on active duty for a period of
 10 more than 30 days that—

11 “(A) involves abuse of the spouse or a de-
 12 pendent child of the member; and

13 “(B) is a criminal offense specified in reg-
 14 ulations prescribed under subsection (e).

15 “(3) The term ‘dependent child’ has the mean-
 16 ing given such term in section 1408(h) of title 10.

17 “(4) The term ‘spouse’ means a person who
 18 was the beneficiary of transferred educational assist-
 19 ance payments at the time of discharge of a covered
 20 individual, who—

21 “(A) was married to the covered individual;

22 or

23 “(B) divorced such individual prior to dis-
 24 charge for, as determined by the Secretary con-
 25 cerned, reasons relating to a dependent abuse-

1 offense that resulted in a discharge character-
2 ization that does not meet the requirements of
3 section 3311(c) of this title.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 33 of such title is amended
6 by inserting after the item relating to section 3319 the
7 following new item:

“Sec. 3319A. Victims of sexual assault and domestic violence; authority to re-
tain transferred education benefits.”.

