
**Against Limiting Transfer Rights of Post 9/11 GI Bill Education Benefits to Eligible Dependents
(Education and Training)
Resolution 19-06**

WHEREAS, the Post 9/11 Veterans Educational Assistance Act of 2008, was enacted to provide educational assistance to members of the federal uniformed services who served at least 90 days on active duty after September 11, 2001 (the “Post 9/11 GI Bill”) in Public Law (P.L.) 110-252, codified in Title 38, Chapter 33, Sections 3301 et. seq., United States Code; and

WHEREAS, Section 3319(b) of the Post 9/11 GI Bill permits eligible members of the uniformed services on or after August 1, 2009, to elect to transfer such assistance to eligible dependents, if the member has completed at least six years of credible service and enters into an agreement to serve at least four more years; and

WHEREAS, a member eligible for Post 9/11 GI Bill education assistance has earned that right through credible service during an “especially arduous” period and it is in the “national interest for the United States” to provide such assistance (P.L. 110-252, Section 5002(2) and 5002(6), respectively); and

WHEREAS, the passage of time since September 11, 2001 does not make the member’s recruitment, retention and service during that “arduous” period any less in the national interest; and

WHEREAS, Department of Defense Instruction (DoDI) 1341.13, Enclosure 3, provides the Secretary, “...to promote recruitment and retention in the Uniformed Services, may permit an individual eligible for Post-9/11 GI Bill educational assistance to elect to transfer to one or more of his or her family members all or a portion of such assistance.”; and

WHEREAS, effective 12 July 2019, the Department of Defense issued a change to DoDI 1341.13, which redefined “Eligible Individuals” to limit transfer of entitlements to those servicemembers who have “...at least 6 years, but not more than 16 years, of total creditable service...”, which meant servicemembers with 16 years of creditable service cannot elect to transfer such benefits to a spouse or child; and

WHEREAS, limiting transfer of the Post-9/11 GI Bill entitlement is not considered an authority provided to the Secretary of Defense by P.L. 110-252;

NOW, THEREFORE, BE IT RESOLVED that ROA, chartered by Congress, urge Congress, in the national interest of the United States, to direct the Department of Defense to remove the “not more than 16 years” service limitation promulgated in the 12 July 2018 change to Department of Defense Instruction 1341.13, and to restore the ability of members otherwise eligible to transfer their education benefits to their eligible dependents according to Congressional statute.

Adopted by the National Convention, 29 Sep 2019

Source: Department of Texas, 7 Jul 2019