

106TH CONGRESS
1ST SESSION

S. 1041

To amend title 38, United States Code, to permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 1999

Mr. FRIST 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 permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program, 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 “GI Education Oppor-
5 tunity Act of 1999”.

1 **SEC. 2. PARTICIPATION OF ADDITIONAL MEMBERS OF THE**
 2 **ARMED FORCES IN MONTGOMERY GI BILL**
 3 **PROGRAM.**

4 (a) PARTICIPATION AUTHORIZED.—(1) Subchapter
 5 II of chapter 30 of title 38, United States Code, is amend-
 6 ed by inserting after section 3018C the following new sec-
 7 tion:

8 **“§ 3018D. Opportunity to enroll: certain VEAP par-**
 9 **ticipants; active duty personnel not pre-**
 10 **viously enrolled**

11 “(a) Notwithstanding any other provision of law, an
 12 individual who—

13 “(1) either—

14 “(A) is a participant on the date of the en-
 15 actment of this section in the educational bene-
 16 fits program provided by chapter 32 of this
 17 title; or

18 “(B) has made an election under section
 19 3011(c)(1) or 3012(d)(1) of this title not to re-
 20 ceive educational assistance under this chapter
 21 and has not withdrawn that election under sec-
 22 tion 3018(a) of this title as of such date;

23 “(2) is serving on active duty (excluding periods
 24 referred to in section 3202(1)(C) of this title in the
 25 case of an individual described in paragraph (1)(A))
 26 on such date;

1 “(3) before applying for benefits under this sec-
2 tion, has completed the requirements of a secondary
3 school diploma (or equivalency certificate) or has
4 successfully completed the equivalent of 12 semester
5 hours in a program of education leading to a stand-
6 ard college degree;

7 “(4) if discharged or released from active duty
8 after the date on which the individual makes the
9 election described in paragraph (5), is discharged
10 with an honorable discharge or released with service
11 characterized as honorable by the Secretary con-
12 cerned; and

13 “(5) during the one-year period beginning on
14 the date of the enactment of this section, makes an
15 irrevocable election to receive benefits under this sec-
16 tion in lieu of benefits under chapter 32 of this title
17 or withdraws the election made under section
18 3011(c)(1) or 3012(d)(1) of this title, as the case
19 may be, pursuant to procedures which the Secretary
20 of each military department shall provide in accord-
21 ance with regulations prescribed by the Secretary of
22 Defense for the purpose of carrying out this section
23 or which the Secretary of Transportation shall pro-
24 vide for such purpose with respect to the Coast

1 Guard when it is not operating as a service in the
2 Navy;
3 is entitled to basic educational assistance under this chap-
4 ter.

5 “(b)(1) Except as provided in paragraphs (2) and
6 (3), in the case of an individual who makes an election
7 under subsection (a)(5) to become entitled to basic edu-
8 cation assistance under this chapter—

9 “(A) the basic pay of the individual shall be re-
10 duced (in a manner determined by the Secretary of
11 Defense) until the total amount by which such basic
12 pay is reduced is \$1,200; or

13 “(B) to the extent that basic pay is not so re-
14 duced before the individual’s discharge or release
15 from active duty as specified in subsection (a)(4),
16 the Secretary shall collect from the individual an
17 amount equal to the difference between \$1,200 and
18 the total amount of reductions under subparagraph
19 (A), which shall be paid into the Treasury of the
20 United States as miscellaneous receipts.

21 “(2) In the case of an individual previously enrolled
22 in the educational benefits program provided by chapter
23 32 of this title, the Secretary shall reduce the total amount
24 of the reduction in basic pay otherwise required by para-
25 graph (1) by an amount equal to so much of the unused

1 contributions made by the individual to the Post-Vietnam
2 Era Veterans Education Account under section 3222(a)
3 of this title as do not exceed \$1,200.

4 “(3) An individual may at any time pay the Secretary
5 an amount equal to the difference between the total of
6 the reductions otherwise required with respect to the indi-
7 vidual under this subsection and the total amount of the
8 reductions with respect to the individual under this sub-
9 section at the time of the payment. Amounts paid under
10 this paragraph shall be paid into the Treasury of the
11 United States as miscellaneous receipts.

12 “(c)(1) Except as provided in paragraph (3), an indi-
13 vidual who is enrolled in the educational benefits program
14 provided by chapter 32 of this title and who makes the
15 election described in subsection (a)(5) shall be disenrolled
16 from the program as of the date of such election.

17 “(2) For each individual who is disenrolled from such
18 program, the Secretary shall refund—

19 “(A) to the individual in the manner provided
20 in section 3223(b) of this title so much of the un-
21 used contributions made by the individual to the
22 Post-Vietnam Era Veterans Education Account as
23 are not used to reduce the amount of the reduction
24 in the individual’s basic pay under subsection (b)(2);
25 and

1 “(B) to the Secretary of Defense the unused
2 contributions (other than contributions made under
3 section 3222(c) of this title) made by such Secretary
4 to the Account on behalf of such individual.

5 “(3) Any contribution made by the Secretary of De-
6 fense to the Post-Vietnam Era Veterans Education Ac-
7 count pursuant to section 3222(c) of this title on behalf
8 of an individual referred to in paragraph (1) shall remain
9 in such account to make payments of benefits to the indi-
10 vidual under section 3015(f) of this title.

11 “(d) The procedures provided in regulations referred
12 to in subsection (a) shall provide for notice of the require-
13 ments of subparagraphs (B), (C), and (D) of section
14 3011(a)(3) of this title. Receipt of such notice shall be
15 acknowledged in writing.”.

16 (2) The table of sections at the beginning of chapter
17 30 of that title is amended by inserting after the item re-
18 lating to section 3018C the following new item:

“3018D. Opportunity to enroll: certain VEAP participants; active duty per-
sonnel not previously enrolled.”.

19 (b) CONFORMING AMENDMENT.—Section 3015(f) of
20 that title is amended by striking “or 3018C” and inserting
21 “3018C, or 3018D”.

22 (c) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that any law enacted after the date of the enactment
24 of this Act which includes provisions terminating or reduc-

1 ing the contributions of members of the Armed Forces for
2 basic educational assistance under subchapter II of chap-
3 ter 30 of title 38, United States Code, should terminate
4 or reduce by an identical amount the contributions of
5 members of the Armed Forces for such assistance under
6 section of section 3018D of that title, as added by sub-
7 section (a).

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