

108TH CONGRESS
2D SESSION

H. R. 4188

To amend chapter 1606 of title 10, United States Code, to increase the amount of basic educational assistance for members of the Selected Reserve, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2004

Mr. LoBIONDO (for himself and Mr. McINTYRE) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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

A BILL

To amend chapter 1606 of title 10, United States Code, to increase the amount of basic educational assistance for members of the Selected Reserve, 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. INCREASE IN AMOUNT OF BASIC EDUCATIONAL**
4 **ASSISTANCE.**

5 (a) IN GENERAL.—Section 16131(b) of title 10,
6 United States Code, is amended to read as follows:

1 “(b) Except as provided in subsections (d) through
2 (f), each educational assistance program established under
3 subsection (a) shall provide for payment by the Secretary
4 concerned, through the Secretary of Veterans Affairs, to
5 each person entitled to educational assistance under this
6 chapter who is pursuing a program of education of an edu-
7 cational assistance allowance at the following monthly
8 rates:

9 “(1) For such a program of education pursued
10 on a full-time basis, at the monthly rate equal to the
11 applicable percentage (as defined in paragraph (3))
12 of the rate that applies for the month under section
13 3015(a)(1) of title 38.

14 “(2)(A) Subject to subparagraph (B), for such
15 a program of education pursued on a less than a
16 full-time basis, at an appropriately reduced rate, as
17 determined under regulations which the Secretaries
18 concerned shall prescribe.

19 “(B) No payment may be made to a person for
20 less than half-time pursuit of such a program of
21 education if tuition assistance is otherwise available
22 to the person for such pursuit from the military de-
23 partment concerned.

1 “(3) In this subsection, the term ‘applicable
2 percentage’ means, with respect to months occurring
3 during—

4 “(A) fiscal year 2005, 33 percent;

5 “(B) fiscal year 2006, 37 percent;

6 “(C) fiscal year 2007, 41 percent;

7 “(D) fiscal year 2008, 45 percent; and

8 “(E) fiscal year 2009, and each subsequent
9 fiscal year, 50 percent.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall take effect on October 1, 2004, and
12 shall apply with respect to educational assistance allow-
13 ances under section 16131(b) of such title paid for months
14 after September 2004.

15 **SEC. 2. EXPANSION OF ELIGIBILITY REQUIREMENTS FOR**
16 **MEMBERS OF THE SELECTED RESERVE HAV-**
17 **ING SERVED ON ACTIVE DUTY FOR A PERIOD**
18 **OF 24 NON-CONSECUTIVE MONTHS UNDER**
19 **CHAPTER 30 OF TITLE 38, UNITED STATES**
20 **CODE.**

21 (a) CREDIT FOR 24 MONTHS OF ACTIVE DUTY SERV-
22 ICE OVER A PERIOD OF 5 YEARS.—Subsection 3012(a)
23 of title 38, United States Code, is amended in paragraphs
24 (1)(A)(i), (1)(B)(i), and (1)(C)(iii)(I) by striking “two
25 years of continuous active duty” each place it appears and

1 inserting “a cumulative period of 24 months during any
2 5-year period”.

3 (b) CONFORMING AMENDMENT.—Subsection (b) of
4 section 3012 of such title is amended in paragraph (1)
5 by striking “during such two years” and inserting “at any
6 time during such 5-year period”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply on or after October 1, 2005.

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