

108TH CONGRESS  
2D SESSION

# S. 2561

To amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill.

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## IN THE SENATE OF THE UNITED STATES

JUNE 23 (legislative day, JUNE 22), 2004

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill.

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 “Montgomery GI Bill  
5       Enhancement Act of 2004”.

1 **SEC. 2. OPPORTUNITY FOR CERTAIN ACTIVE-DUTY PER-**  
2 **SONNEL TO ENROLL UNDER THE MONT-**  
3 **GOMERY GI BILL.**

4 (a) IN GENERAL.—Chapter 30 of title 38, United  
5 States Code, is amended by inserting after section 3018C  
6 the following new section:

7 **“§ 3018D. Opportunity for certain active-duty per-**  
8 **sonnel to enroll**

9 “(a)(1) Notwithstanding any other provision of this  
10 chapter, during the one-year period beginning on the date  
11 of the enactment of this section, a qualified individual (de-  
12 scribed in subsection (b)) may make an irrevocable elec-  
13 tion under this section to become entitled to basic edu-  
14 cational assistance under this chapter.

15 “(2) The Secretary of each military department shall  
16 provide for procedures for a qualified individual to make  
17 an irrevocable election under this section in accordance  
18 with regulations prescribed by the Secretary of Defense  
19 for the purpose of carrying out this section or which the  
20 Secretary of Homeland Security shall provide for such  
21 purpose with respect to the Coast Guard when it is not  
22 operating as a service in the Navy.

23 “(b) A qualified individual referred to in subsection  
24 (a) is an individual who meets each of the following re-  
25 quirements:

1           “(1) The individual first became a member of  
2           the Armed Forces or first entered on active duty as  
3           a member of the Armed Forces before July 1, 1985.

4           “(2) The individual has served on active duty  
5           without a break in service since the date the indi-  
6           vidual first became such a member or first entered  
7           on active duty as such a member and continues to  
8           serve on active duty for some or all of the one-year  
9           period referred to in subsection (a).

10          “(3) The individual, before applying for benefits  
11          under this section, has completed the requirements  
12          of a secondary school diploma (or equivalency certifi-  
13          cate) or has successfully completed (or otherwise re-  
14          ceived academic credit for) the equivalent of 12 se-  
15          mester hours in a program of education leading to  
16          a standard college degree.

17          “(4) The individual, when discharged or re-  
18          leased from active duty, is discharged or released  
19          therefrom with an honorable discharge.

20          “(c)(1) Subject to the succeeding provisions of this  
21          subsection, with respect to a qualified individual who  
22          makes an election under this section to become entitled  
23          to basic educational assistance under this chapter—

24                 “(A) the basic pay of the qualified individual  
25                 shall be reduced (in a manner determined by the

1 Secretary concerned) until the total amount by  
2 which such basic pay is reduced is \$2,700; and

3 “(B) to the extent that basic pay is not so re-  
4 duced before the qualified individual’s discharge or  
5 release from active duty as specified in subsection  
6 (b)(4), at the election of the qualified individual—

7 “(i) the Secretary concerned shall collect  
8 from the qualified individual; or

9 “(ii) the Secretary concerned shall reduce  
10 the retired or retainer pay of the qualified indi-  
11 vidual by,

12 an amount equal to the difference between \$2,700  
13 and the total amount of reductions under subpara-  
14 graph (A), which shall be paid into the Treasury of  
15 the United States as miscellaneous receipts.

16 “(2)(A) The Secretary concerned shall provide for an  
17 18-month period, beginning on the date the qualified indi-  
18 vidual makes an election under this section, for the quali-  
19 fied individual to pay that Secretary the amount due  
20 under paragraph (1).

21 “(B) Nothing in subparagraph (A) shall be construed  
22 as modifying the period of eligibility for and entitlement  
23 to basic educational assistance under this chapter applica-  
24 ble under section 3031 of this title.

1 “(d) With respect to qualified individuals referred to  
 2 in subsection (c)(1)(B), no amount of educational assist-  
 3 ance allowance under this chapter shall be paid to the  
 4 qualified individual until the earlier of the date on which—

5 “(1) the Secretary concerned collects the appli-  
 6 cable amount under clause (i) of such subsection; or

7 “(2) the retired or retainer pay of the qualified  
 8 individual is first reduced under clause (ii) of such  
 9 subsection.

10 “(e) The Secretary, in conjunction with the Secretary  
 11 of Defense, shall provide for notice of the opportunity  
 12 under this section to elect to become entitled to basic edu-  
 13 cational assistance under this chapter.”.

14 (b) CONFORMING AMENDMENTS.—Section  
 15 3017(b)(1) of such title is amended—

16 (1) in subparagraphs (A) and (C), by striking  
 17 “or 3018C(e)” and inserting “3018C(e), or  
 18 3018D(c)”; and

19 (2) in subparagraph (B), by inserting “or  
 20 3018D(c)” after “under section 3018C(e)”.

21 (c) CLERICAL AMENDMENT.—The table of sections  
 22 at the beginning of chapter 30 of such title is amended  
 23 by inserting after the item relating to section 3018C the  
 24 following new item:

“3018D. Opportunity for certain active-duty personnel to enroll.”.