

109TH CONGRESS
1ST SESSION

H. R. 772

To amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Mr. MATHESON (for himself and Mrs. WILSON of New Mexico) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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 title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, 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 “Resuming Education
5 After Defense Service Act of 2005”.

1 **SEC. 2. EDUCATIONAL ASSISTANCE UNDER MONTGOMERY**
2 **GI BILL FOR MEMBERS OF THE SELECTED**
3 **RESERVE WHO AGGREGATE MORE THAN 2**
4 **YEARS OF ACTIVE DUTY SERVICE DURING**
5 **ANY 5-YEAR PERIOD.**

6 (a) ENTITLEMENT.—Section 3012(a)(1) of title 38,
7 United States Code, is amended—

8 (1) in subparagraph (B), by striking “or” at
9 the end;

10 (2) in subparagraph (C), by adding “or” at the
11 end; and

12 (3) by inserting after subparagraph (C) the fol-
13 lowing new subparagraph (D):

14 “(D) while in the Selected Reserve—

15 “(i) is first ordered to serve on active
16 duty in the Armed Forces under section
17 12301(a), 12301(d), 12301(g), 12302, or
18 12304 of title 10, during the period begin-
19 ning on September 11, 2001, and ending
20 December 31, 2006; and

21 “(ii) serves on active duty in the
22 Armed Forces for one or more periods
23 (whether continuous or otherwise) aggre-
24 gating not less than two years of service on
25 active duty during a five-year period begin-
26 ning on the date the individual is first or-

1 dered to serve on active duty during the
2 period referred to in clause (i);”.

3 (b) DURATION OF ASSISTANCE.—Section 3013(b) of
4 such title is amended by striking “is entitled to” and all
5 that follows and inserting the following:

6 “is entitled to—

7 “(1) one month of educational assistance bene-
8 fits under this chapter—

9 “(A) in the case of an individual described
10 in section 3012(a)(1)(A) of this title, for each
11 month of continuous active duty served by such
12 individual after June 30, 1985, as part of the
13 obligated period of active duty on which such
14 entitlement is based;

15 “(B) in the case of an individual described
16 in section 3012(a)(1)(B) of this title, for each
17 month of continuous active duty served by such
18 individual after June 30, 1985; or

19 “(C) in the case of an individual described
20 in section 3012(a)(1)(D) of this title, for each
21 month of active duty served by such individual
22 after September 11, 2001, as part of the aggre-
23 gate period of active duty on which such entitle-
24 ment is based; and

1 “(2) one month of educational assistance bene-
2 fits under this chapter for each four months served
3 by such individual in the Selected Reserve after the
4 applicable date specified in paragraph (1) (other
5 than any month in which the individual served on
6 active duty).”.

7 (c) AMOUNT OF ASSISTANCE.—Section 3015 of such
8 title is amended—

9 (1) in subsections (a)(1)(D) and (b)(1)(D), by
10 striking “subsection (h)” and inserting “subsection
11 (i)”;

12 (2) by redesignating subsection (h) as sub-
13 section (i); and

14 (3) by inserting after subsection (g) the fol-
15 lowing new subsection (h):

16 “(h) In the case of an individual entitled to an edu-
17 cational assistance allowance under section 3012(a)(1)(D)
18 of this title, the amount of the basic educational assistance
19 allowance payable under this chapter is the amount deter-
20 mined under subsection (b) of this section.”.

21 (d) CONTRIBUTION.—Subsection (c) of section 3012
22 of such title is amended—

23 (1) in paragraph (1), by striking “Except as
24 provided in paragraph (2)” and inserting “Except as
25 provided in paragraphs (2) and (3)”;

1 (2) by redesignating paragraphs (2) and (3) as
2 paragraphs (3) and (4), respectively; and

3 (3) by inserting after paragraph (1) the fol-
4 lowing new paragraph:

5 “(2) The basic pay of any individual described in sub-
6 section (a)(1)(D) who does not make an election under
7 subsection (d)(1) shall be reduced by \$100 for each of the
8 first 12 months of active duty service (whether continuous
9 or otherwise) that such individual is entitled to such pay.”.

10 (e) ELECTION TO OPT OUT.—Subsection (d)(1) of
11 section 3012 of such title is amended by striking “in sub-
12 section (a)(1)(A) of this section” and inserting “in sub-
13 section (a)(1)(A) or (a)(1)(D)”.

14 (f) OUTREACH.—(1) The Secretaries concerned shall
15 take actions to inform members of the Selected Reserve
16 who are or may become entitled to basic educational as-
17 sistance benefits under chapter 30 of title 38, United
18 States Code, as a result of section 3012(a)(1)(D) of such
19 title (as amended by subsection (a) of this section) of the
20 minimum service requirements for entitlement to such
21 benefits under that chapter and of the scope and nature
22 of such benefits.

23 (2) In this subsection:

1 (A) The term “Secretary concerned” has the
2 meaning given such term in section 101(25) of title
3 38, United States Code.

4 (B) The term “Selected Reserve” has the
5 meaning given such term in section 3002(4) of title
6 38, United States Code.

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