

110TH CONGRESS
1ST SESSION

H. R. 1641

To amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2007

Mr. SNYDER (for himself, Mr. FILNER, Mr. BUYER, Ms. HERSETH, Ms. LORETTA SANCHEZ of California, Mr. REYNOLDS, Mr. BOOZMAN, and Mr. LATHAM) 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 recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces.

1 *Be it enacted by the Senate and House of Representatives 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 Integration Act of 2007”.

1 **SEC. 2. RECODIFICATION IN TITLE 38, UNITED STATES**
2 **CODE, OF CERTAIN EDUCATIONAL ASSIST-**
3 **ANCE PROGRAMS FOR MEMBERS OF THE RE-**
4 **SERVE COMPONENTS.**

5 (a) IN GENERAL.—Part III of title 38, United States
6 Code, is amended by inserting after chapter 32 the fol-
7 lowing new chapter:

8 **“CHAPTER 33—EDUCATIONAL ASSIST-**
9 **ANCE FOR MEMBERS OF THE RE-**
10 **SERVE COMPONENTS**

“SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

“Sec
“3301. Educational assistance program: establishment; amount.
“3302. Eligibility for educational assistance.
“3303. Time limitation for use of entitlement.
“3304. Termination of assistance.
“3305. Failure to participate satisfactorily; penalties.
“3306. Administration of program
“3307. Reports to Congress.

“SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING
CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

“3321. Purpose.
“3322. Educational assistance program.
“3323. Eligibility for educational assistance.
“3324. Time limitation for use of entitlement.
“3325. Termination of assistance.
“3326. Administration of program.

11 **“SUBCHAPTER I—MEMBERS OF THE SELECTED**
12 **RESERVE**

13 **“§ 3301. Educational assistance program: establish-**
14 **ment; amount**

15 “(a) To encourage membership in units of the Se-
16 lected Reserve of the Ready Reserve, the Secretary of each

1 military department, under regulations prescribed by the
2 Secretary of Defense, and the Secretary of Homeland Se-
3 curity, under regulations prescribed by the Secretary with
4 respect to the Coast Guard when it is not operating as
5 a service in the Navy, shall establish and maintain a pro-
6 gram to provide educational assistance to members of the
7 Selected Reserve of the Ready Reserve of the Armed
8 Forces under the jurisdiction of the Secretary concerned
9 who agree to remain members of the Selected Reserve for
10 a period of not less than six years.

11 “(b)(1) Except as provided in subsections (d) through
12 (f), each educational assistance program established under
13 subsection (a) shall provide for payment by the Secretary
14 of Veterans Affairs of an educational assistance allowance
15 to each person entitled to educational assistance under
16 this subchapter who is pursuing a program of education.
17 The educational assistance allowance shall be paid at the
18 following rates:

19 “(A) \$309 (as increased from time to time
20 under paragraph (2)) per month for each month of
21 full-time pursuit of a program of education.

22 “(B) \$231 (as increased from time to time
23 under paragraph (2)) per month for each month of
24 three-quarter-time pursuit of a program of edu-
25 cation.

1 “(C) \$153 (as increased from time to time
2 under paragraph (2)) per month for each month of
3 half-time pursuit of a program of education.

4 “(D) an appropriately reduced rate, as deter-
5 mined under regulations which the Secretary of Vet-
6 erans Affairs shall prescribe, for each month of less
7 than half-time pursuit of a program of education,
8 except that no payment may be made to a person for
9 less than half-time pursuit if tuition assistance is
10 otherwise available to the person for such pursuit
11 from the military department concerned.

12 “(2) With respect to any fiscal year, the Secretary
13 shall provide a percentage increase (rounded to the near-
14 est dollar) in the rates payable under subparagraphs (A),
15 (B), and (C) of paragraph (1) equal to the percentage by
16 which—

17 “(A) the Consumer Price Index (all items,
18 United States city average) for the 12-month period
19 ending on the June 30 preceding the beginning of
20 the fiscal year for which the increase is made, ex-
21 ceeds

22 “(B) such Consumer Price Index for the 12-
23 month period preceding the 12-month period de-
24 scribed in subparagraph (A).

1 “(c)(1) Educational assistance may be provided
2 under this subchapter for pursuit of any program of edu-
3 cation that is an approved program of education for pur-
4 poses of chapter 30 of this title.

5 “(2) Subject to section 3695 of this title, the max-
6 imum number of months of educational assistance that
7 may be provided to any person under this subchapter is
8 36 (or the equivalent thereof in part-time educational as-
9 sistance).

10 “(3)(A) Notwithstanding any other provision of this
11 subchapter or chapter 36 of this title, any payment of an
12 educational assistance allowance described in subpara-
13 graph (B) of this paragraph shall not—

14 “(i) be charged against the entitlement of any
15 individual under this subchapter; or

16 “(ii) be counted toward the aggregate period for
17 which section 3695 of this title limits an individual’s
18 receipt of assistance.

19 “(B) The payment of the educational assistance al-
20 lowance referred to in subparagraph (A) of this paragraph
21 is the payment of such an allowance to the individual for
22 pursuit of a course or courses under this subchapter if
23 the Secretary of Veterans Affairs finds that the indi-
24 vidual—

1 “(i) had to discontinue such course pursuit as
2 a result of being ordered to serve on active duty
3 under section 12301(a), 12301(d), 12301(g), 12302,
4 or 12304 of title 10; and

5 “(ii) failed to receive credit or training time to-
6 ward completion of the individual’s approved edu-
7 cational, professional, or vocational objective as a re-
8 sult of having to discontinue, as described in clause
9 (i), the individual’s course pursuit.

10 “(C) The period for which, by reason of this sub-
11 section, an educational assistance allowance is not charged
12 against entitlement or counted toward the applicable ag-
13 gregate period under section 3695 of this title shall not
14 exceed the portion of the period of enrollment in the
15 course or courses for which the individual failed to receive
16 credit or with respect to which the individual lost training
17 time, as determined under subparagraph (B)(ii).

18 “(d)(1) Except as provided in paragraph (2), the
19 amount of the monthly educational assistance allowance
20 payable to a person pursuing a full-time program of ap-
21 prenticeship or other on-the-job training under this sub-
22 chapter is—

23 “(A) for each of the first six months of the per-
24 son’s pursuit of such program, 75 percent of the

1 monthly educational assistance allowance otherwise
2 payable to such person under this subchapter;

3 “(B) for each of the second six months of the
4 person’s pursuit of such program, 55 percent of such
5 monthly educational assistance allowance; and

6 “(C) for each of the months following the first
7 12 months of the person’s pursuit of such program,
8 35 percent of such monthly educational assistance
9 allowance.

10 “(2) In any month in which any person pursuing a
11 program of education consisting of a program of appren-
12 ticeship or other on-the-job training fails to complete 120
13 hours of training, the amount of the monthly educational
14 assistance allowance payable under this subchapter to the
15 person shall be limited to the same proportion of the appli-
16 cable full-time rate as the number of hours worked during
17 such month, rounded to the nearest 8 hours, bears to 120
18 hours.

19 “(3)(A) Except as provided in subparagraph (B), for
20 each month that such person is paid a monthly edu-
21 cational assistance allowance under this subchapter, the
22 person’s entitlement under this subchapter shall be
23 charged at the rate of—

24 “(i) 75 percent of a month in the case of pay-
25 ments made in accordance with paragraph (1)(A);

1 “(ii) 55 percent of a month in the case of pay-
2 ments made in accordance with paragraph (1)(B);
3 and

4 “(iii) 35 percent of a month in the case of pay-
5 ments made in accordance with paragraph (1)(C).

6 “(B) Any such charge to the entitlement shall be re-
7 duced proportionately in accordance with the reduction in
8 payment under paragraph (2).

9 “(e)(1)(A) The amount of the educational assistance
10 allowance payable under this subchapter to a person who
11 enters into an agreement to pursue, and is pursuing, a
12 program of education exclusively by correspondence is an
13 amount equal to 55 percent of the established charge
14 which the institution requires nonveterans to pay for the
15 course or courses pursued by such person.

16 “(B) For purposes of subparagraph (A), the term ‘es-
17 tablished charge’ means the lesser of—

18 “(i) the charge for the course or courses deter-
19 mined on the basis of the lowest extended time pay-
20 ment plan offered by the institution and approved by
21 the appropriate State approving agency; or

22 “(ii) the actual charge to the person for such
23 course or courses.

1 “(C) Such allowance shall be paid quarterly on a pro
2 rata basis for the lessons completed by the person and
3 serviced by the institution.

4 “(2) In each case in which the amount of educational
5 assistance is determined under paragraph (1), the period
6 of entitlement of the person concerned shall be charged
7 with one month for each amount equal to the amount of
8 the monthly rate payable under subsection (b)(1)(A) for
9 the fiscal year concerned which is paid to the individual
10 as an educational assistance allowance.

11 “(f)(1) Each individual who is pursuing a program
12 of education consisting exclusively of flight training ap-
13 proved as meeting the requirements of section 3306(c) of
14 this title shall be paid an educational assistance allowance
15 under this subchapter in the amount equal to 60 percent
16 of the established charges for tuition and fees which simi-
17 larly circumstanced nonveterans enrolled in the same
18 flight course are required to pay.

19 “(2) No educational assistance allowance may be paid
20 under this subchapter to an individual for any month dur-
21 ing which such individual is pursuing a program of edu-
22 cation consisting exclusively of flight training until the
23 Secretary has received from that individual and the insti-
24 tution providing such training a certification of the flight

1 training received by the individual during that month and
2 the tuition and other fees charged for that training.

3 “(3) The period of entitlement of an individual pur-
4 suing a program of education described in paragraph (1)
5 shall be charged with one month for each amount equal
6 to the amount of the monthly rate payable under sub-
7 section (b)(1)(A) for the fiscal year concerned which is
8 paid to that individual as an educational assistance allow-
9 ance for such program.

10 “(4) The number of solo flying hours for which an
11 individual may be paid an educational assistance allowance
12 under this subsection may not exceed the minimum num-
13 ber of solo flying hours required by the Federal Aviation
14 Administration for the flight rating or certification which
15 is the goal of the individual’s flight training.

16 “(g)(1)(A) Subject to subparagraph (B), the Sec-
17 retary of Veterans Affairs shall approve individualized tu-
18 torial assistance for any person entitled to educational as-
19 sistance under this subchapter who—

20 “(i) is enrolled in and pursuing a postsecondary
21 course of education on a half-time or more basis at
22 an educational institution; and

23 “(ii) has a deficiency in a subject required as
24 a part of, or which is prerequisite to, or which is in-

1 dispensable to the satisfactory pursuit of, the pro-
2 gram of education.

3 “(B) The Secretary of Veterans Affairs shall not ap-
4 prove individualized tutorial assistance for a person pur-
5 suing a program of education under this paragraph unless
6 such assistance is necessary for the person to successfully
7 complete the program of education.

8 “(2)(A) Subject to subparagraph (B), the Secretary
9 of Veterans Affairs shall pay to a person receiving individ-
10 ualized tutorial assistance pursuant to paragraph (1) a tu-
11 torial assistance allowance. The amount of the allowance
12 payable under this paragraph may not exceed \$100 for
13 any month, nor aggregate more than \$1,200. The amount
14 of the allowance paid under this paragraph shall be in ad-
15 dition to the amount of educational assistance allowance
16 payable to a person under this subchapter.

17 “(B) A tutorial assistance allowance may not be paid
18 to a person under this paragraph until the educational in-
19 stitution at which the person is enrolled certifies that—

20 “(i) the individualized tutorial assistance is es-
21 sential to correct a deficiency of the person in a sub-
22 ject required as a part of, or which is prerequisite
23 to, or which is indispensable to the satisfactory pur-
24 suit of, an approved program of education;

1 “(ii) the tutor chosen to perform such assist-
2 ance is qualified to provide such assistance and is
3 not the person’s parent, spouse, child (whether or
4 not married or over eighteen years of age), brother,
5 or sister; and

6 “(iii) the charges for such assistance do not ex-
7 ceed the customary charges for such tutorial assist-
8 ance.

9 “(3)(A) A person’s period of entitlement to edu-
10 cational assistance under this subchapter shall be charged
11 only with respect to the amount of tutorial assistance paid
12 to the person under this subsection in excess of \$600.

13 “(B) A person’s period of entitlement to educational
14 assistance under this subchapter shall be charged at the
15 rate of one month for each amount of assistance paid to
16 the individual under this section in excess of \$600 that
17 is equal to the amount of the monthly educational assist-
18 ance allowance which the person is otherwise eligible to
19 receive for full-time pursuit of an institutional course
20 under this subchapter.

21 “(h) A program of education in a course of instruc-
22 tion beyond the baccalaureate degree level shall be pro-
23 vided under this subchapter, subject to the availability of
24 appropriations.

1 “(i)(1) In the case of a person who has a skill or
2 specialty designated by the Secretary concerned as a skill
3 or specialty in which there is a critical shortage of per-
4 sonnel or for which it is difficult to recruit or, in the case
5 of critical units, retain personnel, the Secretary concerned
6 may increase the rate of the educational assistance allow-
7 ance applicable to that person to such rate in excess of
8 the rate prescribed under subparagraphs (A) through (D)
9 of subsection (b)(1) as the Secretary of Defense considers
10 appropriate, but the amount of any such increase may not
11 exceed \$350 per month.

12 “(2) In the case of a person who has a skill or spe-
13 cialty designated by the Secretary concerned as a skill or
14 specialty in which there is a critical shortage of personnel
15 or for which it is difficult to recruit or, in the case of crit-
16 ical units, retain personnel, who is eligible for educational
17 benefits under chapter 30 (other than section 3012) of
18 this title and who meets the eligibility criteria specified
19 in subparagraphs (A) and (B) of section 3302(a)(1) of
20 this title, the Secretary concerned may increase the rate
21 of the educational assistance allowance applicable to that
22 person to such rate in excess of the rate prescribed under
23 section 3015 of this title as the Secretary of Defense con-
24 siders appropriate, but the amount of any such increase
25 may not exceed \$350 per month.

1 “(3) The authority provided by paragraphs (1) and
2 (2) shall be exercised by the Secretaries concerned under
3 regulations prescribed by the Secretary of Defense.

4 “(j)(1) Subject to paragraph (3), the amount of edu-
5 cational assistance payable under this subchapter for a li-
6 censing or certification test described in section 3452(b)
7 of this title is the lesser of \$2,000 or the fee charged for
8 the test.

9 “(2) The number of months of entitlement charged
10 in the case of any individual for such licensing or certifi-
11 cation test is equal to the number (including any fraction)
12 determined by dividing the total amount of educational as-
13 sistance paid such individual for such test by the full-time
14 monthly institutional rate of educational assistance which,
15 but for paragraph (1), such individual would otherwise be
16 paid under subsection (b).

17 “(3) In no event shall payment of educational assist-
18 ance under this subsection for such a test exceed the
19 amount of the individual’s available entitlement under this
20 subchapter.

21 **“§ 3302. Eligibility for educational assistance**

22 “(a) A person who—

23 “(1) after June 30, 1985—

24 “(A) enlists, reenlists, or extends an enlist-
25 ment as a Reserve for service in the Selected

1 Reserve for a period of not less than six years;

2 or

3 “(B) is appointed as, or is serving as, a re-
4 serve officer and agrees to serve in the Selected
5 Reserve for a period of not less than six years
6 in addition to any other period of obligated
7 service in the Selected Reserve to which the
8 person may be subject; and

9 “(2) before applying for benefits under this sec-
10 tion, has completed the requirements of a secondary
11 school diploma (or an equivalency certificate);

12 is entitled to educational assistance under section 3301
13 of this title.

14 “(b) Educational assistance may not be provided to
15 a member under this subchapter until the member has
16 completed the initial period of active duty for training re-
17 quired of the member.

18 “(c) Each person who becomes entitled to educational
19 assistance under subsection (a) shall at the time the per-
20 son becomes so entitled be given a statement in writing
21 summarizing the provisions of this subchapter and stating
22 clearly and prominently the substance of sections 3304
23 and 3305 of this title as such sections may apply to the
24 person. At the request of the Secretary of Veterans Af-

1 fairs, the Secretary of Defense shall transmit a notice of
2 entitlement for each such person to that Secretary.

3 “(d) A person who serves in the Selected Reserve may
4 not receive credit for such service under both the program
5 established by chapter 30 of this title and the program
6 established by this subchapter but shall elect (in such form
7 and manner as the Secretary of Veterans Affairs may pre-
8 scribe) the program to which such service is to be credited.

9 However, a person may not receive credit under the pro-
10 gram established by this subchapter for service (in any
11 grade) on full-time active duty or full-time National Guard
12 duty for the purpose of organizing, administering, recruit-
13 ing, instructing, or training the reserve components in a
14 position which is included in the end strength required to
15 be authorized each year by section 115(a)(1)(B) of title
16 10.

17 **“§ 3303. Time limitation for use of entitlement**

18 “(a) Except as provided in subsection (b), the period
19 during which a person entitled to educational assistance
20 under this subchapter may use such person’s entitlement
21 expires (1) at the end of the 14-year period beginning on
22 the date on which such person becomes entitled to such
23 assistance, or (2) on the date the person is separated from
24 the Selected Reserve, whichever occurs first.

25 “(b)(1) In the case of a person—

1 “(A) who is separated from the Selected Re-
2 serve because of a disability which was not the result
3 of the individual’s own willful misconduct incurred
4 on or after the date on which such person became
5 entitled to educational assistance under this sub-
6 chapter; or

7 “(B) who, on or after the date on which such
8 person became entitled to educational assistance
9 under this subchapter ceases to be a member of the
10 Selected Reserve during the period beginning on Oc-
11 tober 1, 1991, and ending on December 31, 2001,
12 by reason of the inactivation of the person’s unit of
13 assignment or by reason of involuntarily ceasing to
14 be designated as a member of the Selected Reserve
15 pursuant to section 10143(a) of title 10,
16 the period for using entitlement prescribed by sub-
17 section (a) shall be determined without regard to
18 clause (2) of such subsection.

19 “(2) The provisions of section 3031(f) of this title
20 shall apply to the period of entitlement prescribed by sub-
21 section (a).

22 “(3) The provisions of section 3031(d) of this title
23 shall apply to the period of entitlement prescribed by sub-
24 section (a) in the case of a disability incurred in or aggra-
25 vated by service in the Selected Reserve.

1 “(4) In the case of a member of the Selected Reserve
2 of the Ready Reserve who serves on active duty pursuant
3 to an order to active duty issued under section 12301(a),
4 12301(d), 12301(g), 12302, or 12304 of title 10—

5 “(A) the period of such active duty service plus
6 four months shall not be considered in determining
7 the expiration date applicable to such member under
8 subsection (a); and

9 “(B) the member may not be considered to
10 have been separated from the Selected Reserve for
11 the purposes of clause (2) of such subsection by rea-
12 son of the commencement of such active duty serv-
13 ice.

14 **“§ 3304. Termination of assistance**

15 “Educational assistance may not be provided under
16 this subchapter—

17 “(1) to a member receiving financial assistance
18 under section 2107 of title 10 as a member of the
19 Senior Reserve Officers’ Training Corps program; or

20 “(2) to a member who fails to participate satis-
21 factorily in required training as a member of the Se-
22 lected Reserve.

23 **“§ 3305. Failure to participate satisfactorily; penalties**

24 “(a) PENALTIES.—At the option of the Secretary
25 concerned, a member of the Selected Reserve of an armed

1 force who does not participate satisfactorily in required
2 training as a member of the Selected Reserve during a
3 term of enlistment or other period of obligated service that
4 created entitlement of the member to educational assist-
5 ance under this subchapter, and during which the member
6 has received such assistance, may—

7 “(1) be ordered to active duty for a period of
8 two years or the period of obligated service the per-
9 son has remaining under section 3302 of this title,
10 whichever is less; or

11 “(2) be subject to the repayment provisions
12 under section 303a(e) of title 37.

13 “(b) EFFECT OF REPAYMENT.—Any repayment
14 under section 303a(e) of title 37 shall not affect the period
15 of obligation of a member to serve as a Reserve in the
16 Selected Reserve.

17 **“§ 3306. Administration of program**

18 “(a) FUNDING FOR BENEFITS ACCRUING AFTER Oc-
19 TOBER 1, 2008.—Payments for educational assistance
20 under this subchapter shall be made from funds appro-
21 priated or otherwise made available to the Department of
22 Veterans Affairs for the payment of readjustment benefits.

23 “(b) FUNDING FOR BENEFITS ACCRUING BEFORE
24 OCTOBER 1, 2008.—Payments for educational assistance
25 under this subchapter shall be made from amounts in the

1 Department of Defense Education Benefits Fund under
2 section 2006 of title 10 that are attributable to armed
3 forces education liabilities under chapter 1606 of title 10
4 that accrue before October 1, 2008. Amounts for such
5 payments shall be made available to the Secretary in ac-
6 cordance with the provisions of section 2006(d) of title 10.

7 “(c) PROGRAM MANAGEMENT.—Except as otherwise
8 provided in this subchapter, the provisions of sections
9 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this
10 title and the provisions of subchapters I and II of chapter
11 36 of this title (with the exception of sections 3686(a),
12 3687, and 3692) shall be applicable to the provision of
13 educational assistance under this subchapter. The term
14 ‘eligible veteran’ and the term ‘a person’, as used in those
15 provisions, shall be deemed for the purpose of the applica-
16 tion of those provisions to this subchapter to refer to a
17 person eligible for educational assistance under this sub-
18 chapter.

19 “(d) FLIGHT TRAINING.—The Secretary of Veterans
20 Affairs may approve the pursuit of flight training (in addi-
21 tion to a course of flight training that may be approved
22 under section 3680A(b) of this title) by an individual enti-
23 tled to educational assistance under this subchapter if—

1 “(1) such training is generally accepted as nec-
2 essary for the attainment of a recognized vocational
3 objective in the field of aviation;

4 “(2) the individual possesses a valid private
5 pilot certificate and meets, on the day the individual
6 begins a course of flight training, the medical re-
7 quirements necessary for a commercial pilot certifi-
8 cate; and

9 “(3) the flight school courses meet Federal
10 Aviation Administration standards for such courses
11 and are approved by the Federal Aviation Adminis-
12 tration and the State approving agency.

13 **“§ 3307. Biennial report to Congress**

14 “The Secretary of Defense shall submit to Congress
15 a report not later than March 1 of each odd-numbered
16 year concerning the operation of the educational assist-
17 ance program established by this subchapter during the
18 preceding two fiscal years. Each such report shall include
19 the number of members of the Selected Reserve of the
20 Ready Reserve of each armed force receiving, and the
21 number entitled to receive, educational assistance under
22 this subchapter during those fiscal years. The Secretary
23 may submit the report more frequently and adjust the pe-
24 riod covered by the report accordingly.

1 "SUBCHAPTER II—RESERVE COMPONENT MEM-
2 BERS SUPPORTING CONTINGENCY OPER-
3 ATIONS AND CERTAIN OTHER OPERATIONS

4 **§ 3321. Purpose**

5 "The purpose of this subchapter is to provide edu-
6 cational assistance to members of the reserve components
7 called or ordered to active service in response to a war
8 or national emergency declared by the President or Con-
9 gress, in recognition of the sacrifices that those members
10 make in answering the call to duty.

11 **§ 3322. Educational assistance program**

12 "(a) PROGRAM ESTABLISHMENT.—The Secretary of
13 each military department, under regulations prescribed by
14 the Secretary of Defense, and the Secretary of Homeland
15 Security with respect to the Coast Guard when it is not
16 operating as a service in the Navy, shall establish and
17 maintain a program as prescribed in this subchapter to
18 provide educational assistance to members of the Ready
19 Reserve of the Armed Forces under the jurisdiction of the
20 Secretary concerned.

21 "(b) AUTHORIZED EDUCATION PROGRAMS.—Edu-
22 cational assistance may be provided under this subchapter
23 for pursuit of any program of education that is an ap-
24 proved program of education for purposes of chapter 30
25 of this title.

1 “(c) BENEFIT AMOUNT.—(1) The educational assist-
2 ance program established under subsection (a) shall pro-
3 vide for payment by the Secretary of Veterans Affairs of
4 an educational assistance allowance to each member enti-
5 tled to educational assistance under this subchapter who
6 is pursuing a program of education authorized under sub-
7 section (b).

8 “(2) The educational assistance allowance provided
9 under this subchapter shall be based on the applicable per-
10 cent under paragraph (4) to the applicable rate provided
11 under section 3015 of this title for a member whose enti-
12 tlement is based on completion of an obligated period of
13 active duty of three years.

14 “(3) The educational assistance allowance provided
15 under this section for a person who is undertaking a pro-
16 gram for which a reduced rate is specified in chapter 30
17 of this title, that rate shall be further adjusted by the ap-
18 plicable percent specified in paragraph (4).

19 “(4) The adjusted educational assistance allowance
20 under paragraph (2) or (3), as applicable, shall be—

21 “(A) 40 percent in the case of a member of a
22 reserve component who performed active service for
23 90 consecutive days but less than one continuous
24 year;

1 “(B) 60 percent in the case of a member of a
2 reserve component who performed active service for
3 one continuous year but less than two continuous
4 years; or

5 “(C) 80 percent in the case of a member of a
6 reserve component who performed active service for
7 two continuous years or more.

8 “(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Sub-
9 ject to section 3695 of this title, the maximum number
10 of months of educational assistance that may be provided
11 to any member under this subchapter is 36 (or the equiva-
12 lent thereof in part-time educational assistance).

13 “(2)(A) Notwithstanding any other provision of this
14 subchapter or chapter 36 of this title, any payment of an
15 educational assistance allowance described in subpara-
16 graph (B) shall not—

17 “(i) be charged against the entitlement of any
18 individual under this subchapter; or

19 “(ii) be counted toward the aggregate period for
20 which section 3695 of this title limits an individual’s
21 receipt of assistance.

22 “(B) The payment of the educational assistance al-
23 lowance referred to in subparagraph (A) is the payment
24 of such an allowance to the individual for pursuit of a

1 course or courses under this subchapter if the Secretary
2 of Veterans Affairs finds that the individual—

3 “(i) had to discontinue such course pursuit as
4 a result of being ordered to serve on active duty
5 under section 12301(a), 12301(d), 12301(g), 12302,
6 or 12304 of title 10; and

7 “(ii) failed to receive credit or training time to-
8 ward completion of the individual’s approved edu-
9 cational, professional, or vocational objective as a re-
10 sult of having to discontinue, as described in clause
11 (i), the individual’s course pursuit.

12 “(C) The period for which, by reason of this sub-
13 section, an educational assistance allowance is not charged
14 against entitlement or counted toward the applicable ag-
15 gregate period under section 3695 of this title shall not
16 exceed the portion of the period of enrollment in the
17 course or courses for which the individual failed to receive
18 credit or with respect to which the individual lost training
19 time, as determined under subparagraph (B)(ii).

20 “(e) AVAILABILITY OF ASSISTANCE FOR LICENSING
21 AND CERTIFICATION TESTS.—The provisions of section
22 3301(j) of this title shall apply to the provision of edu-
23 cational assistance under this subchapter, except that, in
24 applying such section under this subchapter, the reference

1 to subsection (b) in paragraph (2) of such section is
2 deemed to be a reference to subsection (c) of this section.

3 **“§ 3323. Eligibility for educational assistance**

4 “(a) ELIGIBILITY.—On or after September 11, 2001,
5 a member of a reserve component is entitled to educational
6 assistance under this subchapter if the member—

7 “(1) served on active duty in support of a con-
8 tingency operation for 90 consecutive days or more;
9 or

10 “(2) in the case of a member of the Army Na-
11 tional Guard of the United States or Air National
12 Guard of the United States, performed full time Na-
13 tional Guard duty under section 502(f) of title 32
14 for 90 consecutive days or more when authorized by
15 the President or Secretary of Defense for the pur-
16 pose of responding to a national emergency declared
17 by the President and supported by Federal funds.

18 “(b) DISABLED MEMBERS.—Notwithstanding the eli-
19 gibility requirements in subsection (a), a member who was
20 ordered to active service as prescribed under subsection
21 (a)(1) or (a)(2) but is released from duty before com-
22 pleting 90 consecutive days because of an injury, illness
23 or disease incurred or aggravated in the line of duty shall
24 be entitled to educational assistance under this subchapter

1 at the rate prescribed in section 3322(c)(4)(A) of this
2 title.

3 “(c) WRITTEN NOTIFICATION.—(1) Each member
4 who becomes entitled to educational assistance under sub-
5 section (a) shall be given a statement in writing prior to
6 release from active service that summarizes the provisions
7 of this subchapter and stating clearly and prominently the
8 substance of section 3325 of this title as such section may
9 apply to the member.

10 “(2) At the request of the Secretary of Veterans Af-
11 fairs, the Secretary concerned shall transmit a notice of
12 entitlement for each such member to that Secretary.

13 “(d) BAR FROM DUAL ELIGIBILITY.—A member who
14 qualifies for educational assistance under this subchapter
15 may not receive credit for such service under both the pro-
16 gram established by chapter 30 of this title and the pro-
17 gram established by this subchapter but shall make an ir-
18 revocable election (in such form and manner as the Sec-
19 retary of Veterans Affairs may prescribe) as to the pro-
20 gram to which such service is to be credited.

21 “(e) BAR FROM DUPLICATION OF EDUCATIONAL AS-
22 SISTANCE ALLOWANCE.—

23 “(1) Except as provided in paragraph (2), an
24 individual entitled to educational assistance under
25 this subchapter who is also eligible for educational

1 assistance under subchapter I of this chapter, chapter
2 30, 31, 32, or 35 of this title, or under the Hostage
3 Relief Act of 1980 (Public Law 96-449; 5
4 U.S.C. 5561 note) may not receive assistance under
5 more than one such programs and shall elect (in
6 such form and manner as the Secretary of Veterans
7 Affairs may prescribe) under which program the
8 member elects to receive educational assistance.

9 “(2) The restriction on duplication of edu-
10 cational assistance under paragraph (1) does not
11 apply to the entitlement of educational assistance
12 under section 3301(i) of this title.

13 **“§ 3324. Time limit for use of entitlement**

14 “(a) DURATION OF ENTITLEMENT.—Except as pro-
15 vided in subsection (b), a member remains entitled to edu-
16 cational assistance under this subchapter while serving—

17 “(1) in the Selected Reserve of the Ready Re-
18 serve, in the case of a member called or ordered to
19 active service while serving in the Selected Reserve;
20 or

21 “(2) in the Ready Reserve, in the case of a
22 member ordered to active duty while serving in the
23 Ready Reserve (other than the Selected Reserve).

24 “(b) DURATION OF ENTITLEMENT FOR DISABLED
25 MEMBERS.—(1) In the case of a person who is separated

1 from the Ready Reserve because of a disability which was
2 not the result of the individual's own willful misconduct
3 incurred on or after the date on which such person became
4 entitled to educational assistance under this subchapter,
5 such person's entitlement to educational assistance expires
6 at the end of the 10-year period beginning on the date
7 on which such person became entitled to such assistance.

8 “(2) The provisions of subsections (d) and (f) of sec-
9 tion 3031 of this title shall apply to the period of entitle-
10 ment prescribed by paragraph (1).

11 **“§ 3325. Termination of assistance**

12 “(a) IN GENERAL.—Except as provided in subsection
13 (b), educational assistance may not be provided under this
14 subchapter, or if being provided under this subchapter,
15 shall be terminated—

16 “(1) if the member is receiving financial assist-
17 ance under section 2107 of title 10 as a member of
18 the Senior Reserve Officers' Training Corps pro-
19 gram; or

20 “(2) when the member separates from the
21 Ready Reserve, as provided for under section
22 3324(a)(1) or section 3324(a)(2), as applicable, of
23 this title.

24 “(b) EXCEPTION.—Under regulations prescribed by
25 the Secretary of Defense, educational assistance may be

1 provided under this subchapter to a member of the Se-
2 lected Reserve of the Ready Reserve who incurs a break
3 in service in the Selected Reserve of not more than 90
4 days if the member continues to serve in the Ready Re-
5 serve during and after such break in service.

6 **“§ 3326. Administration of program**

7 “(a) FUNDING FOR BENEFITS ACCRUING AFTER Oc-
8 TOBER 1, 2008.—Payments for educational assistance
9 under this subchapter shall be made from funds appro-
10 priated or otherwise made available to the Department of
11 Veterans Affairs for the payment of readjustment benefits.

12 “(b) FUNDING FOR BENEFITS ACCRUING BEFORE
13 OCTOBER 1, 2008.—Payments for educational assistance
14 under this subchapter shall be made from amounts in the
15 Department of Defense Education Benefits Fund under
16 section 2006 of title 10 that are attributable to armed
17 forces education liabilities under chapter 1607 of title 10
18 that accrue before October 1, 2008. Amounts for such
19 payments shall be made available to the Secretary in ac-
20 cordance with the provisions of section 2006(d) of title 10.

21 “(c) PROGRAM MANAGEMENT.—Except as otherwise
22 provided in this subchapter, the provisions of sections 503,
23 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485
24 of this title and the provisions of subchapters I and II
25 of chapter 36 of this title (with the exception of sections

1 3686(a), 3687, and 3692) shall be applicable to the provi-
2 sion of educational assistance under this subchapter. The
3 term ‘eligible veteran’ and the term ‘person’, as used in
4 those provisions, shall be deemed for the purpose of the
5 application of those provisions to this subchapter to refer
6 to a person eligible for educational assistance under this
7 subchapter.

8 “(d) FLIGHT TRAINING.—The Secretary of Veterans
9 Affairs may approve the pursuit of flight training (in addi-
10 tion to a course of flight training that may be approved
11 under section 3680A(b) of this title) by an individual enti-
12 tled to educational assistance under this subchapter if—
13 “(1) such training is generally accepted as nec-
14 essary for the attainment of a recognized vocational
15 objective in the field of aviation;

16 “(2) the individual possesses a valid private
17 pilot certificate and meets, on the day the member
18 begins a course of flight training, the medical re-
19 quirements necessary for a commercial pilot certifi-
20 cate; and

21 “(3) the flight school courses meet Federal
22 Aviation Administration standards for such courses
23 and are approved by the Federal Aviation Adminis-
24 tration and the State approving agency.”.

1 (b) CLERICAL AMENDMENTS.—The tables of chap-
2 ters at the beginning of title 38, United States Code, and
3 at the beginning of part III of such title, are each amend-
4 ed by inserting after the item relating to chapter 32 the
5 following new item:

“**33. Educational Assistance for Members of the Reserve Components** **3301**”.

6 SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

7 (a) CONFORMING AMENDMENTS ON BAR ON DUAL
8 ELIGIBILITY FOR BENEFITS.—

9 (1) Section 3033 of title 38, United States
10 Code, is amended—

11 (A) in subsection (a)(1), by striking “chap-
12 ter 106 or 107 of title 10” and inserting
13 “under subchapter I or subchapter II of chap-
14 ter 33 of this title, under chapter 107 of title
15 10”; and

16 (B) in subsection (c), by striking “chapter
17 106 of title 10” and inserting “subchapter I of
18 chapter 33 of this title”.

19 (2) Section 3221(f) of such title is amended by
20 striking “chapter 106 of title 10” and inserting
21 “subchapter I of chapter 33 of this title”.

22 (3) Section 3681 of such title is amended—

23 (A) in subsection (a), by striking “34, 35,
24 or 36 of this title or 106 or 107 of title 10,”

1 and inserting “33, 34, 35, or 36 of this title”;

2 and

3 (B) in subsection (b)—

4 (i) in paragraph (1), by inserting before the period the following: “, and sub-chapters I and II of chapter 33 of this title”; and

8 (ii) in paragraph (2), by striking “Chapters 106 and” and inserting “Chapter”.

11 (b) CONFORMING AMENDMENTS RELATING TO DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—

13 (1) DEFINITION OF ARMED FORCES EDUCATION LIABILITIES.—Paragraph (1) of section 2006(b) of title 10, United States Code, is amended to read as follows:

17 “(1) The term ‘armed forces education liabilities’ means liabilities of the armed forces for benefits under chapters 30 and 33 of title 38 and for Department of Defense benefits under paragraphs (3) and (4) of section 510(e) of this title, including funds provided by the Secretary of Homeland Security for education liabilities for the Coast Guard when it is not operating as a service in the Department of the Navy. The term includes Department of

1 Defense benefits under chapters 1606 and 1607 of
2 this title, as in effect immediately before the date of
3 the enactment of the Montgomery GI Bill Integra-
4 tion Act of 2007, for persons who became entitled
5 to educational assistance under such chapters before
6 that date and use, on or after that date, the benefits
7 to which the persons became entitled.”.

8 (2) DEFINITION OF NORMAL COST.—Paragraph
9 (2) of such section is amended by striking subpara-
10 graph (C) and inserting the following new subpara-
11 graph:

12 “(C) The present value of the future De-
13 partment of Defense benefits payable from the
14 Fund (including funds from the Department in
15 which the Coast Guard is operating) for—

16 “(i) educational assistance under
17 chapter 33 of title 38 to persons who dur-
18 ing such period become entitled to such as-
19 sistance; and

20 “(ii) educational assistance under
21 chapters 1606 and 1607 of this title, as in
22 effect immediately before the date of the
23 enactment of the Montgomery GI Bill Inte-
24 gration Act of 2007, to persons who be-
25 came entitled to such assistance under

1 such chapters before that date and will be
2 able to use, on or after that date, the bene-
3 fits to which the persons became entitled.”.

4 (c) CROSS-REFERENCE AMENDMENTS.—

5 (1) CHAPTER 106 OF TITLE 10, UNITED STATES
6 CODE.—

7 (A) Section 2131 of title 10, United States
8 Code, is amended to read as follows:

9 **“§ 2131. Reference to subchapter I of chapter 33 of**
10 **title 38**

11 “Provisions of law related to educational assistance
12 for members of the Selected Reserve under the Mont-
13 gomery GI Bill program, as formerly set forth in this
14 chapter and chapter 1606 of this title, are set forth in
15 subchapter I of chapter 33 of title 38 (beginning with sec-
16 tion 3301 of title 38).”.

17 (B) The table of sections at the beginning
18 of chapter 106 of such title is amended by
19 striking the item relating to section 2131 and
20 inserting the following new item:

“2131. Reference to subchapter I of chapter 33 of title 38.”.

21 (2) CHAPTER 1606 OF TITLE 10, UNITED
22 STATES CODE.—Chapter 1606 of such title is
23 amended by striking all after the chapter heading
24 and inserting the following:

“See
“16131. Reference to subchapter I of chapter 33 of title 38.

1 **“§ 16131. Reference to subchapter I of chapter 33 of**
 2 **title 38**

3 “Provisions of law related to educational assistance
 4 for members of the Selected Reserve under the Mont-
 5 gomery GI Bill program, as formerly set forth in this
 6 chapter, are set forth in subchapter I of chapter 33 of
 7 title 38 (beginning with section 3301 of that title).”.

8 (3) CHAPTER 1607 OF TITLE 10, UNITED
 9 STATES CODE.—Chapter 1607 of such title is
 10 amended by striking all after the chapter heading
 11 and inserting the following:

“See
“16161. Reference to subchapter II of chapter 33 of title 38.

12 **“§ 16161. Reference to subchapter II of chapter 33 of**
 13 **title 38**

14 “Provisions of law related to educational assistance
 15 for members of the reserve components of the Armed
 16 Forces supporting contingency operations and certain
 17 other operations, as formerly set forth in this chapter, are
 18 set forth in subchapter II of chapter 33 of title 38 (begin-
 19 ning with section 3321 of that title).”.

20 (d) ADDITIONAL CONFORMING AMENDMENTS.—

21 (1) TITLE 38, UNITED STATES CODE.—

22 (A) Section 3485 of title 38, United States
 23 Code, is amended—

1 (i) in subsection (a)(4)(E), by striking
2 “chapter 1606 or 1607 of title 10” and in-
3 serting “chapter 33 of this title”;

4 (ii) in subsection (b), by striking
5 “chapter 30, 31, 32, or 34 of this title or
6 chapter 1606 or 1607 of title 10,” and in-
7 serting “chapter 30, 31, 32, 33, or 34 of
8 this title”; and

9 (iii) in subsection (e)(1)—

10 (I) by striking “, chapter 30, 31,
11 32, 35, or 36 of this title, or chapter
12 1606 or 1607 of title 10” and insert-
13 ing “or chapter 30, 31, 32, 33, 35, or
14 36 of this title”; and

15 (II) by striking “section 2135 of
16 such title” and inserting “section
17 3305 of this title”.

18 (B) Section 3672(c) of such title is amend-
19 ed—

20 (i) in paragraph (3)(A), by striking
21 “chapters 30 and 35 of this title and chap-
22 ter 1606 of title 10” and inserting “chap-
23 ters 30, 33, and 35 of this title”; and

24 (ii) in paragraph (4), by striking
25 “chapter 30 or 35 of this title, or chapter

1 1606 of title 10, as the case may be” and
2 inserting “chapter 30, 33, or 35 of this
3 title”.

4 (C) Section 3680A(d)(1) of such title is
5 amended—

6 (i) by striking “or under chapter 106
7 of title 10” the first place it appears; and
8 (ii) by striking “or chapter 30, 31, 32,
9 or 35 of this title or under chapter 106 of
10 title 10” and inserting “or chapter 30, 31,
11 32, 33, or 35 of this title”.

12 (D) Section 3684A(a)(1) of such title is
13 amended by striking “chapter 30 or 32 of this
14 title or in chapter 106 of title 10” and inserting
15 “chapter 30, 32, or 33 of this title”.

16 (E) Section 3688(b) of such title is amend-
17 ed by striking “, chapter 30, 32, or 35 of this
18 title, or chapter 106 of title 10” and inserting
19 “or chapter 30, 32, 33, or 35 of this title”.

20 (F) Section 3689 of such title is amended
21 by inserting “33,” after “32,” each place it ap-
22 pears.

23 (G) Section 3692 of such title is amend-
24 ed—

1 (i) in subsection (a), by striking “or
2 35 of this title and chapter 1606 of title
3 10” and inserting “33, or 35 of this title”;
4 and

5 (ii) in subsection (b), by striking “,
6 chapters 30, 32, and 35 of this title, and
7 chapter 1606 of title 10” and inserting
8 “and chapters 30, 32, 33, and 35 of this
9 title”.

10 (H) Section 3695(a) of such title is
11 amended—

12 (i) by striking paragraph (4) and in-
13 serting the following new paragraph (4):
14 “(4) Chapters 30, 32, 34, 35, and 36 of this
15 title and subchapters I and II of chapter 33 of this
16 title.”; and

17 (ii) in paragraph (5), by striking “,
18 1606, 1607.”.

24 (J) Section 3697A(b)(1) of such title is
25 amended by striking “or 32 of this title or

1 chapter 106 or 107 of title 10” and inserting
2 “32, or 33 of this title”.

3 (2) TITLE 10, UNITED STATES CODE.—Section
4 510(h) of title 10, United States Code, is amend-
5 ed—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A), by striking
8 “additional educational assistance under
9 chapter 1606 of this title or to basic edu-
10 cational assistance under subchapter II of
11 chapter 30 of title 38” and inserting
12 “basic educational assistance under sub-
13 chapter II of chapter 30 of title 38 or edu-
14 cational assistance under subchapter I of
15 chapter 33 of that title”; and

16 (ii) in subparagraph (B)—

17 (I) by striking “chapter 1606 of
18 this title or chapter 30 of title 38”
19 and inserting “chapter 30 or sub-
20 chapter I of chapter 33 of title 38”;
21 and

22 (II) by striking “either such
23 chapter” each place it appears and in-
24 serting “either such provisions”; and

1 (B) in paragraph (3)(A), by striking “edu-
2 cational assistance under chapter 1606 of this
3 title” and all that follows through “as the case
4 may be” and inserting “basic educational as-
5 sistance under chapter 30 of title 38 or edu-
6 cational assistance under subchapter I of chap-
7 ter 33 of that title from an entitlement to such
8 basic educational assistance under chapter 30
9 of that title or educational assistance under
10 subchapter I of chapter 33 of that title, as the
11 case may be”.

12 (3) ELEMENTARY AND SECONDARY EDUCATION

13 ACT OF 1965.—Section 2304(g) of the Elementary
14 and Secondary Education Act of 1965 (20 U.S.C.
15 6674(g)) is amended by striking “chapter 30 of title
16 38 or chapter 1606 of title 10” and inserting “chap-
17 ter 30 or 33 of title 38”.

18 (4) INTERNAL REVENUE CODE OF 1986.—Sec-

