

110TH CONGRESS
1ST SESSION

H. R. 2417

To amend title 38, United States Code, and title 10, United States Code, to provide for an opportunity for active duty personnel to withdraw an election not to participate in the program of educational assistance under the Montgomery GI Bill.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2007

Mr. VISCOSKY (for himself, Mr. VAN HOLLEN, Mr. BURTON of Indiana, Ms. MATSUI, Mrs. CHRISTENSEN, Mr. BERMAN, Mr. FORTUÑO, Mr. BRADY of Pennsylvania, Mr. BISHOP of Georgia, Mr. MOORE of Kansas, Mr. RUPPERSBERGER, Mr. HONDA, Mr. CLEAVER, Mr. PLATTS, Mr. HOBSON, Mr. McDERMOTT, Ms. KILPATRICK, Ms. CARSON, Mr. HINCHEY, Mr. TOWNS, Mr. RYAN of Ohio, Ms. WOOLSEY, Ms. BERKLEY, Mrs. BOYDA of Kansas, Mr. TAYLOR, Mr. CONYERS, Mr. MITCHELL, Mrs. JO ANN DAVIS of Virginia, Mr. CARNEY, Mr. PETERSON of Minnesota, Ms. DELAUR, Ms. SCHAKOWSKY, and Mr. BRALEY of Iowa) 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, and title 10, United States Code, to provide for an opportunity for active duty personnel to withdraw an election not to participate in the program of 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 Second Chance Act of 2007”.

6 **SEC. 2. OPPORTUNITY FOR ACTIVE DUTY PERSONNEL TO**
7 **WITHDRAW AN ELECTION NOT TO PARTICI-**
8 **PATE IN THE MONTGOMERY GI BILL EDU-**
9 **CATION PROGRAM.**

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

13 **“§ 3018D. Opportunity for certain active-duty per-**
14 **sonnel to enroll**

15 “(a) OPPORTUNITY TO ENROLL.—(1) Notwith-
16 standing any other provision of this chapter, during the
17 month of October in any year, beginning with 2007, (here-
18 inafter in this section referred to as the ‘open season’)
19 a qualified individual (described in subsection (b)) may
20 make an irrevocable election under this section to become
21 entitled to basic educational assistance under this chapter.

22 “(2) The Secretary of each military department shall
23 provide for procedures for a qualified individual to make
24 an irrevocable election under this section in accordance
25 with regulations prescribed by the Secretary of Defense

1 for the purpose of carrying out this section or which the
2 Secretary of Homeland Security shall provide for such
3 purpose with respect to the Coast Guard when it is not
4 operating as a service in the Navy.

5 “(b) **QUALIFIED INDIVIDUAL.**—A qualified individual
6 referred to in subsection (a) is an individual who meets
7 each of the following requirements:

8 “(1) The individual first became a member of
9 the Armed Forces or first entered on active duty as
10 a member of the Armed Forces before, on, or after
11 July 1, 1985.

12 “(2) The individual has served on active duty
13 without a break in service since the date the indi-
14 vidual first became such a member or first entered
15 on active duty as such a member.

16 “(3) The individual is serving on active duty
17 during the open season of the year involved.

18 “(4) The individual, before applying for benefits
19 under this section, has completed the requirements
20 of a secondary school diploma (or equivalency certifi-
21 cate) or has successfully completed (or otherwise re-
22 ceived academic credit for) the equivalent of 12 se-
23 mester hours in a program of education leading to
24 a standard college degree.

1 “(5) The individual, when discharged or re-
2 leased from active duty, is discharged or released
3 therefrom with an honorable discharge.

4 “(c) ENROLLMENT FEE.—(1) Subject to the suc-
5 ceeding provisions of this subsection, with respect to a
6 qualified individual who makes an election under this sec-
7 tion to become entitled to basic educational assistance
8 under this chapter—

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

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

17 “(i) the Secretary concerned shall collect
18 from the qualified individual; or

19 “(ii) the Secretary concerned shall reduce
20 the retired or retainer pay of the qualified indi-
21 vidual by, an amount equal to the difference be-
22 tween \$1,200 and the total amount of reduc-
23 tions under subparagraph (A), which shall be
24 paid into the Treasury of the United States as
25 miscellaneous receipts.

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

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

10 “(d) LIMITATION.—With respect to qualified individ-
11 uals referred to in subsection (c)(1)(B), no amount of edu-
12 cational assistance allowance under this chapter shall be
13 paid to the qualified individual until the earlier of the date
14 on which—

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

17 “(2) the retired or retainer pay of the qualified
18 individual is first reduced under clause (ii) of such
19 subsection.

20 “(e) NOTICE REQUIRED.—The Secretary concerned,
21 in conjunction with the Secretary of Defense, shall provide
22 for notice of the opportunity under this section to elect
23 to become entitled to basic educational assistance under
24 this chapter.”.

1 (b) CONFORMING AMENDMENTS.—(1) Sections
2 3011(c)(1) and 3012(d)(1) of such title are each amended
3 by striking “Any individual” in the third sentence and in-
4 serting “Subject to section 3018D of this title, any indi-
5 vidual”.

6 (2) Section 3015(f) of such title is amended by strik-
7 ing “or 3018C” and inserting “3018C, or 3018D”.

8 (3) Section 3017(b)(1) of such title is amended—

9 (A) in subparagraph (A), by striking “or
10 3018C(e)” and inserting “3018C(e), or 3018D(d)”;
11 (B) in subparagraph (B), by inserting “or
12 3018D(d)” after “3018C(e)”; or

13 (C) in subparagraph (C), by striking “or
14 3018C(e)” and inserting “3018C(e), or 3018D(d)”.

15 (c) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 3018C the following new
18 item:

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

