

110TH CONGRESS
1ST SESSION

S. 723

To provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2007

Mr. HAGEL (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, 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 “Montgomery GI Bill

5 Enhancement Act of 2007”.

1 **SEC. 2. EXEMPTION FROM PAYMENT OF INDIVIDUAL CON-**
2 **TRIBUTIONS UNDER MONTGOMERY GI BILL**
3 **OF INDIVIDUALS WHO SERVE AS ACTIVE**
4 **DUTY MEMBERS OF THE ARMED FORCES**
5 **UNDER EXECUTIVE ORDER 13235.**

6 (a) ACTIVE DUTY PROGRAM.—Notwithstanding section 3011(b) of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

11 (b) SELECTED RESERVE PROGRAM.—Notwithstanding section 3012(c) of such title, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

15 (c) TERMINATION OF ON-GOING REDUCTIONS IN BASIC PAY.—In the case of a covered member of the Armed Forces who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces before the date of the enactment of this Act and whose basic pay would, but for subsection (a) or (b) of this section, be subject to reduction under section 3011(b) or 3012(c) of such title for any month beginning on or after that date, the reduction of basic pay of such covered member of the Armed Forces under such section 3011(b) or 3012(c), as applicable, shall cease commencing with the first month beginning on or after that date.

1 (d) REFUND OF CONTRIBUTIONS.—

22 (4) SECRETARY CONCERNED DEFINED.—In this
23 subsection, the term “Secretary concerned” means—

10 (e) COVERED MEMBER OF THE ARMED FORCES DE-
11 FINED.—In this section, the term “covered member of the
12 Armed Forces” means any individual who serves on active
13 duty as a member of the Armed Forces during the pe-
14 riod—

1 **SEC. 3. OPPORTUNITY FOR INDIVIDUALS WHO SERVE AS**
2 **ACTIVE DUTY MEMBERS OF THE ARMED**
3 **FORCES UNDER EXECUTIVE ORDER 13235 TO**
4 **WITHDRAW ELECTION NOT TO ENROLL IN**
5 **MONTGOMERY GI BILL.**

6 Section 3018 of title 38, United States Code, is
7 amended—

8 (1) by redesignating subsections (c) and (d) as
9 subsection (d) and (e), respectively;

10 (2) by inserting after subsection (b) the fol-
11 lowing new subsection (c):

12 “(c)(1) Notwithstanding any other provision of this
13 chapter, during the one-year period beginning on the date
14 of the enactment of this subsection, an individual who—

15 “(A) serves on active duty as a member of the
16 Armed Forces during the period beginning on No-
17 vember 16, 2001, and ending on the termination
18 date of Executive Order 13235, relating to National
19 Emergency Construction Authority; and

20 “(B) has served continuously on active duty
21 without a break in service following the date the in-
22 dividual first becomes a member or first enters on
23 active duty as a member of the Armed Forces,

24 shall have the opportunity, on such form as the Secretary
25 of Defense shall prescribe, to withdraw an election under

1 section 3011(c)(1) or 3012(d)(1) of this title not to receive
2 education assistance under this chapter.

3 “(2) An individual described in paragraph (1) who
4 made an election under section 3011(c)(1) or 3012(d)(1)
5 of this title and who—

6 “(A) while serving on active duty during the
7 one-year period beginning on the date of the enact-
8 ment of this subsection makes a withdrawal of such
9 election;

10 “(B) continues to serve the period of service
11 which such individual was obligated to serve;

12 “(C) serves the obligated period of service de-
13 scribed in subparagraph (B) or before completing
14 such obligated period of service is described by sub-
15 section (b)(3)(B); and

16 “(D) meets the requirements set forth in para-
17 graphs (4) and (5) of subsection (b),

18 is entitled to basic educational assistance under this chap-
19 ter.”; and

20 (3) in subsection (e), as so redesignated, by in-
21 serting “or (c)(2)(A)” after “(b)(1)”.

