

111TH CONGRESS  
1ST SESSION

# S. 1668

To amend title 38, United States Code, to provide for the inclusion of certain active duty service in the Reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2009

Mr. BENNET 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 the inclusion of certain active duty service in the Reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, 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 “National Guard Edu-  
5       cation Equality Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) The National Guard, first established in  
2           1636, is the oldest component of the United States  
3           Armed Forces.

4           (2) National Guard members have been “Al-  
5           ways Ready and Always There” to protect and de-  
6           fend the United States in times of crisis, both for-  
7           eign and domestic.

8           (3) Thirty-five thousand members of the Na-  
9           tional Guard in State status under title 32, United  
10          States Code, have served the United States admi-  
11          rably since September 11, 2001, but do not qualify  
12          for veterans educational assistance under chapter 33  
13          of title 38, United States Code (commonly referred  
14          to as “Post-9/11 Educational Assistance”).

15          (4) These National Guard members have duti-  
16          fully served in the following capacities while in State  
17          status:

18                 (A) As domestic emergency responders, no-  
19                 tably after Hurricane Katrina in 2005.

20                 (B) In homeland security missions, such as  
21                 Operation Jump Start, which deployed National  
22                 Guard members to secure the United States-  
23                 Mexico border during 2007 and 2008.

24                 (C) In Operation Noble Eagle, an initiative  
25                 by United States Northern Command to mon-

1           itor and protect North American skies after  
2           September 11, 2001.

3 **SEC. 3. INCLUSION OF CERTAIN ACTIVE DUTY SERVICE IN**  
4 **THE RESERVE COMPONENTS AS QUALIFYING**  
5 **SERVICE FOR PURPOSES OF POST-9/11 EDU-**  
6 **CATIONAL ASSISTANCE PROGRAM.**

7       Section 3301(1) of title 38, United States Code, is  
8 amended by adding at the end the following new subpara-  
9 graph:

10                   “(C) In the case of members of the Army  
11           National Guard or Air National Guard of any  
12           State, full-time duty under title 32, including  
13           such duty—

14                   “(i) under orders from the Governor  
15           of a State or territory of the United States  
16           in response to a domestic emergency;

17                   “(ii) as part of the Active Guard Re-  
18           serve;

19                   “(iii) as part of Air Sovereignty Alert;

20                   “(iv) as part of Operation Jumpstart;

21                   “(v) in response to Hurricane  
22           Katrina;

23                   “(vi) as part of an airport security  
24           mission; or

1 “(vii) as part of a counterdrug activ-  
2 ity.”.

