

107TH CONGRESS
1ST SESSION

H. R. 2020

To amend title 38, United States Code, to extend the period over which an individual must make payment to the Secretary to become entitled to educational assistance under the Montgomery GI Bill, to prospectively permit any servicemember to withdraw an election not to enroll under the Montgomery GI Bill, and to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2001

Mr. JONES of North Carolina 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 extend the period over which an individual must make payment to the Secretary to become entitled to educational assistance under the Montgomery GI Bill, to prospectively permit any servicemember to withdraw an election not to enroll under the Montgomery GI Bill, and to provide for certain servicemembers to become eligible for 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Educational
3 Opportunities Enhancement Act of 2001”.

4 **SEC. 2. PERMITTING AN ELECTION TO REDUCE BASIC PAY**
5 **OVER A PERIOD OF TWO YEARS.**

6 (a) IN GENERAL.—The first sentence of sections
7 3011(b) and 3012(c) of title 38, United States Code, are
8 each amended by striking “\$100 for each of the first 12
9 months” and inserting “\$50 for each of the first 24
10 months”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall apply to individuals who first become
13 a member of the Armed Forces or first enter on active
14 duty as a member of the Armed Forces on or after the
15 date that is 90 days after the date of the enactment of
16 this Act.

17 **SEC. 3. PERMITTING WITHDRAWAL OF ELECTION NOT TO**
18 **ENROLL UNDER THE MONTGOMERY GI BILL.**

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

22 **“§ 3018D. Opportunity for active-duty personnel to**
23 **withdraw election not to enroll**

24 “(a) Notwithstanding any other provision of this
25 chapter, each qualified individual (described in subsection
26 (b)) may withdraw an election made under section

1 3011(c)(1) or 3012(d)(1) of this title not to receive edu-
2 cational assistance under this chapter during an open pe-
3 riod (described in subsection (c)). The qualified individual
4 shall withdraw such election in accordance with this sec-
5 tion and on such form as the Secretary of Defense shall
6 prescribe for such purpose.

7 “(b) A qualified individual referred to in subsection
8 (a) is an individual who meets each of the following re-
9 quirements:

10 “(1) The individual first became a member of
11 the Armed Forces or first entered on active duty as
12 a member of the Armed Forces on or after the date
13 of the enactment of this section.

14 “(2) The individual continues to serve, without
15 a break in service, the period of service which, at the
16 beginning of the open period, such individual was
17 obligated to serve.

18 “(3) The individual—

19 “(A) serves the obligated period of service
20 described in paragraph (2);

21 “(B) before completing such obligated pe-
22 riod of service, is discharged or released from
23 active duty for (i) a service-connected disability,
24 (ii) a medical condition which preexisted such
25 service and which the Secretary determines is

1 not service connected, (iii) hardship, or (iv) a
2 physical or mental condition that was not char-
3 acterized as a disability and did not result from
4 the individual's own willful misconduct but did
5 interfere with the individual's performance of
6 duty, as determined by the Secretary of each
7 military department in accordance with regula-
8 tions prescribed by the Secretary of Defense (or
9 by the Secretary of Transportation with respect
10 to the Coast Guard when it is not operating as
11 a service of the Navy); or

12 “(C) before completing such obligated pe-
13 riod of service, is (i) discharged or released
14 from active duty for the convenience of the Gov-
15 ernment after completing not less than 20
16 months of continuous active duty under that pe-
17 riod of obligated service, if such period was less
18 than three years, or 30 months of continuous
19 active duty under that period of obligated serv-
20 ice, if such period was at least three years, or
21 (ii) involuntarily discharged or released from
22 active duty for the convenience of the Govern-
23 ment as a result of a reduction in force, as de-
24 termined by the Secretary concerned in accord-
25 ance with regulations prescribed by the Sec-

1 retary of Defense (or by the Secretary of
2 Transportation with respect to the Coast Guard
3 when it is not operating as a service in the
4 Navy).

5 “(4) Before applying for benefits under this
6 section, the individual—

7 “(A) completes the requirements of a sec-
8 ondary school diploma (or equivalency certifi-
9 cate); or

10 “(B) successfully completes (or otherwise
11 receives academic credit for) the equivalent of
12 12 semester hours in a program of education
13 leading to a standard college degree.

14 “(5) Upon completion of such obligated period
15 of service, the individual—

16 “(A) is discharged from service with an
17 honorable discharge, is placed on the retired
18 list, is transferred to the Fleet Reserve or Fleet
19 Marine Corps Reserve, or is placed on the tem-
20 porary disability retired list;

21 “(B) continues on active duty; or

22 “(C) is released from active duty for fur-
23 ther service in a reserve component of the
24 Armed Forces after service on active duty char-

1 acterized by the Secretary concerned as honor-
2 able service.

3 “(c) The open period referred to in subsection (a)
4 with respect to a qualified individual is as follows:

5 “(1) Subject to paragraph (2), such period is
6 the 90-day period preceding the date of the termi-
7 nation of the initial obligated period of active duty
8 required of the individual under section 3011 or
9 3012 of this title.

10 “(2) In the case of a discharge or release under
11 subparagraph (B) or (C) of subsection (b)(3), such
12 period is the 90-day period preceding the anticipated
13 date of such discharge or release.

14 “(d)(1) Subject to the succeeding provisions of this
15 subsection, with respect to a qualified individual who with-
16 draws, under subsection (a), an election under section
17 3011(c)(1) or 3012(d)(1) of this title—

18 “(A) the basic pay of the qualified individual
19 shall be reduced (in a manner determined by the
20 Secretary concerned) until the total amount by
21 which such basic pay is reduced equals \$1,200; or

22 “(B) to the extent that basic pay is not so re-
23 duced before the qualified individual’s discharge or
24 release from active duty as specified in subsection
25 (b)(5), the Secretary concerned shall collect from the

1 qualified individual an amount equal to the dif-
2 ference between \$1,200 and the total amount of re-
3 ductions under subparagraph (A), which shall be
4 paid into the Treasury of the United States as mis-
5 cellaneous receipts.

6 “(2) In the case of an individual described in clause
7 (B) or (C) of subsection (b)(3) whose discharge or release
8 from active duty prevents the reduction of the basic pay
9 of such individual by \$1,200, an amount less than \$1,200.

10 “(e) With respect to qualified individuals referred to
11 in subsection (d)(1)(B), no amount of educational assist-
12 ance allowance under this chapter shall be paid to the
13 qualified individual until the earlier of the date on which
14 the Secretary concerned collects the applicable amount
15 under clause (i) of such subsection.

16 “(f) A withdrawal under subsection (a) is irrevocable.

17 “(g) The Secretary concerned shall provide for notice
18 of the opportunity under this section to withdraw an elec-
19 tion made under section 3011(c)(1) or 3012(d)(1) of this
20 title.”.

21 (b) CONFORMING AMENDMENTS.—(1) Sections
22 3011(c)(1) and 3012(d)(1) of such title are each amended
23 by striking “Any individual” in the third sentence and in-
24 serting “Subject to section 3018D, any individual”.

1 (2) Section 3017(b)(1) of such title is amended to
2 read as follows:

3 “(1) the total of—

4 “(A) the amount reduced from the individ-
5 ual’s pay under section 3011(b), 3012(c),
6 3018(c), 3018A(b), 3018B(b), 3018C(b),
7 3018C(e), or 3018D(d) of this title;

8 “(B) the amount reduced from the individ-
9 ual’s retired pay under section 3018C(e) or
10 3018D(d) of this title;

11 “(C) the amount collected from the indi-
12 vidual by the Secretary under section 3018B(b),
13 3018C(b), 3018C(e), or 3018D(d) of this title;
14 and

15 “(D) the amount of any contribution made
16 by the individual under section 3011(e) or
17 3012(f) of this title, less”.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 30 of such title is amended
20 by inserting after the item relating to section 3018C the
21 following new item:

“3018D. Opportunity for active-duty personnel to withdraw election not to en-
roll.”.

1 **SEC. 4. OPPORTUNITY FOR CERTAIN ACTIVE-DUTY PER-**
2 **SONNEL TO ENROLL UNDER THE MONT-**
3 **GOMERY GI BILL.**

4 (a) IN GENERAL.—Chapter 30 of title 38, United
5 States Code, as amended by section 3(a), is further
6 amended by inserting after section 3018D the following
7 new section:

8 **“§ 3018E. Opportunity for certain active-duty per-**
9 **sonnel to enroll**

10 “(a)(1) Notwithstanding any other provision of this
11 chapter, during the one-year period beginning on the date
12 of the enactment of this section, a qualified individual (de-
13 scribed in subsection (b)) may make an irrevocable elec-
14 tion under this section to become entitled to basic edu-
15 cational assistance under this chapter.

16 “(2) The Secretary of each military department shall
17 provide for procedures for a qualified individual to make
18 an irrevocable election under this section in accordance
19 with regulations prescribed by the Secretary of Defense
20 for the purpose of carrying out this section or which the
21 Secretary of Transportation shall provide for such purpose
22 with respect to the Coast Guard when it is not operating
23 as a service in the Navy.

24 “(b) A qualified individual referred to in subsection
25 (a) is an individual who meets each of the following re-
26 quirements:

1 “(1) The individual first became a member of
2 the Armed Forces or first entered on active duty as
3 a member of the Armed Forces before July 1, 1985.

4 “(2) The individual has served on active duty
5 without a break in service since the date the indi-
6 vidual first became such a member or first entered
7 on active duty as such a member.

8 “(3) The individual is serving on active duty
9 during the one-year period referred to in subsection
10 (a)(1).

11 “(4) The individual, before applying for benefits
12 under this section, has completed the requirements
13 of a secondary school diploma (or equivalency certifi-
14 cate) or has successfully completed (or otherwise re-
15 ceived academic credit for) the equivalent of 12 se-
16 mester hours in a program of education leading to
17 a standard college degree.

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

21 “(c)(1) Subject to the succeeding provisions of this
22 subsection, with respect to a qualified individual who
23 makes an election under this section to become entitled
24 to basic educational assistance under this chapter—

1 “(A) the basic pay of the qualified individual
2 shall be reduced (in a manner determined by the
3 Secretary concerned) until the total amount by
4 which such basic pay is reduced is \$2,700; and

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

9 “(i) the Secretary concerned shall collect
10 from the qualified individual; or

11 “(ii) the Secretary concerned shall reduce
12 the retired or retainer pay of the qualified indi-
13 vidual by,

14 an amount equal to the difference between \$2,700
15 and the total amount of reductions under subpara-
16 graph (A), which shall be paid into the Treasury of
17 the United States as miscellaneous receipts.

18 “(2)(A) The Secretary concerned shall provide for an
19 18-month period, beginning on the date the qualified indi-
20 vidual makes an election under this section, for the quali-
21 fied individual to pay that Secretary the amount due
22 under paragraph (1).

23 “(B) Nothing in subparagraph (A) shall be construed
24 as modifying the period of eligibility for and entitlement

1 to basic educational assistance under this chapter applica-
2 ble under section 3031 of this title.

3 “(d) With respect to qualified individuals referred to
4 in subsection (c)(1)(B), no amount of educational assist-
5 ance allowance under this chapter shall be paid to the
6 qualified individual until the earlier of the date on which—

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

9 “(2) the retired or retainer pay of the qualified
10 individual is first reduced under clause (ii) of such
11 subsection.

12 “(e) The Secretary, in conjunction with the Secretary
13 of Defense, shall provide for notice of the opportunity
14 under this section to elect to become entitled to basic edu-
15 cational assistance under this chapter.”.

16 (b) CONFORMING AMENDMENTS.—Section
17 3017(b)(1) of such title, as amended by section 3(b), is
18 further amended in each of subparagraphs (A), (B), and
19 (C)—

20 (1) by striking “or” before “3018D(d)”; and

21 (2) by inserting “, or 3018E(c)” before “of this
22 title”.

23 (c) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 30 of such title, as amended

- 1 by section 3(c), is further amended by inserting after the
- 2 item relating to section 3018D the following new item:

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

