

109TH CONGRESS
2^D SESSION

H. R. 6250

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2006

Mr. SNYDER (for himself, Ms. HERSETH, and Mr. FILNER) 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 the educational assistance programs for members of the reserve components.

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. MONTGOMERY G.I. BILL IMPROVEMENT.**

4 (a) RECODIFICATION OF RESERVE COMPONENT
5 EDUCATION BENEFITS IN TITLE 38.—Title 38, United
6 States Code, is amended by inserting after chapter 32 the
7 following new chapter:

1 forces who agree to remain members of the Selected Re-
2 serve for a period of not less than six years.

3 “(b) BENEFIT AMOUNT.—(1) Except as provided in
4 subsections (d) through (f), under the educational assist-
5 ance program established under subsection (a), the Sec-
6 retary shall provide for payment to each person entitled
7 to educational assistance under this subchapter who is
8 pursuing a program of education of an educational assist-
9 ance allowance at the following rates:

10 “(A) \$251 (as increased from time to time
11 under paragraph (2)) per month for each month of
12 full-time pursuit of a program of education;

13 “(B) \$188 (as increased from time to time
14 under paragraph (2)) per month for each month of
15 three-quarter-time pursuit of a program of edu-
16 cation;

17 “(C) \$125 (as increased from time to time
18 under paragraph (2)) per month for each month of
19 half-time pursuit of a program of education; and

20 “(D) an appropriately reduced rate, as deter-
21 mined under regulations which the Secretary shall
22 prescribe, for each month of less than half-time pur-
23 suit of a program of education, except that no pay-
24 ment may be made to a person for less than half-
25 time pursuit if tuition assistance is otherwise avail-

1 able to the person for such pursuit from the military
2 department concerned.

3 “(2) With respect to any fiscal year, the Secretary
4 shall provide a percentage increase (rounded to the near-
5 est dollar) in the rates payable under subparagraphs (A),
6 (B), and (C) of paragraph (1) equal to the percentage in-
7 crease provided under subsection (h) of section 3015 of
8 this title to the rates payable under subsection (a) of that
9 section.

10 “(c) AUTHORIZED EDUCATION PROGRAMS.—(1)
11 Educational assistance may be provided under this sub-
12 chapter for pursuit of any program of education that is
13 an approved program of education for purposes of chapter
14 30 of this title.

15 “(2) Subject to section 3695 of this title, the max-
16 imum number of months of educational assistance that
17 may be provided to any person under this subchapter is
18 36 (or the equivalent thereof in part-time educational as-
19 sistance).

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

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

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

4 “(B) The payment of the educational assistance al-
5 lowance referred to in subparagraph (A) of this paragraph
6 is the payment of such an allowance to the individual for
7 pursuit of a course or courses under this subchapter if
8 the Secretary finds that the individual—

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

13 “(ii) failed to receive credit or training time to-
14 ward completion of the individual’s approved edu-
15 cational, professional, or vocational objective as a re-
16 sult of having to discontinue, as described in clause
17 (i), the individual’s course pursuit.

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

1 “(d) APPRENTICESHIPS; ON-THE-JOB TRAINING.—

2 (1) Except as provided in paragraph (2), the amount of
3 the monthly educational assistance allowance payable to
4 a person pursuing a full-time program of apprenticeship
5 or other on-the-job training under this subchapter is—

6 “(A) for each of the first six months of the per-
7 son’s pursuit of such program, 75 percent of the
8 monthly educational assistance allowance otherwise
9 payable to such person under this subchapter;

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

13 “(C) for each of the months following the first
14 12 months of the person’s pursuit of such program,
15 35 percent of such monthly educational assistance
16 allowance.

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

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

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

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

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

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

16 “(e) CORRESPONDENCE COURSES.—(1)(A) The
17 amount of the educational assistance allowance payable
18 under this subchapter to a person who enters into an
19 agreement to pursue, and is pursuing, a program of edu-
20 cation exclusively by correspondence is an amount equal
21 to 55 percent of the established charge which the institu-
22 tion requires nonveterans to pay for the course or courses
23 pursued by such person.

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

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

5 “(ii) the actual charge to the person for such
6 course or courses.

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

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

17 “(f) INDIVIDUALIZED TUTORIAL ASSISTANCE.—
18 (1)(A) Subject to subparagraph (B), the Secretary shall
19 approve individualized tutorial assistance for any person
20 entitled to educational assistance under this subchapter
21 who—

22 “(i) is enrolled in and pursuing a postsec-
23 ondary course of education on a half-time or
24 more basis at an educational institution; and

1 “(ii) has a deficiency in a subject required
2 as a part of, or which is prerequisite to, or
3 which is indispensable to the satisfactory pur-
4 suit of, the program of education.

5 “(B) The Secretary shall not approve individualized
6 tutorial assistance for a person pursuing a program of
7 education under this paragraph unless such assistance is
8 necessary for the person to successfully complete the pro-
9 gram of education.

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

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

22 “(i) the individualized tutorial assistance is es-
23 sential to correct a deficiency of the person in a sub-
24 ject required as a part of, or which is prerequisite

1 to, or which is indispensable to the satisfactory pur-
2 suit of, an approved program of education;

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

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

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

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

23 “(g) COURSES BEYOND BACCALAUREATE DE-
24 GREE.—A program of education in a course of instruction
25 beyond the baccalaureate degree level shall be provided

1 under this subchapter, subject to the availability of appro-
2 priations.

3 “(h) INCREASED RATE OF ASSISTANCE FOR PER-
4 SONS WITH CERTAIN SKILLS.—(1) In the case of a person
5 who has a skill or specialty designated by the Secretary
6 of Defense as a skill or specialty in which there is a critical
7 shortage of personnel or for which it is difficult to recruit
8 or, in the case of critical units, retain personnel, the Sec-
9 retary of Veterans Affairs may increase the rate of the
10 educational assistance allowance applicable to that person
11 to such rate in excess of the rate prescribed under sub-
12 paragraphs (A) through (D) of subsection (b)(1) as the
13 Secretary of Veterans Affairs considers appropriate, but
14 the amount of any such increase may not exceed \$350 per
15 month.

16 “(2) In the case of a person who has a skill or spe-
17 cialty designated by the Secretary of Defense as a skill
18 or specialty in which there is a critical shortage of per-
19 sonnel or for which it is difficult to recruit or, in the case
20 of critical units, retain personnel, who is eligible for edu-
21 cational benefits under chapter 30 (other than section
22 3012) of this title and who meets the eligibility criteria
23 specified in subparagraphs (A) and (B) of section
24 3302(a)(1) of this title, the Secretary of Veterans Affairs
25 may increase the rate of the educational assistance allow-

1 ance applicable to that person to such rate in excess of
2 the rate prescribed under section 3015 of this title as the
3 Secretary of Veterans Affairs considers appropriate, but
4 the amount of any such increase may not exceed \$350 per
5 month.

6 “(3) The authority provided by paragraphs (1) and
7 (2) shall be exercised by the Secretary under regulations
8 prescribed by the Secretary.

9 “(i) LICENSING AND CERTIFICATION TESTS.—(1)
10 Subject to paragraph (3), the amount of educational as-
11 sistance payable under this subchapter for a licensing or
12 certification test described in section 3452(b) of this title
13 is the lesser of \$2,000 or the fee charged for the test.

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

22 “(3) In no event shall payment of educational assist-
23 ance under this subsection for such a test exceed the
24 amount of the individual’s available entitlement under this
25 subchapter.

1 **“§ 3302. Eligibility for educational assistance**

2 “(a) IN GENERAL.—A person who—

3 “(1) after June 30, 1985—

4 “(A) enlists, reenlists, or extends an enlist-

5 ment as a Reserve for service in the Selected

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

7 or

8 “(B) is appointed as, or is serving as, a re-

9 serve officer and agrees to serve in the Selected

10 Reserve for a period of not less than six years

11 in addition to any other period of obligated

12 service in the Selected Reserve to which the

13 person may be subject; and

14 “(2) before applying for benefits under this sec-

15 tion, has completed the requirements of a secondary

16 school diploma (or an equivalency certificate);

17 is entitled to educational assistance under section 3301

18 of this title.

19 “(b) COMPLETION OF ACTIVE DUTY FOR TRAIN-

20 ING.—Educational assistance may not be provided to a

21 member under this subchapter until the member has com-

22 pleted the initial period of active duty for training required

23 of the member.

24 “(c) WRITTEN NOTIFICATION.—Each person who be-

25 comes entitled to educational assistance under subsection

26 (a) shall at the time the person becomes so entitled be

1 given a statement in writing summarizing the provisions
2 of this subchapter and stating clearly and prominently the
3 substance of sections 3304 and 3305 of this title as such
4 sections may apply to the person. At the request of the
5 Secretary, the Secretary of Defense shall transmit a notice
6 of entitlement for each such person to that Secretary.

7 “(d) LIMITATION ON ELIGIBILITY.—A person may
8 not receive credit under the program established by this
9 subchapter for service (in any grade) on full-time active
10 duty or full-time National Guard duty for the purpose of
11 organizing, administering, recruiting, instructing, or train-
12 ing the reserve components in a position which is included
13 in the end strength required to be authorized each year
14 by section 115(a)(1)(B) of title 10.

15 **“§ 3303. Time limitation for use of entitlement**

16 “(a) DURATION OF ENTITLEMENT.—Except as pro-
17 vided in subsection (b), the period during which a person
18 entitled to educational assistance under this subchapter
19 may use such person’s entitlement expires on the date that
20 is 10 years after the date on which the person is separated
21 from the Selected Reserve.

22 “(b) DURATION OF ENTITLEMENT FOR DISABLED
23 MEMBERS.—(1) In the case of a person—

24 “(A) who is separated from the Selected Re-
25 serve because of a disability which was not the result

1 of the individual's own willful misconduct incurred
2 on or after the date on which such person became
3 entitled to educational assistance under this sub-
4 chapter; or

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

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

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

24 “(4) In the case of a member of the Selected Reserve
25 of the Ready Reserve who serves on active duty pursuant

1 to an order to active duty issued under section 12301(a),
2 12301(d), 12301(g), 12302, or 12304 of title 10—

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

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

12 **“§ 3304. Termination of assistance**

13 “Educational assistance may not be provided under
14 this subchapter—

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

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

21 **“§ 3305. Failure to participate satisfactorily; penalties**

22 “(a) PENALTIES.—At the option of the Secretary
23 concerned, a member of the Selected Reserve of an armed
24 force who does not participate satisfactorily in required
25 training as a member of the Selected Reserve during a

1 term of enlistment or other period of obligated service that
2 created entitlement of the member to educational assist-
3 ance under this subchapter, and during which the member
4 has received such assistance, may—

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

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

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

15 **“§ 3306. Administration of program**

16 “(a) ADMINISTRATION.—Educational assistance
17 under this subchapter shall be provided through the De-
18 partment of Veterans Affairs, under agreements to be en-
19 tered into by the Secretary of Defense, and by the Sec-
20 retary of Homeland Security, with the Secretary of Vet-
21 erans Affairs. Such agreements shall include administra-
22 tive procedures to ensure the prompt and timely transfer
23 of funds from the Secretary concerned to the Department
24 of Veterans Affairs for the making of payments under this
25 subchapter.

1 “(b) PROGRAM MANAGEMENT.—Except as otherwise
2 provided in this subchapter, the provisions of sections
3 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this
4 title and the provisions of subchapters I and II of chapter
5 36 of such title (with the exception of sections 3686(a),
6 3687, and 3692) shall be applicable to the provision of
7 educational assistance under this subchapter. The term
8 ‘eligible veteran’ and the term ‘a person’, as used in those
9 provisions, shall be deemed for the purpose of the applica-
10 tion of those provisions to this subchapter to refer to a
11 person eligible for educational assistance under this sub-
12 chapter.

13 **“§ 3307. Flight training**

14 “(a) IN GENERAL.—(1) Each individual who is pur-
15 suing a program of education consisting exclusively of
16 flight training approved as meeting the requirements of
17 section 3306(c) of this title shall be paid an educational
18 assistance allowance under this subchapter in the amount
19 equal to 60 percent of the established charges for tuition
20 and fees which similarly circumstanced nonveterans en-
21 rolled in the same flight course are required to pay.

22 “(2) No educational assistance allowance may be paid
23 under this subchapter to an individual for any month dur-
24 ing which such individual is pursuing a program of edu-
25 cation consisting exclusively of flight training until the

1 Secretary has received from that individual and the insti-
2 tution providing such training a certification of the flight
3 training received by the individual during that month and
4 the tuition and other fees charged for that training.

5 “(3) The period of entitlement of an individual pur-
6 suing a program of education described in paragraph (1)
7 shall be charged with one month for each amount equal
8 to the amount of the monthly rate payable under section
9 3301(b)(1)(A) of this title for the fiscal year concerned
10 which is paid to that individual as an educational assist-
11 ance allowance for such program.

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

18 “(b) APPROVAL.—The Secretary may approve the
19 pursuit of flight training (in addition to a course of flight
20 training that may be approved under section 3680A(b) of
21 this title) by an individual entitled to educational assist-
22 ance under this subchapter if—

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

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

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

10 **“§ 3308. Biennial report to Congress**

11 “The Secretary shall submit to Congress a report not
12 later than March 1 of each odd-numbered year concerning
13 the operation of the educational assistance program estab-
14 lished by this subchapter during the preceding two fiscal
15 years. Each such report shall include the number of mem-
16 bers of the Selected Reserve of the Ready Reserve of each
17 armed force receiving, and the number entitled to receive,
18 educational assistance under this subchapter during those
19 fiscal years. The Secretary may submit the report more
20 frequently and adjust the period covered by the report ac-
21 cordingly.

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

4 **“§ 3331. 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 the
9 Congress, in recognition of the sacrifices that those mem-
10 bers make in answering the call to duty.

11 **“§ 3332. Educational assistance program**

12 “(a) PROGRAM ESTABLISHMENT.—The Secretary of
13 Veterans Affairs, in consultation with the Secretaries of
14 each military department, the Secretary of Defense, and
15 the Secretary of Homeland Security with respect to the
16 Coast Guard when it is not operating as a service in the
17 Navy, shall establish and maintain a program as pre-
18 scribed in this subchapter to provide educational assist-
19 ance to members of the Ready Reserve of the armed
20 forces.

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 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 **“§ 3333. 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 3332(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 3335 of this title as such section may
9 apply to the member.

10 “(2) At the request of the Secretary, the Secretary
11 concerned shall transmit a notice of entitlement for each
12 such member to the 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 may prescribe) as to the program to which such
20 service is to be credited.

21 “(e) BAR FROM DUPLICATION OF EDUCATIONAL AS-
22 SISTANCE ALLOWANCE.—(1) Except as provided in para-
23 graph (2), an individual entitled to educational assistance
24 under this subchapter who is also eligible for educational
25 assistance under subchapter I of this chapter, chapter 30,

1 31, 32, or 35 of this title, or under the Hostage Relief
2 Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note)
3 may not receive assistance under more than one such pro-
4 grams and shall elect (in such form and manner as the
5 Secretary may prescribe) under which program the mem-
6 ber elects to receive educational assistance.

7 “(2) The restriction on duplication of educational as-
8 sistance under paragraph (1) does not apply to the entitle-
9 ment of educational assistance under section 3301(i) of
10 this title.

11 **“§ 3334. Time limitation for use of entitlement**

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

15 “(1) while the member is serving—

16 “(A) in the Selected Reserve of the Ready
17 Reserve, in the case of a member called or or-
18 dered to active service while serving in the Se-
19 lected Reserve; or

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

24 “(2) in the case of a person who separates from
25 the Ready Reserve upon the completion of a service

1 contract under other than dishonorable conditions
2 and, if applicable, the fulfillment of an existing mili-
3 tary service obligation in accordance with section
4 651 of title 10, during the ten-year period that be-
5 gins on the date on which the member separates
6 from the Ready Reserve.

7 “(b) DURATION OF ENTITLEMENT FOR DISABLED
8 MEMBERS.—(1) In the case of a person who is separated
9 from the Ready Reserve because of a disability which was
10 not the result of the individual’s own willful misconduct
11 incurred on or after the date on which such person became
12 entitled to educational assistance under this subchapter,
13 such person’s entitlement to educational assistance expires
14 at the end of the 10-year period beginning on the date
15 on which such person became entitled to such assistance.

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

19 **“§ 3335. Termination of assistance**

20 “(a) IN GENERAL.—Except as provided in subsection
21 (b), educational assistance may not be provided under this
22 subchapter, or if being provided under this subchapter,
23 shall be terminated—

24 “(1) if the member is receiving financial assist-
25 ance under section 2107 of title 10 as a member of

1 the Senior Reserve Officers' Training Corps pro-
2 gram; or

3 “(2) when the member separates from the
4 Ready Reserve, as provided for under section
5 3334(a)(1) or section 3334(a)(2), as applicable, of
6 this title.

7 “(b) EXCEPTION.—Under regulations prescribed by
8 the Secretary of Defense, educational assistance may be
9 provided under this subchapter to a member of the Se-
10 lected Reserve of the Ready Reserve who incurs a break
11 in service in the Selected Reserve of not more than 90
12 days if the member continues to serve in the Ready Re-
13 serve during and after such break in service.

14 **“§ 3336. Administration of program**

15 “(a) ADMINISTRATION.—Educational assistance
16 under this subchapter shall be provided through the De-
17 partment of Veterans Affairs, under agreements to be en-
18 tered into by the Secretary of Defense, and by the Sec-
19 retary of Homeland Security, with the Secretary of Vet-
20 erans Affairs. Such agreements shall include administra-
21 tive procedures to ensure the prompt and timely transfer
22 of funds from the Secretary concerned to the Department
23 of Veterans Affairs for the making of payments under this
24 subchapter.

1 “(b) PROGRAM MANAGEMENT.—Except as otherwise
2 provided in this subchapter, the provisions of sections 503,
3 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485
4 of this title and the provisions of subchapters I and II
5 of chapter 36 of such title (with the exception of sections
6 3686(a), 3687, and 3692) shall be applicable to the provi-
7 sion of educational assistance under this subchapter. The
8 term ‘eligible veteran’ and the term ‘person’, as used in
9 those provisions, shall be deemed for the purpose of the
10 application of those provisions to this subchapter to refer
11 to a person eligible for educational assistance under this
12 subchapter.

13 “(c) FLIGHT TRAINING.—The Secretary may ap-
14 prove the pursuit of flight training (in addition to a course
15 of flight training that may be approved under section
16 3680A(b) of this title) by an individual entitled to edu-
17 cational assistance under this subchapter if—

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

21 “(2) the individual possesses a valid private
22 pilot certificate and meets, on the day the member
23 begins a course of flight training, the medical re-
24 quirements necessary for a commercial pilot certifi-
25 cate; and

1 “(3) the flight school courses meet Federal
2 Aviation Administration standards for such courses
3 and are approved by the Federal Aviation Adminis-
4 tration and the State approving agency.

5 “(d) TRUST FUND.—Amounts for payments for bene-
6 fits under this subchapter shall be derived from the De-
7 partment of Defense Education Benefits Fund under sec-
8 tion 2006 of title 10.”.

9 (b) BAR ON DUAL ELIGIBILITY.—Section 3681 of
10 title 38, United States Code, is amended—

11 (1) in subsection (a)—

12 (A) by inserting after “chapter 30” the fol-
13 lowing: “subchapter I of chapter 33, subchapter
14 II of chapter 33,” ; and

15 (B) by striking “106 or 107 of title 10,
16 or”; and

17 (2) in subsection (b)(2), by striking “Chapters
18 106 and 107 of title 10” and inserting: “Sub-
19 chapters I and II of chapter 33 of this title”.

20 (c) CLERICAL AMENDMENTS.—

21 (1) SUBTITLE A OF TITLE 10.—The table of
22 chapters at the beginning of subtitle A of title 10,
23 United States Code, is amended by striking the item
24 relating to chapter 106.

1 (2) SUBTITLE E OF TITLE 10.—The table of
2 chapters at the beginning of subtitle E of such title
3 is amended by striking the items relating to chapters
4 1606 and 1607.

5 (d) CONFORMING AMENDMENTS.—

6 (1) TITLE 38.—Title 38, United States Code, is
7 amended—

8 (A) by striking “chapter 1606 of title 10”
9 each place it appears and inserting “subchapter
10 I of chapter 33 of this title”;

11 (B) by striking “chapter 106 of title 10”
12 each place it appears and inserting “subchapter
13 I of chapter 33 of this title”;

14 (C) in section 3695(a)(5)—

15 (i) by striking “, 1606, 1607,”; and

16 (ii) by inserting before the period at
17 the end the following “and subchapter I
18 and II of chapter 33 of this title”;

19 (2) TITLE 10.—Title 10, United States Code, is
20 amended in sections 510(h), 2006, and by striking
21 “chapter 1606 of this title” each place it appears
22 and inserting “subchapter I of chapter 33 of title
23 38”.

24 (3) ELEMENTARY AND SECONDARY EDUCATION
25 ACT OF 1965.—Section 2304(g) of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 6674(g)) is amended by striking “chapter 30 of title
3 38 or chapter 1606 of title 10” and inserting “chap-
4 ter 30 or 33 of title 38”.

5 (4) CONFORMING REPEALS.—Chapters 106,
6 1606, and 1607 of title 10, United States Code, are
7 repealed.

8 (e) EFFECTIVE DATE.—The amendments made by
9 this Act shall take effect on the date that is one year after
10 the date of the enactment of this Act and shall apply with
11 respect to payments of educational assistance made on or
12 after that date.

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