

109TH CONGRESS
1ST SESSION

S. 615

To amend title 38, United States Code, to improve benefits under the Montgomery GI Bill by establishing an enhanced educational assistance program and by repealing the requirement for reduction in pay for participation in the program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2005

Mr. DAYTON introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve benefits under the Montgomery GI Bill by establishing an enhanced educational assistance program and by repealing the requirement for reduction in pay for participation in the 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 “Montgomery GI Bill
5 Revitalization Act of 2005”.

1 **SEC. 2. ENHANCED BENEFITS UNDER MONTGOMERY GI**
 2 **BILL FOR FOUR YEARS OF ACTIVE-DUTY**
 3 **SERVICE.**

4 (a) IN GENERAL.—Chapter 30 of title 38, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing new subchapter:

7 “SUBCHAPTER V—ENHANCED EDUCA-
 8 TIONAL ASSISTANCE

9 “§ 3041. **Enhanced educational assistance entitlement**

10 “(a) ENTITLEMENT.—An eligible individual is enti-
 11 tled to enhanced educational assistance under this sub-
 12 chapter.

13 “(b) ELIGIBLE INDIVIDUAL DEFINED.—For pur-
 14 poses of this subchapter, the term ‘eligible individual’
 15 means an individual who meets the service requirement
 16 described in subsection (c) and whose status after comple-
 17 tion of such service is described in section 3011(a)(2) of
 18 this title. Such term does not include an individual de-
 19 scribed in paragraph (1) or (2) of section 3011(c) of this
 20 title.

21 “(c) SERVICE REQUIREMENT.—(1) The service re-
 22 quirement referred to in subsection (b) is as follows:

23 “(A) After September 30, 2005, the indi-
 24 vidual—

25 “(i) first enters on active duty;

1 “(ii) reenlists or extends an enlistment on
2 active duty as a member of the Armed Forces;

3 or

4 “(iii) in the case of an officer, continues to
5 serve on active duty after that date.

6 “(B) From the date of such entry, reenlistment,
7 extension, or continuation, as the case may be, the
8 individual—

9 “(i) serves a continuous period of active
10 duty of at least four years in the Armed Forces;

11 or

12 “(ii) serves on active duty in the Armed
13 Forces and is discharged or released from ac-
14 tive duty—

15 “(I) as provided in subclause (I) of
16 section 3011(a)(1)(A)(ii) of this title;

17 “(II) for the convenience of the Gov-
18 ernment, after having completed not less
19 than 42 months of continuous active duty;

20 or

21 “(III) as provided in subclause (III)
22 of section 3011(a)(1)(A)(ii) of this title.

23 “(2) In determining service under paragraph (1), the
24 following rules apply:

1 “(A) Any period of service described in para-
2 graph (2) or (3) of section 3011(d) of this title that
3 applies to an eligible individual under this section
4 shall not be considered a part of the individual’s pe-
5 riod of active duty.

6 “(B) A member described in paragraph (2) of
7 section 3011(f) of this title who serves the periods
8 of active duty referred to in such paragraph shall be
9 deemed to have served a continuous period of active
10 duty the length of which is the aggregate length of
11 the periods of active duty referred to in such para-
12 graph.

13 “(C) Subsections (g) and (h) of section 3011 of
14 this title apply with respect to an eligible individual
15 under this section in the same manner as they apply
16 to an individual under section 3011 of this title.

17 “(d) ELECTION OF BASIC EDUCATIONAL ASSIST-
18 ANCE.—(1) An eligible individual entitled to enhanced
19 educational assistance under this subchapter may elect (in
20 a form and manner prescribed by the Secretary) to receive
21 basic educational assistance under subchapter II in lieu
22 of such enhanced educational assistance for an enrollment
23 period. Such an election shall be made not later than 30
24 days before the beginning of the enrollment period.

1 “(2) An eligible individual may revoke an election
2 made pursuant to paragraph (1), but in no case may such
3 revocation be made later than 30 days before the begin-
4 ning of the enrollment period.

5 **“§ 3042. Duration of enhanced educational assistance**

6 “(a) IN GENERAL.—Subject to section 3695 of this
7 title and except as provided in subsection (b), each indi-
8 vidual entitled to enhanced educational assistance under
9 section 3041 of this title is entitled to a monthly enhanced
10 educational assistance allowance under this subchapter for
11 a period or periods not to exceed a total of 36 months
12 (or the equivalent thereof in part-time enhanced edu-
13 cational assistance).

14 “(b) SPECIAL RULE FOR CERTAIN EARLY SEPARA-
15 TIONS.—Subject to section 3695 of this title, in the case
16 of an individual described in subclause (I) or (III) of sec-
17 tion 3041(c)(1)(B)(ii) of this title who does not serve a
18 continuous period of active duty of at least four years in
19 the Armed Forces (as described in section
20 3041(c)(1)(B)(i) of this title), the individual is entitled to
21 one month of enhanced educational assistance benefits
22 under this subchapter (not to exceed a total of 36 months
23 (or the equivalent thereof in part-time enhanced edu-
24 cational assistance)) for each month of continuous active
25 duty served by the individual beginning with the date on

1 which the entry on active duty, reenlistment, enlistment
2 extension, or continuation applicable to that individual
3 under section 3041(c)(1)(A) of this title begins.

4 **“§ 3043. Payment of educational expenses**

5 “(a) IN GENERAL.—(1) Subject to paragraph (2), the
6 Secretary shall pay to the educational institution providing
7 a course under an approved program of education to an
8 eligible individual under this subchapter who is enrolled
9 in the course the actual cost of tuition and fees otherwise
10 payable by the individual.

11 “(2) Such cost may not exceed the amount charged
12 to similarly circumstanced nonveterans.

13 “(b) STIPEND; COSTS OF BOOKS AND SUPPLIES.—
14 The Secretary shall pay to each eligible individual under
15 this subchapter who is pursuing an approved program of
16 education—

17 “(1) a stipend as provided in section 3044 of
18 this title; and

19 “(2) in accordance with regulations prescribed
20 by the Secretary, an amount equal to the average
21 cost of books and supplies payable by individuals
22 pursuing courses of education at educational institu-
23 tions.

24 “(c) EXCLUSION FROM INCOME FOR ELIGIBILITY
25 DETERMINATIONS FOR FEDERAL EDUCATIONAL

1 LOANS.—Notwithstanding any other provision of law,
2 amounts payable by the Secretary under this subchapter
3 with respect to an eligible individual shall not be consid-
4 ered as income for purposes of determining eligibility of
5 such individual for education grants or loans under any
6 other provision of Federal law.

7 **“§ 3044. Amount of stipend**

8 “(a) IN GENERAL.—Except as provided in section
9 3042 of this title, the stipend under this subchapter shall
10 be paid at a monthly rate (as that rate may be increased
11 pursuant to subsection (b)) as follows:

12 “(1) At the monthly rate of \$900 for an ap-
13 proved program of education pursued on a full-time
14 basis.

15 “(2) At the monthly rate of \$700 for an ap-
16 proved program of education pursued on a three-
17 quarter-time basis.

18 “(3) At the monthly rate of \$500 for an ap-
19 proved program of education pursued on a half-time
20 basis.

21 “(4) At the monthly rate of \$300 for an ap-
22 proved program of education pursued on less than a
23 half-time basis.

24 “(b) ADJUSTMENT FOR INFLATION.—With respect to
25 any fiscal year beginning after fiscal year 2005, the Sec-

1 retary shall increase the rate paid under subsection (a)
2 for the previous fiscal year by the percentage applicable
3 under section 3015(h) of this title.

4 **“§ 3045. Tutorial assistance**

5 “An individual entitled to an enhanced educational
6 assistance allowance under this subchapter shall be enti-
7 tled to benefits provided an individual under section 3019
8 of this title, subject to the conditions provided in such sec-
9 tion.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) DEFINITION.—Section 3002 of such title is
12 amended by inserting at the end the following new
13 paragraph:

14 “(9) The term ‘enhanced educational assistance’
15 means educational assistance provided under subchapter
16 V.”.

17 (2) CROSS REFERENCES.—(A) Section 3011 of
18 such title is amended in subsection (f)(1) and (g) by
19 striking “chapter” each place it appears and insert-
20 ing “subchapter”.

21 (B) Section 3018A(a) of such title is amended
22 by striking “education assistance under this chap-
23 ter” and inserting “educational assistance under this
24 subchapter”.

1 (C) Section 3018B of such title is amended by
 2 striking “education assistance under this chapter”
 3 each place it appears and inserting “educational as-
 4 sistance under this subchapter”.

5 (D) Section 3018C of such title is amended by
 6 striking “educational assistance under this chapter”
 7 each place it appears and inserting “educational as-
 8 sistance under this subchapter”.

9 (E) Section 3019 of such title is amended by
 10 striking “chapter” each place it appears and insert-
 11 ing “subchapter”.

12 (F) Section 3031 of such title is amended—

13 (i) in subsection (f), by inserting “or 3042
 14 of this title” after “section 3013” each place it
 15 appears; and

16 (ii) in subsection (h), by inserting “or
 17 3031(c)(1)(B)(ii)(III)” after “section
 18 3011(a)(1)(A)(ii)(III)”.

19 (G) Section 3032(e)(3) of such title is amended
 20 by inserting “, or section 3044(a)(1),” after “section
 21 3015”.

22 (c) CLERICAL AMENDMENT.—The table of sections
 23 at the beginning of chapter 30 of such title is amended
 24 by adding at the end the following new items:

“SUBCHAPTER V—ENHANCED EDUCATIONAL ASSISTANCE

“3041. Enhanced educational assistance entitlement.

“3042. Duration of enhanced educational assistance.

“3043. Payment of educational expenses.

“3044. Amount of stipend.

“3045. Tutorial assistance.”.

1 **SEC. 3. REPEAL OF PAY REDUCTION, ELECTION OF BENE-**
 2 **FITS, AND HIGH SCHOOL GRADUATION RE-**
 3 **QUIREMENT FOR PARTICIPATION IN BASIC**
 4 **EDUCATIONAL ASSISTANCE UNDER MONT-**
 5 **GOMERY GI BILL.**

6 (a) REPEAL OF PAY REDUCTION AND ELECTION OF
 7 BENEFITS.—

8 (1) ACTIVE DUTY PROGRAM.—(A) Section 3011
 9 of title 38, United States Code, is amended—

10 (i) by striking subsection (b); and

11 (ii) in subsection (c), by striking paragraph

12 (1) and redesignating paragraphs (2) and (3)
 13 as paragraphs (1) and (2), respectively.

14 (B) Section 3012 of such title is amended—

15 (i) by striking subsection (c); and

16 (ii) in subsection (d), by striking para-
 17 graph (1) and redesignating paragraphs (2) and
 18 (3) as paragraphs (1) and (2), respectively.

19 (2) OPPORTUNITIES TO WITHDRAW ELECTION
 20 NOT TO ENROLL.—(A) Section 3016(a)(1) of such
 21 title is amended by striking “, and does not make
 22 an election under section 3011(c)(1) or section
 23 3012(d)(1)”.

1 (B) Sections 3018A and 3018B of such title
2 are each amended by adding at the end the following
3 new subsection:

4 “(e) Notwithstanding subsection (b), no reduction in
5 the pay of an individual under this section shall be made
6 for months beginning after September 30, 2005. Any obli-
7 gation of such individual under subsection (b) as of such
8 date shall be deemed to be fully satisfied as of such date.”.

9 (C)(i) Section 3018C(e) of such title is amend-
10 ed—

11 (I) by striking paragraphs (3) and (4); and

12 (II) by redesignating paragraph (5) as
13 paragraph (3).

14 (ii) Section 3018C of such title is amended by
15 adding at the end the following new subsection:

16 “(f) Notwithstanding subsection (b), no reduction in
17 the pay of an individual under this section shall be made
18 for months beginning after September 30, 2005. Any obli-
19 gation of such individual under subsection (b) as of such
20 date shall be deemed to be fully satisfied as of such date.”.

21 (3) EFFECTIVE DATE.—The amendments made
22 by this subsection shall take effect on October 1,
23 2005, and apply to individuals whose initial obli-
24 gated period of active duty under section 3011 or

1 3012 of title 38, United States Code, as the case
2 may be, begins on or after such date.

3 (4) TERMINATION OF PAY REDUCTIONS IN
4 PROGRESS.—Any reduction in the basic pay of an
5 individual referred to in subsection (b) of section
6 3011 of title 38, United States Code, by reason of
7 such subsection, or of any individual referred to in
8 subsection (c) of section 3012 of such title by reason
9 of such subsection, shall cease commencing with
10 months beginning after September 30, 2005, and
11 any obligation of such individual under such sub-
12 sections, as the case may be, as of such date shall
13 be deemed to be fully satisfied as of such date.

14 (b) REPEAL OF HIGH SCHOOL GRADUATION RE-
15 QUIREMENT.—

16 (1) ACTIVE DUTY.—(A) Section 3011(a) of title
17 38, United States Code, is amended—

18 (i) by striking paragraph (2); and

19 (ii) by redesignating paragraph (3) as
20 paragraph (2).

21 (B) Section 3012(a) of such title is amended—

22 (i) by striking paragraph (2); and

23 (ii) by redesignating paragraph (3) as
24 paragraph (2).

1 (2) OPPORTUNITIES TO WITHDRAW ELECTION
2 NOT TO ENROLL.—(A) Section 3018(b) of such title
3 is amended—

4 (i) by inserting “and” at the end of para-
5 graph (3)(C);

6 (ii) by striking paragraph (4); and

7 (iii) by redesignating paragraph (5) as
8 paragraph (4).

9 (B)(i) Section 3018A(a) of such title is amend-
10 ed—

11 (I) by striking paragraph (2);

12 (II) by redesignating paragraphs (3), (4),
13 and (5) as paragraphs (2), (3), and (4), respec-
14 tively; and

15 (III) in paragraphs (3) and (4), as so re-
16 designated, by striking “paragraph (3) of this
17 subsection” and inserting “paragraph (2)”.

18 (ii) Section 3018A(c) of such title is amended
19 by striking “subsection (a)(3) of this section” and
20 inserting “subsection (a)(2)”.

21 (iii) Section 3018A(d)(1) of such title is amend-
22 ed by striking “subsection (a)(4) of this subsection”
23 and inserting “subsection (a)(3)”.

24 (C) Section 3018B(a)(1) of such title is amend-
25 ed—

1 (i) by striking subparagraph (B);

2 (ii) by redesignating subparagraphs (C),
3 (D), and (E) as subparagraphs (B), (C), and
4 (D), respectively; and

5 (iii) in subparagraphs (C) and (D), as so
6 redesignated, by striking “subparagraph (C) of
7 this paragraph” and inserting “subparagraph
8 (B)”.

9 (D)(i) Section 3018B(a)(2) of such title is
10 amended—

11 (I) by striking subparagraph (B);

12 (II) by redesignating subparagraphs (C),
13 (D), and (E) as subparagraphs (B), (C), and
14 (D), respectively;

15 (III) in subparagraph (B), as so redesign-
16 ated, by striking “paragraph (1)(C) of this
17 subsection” and inserting “paragraph (1)(B)”;
18 and

19 (IV) in subparagraphs (C) and (D), as so
20 redesignated, by striking “subparagraph (C)”
21 and inserting “subparagraph (B)”.

22 (ii) Section 3018B(c) of such title is amended
23 by striking “subsection (a)(1)(C) or (a)(2)(C) of this
24 section” and inserting “subsection (a)(1)(B) or
25 (a)(2)(B)”.

1 (iii) Section 3018B(d)(1) of such title is amend-
2 ed by striking “subsection (a)(1)(D) or (a)(2)(D) of
3 this section” and inserting “subsection (a)(1)(C) or
4 (a)(2)(C)”.

5 (E)(i) Section 3018C(a) of such title is amend-
6 ed—

7 (I) by striking paragraph (3);

8 (II) by redesignating paragraphs (4) and
9 (5) as paragraphs (3) and (4), respectively; and

10 (III) in paragraph (3), as so redesignated,
11 by striking “paragraph (5)” and inserting
12 “paragraph (4)”.

13 (ii) Section 3018C(b)(2) of such title is amend-
14 ed by striking “subsection (a)(4)” and inserting
15 “subsection (a)(3)”.

16 (iii) Section 3018C(c)(1) of such title is amend-
17 ed by striking “subsection (a)(5)” and inserting
18 “subsection (a)(4)”.

19 (iv) Section 3018C(e)(1) of such title is amend-
20 ed by striking “elections made under subsection
21 (a)(5)” and inserting “elections made under sub-
22 section (a)(4)”.

23 (v) Section 3018C(e)(2) of such title is amend-
24 ed—

25 (I) by striking subparagraph (C); and

1 (II) by redesignating subparagraph (D) as
2 subparagraph (C).

3 (3) EFFECTIVE DATE.—The amendments made
4 by this subsection shall take effect on October 1,
5 2005, and shall apply with respect to individuals ap-
6 plying for basic educational assistance under chapter
7 30 of title 38, United States Code, on or after such
8 date.

9 (c) EDUCATION OUTREACH SERVICES TO MEMBERS
10 OF THE ARMED FORCES.—

11 (1) IN GENERAL.—Section 3034(e)(1) of title
12 38, United States Code, is amended to read as fol-
13 lows:

14 “(e)(1) Not later than one year after an individual
15 initially enters on active duty as a member of the Armed
16 Forces, and at such additional times as the Secretary de-
17 termines appropriate, the Secretary shall furnish the indi-
18 vidual the information described in paragraph (2).”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall take effect on October 1,
21 2005, and shall apply to individuals whose initial ob-
22 ligated period of active duty under section 3011 or
23 3012 of title 38, United States Code, as the case
24 may be, begins on or after such date.

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