

107TH CONGRESS
2D SESSION

S. 2068

To further encourage and facilitate service in the Armed Forces of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2002

Mr. MCCAIN (for himself, Mr. BAYH, Mr. CLELAND, Mrs. CARNAHAN, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To further encourage and facilitate service in the Armed Forces of the United States, 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 “Defend Our Freedom
5 Act of 2002”.

6 **SEC. 2. BONUS FOR SHORT-TERM ENLISTMENT IN THE**
7 **ARMED FORCES.**

8 (a) **AUTHORITY.**—Chapter 5 of title 37, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

1 **“§ 324. Short-term enlistment bonus**

2 “(a) BONUS AUTHORIZED; BONUS AMOUNT.—The
3 Secretary of the military department concerned shall pay
4 a bonus under this section to a person who completes en-
5 listed service in an armed force in accordance with an
6 agreement entered into under subsection (b). The amount
7 of the bonus shall be \$18,000. The bonus shall be paid
8 in one lump sum upon the completion of the service for
9 the period covered by the agreement.

10 “(b) ELIGIBILITY; AGREEMENT.—To be eligible for
11 a bonus under this section, a person—

12 “(1) may not have previously been a member of
13 the armed forces;

14 “(2) shall enter into a written agreement with
15 the Secretary of a military department—

16 “(A) to perform enlisted service in an
17 armed force under the jurisdiction of the Sec-
18 retary for a period of three years, the first 18
19 months of which shall be service on active duty
20 and the last 18 months of which shall be service
21 as a member of the Selected Reserve of the
22 Ready Reserve of a reserve component of that
23 armed force other than the Army National
24 Guard of the United States and the Air Na-
25 tional Guard of the United States; and

1 “(B) to commence that service in the
2 grade of E–1 without regard to any eligibility
3 for a higher grade determined on the basis of
4 testing or educational qualifications; and

5 “(3) shall complete the service for the period
6 required under the agreement with service character-
7 ized as satisfactory under regulations prescribed by
8 the Secretary concerned.

9 “(c) REGULATIONS.—This section shall be adminis-
10 tered under regulations prescribed by the Secretary of De-
11 fense which shall apply uniformly to the armed forces.

12 “(d) SECRETARY OF MILITARY DEPARTMENT DE-
13 FINED.—In this section, the term ‘Secretary of a military
14 department’ includes the Secretary of Transportation,
15 with respect to matters concerning the Coast Guard when
16 it is not operating as a service in the Navy.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by adding
19 at the end the following new item:

“324. Short-term enlistment bonus.”.

20 **SEC. 3. EMPLOYMENT OF RETIRED MILITARY PERSONNEL**
21 **AS INSTRUCTORS IN BASIC TRAINING PRO-**
22 **GRAMS OF THE ARMED FORCES.**

23 (a) AUTHORITY.—Chapter 81 of title 10, United
24 States Code, is amended by inserting after section 1589
25 the following new section 1590:

1 **“§ 1590. Employment of retired military personnel as**
2 **instructors in basic training programs**

3 “(a) **AUTHORITY.**—The Secretary of a military de-
4 partment may employ a member or former member of the
5 armed forces in a retired status as an instructor in a basic
6 training program of an armed force under the jurisdiction
7 of the Secretary.

8 “(b) **SERVICE NOT IN MILITARY DUTY STATUS.**—A
9 person employed under subsection (a) is not on active duty
10 or performing inactive-duty training by reason of that em-
11 ployment.

12 “(c) **RETIRED STATUS DEFINED.**—In this section,
13 the term ‘retired status’, with respect to a member or
14 former member of the armed forces, means that the mem-
15 ber or former member—

16 “(1) is on a retired list of an armed force;

17 “(2) is entitled to receive retired or retainer
18 pay; or

19 “(3) except for not having attained 60 years of
20 age, would be entitled to receive retired pay upon
21 application under chapter 1223 of this title.”.

22 (b) **CLERICAL AMENDMENT.**—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item relating to section 1589 the following new
25 item:

“1590. Employment of retired military personnel as instructors in basic training programs.”.

1 **SEC. 4. ENHANCEMENTS OF MONTGOMERY GI BILL.**

2 (a) INCREASE IN AMOUNT OF BASIC EDUCATIONAL
3 ASSISTANCE.—(1) Subsection (a)(1) of section 3015 of
4 title 38, United States Code, is amended by striking
5 “\$650” and inserting “\$1,300”.

6 (2) Subsection (b)(1) of that section is amended by
7 striking “\$528” and inserting “\$1,056”.

8 (3) The amendments made by this section shall take
9 effect on the date of the enactment of this Act, and shall
10 apply with respect to months beginning on or after that
11 date.

12 (b) PERIOD OF REDUCTION IN BASIC PAY.—(1) Sec-
13 tion 3011(b) of title 38, United States Code, is amended
14 in the first sentence by striking “\$100 for each of the first
15 twelve months” and inserting “\$50 for each of the first
16 twenty-four months”.

17 (2) Section 3012(e) of that title is amended in the
18 first sentence by striking “\$100 for each of the first twelve
19 months” and inserting “\$50 for each of the first twenty-
20 four months”.

21 (3) The amendments made by this section shall apply
22 with respect to individuals who first become members of
23 the Armed Forces, or first enter on active duty as mem-

1 bers of the Armed Forces, on or after the date of the en-
 2 actment of this Act.

3 (c) USE OF ENTITLEMENT TO BASIC EDUCATIONAL
 4 ASSISTANCE FOR CONTRIBUTIONS TO COVERDELL EDU-
 5 CATION SAVINGS ACCOUNTS.—(1) Subchapter II of chap-
 6 ter 30 of title 38, United States Code, is amended by add-
 7 ing at the end the following new section:

8 **“§ 3020. Use of entitlement to basic educational as-**
 9 **sistance for contributions to Coverdell**
 10 **education savings accounts**

11 “(a) IN GENERAL.—An individual described in sub-
 12 section (b) who is entitled to basic educational assistance
 13 under this subchapter may elect to use such entitlement
 14 to make contributions to a Coverdell education savings ac-
 15 count under section 530 of the Internal Revenue Code of
 16 1986 for any child of such individual who has not attained
 17 the age of 18 years.

18 “(b) COVERED INDIVIDUALS.—An individual de-
 19 scribed in this subsection is any individual entitled to basic
 20 educational assistance under this subchapter who has
 21 completed six years of service in the Armed Forces.

22 “(c) ELECTION.—(1) An individual electing to make
 23 contributions under this section shall notify the Secretary
 24 of the election in such form and manner as the Secretary
 25 shall require.

1 “(2) The election of an individual under this sub-
2 section shall apply with respect to the taxable year of the
3 individual in which the election is made.

4 “(3) The notice of election of an individual under this
5 subsection shall set forth the following:

6 “(A) The period of the taxable year of the indi-
7 vidual.

8 “(B) Each designated beneficiary for whom
9 contributions to a Coverdell education savings ac-
10 count will be made under this section in that taxable
11 year.

12 “(C) The amount to be contributed to the ac-
13 count of each designated beneficiary under subpara-
14 graph (B) in that taxable year.

15 “(D) An account identifier, and the trustee of
16 account, of the account of each designated bene-
17 ficiary under subparagraph (B).

18 “(4) The election of an individual under this sub-
19 section for a taxable year is irrevocable in that taxable
20 year.

21 “(d) LIMITATION ON YEARLY AMOUNT OF CON-
22 TRIBUTION.—The amount specified by an individual under
23 subsection (c)(3)(C) to be contributed to the Coverdell
24 education savings account of a designated beneficiary
25 under this section in a taxable year may not, when aggre-

1 gated with any other contributions previously made to the
2 account in the taxable year, exceed the maximum amount
3 of contributions permitted for the account for the taxable
4 year under section 530 of the Internal Revenue Code of
5 1986.

6 “(e) PAYMENT OF CONTRIBUTIONS.—Upon receiving
7 notice of an election under subsection (c) with respect to
8 contributions to the Coverdell education savings account
9 of a designated beneficiary, the Secretary shall pay the
10 trustee of the account, for deposit in the account to the
11 credit of the designated beneficiary, an amount equal to
12 the amount specified for the designated beneficiary in the
13 notice.

14 “(f) TREATMENT OF PAYMENTS AGAINST ENTITLE-
15 MENT.—The entitlement to basic educational assistance
16 under this subchapter of an individual who makes a con-
17 tribution to a Coverdell education savings account under
18 this section shall be reduced by a number of months equal
19 to the amount of such contribution divided by the monthly
20 rate of educational assistance allowance payable to the in-
21 dividual under section 3015 of this title at the time of
22 payment of such contribution under this section.

23 “(g) REGULATION OF CONTRIBUTIONS.—Contribu-
24 tions to a Coverdell education savings account under this

1 subsection shall be treated as contributions to the account
2 under section 530 of the Internal Revenue Code of 1986.”.

3 (d) REPEAL OF TIME LIMITATION FOR USE OF ELI-
4 GIBILITY AND ENTITLEMENT.—(1) Section 3031 of title
5 38, United States Code, is repealed.

6 (2) Section 3018C(e)(3)(B) of that title is
7 amended—

8 (A) by striking “(i)”; and

9 (B) by striking clause (ii).

10 (3) Section 16133(b) of title 10, United States Code,
11 is amended in paragraphs (2) and (3) by inserting “, as
12 in effect on the day before the date of the enactment of
13 the Call to Service Act of 2001,” after “of title 38”.

14 (e) CLERICAL AMENDMENTS.—The table of sections
15 at the beginning of chapter 30 of title 38, United States
16 Code, is amended—

17 (1) by inserting after the item relating to sec-
18 tion 3019 the following new item:

“3020. Use of entitlement to basic educational assistance for contributions to
Coverdell education savings accounts.”;

19 and

20 (2) by striking the item relating to section
21 3031.

1 **SEC. 5. IMPROVED ACCESS TO INSTITUTIONS OF HIGHER**
2 **EDUCATION FOR MILITARY RECRUITING**
3 **PURPOSES.**

4 (a) **REQUIREMENT FOR ACCESS.**—Section 503 of
5 title 10, United States Code, is amended—

6 (1) by redesignating subsection (d) as sub-
7 section (e); and

8 (2) by inserting after subsection (c) the fol-
9 lowing new subsection (d):

10 “(d) **ACCESS TO COLLEGES AND UNIVERSITIES.**—(1)
11 The head of each institution of higher education shall pro-
12 vide to the Department of Defense, upon a request made
13 for military recruiting purposes, the same access to stu-
14 dents of that institution, and to directory information con-
15 cerning such students, as is provided generally to prospec-
16 tive employers of those students.

17 “(2) If access requested by paragraph (1) is denied
18 by an institution of higher education, the Secretary of De-
19 fense, in cooperation with the Secretary of the military
20 department concerned, shall designate an officer in a
21 grade not below the grade of colonel or, in the case of
22 the Navy, captain, or a senior executive of that military
23 department to meet with representatives of that institu-
24 tion for the purpose of arranging for recruiting access.
25 The designated officer or senior executive shall seek to

1 have that meeting within 120 days after the date of the
2 denial of the request for recruiting access.

3 “(3) If, after a meeting under paragraph (2) with
4 representatives of an institution of higher education that
5 has denied a request for recruiting access or (if the institu-
6 tion declines a request for the meeting) after the end of
7 such 120-day period, the Secretary of Defense determines
8 that the institution continues to deny recruiting access,
9 the Secretary shall transmit to the chief executive of the
10 State in which the institution is located a notification of
11 the denial of recruiting access and a request for assistance
12 in obtaining that access. The notification shall be trans-
13 mitted within 60 days after the date of the determination.
14 The Secretary shall provide to the Secretary of Education
15 a copy of such notification and any other communication
16 between the Secretary and that chief executive with re-
17 spect to such access.

18 “(4) If an institution of higher education continues
19 to deny recruiting access one year after the date of the
20 transmittal of a notification regarding that institution
21 under paragraph (3), the Secretary—

22 “(A) shall determine whether the institution de-
23 nies recruiting access to at least two of the armed
24 forces (other than the Coast Guard when it is not
25 operating as a service in the Navy); and

1 “(B) upon making an affirmative determination
2 under subparagraph (A), shall transmit a notifica-
3 tion of the denial of recruiting access to—

4 “(i) the specified congressional committees;

5 “(ii) the Senators of the State in which the
6 institution is located; and

7 “(iii) the member of the House of Rep-
8 resentatives who represents the district in which
9 the institution is located.

10 “(5) The requirements of this subsection do not apply
11 to an institution of higher education that maintains a reli-
12 gious objection to service in the armed forces if the objec-
13 tion is verifiable through the corporate or other organiza-
14 tional documents or materials of that school.

15 “(6) In this subsection:

16 “(A) The term ‘institution of higher education’
17 has the meaning given the term in section 101 of the
18 Higher Education Act of 1965 (20 U.S.C. 1001).

19 “(B) The term ‘recruiting access’ means access
20 requested as described in paragraph (1).

21 “(C) The term ‘senior executive’ has the mean-
22 ing given that term in section 3132(a)(3) of title 5.

23 “(D) The term ‘State’ includes the District of
24 Columbia, the Commonwealth of Puerto Rico, the
25 Commonwealth of the Northern Mariana Islands,

1 Guam, the Virgin Islands, American Samoa, the
2 Federated States of Micronesia, the Republic of the
3 Marshall Islands, and the Republic of Palau.

4 “(E) The term ‘specified congressional commit-
5 tees’ means the following:

6 “(i) The Committee on Armed Services
7 and the Committee on Health, Education,
8 Labor, and Pensions of the Senate.

9 “(ii) The Committee on Armed Services
10 and the Committee on Education and the
11 Workforce of the House of Representatives.

12 “(F) The term ‘member of the House of Rep-
13 resentatives’ includes a Delegate or Resident Com-
14 missioner to Congress.”.

15 (b) EFFECTIVE DATE.—Subsection (a) and the
16 amendments made by that subsection shall take effect on
17 July 1, 2002.

18 **SEC. 6. COMMISSION ON MILITARY RECRUITMENT AND NA-**
19 **TIONAL SERVICE.**

20 (a) ESTABLISHMENT.—The Secretary of Defense and
21 the Secretary of State shall jointly establish a Commission
22 on Military Recruitment and National Service (in this sec-
23 tion referred to as the “Commission”).

24 (b) DUTIES.—The Commission shall develop and
25 evaluate various alternative means for increasing and

1 broadening the participation of the people of the United
2 States—

3 (1) in all forms of service of the United States;

4 and

5 (2) in service in the Armed Forces in par-
6 ticular, including participation in such service by
7 graduates of colleges and universities.

8 (c) COMPOSITION.—(1) The Commission shall be
9 composed of 9 members of whom—

10 (A) five shall be appointed by the Secretary of
11 Defense; and

12 (B) four shall be appointed by the Secretary of
13 State.

14 (2) The Secretary of Defense shall designate one of
15 the members to serve as the Chairman of the Commission.

16 (3) The appointments of the members of the Commis-
17 sion and the designation of the Chairman shall be made
18 not later than 180 days after the date of the enactment
19 of this Act.

20 (d) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
21 bers shall be appointed for the life of the Commission. Any
22 vacancy in the Commission shall not affect its powers, but
23 shall be filled in the same manner as the original appoint-
24 ment.

1 (e) MEETINGS.—(1) The Commission shall meet at
2 the call of the Chairman.

3 (2) The Commission shall hold its first meeting not
4 later than 30 days after the date on which all members
5 of the Commission have been appointed.

6 (f) QUORUM.—A majority of the members of the
7 Commission shall constitute a quorum, but a lesser num-
8 ber of members may hold hearings.

9 (g) REPORT.—(1) Not later than two years after the
10 date of the enactment of this Act, the Commission shall
11 submit to the Secretary of Defense and the Secretary of
12 State a report which shall contain a detailed statement
13 of the findings and conclusions of the Commission, to-
14 gether with its recommendations for such legislation and
15 administrative actions as it considers appropriate.

16 (2) Not later than 90 days after receiving the Com-
17 mission's report, the Secretary of Defense and the Sec-
18 retary of State shall jointly submit the report, together
19 with any comments that either Secretary considers appro-
20 priate, to the President and Congress.

21 (h) POWERS OF THE COMMISSION.—(1) The Com-
22 mission may hold such hearings, sit and act at such times
23 and places, take such testimony, and receive such evidence
24 as the Commission considers advisable to carry out this
25 Act.

1 (2) The Commission may secure directly from any de-
2 partment or agency of the United States any information
3 that the Commission considers necessary to carry out its
4 duties. Upon the request of the Chairman of the Commis-
5 sion, the head of a department or agency of the United
6 States shall furnish the requested information to the Com-
7 mission.

8 (3) The Commission may use the United States mails
9 in the same manner and under the same conditions as
10 other departments and agencies of the Federal Govern-
11 ment.

12 (i) MEMBERS' PAY AND ALLOWANCES.—(1) Each
13 member of the Commission who is not an officer or em-
14 ployee of the Federal Government shall be compensated
15 at a rate equal to the daily equivalent of the annual rate
16 of basic pay prescribed for level IV of the Executive Sched-
17 ule under section 5315 of title 5, United States Code, for
18 each day (including travel time) during which such mem-
19 ber is engaged in the performance of the duties of the
20 Commission. All members of the Commission who are offi-
21 cers or employees of the United States shall serve without
22 compensation in addition to that received for their services
23 as officers or employees of the United States.

24 (2) The members of the Commission shall be allowed
25 travel expenses, including per diem in lieu of subsistence,

1 at rates authorized for employees of agencies under sub-
2 chapter I of chapter 57 of title 5, United States Code,
3 while away from their homes or regular places of business
4 in the performance of services for the Commission.

5 (j) STAFF.—(1) The Chairman of the Commission
6 may, without regard to the civil service laws and regula-
7 tions, appoint and terminate an executive director and
8 such other additional personnel as may be necessary to
9 enable the Commission to perform its duties. The employ-
10 ment of an executive director shall be subject to confirma-
11 tion by the Commission.

12 (2) The Chairman of the Commission may fix the
13 compensation of the executive director and other personnel
14 without regard to chapter 51 and subchapter III of chap-
15 ter 53 of title 5, United States Code, relating to classifica-
16 tion of positions and General Schedule pay rates, except
17 that the rate of pay for the executive director and other
18 personnel may not exceed the rate payable for level V of
19 the Executive Schedule under section 5316 of such title.

20 (3) Any Federal Government employee may be de-
21 tailed to the Commission without reimbursement, and
22 such detail shall be without interruption or loss of civil
23 service status or privilege.

24 (4) The Chairman of the Commission may procure
25 temporary and intermittent services under section 3109(b)

1 of title 5, United States Code, at rates for individuals
2 which do not exceed the daily equivalent of the annual rate
3 of basic pay prescribed for level V of the Executive Sched-
4 ule under section 5316 of such title.

5 (k) TERMINATION OF COMMISSION.—The Commis-
6 sion shall terminate 90 days after the date on which the
7 Commission's is submitted to the President and Congress
8 under subsection (g).

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