

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6100

To amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2006

Mr. BILIRAKIS 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

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## A BILL

To amend title 38, United States Code, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Military Education En-  
5       hancement Opportunities Act of 2006”.

1 **SEC. 2. 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, is amended by inserting after section 3018C  
6 the following new section:

7 **“§ 3018D. Opportunity for certain active-duty per-**  
8 **sonnel to enroll**

9 “(a)(1) Notwithstanding any other provision of law,  
10 an individual described in subsection (b) who makes an  
11 irrevocable election under this section during the one-year  
12 period beginning on the date of the enactment of this sec-  
13 tion, shall be entitled to basic educational assistance under  
14 this chapter.

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

23 “(b) An individual described in this subsection is an  
24 individual who—

25 “(1) first became a member of the Armed  
26 Forces or first entered on active duty as a member

1 of the Armed Forces on or after January 1, 1977,  
2 and before July 1, 1985;

3 “(2) has served on active duty without a break  
4 in service since the date the individual first became  
5 such a member or first entered on active duty as  
6 such a member and continues to serve on active duty  
7 for some or all of the one-year period referred to in  
8 subsection (a);

9 “(3) has not enrolled in the educational benefits  
10 program provided by chapter 32 of this title;

11 “(4) before making an election under this sec-  
12 tion, has completed the requirements of a secondary  
13 school diploma (or equivalency certificate) or has  
14 successfully completed (or otherwise received aca-  
15 demic credit for) the equivalent of 12 semester hours  
16 in a program of education leading to a standard col-  
17 lege degree; and

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

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

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

5           “(B) to the extent that the basic pay of the in-  
6           dividual is not so reduced before the qualified indi-  
7           vidual’s discharge or release from active duty as  
8           specified in subsection (b)(4), at the election of the  
9           qualified individual, the Secretary concerned shall  
10          collect from the qualified individual or reduce the re-  
11          tired or retainer pay of the qualified individual by an  
12          amount equal to the difference between \$2,700 and  
13          the total amount of reductions under subparagraph  
14          (A), which shall be paid into the Treasury of the  
15          United States as miscellaneous receipts.

16          “(2)(A) The Secretary concerned shall provide for an  
17          18-month period, beginning on the date the individual  
18          makes an election under this section, for the individual  
19          to pay that Secretary the amount due under paragraph  
20          (1).

21          “(B) Nothing in subparagraph (A) shall be construed  
22          as modifying the period of eligibility for and entitlement  
23          to basic educational assistance under this chapter applica-  
24          ble under section 3031 of this title.

1 “(d) With respect to individuals described in sub-  
2 section (b) from whom the Secretary is required to collect  
3 an amount under paragraph (1) of subsection (c), no  
4 amount of educational assistance allowance under this  
5 chapter shall be paid to the individual until the earlier of  
6 the date on which—

7 “(1) the Secretary concerned collects the appli-  
8 cable amount under subparagraph (A) of such para-  
9 graph; or

10 “(2) the retired or retainer pay of the indi-  
11 vidual is first reduced under subparagraph (B) of  
12 such paragraph.

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

17 (b) CONFORMING AMENDMENTS.—Such title is fur-  
18 ther amended—

19 (1) in section 3013(d), by striking “or 3018C”  
20 and inserting “3018C, or 3018D”; and

21 (2) in section 3017(b)(1) of such title is amend-  
22 ed—

23 (A) in subparagraphs (A) and (C), by  
24 striking “or 3018C(e)” and inserting  
25 “3018C(e), or 3018D(c)”; and

1 (B) in subparagraph (B), by inserting “or  
2 3018D(c)” after “under section 3018C(e)”.

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

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

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