

110TH CONGRESS
2^D SESSION

H. R. 5034

To amend titles 10 and 38, United States Code, to extend the time periods of for the use of educational assistance benefits to which certain veterans and members of the reserve components are entitled under such titles.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2008

Mr. MCNERNEY introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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 titles 10 and 38, United States Code, to extend the time periods of for the use of educational assistance benefits to which certain veterans and members of the reserve components are entitled under such titles.

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 “Veterans Education
5 Benefits Extension Act of 2008”.

1 **SEC. 2. ELIMINATION OF TEN-YEAR TIME LIMIT FOR USE**
2 **OF ENTITLEMENT TO EDUCATIONAL ASSIST-**
3 **ANCE UNDER MONTGOMERY GI BILL.**

4 (a) **IN GENERAL.**—Chapter 31 of title 38, United
5 States Code, is amended by striking section 3031.

6 (b) **LIMITATION ON BENEFIT INCREASES.**—Such
7 title is further amended—

8 (1) in section 3015(h)—

9 (A) in paragraph (1), by striking “With” and
10 inserting “Except as provided in paragraph (3),
11 with”; and

12 (B) by adding at the end the following new
13 paragraph:

14 “(3) With respect to any fiscal year that begins
15 after the end of the 10-year period beginning on the
16 date of the last discharge or release from active duty
17 of an individual entitled to educational assistance
18 under this chapter, the Secretary may not provide
19 an increase under this subsection in the rate payable
20 to the individual under subsection (a)(1) or (b)(1).
21 For any such fiscal year, the rate payable to the in-
22 dividual shall be equal to the rate payable to that in-
23 dividual for the last fiscal year that begins before
24 the end of such period.”.

1 (c) LIMITATION ON TRANSFER OF ENTITLEMENT.—
2 Section 3020 of such title is amended by striking sub-
3 section (d) and inserting the following new subsection (d):

4 “(d) LIMITATIONS ON TRANSFER.—(1) The total
5 number of months of entitlement transferred by an indi-
6 vidual under this section may not exceed 18 months.

7 “(2) An individual eligible to transfer the individual’s
8 entitlement to educational assistance under this section
9 may not transfer the such entitlement after the end of the
10 10-year period beginning on the date of the individual’s
11 last discharge or release from active duty.”.

12 (d) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by striking
14 the item relating to section 3031.

15 (e) CONFORMING AMENDMENTS.—Such title is fur-
16 ther amended—

17 (1) in section 3018C(e)(3)(B), by striking
18 clause (iii); and

19 (2) in section 3020—

20 (A) in subsection (f), by striking “Subject
21 to the time limitation for use of entitlement
22 under section 3031 of this title, an individual”
23 and inserting “Subject to subsection (d)(2), an
24 individual”; and

1 (B) in subsection (h)(5), by striking “Not-
2 withstanding section 3031 of this title, a child”
3 and inserting “A child”.

4 **SEC. 3. EXTENSION OF PERIOD FOR USE OF ENTITLEMENT**
5 **BY MEMBERS OF THE SELECTED RESERVE**
6 **AND MEMBERS OF THE RESERVE COMPO-**
7 **NENT SUPPORTING CONTINGENCY OPER-**
8 **ATIONS.**

9 (a) MEMBERS OF THE SELECTED RESERVE.—Sec-
10 tion 16133 of title 10, United States Code, is amended—

11 (1) in subsection (a), by inserting after “(2) on
12 the date” the following: “that is ten years after the
13 date on which”; and

14 (2) in subsection (b), by striking paragraphs
15 (2) and (3) and redesignating paragraph (4) as
16 paragraph (2).

17 (b) MEMBERS OF THE RESERVE COMPONENT SUP-
18 PORTING CONTINGENCY OPERATIONS.—Section 16164 of
19 title 10, United States Code, is amended—

20 (1) by striking subsection (a) and inserting the
21 following new subsection (a):

22 “(a) DURATION OF ENTITLEMENT.—Except as pro-
23 vided in subsection (b), the period during which a person
24 entitled to educational assistance under this chapter may
25 use such person’s entitlement expires (1) at the end of

1 the 14-year period beginning on the date on which such
2 person becomes entitled to such assistance, or (2) on the
3 date that is ten years after the date on which the person
4 is separated from the Selected Reserve or the Ready Re-
5 serve, whichever occurs first.”.

6 (2) in subsection (b)—

7 (A) by striking “(1)”; and

8 (B) by striking paragraph (2).

9 (c) CONFORMING AMENDMENT.—Section 16165(a)
10 of such title is amended by striking paragraph (2) and
11 inserting the following new paragraph (2):

12 “(2) on the date on which such person’s entitle-
13 ment expires under section 16164(a).”.

14 **SEC. 4. EFFECTIVE DATE.**

15 The amendments made by this Act shall apply with
16 respect to an individual who becomes entitled to edu-
17 cational assistance on or after the date of the enactment
18 of this Act.

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