

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

# H. R. 5826

To amend title 38, United States Code, to expand the definition of active duty for purposes of the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs to include certain service in the National Guard.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2010

Mr. ALTMIRE (for himself and Mr. PLATTS) introduced the following bill;  
which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to expand the definition of active duty for purposes of the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs to include certain service in the National Guard.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXPANSION OF DEFINITION OF ACTIVE DUTY**  
2 **FOR PURPOSES OF POST-9/11 EDUCATIONAL**  
3 **ASSISTANCE PROGRAM OF THE DEPART-**  
4 **MENT OF VETERANS AFFAIRS TO INCLUDE**  
5 **SERVICE IN NATIONAL GUARD FOR CERTAIN**  
6 **PURPOSES.**

7 Section 3301(1) of title 38, United States Code, is  
8 amended by adding at the end the following new subpara-  
9 graph:

10 “(C) In the case of a member of the Army  
11 National Guard of the United States or Air Na-  
12 tional Guard of the United States, in addition  
13 to service described in subparagraph (B), full-  
14 time service—

15 “(i) in the National Guard of a State  
16 for the purpose of organizing, admin-  
17 istering, recruiting, instructing, or training  
18 the National Guard; or

19 “(ii) in the National Guard under sec-  
20 tion 502(f) of title 32 when authorized by  
21 the President or Secretary of Defense for  
22 the purpose of responding to a national  
23 emergency declared by the President and  
24 supported by Federal funds.”.

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