

116TH CONGRESS  
2D SESSION

# H. R. 5870

To amend title 38, United States Code, to ensure that the time during which members of the Armed Forces serve on active duty for training qualifies for educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2020

Mr. LEVIN of California (for himself, Mr. PALAZZO, and Mr. RYAN) 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 ensure that the time during which members of the Armed Forces serve on active duty for training qualifies for educational assistance under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs, 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 “Guard and Reserve  
5 GI Bill Parity Act of 2020”.

1 **SEC. 2. ADDITION OF OTHER DUTY STATUSES TO QUALIFY**  
2 **FOR POST-9/11 EDUCATIONAL ASSISTANCE**  
3 **PROGRAM.**

4 (a) **QUALIFYING DUTY.**—Section 3311(b) of title 38,  
5 United States Code, is amended—

6 (1) by striking “(including” each place it ap-  
7 pears and inserting “(including other qualifying duty  
8 and”;

9 (2) by striking “(excluding” each place it ap-  
10 pears and inserting “(including other qualifying duty  
11 but excluding”; and

12 (3) in paragraph (2)(A), by inserting “or other  
13 qualifying duty” after “active duty”.

14 (b) **OTHER QUALIFYING DUTY DEFINED.**—Section  
15 3301 of such title is amended—

16 (1) by redesignating paragraphs (3) and (4) as  
17 paragraphs (4) and (5), respectively; and

18 (2) by inserting after paragraph (2) the fol-  
19 lowing new paragraph (3):

20 “(3) The term ‘other qualifying duty’ means  
21 the following:

22 “(A) Duty under section 502 of title 32.

23 “(B) Duty for which a member is eligible  
24 to receive pay under section 204, 206, or 372  
25 of title 37.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on August 1, 2021, and shall  
3 apply with respect to—

4 (1) academic years beginning on or after Au-  
5 gust 1, 2021; and

6 (2) service performed before, on, or after the  
7 date of the enactment of this Act.

8 **SEC. 3. SIMPLIFICATION OF ELIGIBILITY CRITERIA FOR**  
9 **DEPARTMENT OF VETERANS AFFAIRS POST-9/**  
10 **11 EDUCATIONAL ASSISTANCE.**

11 (a) IN GENERAL.—Paragraph (1) of section 3301 of  
12 title 38, United States Code, is amended to read as fol-  
13 lows:

14 “(1) The term ‘active duty’ has the meanings  
15 as follows (subject to the limitations specified in sec-  
16 tions 3002(6) and 3311(b)):

17 “(A) Active duty as described in section  
18 101(21)(A) of this title.

19 “(B) Active duty for training as described  
20 in section 101(22)(A), (C), and (E) of this title.

21 “(C) Active duty as defined in section  
22 101(12) of title 32.

23 “(D) Full-time National Guard duty as de-  
24 fined in section 101(19) of title 32.”.

1           (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on August 1, 2021, and  
3 shall apply with respect to—

4           (1) academic years beginning on or after Au-  
5 gust 1, 2021; and

6           (2) service performed before, on, or after the  
7 date of the enactment of this Act.

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