

110TH CONGRESS  
1ST SESSION

# H. R. 1969

To exempt from payment of individual contributions under the Montgomery GI Bill enlisted members of the Armed Forces in pay grade E-5 or below and to provide an opportunity for members of the Armed Forces serving on active duty to withdraw an election not to enroll in education benefits under the Montgomery GI Bill.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2007

Mr. TERRY 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

---

## A BILL

To exempt from payment of individual contributions under the Montgomery GI Bill enlisted members of the Armed Forces in pay grade E-5 or below and to provide an opportunity for members of the Armed Forces serving on active duty to withdraw an election not to enroll in education benefits 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Montgomery G.I. Bill  
3 Improvement Act of 2007”.

4 **SEC. 2. EXEMPTION FROM PAYMENT OF INDIVIDUAL CON-**  
5 **TRIBUTIONS UNDER MONTGOMERY GI BILL**  
6 **OF CERTAIN ENLISTED MEMBERS OF THE**  
7 **ARMED FORCES.**

8 Section 3011(b) of title 38, United States Code, is  
9 amended—

10 (1) in paragraph (1), by striking “paragraph  
11 (2)” and inserting “paragraphs (2) and (4)”; and

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

14 “(4) In the case of an individual covered by para-  
15 graph (1) who is an enlisted member of the Armed Forces  
16 in pay grade E-5 or below, the basic pay of the individual  
17 shall not be reduced under paragraph (1).”.

18 **SEC. 3. OPPORTUNITY FOR INDIVIDUALS WHO SERVE AS**  
19 **ACTIVE DUTY MEMBERS OF THE ARMED**  
20 **FORCES TO WITHDRAW ELECTION NOT TO**  
21 **ENROLL IN MONTGOMERY GI BILL.**

22 (a) IN GENERAL.—Section 3018 of title 38, United  
23 States Code, is amended—

24 (1) by redesignating subsections (c) and (d) as  
25 subsection (d) and (e), respectively;

1           (2) by inserting after subsection (b) the fol-  
2           lowing new subsection (c):

3           “(c)(1) Notwithstanding any other provision of this  
4 chapter, during the one-year period beginning on the date  
5 of the enactment of this subsection, an individual who is  
6 serving on active duty as a member of the Armed Forces  
7 on the date of the enactment of this subsection shall have  
8 the opportunity, on such form as the Secretary of Defense  
9 shall prescribe, to withdraw an election under section  
10 3011(c)(1) of this title not to receive education assistance  
11 under this chapter.

12           “(2) An individual described paragraph (1) who made  
13 an election under section 3011(c)(1) of this title and  
14 who—

15           “(A) while serving on active duty during the  
16 one-year period beginning on the date of the enact-  
17 ment of this subsection makes a withdrawal of such  
18 election;

19           “(B) continues to serve the period of service  
20 which such individual was obligated to serve;

21           “(C) serves the obligated period of service de-  
22 scribed in subparagraph (B) or before completing  
23 such obligated period of service is described by sub-  
24 section (b)(3)(B); and

1           “(D) meets the requirements set forth in para-  
2           graphs (4) and (5) of subsection (b),  
3 is entitled to basic educational assistance under this chap-  
4 ter.”;

5           (3) in subsection (d), as so redesignated, by in-  
6           serting “or (c)(2)(A) (other than an individual cov-  
7           ered by section 3011(b)(4) of this title)” after  
8           “(b)(1)”; and

9           (4) in subsection (e), as so redesignated, by in-  
10          serting “or (c)(2)(A)” after “(b)(1)”.

11          (b) NOTIFICATION REQUIREMENT.—The Secretary  
12 of Defense shall provide to each individual who is serving  
13 on active duty as a member of the Armed Forces on the  
14 date of the enactment of this subsection notice of the op-  
15 portunity to withdraw an election under section  
16 3011(c)(1) of title 38, United States Code, not to receive  
17 education assistance under chapter 30 of such title.

18          (c) CONFORMING AMENDMENTS.—Such title is fur-  
19 ther amended in sections 3013(c)(2)(A) and  
20 3017(b)(1)(A), by striking “3018(c)” and inserting  
21 “3018(d)”.

○