

111TH CONGRESS  
1ST SESSION

# H. R. 4064

To make certain improvements in the Post-9/11 Educational Assistance program.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2009

Ms. GIFFORDS introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To make certain improvements in the Post-9/11 Educational Assistance program.

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. AUTHORITY OF CERTAIN MEMBERS OF THE**  
4 **ARMED FORCES TO TRANSFER ENTITLEMENT**  
5 **TO POST-9/11 EDUCATIONAL ASSISTANCE TO**  
6 **THEIR DEPENDENTS.**

7 Subsection (b) of section 3319 of title 38, United  
8 States Code, is amended to read as follows:

1       “(b) ELIGIBLE INDIVIDUALS.—An individual re-  
2       ferred to in subsection (a) is any member of the Armed  
3       Forces who—

4               “(1) at the time of the approval of the individ-  
5       ual’s request to transfer entitlement to educational  
6       assistance under this section, has completed at  
7       least—

8                       “(A) six years of service in the Armed  
9       Forces and enters into an agreement to serve at  
10       least four more years as a member of the  
11       Armed Forces; or

12                      “(B) the years of service as determined in  
13       regulations pursuant to section (k);

14               “(2) retired on or after September 10, 2001,  
15       and on or before July 31, 2009; or

16               “(3) medically retired or separated from the  
17       Armed Forces on or after September 10, 2001, by  
18       reason of a disability determined to be a service-con-  
19       nected disability.”.

1 **SEC. 2. SPECIAL RULES FOR CERTAIN INDIVIDUALS ENTI-**  
2 **TLED TO POST-9/11 EDUCATIONAL ASSIST-**  
3 **ANCE AND BASIC EDUCATIONAL ASSISTANCE**  
4 **UNDER MONTGOMERY GI BILL.**

5 Section 5003(c)(4) of the Post-9/11 Veterans Edu-  
6 cational Assistance Act of 2008 (title V of Public Law  
7 110–252) is amended—

8 (1) by adding at the end the following new sub-  
9 paragraph:

10 “(C) SPECIAL RULE FOR CERTAIN MEM-  
11 BERS ENTITLED TO MGIB.—In the case of an  
12 individual who makes an election under para-  
13 graph (1) and who is entitled to basic edu-  
14 cational assistance under chapter 30 of title 38,  
15 United States Code, by reason of the individ-  
16 ual’s service in the Armed Forces or before  
17 September 10, 2001—

18 “(i) if the individual is entitled to not  
19 more than 24 months of basic educational  
20 assistance under such chapter prior to  
21 making such election, the individual shall  
22 be entitled to 36 months of educational as-  
23 sistance under chapter 33 of title 38,  
24 United States Code (as so added), in ac-  
25 cordance with the provisions of such chap-  
26 ter, instead of basic educational assistance

1 under chapter 30 of title 38, United States  
2 Code; and

3 “(ii) if the individual is entitled to  
4 more than 24 months of basic educational  
5 assistance under such chapter prior to  
6 making such election, the individual shall  
7 be entitled to 36 months of educational as-  
8 sistance under chapter 33 of title 38,  
9 United States Code (as so added) in ac-  
10 cordance with the provisions of such chap-  
11 ter, plus the number of months, in excess  
12 of 24, of basic educational assistance  
13 under chapter 30 of such title to which the  
14 individual is entitled.”; and

15 (2) in subparagraph (A), by inserting “subpara-  
16 graph (C) or” before “paragraph (5)”.

17 **SEC. 3. MONTHLY HOUSING ASSISTANCE FOR INDIVIDUALS**  
18 **PURSUING PROGRAMS OF EDUCATION OF-**  
19 **FERED THROUGH DISTANCE LEARNING WHO**  
20 **RECEIVE POST-9/11 EDUCATIONAL ASSIST-**  
21 **ANCE.**

22 Section 3313(c)(1)(B)(i) of title 38, United States  
23 Code, is amended—

1           (1) by striking “(other than, in the case of as-  
2           sistance under this section only, a program of edu-  
3           cation offered through distance learning)”;

4           (2) by adding at the end the following: “, ex-  
5           cept that in the case of an individual pursuing a pro-  
6           gram of education offered, completely or in part,  
7           through distance learning, the amount of the month-  
8           ly housing stipend under this clause shall be equal  
9           to the monthly amount of the basic allowance for  
10          housing payable under section 403 of title 37 for a  
11          member with dependents in pay grade E-5 residing  
12          in the military housing area in which the individual  
13          resides.”

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

15          The amendments made by this Act shall take effect  
16 as if included in the enactment of the Post-9/11 Veterans  
17 Educational Assistance Act of 2008 (title V of Public Law  
18 110-252).

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