

111TH CONGRESS
1ST SESSION

S. 1668

To amend title 38, United States Code, to provide for the inclusion of certain active duty service in the Reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2009

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for the inclusion of certain active duty service in the Reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, 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 “National Guard Edu-
5 cation Equality Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The National Guard, first established in
2 1636, is the oldest component of the United States
3 Armed Forces.

4 (2) National Guard members have been “Al-
5 ways Ready and Always There” to protect and de-
6 fend the United States in times of crisis, both for-
7 eign and domestic.

8 (3) Thirty-five thousand members of the Na-
9 tional Guard in State status under title 32, United
10 States Code, have served the United States admi-
11 rably since September 11, 2001, but do not qualify
12 for veterans educational assistance under chapter 33
13 of title 38, United States Code (commonly referred
14 to as “Post-9/11 Educational Assistance”).

15 (4) These National Guard members have duti-
16 fully served in the following capacities while in State
17 status:

18 (A) As domestic emergency responders, no-
19 tably after Hurricane Katrina in 2005.

20 (B) In homeland security missions, such as
21 Operation Jump Start, which deployed National
22 Guard members to secure the United States-
23 Mexico border during 2007 and 2008.

24 (C) In Operation Noble Eagle, an initiative
25 by United States Northern Command to mon-

1 itor and protect North American skies after
2 September 11, 2001.

3 **SEC. 3. INCLUSION OF CERTAIN ACTIVE DUTY SERVICE IN**
4 **THE RESERVE COMPONENTS AS QUALIFYING**
5 **SERVICE FOR PURPOSES OF POST-9/11 EDU-**
6 **CATIONAL ASSISTANCE PROGRAM.**

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 members of the Army
11 National Guard or Air National Guard of any
12 State, full-time duty under title 32, including
13 such duty—

14 “(i) under orders from the Governor
15 of a State or territory of the United States
16 in response to a domestic emergency;

17 “(ii) as part of the Active Guard Re-
18 serve;

19 “(iii) as part of Air Sovereignty Alert;

20 “(iv) as part of Operation Jumpstart;

21 “(v) in response to Hurricane
22 Katrina;

23 “(vi) as part of an airport security
24 mission; or

1 “(vii) as part of a counterdrug activ-
2 ity.”.

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