

109TH CONGRESS
1ST SESSION

H. R. 1982

To amend titles 10 and 38, United States Code, to increase benefits for members of the Armed Forces who, after September 11, 2001, serve on active duty outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or a combat operation.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2005

Mr. EMANUEL (for himself, Mr. MURTHA, Mr. RYAN of Ohio, Ms. DeLAURO, Mr. McGOVERN, Mr. KILDEE, Mrs. CAPPS, Mr. HINCHEY, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. OWENS, Mr. HIGGINS, Mr. PALLONE, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. RANGEL, Mr. BROWN of Ohio, Mr. SANDERS, Mrs. MALONEY, Ms. CARSON, Ms. HOOLEY, and Mr. HONDA) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs and Ways and Means, 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 amend titles 10 and 38, United States Code, to increase benefits for members of the Armed Forces who, after September 11, 2001, serve on active duty outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or a combat operation.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Welcome Home G.I. Bill Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENTS IN EDUCATION AND HOUSING
 BENEFITS

Sec. 101. Montgomery G.I. Bill improvements.

Sec. 102. Improved education benefits for reserve component members sup-
 porting contingency operations and certain other operations.

Sec. 103. Increase in Home Purchase Benefits.

TITLE II—IMPROVEMENT IN HEALTH BENEFITS

Sec. 201. Extension of transitional health care for certain uninsured veterans.

Sec. 202. Clarification of predeployment and postdeployment medical exams.

8 **TITLE I—IMPROVEMENTS IN**
 9 **EDUCATION AND HOUSING**
 10 **BENEFITS**

11 **SEC. 101. MONTGOMERY G.I. BILL IMPROVEMENTS.**

12 (a) INCREASE IN BENEFITS AND EXTENSION OF DU-
 13 RATION OF EDUCATIONAL ASSISTANCE.—Section 3015 of
 14 title 38, United States Code, is amended—

15 (1) by redesignating subsection (h) as sub-
 16 section (i);

17 (2) by inserting after subsection (g) the fol-
 18 lowing new subsection (h):

1 “(h)(1) The amount of basic educational allowance
2 payable under this chapter to an individual referred to in
3 paragraph (2) of this subsection is equal to 150 percent
4 of the amount determined under subsection (a) or (b), as
5 the case may be.

6 “(2)(A) Paragraph (1) of this subsection applies to
7 an individual entitled to an educational assistance allow-
8 ance under section 3011 or 3012 of this title who, during
9 the period described in paragraph (5), serves on active
10 duty outside the United States or its territories or posses-
11 sions as part of a contingency operation (including a hu-
12 manitarian operation, peacekeeping operation, or similar
13 operation) or combat operation for a period of at least 6
14 consecutive months is entitled to increased basic edu-
15 cational assistance under this section.

16 “(B) The requirement of 6 consecutive months of
17 service under paragraph (1) is not applicable to an indi-
18 vidual who is discharged or released, during such 6
19 months, from active duty in the Armed Forces—

20 “(i) for a service-connected disability,

21 “(ii) for a medical condition which preexisted
22 such service on active duty and which the Secretary
23 determines is not service connected,

24 “(iii) for hardship,

1 “(iv) in the case of an individual discharged or
2 released after 5 months of such service, for the con-
3 venience of the Government,

4 “(v) involuntarily for the convenience of the
5 Government as a result of a reduction in force, as
6 determined by the Secretary of the military depart-
7 ment concerned in accordance with regulations pre-
8 scribed by the Secretary of Defense or by the Sec-
9 retary of Homeland Security with respect to the
10 Coast Guard when it is not operating as a service
11 in the Navy, or

12 “(vi) for a physical or mental condition that
13 was not characterized as a disability, as described in
14 section 3011(a)(1)(A)(ii)(I) of this title.

15 “(3) The Secretary of Defense shall refund to each
16 individual referred to in paragraph (2) all amounts re-
17 duced from the basic pay of, or collected by the Secretary
18 from, the individual under section 3011(b) or 3012(c) of
19 this title, as the case may be.

20 “(4)(A) Upon completion of an approved course of
21 education, an individual referred to paragraph (2) may
22 apply amounts of increased basic educational assistance
23 otherwise available to the individual under this section to
24 repay some or all of any Federal student loan balance
25 owed by the individual.

1 “(B) In no event shall payment of basic educational
2 assistance under this paragraph exceed the amount of the
3 individual’s available entitlement under this chapter.

4 “(5) The period referred to in paragraph (2)(A) is
5 the period which begins on September 11, 2001, and ends
6 on the date that is five years after the date of the enact-
7 ment of the Welcome Home G.I. Bill Act of 2005.”; and

8 (3) in subsections (a)(1)(D) and (b)(1)(D), by strik-
9 ing “under subsection (h)” and and inserting “under sub-
10 section (i)”.

11 (b) DURATION OF PAYMENTS.—Section 3013 of such
12 title is amended by adding at the end the following new
13 subsection:

14 “(g) In the case of an individual referred to in section
15 3015(h)(2) of this title, the preceding provisions of this
16 section shall be applied by substituting ‘48’ for ‘36’ each
17 place it appears.”.

18 (c) CONFORMING AMENDMENTS.—(1) Subsection
19 (b)(2)(B) of section 3014 of such title is amended by in-
20 serting “(or 48 in the case of an individual referred to
21 in section 3015(h)(2) of this title)” after “36”.

22 (2) Subsection (b)(2) of section 3017 of such title is
23 amended—

24 (A) in subparagraph (A), by striking “and” at
25 the end;

1 (B) in subparagraph (B), by striking the period
 2 at the end and inserting “; and”; and

3 (C) by adding at the end the following new sub-
 4 paragraph:

5 “(C) the amount of any refund under section
 6 3015(h)(3) of this title.”.

7 (3) Subsection (a) of section 3695 of such title is
 8 amended by inserting “(or 60 months in the case of an
 9 individual referred to in section 3015(g)(2) of this title).”.

10 **SEC. 102. IMPROVED EDUCATION BENEFITS FOR RESERVE**
 11 **COMPONENT MEMBERS SUPPORTING CON-**
 12 **TINGENCY OPERATIONS AND CERTAIN**
 13 **OTHER OPERATIONS.**

14 (a) INCREASE IN RATE OF EDUCATIONAL ASSIST-
 15 ANCE.—Subsection (c) of section 16162 of title 10, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing new paragraph:

18 “(5) Notwithstanding paragraphs (2), (3), and
 19 (4), the educational assistance allowance provided
 20 under this chapter for a member of the reserve com-
 21 ponent called or ordered to active service in response
 22 to a war or national emergency declared by the
 23 President or the Congress who performed active
 24 duty service for 180 consecutive days before the date
 25 which is the last day of the five-year period that be-

1 gins on the date of the enactment of the Welcome
2 Home G.I. Bill Act of 2005 is the greater of (A) the
3 monthly rate of \$1562.50 or (B) the monthly rate
4 otherwise applicable under this chapter.”.

5 (b) EXTENSION OF DURATION OF EDUCATIONAL AS-
6 SISTANCE.—Paragraph (1) of subsection (d) of such sec-
7 tion is amended by inserting “, or 48 in the case of edu-
8 cational assistance allowance paid under subsection
9 (c)(5),” after “under this chapter is 36”.

10 (c) USE OF ENTITLEMENT FOR PAYMENT OF FED-
11 ERAL STUDENT LOANS.—Such section is amended by
12 adding at the end the following new subsection:

13 “(e) USE OF ENTITLEMENT FOR PAYMENT OF FED-
14 ERAL STUDENT LOANS.—(1) Upon completion of a pro-
15 gram of education authorized under subsection (b), a
16 member of the reserve components entitled to educational
17 assistance under this chapter may apply amounts of edu-
18 cational assistance otherwise available to the member
19 under this chapter to repay some or all of any Federal
20 student loan balance owed by the member.

21 “(2) In no event shall payment of educational assist-
22 ance under this subsection exceed the amount of the mem-
23 ber’s available entitlement under this chapter.

1 “(3) In this subsection, the term ‘Federal student
2 loan’ means any loan made under title IV of the Higher
3 Education Act of 1965 (20 U.S.C. 1070 et seq.).”.

4 **SEC. 103. INCREASE IN HOME PURCHASE BENEFITS.**

5 (a) PAYMENT TO CERTAIN VETERANS FOR DOWN-
6 PAYMENT TOWARD HOME PURCHASE.—(1) Title 38,
7 United States Code, is amended by inserting after section
8 3708 the following new section:

9 **“§ 3709. Provision of downpayment toward home pur-
10 chase for veterans performing eligible
11 service**

12 “(a) PAYMENT FOR DOWNPAYMENT ON HOME PUR-
13 CHASE.—Subject to subsections (b) and (c), in the case
14 of a veteran who performs eligible service, the Secretary
15 of Defense shall provide for a payment of \$5,000 on behalf
16 of the veteran to be used as a downpayment toward the
17 purchase or construction of a residential dwelling to be
18 owned and occupied by the veteran.

19 “(b) TIME LIMITATION FOR USE.—The period dur-
20 ing which the Secretary of Defense may provide for a pay-
21 ment under subsection (a) to a veteran who performs eligi-
22 ble service expires on the date that is five years after the
23 date on which such eligible service is completed.

24 “(c) USE IN CONJUNCTION WITH FIRST-TIME HOME
25 PURCHASE UNDER THIS CHAPTER.—The Secretary of

1 Defense shall only provide payment under subsection (a)
 2 if the veteran demonstrates to the Secretary of Veterans
 3 Affairs that the veteran has not previously obtained a loan
 4 guaranteed, insured, or made under this chapter, as the
 5 case may be.

6 “(d) ELIGIBLE SERVICE.—In this subsection, the
 7 term ‘eligible service’ means active duty service performed
 8 after September 11, 2001, outside the United States or
 9 its territories or possessions as part of a contingency oper-
 10 ation (including a humanitarian operation, peacekeeping
 11 operation, or similar operation) or combat operation for
 12 a period of at least 6 consecutive months (or for a lesser
 13 period of time in the case of such an individual who is
 14 discharged or released from active duty for a service-con-
 15 nected disability).”.

16 (2) The table of sections at the beginning of chapter
 17 37 of such title is amended by inserting after the item
 18 relating to section 3708 the following new item:

“3709. Provision of downpayment toward home purchase for veterans per-
 forming eligible service.”.

19 (b) BENEFIT EXCLUDED FROM GROSS INCOME.—

20 (1) IN GENERAL.—Subsection (b) of section
 21 134 of the Internal Revenue Code of 1986 (relating
 22 to qualified military benefit) is amended by adding
 23 at the end the following new paragraph:

24 “(6) VETERANS HOUSING BENEFITS.—

“(A) IN GENERAL.—The term ‘qualified military benefit’ includes payments made under section 3709 of title 38, United States Code (relating to provision of downpayment toward home purchase for veterans performing eligible service), as in effect on the date of the enactment of this paragraph.

“(B) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of this subtitle, no increase in the basis or adjusted basis of any property shall result from any amount excluded under this section by reason of subparagraph (A).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to payments made after the date of the enactment of this Act, in taxable years ending after such date.

TITLE II—IMPROVEMENT IN HEALTH BENEFITS

SEC. 201. EXTENSION OF TRANSITIONAL HEALTH CARE FOR CERTAIN UNINSURED VETERANS.

Section 1145 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

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

3 “(c) SPECIAL RULE FOR CERTAIN UNINSURED VET-
4 ERANS.—(1) Transitional health care shall be available
5 under subsection (a) for any period during the five-year
6 period beginning on the date on which the veteran is sepa-
7 rated from active duty during which the veteran dem-
8 onstrates to the Secretary of Defense that the veteran is
9 not covered under any group health plan provided by an
10 employer or spouse’s employer.

11 “(2) In this subsection, the term ‘eligible veteran’
12 means a person—

13 “(A) who served in the active military, naval, or
14 air service (as defined in section 101 of title 38);

15 “(B) who, after September 11, 2001, is de-
16 ployed outside the United States or its territories or
17 possessions as part of a contingency operation (in-
18 cluding a humanitarian operation, peacekeeping op-
19 eration, or similar operation) or combat operation
20 for a period of at least 6 consecutive months (or for
21 a lesser period of time in the case of such an indi-
22 vidual who is discharged or released from active
23 duty for a service-connected disability); and

24 “(C) who was discharged or released from such
25 service under conditions other than dishonorable.”.

1 **SEC. 202. CLARIFICATION OF PREDEPLOYMENT AND**
2 **POSTDEPLOYMENT MEDICAL EXAMS.**

3 Subsection (b) of section 1074f of title 10, United
4 States Code, is amended to read as follows:

5 “(b) ELEMENTS OF SYSTEM.—(1) The system de-
6 scribed in subsection (a) shall include the use of
7 predeployment medical examinations and postdeployment
8 medical examinations, in accordance with this subsection,
9 to accurately record the medical condition of members be-
10 fore their deployment and any changes in their medical
11 condition during the course of their deployment.

12 “(2) PREDEPLOYMENT MEDICAL EXAMINATIONS.—
13 A predeployment medical examination shall consist of a
14 self-administered survey followed by a clinical examination
15 conducted by medical personnel of the Department of De-
16 fense. The survey and clinical examination shall include—

17 “(A) the collection of clinical data (such as vital
18 signs and the drawing of blood samples);

19 “(B) the collection of information (including in-
20 formation on immunizations) on current and past
21 physical or mental health conditions that might af-
22 fect the ability of the member to perform duties;

23 “(C) an assessment of mental health;

24 “(D) screening for diseases that are prevalent
25 in members of the armed forces; and

1 “(E) referral to appropriate medical care for
2 any conditions needing further treatment.

3 “(3) POSTDEPLOYMENT MEDICAL EXAMINATIONS.—
4 A postdeployment medical examination shall consist of a
5 self-administered survey followed by a clinical examination
6 conducted by medical personnel of the Department of De-
7 fense. The survey and clinical examination—

8 “(A) shall include self-reported information
9 about any relevant exposures during the period of
10 deployment, including witnessing or participating in
11 combat and screening for post-traumatic stress dis-
12 order; and

13 “(B) shall be conducted when the member is re-
14 deployed or otherwise leaves an area in which the
15 system is in operation (or as soon as possible there-
16 after).”.

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