

109TH CONGRESS  
1ST SESSION

# S. 1019

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 12, 2005

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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.**

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

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

Sec. 1. Short title.

#### TITLE I—IMPROVEMENTS IN EDUCATION AND HOUSING BENEFITS

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

Sec. 102. Improved education benefits for reserve component members supporting contingency operations and certain other operations.

Sec. 103. Increase in Home Purchase Benefits.

#### TITLE II—IMPROVEMENTS IN HEALTH BENEFITS

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

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

## **TITLE I—IMPROVEMENTS IN EDUCATION AND HOUSING BENEFITS**

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

(a) INCREASE IN BENEFITS AND EXTENSION OF DURATION OF EDUCATIONAL ASSISTANCE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsections (a)(1)(D) and (b)(1)(D), by striking “under subsection (h)” and inserting “under subsection (i)”;

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

“(h)(1) The amount of basic educational allowance payable under this chapter to an individual referred to in paragraph (2) is the amount equal to 150 percent of the

1 amount determined under subsection (a) or (b), as the  
2 case may be, with respect to the individual.

3 “(2)(A) Paragraph (1) applies to an individual enti-  
4 tled to an educational assistance allowance under section  
5 3011 or 3012 of this title who, during the period described  
6 in paragraph (5), serves on active duty outside the United  
7 States or its territories or possessions as part of a contin-  
8 gency operation (including a humanitarian operation,  
9 peacekeeping operation, or similar operation) or combat  
10 operation for a period of at least 6 consecutive months.

11 “(B) The requirement of 6 consecutive months of  
12 service under paragraph (1) is not applicable to an indi-  
13 vidual who is discharged or released from active duty in  
14 the Armed Forces after a period of consecutive months  
15 of service on active duty totaling less than 6 consecutive  
16 months—

17 “(i) for a service-connected disability;

18 “(ii) for a medical condition which preexisted  
19 such service on active duty and which the Secretary  
20 determines is not service-connected;

21 “(iii) for hardship;

22 “(iv) in the case of an individual discharged or  
23 released after 5 consecutive months of service on ac-  
24 tive duty, for the convenience of the Government;

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

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

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

17      “(4)(A) Upon completion of an approved course of  
18      education, an individual referred to paragraph (2) may  
19      apply amounts of increased basic educational assistance  
20      otherwise available to the individual under this section to  
21      repay some or all of the principal or interest on any Fed-  
22      eral student loan of the individual.

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

1 “(C) In this paragraph, 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 “(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.”.

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

11 “(g) In the case of an individual referred to in section  
12 3015(h)(2) of this title, the preceding provisions of this  
13 section shall be applied by substituting ‘48 months’ for  
14 ‘36 months’ each place it appears.”.

15 (c) CONFORMING AMENDMENTS.—(1) Section  
16 3014(b)(2)(B) of such title is amended by inserting “(or  
17 48 in the case of an individual referred to in section  
18 3015(h)(2) of this title)” after “36”.

19 (2) Section 3017(b)(2) of such title is amended—

20 (A) in subparagraph (A), by striking “and” at  
21 the end;

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

24 (C) by adding at the end the following new sub-  
25 paragraph:

1           “(C) the amount of any refund under section  
2           3015(h)(3) of this title.”.

3           (3) Section 3695(a) of such title is amended by in-  
4           serting “, or 60 months in the case of an individual re-  
5           ferred to in section 3015(h)(2) of this title” after “48  
6           months”.

7   **SEC. 102. IMPROVED EDUCATION BENEFITS FOR RESERVE**  
8                   **COMPONENT MEMBERS SUPPORTING CON-**  
9                   **TINGENCY OPERATIONS AND CERTAIN**  
10                  **OTHER OPERATIONS.**

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

15           “(5) Notwithstanding paragraphs (2), (3), and (4),  
16           the educational assistance allowance provided under this  
17           chapter for a member of the reserve component called or  
18           ordered to active service in response to a war or national  
19           emergency declared by the President or the Congress who  
20           performs active duty service for 180 consecutive days be-  
21           fore the date which is the last day of the five-year period  
22           that begins on the date of the enactment of the Welcome  
23           Home G.I. Bill Act of 2005 is the greater of (A) the  
24           monthly rate of \$1562.50, or (B) the monthly rate other-  
25           wise applicable under this chapter.”.

1 (b) EXTENSION OF DURATION OF EDUCATIONAL AS-  
 2 SISTANCE.—Subsection (d)(1) of such section is amended  
 3 by inserting “, or 48 in the case of educational assistance  
 4 allowance paid under subsection (c)(5)” after “under this  
 5 chapter is 36”.

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

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

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

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

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

24 (a) PAYMENT TO CERTAIN VETERANS FOR DOWN-  
 25 PAYMENT TOWARD HOME PURCHASE.—(1) Chapter 37 of

1 title 38, United States Code, is amended by inserting after  
 2 section 3708 the following new section:

3 **“§ 3709. Provision of downpayment toward home pur-**  
 4 **chase for veterans performing eligible**  
 5 **service**

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

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

18 “(c) USE IN CONJUNCTION WITH FIRST-TIME HOME  
 19 PURCHASE UNDER THIS CHAPTER.—The Secretary of  
 20 Defense may only provide a payment to a veteran under  
 21 subsection (a) if the veteran demonstrates to the Secretary  
 22 of Veterans Affairs that the veteran has not previously ob-  
 23 tained a loan guaranteed, insured, or made under this  
 24 chapter, as the case may be.



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

11       (2) The table of sections at the beginning of chapter  
 12 37 of such title is amended by inserting after the item  
 13 relating to section 3708 the following new item:

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

14       (b) BENEFIT EXCLUDED FROM GROSS INCOME.—

15       (1) IN GENERAL.—Subsection (b) of section  
 16 134 of the Internal Revenue Code of 1986 (relating  
 17 to qualified military benefit) is amended by adding  
 18 at the end the following new paragraph:

19       “(6) VETERANS HOUSING BENEFITS.—

20       “(A) IN GENERAL.—The term ‘qualified  
 21 military benefit’ includes payments made under  
 22 section 3709 of title 38, United States Code  
 23 (relating to provision of downpayment toward  
 24 home purchase for veterans performing eligible

1 service), as in effect on the date of the enact-  
 2 ment of this paragraph.

3 “(B) DENIAL OF DOUBLE BENEFIT.—Not-  
 4 withstanding any other provision of this sub-  
 5 title, no increase in the basis or adjusted basis  
 6 of any property shall result from any amount  
 7 excluded under this section by reason of sub-  
 8 paragraph (A).”.

9 (2) EFFECTIVE DATE.—The amendment made  
 10 by this subsection shall apply to payments made  
 11 after the date of the enactment of this Act, in tax-  
 12 able years ending after such date.

## 13 **TITLE II—IMPROVEMENTS IN** 14 **HEALTH BENEFITS**

### 15 **SEC. 201. EXTENSION OF TRANSITIONAL HEALTH CARE** 16 **FOR CERTAIN UNINSURED VETERANS.**

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

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

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

23 “(c) SPECIAL RULE FOR CERTAIN UNINSURED VET-  
 24 ERANS.—(1) Transitional health care shall be available  
 25 under subsection (a) for any period during the five-year

1 period beginning on the date on which an eligible veteran  
 2 is separated from active duty during which the eligible vet-  
 3 eran demonstrates to the Secretary of Defense that the  
 4 eligible veteran is not covered under any group health plan  
 5 provided by an employer or spouse's employer.

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

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

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

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

21 **SEC. 202. CLARIFICATION OF PREDEPLOYMENT AND**  
 22 **POSTDEPLOYMENT MEDICAL EXAMS.**

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

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

8       “(2) A predeployment medical examination shall con-  
9 sist of a self-administered survey followed by a clinical ex-  
10 amination conducted by medical personnel of the Depart-  
11 ment of Defense. The survey and clinical examination  
12 shall include—

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

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

19               “(C) an assessment of mental health;

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

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

24       “(3) A postdeployment medical examination shall  
25 consist of a self-administered survey followed by a clinical

1 examination conducted by medical personnel of the De-  
2 partment of Defense. The survey and clinical examina-  
3 tion—

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

9           “(B) shall be conducted when the member is re-  
10      deployed or otherwise leaves an area in which the  
11      system is in operation (or as soon as possible there-  
12      after).”.

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