

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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## 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

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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; 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.—

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

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

14          (2) EFFECTIVE DATE.—The amendment made  
15          by this subsection shall apply to payments made  
16          after the date of the enactment of this Act, in tax-  
17          able years ending after such date.

## 18           **TITLE II—IMPROVEMENT IN** 19           **HEALTH BENEFITS**

### 20           **SEC. 201. EXTENSION OF TRANSITIONAL HEALTH CARE** 21           **FOR CERTAIN UNINSURED VETERANS.**

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

24           (1) by redesignating subsections (c), (d), and  
25           (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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