

109TH CONGRESS
1ST SESSION

S. 77

To amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. SESSIONS (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, 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 “Honoring Every Re-
5 quirement of Exemplary Service Act of 2005” or the “HE-
6 ROES Act of 2005”.

1 **SEC. 2. DEATH GRATUITY ENHANCEMENTS.**

2 (a) DEATHS FROM COMBAT-RELATED CAUSES OR
3 CAUSES INCURRED IN DESIGNATED OPERATIONS OR
4 AREAS.—

5 (1) AMOUNT.—Section 1478 of title 10, United
6 States Code, is amended—

7 (A) in subsection (a), by inserting “, ex-
8 cept as provided in subsection (c)” after
9 “\$12,000”;

10 (B) by redesignating subsection (c) as sub-
11 section (d); and

12 (C) by inserting after subsection (b) the
13 following new subsection (c):

14 “(c) The death gratuity payable under sections 1475
15 through 1477 of this title is \$100,000 (as adjusted under
16 subsection (d)) in the case of a death resulting from
17 wounds, injuries, or illnesses that are—

18 “(1) incurred as described in section
19 1413a(e)(2) of title 10; or

20 “(2) incurred in an operation or area des-
21 ignated as a combat operation or a combat zone, re-
22 spectively, by the Secretary of Defense under section
23 1967(e)(1)(A) of title 38.”.

24 (2) INCREASES CONSISTENT WITH INCREASES
25 IN RATES OF BASIC PAY.—Subsection (d) of such
26 section, as redesignated by paragraph (1)(B), is

1 amended by striking “amount of the death gratuity
2 in effect under subsection (a)” and inserting
3 “amounts of the death gratuities in effect under
4 subsections (a) and (c)”.

5 (3) CONFORMING AMENDMENT.—Subsection (a)
6 of such section, as amended by paragraph (1) of this
7 subsection, is further amended by striking “(as ad-
8 justed under subsection (c))” and inserting “(as ad-
9 justed under subsection (d))”.

10 (b) ADDITIONAL GRATUITY FOR DEATHS BEFORE
11 EFFECTIVE DATE.—

12 (1) REQUIREMENT TO PAY ADDITIONAL GRA-
13 TUITY.—

14 (A) In the case of a member of the Armed
15 Forces described in subparagraph (B), the Sec-
16 retary of the military department concerned
17 shall pay a death gratuity in accordance with
18 this subsection that is in addition to the death
19 gratuity payable in the case of such death
20 under sections 1475 through 1477 of title 10,
21 United States Code.

22 (B) The requirements of this subsection
23 apply in the case of a member of the Armed
24 Forces who died before the date of the enact-

1 ment of this Act as a direct result of one or
2 more wounds, injuries, or illnesses that—

3 (i) were incurred in the theater of op-
4 erations of Operation Enduring Freedom
5 or Operation Iraqi Freedom; or

6 (ii) were incurred as described in sec-
7 tion 1413a(e)(2) of title 10, United States
8 Code, on or after October 7, 2001.

9 (2) AMOUNT.—The amount of the additional
10 death gratuity is \$238,000.

11 (3) BENEFICIARIES.—The beneficiary or bene-
12 ficiaries who are entitled under section 1477 of title
13 10, United States Code, to receive payment of the
14 regular military death gratuity in the case of the
15 death of a member referred to in paragraph (2) shall
16 be entitled to receive the additional death gratuity
17 payable in such case. If there are two or more such
18 beneficiaries, the portion of the total amount of the
19 additional death gratuity payable to a beneficiary in
20 such case shall be the amount that bears the same
21 ratio to the total amount of the additional death
22 gratuity under paragraph (2) as the amount of the
23 share of the regular military death gratuity payable
24 to that beneficiary bears to the total amount of the

1 regular military death gratuity payable to all such
2 beneficiaries in such case.

3 (4) DEFINITIONS.—In this subsection:

4 (A) The term “additional death gratuity”
5 means the death gratuity provided under para-
6 graph (1).

7 (B) The term “regular military death gra-
8 tuity”, means a death gratuity payable under
9 sections 1475 through 1477 of title 10 United
10 States Code.

11 **SEC. 3. SERVICEMEMBERS’ GROUP LIFE INSURANCE EN-**
12 **HANCEMENTS.**

13 (a) INCREASED MAXIMUM AMOUNT UNDER
14 SERVICEMEMBERS’ GROUP LIFE INSURANCE.—Section
15 1967 of title 38, United States Code, is amended—

16 (1) in subsection (a)(3)(A), by striking clause
17 (i) and inserting the following new clause:

18 “(i) In the case of a member—

19 “(I) \$400,000 or such lesser amount as
20 the member may elect;

21 “(II) in the case of a member covered by
22 subsection (e), the amount provided for or elect-
23 ed by the member under subclause (I) plus the
24 additional amount of insurance provided for the
25 member by subsection (e); or

1 “(III) in the case of a member making an
2 election under paragraph (2)(A) not to be in-
3 sured under this subchapter, the amount of in-
4 surance provided for the member by subsection
5 (e).”; and

6 (2) in subsection (d), by striking “\$250,000”
7 and inserting “\$400,000”.

8 (b) ADDITIONAL AMOUNT FOR MEMBERS SERVING
9 IN CERTAIN AREAS OR OPERATIONS.—

10 (1) INCREASED AMOUNT.—Section 1967 of
11 such title is further amended—

12 (A) by redesignating subsection (e) as sub-
13 section (g); and

14 (B) by inserting after subsection (d) the
15 following new subsection (e):

16 “(e)(1) A member covered by this subsection is any
17 member as follows:

18 “(A) Any member who dies as a result of one
19 or more wounds, injuries, or illnesses incurred while
20 serving in an operation or area that the Secretary
21 designates, in writing, as a combat operation or a
22 zone of combat, respectively, for purposes of this
23 subsection.

24 “(B) Any member who formerly served in an
25 operation or area so designated and whose death is

1 determined (under regulations prescribed by the Sec-
2 retary of Defense) to be the direct result of injury
3 or illness incurred or aggravated while so serving.

4 “(2) The additional amount of insurance under this
5 subchapter that is provided for a member by this sub-
6 section is \$150,000, except that in a case in which the
7 amount provided for or elected by the member under sub-
8 clause (I) of subsection (a)(3)(A) exceeds \$250,000, the
9 additional amount of insurance under this subchapter that
10 is provided for the member by this subsection shall be re-
11 duced to such amount as is necessary to comply with the
12 limitation in paragraph (3).

13 “(3) The total amount of insurance payable for a
14 member under this subchapter may not exceed \$400,000.

15 “(4) While a member is serving in an operation or
16 area designated as described in paragraph (1), the cost
17 of insurance of the member under this subchapter that
18 is attributable to \$150,000 of insurance coverage shall be
19 contributed as provided in section 1969(b)(2) of this title
20 and may not be deducted or withheld from the member’s
21 pay.”.

22 (2) FUNDING.—Section 1969(b) of such title is
23 amended—

24 (A) by inserting “(1)” after “(b)”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(2) For each month for which a member insured
4 under this subchapter is serving in an operation or area
5 designated as described by paragraph (1)(A) of section
6 1967(e) of this title, there shall be contributed from the
7 appropriation made for active duty pay of the uniformed
8 service concerned an amount determined by the Secretary
9 and certified to the Secretary concerned to be the cost of
10 Servicemembers’ Group Life Insurance which is traceable
11 to the cost of providing insurance for the member under
12 section 1967 of this title in the amount of \$150,000.”.

13 (c) CONFORMING AMENDMENT.—Section
14 1967(a)(2)(A) of such title is amended by inserting before
15 the period at the end the following: “, except for insurance
16 provided under paragraph (3)(A)(i)(III)”.

17 (d) COORDINATION WITH VGLI.—Section 1977(a) of
18 such title is amended—

19 (1) by striking “\$250,000” each place it ap-
20 pears and inserting “\$400,000”; and

21 (2) by adding at the end of paragraph (1) the
22 following new sentence: “Any additional amount of
23 insurance provided a member under section 1967(e)
24 of this title may not be treated as an amount for

1 which Veterans' Group Life Insurance shall be
2 issued under this section.”.

3 (e) REQUIREMENTS REGARDING ELECTIONS OF
4 MEMBERS TO REDUCE OR DECLINE INSURANCE.—Sec-
5 tion 1967(a) of such title is further amended—

6 (1) in paragraph (2), by adding at the end the
7 following new subparagraph:

8 “(C) Pursuant to regulations prescribed by the Sec-
9 retary of Defense, notice of an election of a member not
10 to be insured under this subchapter, or to be insured
11 under this subchapter in an amount less than the max-
12 imum amount provided under paragraph (3)(A)(i)(I),
13 shall be provided to the spouse of the member.”; and

14 (2) in paragraph (3)—

15 (A) in the matter preceding clause (i), by
16 striking “and (C)” and inserting “, (C), and
17 (D)”;

18 (B) by adding at the end the following new
19 subparagraphs:

20 “(D) A member with a spouse may not elect not to
21 be insured under this subchapter, or to be insured under
22 this subchapter in an amount less than the maximum
23 amount provided under subparagraph (A)(i)(I), without
24 the written consent of the spouse.”.

1 (f) REQUIREMENT REGARDING REDESIGNATION OF
2 BENEFICIARIES.—Section 1970 of such title is amended
3 by adding at the end the following new subsection:

4 “(j) A member with a spouse may not modify the ben-
5 efiary or beneficiaries designated by the member under
6 subsection (a) without the written consent of the spouse.”.

7 (g) EFFECTIVE DATE.—This section and the amend-
8 ments made by this section shall take effect on the first
9 day of the first month that begins more than 90 days after
10 the date of the enactment of this Act.

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