

110TH CONGRESS  
1ST SESSION

# S. 1063

To amend title 10, United States Code, to improve certain death and survivor benefits with respect to members of the Armed Forces, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 29, 2007

Mrs. CLINTON introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to improve certain death and survivor benefits with respect to 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 “Protecting Military  
5 Family Financial Benefits Act of 2007”.

1 **SEC. 2. MODIFICATION OF ELIGIBLE RECIPIENTS OF**  
 2 **DEATH GRATUITY WITH RESPECT TO MEM-**  
 3 **BERS OF THE ARMED FORCES.**

4 Paragraph (2) of section 1477(a) of title 10, United  
 5 States Code, is amended to read as follows:

6 “(2) His children (as prescribed by subsection  
 7 (b)) or such guardians or caretakers of his children  
 8 (as so prescribed) as he shall specify, in such pro-  
 9 portions as he shall specify.”.

10 **SEC. 3. ANNUITIES FOR GUARDIANS OR CARETAKERS OF**  
 11 **DEPENDENT CHILDREN UNDER SURVIVOR**  
 12 **BENEFIT PLAN.**

13 (a) ELECTION.—Section 1448(b) of title 10, United  
 14 States Code, is amended—

15 (1) in the subsection caption, by striking “AND  
 16 FORMER SPOUSE” and inserting “, FORMER  
 17 SPOUSE, AND GUARDIAN OR CARETAKER”; and

18 (2) by adding at the end the following new  
 19 paragraph:

20 “(6) GUARDIAN OR CARETAKER COVERAGE.—

21 “(A) GENERAL RULE.—A person who is  
 22 not married and has one or more dependent  
 23 children upon becoming eligible to participate in  
 24 the Plan may elect to provide an annuity under  
 25 the Plan to a natural person (other than a nat-  
 26 ural person with an insurable interest in the

1 person under paragraph (1) or a former spouse)  
2 who acts as a guardian or caretaker to such  
3 child or children. In the case of a person pro-  
4 viding a reserve-component annuity, such an  
5 election shall include a designation under sub-  
6 section (e).

7 “(B) TERMINATION OF COVERAGE.—Sub-  
8 paragraphs (B) through (E) of paragraph (1)  
9 shall apply to an election under subparagraph  
10 (A) of this paragraph in the same manner as  
11 such subparagraphs apply to an election under  
12 subparagraph (A) of paragraph (1).

13 “(C) ELECTION OF NEW BENEFICIARY  
14 UPON DEATH OF PREVIOUS BENEFICIARY.—  
15 Subparagraph (G) of paragraph (1) shall apply  
16 to an election under subparagraph (A) of this  
17 paragraph in the same manner as such sub-  
18 paragraph (G) applies to an election under sub-  
19 paragraph (A) of paragraph (1), except that  
20 any new beneficiary elected under such sub-  
21 paragraph (G) by reason of this subparagraph  
22 shall be a guardian or caretaker of the depend-  
23 ent child or children of the person making such  
24 election.”.

1 (b) PAYMENT OF ANNUITY.—Section 1450 of such  
2 title is amended—

3 (1) in subsection (a), by adding at the end the  
4 following new paragraph:

5 “(5) GUARDIAN OR CARETAKER COVERAGE.—  
6 The natural person acting as a guardian or care-  
7 taker of the dependent child or children of the per-  
8 son designated under section 1448(b)(6) of this title,  
9 unless the election to provide an annuity to the nat-  
10 ural person has been changed as provided in sub-  
11 section (f).”; and

12 (2) in the subsection caption of subsection (f),  
13 by striking “OR FORMER SPOUSE” and inserting “,  
14 FORMER SPOUSE, OR GUARDIAN OR CARETAKER”.

15 (c) AMOUNT OF ANNUITY.—Section 1451(b) of such  
16 title is amended—

17 (1) in the subsection caption, by inserting “OR  
18 GUARDIAN OR CARETAKER” after “INSURABLE IN-  
19 TEREST”; and

20 (2) by inserting “or 1450(a)(5)” after  
21 “1450(a)(4)” each place it appears in paragraphs  
22 (1) and (2).

23 (d) REDUCTION IN RETIRED PAY.—Section 1452(c)  
24 of such title is amended—

1 (1) in the subsection caption, by inserting “OR  
2 GUARDIAN OR CARETAKER” after “INSURABLE IN-  
3 TEREST”; and

4 (2) by inserting “or 1450(a)(5)” after  
5 “1450(a)(4)” each place it appears in paragraphs  
6 (1) and (3).

7 **SEC. 4. IMPROVEMENTS OF PRE-DEPLOYMENT COUN-**  
8 **SELING AND SERVICES FOR MEMBERS OF**  
9 **THE ARMED FORCES.**

10 (a) PANEL.—The Secretary of Defense shall appoint,  
11 from among individuals in the private sector qualified for  
12 such purpose, a panel of individuals to—

13 (1) review the pre-deployment counseling and  
14 services provided by the military departments to un-  
15 married members of the Armed Forces with depend-  
16 ent children;

17 (2) identify best practices among such coun-  
18 seling and services; and

19 (3) recommend such improvements in such  
20 counseling and services (including improvements in  
21 such best practices) as the panel considers appro-  
22 priate.

23 (b) REQUIRED ACTIONS.—In carrying out its duties  
24 under subsection (a), the panel appointed under that sub-  
25 section shall—

1           (1) identify best practices in the pre-deployment  
2           counseling and services provided by the military de-  
3           partments to unmarried members of the Armed  
4           Forces with dependent children, including best prac-  
5           tices with respect to counseling and services on—

6                   (A) death benefits available to survivors of  
7                   members of the Armed Forces;

8                   (B) dependency and indemnity compensa-  
9                   tion benefits available under chapter 13 of title  
10                  38, United States Code;

11                  (C) Servicemembers' Group Life Insurance  
12                  under subchapter III of chapter 19 of title 38,  
13                  United States Code;

14                  (D) traumatic injury protection under sec-  
15                  tion 1980A of title 38, United States Code;

16                  (E) the Survivor Benefit Plan under sub-  
17                  chapter II of chapter 73 of title 10, United  
18                  States Code;

19                  (F) benefits payable under the Social Secu-  
20                  rity Act; and

21                  (G) the preparation, maintenance, and ad-  
22                  ministration of family care plans, including ele-  
23                  ments of such plans relating to death benefits,  
24                  wills and powers of attorney, trusts, mainte-  
25                  nance and safeguarding during deployment, and

1 acknowledgment of specific guardian and care-  
2 taker duties (including beneficiary designation),  
3 and administrative requirements (including  
4 command endorsement) relating to such plans;

5 (2) identify best practices in the pre-deployment  
6 counseling and services provided by the military de-  
7 partments to unmarried members of the Armed  
8 Forces without dependent children, and married  
9 members of the Armed Forces (whether with or  
10 without dependent children), including best practices  
11 with respect to counseling and services on each of  
12 the matters set forth in subparagraphs (A) through  
13 (F) of paragraph (1);

14 (3) identify best practices among the military  
15 departments in the deployment and availability of  
16 counseling and services for such members at so-  
17 called “Pre-Deployment Centers”, including best  
18 practices with respect to—

19 (A) the availability of counseling on legal  
20 matters;

21 (B) the availability of counseling on finan-  
22 cial matters;

23 (C) the involvement of family support  
24 groups in such counseling;

1 (D) the availability of screening necessary  
2 for current or future determinations regarding  
3 post-traumatic stress disorder (PTSD);

4 (E) the availability of counseling for sui-  
5 cide prevention; and

6 (F) the provision and scope of training for  
7 pre-deployment counselors;

8 (4) identify, from among the best practices  
9 identified under paragraphs (1), (2), and (3), best  
10 practices to be adopted across the military depart-  
11 ments in order to ensure the uniform availability to  
12 such members of meaningful and effective pre-de-  
13 ployment counseling and services; and

14 (5) make such recommendations in any prac-  
15 tices identified under paragraph (4) as the panel  
16 considers appropriate to enhance the counseling and  
17 services identified under that paragraph.

18 (c) REPORT.—Not later than 120 days after the date  
19 of the enactment of this Act, the panel appointed under  
20 subsection (a) shall submit to the Secretary and the con-  
21 gressional defense committees a report on its actions  
22 under this section. The report shall set forth in com-  
23 prehensive detail the best practices identified under sub-  
24 section (b)(4) and any recommendations for improvements  
25 in such best practices made under subsection (b)(5).

1           (d) IMPLEMENTATION.—Not later than 120 days  
2 after the date of the receipt of the report required by sub-  
3 section (c), the Secretary shall ensure the implementation  
4 by the military departments of the best practices identified  
5 under subsection (b)(4), together with any improvements  
6 recommended under subsection (b)(5).

7           (e) CONGRESSIONAL DEFENSE COMMITTEES DE-  
8 FINED.—In this section, the term “congressional defense  
9 committees” means—

10               (1) the Committees on Armed Services and Ap-  
11 propriations of the Senate; and

12               (2) the Committees on Armed Services and Ap-  
13 propriations of the House of Representatives.

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