

109TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

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

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”.

7 **SEC. 2. DEATH GRATUITY ENHANCEMENTS.**

8 (a) DEATHS FROM COMBAT-RELATED CAUSES OR
9 CAUSES INCURRED IN DESIGNATED OPERATIONS OR
10 AREAS.—

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

3 (A) in subsection (a), by inserting “, ex-
4 cept as provided in subsection (e)” after
5 “\$12,000”;

6 (B) by redesignating subsection (e) as sub-
7 section (d); and

8 (C) by inserting after subsection (b) the
9 following new subsection (c):

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

14 “(1) incurred as described in section
15 1413a(e)(2) of title 10; or

16 “(2) incurred in an operation or area des-
17 igned as a combat operation or a combat zone, re-
18 spectively, by the Secretary of Defense under section
19 1967(e)(1)(A) of title 38.”.

20 (2) INCREASES CONSISTENT WITH INCREASES
21 IN RATES OF BASIC PAY.—Subsection (d) of such
22 section, as redesignated by paragraph (1)(B), is
23 amended by striking “amount of the death gratuity
24 in effect under subsection (a)” and inserting

1 “amounts of the death gratuities in effect under
2 subsections (a) and (c)”.

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

8 (b) ADDITIONAL GRATUITY FOR DEATHS BEFORE
9 EFFECTIVE DATE.—

10 (1) REQUIREMENT TO PAY ADDITIONAL GRA-
11 TUITY.—

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

20 (B) The requirements of this subsection
21 apply in the case of a member of the Armed
22 Forces who died before the date of the enact-
23 ment of this Act as a direct result of one or
24 more wounds, injuries, or illnesses that—

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

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

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

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

25 (4) DEFINITIONS.—In this subsection:

1 (A) The term “additional death gratuity”
2 means the death gratuity provided under para-
3 graph (1).

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

8 **SEC. 3. SERVICEMEMBERS’ GROUP LIFE INSURANCE EN-**
9 **HANCEMENTS.**

10 (a) INCREASED MAXIMUM AMOUNT UNDER
11 SERVICEMEMBERS’ GROUP LIFE INSURANCE.—Section
12 1967 of title 38, United States Code, is amended—

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

15 “(i) In the case of a member—

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

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

23 “(III) in the case of a member making an
24 election under paragraph (2)(A) not to be in-
25 sured under this subchapter, the amount of in-

1 surance provided for the member by subsection
2 (e).”; and
3 (2) in subsection (d), by striking “\$250,000”
4 and inserting “\$400,000”.

5 (b) ADDITIONAL AMOUNT FOR MEMBERS SERVING
6 IN CERTAIN AREAS OR OPERATIONS.—

7 (1) INCREASED AMOUNT.—Section 1967 of
8 such title is further amended—

9 (A) by redesignating subsection (e) as sub-
10 section (g); and

11 (B) by inserting after subsection (d) the
12 following new subsection (e):

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

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

21 “(B) Any member who formerly served in an
22 operation or area so designated and whose death is
23 determined (under regulations prescribed by the Sec-
24 retary of Defense) to be the direct result of injury
25 or illness incurred or aggravated while so serving.

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

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

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

19 (2) FUNDING.—Section 1969(b) of such title is
20 amended—

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

22 (B) by adding at the end the following new
23 paragraph:

24 “(2) For each month for which a member insured
25 under this subchapter is serving in an operation or area

1 designated as described by paragraph (1)(A) of section
2 1967(e) of this title, there shall be contributed from the
3 appropriation made for active duty pay of the uniformed
4 service concerned an amount determined by the Secretary
5 and certified to the Secretary concerned to be the cost of
6 Servicemembers' Group Life Insurance which is traceable
7 to the cost of providing insurance for the member under
8 section 1967 of this title in the amount of \$150,000.”.

9 (c) CONFORMING AMENDMENT.—Section
10 1967(a)(2)(A) of such title is amended by inserting before
11 the period at the end the following: “, except for insurance
12 provided under paragraph (3)(A)(i)(III)”.

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

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

17 (2) by adding at the end of paragraph (1) the
18 following new sentence: “Any additional amount of
19 insurance provided a member under section 1967(e)
20 of this title may not be treated as an amount for
21 which Veterans' Group Life Insurance shall be
22 issued under this section.”.

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

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

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

9 (2) in paragraph (3)—

10 (A) in the matter preceding clause (i), by
11 striking “and (C)” and inserting “, (C), and
12 (D)”;

13 (B) by adding at the end the following new
14 subparagraphs:

15 “(D) A member with a spouse may not elect not to
16 be insured under this subchapter, or to be insured under
17 this subchapter in an amount less than the maximum
18 amount provided under subparagraph (A)(i)(I), without
19 the written consent of the spouse.”.

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

23 “(j) A member with a spouse may not modify the ben-
24 eficiary or beneficiaries designated by the member under
25 subsection (a) without the written consent of the spouse.”.

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