

109TH CONGRESS
1ST SESSION

H. R. 377

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 HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. EVERETT (for himself, Mr. ROGERS of Alabama, Mr. BONNER, Mr. ADERHOLT, Mr. CRAMER, Mr. BACHUS, Mr. DAVIS of Alabama, Mr. OSBORNE, Mr. ANDREWS, Mr. AKIN, Mr. CALVERT, Mr. ETHERIDGE, Mr. LOBIONDO, Mr. MCGOVERN, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. SIMMONS, Mr. SPRATT, and Mr. WALSH) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Honoring Every Re-
3 quirement of Exemplary Service Act of 2005” or the “HE-
4 ROES Act of 2005”.

5 **SEC. 2. DEATH GRATUITY ENHANCEMENTS.**

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

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

11 (A) in subsection (a), by inserting “, ex-
12 cept as provided in subsection (c)” after
13 “\$12,000”;

14 (B) by redesignating subsection (c) as sub-
15 section (d); and

16 (C) by inserting after subsection (b) the
17 following new subsection (c):

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

22 “(1) incurred as described in section
23 1413a(e)(2) of title 10; or

24 “(2) incurred in an operation or area des-
25 ignated as a combat operation or a combat zone, re-

1 spectively, by the Secretary of Defense under section
2 1967(e)(1)(A) of title 38.”.

3 (2) INCREASES CONSISTENT WITH INCREASES
4 IN RATES OF BASIC PAY.—Subsection (d) of such
5 section, as redesignated by paragraph (1)(B), is
6 amended by striking “amount of the death gratuity
7 in effect under subsection (a)” and inserting
8 “amounts of the death gratuities in effect under
9 subsections (a) and (c)”.

10 (3) CONFORMING AMENDMENT.—Subsection (a)
11 of such section, as amended by paragraph (1) of this
12 subsection, is further amended by striking “(as ad-
13 justed under subsection (c))” and inserting “(as ad-
14 justed under subsection (d))”.

15 (b) ADDITIONAL GRATUITY FOR DEATHS BEFORE
16 EFFECTIVE DATE.—

17 (1) REQUIREMENT TO PAY ADDITIONAL GRA-
18 TUITY.—

19 (A) In the case of a member of the Armed
20 Forces described in subparagraph (B), the Sec-
21 retary of the military department concerned
22 shall pay a death gratuity in accordance with
23 this subsection that is in addition to the death
24 gratuity payable in the case of such death

1 under sections 1475 through 1477 of title 10,
2 United States Code.

3 (B) The requirements of this subsection
4 apply in the case of a member of the Armed
5 Forces who died before the date of the enact-
6 ment of this Act as a direct result of one or
7 more wounds, injuries, or illnesses that—

8 (i) were incurred in the theater of op-
9 erations of Operation Enduring Freedom
10 or Operation Iraqi Freedom; or

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

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

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

ratio to the total amount of the additional death gratuity under paragraph (2) as the amount of the share of the regular military death gratuity payable to that beneficiary bears to the total amount of the regular military death gratuity payable to all such beneficiaries in such case.

(4) DEFINITIONS.—In this subsection:

(A) The term “additional death gratuity” means the death gratuity provided under paragraph (1).

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

SEC. 3. SERVICEMEMBERS’ GROUP LIFE INSURANCE ENHANCEMENTS.

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

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

“(i) In the case of a member—

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

1 “(II) in the case of a member covered by
 2 subsection (e), the amount provided for or elect-
 3 ed by the member under subclause (I) plus the
 4 additional amount of insurance provided for the
 5 member by subsection (e); or

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

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

13 (b) ADDITIONAL AMOUNT FOR MEMBERS SERVING
 14 IN CERTAIN AREAS OR OPERATIONS.—

15 (1) INCREASED AMOUNT.—Section 1967 of
 16 such title is further amended—

17 (A) by redesignating subsection (e) as sub-
 18 section (g); and

19 (B) by inserting after subsection (d) the
 20 following new subsection (e):

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

23 “(A) Any member who dies as a result of one
 24 or more wounds, injuries, or illnesses incurred while
 25 serving in an operation or area that the Secretary

1 designates, in writing, as a combat operation or a
2 zone of combat, respectively, for purposes of this
3 subsection.

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

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

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

20 “(4) While a member is serving in an operation or
21 area designated as described in paragraph (1), the cost
22 of insurance of the member under this subchapter that
23 is attributable to \$150,000 of insurance coverage shall be
24 contributed as provided in section 1969(b)(2) of this title

1 and may not be deducted or withheld from the member's
2 pay.”.

3 (2) FUNDING.—Section 1969(b) of such title is
4 amended—

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

6 (B) by adding at the end the following new
7 paragraph:

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

18 (c) CONFORMING AMENDMENT.—Section
19 1967(a)(2)(A) of such title is amended by inserting before
20 the period at the end the following: “, except for insurance
21 provided under paragraph (3)(A)(i)(III)”.

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

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

1 (2) by adding at the end of paragraph (1) the
2 following new sentence: “Any additional amount of
3 insurance provided a member under section 1967(e)
4 of this title may not be treated as an amount for
5 which Veterans’ Group Life Insurance shall be
6 issued under this section.”.

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

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

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

18 (2) in paragraph (3)—

19 (A) in the matter preceding clause (i), by
20 striking “and (C)” and inserting “, (C), and
21 (D)”;

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

24 “(D) A member with a spouse may not elect not to
25 be insured under this subchapter, or to be insured under

1 this subchapter in an amount less than the maximum
2 amount provided under subparagraph (A)(i)(I), without
3 the written consent of the spouse.”.

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

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

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

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