

107TH CONGRESS
2D SESSION

S. 2209

To amend title 38, United States Code, to provide an additional program of service disabled veterans' insurance for veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2002

Mr. ROCKFELLER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide an additional program of service disabled veterans' insurance for veterans, 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 “Robert Carey Service
5 Disabled Veterans’ Insurance Act of 2002”.

6 **SEC. 2. ADDITIONAL PROGRAM OF SERVICE DISABLED VET-**
7 **ERANS’ INSURANCE FOR VETERANS.**

8 (a) IN GENERAL.—(1) Subchapter I of chapter 19
9 of title 38, United States Code, is amended by inserting
10 after section 1922A the following new section:

1 **“§ 1922B. Service disabled veterans’ insurance: level**
2 **premium term insurance**

3 “(a) Subject to the provisions of this section, any per-
4 son described in subsection (b) shall, upon payment of pre-
5 miums as provided in subsection (f), be granted insurance
6 by the United States against the death of such person oc-
7 ccurring while such insurance is in force.

8 “(b) A person described in this subsection is any per-
9 son as follows:

10 “(1) A person insured under section 1922(a) of
11 this title if such person applies for insurance under
12 this section within the times provided for under
13 paragraphs (2) and (3) of subsection (e).

14 “(2) A person (other than a person described in
15 paragraph (1)) who—

16 “(A) is released from active military,
17 naval, or air service, under other than dishonor-
18 able conditions;

19 “(B) is found by the Secretary to be suf-
20 fering from a disability or disabilities for which
21 compensation would be payable if 10 percent or
22 more in degree;

23 “(C) except for the disability or disabilities
24 referred to in subparagraph (B), would be in-
25 surable according to standards of good health
26 established by the Secretary; and

1 “(D) has not attained the age of 65 years
2 as of the date of application for insurance
3 under this section.

4 “(c)(1) Insurance under this section for a person de-
5 scribed in subsection (b)(1) is in addition to the insurance
6 of such person under section 1922(a) of this title and the
7 insurance, if any, of such person under section 1922A of
8 this title.

9 “(2) A person deemed insured under section 1922(b)
10 of this title is not eligible for or entitled to insurance under
11 this section.

12 “(d)(1)(A) Subject to subparagraph (B) and except
13 as provided in paragraph (3), the amount for which a per-
14 son described by subsection (b)(1) is insured under this
15 section shall, at the election of the person, be—

16 “(i) \$45,000; or

17 “(ii) an amount less than \$45,000, but more
18 than \$5,000, that is evenly divisible by \$5,000.

19 “(B) The amount of insurance elected under this
20 paragraph by a person described by subsection (b)(1) may
21 not cause the aggregate amount of insurance of the person
22 under this section and sections 1922(a) and 1922A of this
23 title to exceed \$50,000.

24 “(2) Except as provided in paragraph (3), the
25 amount for which a person described by subsection (b)(2)

1 is insured under this section shall, at the election of the
2 person, be—

3 “(A) \$50,000; or

4 “(B) an amount less than \$50,000, but more
5 than \$5,000, that is evenly divisible by \$5,000.

6 “(3) Upon attaining the age of 70 years, the amount
7 for which a person is insured under this section shall be
8 the amount equal to 20 percent of the amount otherwise
9 elected by the person under paragraph (1) or (2), as appli-
10 cable.

11 “(e)(1) A person seeking insurance under this section
12 shall submit to the Secretary an application in writing for
13 such insurance.

14 “(2) The application of a person under paragraph (1)
15 shall be submitted not later than 10 years after the date
16 of the release of the person from active military, naval,
17 or air service.

18 “(3)(A) Except as provided in subparagraph (B), the
19 application of a person under paragraph (1) shall be sub-
20 mitted not later than two years after the date on which
21 the Secretary finds the service-connection for the disability
22 or disabilities of the person on which the application is
23 based.

24 “(B) In the case of a person shown by evidence satis-
25 factory to the Secretary to have been mentally incom-

1 petent during any part of the two-year period otherwise
2 applicable to the person under subparagraph (A), an appli-
3 cation for insurance under this section shall be filed not
4 later than the earlier of—

5 “(i) two years after a guardian for the person
6 is appointed; or

7 “(ii) two years after the removal of such dis-
8 ability or disabilities, as determined by the Sec-
9 retary.

10 “(f)(1) Except as provided in paragraphs (2) and (3),
11 a person insured under this section shall pay premiums
12 for such insurance as determined under paragraph (4).

13 “(2) The provisions of section 1912 of this title shall
14 apply with respect to payment of premiums for insurance
15 under this section.

16 “(3) A person shall not be required to pay premiums
17 for insurance under this section after attaining the age
18 of 70 years.

19 “(4) The premium rates for insurance under this sec-
20 tion shall be level, and shall be based on the Commis-
21 sioners 1980 Standard Ordinary Basic Table of Mortality
22 and interest at the rate of 5 per cent per annum.

23 “(5) All premiums and other collections for insurance
24 under this section shall be credited directly to a revolving
25 fund in the Treasury established for purposes of this sec-

1 tion, and any payments on such insurance shall be made
2 directly from such fund.

3 “(g)(1) Except as otherwise provided in this section,
4 insurance under this section shall be issued on the same
5 terms and conditions as are contained in standard policies
6 of National Service Life Insurance, except that insurance
7 issued under this section shall have no loan value or ex-
8 tended values.

9 “(2) All settlements on insurance under this section
10 shall be paid in a lump sum.

11 “(h) Insurance under this section may be referred to
12 as ‘Robert Carey Service Disabled Veterans’ Insurance’.”.

13 (2) The table of sections at the beginning of chapter
14 19 of that title is amended by inserting after the item re-
15 lating to section 1922A the following new item:

“1922B. Service disabled veterans’ insurance: level premium term insurance.”.

16 (b) COORDINATION WITH CURRENT SERVICE DIS-
17 ABLED VETERANS’ INSURANCE PROGRAM.—Section 1922
18 of title 38, United States Code, is amended—

19 (1) in subsection (b), by adding at the end the
20 following new paragraph:

21 “(5) A person deemed insured under this subsection
22 is not eligible for or entitled to insurance under section
23 1922B of this title.”; and

24 (2) by adding at the end the following new sub-
25 section:

1 “(d) A person insured under subsection (a) may also
2 be eligible for insurance under section 1922B of this title
3 in accordance with the provisions of that section.”.

4 (c) OTHER AMENDMENTS TO CURRENT SERVICE
5 DISABLED VETERANS’ INSURANCE PROGRAM.—Sub-
6 section (a) of such section 1922 is amended by striking
7 “Commissioners 1941 Standard Ordinary Table of Mor-
8 tality and interest at the rate of 2¼ per centum per
9 annum” each place it appears in paragraphs (1) and (2)
10 and inserting “Commissioners 1980 Standard Ordinary
11 Basic Table of Mortality and interest at the rate of 5 per
12 cent per annum”.

13 (d) REVIEW OF APPLICABILITY OF MORTALITY TA-
14 BLES.—(1) The Secretary of Veterans Affairs shall, from
15 time to time, evaluate the standard ordinary table of mor-
16 tality being used for purposes of service disabled veterans’
17 insurance under sections 1922 and 1922B of title 38,
18 United States Code, in order to determine whether such
19 table of mortality continues to be suitable for such pur-
20 poses.

21 (2) If as the result of an evaluation under paragraph
22 (1) the Secretary determines that the standard ordinary
23 table of mortality being used for purposes of insurance
24 referred to in that paragraph is no longer suitable for such
25 purposes, the Secretary shall submit to the Committees

1 on Veterans' Affairs of the Senate and the House of Rep-
2 resentatives a report setting forth that determination and
3 including a recommendation for an alternative standard
4 ordinary table of mortality to be used for such purposes.

5 (e) REGULATIONS.—The Secretary of Veterans Af-
6 fairs shall prescribe regulations for purposes of admin-
7 istering section 1922B of title 38, United States Code (as
8 added by subsection (a)), and for purposes of admin-
9 istering the amendments to section 1922 of that title made
10 by subsections (b) and (c). Such regulations shall take ef-
11 fect on October 1, 2003.

12 (f) AUTHORIZATION OF APPROPRIATIONS FOR RE-
13 VOLVING FUND.—There is hereby authorized to be appro-
14 priated for the Department of Veterans Affairs for the re-
15 volving fund established pursuant to subsection (f)(5) of
16 section 1922B of title 38, United States Code (as added
17 by subsection (a) of this section), such sums as may be
18 necessary for purposes of that section.

19 (g) EFFECTIVE DATE.—The amendments made by
20 subsections (a) through (c) shall take effect on October
21 1, 2003.

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