amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 761 of this title as this section.

Pub. L. 102–83, § 5(c)(1), substituted ''1944(b)'' for ''744(b)''.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

EFFECTIVE DATE

Section effective Nov. 28, 1979, see section 601(b) of Pub. L. 96–128, set out as an Effective Date of 1979 Amendment note under section 1114 of this title.

§ 1962. Authority for higher monthly installments payable to certain annuitants

(a) Subject to subsections (b) and (c) of this section, the Secretary may from time to time adjust the dollar amount of the monthly installments payable to a beneficiary of United States Government Life Insurance who is receiving the proceeds of such insurance under a life annuity settlement option. The Secretary may make such an adjustment only if the Secretary determines that the adjustment is administratively and actuarially sound. The Secretary may make such an adjustment without regard to the provisions of section 1944 of this title with respect to interest rates and the use of mortality tables.

(b) The Secretary shall determine the amount in the trust fund in the Treasury held for payment of proceeds to United States Government Life Insurance beneficiaries attributable to interest and mortality gains on the reserves held for annuity accounts. Such amount shall be available for distribution to the life annuitants referred to in subsection (a) of this section as a fixed percentage of, and in addition to, the monthly installment amount to which the annuitants are entitled under this subchapter. For the purposes of this section, gains on the reserves are defined as funds attributable solely to annuity accounts that are in excess of actuarial liabilities.

(c) The monthly amount of an annuity authorized in section 1944 of this title, as adjusted under this section, may not be less than the monthly amount of such annuity that would otherwise be applicable without regard to this section.

(Added Pub. L. 100–322, title III, § 331(b)(1), May 20, 1988, 102 Stat. 536, § 762; renumbered § 1962 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 762 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''1944'' for ''744''.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (b). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''1944'' for ''744''.

§ 1963. Authority for payment of interest on settlements

(a) Subject to subsection (b) of this section, the Secretary may pay interest on the proceeds of a United States Government Life Insurance policy from the date the policy matures to the date of payment of the proceeds to the beneficiary or, in the case of an endowment policy, to the policyholder.

(b)(1) The Secretary may pay interest under subsection (a) of this section only if the Secretary determines that the payment of such interest is administratively and actuarially sound for the settlement option involved.

(2) Interest paid under subsection (a) shall be at the rate that is established by the Secretary for dividends held on credit or deposit in policyholders' accounts.

(Added Pub. L. 100–687, div. B, title XIV, § 1401(a)(2), Nov. 18, 1988, 102 Stat. 4128, § 763; renumbered § 1963 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 763 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing.

EFFECTIVE DATE

Section effective with respect to insurance policies maturing after Nov. 18, 1988, see section 1401(a)(3) of Pub. L. 100–687, set out as a note under section 1928 of this title.

SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE

AMENDMENTS

1996—Pub. L. 104–275, title IV, § 405(b)(2)(A), Oct. 9, 1996, 110 Stat. 3339, substituted ''SERVICEMEMBERS' GROUP'' for ''SERVICEMEN'S GROUP''.

§ 1965. Definitions

For the purpose of this subchapter—

(1) The term ''active duty'' means—

(A) full-time duty in the Armed Forces, other than active duty for training;

(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service;

(C) full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration; and

(D) full-time duty as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy.

(2) The term ''active duty for training'' means—

(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

(C) full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises; and

(D) in the case of members of the National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

(3) The term ''inactive duty training'' means—

(A) duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

(B) in the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

(4) The terms ''active duty for training'' and ''inactive duty training'' do not include duty performed as a temporary member of the Coast Guard Reserve, and the term ''inactive duty training'' does not include (A) work or study performed in connection with correspondence courses, or (B) attendance at an educational institution in an inactive status.

(5) The term ''member'' means—

(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank, or grade, or as a cadet or midshipman of the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy;

(B) a person who volunteers for assignment to the Ready Reserve of a uniformed service and is assigned to a unit or position in which such person may be required to perform active duty, or active duty for training, and each year will be scheduled to perform at least twelve periods of inactive duty training that is creditable for retirement purposes under chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act);

(C) a person who volunteers for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1)[1] of title 10; and

(D) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises.

(6) The term ''uniformed services'' means the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(7) The terms ''widow'' or ''widower'' means a person who is the lawful spouse of the insured member at the time of his death.

(8) The term ''child'' means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, only if (A) he acknowledged the child in writing signed by him; or (B) he has been judicially ordered to contribute to the child's support; or (C) he has been, before his death, judicially decreed to be the father of such child; or (D) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or (E) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

(9) The term ''parent'' means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (A) he acknowledged paternity of the child in writing signed by him before the child's death; or (B) he has been judicially ordered to contribute to the child's support; or (C) he has been judicially decreed to be the father of such child; or (D) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (E) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during the child's minority, or consented to the child's adoption may be recognized as a parent for the purpose of this subchapter. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt in the administrative office established under subsection 1966(b) of this title of sufficient evidence to clearly establish that the person so paid could not qualify as a parent solely by reason of such sentence.

(10) The term ''insurable dependent'', with respect to a member, means the following:

(A) The member's spouse.

(B) The member's child, as defined in the first sentence of section 101(4)(A) of this title.

(C) The member's stillborn child.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 880, § 765; amended Pub. L. 91–291, § 1, June 25, 1970, 84 Stat. 326; Pub. L. 92–185, § 1, Dec. 15, 1971, 85 Stat. 642; Pub. L. 92–315, June 20, 1972, 86 Stat. 227; Pub. L. 93–289, §§ 3, 10(1), May 24, 1974, 88 Stat. 165, 172; Pub. L. 99–576, title VII, § 701(35), Oct. 28, 1986, 100 Stat. 3293; Pub. L. 102–54, § 14(b)(16), June 13, 1991, 105 Stat. 284; renumbered § 1965 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–337, div. A, title VI, § 651(a), title XVI, § 1677(d)(1), Oct. 5, 1994, 108 Stat. 2792, 3020; Pub. L. 104–275, title IV, § 402(a), Oct. 9, 1996, 110 Stat. 3337; Pub. L. 106–419, title III, § 313(a), Nov. 1, 2000, 114 Stat. 1854; Pub. L. 107–14, § 4(a)(1), June 5, 2001, 115 Stat. 26; Pub. L. 109–13, div. A, title I, § 1032(a)(1), May 11, 2005, 119 Stat. 257; Pub. L. 109–233, title V, § 501(c)(1), June 15, 2006, 120 Stat. 415; Pub. L. 110–389, title IV, § 402(a), Oct. 10, 2008, 122 Stat. 4174.)

[1] See References in Text note below.

REFERENCES IN TEXT

Chapter 67 of title 10 as in effect before the effective date of the Reserve Officer Personnel Management Act, referred to in par. (5)(B), means chapter 67 (§ 1331 et seq.) of Title 10, Armed Forces, prior to its transfer to part II of subtitle E of Title 10, its renumbering as chapter 1223, and its general revision by section 1662(j)(1) of Pub. L. 103–337. A new chapter 67 (§ 1331) of Title 10 was added by section 1662(j)(7) of Pub. L. 103–337. For effective date of the Reserve Officer Personnel Management Act (Pub. L. 103–337, title XVI), see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10.

Section 12304(i)(1) of title 10, referred to in par. (5)(C), was redesignated section 12304(j)(1) of title 10 by Pub. L. 109–364, div. A, title V, § 522(b), Oct. 17, 2006, 120 Stat. 2192.

AMENDMENTS

2008—Par. (10)(C). Pub. L. 110–389 added subpar. (C).

2006—Par. (11). Pub. L. 109–233 struck out par. (11) which read as follows: ''The term 'activities of daily living' means the inability to independently perform 2 of the 6 following functions:

''(A) Bathing.

''(B) Continence.

''(C) Dressing.

''(D) Eating.

''(E) Toileting.

''(F) Transferring.''

2005—Par. (11). Pub. L. 109–13 added par. (11).

2001—Par. (10). Pub. L. 107–14 added par. (10).

2000—Par. (5)(C), (D). Pub. L. 106–419 added subpar. (C) and redesignated former subpar. (C) as (D).

1996—Par. (5)(B). Pub. L. 104–275, § 402(a)(1), inserted ''and'' at end.

Par. (5)(C) to (E). Pub. L. 104–275, § 402(a)(2), (3), redesignated subpar. (E) as (C) and struck out former subpars. (C) and (D) which read as follows:

''(C) a person assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who has not received the first increment of retirement pay or has not yet reached sixty-one years of age and has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act);

''(D) a person transferred to the Retired Reserve of a uniformed service under the temporary special retirement authority provided in section 1331a of title 10 who has not received the first increment of retirement pay or has not reached sixty-one years of age; and''.

1994—Par. (5)(B), (C). Pub. L. 103–337, § 1677(d)(1), substituted ''chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)'' for ''chapter 67 of title 10''.

Par. (5)(D), (E). Pub. L. 103–337, § 651(a), added subpar. (D) and redesignated former subpar. (D) as (E).

1991—Pub. L. 102–83, § 5(a), renumbered section 765 of this title as this section.

Par. (4). Pub. L. 102–54, § 14(b)(16)(A), redesignated cls. (i) and (ii) as (A) and (B), respectively.

Par. (8). Pub. L. 102–54, § 14(b)(16)(B), redesignated cls. (a) to (e) as (A) to (E), respectively.

Par. (9). Pub. L. 102–83, § 5(c)(1), substituted ''1966(b)'' for ''766(b)''.

Pub. L. 102–54, § 14(b)(16)(B), redesignated cls. (a) to (e) as (A) to (E), respectively.

1986—Par. (5)(B). Pub. L. 99–576, § 701(35)(A), substituted ''such person'' for ''he''.

Par. (9). Pub. L. 99–576, § 701(35)(B), substituted ''the child's'' for ''his'' in two places.

1974—Par. (1)(C). Pub. L. 93–289, § 10(1), substituted ''National Oceanic and Atmospheric Administration'' for ''Environmental Science Services Administration''.

Par. (5). Pub. L. 93–289, § 3, added cls. (B) and (C), redesignated former cl. (B) as (D), and substituted ''midshipman of'' for ''midshipman at'' in cl. (A).

Par. (6). Pub. L. 93–289, § 10(1), substituted ''National Oceanic and Atmospheric Administration'' for ''Environmental Science Services Administration''.

1972—Par. (1)(D). Pub. L. 92–315, § 1(3), added cl. (D).

Par. (5)(A). Pub. L. 92–315, § 1(4), expanded definition of ''member'' to include persons in active duty as a cadet or midshipman at the United States Military Academy, United States Naval Academy, United States Air Force Academy and the United States Coast Guard Academy.

1971—Pars. (7) to (9). Pub. L. 92–185 added pars. (7) to (9) defining, respectively, ''widow'' or ''widower'', ''child'', and ''parent''.

1970—Pub. L. 91–291 struck out from definition of ''active duty'' a reference to calls or orders to duty which specify a period of 30 days or less, inserted definitions for ''active duty for training'' and ''inactive duty training'', and, in definition of ''uniformed services'', inserted provisions limiting the scope of that term in the case of personnel of the Public Health Service and the Environmental Science Services Administration to the commissioned corps thereof respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–13 effective on the first day of the first month beginning more than 180 days after May 11, 2005, see section 1032(d)(1) of Pub. L. 109–13, set out as an Effective Date note under section 1980A of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107–14 effective on the first day of the first month that begins more than 120 days after June 5, 2001, see section 4(g)(1) of Pub. L. 107–14, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1677(d)(1) of Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 12(2) of Pub. L. 93–289 provided that: ''The amendments relating to Servicemen's Group Life Insurance coverage on a full-time basis for certain members of the Reserves and National Guard shall become effective upon the date of enactment of this Act [May 24, 1974].''

EFFECTIVE DATE OF 1971 AMENDMENT

Section 2 of Pub. L. 92–185 provided that: ''The provisions of this Act [amending this section] shall apply only to Servicemen's Group Life Insurance in effect on the life of an insured member who dies on or after the date of enactment of this Act [Dec. 15, 1971].''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–291 effective June 25, 1970, see section 14(a) of Pub. L. 91–291, set out as a note under section 1317 of this title.

Section 14(b) of Pub. L. 91–291 provided that: ''The provisions of section 765(7), (8), and (9) [now 1765(7), (8), and (9)] of title 38, United States Code, as added by the first section of this Act shall apply only to servicemen's group life insurance in effect on the life of an insured member who dies on and after the date of enactment of this Act [June 25, 1970].''

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

RENAMING OF GROUP LIFE INSURANCE PROGRAM

Section 405(a) of Pub. L. 104–275 provided that: ''The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.''

REFERENCES TO SERVICEMEN'S GROUP LIFE INSURANCE OR ADVISORY COUNCIL ON SERVICEMEN'S GROUP LIFE INSURANCE

Section 405(d) of Pub. L. 104–275 provided that: ''Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.''

§ 1966. Eligible insurance companies

(a) The Secretary is authorized, without regard to section 6101(b) to (d) of title 41, to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subchapter. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least 1 percent of the total amount of group life insurance which all life insurance companies have in effect in the United States.

(b) The life insurance company or companies issuing such policy or policies shall establish an administrative office at a place and under a name designated by the Secretary.

(c) The Secretary shall arrange with the life insurance company or companies issuing any policy or policies under this subchapter to reinsure, under conditions approved by the Secretary, portions of the total amount of insurance under such policy or policies with such other life insurance companies (which meet qualifying criteria set forth by the Secretary) as may elect to participate in such reinsurance.

(d) The Secretary may at any time discontinue any policy or policies which the Secretary has purchased from any insurance company under this subchapter.

(Added Pub. L. 89–214, § 1(a), Sept. 29, 1965, 79 Stat. 880, § 766; amended Pub. L. 97–295, § 4(29), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 99–576, title VII, § 701(36), Oct. 28, 1986, 100 Stat. 3293; renumbered § 1966 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 111–350, § 5(j)(2), Jan. 4, 2011, 124 Stat. 3850.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 111–350 substituted ''section 6101(b) to (d) of title 41'' for ''section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)''.

1991—Pub. L. 102–83 renumbered section 766 of this title as this section and substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Subsec. (c). Pub. L. 99–576, § 701(36)(A), substituted ''the Administrator'' for ''him''.

Subsec. (d). Pub. L. 99–576, § 701(36)(B), substituted ''the Administrator'' for ''he''.

1982—Subsec. (a). Pub. L. 97–295 substituted ''percent'' for ''per centum''.

§ 1967. Persons insured; amount

(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

(i) the member; and

(ii) each insurable dependent of the member.

(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

(C) In the case of any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title—

(i) the member; and

(ii) each insurable dependent of the member.

(2)(A) A member may elect in writing not to be insured under this subchapter.

(B) A member may elect in writing not to insure the member's spouse under this subchapter.

(3)(A) Subject to subparagraphs (B) and (C), the amount for which a person is insured under this subchapter is as follows:

(i) In the case of a member, $400,000.

(ii) In the case of a member's spouse, $100,000.

(iii) In the case of a member's child, $10,000.

(B) A member may elect in writing to be insured or to insure the member's spouse in an amount less than the amount provided for under subparagraph (A). The member may not elect to insure the member's child in an amount less than $10,000. The amount of insurance so elected shall, in the case of a member, be evenly divisible by $50,000 and, in the case of a member's spouse, be evenly divisible by $10,000.

(C) In no case may the amount of insurance coverage under this subsection of a member's spouse exceed the amount of insurance coverage of the member.

(4)(A) An insurable dependent of a member is not insured under this chapter unless the member is insured under this subchapter.

(B) An insurable dependent who is a child may not be insured at any time by the insurance coverage under this chapter of more than one member. If an insurable dependent who is a child is otherwise eligible to be insured by the coverage of more than one member under this chapter, the child shall be insured by the coverage of the member whose eligibility for insurance under this subchapter occurred first, except that if that member does not have legal custody of the child, the child shall be insured by the coverage of the member who has legal custody of the child.

(5) The insurance shall be effective with respect to a member and the insurable dependents of the member on the latest of the following dates:

(A) The first day of active duty or active duty for training.