



H.R. 6580 – Hubbard Act

FLOOR SITUATION

H.R. 6580 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Ron Kind (D-WI) on July 23, 2008. The bill was referred to the Committees on Armed Services, Veterans' Affairs, Ways and Means, and Oversight and Government Reform, but was not considered.

H.R. 6580 is expected to be considered on the floor of the House on July 29, 2008.

SUMMARY

Continued Payments for Individuals who Receive a Sole Survivorship Discharge: H.R. 6580 ensures that if a member of the Armed Services receives a sole survivorship discharge they will not have to repay any unearned portion of any bonus, incentive pay, or similar benefits to the Secretary. In addition, the Secretary may grant an exception to the requirement to terminate payment of any unpaid amounts of a bonus or incentive pay if they determine that the termination of the payment would be contrary to personnel policy, would be against equity and good conscience, or would be contrary to the best interests of the United States.

Separation Pay: The bill allows members of the Armed Forces with less than six years of active service who receive a sole survivorship discharge to receive separation pay based on the years of active service prior to the discharge.

Benefits: H.R. 6580 provides transitional health care and commissary and exchange benefits for service members who receive a sole survivorship discharge. In addition, it ensures they have access to veterans' benefits, including housing loan benefits and education and training benefits. The bill also gives these veterans preference-eligible status.

Funeral Trusts: The bill repeals the maximum dollar limit on contributions to funeral trusts.

**Note: The current limit is \$8,800.*

Effective Date: The bill will be retroactively effective for any service member who was granted a sole survivorship discharge after September 11, 2001.

BACKGROUND

Under current law, members of the military who involuntarily separate from the military are provided a variety of Federal benefits. However, individuals who voluntarily separate from the military under sole survivorship do not qualify for these benefits. Sole survivors are defined as a member of the Armed Forces who is the only surviving child in a family in which the mother or father, or one or more siblings died or were severely injured while in service through no fault of their own.

The Hubbard Act is named for Jason Hubbard, an Army veteran of the Iraq War and a sole survivor who lost his two brothers in Iraq. Jason and Nathan Hubbard joined the Army six months after their brother Jared was killed by a road side bomb in Iraq in November 2004. Last August, Nathan Hubbard was killed in a helicopter crash south of Kirkuk, Iraq, while Jason Hubbard looked on from an accompanying aircraft. Jason Hubbard voluntarily separated from the military under the sole survivorship policy, but was denied veteran's benefits and was asked to repay his enlistment bonus. The Secretary of the Army intervened on his behalf to ensure he had access to his health care and did not have to repay his bonus.

COST



LEGISLATIVE DIGEST

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According to the Congressional Budget Office, Based on information from the Department of Defense (DoD), CBO estimates that implementing H.R. 6580 would allow about 20 servicemembers a year to receive those enhanced benefits and thus would incur a discretionary cost totaling about \$1 million over the 2009-2013 period, assuming the availability of appropriated funds. In addition, enacting H.R. 6580 would increase direct spending in several ways, with cumulative costs of about \$1 million over the 2009-2018 period... Enacting H.R. 6580 also would increase revenues, more than offsetting the direct spending costs cited above. The Joint Committee on Taxation (JCT) estimates that a provision relating to funeral trusts would increase revenues by \$6 million over the 2009-2018 period... CBO and JCT estimate that, on net, the effects of H.R. 6580 on direct spending and revenues would lower deficits (or increase surpluses) by about \$5 million over the 2009-2018 period." ([CBO Cost Estimate](#))

STAFF CONTACT

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