



H.Con.Res. 175 – Expressing the Sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of the clear intent of the member regarding the distribution of funds on behalf of the child.

Floor Situation

H.Con.Res. 175 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 Tom Latham (R-IA) on June 26, 2007. It was referred to the Committee on the Judiciary, but was never considered.

H.Con.Res. 175 is expected to be considered on the floor on July 23, 2007.

Summary

H.Con.Res. 175 resolves, with the Senate concurring, that the House of Representatives:

- That it is the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

Background

Members of the Armed Services who die on active duty are provided a Death Gratuity (an immediate cash payment of \$100,000) to assist their survivors in meeting their financial needs immediately following the service member's death.

Under current law the surviving spouse and any children of a deceased member are the highest and second highest priority, respectively, to receive the death gratuity payment. Service members with a child or children, but no spouse, usually designate another individual to care for the child or children and may express that such individual receive the death gratuity payment.

According to the Iowa Independent, there are 143 cases in which the person responsible for caring for the surviving child or children is unable to receive the \$100,000 death benefit because the money is held in a trust until the beneficiary turns 18 ([Iowa Independent, 5/24/2007](#)).

Rep. Latham (R-IA) has introduced legislation, H.R. 1115, designed to address this issue. Similar legislation, S. 659, has been introduced in the Senate by Senator Chuck Hagel (R-NE).

Cost

The Congressional Budget Office has not scored this legislation.

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