

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1115

To amend section 1477 of title 10, United States Code, to provide additional options regarding the designation of the person to receive the death gratuity paid with respect to a member of the Armed Forces who dies without a surviving spouse, but who is survived by a minor child.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Mr. LATHAM (for himself, Mr. KING of Iowa, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. LOEBSACK, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend section 1477 of title 10, United States Code, to provide additional options regarding the designation of the person to receive the death gratuity paid with respect to a member of the Armed Forces who dies without a surviving spouse, but who is survived by a minor child.

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. PAYMENT OF DEATH GRATUITY WITH RESPECT**  
2 **TO MEMBERS OF THE ARMED FORCES WITH-**  
3 **OUT A SURVIVING SPOUSE WHO ARE SUR-**  
4 **VIVED BY A MINOR CHILD.**

5 (a) DESIGNATION OF INTENDED RECIPIENT.—Sec-  
6 tion 1477 of title 10, United States Code, is amended—

7 (1) in subsection (a), by inserting “, subject to  
8 subsection (d),” after “shall be paid”;

9 (2) by redesignating subsection (d) as sub-  
10 section (e); and

11 (3) by inserting after subsection (c) the fol-  
12 lowing new subsection (d):

13 “(d)(1) In the case of a person covered by section  
14 1475 or 1476 of this title who has no surviving spouse,  
15 but who has one or more surviving children (as prescribed  
16 by subsection (b)) under the age of 18 years who, after  
17 the death of the person, will be in the custody of a parent  
18 (as prescribed by subsection (c)) or brother or sister (as  
19 prescribed by subsection (a)) of the person, the death gra-  
20 tuity shall be paid to such parent, brother, or sister as  
21 designated by the person, whether in the full amount pay-  
22 able under section 1478 of this title or in such portion  
23 of such amount as the person shall specify.

24 “(2) If the amount of the death gratuity specified for  
25 payment under paragraph (1) is less than the full amount  
26 of the death gratuity payable under section 1478 of this

1 title, the balance of the amount of the death gratuity shall  
2 be paid to or for the living survivors of the person con-  
3 cerned in accordance with paragraphs (2) through (5) of  
4 subsection (a).

5 “(3) An individual designated for the payment of  
6 death gratuity under paragraph (1) shall be treated as an  
7 eligible survivor for purposes of subsection (e).”.

8 (b) TREATMENT OF EARLIER DEATHS AND DEATH  
9 GRATUITY PAYMENTS.—With respect to the death of a  
10 person covered by section 1475 or 1476 of title 10, United  
11 States Code, that occurred before the date of the enact-  
12 ment of this Act, if the person had no surviving spouse,  
13 but had one or more surviving children, and left a clear  
14 expression of intent regarding payment of the death gra-  
15 tuity to another person on behalf of the surviving child  
16 or children in the manner authorized by subsection (d) of  
17 section 1477 of such title, as added by subsection (a)(3),  
18 it is the sense of Congress that the death gratuity should  
19 be distributed consistent with that expression of intent.

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