

119TH CONGRESS
1ST SESSION

S. _____

To amend title 5, United States Code, to increase death gratuities and funeral allowances for Federal employees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. FETTERMAN (for himself, Mr. HAGERTY, Mr. PADILLA, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 5, United States Code, to increase death gratuities and funeral allowances for Federal employees, 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 “Honoring Civil Serv-
5 ants Killed in the Line of Duty Act”.

6 **SEC. 2. INCREASING DEATH GRATUITY FOR FEDERAL EM-**
7 **PLOYEES KILLED IN THE LINE OF DUTY.**

8 (a) AMENDMENTS TO TITLE 5, UNITED STATES
9 CODE.—

1 (1) IN GENERAL.—Subchapter VII of chapter
2 55 of title 5, United States Code, is amended by
3 adding at the end the following:

4 **“§ 5571. Employee death gratuity payments**

5 “(a) DEFINITION.—

6 “(1) IN GENERAL.—Notwithstanding section
7 5561(2), in this section, the term ‘employee’ means
8 an individual who has been determined by the Sec-
9 retary of Labor to be an employee within the mean-
10 ing of section 8101(1), but not including any indi-
11 vidual described in subparagraph (D) of section
12 8101(1).

13 “(2) EXCLUSIVE AUTHORITY.—A determination
14 described in paragraph (1) may be made only by the
15 Secretary of Labor.

16 “(b) GRATUITY.—

17 “(1) IN GENERAL.—With respect to the death
18 of an employee occurring on or after the date of en-
19 actment of this section, notwithstanding section
20 8116, and in addition to any payment made under
21 subchapter I of chapter 81, the head of the agency
22 employing the employee shall pay from appropria-
23 tions made available for salaries and expenses of
24 that agency a death gratuity to the person identified

1 under subsection (c)(2), if the death of the em-
2 ployee—

3 “(A) results from injury sustained while in
4 the line of duty of the employee; and

5 “(B) is not—

6 “(i) caused by willful misconduct of
7 the employee;

8 “(ii) caused by the intention of the
9 employee to bring about the injury or
10 death of the employee or another; or

11 “(iii) proximately caused by the in-
12 toxication of the injured employee.

13 “(2) AMOUNT.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the amount of a death gra-
16 tuity paid under paragraph (1) with respect to
17 an employee shall be \$100,000, as adjusted
18 each March 1 by the amount determined by the
19 Secretary of Labor to represent the percentage
20 change in the Personal Consumption Expendi-
21 tures Price Index published for December of the
22 preceding year over that Index published for the
23 December of the year prior to the preceding
24 year, adjusted to the nearest $\frac{1}{10}$ of 1 percent.

1 “(B) LOCAL COMPENSATION PLANS.—For
2 an employee compensated under a local com-
3 pensation plan established under section 408 of
4 the Foreign Service Act of 1980 (22 U.S.C.
5 3968), the amount of a death gratuity paid
6 under paragraph (1) with respect to the em-
7 ployee shall be in an amount determined in
8 rules issued by the Secretary of State.

9 “(c) RECIPIENT OF PAYMENT.—

10 “(1) DEFINITION.—In this subsection, the term
11 ‘child’—

12 “(A) includes—

13 “(i) a natural child; and

14 “(ii) an adopted child; and

15 “(B) does not include a stepchild.

16 “(2) ORDER OF PRECEDENCE.—A death gra-
17 tuity paid under subsection (b) with respect to an
18 employee shall be paid in the following order of prec-
19 edence:

20 “(A)(i) To the beneficiary designated to re-
21 ceive the gratuity by the employee in a signed
22 and witnessed writing that is received by the
23 agency employing the employee before the date
24 of the death of the employee.

1 “(ii) A designation, change, or cancellation
2 of beneficiary in a will, or another document
3 not described in clause (i), shall have no force
4 or effect for the purposes of that clause.

5 “(B) If there is no beneficiary described in
6 subparagraph (A), to the surviving spouse of
7 the employee.

8 “(C) If neither subparagraph (A) nor (B)
9 applies, to the children of the employee (includ-
10 ing the descendant of any deceased child by
11 representation) such that each such child re-
12 ceives an equal amount of the gratuity.

13 “(D) If none of subparagraph (A), (B), or
14 (C) applies, to the surviving parents of the em-
15 ployee such that each such surviving parent re-
16 ceives an equal amount of the gratuity.

17 “(E) If none of subparagraphs (A) through
18 (D) applies, to the duly appointed executor or
19 administrator of the estate of the employee.

20 “(F) If none of subparagraphs (A) through
21 (E) applies, to the person entitled, under the
22 laws of the State in which the employee is dom-
23 iciled, as of the date on which the employee
24 dies, to receive the payment.”.

1 (2) REPEAL OF DEATH GRATUITY PAYMENT AU-
2 THORITY.—Section 651 of the Treasury, Postal
3 Service, and General Government Appropriations
4 Act, 1997 (5 U.S.C. 8133 note) is repealed.

5 (3) TECHNICAL AND CONFORMING AMEND-
6 MENTS.—The table of sections for chapter 55 of title
7 5, United States Code, is amended—

8 (A) by striking the item relating to sub-
9 chapter VII and inserting the following:

 “SUBCHAPTER VII—PAYMENTS TO MISSING PERSONS AND PAYMENTS FOR
 DISABILITY OR DEATH”; AND

10 (B) by inserting after the item relating to
11 section 5570 the following:

 “5571. Employee death gratuity payments.”.

12 (4) ADDITIONAL TECHNICAL AND CONFORMING
13 AMENDMENT.—The heading for subchapter VII of
14 chapter 55 of title 5, United States Code, is amend-
15 ed by striking “EMPLOYEES” and inserting
16 “PERSONS AND PAYMENTS FOR DISABILITY
17 OR DEATH”.

18 (b) AMENDMENT TO TITLE 49.—Section
19 40122(g)(2) of title 49, United States Code, is amended—

20 (1) in subparagraph (I)(iii), by striking “and”
21 after the semicolon;

22 (2) in subparagraph (J), by striking the period
23 at the end and inserting “; and”; and

1 (3) by inserting after subparagraph (J) the fol-
2 lowing:

3 “(K) section 5571, relating to death gratu-
4 ities resulting from an injury sustained in the
5 line of duty.”.

6 **SEC. 3. FUNERAL EXPENSES.**

7 (a) IN GENERAL.—Section 8134(a) of title 5, United
8 States Code, is amended—

9 (1) by inserting “(1)” after “(a)”;

10 (2) by striking “\$800” and inserting “\$8,800”;

11 and

12 (3) by adding at the end the following:

13 “(2) The amount described in paragraph (1) shall be
14 adjusted on March 1 of each year by the percentage
15 amount determined by the Secretary of Labor under sec-
16 tion 8146a for that year.”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a)(2) shall apply with respect to any death occur-
19 ring on or after the date of enactment of this Act.

20 **SEC. 4. DEATH GRATUITY FOR INJURIES INCURRED IN**
21 **CONNECTION WITH EMPLOYEE’S SERVICE**
22 **WITH AN ARMED FORCE.**

23 Section 8102a of title 5, United States Code, is
24 amended—

25 (1) in subsection (a)—

1 (A) by striking “The United States” and
2 inserting the following:

3 “(1) IN GENERAL.—The United States”;

4 (B) in paragraph (1), as so designated, by
5 striking “up to”; and

6 (C) by adding at the end the following:

7 “(2) ADJUSTMENT.—The amount described in
8 paragraph (1) shall be adjusted each March 1 by the
9 amount determined by the Secretary of Labor to
10 represent the percentage change in the Personal
11 Consumption Expenditures Price Index published for
12 December of the preceding year over that Index pub-
13 lished for the December of the year prior to the pre-
14 ceding year, adjusted to the nearest $\frac{1}{10}$ of 1 per-
15 cent.”;

16 (2) by striking subsection (c) and inserting the
17 following:

18 “(c) RELATIONSHIP TO OTHER BENEFITS.—With re-
19 spect to a death occurring on or after the date of enact-
20 ment of the Honoring Civil Servants Killed in the Line
21 of Duty Act, the death gratuity payable under this section
22 may not be reduced by the amount of any other death
23 gratuity provided under any other provision of Federal law
24 based on the same death.”; and

1 (3) in subsection (d), by adding at the end the
2 following:

3 “(7) If a person covered by this section does
4 not have any eligible survivors, as described in this
5 subsection, and that person has not designated an
6 alternate person to receive a payment under this sec-
7 tion, the payment shall be paid to the personal rep-
8 resentative of the person’s estate.”.

9 **SEC. 5. AGENCY GRATUITY FOR DEATHS SUSTAINED IN**
10 **THE LINE OF DUTY ABROAD.**

11 Section 413 of the Foreign Service Act of 1980 (22
12 U.S.C. 3973) is amended—

13 (1) in subsection (a)—

14 (A) in the first sentence, by striking “de-
15 pendents” and inserting “beneficiaries”; and

16 (B) in the second sentence, by inserting “,
17 except as provided in subsection (e)” after
18 “payable from any source”;

19 (2) by amending subsection (b) to read as fol-
20 lows:

21 “(b) EXECUTIVE AGENCIES.—The head of an execu-
22 tive agency shall, pursuant to guidance issued under sub-
23 section (c), make a death gratuity payment authorized by
24 this section to the surviving beneficiaries of—

1 “(1) any employee of that agency who dies as
2 a result of injuries sustained in the performance of
3 duty abroad while subject to the authority of the
4 chief of mission pursuant to section 207; or

5 “(2) an individual in a special category serving
6 in an uncompensated capacity for that agency
7 abroad in support of a diplomatic mission, as identi-
8 fied in guidance issued under subsection (c), who
9 dies as a result of injuries sustained in the perform-
10 ance of duty abroad.”;

11 (3) by striking subsection (d);

12 (4) by inserting after subsection (c) the fol-
13 lowing:

14 “(d) ELIGIBILITY UNDER CHAPTER 81 OF TITLE 5,
15 UNITED STATES CODE.—A death gratuity payment shall
16 be made under this section only if the death is determined
17 by the Secretary of Labor to have resulted from an injury
18 (excluding a disease proximately caused by the employ-
19 ment) sustained in the performance of duty under section
20 8102 of title 5, United States Code.”;

21 (5) by redesignating subsection (e) as sub-
22 section (f);

23 (6) by inserting after subsection (d), as added
24 by paragraph (4), the following:

1 “(e) OFFSET.—For deaths occurring on or after the
2 date of enactment of the Honoring Civil Servants Killed
3 in the Line of Duty Act, the death gratuity payable under
4 this section shall be reduced by the amount of any death
5 gratuity provided under section 5571 of title 5, United
6 States Code, based on the same death.”; and

7 (7) in subsection (f), as so redesignated by
8 paragraph (5), by amending paragraph (2) to read
9 as follows:

10 “(2) the term ‘surviving beneficiaries’ means
11 the person or persons identified pursuant to the
12 order of precedence established under section
13 5571(c)(2) of title 5, United States Code.”.

14 **SEC. 6. EMERGENCY SUPPLEMENTAL AUTHORIZATION.**

15 (a) DEFINITIONS.—In this section—

16 (1) the term “agency” means an agency that is
17 authorized or required to make a payment under a
18 covered provision; and

19 (2) the term “covered provision” means—

20 (A) section 5571 of title 5, United States
21 Code, as added by section 2 of this Act;

22 (B) section 8102a of title 5, United States
23 Code, as amended by section 4 of this Act; or

1 (C) section 413 of the Foreign Service Act
2 of 1980 (22 U.S.C. 3973), as amended by sec-
3 tion 5 of this Act.

4 (b) AUTHORIZATION.—If the head of an agency de-
5 termines, with the concurrence of the Director of the Of-
6 fice of Management and Budget, that a natural disaster,
7 act of terrorism, or other incident results in the inability
8 of the agency to make additional payments under a cov-
9 ered provision—

10 (1) there are authorized to be appropriated to
11 the agency such sums as may be necessary to make
12 those additional payments; and

13 (2) the head of the agency may make those ad-
14 ditional payments only to the extent additional
15 amounts are made available for those purposes.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that, not later than 30 days after the date on which
18 the head of an agency submits to Congress a request for
19 supplemental appropriations for the purposes described in
20 subsection (b), Congress should take action with respect
21 to that request.

22 **SEC. 7. REPORTING REQUIREMENTS.**

23 (a) IN GENERAL.—

1 (1) DEFINITION.—In this subsection, the term
2 “agency” has the meaning given the term in section
3 5561 of title 5, United States Code.

4 (2) REQUIREMENT.—If the head of an agency
5 makes a death gratuity payment under section 5571
6 of title 5, United States Code, as added by section
7 2 of this Act, the agency head shall, not later than
8 15 business days after the date on which the agency
9 head makes that payment, submit to the Comp-
10 troller General of the United States a notification
11 regarding that payment.

12 (b) GAO REPORTS.—Not later than 1 year after the
13 date of enactment of this Act, and annually thereafter,
14 the Comptroller General of the United States shall submit
15 to the Committee on Homeland Security and Govern-
16 mental Affairs of the Senate and the Committee on Over-
17 sight and Government Reform of the House of Represent-
18 atives a report regarding the aggregate amount of death
19 gratuities paid under section 5571 of title 5, United States
20 Code, as added by section 2 of this Act, during the year
21 covered by the report.

22 (c) AUDIT.—Not later than 3 years after the date of
23 enactment of this Act, the Comptroller General of the
24 United States shall—

1 (1) perform an audit regarding death gratuities
2 paid under section 5571 of title 5, United States
3 Code, as added by section 2 of this Act;

4 (2) as part of the audit performed under para-
5 graph (1), determine the frequency with which fu-
6 ture audits of the payments described in that para-
7 graph shall occur; and

8 (3) submit to the Committee on Homeland Se-
9 curity and Governmental Affairs of the Senate and
10 the Committee on Oversight and Accountability of
11 the House of Representatives the results of the audit
12 performed under paragraph (1).