

117TH CONGRESS
2^D SESSION

S. 3487

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

JANUARY 12 (legislative day, JANUARY 10), 2022

Ms. SINEMA (for herself, Mr. PORTMAN, Mr. PADILLA, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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).

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

14 “(b) GRATUITY.—

15 “(1) IN GENERAL.—With respect to the death
16 of an employee occurring on or after the date of en-
17 actment of this section, notwithstanding section
18 8116, and in addition to any payment made under
19 subchapter I of chapter 81, the head of the agency
20 employing the employee shall pay from appropria-
21 tions made available for salaries and expenses of
22 that agency a death gratuity to the person identified
23 under subsection (c)(2), if the death of the em-
24 ployee—

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

3 “(B) is not—

4 “(i) caused by willful misconduct of
5 the employee;

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

9 “(iii) proximately caused by the in-
10 toxication of the injured employee.

11 “(2) AMOUNT.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the amount of a death gra-
14 tuity paid under paragraph (1) with respect to
15 an employee shall be \$100,000, as adjusted
16 each March 1 by the amount determined by the
17 Secretary of Labor to represent the percentage
18 change in the Consumer Price Index for All
19 Urban Consumers (all items; United States city
20 average) published for December of the pre-
21 ceding year over that Index published for the
22 December of the year prior to the preceding
23 year, adjusted to the nearest $\frac{1}{10}$ of 1 percent.

24 “(B) LOCAL COMPENSATION PLANS.—For
25 an employee compensated under a local com-

1 pensation plan established under section 408 of
2 the Foreign Service Act of 1980 (22 U.S.C.
3 3968), the amount of a death gratuity paid
4 under paragraph (1) with respect to the em-
5 ployee shall be in an amount determined in
6 rules issued by the Secretary of State.

7 “(c) RECIPIENT OF PAYMENT.—

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

10 “(A) includes—

11 “(i) a natural child; and

12 “(ii) an adopted child; and

13 “(B) does not include a stepchild.

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

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

23 “(ii) A designation, change, or cancellation
24 of beneficiary in a will, or another document

1 not described in clause (i), shall have no force
2 or effect for the purposes of that clause.

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

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

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

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

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

23 (2) REPEAL OF DEATH GRATUITY PAYMENT AU-
24 THORITY.—Section 651 of the Treasury, Postal

1 Service, and General Government Appropriations
2 Act, 1997 (5 U.S.C. 8133 note) is repealed.

3 (3) TECHNICAL AND CONFORMING AMEND-
4 MENTS.—

5 (A) TABLE OF CHAPTERS.—In the table of
6 subchapters for chapter 55 of title 5, United
7 States Code, the item relating to subchapter
8 VII is amended to read as follows:

“SUBCHAPTER VII – PAYMENTS TO MISSING PERSONS AND PAYMENTS FOR
DISABILITY OR DEATH”.

9 (B) TABLE OF SECTIONS.—The table of
10 sections for subchapter VII of chapter 55 of
11 title 5, United States Code, is amended by add-
12 ing at the end the following:

“5571. Employee death gratuity payments.”.

13 (b) AMENDMENT TO TITLE 49.—Section
14 40122(g)(2) of title 49, United States Code, is amended—

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

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

19 (3) by inserting after subparagraph (J), the fol-
20 lowing:

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

1 **SEC. 3. FUNERAL EXPENSES.**

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

4 (1) by inserting “(1)” after “(a)”;

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

6 and

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

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

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

15 **SEC. 4. DEATH GRATUITY FOR INJURIES INCURRED IN**
16 **CONNECTION WITH EMPLOYEE’S SERVICE**
17 **WITH AN ARMED FORCE.**

18 Section 8102a of title 5, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) by striking “The United States” and
22 inserting the following:

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

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

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

1 “(2) ADJUSTMENT.—The amount described in
2 paragraph (1) shall be adjusted each March 1 by the
3 amount determined by the Secretary of Labor to
4 represent the percentage change in the Consumer
5 Price Index for All Urban Consumers (all items;
6 United States city average) published for December
7 of the preceding year over that Index published for
8 the December of the year prior to the preceding
9 year, adjusted to the nearest $\frac{1}{10}$ of 1 percent.”;

10 (2) by striking subsection (c) and inserting the
11 following:

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

19 (3) in subsection (d), by adding at the end the
20 following:

21 “(7) If a person covered by this section does
22 not have any eligible survivors, as described in this
23 subsection, and that person has not designated an
24 alternate person to receive a payment under this sec-

1 tion, the payment shall be paid to the personal rep-
2 resentative of the person’s estate.”.

3 **SEC. 5. AGENCY GRATUITY FOR DEATHS SUSTAINED IN**
4 **THE LINE OF DUTY ABROAD.**

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

7 (1) in subsection (a)—

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

10 (B) in the second sentence, by inserting “,
11 except as provided in subsection (e)” after
12 “payable from any source”;

13 (2) by amending subsection (b) to read as fol-
14 lows:

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

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

23 “(2) an individual in a special category serving
24 in an uncompensated capacity for that agency
25 abroad in support of a diplomatic mission, as identi-

1 fied in guidance issued under subsection (c), who
2 dies as a result of injuries sustained in the perform-
3 ance of duty abroad.”;

4 (3) by amending subsection (d) to read as fol-
5 lows:

6 “(d) ELIGIBILITY UNDER CHAPTER 81 OF TITLE 5,
7 UNITED STATES CODE.—A death gratuity payment shall
8 be made under this section only if the death is determined
9 by the Secretary of Labor to have resulted from an injury
10 (excluding a disease proximately caused by the employ-
11 ment) sustained in the performance of duty under section
12 8102 of title 5, United States Code.”;

13 (4) by redesignating subsection (e) as sub-
14 section (f);

15 (5) by inserting after subsection (d) the fol-
16 lowing:

17 “(e) OFFSET.—For deaths occurring on or after the
18 date of enactment of this subsection, the death gratuity
19 payable under this section shall be reduced by the amount
20 of any death gratuity provided under section 5571 of title
21 5, United States Code, based on the same death.”; and

22 (6) in subsection (f), as so redesignated by
23 paragraph (4), by amending paragraph (2) to read
24 as follows:

1 “(2) the term ‘surviving beneficiaries’ means
2 the person or persons identified pursuant to the
3 order of precedence established under section
4 5571(e)(2) of title 5, United States Code.”.

5 **SEC. 6. EMERGENCY SUPPLEMENTAL AUTHORIZATION.**

6 (a) DEFINITIONS.—In this section—

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

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

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

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

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

18 (b) AUTHORIZATION.—If the head of an agency de-
19 termines, with the concurrence of the Director of the Of-
20 fice of Management and Budget, that a natural disaster,
21 act of terrorism, or other incident results in the inability
22 of the agency to make additional payments under a cov-
23 ered provision—

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

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

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

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