

113TH CONGRESS
2D SESSION

H. R. 5721

To amend the Defense Base Act (42 U.S.C. 1651 et seq.) to require death benefits to be paid to a deceased employee's designated beneficiary or next of kin in the case of death resulting from a war-risk hazard or act of terrorism occurring on or after September 11, 2001.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2014

Mr. LYNCH introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Defense Base Act (42 U.S.C. 1651 et seq.) to require death benefits to be paid to a deceased employee's designated beneficiary or next of kin in the case of death resulting from a war-risk hazard or act of terrorism occurring on or after September 11, 2001.

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 “Overseas Security Per-
5 sonnel Fairness Act”.

1 **SEC. 2. DEFENSE BASE ACT AMENDMENTS RELATING TO**
2 **DEATH BENEFITS.**

3 The Defense Base Act (42 U.S.C. 1651 et seq.) is
4 amended by adding at the end the following new section:

5 **“SEC. 6. DEATH BENEFITS.**

6 “(a) IN GENERAL.—In the case of a person covered
7 by this Act who dies as a result of a war-risk hazard or
8 act of terrorism, if there is no person eligible for a death
9 benefit of the deceased under section 9 of the Longshore
10 and Harbor Workers’ Compensation Act (33 U.S.C. 909),
11 then the benefits provided under section 9(b) of such Act
12 to a widow or widower of the deceased shall be paid—

13 “(1) to a beneficiary designated by the de-
14 ceased; or

15 “(2) if there is no designated beneficiary, to the
16 next of kin or the estate of the deceased under appli-
17 cable State law.

18 “(b) PAYMENT OF BENEFITS.—Benefits found to be
19 due under this section shall be paid from the compensation
20 fund established pursuant to section 8147 of title 5,
21 United States Code.

22 “(c) WAR-RISK HAZARD DEFINED.—In this section,
23 the term ‘war-risk hazard’ has the meaning provided in
24 section 201(b) of the War Hazards Compensation Act (42
25 U.S.C. 1711(b)).

1 “(d) EFFECTIVE DATE.—The death benefit payable
2 under this section shall apply with respect to deaths occur-
3 ring on or after September 11, 2001.”.

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