

117TH CONGRESS  
2D SESSION

# S. 3487

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

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## 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

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## 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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