

117TH CONGRESS
2D SESSION

H. R. 7376

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2022

Mr. CONNOLLY introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committees on Foreign Affairs, Armed Services, Veterans' Affairs, Transportation and Infrastructure, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

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

3 (a) AMENDMENTS TO TITLE 5, UNITED STATES
4 CODE.—

5 (1) IN GENERAL.—Subchapter VII of chapter
6 55 of title 5, United States Code, is amended by
7 adding at the end the following:

8 **“§ 5571. Employee death gratuity payments**

9 “(a) DEFINITION.—

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

17 “(2) EXCLUSIVE AUTHORITY.—A determination
18 described in paragraph (1) may be made only by the
19 Secretary of Labor.

20 “(b) GRATUITY.—

21 “(1) IN GENERAL.—With respect to the death
22 of an employee, the head of the agency at which the
23 employee was employed shall pay from appropria-
24 tions made available for salaries and expenses of
25 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 injuries incurred—

4 “(i) in connection with such employ-
5 ee’s employment with the Federal Govern-
6 ment; or

7 “(ii) as a result of a criminal act, an
8 act of terrorism, a natural disaster, or any
9 other circumstance as determined by the
10 agency head; and

11 “(B) is not—

12 “(i) caused by willful misconduct of
13 the employee, as determined by a review
14 conducted by the applicable office of In-
15 spector General;

16 “(ii) caused by the intention of the
17 employee to bring about the injury or
18 death of the employee or another; or

19 “(iii) proximately caused by the in-
20 toxication or self-impairment of the em-
21 ployee.

22 “(2) AMOUNT.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the amount of a death gra-
25 tuity paid under paragraph (1) with respect to

1 an employee shall be \$100,000, as adjusted
2 each March 1 by the amount determined by the
3 Secretary of Labor to represent the percentage
4 change in the Consumer Price Index for All
5 Urban Consumers (all items; United States city
6 average) published for December of the pre-
7 ceding year over that Index published for the
8 December of the year prior to the preceding
9 year, adjusted to the nearest $\frac{1}{10}$ of 1 percent.

10 “(B) LOCAL COMPENSATION PLANS.—For
11 an employee compensated under a local com-
12 pensation plan established under section 408 of
13 the Foreign Service Act of 1980 (22 U.S.C.
14 3968), the amount of a death gratuity paid
15 under paragraph (1) with respect to the em-
16 ployee shall be in an amount determined in
17 rules issued by the Secretary of State.

18 “(c) RECIPIENT OF PAYMENT.—

19 “(1) CHILD DEFINED.—In this subsection, the
20 term ‘child’ means a child of an employee of any
21 age, including—

22 “(A) an adopted child or a stepchild; and

23 “(B) a foster child but only if the child
24 lives with the employee in a regular parent-child
25 relationship.

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

5 “(A)(i) To the beneficiary designated to re-
6 ceive the gratuity by the employee in a signed
7 and witnessed official Federal Government form
8 that is received by the agency employing the
9 employee before the date of the death of the
10 employee.

11 “(ii) A designation, change, or cancellation
12 of beneficiary in a will, or another document
13 not described in clause (i), shall have no force
14 or effect for the purposes of that clause.

15 “(B) If there is no beneficiary described in
16 subparagraph (A), to the surviving spouse of
17 the employee.

18 “(C) If neither subparagraph (A) nor (B)
19 applies, to any child (or grandchild if the child
20 who is the parent of such grandchild is de-
21 ceased) such that each such child or grandchild
22 (as the case may be) receives an equal amount
23 of the gratuity.

24 “(D) If none of subparagraph (A), (B), or
25 (C) applies, to the surviving parents of the em-

1 employee such that each such surviving parent re-
 2 ceives an equal amount of the gratuity.

3 “(E) If none of subparagraphs (A) through
 4 (D) applies, to the duly appointed executor or
 5 administrator of the estate of the employee.

6 “(F) If none of subparagraphs (A) through
 7 (E) applies, to the person designated according
 8 to the laws of the State in which the insured in-
 9 dividual legally resided.”.

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

14 (3) TECHNICAL AND CONFORMING AMEND-
 15 MENTS.—

16 (A) SUBCHAPTER HEADING.—The heading
 17 for subchapter VII of chapter 55 of title 5,
 18 United States Code, is amended by striking
 19 “EMPLOYEES” and inserting “PERSONS
 20 AND PAYMENTS FOR DISABILITY OR
 21 DEATH”.

22 (B) OTHER CONFORMING CHANGES.—The
 23 table of sections for chapter 55 of title 5,
 24 United States Code, is amended—

1 (i) by striking the item relating to
 2 subchapter VII and inserting the following:

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

3 (ii) by inserting after the item relating
 4 to section 5570 the following:

“5571. Employee death gratuity payments.”.

5 (b) OTHER EMPLOYEES.—

6 (1) FAA.—Section 40122(g)(2) of title 49,
 7 United States Code, is amended—

8 (A) in subparagraph (I)(iii), by striking
 9 “and” after the semicolon;

10 (B) in subparagraph (J), by striking the
 11 period at the end and inserting “; and”; and

12 (C) by inserting after subparagraph (J),
 13 the following:

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

17 (2) CERTAIN TSA EMPLOYEES.—Section
 18 111(d)(2) of the Aviation and Transportation Secu-
 19 rity Act (49 U.S.C. 44935 note) is amended by add-
 20 ing at the end the following:

21 “(C) DEATH GRATUITY.—Section 5571 of
 22 title 5, United States Code, shall apply to any
 23 individual appointed under paragraph (1).”.

1 (3) VHA EMPLOYEES.—Section 7425 of title
2 38, United States Code, is amended by adding at
3 the end the following:

4 “(d) Notwithstanding any other provision of this sub-
5 chapter, the Administration shall provide, with respect to
6 individuals appointed to any position described in section
7 7421(b) who are employed for compensation by the Ad-
8 ministration, the death gratuity under section 5571 of title
9 5.”.

10 (c) APPLICABILITY.—The amendments made by sub-
11 sections (a) and (b) shall apply with respect to any death
12 occurring on or after the date of enactment of this Act.

13 **SEC. 3. FUNERAL EXPENSES.**

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

16 (1) by inserting “(1)” after “(a)”;

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

18 and

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

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

1 (b) APPLICABILITY.—The amendments made by sub-
2 section (a) shall apply with respect to any death occurring
3 on or after the date of enactment of this Act.

4 **SEC. 4. DEATH GRATUITY FOR INJURIES INCURRED IN**
5 **CONNECTION WITH EMPLOYEE'S SERVICE**
6 **WITH AN ARMED FORCE.**

7 (a) IN GENERAL.—Section 8102a of title 5, United
8 States Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking “The United States” and
11 inserting the following:

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

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

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

16 “(2) ADJUSTMENT.—The amount described in
17 paragraph (1) shall be adjusted each March 1 by the
18 amount determined by the Secretary of Labor to
19 represent the percentage change in the Consumer
20 Price Index for All Urban Consumers (all items;
21 United States city average) published for December
22 of the preceding year over that Index published for
23 the December of the year prior to the preceding
24 year, adjusted to the nearest $\frac{1}{10}$ of 1 percent.”;

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

3 “(c) RELATIONSHIP TO OTHER BENEFITS.—With re-
4 spect to a death occurring on or after the date of enact-
5 ment of the Honoring Civil Servants Killed in the Line
6 of Duty Act, any compensation otherwise payable to an
7 individual under this section in connection with any death
8 shall be reduced by any amounts payable to such indi-
9 vidual under any other program funded in whole or in part
10 by the United States (excluding any amount payable
11 under section 5569(d)) in connection with such death.”;
12 and

13 (3) in subsection (d), by adding at the end the
14 following:

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

21 (b) APPLICABILITY.—The amendments made by sub-
22 section (a) shall apply with respect to any death occurring
23 on or after the date of enactment of this Act.

1 **SEC. 5. AGENCY GRATUITY FOR DEATHS SUSTAINED IN**
2 **THE LINE OF DUTY ABROAD.**

3 (a) IN GENERAL.—Section 413 of the Foreign Serv-
4 ice Act of 1980 (22 U.S.C. 3973) is amended—

5 (1) in subsection (a)—

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

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

11 (2) by amending subsection (b) to read as fol-
12 lows:

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

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

21 “(2) an individual in a special category serving
22 in an uncompensated capacity for that agency
23 abroad in support of a diplomatic mission, as identi-
24 fied in guidance issued under subsection (c), who
25 dies as a result of injuries sustained in the perform-
26 ance of duty abroad.”;

1 (3) by striking “GUIDANCE.—” and all that fol-
2 lows through “pursuant to section 207.” and insert-
3 ing the following:

4 “(c) GUIDANCE.—Not later than 60 days after the
5 date of the enactment of the Consolidated Appropriations
6 Act, 2014, the Secretary shall, in consultation with the
7 heads of other relevant executive agencies, issue guidance
8 with criteria for determining eligibility for, and order of
9 payments to, survivors and beneficiaries of any employee
10 or of an individual in a special category serving in an un-
11 compensated capacity for that agency who dies as a result
12 of injuries sustained in the performance of duty while sub-
13 ject to the authority of the chief of mission pursuant to
14 section 207.”;

15 (4) by striking subsection (d);

16 (5) by redesignating subsection (e) as sub-
17 section (f);

18 (6) by inserting after subsection (c) the fol-
19 lowing new subsections:

20 “(d) ELIGIBILITY UNDER CHAPTER 81 OF TITLE 5,
21 UNITED STATES CODE.—A death gratuity payment shall
22 be made under this section only if the death is determined
23 by the Secretary of Labor to have resulted from an injury
24 (excluding a disease proximately caused by the employ-

1 ment) sustained in the performance of duty under section
 2 8102 of title 5, United States Code.

3 “(e) OFFSET.—Any compensation otherwise payable
 4 to an individual under this section in connection with any
 5 death shall be reduced by any amounts payable to such
 6 individual under any other program funded in whole or
 7 in part by the United States (excluding any amount pay-
 8 able under section 5569(d)) in connection with such
 9 death.”; and

10 (7) in subsection (f), as so redesignated by
 11 paragraph (5), by amending paragraph (2) to read
 12 as follows:

13 “(2) the term ‘surviving beneficiaries’ means
 14 the person or persons identified pursuant to the
 15 order of precedence established under section
 16 5571(c)(2) of title 5, United States Code.”.

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

20 **SEC. 6. ADJUSTMENT OF CERTAIN DEATH GRATUITIES**
 21 **UNDER TITLE 10 OF THE UNITED STATES**
 22 **CODE.**

23 (a) IN GENERAL.—Section 1478(a) of title 10,
 24 United States Code, is amended by inserting after
 25 “\$100,000” the following:“, as adjusted each March 1 by

1 the amount determined by the Secretary of Labor to rep-
 2 resent the percentage change in the Consumer Price Index
 3 for All Urban Consumers (all items; United States city
 4 average) published for December of the preceding year
 5 over that Index published for the December of the year
 6 prior to the preceding year, adjusted to the nearest $\frac{1}{10}$
 7 of 1 percent”.

8 (b) APPLICABILITY.—The amendments made by sub-
 9 section (a) shall apply with respect to any death occurring
 10 on or after the date of enactment of this Act.

11 **SEC. 7. EMERGENCY SUPPLEMENTAL AUTHORIZATION OF**
 12 **APPROPRIATIONS.**

13 (a) DEFINITIONS.—In this section—

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

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

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

20 (B) section 8102a of such title, as amend-
 21 ed by section 4 of this Act; or

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

1 (b) AUTHORIZATION.—If the head of an agency de-
2 termines, with the concurrence of the Director of the Of-
3 fice of Management and Budget, that a natural disaster,
4 act of terrorism, or other incident would result in costs
5 that would exceed the amounts available to the agency to
6 make additional payments under a covered provision—

7 (1) there are authorized to be appropriated to
8 the agency such additional sums as may be nec-
9 essary to make those additional payments; and

10 (2) the head of the agency may make such ad-
11 ditional payments to the extent additional such addi-
12 tional sums are made available for those purposes.

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

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