

118TH CONGRESS  
1ST SESSION

# H. R. 5883

To provide and expand gratuities for employees killed in the line of duty,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2023

Mr. CONNOLLY (for himself and Mr. FITZPATRICK) introduced the following  
bill

OCTOBER 25, 2023

Referred to the Committee on Oversight and Accountability, and in addition  
to the Committees on Foreign Affairs, Armed Services, Veterans' Affairs,  
Transportation and Infrastructure, Homeland Security, and Ways and  
Means, for a period to be subsequently determined by the Speaker, in  
each case for consideration of such provisions as fall within the jurisdic-  
tion of the committee concerned

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## A BILL

To provide and expand gratuities for employees killed in  
the line of duty, 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          “(d) TAX TREATMENT.—A payment under this sec-  
11          tion shall not be includible in the gross income of the re-  
12          cipient for purposes of the Internal Revenue Code of  
13          1986.”.

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17          Act, 1997 (5 U.S.C. 8133 note) is repealed.

18          (3) TECHNICAL AND CONFORMING AMEND-  
19          MENTS.—

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

1 (B) OTHER CONFORMING CHANGES.—The  
2 table of sections for chapter 55 of title 5,  
3 United States Code, is amended—

4 (i) by striking the item relating to  
5 subchapter VII and inserting the following:

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

6 and

7 (ii) by inserting after the item relating  
8 to section 5570 the following:

“5571. Employee death gratuity payments.”.

9 (b) OTHER EMPLOYEES.—

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

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

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

16 (C) by inserting after subparagraph (J),  
17 the following:

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

21 (2) CERTAIN TSA EMPLOYEES.—Section  
22 111(d)(2) of the Aviation and Transportation Secu-

1 rity Act (49 U.S.C. 44935 note) is amended by add-  
2 ing at the end the following:

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

6 (3) VHA EMPLOYEES.—Section 7425 of title  
7 38, United States Code, is amended by adding at  
8 the end the following:

9 “(d) Notwithstanding any other provision of this sub-  
10 chapter, the Administration shall provide, with respect to  
11 individuals appointed to any position described in section  
12 7421(b) who are employed for compensation by the Ad-  
13 ministration, the death gratuity under section 5571 of title  
14 5.”.

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

18 **SEC. 3. FUNERAL EXPENSES.**

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

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

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

23 and

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



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

5       “(3) A payment under this subsection shall not be  
6 includible in the gross income of the recipient for purposes  
7 of the Internal Revenue Code of 1986.”.

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. 4. DEATH GRATUITY FOR INJURIES INCURRED IN**  
12 **CONNECTION WITH EMPLOYEE’S SERVICE**  
13 **WITH AN ARMED FORCE.**

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

16             (1) in subsection (a)—

17                 (A) by striking “The United States” and  
18 inserting the following:

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

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

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

23                     “(2) ADJUSTMENT.—The amount described in  
24 paragraph (1) shall be adjusted each March 1 by the  
25 amount determined by the Secretary of Labor to

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

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

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

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

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

1 (4) by adding at the end the following:

2 “(f) TAX TREATMENT.—A payment under this sec-  
3 tion shall not be includible in the gross income of the re-  
4 cipient for purposes of the Internal Revenue Code of  
5 1986.”.

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

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

11 (a) IN GENERAL.—Section 413 of the Foreign Serv-  
12 ice Act of 1980 (22 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 “GUIDANCE.—” and all that fol-  
12          lows through “pursuant to section 207.” and insert-  
13          ing the following:

14          “(c) GUIDANCE.—Not later than 60 days after the  
15          date of the enactment of the Consolidated Appropriations  
16          Act, 2014, the Secretary shall, in consultation with the  
17          heads of other relevant executive agencies, issue guidance  
18          with criteria for determining eligibility for, and order of  
19          payments to, survivors and beneficiaries of any employee  
20          or of an individual in a special category serving in an un-  
21          compensated capacity for that agency who dies as a result  
22          of injuries sustained in the performance of duty while sub-  
23          ject to the authority of the chief of mission pursuant to  
24          section 207.”;

25          (4) by striking subsection (d);

1           (5) by redesignating subsection (e) as sub-  
2           section (f);

3           (6) by inserting after subsection (c) the fol-  
4           lowing new subsections:

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

12          “(e) OFFSET.—Any compensation otherwise payable  
13 to an individual under this section in connection with any  
14 death shall be reduced by any amounts payable to such  
15 individual under any other program funded in whole or  
16 in part by the United States (excluding any amount pay-  
17 able under section 5569(d)) in connection with such  
18 death.”;

19          (7) in subsection (f), as so redesignated by  
20          paragraph (5), by amending paragraph (2) to read  
21          as follows:

22          “(2) the term ‘surviving beneficiaries’ means  
23          the person or persons identified pursuant to the  
24          order of precedence established under section  
25          5571(e)(2) of title 5, United States Code.”; and

1 (8) by adding at the end the following:

2 “(g) TAX TREATMENT.—A payment under this sec-  
3 tion shall not be includible in the gross income of the re-  
4 cipient for purposes of the Internal Revenue Code of  
5 1986.”.

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

9 **SEC. 6. ADJUSTMENT OF CERTAIN DEATH GRATUITIES**  
10 **UNDER TITLE 10 OF THE UNITED STATES**  
11 **CODE.**

12 (a) IN GENERAL.—Section 1478 of title 10, United  
13 States Code, is amended—

14 (1) in subsection (a), by inserting after  
15 “\$100,000” the following: “, as adjusted each  
16 March 1 by the amount determined by the Secretary  
17 of Labor to represent the percentage change in the  
18 Consumer Price Index for All Urban Consumers (all  
19 items; United States city average) published for De-  
20 cember of the preceding year over that Index pub-  
21 lished for the December of the year prior to the pre-  
22 ceding year, adjusted to the nearest  $\frac{1}{10}$  of 1 per-  
23 cent”; and

24 (2) by adding at the end the following:

1       “(e) TAX TREATMENT.—A payment under this sec-  
2 tion shall not be includible in the gross income of the re-  
3 cipient for purposes of the Internal Revenue Code of  
4 1986.”.

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

8 **SEC. 7. EMERGENCY SUPPLEMENTAL AUTHORIZATION OF**  
9 **APPROPRIATIONS.**

10       (a) DEFINITIONS.—In this section—

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

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

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

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

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

22       (b) AUTHORIZATION.—If the head of an agency de-  
23 termines, with the concurrence of the Director of the Of-  
24 fice of Management and Budget, that a natural disaster,  
25 act of terrorism, or other incident would result in costs

1 that would exceed the amounts available to the agency to  
2 make additional payments under a covered provision—

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

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

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

○