

Calendar No. 385

118TH CONGRESS
2^D SESSION

S. 3029

[Report No. 118–174]

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

OCTOBER 4, 2023

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

MAY 9, 2024

Reported by Mr. PETERS, with an amendment

[Insert the part printed in italic]

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 in subparagraph (D) of section
16 8101(1).

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 occurring on or after the date of en-
23 actment of this section, notwithstanding section
24 8116, and in addition to any payment made under
25 subchapter I of chapter 81, the head of the agency
26 employing the employee shall pay from appropria-

1 tions made available for salaries and expenses of
 2 that agency a death gratuity to the person identified
 3 under subsection (c)(2), if the death of the em-
 4 ployee—

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

7 “(B) is not—

8 “(i) caused by willful misconduct of
 9 the employee;

10 “(ii) caused by the intention of the
 11 employee to bring about the injury or
 12 death of the employee or another; or

13 “(iii) proximately caused by the in-
 14 toxication of the injured employee.

15 “(2) AMOUNT.—

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

1 December of the year prior to the preceding
2 year, adjusted to the nearest $\frac{1}{10}$ of 1 percent.

3 “(B) LOCAL COMPENSATION PLANS.—For
4 an employee compensated under a local com-
5 pensation plan established under section 408 of
6 the Foreign Service Act of 1980 (22 U.S.C.
7 3968), the amount of a death gratuity paid
8 under paragraph (1) with respect to the em-
9 ployee shall be in an amount determined in
10 rules issued by the Secretary of State.

11 “(c) RECIPIENT OF PAYMENT.—

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

14 “(A) includes—

15 “(i) a natural child; and

16 “(ii) an adopted child; and

17 “(B) does not include a stepchild.

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

22 “(A)(i) To the beneficiary designated to re-
23 ceive the gratuity by the employee in a signed
24 and witnessed writing that is received by the

1 agency employing the employee before the date
2 of the death of the employee.

3 “(ii) A designation, change, or cancellation
4 of beneficiary in a will, or another document
5 not described in clause (i), shall have no force
6 or effect for the purposes of that clause.

7 “(B) If there is no beneficiary described in
8 subparagraph (A), to the surviving spouse of
9 the employee.

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

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

19 “(E) If none of subparagraphs (A) through
20 (D) applies, to the duly appointed executor or
21 administrator of the estate of the employee.

22 “(F) If none of subparagraphs (A) through
23 (E) applies, to the person entitled, under the
24 laws of the State in which the employee is dom-

1 iciled, as of the date on which the employee
2 dies, to receive the payment.”.

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

7 (3) TECHNICAL AND CONFORMING AMEND-
8 MENTS.—The table of sections for chapter 55 of title
9 5, United States Code, is amended—

10 (A) by striking the item relating to sub-
11 chapter VII and inserting the following:

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

12 (B) by inserting after the item relating to
13 section 5570 the following:

“5571. Employee death gratuity payments.”.

14 (4) *ADDITIONAL TECHNICAL AND CONFORMING*
15 *AMENDMENT.—The heading for subchapter VII of*
16 *chapter 55 of title 5, United States Code, is amended*
17 *by striking “**Employees**” and inserting “**Persons***
18 ***and Payments for Disability or Death**”.*

19 (b) AMENDMENT TO TITLE 49.—Section
20 40122(g)(2) of title 49, United States Code, is amended—

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

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

3 (3) by inserting after subparagraph (J) the fol-
4 lowing:

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

8 **SEC. 3. FUNERAL EXPENSES.**

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

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

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

13 and

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

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

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

1 **SEC. 4. DEATH GRATUITY FOR INJURIES INCURRED IN**
 2 **CONNECTION WITH EMPLOYEE'S SERVICE**
 3 **WITH AN ARMED FORCE.**

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

6 (1) in subsection (a)—

7 (A) by striking “The United States” and
 8 inserting the following:

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

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

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

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

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

24 “(c) RELATIONSHIP TO OTHER BENEFITS.—With re-
 25 spect to a death occurring on or after the date of enact-
 26 ment of the Honoring Civil Servants Killed in the Line

1 of Duty Act, the death gratuity payable under this section
2 may not be reduced by the amount of any other death
3 gratuity provided under any other provision of Federal law
4 based on the same death.”; and

5 (3) in subsection (d), by adding at the end the
6 following:

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

13 **SEC. 5. AGENCY GRATUITY FOR DEATHS SUSTAINED IN**
14 **THE LINE OF DUTY ABROAD.**

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

17 (1) in subsection (a)—

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

20 (B) in the second sentence, by inserting “,
21 except as provided in subsection (e)” after
22 “payable from any source”;

23 (2) by amending subsection (b) to read as fol-
24 lows:

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

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

9 “(2) an individual in a special category serving
10 in an uncompensated capacity for that agency
11 abroad in support of a diplomatic mission, as identi-
12 fied in guidance issued under subsection (c), who
13 dies as a result of injuries sustained in the perform-
14 ance of duty abroad.”;

15 (3) by striking subsection (d);

16 (4) by inserting after subsection (c) the fol-
17 lowing:

18 “(d) ELIGIBILITY UNDER CHAPTER 81 OF TITLE 5,
19 UNITED STATES CODE.—A death gratuity payment shall
20 be made under this section only if the death is determined
21 by the Secretary of Labor to have resulted from an injury
22 (excluding a disease proximately caused by the employ-
23 ment) sustained in the performance of duty under section
24 8102 of title 5, United States Code.”;

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

3 (6) by inserting after subsection (d), as added
4 by paragraph (4), the following:

5 “(e) OFFSET.—For deaths occurring on or after the
6 date of enactment of the Honoring Civil Servants Killed
7 in the Line of Duty Act, the death gratuity payable under
8 this section shall be reduced by the amount of any death
9 gratuity provided under section 5571 of title 5, United
10 States Code, based on the same death.”; and

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

14 “(2) the term ‘surviving beneficiaries’ means
15 the person or persons identified pursuant to the
16 order of precedence established under section
17 5571(e)(2) of title 5, United States Code.”.

18 **SEC. 6. EMERGENCY SUPPLEMENTAL AUTHORIZATION.**

19 (a) DEFINITIONS.—In this section—

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

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

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

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

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

6 (b) AUTHORIZATION.—If the head of an agency de-
7 termines, with the concurrence of the Director of the Of-
8 fice of Management and Budget, that a natural disaster,
9 act of terrorism, or other incident results in the inability
10 of the agency to make additional payments under a cov-
11 ered provision—

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

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

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

1 **SEC. 7. PERSONAL CONSUMPTION EXPENDITURES PRICE**2 **INDEX.**

3 (a) *EMPLOYEE DEATH GRATUITY PAYMENTS.*—Sec-
 4 *tion 5571(b)(2)(A) of title 5, United States Code, as added*
 5 *by section 2 of this Act, is amended by striking “Consumer*
 6 *Price Index for All Urban Consumers (all items; United*
 7 *States city average)” and inserting “Personal Consumption*
 8 *Expenditures Price Index”.*

9 (b) *DEATH GRATUITY FOR INJURIES INCURRED IN*
 10 *CONNECTION WITH EMPLOYEE’S SERVICE WITH AN ARMED*
 11 *FORCE.*—Paragraph (2) of section 8102a(a) of title 5,
 12 *United States Code, as added by section 4(1)(C) of this Act,*
 13 *is amended by striking “Consumer Price Index for All*
 14 *Urban Consumers (all items; United States city average)”*
 15 *and inserting “Personal Consumption Expenditures Price*
 16 *Index”.*

17 **SEC. 8. REPORTING REQUIREMENTS.**

18 (a) *IN GENERAL.*—

19 (1) *DEFINITION.*—*In this subsection, the term*
 20 *“agency” has the meaning given the term in section*
 21 *5561 of title 5, United States Code.*

22 (2) *REQUIREMENT.*—*If the head of an agency*
 23 *makes a death gratuity payment under section 5571*
 24 *of title 5, United States Code, as added by section 2*
 25 *of this Act, the agency head shall, not later than 15*
 26 *business days after the date on which the agency head*

1 *makes that payment, submit to the Comptroller Gen-*
2 *eral of the United States a notification regarding that*
3 *payment.*

4 *(b) GAO REPORTS.—Not later than 1 year after the*
5 *date of enactment of this Act, and annually thereafter, the*
6 *Comptroller General of the United States shall submit to*
7 *the Committee on Homeland Security and Governmental*
8 *Affairs of the Senate and the Committee on Oversight and*
9 *Accountability of the House of Representatives a report re-*
10 *garding the aggregate amount of death gratuities paid*
11 *under section 5571 of title 5, United States Code, as added*
12 *by section 2 of this Act, during the year covered by the re-*
13 *port.*

14 *(c) AUDIT.—Not later than 3 years after the date of*
15 *enactment of this Act, the Comptroller General of the United*
16 *States shall—*

17 *(1) perform an audit regarding death gratuities*
18 *paid under section 5571 of title 5, United States*
19 *Code, as added by section 2 of this Act;*

20 *(2) as part of the audit performed under para-*
21 *graph (1), determine the frequency with which future*
22 *audits of the payments described in that paragraph*
23 *shall occur; and*

24 *(3) submit to the Committee on Homeland Secu-*
25 *rity and Governmental Affairs of the Senate and the*

1 *Committee on Oversight and Accountability of the*
2 *House of Representatives the results of the audit per-*
3 *formed under paragraph (1).*

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118TH CONGRESS
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S. 3029

[Report No. 118-174]

A BILL

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

MAY 9, 2024

Reported with an amendment