S. 3029

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Honoring Civil Servants Killed in the Line of Duty Act”.

SEC. 2. INCREASING DEATH GRATUITY FOR FEDERAL EMPLOYEES KILLED IN THE LINE OF DUTY.

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

“§ 5571. Employee death gratuity payments

“(a) DEFINITION.—

“(1) IN GENERAL.—Notwithstanding section 5561(2), in this section, the term ‘employee’ means an individual who has been determined by the Secretary of Labor to be an employee within the meaning of section 8101(1), but not including any individual described in subparagraph (D) of section 8101(1).

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

“(b) GRATUITY.—

“(1) IN GENERAL.—With respect to the death of an employee occurring on or after the date of enactment of this section, notwithstanding section 8116, and in addition to any payment made under subchapter I of chapter 81, the head of the agency employing the employee shall pay from appropriations made available for salaries and expenses of that agency a death gratuity to the person identified
under subsection (c)(2), if the death of the em-
ployee—

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

“(B) is not—

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

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

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

“(2) AMOUNT.—

“(A) IN GENERAL.—Except as provided in
subparagraph (B), the amount of a death gra-
tuity paid under paragraph (1) with respect to
an employee shall be $100,000, as adjusted
each March 1 by the amount determined by the
Secretary of Labor to represent the percentage
change in the Consumer Price Index for All
Urban Consumers (all items; United States city
average) published for December of the pre-
ceding year over that Index published for the
December of the year prior to the preceding
year, adjusted to the nearest 1/10 of 1 percent.
“(B) LOCAL COMPENSATION PLANS.—For an employee compensated under a local compensation plan established under section 408 of the Foreign Service Act of 1980 (22 U.S.C. 3968), the amount of a death gratuity paid under paragraph (1) with respect to the employee shall be in an amount determined in rules issued by the Secretary of State.

“(c) RECIPIENT OF PAYMENT.—

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

“(A) includes—

“(i) a natural child; and

“(ii) an adopted child; and

“(B) does not include a stepchild.

“(2) ORDER OF PRECEDENCE.—A death gratuity paid under subsection (b) with respect to an employee shall be paid in the following order of precedence:

“(A)(i) To the beneficiary designated to receive the gratuity by the employee in a signed and witnessed writing that is received by the agency employing the employee before the date of the death of the employee.
“(ii) A designation, change, or cancellation of beneficiary in a will, or another document not described in clause (i), shall have no force or effect for the purposes of that clause.

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

“(C) If neither subparagraph (A) nor (B) applies, to the children of the employee (including the descendant of any deceased child by representation) such that each such child receives an equal amount of the gratuity.

“(D) If none of subparagraph (A), (B), or (C) applies, to the surviving parents of the employee such that each such surviving parent receives an equal amount of the gratuity.

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

“(F) If none of subparagraphs (A) through (E) applies, to the person entitled, under the laws of the State in which the employee is domiciled, as of the date on which the employee dies, to receive the payment.”.
(2) Repeal of death gratuity payment authority.—Section 651 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. 8133 note) is repealed.

(3) Technical and conforming amendments.—The table of sections for chapter 55 of title 5, United States Code, is amended—

(A) by striking the item relating to subchapter VII and inserting the following:

"SUBCHAPTER VII—PAYMENTS TO MISSING PERSONS AND PAYMENTS FOR DISABILITY OR DEATH"; and

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

"5571. Employee death gratuity payments."

(b) Amendment to Title 49.—Section 40122(g)(2) of title 49, United States Code, is amended—

(1) in subparagraph (I)(iii), by striking "and"

after the semicolon;

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

(3) by inserting after subparagraph (J) the following:

"(K) section 5571, relating to death gratuities resulting from an injury sustained in the line of duty."
SEC. 3. FUNERAL EXPENSES.

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

(1) by inserting “(1)” after “(a)”;  
(2) by striking “$800” and inserting “$8,800”;  
and  
(3) by adding at the end the following:

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

(b) APPLICABILITY.—The amendment made by subsection (a)(2) shall apply with respect to any death occurring on or after the date of enactment of this Act.

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

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

(1) in subsection (a)—

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

“(1) IN GENERAL.—The United States”;

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

(C) by adding at the end the following:
“(2) ADJUSTMENT.—The amount described in paragraph (1) shall be adjusted each March 1 by the amount determined by the Secretary of Labor to represent the percentage change in the Consumer Price Index for All Urban Consumers (all items; United States city average) published for December of the preceding year over that Index published for the December of the year prior to the preceding year, adjusted to the nearest 1/10 of 1 percent.”;

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

“(c) RELATIONSHIP TO OTHER BENEFITS.—With respect to a death occurring on or after the date of enactment of the Honoring Civil Servants Killed in the Line of Duty Act, the death gratuity payable under this section may not be reduced by the amount of any other death gratuity provided under any other provision of Federal law based on the same death.”; and

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

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

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

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

(1) in subsection (a)—

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

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

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

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

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

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

(3) by striking subsection (d);

(4) by inserting after subsection (e) the fol-
lowing:

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

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

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

“(e) OFFSET.—For deaths occurring on or after the
date of enactment of the Honoring Civil Servants Killed
in the Line of Duty Act, the death gratuity payable under
this section shall be reduced by the amount of any death
gratuity provided under section 5571 of title 5, United
States Code, based on the same death.”; and
(7) in subsection (f), as so redesignated by paragraph (5), by amending paragraph (2) to read as follows:

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

SEC. 6. EMERGENCY SUPPLEMENTAL AUTHORIZATION.

(a) DEFINITIONS.—In this section—

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

(2) the term “covered provision” means—

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

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

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

(b) AUTHORIZATION.—If the head of an agency determines, with the concurrence of the Director of the Office of Management and Budget, that a natural disaster, act of terrorism, or other incident results in the inability
of the agency to make additional payments under a covered provision—

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

(2) the head of the agency may make those additional payments only to the extent additional amounts are made available for those purposes.

(e) Sense of Congress.—It is the sense of Congress that, not later than 30 days after the date on which the head of an agency submits to Congress a request for supplemental appropriations for the purposes described in subsection (b), Congress should take action with respect to that request.