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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. CONNOLLY introduced the following bill; which was referred to the
Committee on _____

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”.

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), but not including any indi-
11 vidual described under subparagraph (D) of such
12 section.

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

16 “(b) GRATUITY.—

17 “(1) IN GENERAL.—With respect to the death
18 of an employee, the head of the agency at which the
19 employee was employed shall pay from appropria-
20 tions made available for salaries and expenses of
21 that agency a death gratuity to the person identified
22 under subsection (c)(2), if the death of the em-
23 ployee—

24 “(A) results from injuries incurred—

1 “(i) in connection with such employ-
2 ee’s employment with the Federal Govern-
3 ment; or

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

8 “(B) is not—

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

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

16 “(iii) proximately caused by the in-
17 toxication or self-impairment of the em-
18 ployee.

19 “(2) AMOUNT.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the amount of a death gra-
22 tuity paid under paragraph (1) with respect to
23 an employee shall be \$100,000, as adjusted
24 each March 1 by the amount determined by the
25 Secretary of Labor to represent the percentage

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

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

15 “(c) RECIPIENT OF PAYMENT.—

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

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

20 “(B) a foster child but only if the child
21 lives with the employee in a regular parent-child
22 relationship.

23 “(2) ORDER OF PRECEDENCE.—A death gra-
24 tuity paid under subsection (b) with respect to an

1 employee shall be paid in the following order of pre-
2 edence:

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

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

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

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

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

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

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

8 “(d) TAX TREATMENT.—A payment under this sec-
9 tion shall not be includible in the gross income of the re-
10 cipient for purposes of the Internal Revenue Code of
11 1986.”.

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

16 (3) TECHNICAL AND CONFORMING AMEND-
17 MENTS.—

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