

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7376  
OFFERED BY MRS. CAROLYN B. MALONEY OF  
NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Honoring Civil Serv-  
3 ants Killed in the Line of Duty Act”.

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

6 (a) AMENDMENTS TO TITLE 5, UNITED STATES  
7 CODE.—

8 (1) IN GENERAL.—Subchapter VII of chapter  
9 55 of title 5, United States Code, is amended by  
10 adding at the end the following:

**11 “§ 5571. Employee death gratuity payments**

12 “(a) DEFINITION.—

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

1       vidual described under subparagraph (D) of such  
2       section.

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

6       “(b) GRATUITY.—

7               “(1) IN GENERAL.—With respect to the death  
8       of an employee, the head of the agency at which the  
9       employee was employed shall pay from appropria-  
10      tions made available for salaries and expenses of  
11      that agency a death gratuity to the person identified  
12      under subsection (c)(2), if the death of the em-  
13      ployee—

14              “(A) results from injuries incurred—

15                      “(i) in connection with such employ-  
16                      ee’s employment with the Federal Govern-  
17                      ment; or

18                      “(ii) as a result of a criminal act, an  
19                      act of terrorism, a natural disaster, or any  
20                      other circumstance as determined by the  
21                      agency head; and

22              “(B) is not—

23                      “(i) caused by willful misconduct of  
24                      the employee, as determined by a review

1                   conducted by the applicable office of In-  
2                   specter General;

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

6                   “(iii) proximately caused by the in-  
7                   toxication or self-impairment of the em-  
8                   ployee.

9                   “(2) AMOUNT.—

10                   “(A) IN GENERAL.—Except as provided in  
11                   subparagraph (B), the amount of a death gra-  
12                   tuity paid under paragraph (1) with respect to  
13                   an employee shall be \$100,000, as adjusted  
14                   each March 1 by the amount determined by the  
15                   Secretary of Labor to represent the percentage  
16                   change in the Consumer Price Index for All  
17                   Urban Consumers (all items; United States city  
18                   average) published for December of the pre-  
19                   ceding year over that Index published for the  
20                   December of the year prior to the preceding  
21                   year, adjusted to the nearest  $\frac{1}{10}$  of 1 percent.

22                   “(B) LOCAL COMPENSATION PLANS.—For  
23                   an employee compensated under a local com-  
24                   pensation plan established under section 408 of  
25                   the Foreign Service Act of 1980 (22 U.S.C.

1           3968), the amount of a death gratuity paid  
2           under paragraph (1) with respect to the em-  
3           ployee shall be in an amount determined in  
4           rules issued by the Secretary of State.

5           “(c) RECIPIENT OF PAYMENT.—

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

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

10                   “(B) a foster child but only if the child  
11           lives with the employee in a regular parent-child  
12           relationship.

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

17                   “(A)(i) To the beneficiary designated to re-  
18           ceive the gratuity by the employee in a signed  
19           and witnessed official Federal Government form  
20           that is received by the agency employing the  
21           employee before the date of the death of the  
22           employee.

23                   “(ii) A designation, change, or cancellation  
24           of beneficiary in a will, or another document

1 not described in clause (i), shall have no force  
2 or effect for the purposes of that clause.

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

6 “(C) If neither subparagraph (A) nor (B)  
7 applies, to any child (or grandchild if the child  
8 who is the parent of such grandchild is de-  
9 ceased) such that each such child or grandchild  
10 (as the case may be) receives an equal amount  
11 of the gratuity.

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

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

19 “(F) If none of subparagraphs (A) through  
20 (E) applies, to the person designated according  
21 to the laws of the State in which the insured in-  
22 dividual legally resided.

23 “(d) TAX TREATMENT.—A payment under this sec-  
24 tion shall not be includible in the gross income of the re-

1 cipient for purposes of the Internal Revenue Code of  
2 1986.”.

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.—

9 (A) SUBCHAPTER HEADING.—The heading  
10 for subchapter VII of chapter 55 of title 5,  
11 United States Code, is amended by striking  
12 “EMPLOYEES” and inserting “PERSONS  
13 AND PAYMENTS FOR DISABILITY OR  
14 DEATH”.

15 (B) OTHER CONFORMING CHANGES.—The  
16 table of sections for chapter 55 of title 5,  
17 United States Code, is amended—

18 (i) by striking the item relating to  
19 subchapter VII and inserting the following:

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

20 (ii) by inserting after the item relating  
21 to section 5570 the following:

“5571. Employee death gratuity payments.”.

22 (b) OTHER EMPLOYEES.—

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

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

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

7           (C) by inserting after subparagraph (J),  
8 the following:

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

12          (2) CERTAIN TSA EMPLOYEES.—Section  
13 111(d)(2) of the Aviation and Transportation Secu-  
14 rity Act (49 U.S.C. 44935 note) is amended by add-  
15 ing at the end the following:

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

19          (3) VHA EMPLOYEES.—Section 7425 of title  
20 38, United States Code, is amended by adding at  
21 the end the following:

22           “(d) Notwithstanding any other provision of this sub-  
23 chapter, the Administration shall provide, with respect to  
24 individuals appointed to any position described in section  
25 7421(b) who are employed for compensation by the Ad-

1 ministration, the death gratuity under section 5571 of title  
2 5.”.

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

6 **SEC. 3. FUNERAL EXPENSES.**

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

9 (1) by inserting “(1)” after “(a)”;

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

11 and

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

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

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

20 (b) APPLICABILITY.—The amendments made by sub-  
21 section (a) shall apply with respect to any death occurring  
22 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 (a) IN GENERAL.—Section 8102a of title 5, United  
5 States Code, is 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, any compensation otherwise payable to an  
2 individual under this section in connection with any death  
3 shall be reduced by any amounts payable to such indi-  
4 vidual under any other program funded in whole or in part  
5 by the United States (excluding any amount payable  
6 under section 5569(d)) in connection with such death.”;

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

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

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

16 “(f) TAX TREATMENT.—A payment under this sec-  
17 tion shall not be includible in the gross income of the re-  
18 cipient for purposes of the Internal Revenue Code of  
19 1986.”.

20 (b) APPLICABILITY.—The amendments made by sub-  
21 section (a) shall apply with respect to any death occurring  
22 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.”;

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(e)(2) of title 5, United States Code.”; and

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

18 “(g) TAX TREATMENT.—A payment under this sec-  
19 tion shall not be includible in the gross income of the re-  
20 cipient for purposes of the Internal Revenue Code of  
21 1986.”.

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

1 **SEC. 6. ADJUSTMENT OF CERTAIN DEATH GRATUITIES**  
2 **UNDER TITLE 10 OF THE UNITED STATES**  
3 **CODE.**

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

6 (1) in subsection (a), by inserting after  
7 “\$100,000” the following:“, as adjusted each March  
8 1 by the amount determined by the Secretary of  
9 Labor to represent the percentage change in the  
10 Consumer Price Index for All Urban Consumers (all  
11 items; United States city average) published for De-  
12 cember of the preceding year over that Index pub-  
13 lished for the December of the year prior to the pre-  
14 ceding year, adjusted to the nearest  $\frac{1}{10}$  of 1 per-  
15 cent”; and

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

17 “(e) TAX TREATMENT.—A payment under this sec-  
18 tion shall not be includible in the gross income of the re-  
19 cipient for purposes of the Internal Revenue Code of  
20 1986.”.

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.

24 **SEC. 7. EMERGENCY SUPPLEMENTAL AUTHORIZATION OF**  
25 **APPROPRIATIONS.**

26 (a) DEFINITIONS.—In this section—

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

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

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

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

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

12         (b) AUTHORIZATION.—If the head of an agency de-  
13 termines, with the concurrence of the Director of the Of-  
14 fice of Management and Budget, that a natural disaster,  
15 act of terrorism, or other incident would result in costs  
16 that would exceed the amounts available to the agency to  
17 make additional payments under a covered provision—

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

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

24         (c) SENSE OF CONGRESS.—It is the sense of Con-  
25 gress that, not later than 30 days after the date on which

1 the head of an agency submits to Congress a request for  
2 supplemental appropriations for the purposes described in  
3 subsection (b), Congress should take action with respect  
4 to that request.

