

115TH CONGRESS
2D SESSION

H. R. 5982

To amend title 5, United States Code, to increase the gratuity owed upon death of an employee in connection with the employee's service with an Armed Force, to limit the amount of any death gratuity paid upon the death of a Member of Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2018

Mrs. WALORSKI introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to increase the gratuity owed upon death of an employee in connection with the employee's service with an Armed Force, to limit the amount of any death gratuity paid upon the death of a Member of Congress, 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,*

1 **SECTION 1. INCREASE IN GRATUITY FOR DEATH OF AN EM-**
2 **PLOYEE INCURRED IN CONNECTION WITH**
3 **THE EMPLOYEE'S SERVICE WITH AN ARMED**
4 **FORCE.**

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

7 (1) in subsection (a), by striking “\$100,000”
8 and inserting “\$200,000”; and

9 (2) in subsection (d)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1)(A) With respect to a death gratuity pay-
13 able upon the death of an employee covered by sub-
14 section (a)—

15 “(i) if the employee has a surviving spouse,
16 60 percent of the gratuity shall be paid to that
17 spouse and the remaining 40 percent of the
18 gratuity shall be paid in accordance with sub-
19 paragraphs (B) and (C) of this paragraph and
20 paragraphs (4) and (5); or

21 “(ii) if the employee has no surviving
22 spouse, the gratuity shall be paid in accordance
23 with subparagraphs (B) and (C) of this para-
24 graph and paragraphs (4) and (5).

25 “(B) Subject to paragraph (5), the remainder
26 of a death gratuity payable pursuant to subpara-

1 graph (A)(i), or a death gratuity payable pursuant
2 to subparagraph (A)(ii), (as the case may be) shall
3 be paid to or for the living survivor highest on the
4 following list:

5 “(i) The employee’s children, as prescribed
6 by paragraph (2), in equal shares.

7 “(ii) If designated by the employee, any
8 one or more of the following persons:

9 “(I) The employee’s parents or per-
10 sons in loco parentis, as prescribed by
11 paragraph (3).

12 “(II) The employee’s brothers.

13 “(III) The employee’s sisters.

14 “(iii) The employee’s parents or persons in
15 loco parentis, as prescribed by paragraph (3),
16 in equal shares.

17 “(iv) The employee’s brothers and sisters
18 in equal shares.

19 “(C) Clauses (ii) and (iv) of subparagraph (B)
20 include brothers and sisters of the half blood and
21 those through adoption.”; and

22 (B) by striking paragraph (6).

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
24 Subsection (d) of section 8102a of title 5, United States
25 Code, is further amended—

1 (1) in paragraph (2), by striking “Paragraph
2 (1)(B)” and inserting “Paragraph (1)(B)(i)”;

3 (2) in paragraph (3), by striking “Subpara-
4 graphs (C) and (D) of paragraph (1)” and inserting
5 “Clauses (ii) and (iii) of paragraph (1)(B)”;

6 (3) in paragraph (4)—

7 (A) by striking “A person” and inserting
8 “Except as provided in paragraph (1)(A)(i), a
9 person”; and

10 (B) by striking “subparagraphs (A)
11 through (E) of paragraph (1)” and inserting
12 “clauses (i) through (iv) of paragraph (1)(B).”;
13 and

14 (4) in paragraph (5), by striking “paragraph
15 (1).” and inserting “paragraph (1)(B).”.

16 (c) APPLICATION.—The amendments made by this
17 section shall apply with respect to the death of any em-
18 ployee described under section 8102a(a) of title 5, United
19 States Code, occurring after the date of enactment of this
20 section.

21 **SEC. 2. LIMITATION ON GRATUITY PAID UPON THE DEATH**
22 **OF A MEMBER OF CONGRESS.**

23 (a) LIMITATION.—No payment in excess of \$74,000
24 may be made from the applicable accounts of the House
25 of Representatives, the contingent fund of the Senate, or

1 any other appropriated funds for a death gratuity pay-
2 ment to the widow, widower, or heirs-at-law of any Mem-
3 ber of Congress who dies after the commencement of the
4 Congress to which the Member has been elected.

5 (b) NO EFFECT ON OTHER PAYMENTS TO SUR-
6 VIVORS.—Nothing in subsection (a) shall be construed to
7 prohibit or affect the payment to any individual of any
8 unpaid balance or salary or other sums due to a Member
9 of Congress who dies after the commencement of the Con-
10 gress to which the Member has been elected.

11 (c) DEFINITION.—For purposes of this section, a
12 “Member of Congress” means a Senator or a Representa-
13 tive in, or Delegate or Resident Commissioner to, the Con-
14 gress.

15 (d) APPLICATION.—This section shall apply with re-
16 spect to the death of any Member of Congress occurring
17 after the date of the enactment of this section.

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