

CIVILIAN SERVICE RECOGNITION ACT OF 2011

JULY 18, 2011.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. ISSA, from the Committee on Oversight and Government
Reform, submitted the following

R E P O R T

[To accompany H.R. 2061]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 2061) to authorize the presentation of
a United States flag at the funeral of Federal civilian employees
who are killed while performing official duties or because of their
status as a Federal employee, having considered the same, report
favorably thereon with amendments and recommend that the bill
as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Civilian Service Recognition Act of 2011”.

SEC. 2. PRESENTATION OF UNITED STATES FLAG ON BEHALF OF FEDERAL CIVILIAN EMPLOYEES WHO DIE OF INJURIES IN CONNECTION WITH THEIR EMPLOYMENT.

(a) **PRESENTATION AUTHORIZED.**—Upon receipt of a request under subsection (b), the head of an executive agency may pay the expenses incident to the presentation of a flag of the United States for an individual who—

- (1) was an employee of the agency; and
- (2) dies of injuries incurred in connection with such individual's employment with the Federal government.

(b) **REQUEST FOR FLAG.**—The head of an executive agency may furnish a flag for a deceased employee described in subsection (a) upon the request of—

- (1) the employee's next of kin; or
- (2) if no request is received from the next of kin, an individual other than the next of kin as determined by the Director of the Office of Personnel Management.

(c) **CLASSIFIED INFORMATION.**—The head of an executive agency may disclose information necessary to show that a deceased individual is an employee described in subsection (a) to the extent that such information is not classified and to the extent that such disclosure does not endanger the national security of the United States.

(d) **EMPLOYEE NOTIFICATION OF FLAG BENEFIT.**—The head of an executive agency shall provide appropriate notice to employees of the agency of the flag benefit provided for under this section.

(e) **REGULATIONS.**—The Director of the Office of Personnel Management, in coordination with the Secretary of Defense and the Secretary of Homeland Security, may prescribe regulations to implement this section. Any such regulations shall provide for the head of an executive agency to consider the conditions and circumstances surrounding the death of an employee and nature of the service of the employee.

(f) **DEFINITIONS.**—In this section:

(1) **EMPLOYEE.**—The term “employee” has the meaning given that term in section 2105 of title 5, United States Code, and includes—

- (A) individuals who perform volunteer services at the discretion of the head of an executive agency; and
- (B) an officer or employee of the United States Postal Service or of the Postal Regulatory Commission.

(2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given that term in section 105 of title 5, United States Code, and includes the United States Postal Service and the Postal Regulatory Commission.

Amend the title so as to read:

A bill to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.

COMMITTEE STATEMENT AND VIEWS

Purpose and Summary

The Federal Government's unique mission places some Federal civilian employees in dangerous situations. Sadly, nearly 3,000 Federal civilian workers have died on the job since 1992.¹ For those civilian employees who make the ultimate sacrifice in the course of service to their country, the *Civilian Service Recognition Act of 2011* authorizes presentation of a United States flag as a way for the Nation to formally express sympathy and gratitude.

Background and Need for Legislation

Many civilian employees are veterans and thus eligible for military funeral honors, which include presentment of a United States flag.² Federal civilian employees who die of injuries in connection with their service with an armed force in a contingency operation are eligible to receive a United States flag.³ While the Federal Government honors the sacrifice of its public servants who lose their lives in connection with our armed forces, it lacks a policy author-

¹ U.S. Office of Personnel Management, Office of Congressional Relations, June 22, 2011.

² 10 U.S.C. § 1491.

³ 10 U.S.C. § 1482a.

izing the presentment of a United States flag to the families of civilian employees serving elsewhere who lose their lives as a result of their employment. As U.S. Office of Personnel Management Director John Berry stated at the 2009 Excellence in Government conference, “Just as we owe our men and women who die in uniform more than we can ever repay, we owe these non-combatant workers a debt of honor as well, and I challenge anyone to say their lives are less dear.”⁴

Accordingly, H.R. 2061 authorizes agency heads to provide for the presentation of a United States flag to the next of kin of Federal civilian employees who lose their lives as a result of injuries in connection with their status as a Federal employee. Presentation of a United States flag is an appropriate way to honor Federal employees’ contributions to the American public. The Committee believes these individuals are no less deserving of our respect than members of our armed forces.

Legislative History

In 1993, Congress gave armed service secretaries authority to pay expenses incident to the death of a Federal civilian employee whose death results from injuries in connection with their service with an armed force in a contingency operation. Expenses include presentation of a United States flag to the next of kin of the employee.⁵

SECTION-BY-SECTION

Section 1. Short title

The short title of the bill is the “Civilian Service Recognition Act of 2011”.

Section 2. Presentation of United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment

Federal civilian employees who die of injuries in connection with their employment are eligible for a United States flag. Agency heads may furnish a flag and pay expenses incident to the presentation of the flag upon request of the deceased employee’s next of kin or another individual as determined by the Director of the Office of Personnel Management.

Agency heads shall inform employees of their eligibility for this benefit.

The Director of the Office of Personnel Management may prescribe regulations, in coordination with the Secretaries of Defense and Homeland Security. Such regulations shall require agency heads to consider the conditions and circumstances of the employee’s death and nature of their service.

EXPLANATION OF AMENDMENTS

Chairman Issa offered an amendment in the nature of a substitute making a number of changes designed to facilitate imple-

⁴ U.S. Office of Personnel Management, Director John Berry, *A New Day for the Civil Service*, Available at http://blogs.govexec.com/fedblog/2009/07/john_berrys_speech_at_excellen.php. (Last visited June 24, 2011).

⁵ P.L. 103–160, Sec. 368(a), November 30, 1993, 107 Stat. 1633.

mentation of the legislation. The amendment modifies the definition of eligibility to include an employee who dies of injuries incurred in connection with their status as a Federal employee, and to cover postal employees. The amendment provides agencies discretion in the presentation of the flag by authorizing agencies to pay for the expenses incident to such presentation. The amendment clarifies those eligible to request a flag, and grants the Director of the Office of Personnel Management authority to promulgate regulations in coordination with the Secretaries of the Departments of Defense and Homeland Security. Regulatory coordination will ensure appropriate benefits for employees also eligible for presentation of a flag under 10 U.S.C. § 1482a. The amendment was agreed to by voice vote.

COMMITTEE CONSIDERATION

On June 22, 2011, the Committee met in open session and ordered reported favorably the bill, H.R. 2061, as amended, by voice vote, a quorum being present.

ROLL CALL VOTES

No recorded votes were taken during the consideration of H.R. 2061.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill authorizes heads of executive branch agencies to provide for the presentation of a United States flag to the next of kin of Federal civilian employees who lose their lives as a result of injuries in connection with their status as a Federal employee. Legislative branch agencies are not authorized by this bill to provide for the presentation of a flag to the next of kin of legislative branch employees who lose their lives in connection with their status as a Federal employee.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

H.R. 2061 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 2061. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2061 from the Director of Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 6, 2011.

Hon. DARRELL ISSA,
*Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2061, the Civilian Service Recognition Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

ROBERT A. SUNSHINE.
(For Douglas W. Elmendorf, Director).

Enclosure.

H.R. 2061—Civilian Service Recognition Act of 2011

H.R. 2061 would authorize federal agencies to present a United States flag to the families of federal civilian employees who are killed while performing official duties or because of their status as

a federal employee. The bill would require the Office of Personnel Management, in coordination with the Departments of Defense and Homeland Security, to develop regulations to implement the legislation.

Based on the current cost to the government of obtaining and presenting flags, and the small number of likely recipients in any given year, CBO estimates that implementing H.R. 2061 would have no significant impact on the federal budget.

Enacting the bill could affect direct spending by agencies not funded through annual appropriations, such as the Tennessee Valley Authority and the Bonneville Power Administration; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting H.R. 2061 would not affect revenues.

H.R. 2061 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

There were no changes in existing law made by H.R. 2061.