

103D CONGRESS
1ST SESSION

H. R. 2474

To amend title 10, United States Code, to establish a program to assist members of the Armed Forces who are involuntarily separated from active duty to obtain training and employment as law enforcement officers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1993

Mr. HORN (for himself, Mr. TOWNS, Mr. GILMAN, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. MCDADE, Mr. MCKEON, Mr. MOORHEAD, Mr. PASTOR, Mr. RANGEL, Mr. SHAYS, Mr. TORRES, Mr. TRAFICANT, Mr. UPTON, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to establish a program to assist members of the Armed Forces who are involuntarily separated from active duty to obtain training and employment as law enforcement officers.

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 “Community Security
5 Act of 1993”.

1 **SEC. 2. DEPARTMENT OF DEFENSE PROGRAM TO ASSIST**
2 **DISCHARGED MEMBERS OF THE ARMED**
3 **FORCES TO OBTAIN TRAINING AND EMPLOY-**
4 **MENT AS LAW ENFORCEMENT OFFICERS.**

5 (a) TRAINING AND PLACEMENT PROGRAM.—Chapter
6 58 of title 10, United States Code, is amended by adding
7 at the end the following new section:

8 **“§ 1152. Training and placement of involuntarily sep-**
9 **arated members as law enforcement offi-**
10 **cers**

11 “(a) TRAINING AND PLACEMENT OF INVOLUNTARILY
12 SEPARATED MEMBERS.—The Secretary of Defense shall
13 establish a program to assist members of the armed forces
14 who are involuntarily separated from active duty after six
15 or more years of continuous active duty immediately be-
16 fore the separation to obtain training and employment as
17 law enforcement officers with a unit of local government
18 described in subsection (b).

19 “(b) LIMITATION ON ELIGIBILITY.—If a member of
20 the armed forces described in subsection (a) is not accept-
21 ed by a unit of local government for training and employ-
22 ment as a law enforcement officer within one year after
23 the date of the separation of the member, the member
24 shall not be eligible for a stipend under subsection (h),
25 and a unit of local government providing the training or

1 employment shall not receive assistance under this section
2 for such member.

3 “(c) AGREEMENTS WITH UNITS OF LOCAL GOVERN-
4 MENT.—(1) The Secretary of Defense shall offer to enter
5 into agreements under this subsection with any unit of
6 local government providing law enforcement functions in
7 a high crime area if the unit of local government agrees—

8 “(A) to select a member of the armed forces de-
9 scribed in subsection (a) to receive training as a law
10 enforcement officer;

11 “(B) to offer the member full-time employment
12 with the unit of local government as a law enforce-
13 ment officer for a period of at least two years; and

14 “(C) to treat the member so employed in the
15 same manner as any other law enforcement officer
16 employed by the unit of local government for pur-
17 poses of determining seniority, duty assignments, or
18 eligibility for benefits.

19 “(2) If a State does not have any high crime areas,
20 the Secretary shall enter into agreements under this sub-
21 section with units of local governments that provide law
22 enforcement functions in areas in the State with the high-
23 est rates of crime.

24 “(3) The actual selection of a member by a unit of
25 local government pursuant to the agreement shall be sub-

1 ject to the certification of the Secretary of Defense that
2 the member meets the eligibility requirements described
3 in subsection (a).

4 “(4) Under an agreement referred to in paragraph
5 (1), the Secretary of Defense shall agree to pay to the
6 unit of local government an amount based upon the basic
7 salary paid by the unit of local government to the selected
8 member as a law enforcement officer. The rate of payment
9 by the Secretary shall be as follows:

10 “(A) For the first year of employment, 100 per-
11 cent of the basic salary.

12 “(B) For the second year of employment, 80
13 percent of the basic salary.

14 “(C) For the third year of employment if con-
15 tinued under the agreement, 60 percent of the basic
16 salary.

17 “(D) For the fourth year of employment if con-
18 tinued under the agreement, 40 percent of the basic
19 salary.

20 “(E) For the fifth year of employment if con-
21 tinued under the agreement, 20 percent of the basic
22 salary.

23 “(5) Payments required under paragraph (4) may be
24 made by the Secretary of Defense in such installments as
25 the Secretary may determine. If the Secretary makes pay-

1 ments in advance and the member leaves the employment
2 of the unit of local government before the end of the period
3 covered by the advance payment, the unit of local govern-
4 ment shall reimburse the Secretary of Defense for any
5 portion of the advance payment that remains unpaid to
6 the member.

7 “(6) The Secretary of Defense may not enter into an
8 agreement under this subsection with a unit of local gov-
9 ernment if the Secretary determines that the agency ter-
10 minated the employment of another law enforcement offi-
11 cer in order to fill the vacancy so created with a member
12 described in subsection (a).

13 “(d) PRIORITY GIVEN TO VIOLENT CRIME AREAS.—
14 In entering into agreements with units of local government
15 under subsection (c), the Secretary of Defense shall give
16 priority to those units of local government performing law
17 enforcement functions in areas with an especially high rate
18 of violent crimes, as identified by the Attorney General.

19 “(e) ASSISTANCE SUBJECT TO AVAILABILITY OF AP-
20 PROPRIATIONS.—Each agreement under subsection (c)
21 shall contain a condition that the provision of assistance,
22 including stipends, under the agreement is subject to the
23 certification of the Secretary of Defense that, at the time
24 the member described in subsection (a) is selected to re-
25 ceive training and employment as a law enforcement offi-

1 cer, the Secretary has sufficient appropriations to carry
2 out this section available to satisfy the obligations to be
3 incurred by the United States with respect to the training
4 and employment of that member.

5 “(f) NUMBER OF PARTICIPANTS PER STATE.—(1)
6 Except as provided in paragraph (2), for each fiscal year,
7 the number of members of the armed forces who are se-
8 lected to receive assisted training and employment under
9 this section as law enforcement officers in a particular
10 State may not exceed the number that bears the same
11 ratio to 75 percent of the total number of participants to
12 be selected in that fiscal year as the population of that
13 State bears to the total population of all the States.

14 “(2) Of the total number of members to be selected
15 to receive assisted training and employment under this
16 section for a fiscal year, 25 percent of such participants
17 shall be selected pursuant to agreements entered into
18 under subsection (c) on a competitive basis without regard
19 to the limitation on the number of participants per State
20 specified in paragraph (1).

21 “(g) PARTICIPANT AGREEMENT.—A member of the
22 armed forces described in subsection (a) who is selected
23 by a unit of local government to receive assisted training
24 and employment as a law enforcement officer pursuant to
25 an agreement under subsection (c) shall be required to

1 enter into an agreement with the unit of local government
2 and the Secretary of Defense in which the member
3 agrees—

4 “(1) to obtain, within such time as the unit of
5 local government may require, the training required
6 by the unit of local government to become a law en-
7 forcement officer; and

8 “(2) to accept employment with the unit of
9 local government as a law enforcement officer for at
10 least two years, to begin within six months after
11 completing the training under paragraph (1).

12 “(h) TRAINING STIPEND.—(1) Except as provided in
13 paragraph (2), the Secretary of Defense shall pay to each
14 member of the armed forces who is selected to receive as-
15 sisted training and employment as a law enforcement offi-
16 cer pursuant to an agreement under subsection (c) a sti-
17 pend in an amount equal to not more than \$5,000 to cover
18 costs incurred by the member while training to become
19 a law enforcement officer.

20 “(2) A member who is employed by the unit of local
21 government or receives a living allowance from the unit
22 of local government while receiving training as a law en-
23 forcement officer shall not be paid a stipend under para-
24 graph (1).

1 “(i) REIMBURSEMENT UNDER CERTAIN CIR-
2 CUMSTANCES.—(1) If a member of the armed forces who
3 receives assisted training and employment as a law en-
4 forcement officer under this section fails to successfully
5 complete the training required to become a law enforce-
6 ment officer or voluntarily leaves, or is terminated for
7 cause, from the employment during the one year of re-
8 quired employment, the member shall be required to reim-
9 burse the Secretary of Defense for any stipend paid to
10 the person under subsection (h)(1) in an amount that
11 bears the same ratio to the amount of the stipend as the
12 unserved portion of required service bears to the one year
13 of required service.

14 “(2) The obligation to reimburse the Secretary under
15 this subsection is, for all purposes, a debt owing the Unit-
16 ed States. A discharge in bankruptcy under title 11 shall
17 not release a member described in subsection (a) from the
18 obligation to reimburse the Secretary. Any amount owed
19 by a person under paragraph (1) shall bear interest at
20 the rate equal to the highest rate being paid by the United
21 States on the day on which the reimbursement is deter-
22 mined to be due for securities having maturities of ninety
23 days or less and shall accrue from the day on which the
24 person is first notified of the amount due. The Secretary
25 may enter into an agreement with the Secretary of the

1 Treasury to arrange for the collection of amounts owed
2 by a person under paragraph (1) through the Internal
3 Revenue Code of 1986.

4 “(j) EXCEPTIONS TO REIMBURSEMENT PROVI-
5 SIONS.—(1) A member of the armed forces described in
6 subsection (a) shall not be considered to be in violation
7 of an agreement entered into under subsection (g) during
8 any period in which the member—

9 “(A) is pursuing a full-time course of study, ap-
10 proved by the unit of local government involved, re-
11 lated to the field of law enforcement at an edu-
12 cational or vocational institution;

13 “(B) is serving on active duty as a member of
14 the Armed Forces;

15 “(C) is employed by any unit of local govern-
16 ment and serves as a law enforcement officer in a
17 high crime area;

18 “(D) is temporarily totally disabled for a period
19 of time not to exceed three years as established by
20 sworn affidavit of a qualified physician;

21 “(E) is unable to secure employment for a pe-
22 riod not to exceed 12 months by reason of the care
23 required by a spouse who is disabled; or

1 “(F) satisfies the provisions of such additional
2 reimbursement exceptions as may be prescribed by
3 the Secretary of Defense.

4 “(2) A person shall be excused from reimbursement
5 under subsection (i) if the person becomes permanently
6 totally disabled as established by sworn affidavit of a
7 qualified physician. The Secretary may also waive reim-
8 bursement in cases of extreme hardship to the person, as
9 determined by the Secretary.

10 “(k) INFORMATION REGARDING PLACEMENT PRO-
11 GRAM.—The Secretary of Defense shall provide informa-
12 tion regarding the training and placement opportunities
13 available under this section to members of the armed
14 forces as part of preseparation counseling provided under
15 section 1142 of this title. The information provided shall
16 include a list of all units of local government with which
17 the Secretary has entered into an agreement under sub-
18 section (c) and the name, address, and telephone number
19 of the representative of each unit of local government ad-
20 ministering the agreement on behalf of the unit of local
21 government.

22 “(l) SPECIAL ELIGIBILITY OF CERTAIN PERSONS AL-
23 READY SEPARATED OR TERMINATED.—A member of the
24 armed forces described in subsection (a) who was involun-
25 tarily separated during the period beginning on October

1 1, 1990, and ending on October 1, 1993, may receive as-
2 sisted training and employment under this section if the
3 member is accepted by a unit of local government for
4 training and employment as a law enforcement officer by
5 October 1, 1994.

6 “(m) EXPANSION OF PROGRAM.—(1) If the Secretary
7 of Defense determines for a fiscal year that the number
8 of eligible members likely to be selected to participate in
9 the training and placement program under this section the
10 Secretary may authorize local governments entering into
11 an agreement under subsection (c) to select—

12 “(A) civilian employees of the Department of
13 Defense who are terminated from employment with
14 the Department as a result of reductions in defense
15 spending or the closure or realignment of a military
16 installation; and

17 “(B) employees of private defense contractors
18 who were employed for not less than five years with
19 a private defense contractor and are terminated or
20 laid off (or receive a notice of termination or lay off)
21 as a result of the completion or termination of a de-
22 fense contract or program or reductions in defense
23 spending.

24 “(2) A civilian employee of the Department of De-
25 fense or the Department of Energy or an employee of a

1 private defense contractor who is terminated for cause
2 shall not be eligible for a stipend under subsection (h),
3 and a unit of local government providing training or em-
4 ployment to such an employee shall not receive assistance
5 under this section for such employee.

6 “(n) DEFINITIONS.—In this section:

7 “(1) The term ‘State’ includes the District of
8 Columbia, American Samoa, the Federated States of
9 Micronesia, Guam, the Republic of the Marshall Is-
10 lands, the Commonwealth of the Northern Mariana
11 Islands, the Commonwealth of Puerto Rico, Palau,
12 and the Virgin Islands.

13 “(2) The term ‘unit of local government’
14 means—

15 “(A) any city, county, township, town, bor-
16 ough, parish, village, or other general purpose
17 political subdivision of a State;

18 “(B) an Indian tribe which performs law
19 enforcement functions as determined by the
20 Secretary of the Interior; or

21 “(C) any agency of the District of Colum-
22 bia government or the United States Govern-
23 ment performing law enforcement functions in
24 and for the District of Columbia.

