

109TH CONGRESS
2D SESSION

H. R. 6262

To provide increased benefits for public safety officers disabled in the line of duty, and for the spouses and children of public safety officers killed or disabled in the line of duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2006

Mrs. KELLY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, 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 provide increased benefits for public safety officers disabled in the line of duty, and for the spouses and children of public safety officers killed or disabled 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 “Special Agent Scott
5 K. Carey Public Safety Officer Benefits Enhancement
6 Act”.

1 **TITLE I—EDUCATIONAL ASSIST-**
2 **ANCE TO OFFICERS DIS-**
3 **ABLED IN THE LINE OF DUTY**

4 **SEC. 101. BASIC ELIGIBILITY.**

5 Section 1212(a)(1) of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (42 U.S.C. 3796d–1(a)(1))
7 is amended—

8 (1) by striking “a dependent” and inserting
9 “an eligible dependent”; and

10 (2) by striking “education” and all that follows
11 through the period at the end and inserting “edu-
12 cation.”.

13 **SEC. 102. APPLICATIONS; APPROVAL.**

14 Section 1213 of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C. 3796d–2) is amended—

16 (1) in subsection (b)—

17 (A) by striking “the dependent” each place
18 it appears and inserting “the applicant”; and

19 (B) by striking “the dependent’s” each
20 place it appears and inserting “the applicant’s”;
21 and

22 (2) in subsection (c), by striking “a dependent”
23 and inserting “an applicant”.

1 **SEC. 103. RETROACTIVE BENEFITS.**

2 Section 1216(a) of the Omnibus Crime Control and
3 Safe Streets Act of 1968 (42 U.S.C. 3796d–5(a)) is
4 amended to read as follows:

5 “(a) RETROACTIVE ELIGIBILITY.—Notwithstanding
6 any other provision of law, but subject to the limitations
7 of this subpart, an eligible dependent of a public safety
8 officer shall be eligible for assistance under this subpart
9 if such an officer—

10 “(1) dies in the line of duty on or after January
11 1, 1978; or

12 “(2) becomes permanently and totally disabled
13 as the direct result of a catastrophic injury sus-
14 tained in the line of duty on or after January 1,
15 1978.”.

16 **SEC. 104. DEFINITIONS.**

17 Section 1217 of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3796d–6) is amended by
19 adding at the end the following new paragraphs:

20 “(4) The term ‘eligible dependent’ means—

21 “(A) any public safety officer who is eligi-
22 ble to receive benefits under section 1201(b);

23 “(B) the child of any public safety officer
24 who is described in section 1201(a), or who is
25 eligible to receive benefits under section
26 1201(b); and

1 “(C) the spouse of any public safety officer
 2 described in subparagraph (B) at the time of
 3 such officer’s death or on the date of such offi-
 4 cer’s totally and permanently disabling injury.

5 “(5) The term ‘public safety officer’ includes—

6 “(A) any public safety officer described in
 7 paragraph (9) of section 1204; and

8 “(B) any other individual who is employed
 9 by any Federal, State, county, or local agency
 10 and, as a result of such employment, is—

11 “(i) empowered by law to conduct an
 12 investigation of or to make an arrest for a
 13 felony offense; or

14 “(ii) authorized by law to prosecute or
 15 participate in the prosecution of a felony
 16 offense.”.

17 **TITLE II—SURVIVOR PENSIONS**

18 **SEC. 201. SURVIVOR PENSIONS.**

19 Part L of the Omnibus Crime Control and Safe
 20 Streets Act of 1968 is further amended by adding after
 21 section 1218 (42 U.S.C. 3796d-7) the following new sub-
 22 part:

1 **“Subpart 3—Survivor Pensions**

2 **“SEC. 1221. SURVIVOR PENSIONS ESTABLISHED.**

3 “In any case in which the Bureau is required to pay
4 a benefit under section 1201(a), the Bureau shall also pay
5 an annual pension to one or more survivors of the de-
6 ceased public safety officer in accordance with this sub-
7 part.

8 **“SEC. 1222. PAYMENTS TO BENEFICIARIES.**

9 “(a) BENEFICIARIES DETERMINED.—An annual pen-
10 sion under this subpart shall be paid to one or more sur-
11 vivors of the deceased public safety officer as follows:

12 “(1) If there is a surviving spouse of such offi-
13 cer, a pension equal to 80 percent of the applicable
14 amount under section 1223(a), paid to the surviving
15 spouse.

16 “(2) If there is no surviving spouse, but—

17 “(A) there is one surviving child of such
18 officer, a pension equal to 20 percent of the ap-
19 plicable amount under section 1223(a), paid to
20 that surviving child;

21 “(B) there are two surviving children of
22 such officer, a pension equal to 35 percent of
23 the applicable amount under section 1223(a),
24 paid to the children in equal shares;

25 “(C) there are three surviving children of
26 such officer, a pension equal to 50 percent of

1 the applicable amount under section 1223(a),
2 paid to the children in equal shares; or

3 “(D) there are four or more surviving chil-
4 dren of such officer, a pension equal to 60 per-
5 cent of the applicable amount under section
6 1223(a), paid to the children in equal shares.

7 “(3) If there is no surviving spouse or surviving
8 child, but—

9 “(A) there is one surviving parent of such
10 officer, a pension equal to 20 percent of the ap-
11 plicable amount under section 1223(a), paid to
12 that parent; or

13 “(B) there are two surviving parents of
14 such officer, a pension equal to 40 percent of
15 the applicable amount under section 1223(a),
16 paid to the parents in equal shares.

17 “(4) If none of the above, a pension equal to 20
18 percent of the applicable amount under section
19 1223(a), paid—

20 “(A) in the case of a claim made on or
21 after the date that is 90 days after the date of
22 the enactment of this subparagraph, to the indi-
23 vidual designated by such officer as beneficiary
24 under this subpart in the officer’s most recently
25 executed designation of beneficiary on file at

1 the time of death with such officer's public safe-
 2 ty agency, organization, or unit, provided that
 3 such individual survived such officer; or

4 “(B) if there is no individual qualifying
 5 under subparagraph (A), to the individual des-
 6 ignated by such officer as beneficiary under
 7 such officer's most recently executed life insur-
 8 ance policy on file at the time of death with
 9 such officer's public safety agency, organization,
 10 or unit, provided that such individual survived
 11 such officer.

12 “(b) PAYABLE FOR LIFETIME.—An annual pension
 13 or share of a pension under this section shall be paid for
 14 the lifetime of the beneficiary, without regard to the mar-
 15 ital status or any other status of the beneficiary.

16 **“SEC. 1223. PENSION AMOUNT.**

17 “(a) AMOUNT USED TO DETERMINE ANNUAL PEN-
 18 SION.—The amount used to determine the amount of an
 19 annual pension under this subpart shall be the greater of
 20 the following:

21 “(1) The annual base salary of the officer at
 22 the time of the officer's death, adjusted in accord-
 23 ance with subsection (b).

24 “(2) \$60,000, adjusted in accordance with sub-
 25 section (b).

1 “(b) COST OF LIVING ADJUSTMENTS.—On October
 2 1 of each fiscal year beginning after the effective date of
 3 this subpart, the Bureau shall adjust the amounts used
 4 to determine the amount of an annual pension under this
 5 subpart immediately before such October 1 under sub-
 6 section (a), to reflect the annual percentage change in the
 7 Consumer Price Index for All Urban Consumers, pub-
 8 lished by the Bureau of Labor Statistics, occurring in the
 9 1-year period ending on June 1 immediately preceding
 10 such October 1.

11 **“SEC. 1224. DEFINITION.**

12 “Notwithstanding paragraph (3) of section 1204, for
 13 the purposes of this subpart the term ‘child’ means any
 14 natural, illegitimate, adopted, or posthumous child or step-
 15 child of a deceased public safety officer.”.

16 **TITLE III—PUBLIC SAFETY**
 17 **OFFICER SCHOLARSHIPS**

18 **SEC. 301. PUBLIC SAFETY OFFICER SCHOLARSHIPS.**

19 (a) IN GENERAL.—

20 (1) SCHOLARSHIP AWARDS.—The Secretary of
 21 Education is authorized to award a Public Safety
 22 Officer scholarship, in accordance with this title,
 23 to—

24 (A) any eligible applicant who is attending,
 25 or who has been accepted for attendance at,

1 any eligible institution providing instruction for
2 one or more grades of kindergarten, elementary
3 school, or secondary school; and

4 (B) any eligible applicant who is enrolled,
5 or has been accepted for enrollment, as a full-
6 time or part-time postsecondary student in any
7 eligible institution providing a degree-granting
8 program for one or more postsecondary degrees.

9 (2) APPLICATION.—To receive a scholarship
10 award under this title, an eligible applicant shall
11 submit an application to the Secretary at such time,
12 in such manner, and containing such information as
13 the Secretary may require. Such an application shall
14 be accompanied by a certification from the head of
15 the public safety agency, organization, or unit that
16 employed the public safety officer by reason of whom
17 the applicant is claiming eligibility, certifying that
18 such officer is a deceased or disabled officer, as de-
19 fined in paragraph (1) of section 305.

20 (b) MAXIMUM AWARD.—

21 (1) ELEMENTARY AND SECONDARY AWARDS.—
22 For any academic year, the maximum amount of a
23 scholarship award under this section for a kinder-
24 garten, elementary school, or secondary school stu-
25 dent shall not exceed the lesser of the following:

1 (A) The average per pupil expenditure for
2 elementary and secondary education of the local
3 educational agency for the geographic area in
4 which the eligible applicant resides.

5 (B) The actual cost to the student for at-
6 tendance at the school, including expenses such
7 as tuition, fees, books, transportation costs, and
8 other related expenses, as determined by the
9 Secretary.

10 (2) POSTSECONDARY AWARDS.—For any aca-
11 demic year, the maximum amount of a scholarship
12 award under this section for a postsecondary student
13 shall not exceed the lesser of the following:

14 (A) The average cost of attendance (as de-
15 fined in section 472 of the Higher Education
16 Act of 1965 (20 U.S.C. 1087kk)), at a State
17 university in the State in which the student re-
18 sides, for a State resident carrying the same
19 academic workload as the student, with the
20 same number of dependents as the student, and
21 residing in the same type of housing as the stu-
22 dent.

23 (B) The actual cost of attendance (as de-
24 fined in section 472 of the Higher Education

1 Act of 1965 (20 U.S.C. 1087kk)) of such stu-
2 dent.

3 (c) AWARD PERIOD.—The maximum duration of
4 each scholarship award under this title—

5 (1) for a kindergarten, elementary school, or
6 secondary school student, shall be the period of time
7 normally required for the completion of a high
8 school diploma by a student in the grade that the re-
9 cipient is in at the time the award commences, as
10 determined by the Secretary; and

11 (2) for a postsecondary student, shall be the
12 lesser of—

13 (A) the time actually required by the stu-
14 dent to complete the course of study for which
15 the student is receiving the scholarship award
16 under this title;

17 (B) 6 years, in the case of a student en-
18 rolled in undergraduate studies; or

19 (C) 3 years, in the case of a student en-
20 rolled in postgraduate studies.

21 (d) NOTIFICATION.—The Secretary shall notify the
22 applicant and the eligible institution of the applicant's se-
23 lection for receipt of a scholarship award under this title,
24 and the conditions pertaining to scholarship award eligi-
25 bility and continuance.

1 (e) FISCAL AGENT.—The Secretary shall, if prac-
2 ticable, use eligible institutions as fiscal agents for the
3 payment of scholarship awards.

4 **SEC. 302. ADDITIONAL AWARD REQUIREMENTS.**

5 A student awarded a scholarship under this title shall
6 demonstrate to the satisfaction of the Secretary, as a con-
7 dition for initial receipt of such award and periodically
8 thereafter as a condition for its continuation, that the stu-
9 dent is—

10 (1) maintaining satisfactory progress in the
11 course of study the student is pursuing—

12 (A) in the case of a kindergarten, elemen-
13 tary school, or secondary school student, as
14 such satisfactory progress is determined by the
15 Secretary; and

16 (B) in the case of a postsecondary student,
17 consistent with section 484(c) of the Higher
18 Education Act of 1965;

19 (2) committed to remaining drug-free; and

20 (3) attending classes on a regular basis so as
21 not to interfere with the normal course of studies,
22 except for excused absence for vacation, illness, mili-
23 tary service, or such other reason deemed good cause
24 by the eligible institution or the Secretary.

1 **SEC. 303. AGREEMENTS WITH ELIGIBLE INSTITUTIONS.**

2 For the purposes of this title, the Secretary is author-
3 ized to enter into agreements with eligible institutions in
4 which any student receiving a scholarship award under
5 this title has enrolled or has been accepted for enrollment.
6 Each such agreement shall provide—

7 (1) that the institution shall cooperate with the
8 Secretary in carrying out this title, including the
9 provision of information necessary for a student to
10 satisfy the requirements in section 302;

11 (2) that the institution shall conduct a periodic
12 review to determine whether students enrolled at the
13 institution and receiving a scholarship award under
14 this title continue to be eligible to receive such schol-
15 arship award, and shall notify the Secretary of the
16 results of such reviews; and

17 (3) for control and accounting procedures as
18 may be necessary to assure proper disbursement and
19 accounting of funds paid to the institution under
20 section 301(e).

21 **SEC. 304. TREATMENT OF SCHOLARSHIPS FOR PURPOSES**
22 **OF FINANCIAL AID.**

23 Notwithstanding any other provision of law, a schol-
24 arship award received under this title shall not be taken
25 into account in determining the need or eligibility of a per-
26 son for student financial assistance, or the amount of such

1 assistance, under title IV of the Higher Education Act of
2 1965 (20 U.S.C. 1001 et seq.).

3 **SEC. 305. DEFINITIONS.**

4 In this title:

5 (1) DECEASED OR DISABLED OFFICER.—The
6 term “deceased or disabled officer” means a public
7 safety officer with respect to whom the Bureau of
8 Justice Assistance has determined, in accordance
9 with section 1201 of the Omnibus Crime Control
10 and Safe Streets Act of 1968 (42 U.S.C. 3796) and
11 under regulations issued pursuant to part L of such
12 Act, that such public safety officer—

13 (A) has died as the direct and proximate
14 result of a personal injury sustained in the line
15 of duty; or

16 (B) has become permanently and totally
17 disabled as the direct result of a catastrophic
18 injury sustained in the line of duty.

19 (2) DEPENDENT CHILD.—The term “dependent
20 child” means a child of a deceased or disabled offi-
21 cer, including a stepchild or an adopted child, who—

22 (A) is living with or receiving regular sup-
23 port contributions from such deceased or dis-
24 abled officer—

1 (i) at the time of the officer's death;

2 or

3 (ii) at the time of the officer's totally

4 and permanently disabling injury; and

5 (B) at the start of the academic year for

6 which a scholarship award is received, is 25

7 years of age or under.

8 (3) ELIGIBLE APPLICANT.—The term “eligible

9 applicant” means a person residing in a State who

10 is any of the following:

11 (A) A public safety officer described in

12 paragraph (1)(B).

13 (B) An eligible spouse of a deceased or dis-

14 abled officer.

15 (C) A dependent child of a deceased or dis-

16 abled officer.

17 (4) ELIGIBLE INSTITUTION.—The term “eligi-

18 ble institution” means any public or private kinder-

19 garten, elementary school, or secondary school as de-

20 fined in section 7801 of the Elementary and Sec-

21 ondary Education Act of 1965, or any institution of

22 higher education, as defined in section 102 of the

23 Higher Education Act of 1965, that—

24 (A) is located in a State; and

1 (B) complies with the antidiscrimination
2 provisions of section 601 of the Civil Rights Act
3 of 1964 and does not discriminate on the basis
4 of race.

5 (5) ELIGIBLE SPOUSE.—The term “eligible
6 spouse” means an individual who is the legally mar-
7 ried husband or wife of a deceased or disabled offi-
8 cer—

9 (A) in the case of a deceased officer, at the
10 time of the officer’s death; or

11 (B) in the case of a disabled officer, at the
12 time of the officer’s totally and permanently
13 disabling injury, and at the time of the deter-
14 mination of eligibility for a scholarship award
15 under this title.

16 (6) PUBLIC SAFETY OFFICER.—The term “pub-
17 lic safety officer” has the meaning given such term
18 in section 1217 of the Omnibus Crime Control and
19 Safe Streets Act of 1968 (42 U.S.C. 3796d–6), as
20 added by section 104 of this Act.

21 (7) SECRETARY.—The term “Secretary” means
22 the Secretary of Education.

23 (8) STATE.—The term “State” means any
24 State of the United States, the District of Columbia,

1 the Commonwealth of Puerto Rico, and any territory
2 or possession of the United States.

3 **TITLE IV—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 401. COMPENSATION IN CASE OF DEATH.**

6 Section 8133(b)(1) of title 5, United States Code, is
7 amended by striking “or remarries before reaching age
8 55”.

9 **SEC. 402. BENEFITS DEFINITION CONFORMING AMEND-**
10 **MENT.**

11 Section 1204 of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (42 U.S.C. 3796b) is amended by
13 striking “As used in this part—” and inserting “Except
14 as otherwise expressly provided, as used in this part—”

