

115TH CONGRESS
2D SESSION

H. R. 4804

To amend title 5, United States Code, to allow injured Federal law enforcement officers to continue to serve their agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2018

Mr. LANGEVIN (for himself, Mr. RUSSELL, Mr. KING of New York, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, 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 allow injured Federal law enforcement officers to continue to serve their agencies, 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 “Continuation on Active
5 Service Act”.

1 **SEC. 2. CONTINUED SERVICE OF INJURED FEDERAL LAW**
2 **ENFORCEMENT OFFICERS.**

3 (a) IN GENERAL.—Chapter 33 of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 3330f. Law enforcement officers; continued service**
7 **after injury**

8 “(a) An agency may waive any medical standards or
9 physical requirements applicable to a position occupied by
10 a law enforcement officer if the officer suffers a qualifying
11 injury.

12 “(b) In carrying out subsection (a), the employing
13 agency—

14 “(1) may utilize a medical review board as es-
15 tablished under the authority granted by this title;

16 “(2) may assign the officer duties that take the
17 qualifying injury into account;

18 “(3) may not reduce the general schedule pay
19 scale of the injured law enforcement officer who re-
20 turns to work full-time after the incidence of injury
21 even if the duties are adjusted; and

22 “(4) shall take into account the health and
23 safety of the officer and others.

24 “(c) Not later than 60 days after the date of enact-
25 ment of this section, the Office of Personnel Management
26 shall promulgate regulations to carry out this section.

1 Such regulations shall provide consistent application of
2 this section, to the greatest extent practicable, in each em-
3 ploying agency.

4 “(d) A law enforcement officer who receives a waiver
5 under this section shall be subject to the retirement bene-
6 fits provisions under chapter 83 or 84 that would other-
7 wise apply to the officer had the officer not suffered a
8 qualifying injury.

9 “(e) In this section—

10 “(1) the term ‘law enforcement officer’ has the
11 meaning given such term in sections 8331(20) and
12 8401(17), and includes any member of the Capitol
13 Police, the Supreme Court Police, or the United
14 States Secret Service Uniformed Division; and

15 “(2) the term ‘qualifying injury’ means an in-
16 jury—

17 “(A) that results in the officer being un-
18 able to meet the medical standards or physical
19 requirements otherwise required to occupy the
20 applicable law enforcement position; and

21 “(B) is not due to misconduct, willful neg-
22 ligence, or incurred during an unauthorized ab-
23 sence.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 of such chapter is amended by adding after the item relat-
3 ing to section 3330e the following new item:

“3330f. Law enforcement officers; continued service after injury.”.

4 (c) RETROACTIVE APPLICATION PERMISSIBLE.—

5 (1) IN GENERAL.—The authority provided by
6 section 3330f of title 5, United States Code, as
7 added by subsection (a), may be applied to any law
8 enforcement officer who, before the date of enact-
9 ment of this Act, suffered a qualifying injury (as
10 that term is defined in such section).

11 (2) REPORT TO CONGRESS.—An agency head
12 shall submit a report to Congress with respect to
13 each instance that the authority provided in para-
14 graph (1) is exercised.

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