

110TH CONGRESS
2^D SESSION

S. 2565

AN ACT

To establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Law Enforcement Con-
3 gressional Badge of Bravery Act of 2008”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **FEDERAL AGENCY HEAD.**—The term “Fed-
7 eral agency head” means the head of any executive,
8 legislative, or judicial branch Government entity that
9 employs Federal law enforcement officers.

10 (2) **FEDERAL BOARD.**—The term “Federal
11 Board” means the Federal Law Enforcement Con-
12 gressional Badge of Bravery Board established
13 under section 103(a).

14 (3) **FEDERAL BOARD MEMBERS.**—The term
15 “Federal Board members” means the members of
16 the Federal Board appointed under section 103(c).

17 (4) **FEDERAL LAW ENFORCEMENT BADGE.**—
18 The term “Federal Law Enforcement Badge” means
19 the Federal Law Enforcement Congressional Badge
20 of Bravery described in section 101.

21 (5) **FEDERAL LAW ENFORCEMENT OFFICER.**—
22 The term “Federal law enforcement officer”—

23 (A) means a Federal employee—

24 (i) who has statutory authority to
25 make arrests or apprehensions;

1 (ii) who is authorized by the agency of
2 the employee to carry firearms; and

3 (iii) whose duties are primarily—

4 (I) engagement in or supervision
5 of the prevention, detection, investiga-
6 tion, or prosecution of, or the incar-
7 ceration of any person for, any viola-
8 tion of law; or

9 (II) the protection of Federal,
10 State, local, or foreign government of-
11 ficials against threats to personal
12 safety; and

13 (B) includes a law enforcement officer em-
14 ployed by the Amtrak Police Department or
15 Federal Reserve.

16 (6) OFFICE.—The term “Office” means the
17 Congressional Badge of Bravery Office established
18 under section 301(a).

19 (7) STATE AND LOCAL BOARD.—The term
20 “State and Local Board” means the State and Local
21 Law Enforcement Congressional Badge of Bravery
22 Board established under section 203(a).

23 (8) STATE AND LOCAL BOARD MEMBERS.—The
24 term “State and Local Board members” means the

1 members of the State and Local Board appointed
2 under section 203(c).

3 (9) STATE AND LOCAL LAW ENFORCEMENT
4 BADGE.—The term “State and Local Law Enforce-
5 ment Badge” means the State and Local Law En-
6 forcement Congressional Badge of Bravery described
7 in section 201.

8 (10) STATE OR LOCAL AGENCY HEAD.—The
9 term “State or local agency head” means the head
10 of any executive, legislative, or judicial branch entity
11 of a State or local government that employs State or
12 local law enforcement officers.

13 (11) STATE OR LOCAL LAW ENFORCEMENT OF-
14 FICER.—The term “State or local law enforcement
15 officer” means an employee of a State or local gov-
16 ernment—

17 (A) who has statutory authority to make
18 arrests or apprehensions;

19 (B) who is authorized by the agency of the
20 employee to carry firearms; and

21 (C) whose duties are primarily—

22 (i) engagement in or supervision of
23 the prevention, detection, investigation, or
24 prosecution of, or the incarceration of any
25 person for, any violation of law; or

1 (ii) the protection of Federal, State,
 2 local, or foreign government officials
 3 against threats to personal safety.

4 **TITLE I—FEDERAL LAW EN-**
 5 **FORCEMENT CONGRES-**
 6 **SIONAL BADGE OF BRAVERY**

7 **SEC. 101. AUTHORIZATION OF A BADGE.**

8 The Attorney General may award, and a Member of
 9 Congress or the Attorney General may present, in the
 10 name of Congress a Federal Law Enforcement Congres-
 11 sional Badge of Bravery to a Federal law enforcement offi-
 12 cer who is cited by the Attorney General, upon the rec-
 13 ommendation of the Federal Board, for performing an act
 14 of bravery while in the line of duty.

15 **SEC. 102. NOMINATIONS.**

16 (a) IN GENERAL.—A Federal agency head may nomi-
 17 nate for a Federal Law Enforcement Badge an indi-
 18 vidual—

19 (1) who is a Federal law enforcement officer
 20 working within the agency of the Federal agency
 21 head making the nomination; and

22 (2) who—

23 (A)(i) sustained a physical injury while—

24 (I) engaged in the lawful duties
 25 of the individual; and

1 (II) performing an act character-
2 ized as bravery by the Federal agency
3 head making the nomination; and

4 (ii) put the individual at personal risk
5 when the injury described in clause (i) oc-
6 curred; or

7 (B) while not injured, performed an act
8 characterized as bravery by the Federal agency
9 head making the nomination that placed the in-
10 dividual at risk of serious physical injury or
11 death.

12 (b) CONTENTS.—A nomination under subsection (a)
13 shall include—

14 (1) a written narrative, of not more than 2
15 pages, describing the circumstances under which the
16 nominee performed the act of bravery described in
17 subsection (a) and how the circumstances meet the
18 criteria described in such subsection;

19 (2) the full name of the nominee;

20 (3) the home mailing address of the nominee;

21 (4) the agency in which the nominee served on
22 the date when such nominee performed the act of
23 bravery described in subsection (a);

24 (5) the occupational title and grade or rank of
25 the nominee;

1 (3) Recommend recipients of the Federal Law
2 Enforcement Badge from among those nominations
3 timely submitted to the Office.

4 (4) Annually present to the Attorney General
5 the names of Federal law enforcement officers who
6 the Federal Board recommends as Federal Law En-
7 forcement Badge recipients in accordance with the
8 criteria described in section 102(a).

9 (5) After approval by the Attorney General—

10 (A) procure the Federal Law Enforcement
11 Badges from the engraver selected under para-
12 graph (2);

13 (B) send a letter announcing the award of
14 each Federal Law Enforcement Badge to the
15 Federal agency head who nominated the recipi-
16 ent of such Federal Law Enforcement Badge;

17 (C) send a letter to each Member of Con-
18 gress representing the congressional district
19 where the recipient of each Federal Law En-
20 forcement Badge resides to offer such Member
21 an opportunity to present such Federal Law
22 Enforcement Badge; and

23 (D) make or facilitate arrangements for
24 presenting each Federal Law Enforcement
25 Badge in accordance with section 104.

1 (6) Set an annual timetable for fulfilling the
2 duties described in this subsection.

3 (c) MEMBERSHIP.—

4 (1) NUMBER AND APPOINTMENT.—The Federal
5 Board shall be composed of 7 members appointed as
6 follows:

7 (A) One member jointly appointed by the
8 majority leader and minority leader of the Sen-
9 ate.

10 (B) One member jointly appointed by the
11 Speaker and minority leader of the House of
12 Representatives.

13 (C) One member from the Department of
14 Justice appointed by the Attorney General.

15 (D) Two members of the Federal Law En-
16 forcement Officers Association appointed by the
17 Executive Board of the Federal Law Enforce-
18 ment Officers Association.

19 (E) Two members of the Fraternal Order
20 of Police appointed by the Executive Board of
21 the Fraternal Order of Police.

22 (2) LIMITATION.—Not more than—

23 (A) 2 Federal Board members may be
24 members of the Federal Law Enforcement Offi-
25 cers Association; and

1 (B) 2 Federal Board members may be
2 members of the Fraternal Order of Police.

3 (3) QUALIFICATIONS.—Federal Board members
4 shall be individuals with knowledge or expertise,
5 whether by experience or training, in the field of
6 Federal law enforcement.

7 (4) TERMS AND VACANCIES.—Each Federal
8 Board member shall be appointed for 2 years and
9 may be reappointed. A vacancy in the Federal Board
10 shall not affect the powers of the Federal Board and
11 shall be filled in the same manner as the original ap-
12 pointment.

13 (d) OPERATIONS.—

14 (1) CHAIRPERSON.—The Chairperson of the
15 Federal Board shall be a Federal Board member
16 elected by a majority of the Federal Board.

17 (2) MEETINGS.—The Federal Board shall con-
18 duct its first meeting not later than 90 days after
19 the appointment of a majority of Federal Board
20 members. Thereafter, the Federal Board shall meet
21 at the call of the Chairperson, or in the case of a
22 vacancy of the position of Chairperson, at the call of
23 the Attorney General.

24 (3) VOTING AND RULES.—A majority of Fed-
25 eral Board members shall constitute a quorum to

1 conduct business, but the Federal Board may estab-
2 lish a lesser quorum for conducting hearings sched-
3 uled by the Federal Board. The Federal Board may
4 establish by majority vote any other rules for the
5 conduct of the business of the Federal Board, if
6 such rules are not inconsistent with this title or
7 other applicable law.

8 (e) POWERS.—

9 (1) HEARINGS.—

10 (A) IN GENERAL.—The Federal Board
11 may hold hearings, sit and act at times and
12 places, take testimony, and receive evidence as
13 the Federal Board considers appropriate to
14 carry out the duties of the Federal Board under
15 this title. The Federal Board may administer
16 oaths or affirmations to witnesses appearing be-
17 fore it.

18 (B) WITNESS EXPENSES.—Witnesses re-
19 quested to appear before the Federal Board
20 may be paid the same fees as are paid to wit-
21 nesses under section 1821 of title 28, United
22 States Code. The per diem and mileage allow-
23 ances for witnesses shall be paid from funds ap-
24 propriated to the Federal Board.

1 (2) INFORMATION FROM FEDERAL AGENCIES.—
2 Subject to sections 552, 552a, and 552b of title 5,
3 United States Code—

4 (A) the Federal Board may secure directly
5 from any Federal department or agency infor-
6 mation necessary to enable it to carry out this
7 title; and

8 (B) upon request of the Federal Board,
9 the head of that department or agency shall
10 furnish the information to the Federal Board.

11 (3) INFORMATION TO BE KEPT CONFIDEN-
12 TIAL.—The Federal Board shall not disclose any in-
13 formation which may compromise an ongoing law
14 enforcement investigation or is otherwise required by
15 law to be kept confidential.

16 (f) COMPENSATION.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), each Federal Board member shall be
19 compensated at a rate equal to the daily equivalent
20 of the annual rate of basic pay prescribed for level
21 IV of the Executive Schedule under section 5315 of
22 title 5, United States Code, for each day (including
23 travel time) during which such Federal Board mem-
24 ber is engaged in the performance of the duties of
25 the Federal Board.

1 (c) PRESENTATION ARRANGEMENTS.—The office of
2 the Member of Congress presenting each Federal Law En-
3 forcement Badge may make arrangements for the presen-
4 tation of such Federal Law Enforcement Badge, and if
5 a Senator and Representative choose to participate jointly
6 as described in subsection (a), the Members shall make
7 joint arrangements. The Federal Board shall facilitate any
8 such presentation arrangements as requested by the con-
9 gressional office presenting the Federal Law Enforcement
10 Badge and shall make arrangements in cases not under-
11 taken by Members of Congress.

12 **TITLE II—STATE AND LOCAL**
13 **LAW ENFORCEMENT CON-**
14 **GRESSIONAL BADGE OF**
15 **BRAVERY**

16 **SEC. 201. AUTHORIZATION OF A BADGE.**

17 The Attorney General may award, and a Member of
18 Congress or the Attorney General may present, in the
19 name of Congress a State and Local Law Enforcement
20 Congressional Badge of Bravery to a State or local law
21 enforcement officer who is cited by the Attorney General,
22 upon the recommendation of the State and Local Board,
23 for performing an act of bravery while in the line of duty.

1 **SEC. 202. NOMINATIONS.**

2 (a) IN GENERAL.—A State or local agency head may
3 nominate for a State and Local Law Enforcement Badge
4 an individual—

5 (1) who is a State or local law enforcement offi-
6 cer working within the agency of the State or local
7 agency head making the nomination; and

8 (2) who—

9 (A)(i) sustained a physical injury while—

10 (I) engaged in the lawful duties
11 of the individual; and

12 (II) performing an act character-
13 ized as bravery by the State or local
14 agency head making the nomination;
15 and

16 (ii) put the individual at personal risk
17 when the injury described in clause (i) oc-
18 curred; or

19 (B) while not injured, performed an act
20 characterized as bravery by the State or local
21 agency head making the nomination that placed
22 the individual at risk of serious physical injury
23 or death.

24 (b) CONTENTS.—A nomination under subsection (a)
25 shall include—

1 (1) a written narrative, of not more than 2
2 pages, describing the circumstances under which the
3 nominee performed the act of bravery described in
4 subsection (a) and how the circumstances meet the
5 criteria described in such subsection;

6 (2) the full name of the nominee;

7 (3) the home mailing address of the nominee;

8 (4) the agency in which the nominee served on
9 the date when such nominee performed the act of
10 bravery described in subsection (a);

11 (5) the occupational title and grade or rank of
12 the nominee;

13 (6) the field office address of the nominee on
14 the date when such nominee performed the act of
15 bravery described in subsection (a); and

16 (7) the number of years of government service
17 by the nominee as of the date when such nominee
18 performed the act of bravery described in subsection
19 (a).

20 (c) SUBMISSION DEADLINE.—A State or local agency
21 head shall submit each nomination under subsection (a)
22 to the Office not later than February 15 of the year fol-
23 lowing the date on which the nominee performed the act
24 of bravery described in subsection (a).

1 **SEC. 203. STATE AND LOCAL LAW ENFORCEMENT CON-**
2 **GRESSIONAL BADGE OF BRAVERY BOARD.**

3 (a) ESTABLISHMENT.—There is established within
4 the Department of Justice a State and Local Law En-
5 forcement Congressional Badge of Bravery Board.

6 (b) DUTIES.—The State and Local Board shall do
7 the following:

8 (1) Design the State and Local Law Enforce-
9 ment Badge with appropriate ribbons and appur-
10 tenances.

11 (2) Select an engraver to produce each State
12 and Local Law Enforcement Badge.

13 (3) Recommend recipients of the State and
14 Local Law Enforcement Badge from among those
15 nominations timely submitted to the Office.

16 (4) Annually present to the Attorney General
17 the names of State or local law enforcement officers
18 who the State and Local Board recommends as
19 State and Local Law Enforcement Badge recipients
20 in accordance with the criteria described in section
21 202(a).

22 (5) After approval by the Attorney General—

23 (A) procure the State and Local Law En-
24 forcement Badges from the engraver selected
25 under paragraph (2);

1 (B) send a letter announcing the award of
2 each State and Local Law Enforcement Badge
3 to the State or local agency head who nomi-
4 nated the recipient of such State and Local
5 Law Enforcement Badge;

6 (C) send a letter to each Member of Con-
7 gress representing the congressional district
8 where the recipient of each State and Local
9 Law Enforcement Badge resides to offer such
10 Member an opportunity to present such State
11 and Local Law Enforcement Badge; and

12 (D) make or facilitate arrangements for
13 presenting each State and Local Law Enforce-
14 ment Badge in accordance with section 204.

15 (6) Set an annual timetable for fulfilling the
16 duties described in this subsection.

17 (c) MEMBERSHIP.—

18 (1) NUMBER AND APPOINTMENT.—The State
19 and Local Board shall be composed of 9 members
20 appointed as follows:

21 (A) One member jointly appointed by the
22 majority leader and minority leader of the Sen-
23 ate.

1 (B) One member jointly appointed by the
2 Speaker and minority leader of the House of
3 Representatives.

4 (C) One member from the Department of
5 Justice appointed by the Attorney General.

6 (D) Two members of the Fraternal Order
7 of Police appointed by the Executive Board of
8 the Fraternal Order of Police.

9 (E) One member of the National Associa-
10 tion of Police Organizations appointed by the
11 Executive Board of the National Association of
12 Police Organizations.

13 (F) One member of the National Organiza-
14 tion of Black Law Enforcement Executives ap-
15 pointed by the Executive Board of the National
16 Organization of Black Law Enforcement Execu-
17 tives.

18 (G) One member of the International Asso-
19 ciation of Chiefs of Police appointed by the
20 Board of Officers of the International Associa-
21 tion of Chiefs of Police.

22 (H) One member of the National Sheriffs'
23 Association appointed by the Executive Com-
24 mittee of the National Sheriffs' Association.

1 (2) LIMITATION.—Not more than 5 State and
2 Local Board members may be members of the Fra-
3 ternal Order of Police.

4 (3) QUALIFICATIONS.—State and Local Board
5 members shall be individuals with knowledge or ex-
6 pertise, whether by experience or training, in the
7 field of State and local law enforcement.

8 (4) TERMS AND VACANCIES.—Each State and
9 Local Board member shall be appointed for 2 years
10 and may be reappointed. A vacancy in the State and
11 Local Board shall not affect the powers of the State
12 and Local Board and shall be filled in the same
13 manner as the original appointment.

14 (d) OPERATIONS.—

15 (1) CHAIRPERSON.—The Chairperson of the
16 State and Local Board shall be a State and Local
17 Board member elected by a majority of the State
18 and Local Board.

19 (2) MEETINGS.—The State and Local Board
20 shall conduct its first meeting not later than 90 days
21 after the appointment of a majority of State and
22 Local Board members. Thereafter, the State and
23 Local Board shall meet at the call of the Chair-
24 person, or in the case of a vacancy of the position
25 of Chairperson, at the call of the Attorney General.

1 (3) VOTING AND RULES.—A majority of State
2 and Local Board members shall constitute a quorum
3 to conduct business, but the State and Local Board
4 may establish a lesser quorum for conducting hear-
5 ings scheduled by the State and Local Board. The
6 State and Local Board may establish by majority
7 vote any other rules for the conduct of the business
8 of the State and Local Board, if such rules are not
9 inconsistent with this title or other applicable law.

10 (e) POWERS.—

11 (1) HEARINGS.—

12 (A) IN GENERAL.—The State and Local
13 Board may hold hearings, sit and act at times
14 and places, take testimony, and receive evidence
15 as the State and Local Board considers appro-
16 priate to carry out the duties of the State and
17 Local Board under this title. The State and
18 Local Board may administer oaths or affirma-
19 tions to witnesses appearing before it.

20 (B) WITNESS EXPENSES.—Witnesses re-
21 quested to appear before the State and Local
22 Board may be paid the same fees as are paid
23 to witnesses under section 1821 of title 28,
24 United States Code. The per diem and mileage
25 allowances for witnesses shall be paid from

1 funds appropriated to the State and Local
2 Board.

3 (2) INFORMATION FROM FEDERAL AGENCIES.—
4 Subject to sections 552, 552a, and 552b of title 5,
5 United States Code—

6 (A) the State and Local Board may secure
7 directly from any Federal department or agency
8 information necessary to enable it to carry out
9 this title; and

10 (B) upon request of the State and Local
11 Board, the head of that department or agency
12 shall furnish the information to the State and
13 Local Board.

14 (3) INFORMATION TO BE KEPT CONFIDEN-
15 TIAL.—The State and Local Board shall not disclose
16 any information which may compromise an ongoing
17 law enforcement investigation or is otherwise re-
18 quired by law to be kept confidential.

19 (f) COMPENSATION.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), each State and Local Board member shall
22 be compensated at a rate equal to the daily equiva-
23 lent of the annual rate of basic pay prescribed for
24 level IV of the Executive Schedule under section
25 5315 of title 5, United States Code, for each day

1 (including travel time) during which such State and
2 Local Board member is engaged in the performance
3 of the duties of the State and Local Board.

4 (2) PROHIBITION OF COMPENSATION FOR GOV-
5 ERNMENT EMPLOYEES.—State and Local Board
6 members who serve as officers or employees of the
7 Federal Government or a State or a local govern-
8 ment may not receive additional pay, allowances, or
9 benefits by reason of their service on the State and
10 Local Board.

11 (3) TRAVEL EXPENSES.—Each State and Local
12 Board member shall receive travel expenses, includ-
13 ing per diem in lieu of subsistence, in accordance
14 with applicable provisions under subchapter I of
15 chapter 57 of title 5, United States Code.

16 **SEC. 204. PRESENTATION OF STATE AND LOCAL LAW EN-**
17 **FORCEMENT BADGES.**

18 (a) PRESENTATION BY MEMBER OF CONGRESS.—A
19 Member of Congress may present a State and Local Law
20 Enforcement Badge to any State and Local Law Enforce-
21 ment Badge recipient who resides in such Member's con-
22 gressional district. If both a Senator and Representative
23 choose to present a State and Local Law Enforcement
24 Badge, such Senator and Representative shall make a
25 joint presentation.

1 (b) PRESENTATION BY ATTORNEY GENERAL.—If no
2 Member of Congress chooses to present the State and
3 Local Law Enforcement Badge as described in subsection
4 (a), the Attorney General, or a designee of the Attorney
5 General, shall present such State and Local Law Enforce-
6 ment Badge.

7 (c) PRESENTATION ARRANGEMENTS.—The office of
8 the Member of Congress presenting each State and Local
9 Law Enforcement Badge may make arrangements for the
10 presentation of such State and Local Law Enforcement
11 Badge, and if a Senator and Representative choose to par-
12 ticipate jointly as described in subsection (a), the Members
13 shall make joint arrangements. The State and Local
14 Board shall facilitate any such presentation arrangements
15 as requested by the congressional office presenting the
16 State and Local Law Enforcement Badge and shall make
17 arrangements in cases not undertaken by Members of
18 Congress.

19 **TITLE III—CONGRESSIONAL**
20 **BADGE OF BRAVERY OFFICE**

21 **SEC. 301. CONGRESSIONAL BADGE OF BRAVERY OFFICE.**

22 (a) ESTABLISHMENT.—There is established within
23 the Department of Justice a Congressional Badge of Brav-
24 ery Office.

25 (b) DUTIES.—The Office shall—

1 (1) receive nominations from Federal agency
2 heads on behalf of the Federal Board and deliver
3 such nominations to the Federal Board at Federal
4 Board meetings described in section 103(d)(2);

5 (2) receive nominations from State or local
6 agency heads on behalf of the State and Local
7 Board and deliver such nominations to the State and
8 Local Board at State and Local Board meetings de-
9 scribed in section 203(d)(2); and

10 (3) provide staff support to the Federal Board
11 and the State and Local Board to carry out the du-
12 ties described in section 103(b) and section 203(b),
13 respectively.

Passed the Senate June 26, 2008.

Attest:

Secretary.

110TH CONGRESS
2^D SESSION

S. 2565

AN ACT

To establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.