

110TH CONGRESS
2D SESSION

S. 2565

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

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2008

Mr. BIDEN (for himself, Mr. SUNUNU, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish an awards mechanism to honor exceptional acts
of bravery in the line of duty by Federal 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 “Federal Law Enforce-
5 ment Congressional Badge of Bravery Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) According to the Department of Justice, in
9 the past 7 years, an average of 150 Federal law en-

1 enforcement officers per year sustained physical inju-
2 ries while dealing with an assaultive subject.

3 (2) More than 70 Federal agencies employ Fed-
4 eral law enforcement officers but only 2 such agen-
5 cies have an awards mechanism to recognize Federal
6 law enforcement officers who are injured in the line
7 of duty for acts of bravery.

8 (3) In contrast to the lack of an awards mecha-
9 nism for Federal law enforcement officers, the Presi-
10 dent awards the Purple Heart for military personnel
11 wounded or killed during armed service, and most
12 State and local police departments have commenda-
13 tions and medals for officers who are injured in the
14 line of duty.

15 (4) Formal congressional recognition does not
16 exist to honor Federal law enforcement officers who
17 are injured in the line of duty.

18 (5) It is appropriate for Congress to recognize
19 and honor the brave men and women in Federal law
20 enforcement who are injured while putting them-
21 selves at personal risk in the line of duty.

22 **SEC. 3. AUTHORIZATION OF A BADGE.**

23 The Attorney General may award, and a Member of
24 Congress or the Attorney General may present, in the
25 name of Congress a Congressional Badge of Bravery (in

1 this Act referred to as the “Badge”) to a Federal law en-
2 forcement officer who is cited by the Attorney General,
3 upon the recommendation of the Congressional Badge of
4 Bravery Board, for performing an act of bravery while in
5 the line of duty.

6 **SEC. 4. NOMINATIONS.**

7 (a) IN GENERAL.—An agency head may nominate for
8 a Badge an individual—

9 (1) who is a Federal law enforcement officer
10 working within the agency of the agency head mak-
11 ing the nomination; and

12 (2) who—

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

14 (I) engaged in his or her lawful
15 duties; and

16 (II) performing an act character-
17 ized as bravery by the agency head
18 making the nomination; and

19 (ii) put himself or herself at personal
20 risk when the injury described in clause (i)
21 occurred; or

22 (B) while not injured, performed an act
23 characterized as bravery by the agency head
24 making the nomination that placed that indi-

1 vidual at risk of serious physical injury or
2 death.

3 (b) CONTENTS.—A nomination under subsection (a)
4 shall include—

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

10 (2) the full name of the nominee;

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

12 (4) the agency in which the nominee served on
13 the date when such nominee performed the act of
14 bravery described in subsection (a);

15 (5) the occupational title and grade or rank of
16 the nominee;

17 (6) the field office address of the nominee on
18 the date when such nominee performed the act of
19 bravery described in subsection (a); and

20 (7) the number of years of Government service
21 by the nominee as of the date when such nominee
22 performed the act of bravery described in subsection
23 (a).

24 (c) SUBMISSION DEADLINE.—An agency head shall
25 submit each nomination under subsection (a) to the Con-

1 gressional Badge of Bravery Office by February 15 of the
2 year following the date on which the nominee performed
3 the act of bravery described in subsection (a).

4 **SEC. 5. CONGRESSIONAL BADGE OF BRAVERY BOARD.**

5 (a) ESTABLISHMENT.—There is established within
6 the Department of Justice a Congressional Badge of Brav-
7 ery Board (in this Act referred to as the “Board”).

8 (b) DUTIES.—The Board shall do the following:

9 (1) Design the Badge with appropriate ribbons
10 and appurtenances.

11 (2) Select an engraver to produce each Badge.

12 (3) Recommend recipients of the Badge from
13 among those nominations timely submitted to the
14 Congressional Badge of Bravery Office.

15 (4) Annually present to the Attorney General
16 the names of Federal law enforcement officers who
17 the Board recommends as Badge recipients in ac-
18 cordance with the criteria described in section 4(a).

19 (5) After approval by the Attorney General—

20 (A) procure the Badges from the engraver
21 selected under paragraph (2);

22 (B) send a letter announcing the award of
23 each Badge to the agency head who nominated
24 the recipient of such Badge;

1 (C) send a letter to each Member of Con-
2 gress representing the congressional district
3 where the recipient of each Badge resides to
4 offer such Member an opportunity to present
5 such Badge; and

6 (D) make or facilitate arrangements for
7 presenting each Badge in accordance with sec-
8 tion 7.

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

11 (c) MEMBERSHIP.—

12 (1) NUMBER AND APPOINTMENT.—The Board
13 shall be composed of 7 members (in this Act re-
14 ferred to as the “Board members”) appointed as fol-
15 lows:

16 (A) One member jointly appointed by the
17 majority leader and minority leader of the Sen-
18 ate.

19 (B) One member jointly appointed by the
20 Speaker and minority leader of the House of
21 Representatives.

22 (C) One member from the Department of
23 Justice appointed by the Attorney General.

24 (D) Four members of the Federal Law
25 Enforcement Officers Association appointed by

1 the Executive Board of the Federal Law En-
2 forcement Officers Association.

3 (2) LIMITATION.—No more than 5 Board mem-
4 bers may be members of the Federal Law Enforce-
5 ment Officers Association.

6 (3) QUALIFICATIONS.—Board members shall be
7 individuals with knowledge or expertise, whether by
8 experience or training, in the field of Federal law en-
9 forcement.

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

15 (d) OPERATIONS.—

16 (1) CHAIRPERSON.—The Chairperson of the
17 Board shall be a Board member elected by a major-
18 ity of the Board.

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

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

9 (e) POWERS.—

10 (1) HEARINGS.—

11 (A) IN GENERAL.—The Board may hold
12 hearings, sit and act at times and places, take
13 testimony, and receive evidence as the Board
14 considers appropriate to carry out the duties of
15 the Board under this Act. The Board may ad-
16 minister oaths or affirmations to witnesses ap-
17 pearing before it.

18 (B) WITNESS EXPENSES.—Witnesses re-
19 quested to appear before the Board may be
20 paid the same fees as are paid to witnesses
21 under section 1821 of title 28, United States
22 Code. The per diem and mileage allowances for
23 witnesses shall be paid from funds appropriated
24 to the 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 Board may secure directly from
5 any Federal department or agency information
6 necessary to enable it to carry out this Act; and

7 (B) upon request of the Board, the head of
8 that department or agency shall furnish the in-
9 formation to the Board.

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

15 (f) COMPENSATION.—

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

24 (2) PROHIBITION OF COMPENSATION FOR GOV-
25 ERNMENT EMPLOYEES.—Board members who serve

1 as officers or employees of Federal, a State, or a
2 local government may not receive additional pay, al-
3 lowances, or benefits by reason of their service on
4 the Board.

5 (3) TRAVEL EXPENSES.—Each Board member
6 shall receive travel expenses, including per diem in
7 lieu of subsistence, in accordance with applicable
8 provisions under subchapter I of chapter 57 of title
9 5, United States Code.

10 **SEC. 6. CONGRESSIONAL BADGE OF BRAVERY OFFICE.**

11 There is established within the Department of Justice
12 a Congressional Badge of Bravery Office (in this Act re-
13 ferred to as the “Office”). The Office shall—

14 (1) receive nominations from agency heads on
15 behalf of the Board and deliver such nominations to
16 the Board at Board meetings described in section
17 5(d)(2); and

18 (2) provide staff support to the Board to carry
19 out the duties described in section 5(b).

20 **SEC. 7. PRESENTATION OF BADGES.**

21 (a) PRESENTATION BY MEMBER OF CONGRESS.—A
22 Member of Congress may present a Badge to any Badge
23 recipient who resides in such Member’s congressional dis-
24 trict. If both a Senator and Representative choose to

1 present a Badge, such Senator and Representative shall
2 make a joint presentation.

3 (b) PRESENTATION BY ATTORNEY GENERAL.—If no
4 Member of Congress chooses to present the Badge as de-
5 scribed in subsection (a), the Attorney General, or a des-
6 ignee of the Attorney General, shall present such Badge.

7 (c) PRESENTATION ARRANGEMENTS.—The office of
8 the Member of Congress presenting each Badge may make
9 arrangements for the presentation of such Badge, and if
10 a Senator and Representative choose to participate jointly
11 as described in subsection (a), the Members shall make
12 joint arrangements. The Board shall facilitate any such
13 presentation arrangements as requested by the congres-
14 sional office presenting the Badge and shall make arrange-
15 ments in cases not undertaken by Members of Congress.

16 **SEC. 8. DEFINITIONS.**

17 For purposes of this Act:

18 (a) FEDERAL LAW ENFORCEMENT OFFICER.—The
19 term “Federal law enforcement officer” means a Federal
20 employee—

21 (1) who has statutory authority to make ar-
22 rests;

23 (2) who is authorized by his or her agency to
24 carry firearms; and

25 (3) whose duties are primarily—

1 (A) the investigation, apprehension, or de-
2 tention of individuals suspected or convicted of
3 a Federal criminal offense; or

4 (B) the protection of Federal officials
5 against threats to personal safety.

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

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