

Calendar No. 833

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, Mr. SPECTER, Mr. KERRY, Mr. LEAHY,
Ms. MURKOWSKI, Mrs. DOLE, Mrs. FEINSTEIN, Mr. STEVENS, and Mr.
SCHUMER) introduced the following bill; which was read twice and re-
ferred to the Committee on the Judiciary

JUNE 24 (legislative day, JUNE 23), 2008

Reported by Mr. LEAHY, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds as follows:

3 (1) According to the Department of Justice, in
4 the past 7 years, an average of 150 Federal law en-
5 forcement officers per year sustained physical inju-
6 ries while dealing with an assaultive subject.

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

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

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

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

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

2 The Attorney General may award, and a Member of
3 Congress or the Attorney General may present, in the
4 name of Congress a Congressional Badge of Bravery (in
5 this Act referred to as the “Badge”) to a Federal law en-
6 forcement officer who is cited by the Attorney General,
7 upon the recommendation of the Congressional Badge of
8 Bravery Board, for performing an act of bravery while in
9 the line of duty.

10 **SEC. 4. NOMINATIONS.**

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

13 (1) who is a Federal law enforcement officer
14 working within the agency of the agency head mak-
15 ing the nomination; and

16 (2) who—

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

18 (I) engaged in his or her lawful
19 duties; and

20 (II) performing an act character-
21 ized as bravery by the agency head
22 making the nomination; and

23 (ii) put himself or herself at personal
24 risk when the injury described in clause (i)
25 occurred; or

1 (B) while not injured, performed an act
2 characterized as bravery by the agency head
3 making the nomination that placed that indi-
4 vidual at risk of serious physical injury or
5 death.

6 (b) CONTENTS.—A nomination under subsection (a)
7 shall include—

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

13 (2) the full name of the nominee;

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

15 (4) the agency in which the nominee served on
16 the date when such nominee performed the act of
17 bravery described in subsection (a);

18 (5) the occupational title and grade or rank of
19 the nominee;

20 (6) the field office address of the nominee on
21 the date when such nominee performed the act of
22 bravery described in subsection (a); and

23 (7) the number of years of Government service
24 by the nominee as of the date when such nominee

1 performed the act of bravery described in subsection
2 (a).

3 (c) **SUBMISSION DEADLINE.**—An agency head shall
4 submit each nomination under subsection (a) to the Con-
5 gressional Badge of Bravery Office by February 15 of the
6 year following the date on which the nominee performed
7 the act of bravery described in subsection (a).

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

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

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

13 (1) Design the Badge with appropriate ribbons
14 and appurtenances.

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

16 (3) Recommend recipients of the Badge from
17 among those nominations timely submitted to the
18 Congressional Badge of Bravery Office.

19 (4) Annually present to the Attorney General
20 the names of Federal law enforcement officers who
21 the Board recommends as Badge recipients in ac-
22 cordance with the criteria described in section 4(a).

23 (5) After approval by the Attorney General—

24 (A) procure the Badges from the engraver
25 selected under paragraph (2);

1 (B) send a letter announcing the award of
2 each Badge to the agency head who nominated
3 the recipient of such Badge;

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

9 (D) make or facilitate arrangements for
10 presenting each Badge in accordance with sec-
11 tion 7.

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

14 (e) MEMBERSHIP.—

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

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

22 (B) One member jointly appointed by the
23 Speaker and minority leader of the House of
24 Representatives.

1 (C) One member from the Department of
2 Justice appointed by the Attorney General.

3 (D) Four members of the Federal Law
4 Enforcement Officers Association appointed by
5 the Executive Board of the Federal Law En-
6 forcement Officers Association.

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

10 (3) QUALIFICATIONS.—Board members shall be
11 individuals with knowledge or expertise, whether by
12 experience or training, in the field of Federal law en-
13 forcement.

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

19 (d) OPERATIONS.—

20 (1) CHAIRPERSON.—The Chairperson of the
21 Board shall be a Board member elected by a major-
22 ity of the Board.

23 (2) MEETINGS.—The Board shall conduct its
24 first meeting not later than 90 days after the ap-
25 pointment of a majority of Board members. There-

1 after, the Board shall meet at the call of the Chair-
2 person, or in the case of a vacancy of the position
3 of Chairperson, at the call of the Attorney General.

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

12 (c) POWERS.—

13 (1) HEARINGS.—

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

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

1 witnesses shall be paid from funds appropriated
2 to the 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 Board may secure directly from
7 any Federal department or agency information
8 necessary to enable it to carry out this Act; and

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

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

17 ~~(f) COMPENSATION.—~~

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

1 (2) PROHIBITION OF COMPENSATION FOR GOV-
 2 ERNMENT EMPLOYEES.—Board members who serve
 3 as officers or employees of Federal, a State, or a
 4 local government may not receive additional pay, al-
 5 lowances, or benefits by reason of their service on
 6 the Board.

7 (3) TRAVEL EXPENSES.—Each Board member
 8 shall receive travel expenses, including per diem in
 9 lieu of subsistence, in accordance with applicable
 10 provisions under subchapter I of chapter 57 of title
 11 5, United States Code.

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

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

16 (1) receive nominations from agency heads on
 17 behalf of the Board and deliver such nominations to
 18 the Board at Board meetings described in section
 19 5(d)(2); and

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

22 **SEC. 7. PRESENTATION OF BADGES.**

23 (a) PRESENTATION BY MEMBER OF CONGRESS.—A
 24 Member of Congress may present a Badge to any Badge
 25 recipient who resides in such Member’s congressional dis-

1 triet. If both a Senator and Representative choose to
2 present a Badge, such Senator and Representative shall
3 make a joint presentation.

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

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

17 **SEC. 8. DEFINITIONS.**

18 For purposes of this Act:

19 (a) **FEDERAL LAW ENFORCEMENT OFFICER.**—The
20 term “Federal law enforcement officer”²² means a Federal
21 employee—

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

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

1 ~~(3) whose duties are primarily—~~

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

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

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

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Law Enforcement Con-*
 13 *gressional Badge of Bravery Act of 2008”.*

14 **SEC. 2. DEFINITIONS.**

15 *In this Act:*

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

20 (2) *FEDERAL BOARD.—The term “Federal*
 21 *Board” means the Federal Law Enforcement Congres-*
 22 *sional Badge of Bravery Board established under sec-*
 23 *tion 103(a).*

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

4 (4) *FEDERAL LAW ENFORCEMENT BADGE.*—*The*
5 *term “Federal Law Enforcement Badge” means the*
6 *Federal Law Enforcement Congressional Badge of*
7 *Bravery described in section 101.*

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

10 (A) *means a Federal employee—*

11 (i) *who has statutory authority to*
12 *make arrests or apprehensions;*

13 (ii) *who is authorized by the agency of*
14 *the employee to carry firearms; and*

15 (iii) *whose duties are primarily—*

16 (I) *engagement in or supervision*
17 *of the prevention, detection, investiga-*
18 *tion, or prosecution of, or the incarcer-*
19 *ation of any person for, any violation*
20 *of law; or*

21 (II) *the protection of Federal,*
22 *State, local, or foreign government offi-*
23 *cial against threats to personal safety;*
24 *and*

1 (B) includes a law enforcement officer em-
2 ployed by the Amtrak Police Department or Fed-
3 eral Reserve.

4 (6) OFFICE.—The term “Office” means the Con-
5 gressional Badge of Bravery Office established under
6 section 301(a).

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

11 (8) STATE AND LOCAL BOARD MEMBERS.—The
12 term “State and Local Board members” means the
13 members of the State and Local Board appointed
14 under section 203(c).

15 (9) STATE AND LOCAL LAW ENFORCEMENT
16 BADGE.—The term “State and Local Law Enforce-
17 ment Badge” means the State and Local Law En-
18 forcement Congressional Badge of Bravery described
19 in section 201.

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

1 (11) *STATE OR LOCAL LAW ENFORCEMENT OFFI-*
 2 *CER.—The term “State or local law enforcement offi-*
 3 *cer” means an employee of a State or local govern-*
 4 *ment—*

5 (A) *who has statutory authority to make ar-*
 6 *rests or apprehensions;*

7 (B) *who is authorized by the agency of the*
 8 *employee to carry firearms; and*

9 (C) *whose duties are primarily—*

10 (i) *engagement in or supervision of the*
 11 *prevention, detection, investigation, or pros-*
 12 *ecution of, or the incarceration of any per-*
 13 *son for, any violation of law; or*

14 (ii) *the protection of Federal, State,*
 15 *local, or foreign government officials against*
 16 *threats to personal safety.*

17 **TITLE I—FEDERAL LAW EN-**
 18 **FORCEMENT CONGRES-**
 19 **SIONAL BADGE OF BRAVERY**

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

21 *The Attorney General may award, and a Member of*
 22 *Congress or the Attorney General may present, in the name*
 23 *of Congress a Federal Law Enforcement Congressional*
 24 *Badge of Bravery to a Federal law enforcement officer who*
 25 *is cited by the Attorney General, upon the recommendation*

1 *of the Federal Board, for performing an act of bravery while*
2 *in the line of duty.*

3 **SEC. 102. NOMINATIONS.**

4 (a) *IN GENERAL.*—A Federal agency head may nomi-
5 nate for a Federal Law Enforcement Badge an indi-
6 vidual—

7 (1) *who is a Federal law enforcement officer*
8 *working within the agency of the Federal agency head*
9 *making the nomination; and*

10 (2) *who—*

11 (A)(i) *sustained a physical injury while—*

12 (I) *engaged in the lawful duties of*
13 *the individual; and*

14 (II) *performing an act character-*
15 *ized as bravery by the Federal agency*
16 *head making the nomination; and*

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

20 (B) *while not injured, performed an act*
21 *characterized as bravery by the Federal agency*
22 *head making the nomination that placed the in-*
23 *dividual at risk of serious physical injury or*
24 *death.*

1 (b) *CONTENTS.*—A nomination under subsection (a)
2 shall include—

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

8 (2) the full name of the nominee;

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

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

13 (5) the occupational title and grade or rank of
14 the nominee;

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

18 (7) the number of years of Government service by
19 the nominee as of the date when such nominee per-
20 formed the act of bravery described in subsection (a).

21 (c) *SUBMISSION DEADLINE.*—A Federal agency head
22 shall submit each nomination under subsection (a) to the
23 Office not later than February 15 of the year following the
24 date on which the nominee performed the act of bravery
25 described in subsection (a).

1 **SEC. 103. FEDERAL LAW ENFORCEMENT CONGRESSIONAL**
2 **BADGE OF BRAVERY BOARD.**

3 (a) *ESTABLISHMENT.*—*There is established within the*
4 *Department of Justice a Federal Law Enforcement Con-*
5 *gressional Badge of Bravery Board.*

6 (b) *DUTIES.*—*The Federal Board shall do the fol-*
7 *lowing:*

8 (1) *Design the Federal Law Enforcement Badge*
9 *with appropriate ribbons and appurtenances.*

10 (2) *Select an engraver to produce each Federal*
11 *Law Enforcement Badge.*

12 (3) *Recommend recipients of the Federal Law*
13 *Enforcement Badge from among those nominations*
14 *timely submitted to the Office.*

15 (4) *Annually present to the Attorney General the*
16 *names of Federal law enforcement officers who the*
17 *Federal Board recommends as Federal Law Enforce-*
18 *ment Badge recipients in accordance with the criteria*
19 *described in section 102(a).*

20 (5) *After approval by the Attorney General—*

21 (A) *procure the Federal Law Enforcement*
22 *Badges from the engraver selected under para-*
23 *graph (2);*

24 (B) *send a letter announcing the award of*
25 *each Federal Law Enforcement Badge to the*

1 *Federal agency head who nominated the recipi-*
2 *ent of such Federal Law Enforcement Badge;*

3 *(C) send a letter to each Member of Con-*
4 *gress representing the congressional district*
5 *where the recipient of each Federal Law Enforce-*
6 *ment Badge resides to offer such Member an op-*
7 *portunity to present such Federal Law Enforce-*
8 *ment Badge; and*

9 *(D) make or facilitate arrangements for*
10 *presenting each Federal Law Enforcement Badge*
11 *in accordance with section 104.*

12 *(6) Set an annual timetable for fulfilling the du-*
13 *ties described in this subsection.*

14 *(c) MEMBERSHIP.—*

15 *(1) NUMBER AND APPOINTMENT.—The Federal*
16 *Board shall be composed of 7 members appointed as*
17 *follows:*

18 *(A) One member jointly appointed by the*
19 *majority leader and minority leader of the Sen-*
20 *ate.*

21 *(B) One member jointly appointed by the*
22 *Speaker and minority leader of the House of*
23 *Representatives.*

24 *(C) One member from the Department of*
25 *Justice appointed by the Attorney General.*

1 (D) *Two members of the Federal Law En-*
2 *forcement Officers Association appointed by the*
3 *Executive Board of the Federal Law Enforce-*
4 *ment Officers Association.*

5 (E) *Two members of the Fraternal Order of*
6 *Police appointed by the Executive Board of the*
7 *Fraternal Order of Police.*

8 (2) *LIMITATION.—Not more than—*

9 (A) *2 Federal Board members may be mem-*
10 *bers of the Federal Law Enforcement Officers As-*
11 *sociation; and*

12 (B) *2 Federal Board members may be mem-*
13 *bers of the Fraternal Order of Police.*

14 (3) *QUALIFICATIONS.—Federal Board members*
15 *shall be individuals with knowledge or expertise,*
16 *whether by experience or training, in the field of Fed-*
17 *eral law enforcement.*

18 (4) *TERMS AND VACANCIES.—Each Federal*
19 *Board member shall be appointed for 2 years and*
20 *may be reappointed. A vacancy in the Federal Board*
21 *shall not affect the powers of the Federal Board and*
22 *shall be filled in the same manner as the original ap-*
23 *pointment.*

24 (d) *OPERATIONS.—*

1 (1) *CHAIRPERSON.*—*The Chairperson of the Fed-*
2 *eral Board shall be a Federal Board member elected*
3 *by a majority of the Federal Board.*

4 (2) *MEETINGS.*—*The Federal Board shall con-*
5 *duct its first meeting not later than 90 days after the*
6 *appointment of a majority of Federal Board mem-*
7 *bers. Thereafter, the Federal Board shall meet at the*
8 *call of the Chairperson, or in the case of a vacancy*
9 *of the position of Chairperson, at the call of the Attor-*
10 *ney General.*

11 (3) *VOTING AND RULES.*—*A majority of Federal*
12 *Board members shall constitute a quorum to conduct*
13 *business, but the Federal Board may establish a lesser*
14 *quorum for conducting hearings scheduled by the Fed-*
15 *eral Board. The Federal Board may establish by ma-*
16 *jority vote any other rules for the conduct of the busi-*
17 *ness of the Federal Board, if such rules are not incon-*
18 *sistent with this title or other applicable law.*

19 (e) *POWERS.*—

20 (1) *HEARINGS.*—

21 (A) *IN GENERAL.*—*The Federal Board may*
22 *hold hearings, sit and act at times and places,*
23 *take testimony, and receive evidence as the Fed-*
24 *eral Board considers appropriate to carry out*
25 *the duties of the Federal Board under this title.*

1 *The Federal Board may administer oaths or af-*
2 *firmations to witnesses appearing before it.*

3 (B) *WITNESS EXPENSES.*—*Witnesses re-*
4 *quested to appear before the Federal Board may*
5 *be paid the same fees as are paid to witnesses*
6 *under section 1821 of title 28, United States*
7 *Code. The per diem and mileage allowances for*
8 *witnesses shall be paid from funds appropriated*
9 *to the Federal Board.*

10 (2) *INFORMATION FROM FEDERAL AGENCIES.*—
11 *Subject to sections 552, 552a, and 552b of title 5,*
12 *United States Code—*

13 (A) *the Federal Board may secure directly*
14 *from any Federal department or agency infor-*
15 *mation necessary to enable it to carry out this*
16 *title; and*

17 (B) *upon request of the Federal Board, the*
18 *head of that department or agency shall furnish*
19 *the information to the Federal Board.*

20 (3) *INFORMATION TO BE KEPT CONFIDENTIAL.*—
21 *The Federal Board shall not disclose any information*
22 *which may compromise an ongoing law enforcement*
23 *investigation or is otherwise required by law to be*
24 *kept confidential.*

25 (f) *COMPENSATION.*—

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), each Federal Board member shall be com-*
3 *pensated at a rate equal to the daily equivalent of the*
4 *annual rate of basic pay prescribed for level IV of the*
5 *Executive Schedule under section 5315 of title 5,*
6 *United States Code, for each day (including travel*
7 *time) during which such Federal Board member is*
8 *engaged in the performance of the duties of the Fed-*
9 *eral Board.*

10 (2) *PROHIBITION OF COMPENSATION FOR GOV-*
11 *ERNMENT EMPLOYEES.*—*Federal Board members who*
12 *serve as officers or employees of the Federal Govern-*
13 *ment or a State or a local government may not re-*
14 *ceive additional pay, allowances, or benefits by reason*
15 *of their service on the Federal Board.*

16 (3) *TRAVEL EXPENSES.*—*Each Federal Board*
17 *member shall receive travel expenses, including per*
18 *diem in lieu of subsistence, in accordance with appli-*
19 *cable provisions under subchapter I of chapter 57 of*
20 *title 5, United States Code.*

21 **SEC. 104. PRESENTATION OF FEDERAL LAW ENFORCEMENT**

22 **BADGES.**

23 (a) *PRESENTATION BY MEMBER OF CONGRESS.*—*A*
24 *Member of Congress may present a Federal Law Enforce-*
25 *ment Badge to any Federal Law Enforcement Badge recipi-*

1 *ent who resides in such Member's congressional district. If*
2 *both a Senator and Representative choose to present a Fed-*
3 *eral Law Enforcement Badge, such Senator and Represent-*
4 *ative shall make a joint presentation.*

5 (b) *PRESENTATION BY ATTORNEY GENERAL.—If no*
6 *Member of Congress chooses to present the Federal Law En-*
7 *forcement Badge as described in subsection (a), the Attorney*
8 *General, or a designee of the Attorney General, shall present*
9 *such Federal Law Enforcement Badge.*

10 (c) *PRESENTATION ARRANGEMENTS.—The office of the*
11 *Member of Congress presenting each Federal Law Enforce-*
12 *ment Badge may make arrangements for the presentation*
13 *of such Federal Law Enforcement Badge, and if a Senator*
14 *and Representative choose to participate jointly as de-*
15 *scribed in subsection (a), the Members shall make joint ar-*
16 *rangements. The Federal Board shall facilitate any such*
17 *presentation arrangements as requested by the congressional*
18 *office presenting the Federal Law Enforcement Badge and*
19 *shall make arrangements in cases not undertaken by Mem-*
20 *bers of Congress.*

1 **TITLE II—STATE AND LOCAL**
2 **LAW ENFORCEMENT CON-**
3 **GRESSIONAL BADGE OF BRAV-**
4 **ERY**

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

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

13 **SEC. 202. NOMINATIONS.**

14 *(a) IN GENERAL.—A State or local agency head may*
15 *nominate for a State and Local Law Enforcement Badge*
16 *an individual—*

17 *(1) who is a State or local law enforcement offi-*
18 *cer working within the agency of the State or local*
19 *agency head making the nomination; and*

20 *(2) who—*

21 *(A)(i) sustained a physical injury while—*

22 *(I) engaged in the lawful duties of*
23 *the individual; and*

24 *(II) performing an act character-*
25 *ized as bravery by the State or local*

1 *agency head making the nomination;*

2 *and*

3 *(ii) put the individual at personal risk*

4 *when the injury described in clause (i) oc-*

5 *curred; or*

6 *(B) while not injured, performed an act*

7 *characterized as bravery by the State or local*

8 *agency head making the nomination that placed*

9 *the individual at risk of serious physical injury*

10 *or death.*

11 *(b) CONTENTS.—A nomination under subsection (a)*

12 *shall include—*

13 *(1) a written narrative, of not more than 2*

14 *pages, describing the circumstances under which the*

15 *nominee performed the act of bravery described in*

16 *subsection (a) and how the circumstances meet the*

17 *criteria described in such subsection;*

18 *(2) the full name of the nominee;*

19 *(3) the home mailing address of the nominee;*

20 *(4) the agency in which the nominee served on*

21 *the date when such nominee performed the act of*

22 *bravery described in subsection (a);*

23 *(5) the occupational title and grade or rank of*

24 *the nominee;*

1 (6) *the field office address of the nominee on the*
2 *date when such nominee performed the act of bravery*
3 *described in subsection (a); and*

4 (7) *the number of years of government service by*
5 *the nominee as of the date when such nominee per-*
6 *formed the act of bravery described in subsection (a).*

7 (c) *SUBMISSION DEADLINE.*—*A State or local agency*
8 *head shall submit each nomination under subsection (a) to*
9 *the Office not later than February 15 of the year following*
10 *the date on which the nominee performed the act of bravery*
11 *described in subsection (a).*

12 **SEC. 203. STATE AND LOCAL LAW ENFORCEMENT CONGRES-**
13 **SIONAL BADGE OF BRAVERY BOARD.**

14 (a) *ESTABLISHMENT.*—*There is established within the*
15 *Department of Justice a State and Local Law Enforcement*
16 *Congressional Badge of Bravery Board.*

17 (b) *DUTIES.*—*The State and Local Board shall do the*
18 *following:*

19 (1) *Design the State and Local Law Enforce-*
20 *ment Badge with appropriate ribbons and appur-*
21 *tenances.*

22 (2) *Select an engraver to produce each State and*
23 *Local Law Enforcement Badge.*

1 (3) *Recommend recipients of the State and Local*
2 *Law Enforcement Badge from among those nomina-*
3 *tions timely submitted to the Office.*

4 (4) *Annually present to the Attorney General the*
5 *names of State or local law enforcement officers who*
6 *the State and Local Board recommends as State and*
7 *Local Law Enforcement Badge recipients in accord-*
8 *ance with the criteria described in section 202(a).*

9 (5) *After approval by the Attorney General—*

10 (A) *procure the State and Local Law En-*
11 *forcement Badges from the engraver selected*
12 *under paragraph (2);*

13 (B) *send a letter announcing the award of*
14 *each State and Local Law Enforcement Badge to*
15 *the State or local agency head who nominated*
16 *the recipient of such State and Local Law En-*
17 *forcement Badge;*

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

1 (D) *make or facilitate arrangements for*
2 *presenting each State and Local Law Enforce-*
3 *ment Badge in accordance with section 204.*

4 (6) *Set an annual timetable for fulfilling the du-*
5 *ties described in this subsection.*

6 (c) *MEMBERSHIP.—*

7 (1) *NUMBER AND APPOINTMENT.—The State and*
8 *Local Board shall be composed of 9 members ap-*
9 *pointed as follows:*

10 (A) *One member jointly appointed by the*
11 *majority leader and minority leader of the Sen-*
12 *ate.*

13 (B) *One member jointly appointed by the*
14 *Speaker and minority leader of the House of*
15 *Representatives.*

16 (C) *One member from the Department of*
17 *Justice appointed by the Attorney General.*

18 (D) *Two members of the Fraternal Order of*
19 *Police appointed by the Executive Board of the*
20 *Fraternal Order of Police.*

21 (E) *One member of the National Association*
22 *of Police Organizations appointed by the Execu-*
23 *tive Board of the National Association of Police*
24 *Organizations.*

1 (F) *One member of the National Organiza-*
2 *tion of Black Law Enforcement Executives ap-*
3 *pointed by the Executive Board of the National*
4 *Organization of Black Law Enforcement Execu-*
5 *tives.*

6 (G) *One member of the International Asso-*
7 *ciation of Chiefs of Police appointed by the*
8 *Board of Officers of the International Associa-*
9 *tion of Chiefs of Police.*

10 (H) *One member of the National Sheriffs'*
11 *Association appointed by the Executive Com-*
12 *mittee of the National Sheriffs' Association.*

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

16 (3) *QUALIFICATIONS.*—*State and Local Board*
17 *members shall be individuals with knowledge or ex-*
18 *pertise, whether by experience or training, in the field*
19 *of State and local law enforcement.*

20 (4) *TERMS AND VACANCIES.*—*Each State and*
21 *Local Board member shall be appointed for 2 years*
22 *and may be reappointed. A vacancy in the State and*
23 *Local Board shall not affect the powers of the State*
24 *and Local Board and shall be filled in the same man-*
25 *ner as the original appointment.*

1 (d) *OPERATIONS.*—

2 (1) *CHAIRPERSON.*—*The Chairperson of the*
3 *State and Local Board shall be a State and Local*
4 *Board member elected by a majority of the State and*
5 *Local Board.*

6 (2) *MEETINGS.*—*The State and Local Board*
7 *shall conduct its first meeting not later than 90 days*
8 *after the appointment of a majority of State and*
9 *Local Board members. Thereafter, the State and Local*
10 *Board shall meet at the call of the Chairperson, or in*
11 *the case of a vacancy of the position of Chairperson,*
12 *at the call of the Attorney General.*

13 (3) *VOTING AND RULES.*—*A majority of State*
14 *and Local Board members shall constitute a quorum*
15 *to conduct business, but the State and Local Board*
16 *may establish a lesser quorum for conducting hear-*
17 *ings scheduled by the State and Local Board. The*
18 *State and Local Board may establish by majority*
19 *vote any other rules for the conduct of the business of*
20 *the State and Local Board, if such rules are not in-*
21 *consistent with this title or other applicable law.*

22 (e) *POWERS.*—

23 (1) *HEARINGS.*—

24 (A) *IN GENERAL.*—*The State and Local*
25 *Board may hold hearings, sit and act at times*

1 *and places, take testimony, and receive evidence*
2 *as the State and Local Board considers appro-*
3 *priate to carry out the duties of the State and*
4 *Local Board under this title. The State and*
5 *Local Board may administer oaths or affirma-*
6 *tions to witnesses appearing before it.*

7 (B) *WITNESS EXPENSES.*—*Witnesses re-*
8 *quested to appear before the State and Local*
9 *Board may be paid the same fees as are paid to*
10 *witnesses under section 1821 of title 28, United*
11 *States Code. The per diem and mileage allow-*
12 *ances for witnesses shall be paid from funds ap-*
13 *propriated to the State and Local Board.*

14 (2) *INFORMATION FROM FEDERAL AGENCIES.*—
15 *Subject to sections 552, 552a, and 552b of title 5,*
16 *United States Code—*

17 (A) *the State and Local Board may secure*
18 *directly from any Federal department or agency*
19 *information necessary to enable it to carry out*
20 *this title; and*

21 (B) *upon request of the State and Local*
22 *Board, the head of that department or agency*
23 *shall furnish the information to the State and*
24 *Local Board.*

1 (3) *INFORMATION TO BE KEPT CONFIDENTIAL.*—
2 *The State and Local Board shall not disclose any in-*
3 *formation which may compromise an ongoing law en-*
4 *forcement investigation or is otherwise required by*
5 *law to be kept confidential.*

6 (f) *COMPENSATION.*—

7 (1) *IN GENERAL.*—*Except as provided in para-*
8 *graph (2), each State and Local Board member shall*
9 *be compensated at a rate equal to the daily equivalent*
10 *of the annual rate of basic pay prescribed for level IV*
11 *of the Executive Schedule under section 5315 of title*
12 *5, United States Code, for each day (including travel*
13 *time) during which such State and Local Board*
14 *member is engaged in the performance of the duties*
15 *of the State and Local Board.*

16 (2) *PROHIBITION OF COMPENSATION FOR GOV-*
17 *ERNMENT EMPLOYEES.*—*State and Local Board mem-*
18 *bers who serve as officers or employees of the Federal*
19 *Government or a State or a local government may*
20 *not receive additional pay, allowances, or benefits by*
21 *reason of their service on the State and Local Board.*

22 (3) *TRAVEL EXPENSES.*—*Each State and Local*
23 *Board member shall receive travel expenses, including*
24 *per diem in lieu of subsistence, in accordance with*

1 *applicable provisions under subchapter I of chapter*
2 *57 of title 5, United States Code.*

3 **SEC. 204. PRESENTATION OF STATE AND LOCAL LAW EN-**
4 **FORCEMENT BADGES.**

5 *(a) PRESENTATION BY MEMBER OF CONGRESS.—A*
6 *Member of Congress may present a State and Local Law*
7 *Enforcement Badge to any State and Local Law Enforce-*
8 *ment Badge recipient who resides in such Member's congres-*
9 *sional district. If both a Senator and Representative choose*
10 *to present a State and Local Law Enforcement Badge, such*
11 *Senator and Representative shall make a joint presentation.*

12 *(b) PRESENTATION BY ATTORNEY GENERAL.—If no*
13 *Member of Congress chooses to present the State and Local*
14 *Law Enforcement Badge as described in subsection (a), the*
15 *Attorney General, or a designee of the Attorney General,*
16 *shall present such State and Local Law Enforcement*
17 *Badge.*

18 *(c) PRESENTATION ARRANGEMENTS.—The office of the*
19 *Member of Congress presenting each State and Local Law*
20 *Enforcement Badge may make arrangements for the presen-*
21 *tation of such State and Local Law Enforcement Badge,*
22 *and if a Senator and Representative choose to participate*
23 *jointly as described in subsection (a), the Members shall*
24 *make joint arrangements. The State and Local Board shall*
25 *facilitate any such presentation arrangements as requested*

1 *by the congressional office presenting the State and Local*
2 *Law Enforcement Badge and shall make arrangements in*
3 *cases not undertaken by Members of Congress.*

4 ***TITLE III—CONGRESSIONAL***
5 ***BADGE OF BRAVERY OFFICE***

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

7 *(a) ESTABLISHMENT.—There is established within the*
8 *Department of Justice a Congressional Badge of Bravery*
9 *Office.*

10 *(b) DUTIES.—The Office shall—*

11 *(1) receive nominations from Federal agency*
12 *heads on behalf of the Federal Board and deliver such*
13 *nominations to the Federal Board at Federal Board*
14 *meetings described in section 103(d)(2);*

15 *(2) receive nominations from State or local agen-*
16 *cy heads on behalf of the State and Local Board and*
17 *deliver such nominations to the State and Local*
18 *Board at State and Local Board meetings described*
19 *in section 203(d)(2); and*

20 *(3) provide staff support to the Federal Board*
21 *and the State and Local Board to carry out the du-*
22 *ties described in section 103(b) and section 203(b), re-*
23 *spectively.*

Amend the title so as to read: “A bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal, State, and local law enforcement officers.”.

Calendar No. 833

110TH CONGRESS
2^D SESSION

S. 2565

A BILL

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

JUNE 24 (legislative day, JUNE 23), 2008

Reported with an amendment and an amendment to the title