

107TH CONGRESS  
2D SESSION

# H. R. 5254

To require the Secretary of Education to provide assistance to the immediate family of a teacher or other school employee killed in an act of violence while performing school duties.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2002

Mr. HASTINGS of Florida introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means and Energy and Commerce, 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

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## A BILL

To require the Secretary of Education to provide assistance to the immediate family of a teacher or other school employee killed in an act of violence while performing school duties.

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 “Teacher Victims’ Fam-  
5       ily Assistance Act of 2002”.

1 **SEC. 2. TEACHER VICTIM FAMILY ASSISTANCE.**

2 The Secretary of Education shall provide to each ap-  
3 plicable recipient the following amounts and forms of as-  
4 sistance:

5 (1) FUNERAL ASSISTANCE.—A payment of up  
6 to \$1,500 to the surviving spouse, dependent child,  
7 or other next of kin, as determined by the Secretary,  
8 to assist with any funeral expenses of the victim.

9 (2) DEATH BENEFIT.—A payment of \$75,000  
10 to the surviving spouse, dependent child, or other  
11 next of kin, as determined by the Secretary.

12 (3) LIVING ASSISTANCE.—Beginning one year  
13 after the date of death of the victim, a payment of—

14 (A) \$900 per month to the surviving  
15 spouse, until the earlier of the spouse's death or  
16 remarriage; and

17 (B) \$225 per month to each dependent  
18 child, until reaching the age of 18 years.

19 (4) DEPENDENT UNDERGRADUATE EDUCATION  
20 ASSISTANCE.—

21 (A) IN GENERAL.—For each dependent  
22 child enrolled or accepted for enrollment in a  
23 part-time or full-time program of under-  
24 graduate instruction at an institution of higher  
25 education, an annual amount not to exceed the

1           lesser of \$7,500 or half the total annual cost of  
2           attendance at such institution.

3           (B) RELATION TO OTHER ASSISTANCE.—  
4           Assistance provided under this paragraph shall  
5           not be considered for the purpose of awarding  
6           Federal assistance under title IV of the Higher  
7           Education Act of 1965 (20 U.S.C. 1070 et  
8           seq.), except that in no case shall the sum of  
9           the total amount of student financial assistance  
10          awarded to a dependent child under such title  
11          and the amount of assistance provided under  
12          this paragraph exceed the child's total cost of  
13          attendance.

14          (C) DURATION OF ASSISTANCE.—A de-  
15          pendent child may receive assistance under this  
16          paragraph for not more than a total of 5 years.

17          (D) GOOD STANDING REQUIRED.—The de-  
18          pendent child must maintain good standing at  
19          the institution in order to receive assistance  
20          under this paragraph.

21          (E) EFFECT OF PARENTAL DEATH OR RE-  
22          MARRIAGE.—The death or remarriage of the  
23          surviving spouse does not affect a dependent  
24          child's eligibility for assistance under this para-  
25          graph.

1 **SEC. 3. TAX PROVISIONS RELATING TO ELEMENTARY OR**  
 2 **SECONDARY SCHOOL STAFF MEMBERS**  
 3 **KILLED IN AN ACT OF VIOLENCE WHILE PER-**  
 4 **FORMING SCHOOL DUTIES.**

5 (a) TEACHER'S WAGES IN YEAR OF DEATH EX-  
 6 CLUDED FROM INCOME.—

7 (1) IN GENERAL.—Part II of subchapter J of  
 8 chapter 1 of the Internal Revenue Code of 1986 is  
 9 amended by adding at the end the following new sec-  
 10 tion:

11 **“SEC. 693. INCOME TAXES OF ELEMENTARY OR SECONDARY**  
 12 **SCHOOL STAFF MEMBERS KILLED IN AN ACT**  
 13 **OF VIOLENCE WHILE PERFORMING SCHOOL**  
 14 **DUTIES.**

15 “In the case of any individual who is a victim (as  
 16 defined by section 2(f)(1) of the Teacher Victims’ Family  
 17 Assistance Act of 2002), any tax imposed by this subtitle  
 18 on any amount received by such individual by reason of  
 19 school employment shall not apply with respect to the tax-  
 20 able year in which falls the date of death of the indi-  
 21 vidual.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
 23 tions for part II of subchapter J of chapter 1 of  
 24 such Code is amended by inserting at the end the  
 25 following new item:

“Sec. 693. Income taxes of elementary or secondary school staff members killed in an act of violence while performing school duties.”.

1 (b) EXCLUSION OF TEACHER VICTIM FAMILY AS-  
2 SISTANCE.—

3 (1) IN GENERAL.—Part III of subchapter B of  
4 chapter 1 of such Code (relating to items specifically  
5 excluded from gross income) is amended by redesign-  
6 ating section 139 as section 139A and by inserting  
7 after section 138 the following new section:

8 **“SEC. 139. TEACHER VICTIM FAMILY ASSISTANCE.**

9 “In the case of an individual, gross income does not  
10 include any amount received in a taxable year under sec-  
11 tion 2 of the Teacher Victims’ Family Assistance Act of  
12 2002.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions for such part is amended by striking the last  
15 item and inserting the following new items:

“Sec. 139. Teacher victim family assistance.

“Sec. 139A. Cross references to other Acts.”.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply to taxable years beginning after  
18 December 31, 2000.

19 **SEC. 4. ENTITLEMENT TO MEDICARE BENEFITS.**

20 (a) BASIC MEDICARE HEALTH BENEFITS.—The sur-  
21 viving spouse and each dependent child of a victim may  
22 elect to be deemed to be entitled to hospital insurance ben-

1 efits under part A of the Social Security Act (42 U.S.C.  
2 1395c) et seq. and to be enrolled under part B of such  
3 Act (42 U.S.C. 1395j) for supplementary medical insur-  
4 ance benefits under the medicare program.

5 (b) MEDIGAP BENEFITS.—A surviving spouse and  
6 dependent child referred to in subsection (a) may enroll  
7 under a medicare supplemental policy under section 1882  
8 of the Social Security Act (42 U.S.C. 1395ss) in the same  
9 manner and under the same terms and conditions as apply  
10 to individuals who first become entitled to benefits under  
11 part A of title XVIII of such Act, or enrolled under part  
12 B of such title.

13 (c) PERIOD OF ENTITLEMENT.—Each surviving  
14 spouse and dependent child making an election under sub-  
15 section (a) shall be so entitled and enrolled for the period  
16 that begins on the date of election and ends on—

17 (1) in the case of a surviving spouse, the date  
18 on which the surviving spouse remarries; and

19 (2) in the case of an individual who is a de-  
20 pendent child, the date on which the individual at-  
21 tains 25 years of age.

22 (d) ADMINISTRATION OF PROVISION.—The Secretary  
23 of Health and Human Services shall take such steps as  
24 are necessary to implement the provisions of this section,  
25 and provide for appropriate enrollment periods under title

1 XVIII of the Social Security Act ( 42 U.S.C. 1395 et seq.)  
2 to carry out the provisions of this section.

3 **SEC. 5. ASSISTANCE SUPPLEMENTS, NOT SUPPLANTS**  
4 **OTHER BENEFITS.**

5 No assistance provided under this Act may supplant  
6 any benefit or other compensation paid or payable to the  
7 surviving spouse, dependent child, or other next of kin of  
8 the victim by the victim's employer, school, school district,  
9 or local or State government, or by any insurance coverage  
10 of the victim.

11 **SEC. 6. DEFINITIONS.**

12 In this Act:

13 (1) The term "victim" means a teacher, admin-  
14 istrator, employee, or paid or unpaid staff member  
15 of a public or private elementary or secondary school  
16 in the United States who was killed as a result of  
17 an act of violence committed by another person while  
18 performing school duties.

19 (2) The term "surviving spouse" means the  
20 spouse of the victim, as determined under applicable  
21 State law, at the time of the victim's death.

22 (3) The term "dependent child" means a son or  
23 daughter of the victim (whether natural or adopted)  
24 who is under 25 years old.

1           (4) The term “institution of higher education”  
2       has the meaning given that term in section 102 of  
3       the Higher Education Act of 1965 (20 U.S.C.  
4       1002).

5           (5) The term “cost of attendance” has the  
6       meaning give that term in section 472 of the Higher  
7       Education Act of 1965 (20 U.S.C. 1087*ll*).

8           (6) The term “Secretary” means the Secretary  
9       of Education.

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