

111TH CONGRESS  
1ST SESSION

# H. R. 3162

To amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal employees health benefits program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2009

Mr. STUPAK introduced the following bill; which was referred to the  
Committee on Oversight and Government Reform

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## A BILL

To amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal employees health benefits program, 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 “Public Safety Officer  
5       Family Health Benefits Act”.

1 **SEC. 2. ELIGIBILITY FOR HEALTH BENEFITS.**

2 (a) IN GENERAL.—Chapter 89 of title 5, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 8915. Coverage for survivors of public safety offi-**  
6 **cers killed in the line of duty**

7 “(a) For purposes of this section—

8 “(1) the term ‘qualified individual’ means an  
9 individual who, as of the date on which such indi-  
10 vidual first submits an application for health bene-  
11 fits coverage under this section, is a member of the  
12 family of a public safety officer killed in the line of  
13 duty;

14 “(2) the term ‘member of the family’ has the  
15 meaning such term would have under paragraph (5)  
16 of section 8901 if each reference in such paragraph  
17 to an ‘employee or annuitant’ were treated as a ref-  
18 erence to a public safety officer killed in the line of  
19 duty; and

20 “(3) the term ‘public safety officer killed in the  
21 line of duty’ means a public safety officer (as de-  
22 fined by section 1204 of the Omnibus Crime Control  
23 and Safe Streets Act of 1968) who died as the direct  
24 and proximate result of a personal injury sustained  
25 in the line of duty (as determined under section  
26 1201 of such Act).

1       “(b) Under regulations prescribed by the Office of  
2 Personnel Management, a qualified individual may enroll  
3 in an approved health benefits plan described by section  
4 8903 or 8903a as an individual or for self and family.

5       “(c) The regulations shall specify the terms and con-  
6 ditions of coverage under this section, which shall, to the  
7 extent practicable, be consistent with those applicable in  
8 the case of an individual having continued enrollment as  
9 a family member under section 8905(b)(2).

10       “(d) An application for health benefits coverage  
11 under this section shall be submitted at such time, in such  
12 manner, and together with such information or evidence  
13 of eligibility for coverage as the Office may by regulation  
14 require.

15       “(e)(1) Notwithstanding any other provision of this  
16 chapter—

17               “(A) the amount necessary to pay the total en-  
18 rollment charge for an individual who is enrolled in  
19 a health benefits plan under this section shall be  
20 paid by such individual and the Government in the  
21 same proportions as would apply in the case of an  
22 annuitant—

23               “(i) with the individual contribution to be  
24 paid currently into the Employees Health Bene-

1 fits Fund under arrangements satisfactory to  
2 the Office; and

3 “(ii) with the Government contribution to  
4 be made from annual appropriations which are  
5 authorized to be made for that purpose and  
6 which may be made available until expended;

7 “(B) an individual may not enroll or remain en-  
8 rolled in a health benefits plan under this section, by  
9 virtue of being the widow or widower of a public  
10 safety officer killed in the line of duty, if such indi-  
11 vidual remarries; and

12 “(C) an individual whose enrollment under this  
13 section is terminated, whether voluntarily or involun-  
14 tarily, shall be barred from subsequently reenrolling  
15 under this section.

16 “(2) The Office may, in its sole discretion, waive the  
17 provisions of subparagraph (B) or (C) of paragraph (1)  
18 if the Office determines that, due to exceptional cir-  
19 cumstances, it would be against equity and good con-  
20 science not to allow such individual to enroll, remain en-  
21 rolled, or to reenroll (as the case may be).

22 “(f) The regulations prescribed by the Office to carry  
23 out this section shall include, in the case of an individual  
24 who obtains coverage under this section but who (even if  
25 this section had never been enacted) would otherwise have

1 been eligible for health benefits under this chapter, provi-  
2 sions to ensure that the rights afforded to such individual  
3 under this chapter are not adversely affected as a result  
4 of the enactment of this section.

5 “(g) The Bureau of Justice Assistance of the Depart-  
6 ment of Justice shall keep such records, make such certifi-  
7 cations, and furnish the Office such information and re-  
8 ports as may be necessary to enable the Office to carry  
9 out its functions under this section.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-  
11 tions for chapter 89 of title 5, United States Code, is  
12 amended by adding at the end the following:

“8915. Coverage for survivors of public safety officers killed in the line of  
duty.”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply with respect to coverage in contract  
15 years beginning not less than 6 months after the date of  
16 the enactment of this Act.

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