

111TH CONGRESS  
1ST SESSION

# H. R. 3833

To amend chapters 81, 83, and 84 of title 5, United States Code, to provide for enhanced benefits for survivors of Federal public safety officers killed in the line of duty.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2009

Mr. HALL of New York introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend chapters 81, 83, and 84 of title 5, United States Code, to provide for enhanced benefits for survivors of Federal public safety officers killed in the line of duty.

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. COMPENSATION FOR WORK INJURIES.**

4       Section 8133 of title 5, United States Code, is  
5 amended by adding at the end the following:

6       “(g)(1) This subsection applies in the case of any em-  
7 ployee who has died as the direct and proximate result  
8 of a personal injury sustained in the line of duty as a pub-  
9 lic safety officer (within the meaning of section 1204 of

1 the Omnibus Crime Control and Safe Streets Act of  
2 1968), as determined under section 1201 of such Act.

3       “(2) In the computation of any monthly compensa-  
4 tion under this section based on the death of an employee  
5 described in paragraph (1), the monthly pay used in any  
6 such computation (before the application of subsection (e))  
7 shall be determined based on the pay grade or level which  
8 is 1 grade or level higher than the grade or level that,  
9 but for this subsection, would otherwise apply.

10       “(3) Nothing in this subsection shall be considered  
11 to affect any computation to the extent that the otherwise  
12 applicable pay grade or level was the highest grade or level  
13 in effect, at the time of the service for which the pay was  
14 payable, under the pay schedule or system involved.”.

15 **SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.**

16       Section 8341 of title 5, United States Code, is  
17 amended by inserting after subsection (i) the following:

18       “(j)(1) This subsection applies in the case of any em-  
19 ployee who has died as the direct and proximate result  
20 of a personal injury sustained in the line of duty as a pub-  
21 lic safety officer (within the meaning of section 1204 of  
22 the Omnibus Crime Control and Safe Streets Act of  
23 1968), as determined under section 1201 of such Act.

24       “(2) In the computation of any survivor annuity  
25 under this section based on the death of an employee de-

1 scribed in paragraph (1), the average pay used in any such  
2 computation (to compute such survivor annuity as a per-  
3 centage of an annuity imputed to the employee or a por-  
4 tion thereof) shall, for each rate of basic pay used in the  
5 computation of such average pay, be determined using the  
6 pay grade or level which is 1 grade or level higher than  
7 the grade or level that, but for this subsection, would oth-  
8 erwise apply.

9       “(3) Nothing in this subsection shall be considered  
10 to affect any computation to the extent that the otherwise  
11 applicable pay grade or level was the highest grade or level  
12 in effect, at the time of the service for which the pay was  
13 payable, under the pay schedule or system involved.”.

14 **SEC. 3. FEDERAL EMPLOYEES' RETIREMENT SYSTEM.**

15       (a) IN GENERAL.—Subchapter IV of chapter 84 of  
16 title 5, United States Code, is amended by adding at the  
17 end the following:

18 **“§ 8446. Computations based on the death of a public**  
19 **safety officer who dies as a result of inju-**  
20 **ries sustained in the line of duty**

21       “(a) This subsection applies in the case of any em-  
22 ployee who has died as the direct and proximate result  
23 of a personal injury sustained in the line of duty as a pub-  
24 lic safety officer (within the meaning of section 1204 of

1 the Omnibus Crime Control and Safe Streets Act of  
2 1968), as determined under section 1201 of such Act.

3       “(b) In the computation of any survivor annuity  
4 under this subchapter based on the death of an employee  
5 described in subsection (a), the average pay used in any  
6 such computation (to compute such survivor annuity as  
7 a percentage of an annuity imputed to the employee or  
8 a portion thereof) shall, for each rate of basic pay used  
9 in the computation of such average pay, be determined  
10 using the pay grade or level which is 1 grade or level high-  
11 er than the grade or level that, but for this section, would  
12 otherwise apply.

13       “(c) Nothing in this section shall be considered to af-  
14 fect any computation to the extent that the otherwise ap-  
15 plicable pay grade or level was the highest grade or level  
16 in effect, at the time of the service for which the pay was  
17 payable, under the pay schedule or system involved.”.

18       (b) CLERICAL AMENDMENT.—The table of sections  
19 for chapter 84 of title 5, United States Code, is amended  
20 by inserting after the item relating to section 8445 the  
21 following:

“8446. Computations based on the death of a public safety officer who dies as  
a result of injuries sustained in the line of duty.”.

22 **SEC. 4. EFFECTIVE DATE; EXCEPTION.**

23       (a) EFFECTIVE DATE.—Except as provided in sub-  
24 section (b), the amendments made by this Act shall apply

1 with respect to deaths occurring on or after the date of  
2 the enactment of this Act.

3 (b) EXCEPTION.—

4 (1) IN GENERAL.—Any individual who, as of  
5 the date of the enactment of this Act, is entitled (or  
6 would, on application, be entitled) to monthly com-  
7 pensation under chapter 81 of title 5, United States  
8 Code, or an annuity under chapter 83 or 84 of such  
9 title 5, as the survivor of a Federal public safety of-  
10 ficer who died on or after January 1, 1974, shall,  
11 upon application submitted within 12 months after  
12 the date of the enactment of this Act, be entitled to  
13 have such compensation or annuity recomputed as if  
14 the amendments made by this Act had been in effect  
15 at the time of such employee's death.

16 (2) COMMENCEMENT DATE.—Any recomputa-  
17 tion of compensation or annuity under this sub-  
18 section shall be effective as of the commencement  
19 date of such compensation or annuity.

20 (3) LUMP-SUM PAYMENTS.—Any amount be-  
21 coming payable to an individual under this sub-  
22 section with respect to any portion of the period be-  
23 ginning on January 1, 1974, and ending on the date  
24 as of which regular monthly compensation or sur-  
25 vivor annuity payments for such individual are ad-

1       justed to reflect the recomputation required under  
2       paragraph (1) shall be payable in a lump-sum pay-  
3       ment, subject to paragraph (4).

4                   (4) FUNDING.—

5                   (A) IN GENERAL.—There are authorized to  
6       be appropriated, out of general funds in the  
7       Treasury, such sums as may be necessary to  
8       make the lump-sum payments described in  
9       paragraph (3).

10                  (B) LIMITATION.—To the extent that the  
11       total amount appropriated under subparagraph  
12       (A) is less than the total amounts which (but  
13       for this subparagraph) would otherwise be pay-  
14       able under this subsection, each amount under  
15       paragraph (1) shall be reduced by a propor-  
16       tionate share of the shortfall, determined sepa-  
17       rately for—

18                   (i) benefits under chapter 81 of title  
19       5, United States Code; and  
20                   (ii) benefits under chapters 83 and 84  
21       of such title, respectively.

22                  (5) DEFINITION.—For purposes of this sub-  
23       section, the term “Federal public safety officer” re-  
24       fers to an employee described in section 8133(g)(1),

1       8341(j)(1), or 8446(a) of title 5, United States  
2       Code, as amended by this Act.

3       (c) REGULATIONS.—Any regulations necessary to  
4       carry out this Act or the amendments made by this Act  
5       may—

6               (1) with respect to benefits under chapter 81 of  
7       title 5, United States Code, be prescribed by the  
8       Secretary of Labor; and

9               (2) with respect to benefits under chapter 83 or  
10       84 of such title, be prescribed by the Director of the  
11       Office of Personnel Management.

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