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89/29/76

APPROVED
SEP 29 1976

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: September 29

September 28, 1976

*Signed in Ceremony
Rose Garden - 12:00 noon
Statement +
remarks
rec'd
9/29/76*

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *J.C.*

SUBJECT:

H.R. 366 - Public Safety Officers' Benefits Act of 1976

Attached for your consideration is H.R. 366, sponsored by Representative Eilberg.

The enrolled bill authorizes a \$50,000 death benefit to the survivors of State and local public safety officers who have died in the line of duty. The bill is the product of several years of consideration of various versions of bills to provide Federal financial assistance to these survivors.

A detailed description of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill and the attached signing statement which has been cleared by the White House Editorial Office (Smith).

RECOMMENDATION

That you sign H.R. 366 at Tab B.

That you approve the signing statement at Tab C.

Approve

9/29/76
MC

Disapprove _____



*Archives
9/29/76*



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

SEP 23 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 366 - Public Safety Officers'
Benefits Act of 1976
Sponsor - Rep. Eilberg (D) Pennsylvania

Last Day for Action

September 29, 1976 - Wednesday

Purpose

Authorizes a \$50,000 death benefit to the survivors of State and local public safety officers who have died in the line of duty.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of the Treasury	Defers
Civil Service Commission	No comment

Discussion

This enrolled bill is the product of several years of consideration of various versions of bills to provide Federal financial assistance to survivors of State and local law enforcement personnel.

In the 92nd Congress, the preceding Administration proposed legislation providing Federal payments of \$50,000 to survivors of State and local police officers who were killed in the line of duty. In the 93rd Congress, legislation was submitted providing such benefits to survivors of an expanded group of "public safety officers," including firemen.

This Administration did not object to bills in the 94th Congress which would provide a Federal death benefit to public safety officers, including firemen, killed in the performance of their duties as a result of a criminal act. In addition, the Administration indicated that the objective of the legislation should be achieved by modifying the Law Enforcement Assistance Administration's (LEAA) State block grant program so that States' could finance similar programs, since such death benefits are more appropriately the responsibility of State and local governments.

Major Provisions of H.R. 366

The enrolled bill would:

- Establish within LEAA an entirely federally funded death benefits program.
- Authorize payment of a \$50,000 death benefit to the survivors of State and local "public safety officers" who have died "as the direct and proximate result of a personal injury sustained in the line of duty". Eligible "public safety officers" would include all persons serving with or without compensation as law enforcement officers (e.g., police, corrections, probation, parole, and judicial officers), or as firemen.
- Provide that death benefits be in addition to any other benefits to which the decedent's survivors would be entitled, except that they would be reduced by payments made under (1) the Federal Employees Compensation Act (FECA) to State and local law enforcement officers for injury or death resulting from apprehending persons suspected of committing Federal crimes or (2) the District of Columbia's statutorily authorized death benefits' program for police and firemen.
- Bar payment of the death benefit to (1) a public safety officer, if his or her death results from intentional misconduct, suicidal act, or voluntary intoxication and (2) any of the decedent's survivors who substantially contributed to the death of the officer.

-- Authorizes "such sums as may be necessary" for each fiscal year; the Department of Justice estimates an annual Federal cost of \$19.3 million.

Comment

In the several years during which this legislation has been under discussion within the Executive branch, a number of areas of concern were identified as follows:

-- Coverage: extension of benefits beyond policemen to a broader category of public safety officers and firemen was not originally contemplated. There was a concern about the precedential effect of providing a Federal benefit to employees of other governmental jurisdictions, and a desire, therefore, to limit coverage under the legislation insofar as possible.

-- Cause of death: as noted above, the Administration proposed that benefits be paid only when deaths result from a criminal act, rather than for deaths occurring in the line of duty. There were particular reservations about such coverage for firemen, most of whom die on duty as a result of the inherent hazards of this occupation, rather than from criminal acts.

-- Program operation: again as noted earlier, the Administration proposed that this program be part of the existing LEAA block grant program, not separately funded or administered.

-- Offsetting benefits: it was believed that deductions should be made for other Federal benefits received under FECA.

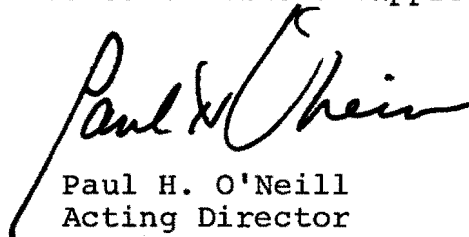
-- Retroactivity: no benefits, it was argued, should be allowed for deaths occurring before the date of enactment of this legislation.

Some of these concerns are met by the enrolled bill. There is no retroactive feature and FECA benefits to survivors are offset. Coverage is extended beyond policemen, but the Administration had not opposed this provision in the 94th Congress.

Other features of the bill do not reflect Administration views. Benefits are not limited to deaths resulting from a criminal act. The Congress believed that no distinction can be made between deaths from criminal and other acts, i.e., that the survivors of a police officer killed by a negligent motorist have as much right to death benefits as one shot in a holdup. Finally, the Congress did not accept making this program part of the LEAA block grant.

In its attached views letter, Justice recommends approval of the enrolled bill, stating that "Enactment of the legislation ... would represent fulfillment of a promise made to the families of these officers by the Federal Government over five years ago."

We concur in Justice's recommendation that you approve H.R. 366. While it would have been preferable to have in the bill the provisions endorsed by the Administration, we do not believe their absence is sufficiently serious to warrant disapproval.



Paul H. O'Neill
Acting Director

Enclosures

Department of Justice
Washington, D.C. 20530

September 20, 1976

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 366, "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty."

The "Public Safety Officers' Benefits Act of 1976" would add a new Part J to the enabling legislation of the Law Enforcement Assistance Administration. The measure would authorize the Administrator of LEAA to pay a benefit of \$50,000 to the surviving dependents of public safety officers found to have "died as the direct and proximate result of a personal injury sustained in the line of duty."

"Public safety officer" is defined as "a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or as a fireman." Among those for whom coverage is intended are; paid and volunteer firefighters and police, corrections, probation, parole, and judicial officers. No benefit would be paid if death was caused by the intentional misconduct or voluntary intoxication of the officer, or the actions of a potential beneficiary.

The bill makes provision for payment of an interim benefit in certain instances and permits LEAA to establish necessary rules, regulations, and procedures. While final determinations on eligibility would be the responsibility of the Agency, the administrative and investigative assistance of State and local agencies could be utilized.

The legislation would be effective upon enactment. However, payments could be made only to the extent provided for in advance by appropriation Acts. Such sums as necessary would be authorized to be appropriated for the program in each fiscal year.

Legislation to establish a Federal death gratuity program for public safety officers has been pending with the Congress since 1971, when submitted by the Administration. It was proposed in partial response to a shocking wave of public safety officer killings and the fact that some officers were inadequately covered by job-related benefits. Although bills were passed by both the House and Senate in the Ninety-Second and Ninety-Third Congresses, the legislation was never finally cleared for Presidential action.



The original Administration proposal to provide a Federal benefit to the survivors of public safety officers covered only officers killed as the result of a criminal act. The present legislation expands this scope significantly by providing coverage for all deaths resulting from a personal injury sustained in the line of duty. The Department of Justice nonetheless believes that the legislation should be enacted in its present form.

The killing of a public safety officer is an act which attacks the very essence of a stable society. Death of these officers puts the well-being of the country in jeopardy. Enactment of this legislation, together with the swift securing of an appropriation with which to implement it, would represent fulfillment of a promise made to the families of these officers by the Federal Government over five years ago.

While it is important that the survivors of public safety officers tragically killed be provided for, it is just as important that steps be taken to avoid unnecessary death and injury to police officers and firefighters. It is of note, therefore, that the Law Enforcement Assistance Administration, in addition to implementing this new program, will be encouraging adoption of occupational fitness programs by public safety agencies. Through such preventive action, the need to make some of the payments called for by H.R. 366 will hopefully be avoided.

For the reasons discussed, the Department of Justice recommends Executive approval of this bill.

Sincerely,



Michael M. Uhlmann
Assistant Attorney General

STATEMENT BY THE PRESIDENT

I have today signed into law H.R. 366, the Public Safety Officers' Benefits Act of 1976.

This law establishes a new program providing for the payment by the Federal government of a \$50,000 death benefit to the survivors of any State or local public safety officer who loses her or his life as a result of injuries sustained in the line of duty.

I fully recognize that no amount of money can fill the void left when these brave officers make the supreme sacrifice in pursuit of their duties. The least the Federal government can do is to assure that their dependents have adequate financial assistance to see them through their difficulties.

The signing into law of this bill is a solemn action by a grateful people and their government. It demonstrates the esteem of a free society for those of its members entrusted with public safety.

While it is important that the survivors of public safety officers who die in the line of duty be provided for, it is infinitely more important that steps be taken to avoid unnecessary death or injury to those who protect our safety. This is why I have pledged that a top priority during the first 100 days of my next Administration will be devoted to rallying the American people behind the legislative proposals I have submitted to the Congress so that the Federal government may better do its part to reduce crime in the United States.

It is with great pride and pleasure that I have signed this act into law.

STATEMENT BY THE PRESIDENT

I have today signed into law H.R. 366, the Public Safety Officers' Benefits Act of 1976.

This law establishes a new program providing for the payment by the Federal government of a \$50,000 death benefit to the survivors of any State or local public safety officer who loses her or his life as a result of injuries sustained in the line of duty.

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It is with great pride and pleasure that I have signed this act into law.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 23

Time: 600600pm

FOR ACTION: Dick Parsons *ch* cc (for information): Jack Marsh
 Max Friedersdorf *mf* Jim Connor
 Bobbie Kilberg *ok* Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 24

Time: 500pm

SUBJECT:

H.R. 366-Public Safety Officers' Benefits Act
of 1976

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

SEP 22 1976

Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

This report responds to your request for the views of this Department on the enrolled enactment of H.R. 366, the "Public Safety Officers' Benefits Act of 1976."

The enrolled enactment would amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Law Enforcement Assistance Administration to pay supplemental retirement benefits in the amount of \$50,000 to the survivors of certain public safety officers who die in the performance of duty.

The Department defers to the recommendation of the Department of Justice which would have the responsibility for administering the enrolled enactment.

Sincerely yours,

General Counsel

Richard R. Albrecht

THE WHITE HOUSE

WASHINGTON

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976 SIGNING CEREMONY

Wednesday, September 29, 1976
12:00 Noon (15 minutes)
The Rose Garden

From: Jim Cannon *JAC*

I. PURPOSE

To sign into law the Public Safety Officers' Benefits Act of 1976 (H. R. 366), establishing a Federal death benefit for the survivors of State and local safety officers killed in the line of duty.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

A. Background: The Public Safety Officers' Benefits Act of 1976 would add a new Part J to the enabling legislation of the Law Enforcement Assistance Administration. The measure would authorize the Administrator of LEAA to pay a benefit of \$50,000 to the surviving dependents of public safety officers found to have "died as the direct and proximate result of a personal injury sustained in the line of duty."

"Public safety officer" is defined as "a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or as a fireman." Among those for whom coverage is intended are: paid and volunteer firefighters and police, corrections, probation, parole, and judicial officers. No benefit would be paid if death was caused by the intentional misconduct or voluntary intoxication of the officer, or the actions of a potential beneficiary.

B. Participants: See list at Tab A.

C. Press Plan: To be announced. White House photo opportunity.

III.

TALKING POINTS

Formal remarks are to be prepared by Bob Orben.

PARTICIPANTS

DEPARTMENT OF JUSTICE REPRESENTATIVES

The Honorable Edward H. Levi, Attorney General

The Honorable Richard W. Velde, Administrator
Law Enforcement Assistance Administration

George H. Bohlinger
Stephen T. Boyle
Harry M. Bratt

Mark J. Davis
Hugh Durham

J. Price Foster

Robert Goffus
James M. H. Gregg

Adrian H. Jones

Joseph Krovisky

Milton L. Luger

Thomas Madden

Thomas Shedlick

Michael Uhlmann

DOMESTIC COUNCIL PARTICIPANTS

James M. Cannon
Richard D. Parsons

OFFICE OF MANAGEMENT AND BUDGET PARTICIPANTS

Edward E. Johnson

NOTE: List of participants from police and fire organizations will be furnished by Office of Public Information (Bill Baroody's office) to Dr. James Connor later this evening.

The Office of Congressional Liaison (Max Friedersdorf's office) will furnish list of Congressional participants to David Hoopes on Wednesday morning.

Participants

Senate

Edward Kennedy
John McClellan
Roman Hruska
Hirman Fong
Strom Thurmond
Charles McC. Mathias
Frank Moss

House

Joshua Eilberg
Robert Drinan
Herman Badillo
William Hughes
Robert McClory
Ham Fish
Carlos Moorhead
John Ashbrook
Henry Hyde
James Symington
Melvin Price
Jack Brinkley
Martin Russo
Joseph Minish
Bill Nichols
Joseph Gaydos
Herbert Burke
Patricia Schroeder
James Blanchard
Mario Biaggi
Leo Zeferetti
Ben Gilman
Peter Rodino
Robert Kastenmeier
William Hungate
John Conyers
Walter Flowers
James Mann
Paul Sarbanes
John Seiberling
Elizabeth Holtzman
Edward Mezvinsky
Romano Mazzoli
Christopher Dodd
Tom Railsback
Charles Wiggins
William Ford

Participants

Congressional Staff

Senate

J. C. Argetsinger
Mabel Downey
Thomas Hart
Eric Hultman
Craig Peterson
Francis C. Rosenberger
Paul Summitt
Dennis Thelen
Emory Sneed
Margie Nicholson
Jeannine Ragland

House

J. Garner Cline
Al Cook
Arthur P. Endres, Jr.
Annalie Weber
Jan Zarrow
David Umansky

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

SEP 23 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 366 - Public Safety Officers'
Benefits Act of 1976
Sponsor - Rep. Eilberg (D) Pennsylvania

Last Day for Action

September 29, 1976 - Wednesday

Purpose

Authorizes a \$50,000 death benefit to the survivors of State and local public safety officers who have died in the line of duty.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Department of the Treasury	Defers
Civil Service Commission	No comment

Discussion

This enrolled bill is the product of several years of consideration of various versions of bills to provide Federal financial assistance to survivors of State and local law enforcement personnel.

In the 92nd Congress, the preceding Administration proposed legislation providing Federal payments of \$50,000 to survivors of State and local police officers who were killed in the line of duty. In the 93rd Congress, legislation was submitted providing such benefits to survivors of an expanded group of "public safety officers," including firemen.



UNITED STATES CIVIL SERVICE COMMISSION

IN REPLY PLEASE REFER TO

WASHINGTON, D.C. 20415

YOUR REFERENCE

September 21, 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in reply to your request for the Commission's views on enrolled bill, H.R. 366, "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to the survivors of certain public safety officers who die in the performance of duty."

The enrolled bill would provide a cash payment of \$50,000 to survivors of certain public safety officers who die in the performance of duty. Such payment, however, would be reduced by any payments authorized by section 8191 of title 5, United States Code, which pertains to Federal compensation payments to certain law enforcement officers who are not employed by the United States.

Because the public safety officers who would be affected by the bill are not Federal employees, the provisions of the bill do not directly or substantially affect any of the programs administered by the Commission.

Accordingly, the Commission has no comment on the merits of the enrolled bill.

By direction of the Commission:

Sincerely yours,

Handwritten signature of Robert Hampton in cursive script.
Chairman

*Doug Smith
Approval
10:36 am
11*

DRAFT SIGNING STATEMENT FOR H. R. 366

I have today signed into law H. R. 366, the Public Safety Officers' Benefits Act of 1976.

This law establishes a new program providing for the payment by the Federal government of a \$50,000 death benefit to the survivors of any State or local public safety officer who loses her or his life ^{as a result of injuries sustained} in the line of duty.

I fully recognize that no amount of money can fill the void left when these brave officers make the supreme sacrifice in pursuit of their duties. The least the Federal government can do is to assure that their ^{dependents} ~~next of kin~~ have adequate financial assistance to see them through their difficulties.

The signing into law of this bill is a solemn action by a grateful people and their government. It demonstrates the esteem of a free society for those of its members entrusted with public safety.

While it is important that the survivors of public safety officers who die in the line of duty be provided for, it is infinitely more important that steps be taken to avoid unnecessary death or injury to those who protect our safety. This is why I have pledged that ^{a top} ~~the Number One~~ priority during the first 100 days of my next Administration will be devoted to rallying the American people behind the legislative proposals I have submitted to the Congress, ^{so that the Federal Government may better} to reduce crime in the United States.

do it Par X

It is with great pride and pleasure that I have signed this act into law.

STATEMENT BY THE PRESIDENT

I have today signed into law H.R. 366, the Public Safety Officers' Benefits Act of 1976.

This law establishes a new program providing for the payment by the Federal government of a \$50,000 death benefit to the survivors of any State or local public safety officer who loses her or his life as a result of injuries sustained in the line of duty.

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While it is important that the survivors of public safety officers who die in the line of duty be provided for, it is infinitely more important that steps be taken to avoid unnecessary death or injury to those who protect our safety. This is why I have pledged that a top priority during the first 100 days of my next Administration will be devoted to rallying the American people behind the legislative proposals I have submitted to the Congress so that the Federal government may better do its part to reduce crime in the United States.

It is with great pride and pleasure that I have signed this act into law.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 23

Time: 600pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 24

Time: 500pm

SUBJECT:

H.R. 366-Public Safety Officers' Benefits Act
of 1976

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Copy to Judy 9/24/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

September 24, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: HR 366 - Public Safety Officers'
Benefits Act of 1976

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed. (Signing ceremony requested.)

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 23

Time: 600pm

FOR ACTION: Dick Parsons
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 24

Time: 500pm

SUBJECT:

H.R. 366-Public Safety Officers' Benefits Act
of 1976

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

OK RB

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

DRAFT SIGNING STATEMENT FOR H. R. 366

I have today signed into law H. R. 366, the Public Safety Officers' Benefits Act of 1976.

This law establishes a new program providing for the payment by the Federal government of a \$50,000 death benefit to the survivors of any State or local public safety officer who loses her or his life in the line of duty.

I fully recognize that no amount of money can fill the void left when these brave officers make the supreme sacrifice in pursuit of their duties. The least the Federal government can do is to assure that their next of kin have adequate financial assistance to see them through their difficulties.

The signing into law of this bill is a solemn action by a grateful people and their government. It demonstrates the esteem of a free society for those of its members entrusted with public safety.

While it is important that the survivors of public safety officers who die in the line of duty be provided for, it is infinitely more important that steps be taken to avoid unnecessary death or injury to those who protect our safety. This is why I have pledged that the Number One priority during the first 100 days of my next Administration will be devoted to rallying the American people behind the legislative proposals I have submitted to the Congress to reduce crime in the United States.

It is my confident hope that the day will come when the need for legislation such as I am signing today will no longer exist, when domestic tranquility is fully ensured, and when America's war on crime is finally won.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976

MAY 12, 1976.—Ordered to be printed

Mr. McCLELLAN, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 366]

The Committee on the Judiciary, to which was referred the bill (H.R. 366) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to the survivors of certain public safety officers who die in the performance of duty, having considered the same, report favorably on it with an amendment in the nature of a substitute, and recommend that the bill, as amended, pass.

AMENDMENT

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Public Safety Officers' Benefits Act of 1976".
SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new part:

"PART J.—PUBLIC SAFETY OFFICERS' BENEFITS AWARDS

"SEC. 701. (a) In any case in which the Administration determines, under regulations issued pursuant to this title, that a public safety officer has died in the line of duty from injuries directly and proximately caused by a criminal act or an apparent criminal act, the Administration shall pay a benefit of \$50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Administration determines, upon a showing of need and prior to taking final action, that the death of a public safety officer is one with

respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of any interim payment under subsection (b) of this section shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 8191 of title 5, United States Code;

"(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)).

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

"SEC. 702. No benefit shall be paid under this part—

"(a) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(b) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

"(c) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

"SEC. 703. As used in this part—

"(a) "child" means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(1) eighteen years of age or under;

"(2) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(3) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(b) "criminal act" means any conduct which is declared by law to be a crime in the jurisdiction where the injury to the public safety officer occurred. Such conduct is a crime for the purpose of this part notwithstanding that by reason of age, insanity, intoxication, or otherwise, the person engaging in such conduct was legally incapable of committing the crime;

"(c) "dependent" means a person who was substantially reliant for support upon the income of the deceased public safety officer.

"(d) "fireman" includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

"(e) "intoxication" means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(f) "law enforcement officer" means a person involved in crime control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

"(g) "public agency" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any unit of local government, combination of such States or units, or any department, agency or instrumentality of any of the foregoing; and

"(h) "public safety officer" means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or as a fireman.

"ADMINISTRATIVE PROVISIONS

"SEC. 704. Rules, regulations, and procedures issued under this title may include regulations governing the recognition of agents or other persons representing claimants under this part before the Administration. The Administration may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Administration, and any agreement in violation of such rules and regulations shall be void.

"705. In making determinations under section 701, the Administration may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Administration."

"MISCELLANEOUS PROVISIONS

"SEC. 3. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J."

"SEC. 4. The authority to make payments under part J of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by section 2 of this Act) shall be effective only to the extent provided for in advance by appropriation acts.

"SEC. 5. If the provisions of any part of this Act are found invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

"SEC. 6. This Act shall become effective and apply to deaths occurring from injuries sustained on or after the date of enactment."

Amend the title so as to read:

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the survivors of public safety officers.

PURPOSE OF THE ACT AS AMENDED

The purpose of the Act, as reported with an amendment in the nature of a substitute, is to provide a \$50,000 Federal death benefit to the survivor or survivors of a public safety officer whose death was in the line of duty from injuries directly and proximately caused by a criminal act or an apparent criminal act.

STATEMENT

In both the Ninety-second and Ninety-third Congresses the Senate passed measures similar to the subject bill. In each Congress the House passed their own version and for several reasons the differences were not resolved.

The language of the amendment was introduced as S. 2572 on October 28, 1975, by Senator McClellan and cosponsored by Senators Thurmond, Hruska, Hansen, and Roth. Senator Moss had introduced a bill (S. 1527) on the same subject on April 24, 1975.

Upon the introduction of S. 2572, Senator Thurmond stated:

The alarming trend of crime can only be reversed by professional police officers, who are assured that they and their families will be compensated in a manner commensurate with the risks inherent in law enforcement. Law enforcement careers must be made more acceptable to our qualified citizens. We cannot ask decent, hardworking men to face the constant risk of death in the line of duty and then ignore their rightful request that their families be protected from financial calamity.¹

The motivation for this legislation is obvious: The physical risks to public safety officers are great; the financial and fringe benefits are not usually generous; and the officers are generally young with growing

¹ Cong. Rec., Oct. 28, 1975, p. S 18716 (daily ed.).

families and heavy financial commitments. The economic and emotional burden placed on the survivors of a deceased public safety officer is often very heavy.

The dedicated public safety officer is concerned about the security of his family, and to provide the assurance of a Federal death benefit to his survivors is a very minor recognition of the value our government places on the work of this dedicated group of public servants.

During hearings on this subject, witnesses pointed out the all too often tragic consequences of the risks the public safety officer takes. Mr. Kenneth T. Lyons, President, International Brotherhood of Police Officers, stated:

These statistics, dramatic as they are, do not even begin to convey the anguish and trauma visited upon the wives and children of the officers who have died bravely and violently in the service of our communities. Nor do cold numbers do any more than hint at the incalculable loss to our nation and our society that their deaths represent; for, in truth, with each death of a police officer we lose one of our best and our brightest.

In most jurisdictions of the country, the aftermath of the death of a police officer in the line of duty is not pleasant to contemplate. Oftentimes, it is a young widow and her young children who are suddenly and crushingly faced with the abrupt loss of a husband and father. Initially, this shock tends to obscure the realization of the long-term impact and its practical effects on the financial security and well-being of the family.

Only after the emotional period following the funeral passes does the widow come face to face with the despairing realization that she has been left without the means to cope with the financial needs of caring for, raising and educating her children. The day-to-day problems which would have been difficult enough to deal with on the average police officer's salary are now compounded beyond any rational expectation of her ability to cope.²

Mr. Hugh M. Durham, Legislative Counsel, Office of Legislative Affairs, Department of Justice, in House hearings on the subject stated:

To reiterate, we believe that the proposal should be designed to deal solely with the slaying of eligible officers and not with accidental deaths . . . [W]e believe that accidental death is a hazard of many types of employment and we are aware of no rationale that would suggest Federal intervention in these situations. Providing survivors benefits for those who are killed accidentally should be the responsibility of the employer in the same manner as other employment benefits. The murdering of public safety officers, however, is an act which attacks the very essence of a stable

² *Public Safety Officers Benefits Act*, hearings before the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary, House of Representatives, 94th Cong., 1st Sess., Sept. 18, 19, 1975, p. 45.

society and puts in jeopardy the well-being of our country. For this reason we have supported Federal assistance in these limited instances.³

Over 200 policemen and firemen are killed each year in the performance of their duties. The 1974 Uniform Crime Reports lists law enforcement officers feloniously killed in the previous ten-year period:⁴

1965	53	1970	100
1966	57	1971	129
1967	76	1972	116
1968	64	1973	134
1969	86	1974	132

The following data on the circumstances surrounding the deaths of the 132 law enforcement officers in 1974 is taken from the FBI Uniform Crime Reports:

There were more law enforcement officers killed attempting arrests than in any other police activity in 1974. This trend was established in prior years and continues as one of the most dangerous situations the police officer faces today. Twenty-eight officers were killed while attempting arrests for crimes other than robbery or burglary. In connection with robbery offenses, 25 officers were slain by persons encountered during the commission of a robbery or during the pursuit of robbery suspects. Eight officers were killed at the scene of burglaries or while pursuing burglary suspects. No arrest situation can be considered routine and officers must utilize extreme caution with all individuals they contact.

In 1974, nine officers were killed in ambush situations. . . .

Twenty-nine officers were slain in 1974 responding to 'disturbance calls' which include family quarrels, man with gun, bar fights, etc. Twelve officers were killed while investigating suspicious persons or circumstances. Eleven officers were slain while making traffic stops, and ten officers were killed while transporting or otherwise engaged in custody of prisoners.⁵

Senator McClellan, in opening hearings on the subject bill, stated:

I feel the Nation owes a moral obligation to adequately compensate the survivors of one who gives his life to protect society.

The law enforcement officer must contend with violent elements in our society in a face-to-face situation. The greater the sacrifice involved, the greater our Nation's support and gratitude should be.⁶

POSITION OF THE ADMINISTRATION

The Department of Justice supported the enactment of such legislation in the 92d and 93d Congresses—in fact, the bill in the 92d Congress (S, 2187) was introduced at the request of the Administration.

³ *Public Safety Officers Benefits Act*, hearings before the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary, House of Representatives, 94th Cong., 1st Sess., Sept. 18, 19, 1975, p. 45.

⁴ FBI Uniform Crime Reports 1974, p. 224.

⁵ *Id.*

⁶ *Public Safety Officers' Benefits Act of 1976*, hearings before the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, May 4, 1976.

The Department testified during hearings in the present Congress that they supported Federal assistance under this type of program in limited instances, i.e., to deal solely with the slaying of eligible officers and not with accidental deaths.⁷

SURVIVOR BENEFITS

H.R. 366, as reported, is intended to assist the survivors of a public safety officer when the burden of a tragic death results to that officer in the performance of his duty and the cause of death was a criminal act or an apparent criminal act. As a result of a death under such conditions, the Law Enforcement Assistance Administration would provide a Federal benefit of \$50,000 to one or more survivors.

Generally, "public safety officer" is defined as a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or a fireman. "Law enforcement officer" means a person involved in crime control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole and judicial officers.

The term "line of duty" as used in this bill has the customary usage that the injury resulting in the officer's death must have occurred when the officer is performing duties authorized, required, or normally associated with the responsibilities of such officer acting in his official capacity as a law enforcement officer or fireman.

The benefits are to be paid according to a specified order of precedence to the survivors of the officer.

In a situation where an otherwise eligible claimant is precluded by the provisions of section 702(c), it is the Committee's intention that other eligible claimants would remain eligible in their order of precedence. For example, if a surviving spouse is precluded from a benefit by reason of this subsection, an eligible child or children or an eligible parent or parents would remain eligible.

Benefits under the bill would not be subject to the Federal income tax, as discussed in a letter to the Chairman of the Subcommittee from Mr. Roger V. Barth, Assistant to the Commissioner, Internal Revenue Service, in commenting on similar provisions in an earlier bill.⁸

COST ESTIMATE

Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the following cost estimate for the reported bill:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, MAY 11, 1976

1. Bill Number: S. 2572 (provisions of amendment in the nature of a substitute for H.R. 366).
2. Bill Title: Public Safety Officers' Benefits Act of 1975.
3. Purpose of Bill: The bill provides a \$50,000 annuity to survivors of public safety officers who are killed in the line of duty as a result

⁷ *Public Safety Officers Benefits Act*, hearings before the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary, House of Representatives, 94th Con., 1st Sess., Sept. 18, 19, 1975, p. 45.

⁸ See S. Rept. 93-81, *Public Safety Officers' Benefits Act of 1973*, p. 5.

of a criminal act. A public safety officer is defined as a person serving a public agency in an official capacity, with or without compensation as a law enforcement officer or fireman.

4. Cost Estimate: The majority of costs associated with this bill are for the payment of survivors' annuities. The table below presents the projected costs.

Fiscal year:	Millions
1977	\$6.6
1978	6.6
1979	6.6
1980	6.6
1981	6.6

5. Basis for Estimate: The yearly cost estimates are based on the estimated number of law enforcement officers and firemen killed in the performance of duty as a result of a criminal act. Estimates are based on statistics collected from the FBI Crime Report,⁹ American Correction Association and National Fire Protection Association. From these sources, it was estimated that 130 public safety officers would qualify for annuity benefits, i.e., 87 law enforcement officers, 8 correctional officers and 35¹⁰ firemen. The number of law enforcement officers was adjusted to compensation for officers covered by the Department of Labor's compensation program as specified in Section 701, subpart e of the bill. Specifically, if officers qualified for the Department of Labor's program, their survivors' total expected compensation over time would be greater than the \$50,000 annuity and would therefore disqualify them from additional benefits under the act. It was also assumed that the program would require an administrative staff of five employees with an average salary of \$18,423.

6. Estimate Comparison: None.

7. Previous CBO Estimate: None.

8. Estimate Prepared By: James V. Manaro (295-5275).

9. Estimate Approved By:

JAMES L. BLUM,

Assistant Director for Budget Analysis.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as the "Public Safety Officers' Benefits Act of 1976".

Section 2 of the bill would add a new Part J—Public Safety Officers' Benefits—to Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Part J is broken down into Sections 701 through 705 as follows:

(a) Section 701 provides in subsection (a) for the payment of a benefit of \$50,000 to certain specified survivors of a public safety officer killed in the line of duty as a direct result of a criminal act or apparent criminal act. Subsection (b) permits an interim payment of up to \$3000 to be paid to a claimant upon a finding of need. Subsection (c) provides that any interim payment must be deducted from amounts payable upon final determination. If a claimant is eventually determined not to be entitled to a benefit under this Part, subsection (d)

⁹ Federal Bureau of Investigation, Crime Reports, years 1971 through 1975.

¹⁰ Estimate based on 115 firefighters killed in the performance of duty and an estimated 30 percent of firefighters deaths as a result of arsons and other criminal related incidences, as reported by the National Fire Protection Association.

provides for a repayment of the interim payment but permits a waiver of this repayment in appropriate cases, particularly where repayment would cause undue hardship. To prevent double payment from Federal sources, subsection (e) provides for a reduction of the benefit payable under Part J by the amount of payments otherwise authorized under 5 U.S.C. 8191 and section 4-531(1) of the District of Columbia Code. Subsection (f) provides that the benefits payable under this Part are not subject to execution or attachment.

(b) Section 702 sets out the limitations on the payment of benefits under this Part. A benefit shall not be paid (a) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death; (b) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or (c) to any person who would otherwise be entitled to a benefit if such person's actions were a substantial contributing factor to the death of the public safety officer.

(c) Section 703 defines the terms of "child," "criminal act," "dependent," "fireman," "intoxication," "law enforcement officer," "public agency," and "public safety officer" as used in this Part.

(d) Section 704 provides that the rules, regulations, and procedures issued under this title may include regulations governing the recognition of agents or other persons representing claimants under this Part before the Administration. The Administration may prescribe maximum fees which may be charged in connection with such representation.

(e) Section 705 provides that in the making of determinations for payment of benefits under this Part, the Administration may utilize available administrative and investigative assistance from State and local agencies. The responsibility for making the final determination shall rest with the Administration.

Section 3 of the bill amends Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, by adding at the end a new subsection (c) authorizing the appropriation of such sums as may be necessary each fiscal year to carry out the purposes of Part J.

Section 4 of the bill states that the authority to make payments under Part J shall be effective only to the extent provided for in advance by appropriation acts.

Section 5 contains a severability clause.
Section 6 provides that this Act shall become effective and apply to deaths occurring from injuries sustained on or after the date of enactment.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic and existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

TITLE I—LAW ENFORCEMENT ASSISTANCE

SEC. 520(a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed \$1,000,000,000 for the fiscal year ending June 30, 1974, \$1,000,000,000 for the fiscal year ending June 30, 1975, and \$1,250,000,000 for the fiscal year ending June 30, 1976. Fund appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter shall be allocated for the purposes of part E and amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall expend from other Law Enforcement Assistance Administration appropriations, other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency program as was expended by the Administration during fiscal year 1972.

(c) *There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J.*

PART J.—PUBLIC SAFETY OFFICERS' BENEFITS AWARDS

SEC. 701.(a) *In any case in which the Administration determines, under regulations issued pursuant to this title, that a public safety officer has died in the line of duty from injuries directly and proximately caused by a criminal act or an apparent criminal act, the Administration shall pay a benefit of \$50,000 as follows:*

(1) *if there is no surviving child of such officer, to the surviving spouse of such officer;*

(2) *if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;*

(3) *if there is no surviving spouse, to the child or children of such officer in equal shares; or*

(4) *if none of the above, to the dependent parent or parents of such officer in equal shares.*

(b) *Whenever the Administration determines, upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person entitled to receive a benefit under subsection (a) of this section.*

(c) *The amount of any interim payment under subsection (b) of this section shall be deducted from the amount of any final benefit paid to such person.*

(d) *Where there is no final benefit paid, the recipient of any interim payment under subsection (b) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.*

(e) *The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—*

(1) payments authorized by section 8191 of title 5, United States Code;

(2) payments authorized by section 12 (k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531 (1)).

(f) No benefit paid under this part shall be subject to execution or attachment.

LIMITATIONS

SEC. 702. No benefit shall be paid under this part—

(a) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

(b) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

(c) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

SEC. 703. As used in this part—

(a) "child" means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

(1) eighteen years of age or under;

(2) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code; or

(3) over eighteen years of age and incapable of self-support because of physical or mental disability;

(b) "criminal act" means any conduct which is declared by law to be a crime in the jurisdiction where the injury to the public safety officer occurred. Such conduct is a crime for the purpose of this part notwithstanding that by reason of age, insanity, intoxication, or otherwise, the person engaging in such conduct was legally incapable of committing the crime;

(c) "dependent" means a person who was substantially reliant for support upon the income of the deceased public safety officer;

(d) "fireman" includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

(e) "intoxication" means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

(f) "law enforcement officer" means a person involved in crime control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

(g) "public agency" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any unit of local government, combination of such States or units, or any department, agency or instrumentality of any of the foregoing; and

(h) "public safety officer" means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or as a fireman.

ADMINISTRATIVE PROVISIONS

SEC. 704. Rules, regulations, and procedures issued under this title may include regulations governing the recognition of agents or other persons representing claimants under this part before the Administration.

The Administration may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Administration, and any agreement in violation of such rules and regulations shall be void.

SEC. 705. In making determinations under section 701, the Administration may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Administration.

○

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976

SEPTEMBER 10, 1976.—Ordered to be printed

Mr. EILBERG, from the committee of conference, submitted
the following

CONFERENCE REPORT

[To accompany H.R. 366]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 366), to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to certain public safety officers who die in the performance of duty, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Public Safety Officers' Benefits Act of 1976".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new part:

"PART J.—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. 701. (a) In any case in which the Administration determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Administration shall pay a benefit of \$50,000 as follows.

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Administration determines, upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) of this section shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 8191 of title 5, United States Code;

"(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)).

"(f) No benefit paid under this part shall be subject to execution or attachment.

"LIMITATIONS

"SEC. 702. No benefit shall be paid under this part—

"(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

"(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

"DEFINITIONS

"SEC. 703. As used in this part—

"(1) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

"(A) eighteen years of age or under;

"(B) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

"(C) over eighteen years of age and incapable of self-support because of physical or mental disability;

"(2) 'dependent' means a person who was substantially reliant for support upon the income of the deceased public safety officer;

"(3) 'fireman' includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

"(4) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(5) 'law enforcement officer' means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

"(6) 'public agency' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any unit of local government, combination of such States, or units, or any department, agency, or instrumentality of any of the foregoing; and

"(7) 'public safety officer' means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or as a fireman.

"ADMINISTRATIVE PROVISIONS

"SEC. 704. (a) The Administration is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Administration. The Administration may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Administration, and any agreement in violation of such rules and regulations shall be void.

"(b) In making determinations under section 701, the Administration may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Administration".

MISCELLANEOUS PROVISIONS

SEC. 3. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new subsection:

"(c) There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J."

SEC. 4. The authority to make payments under part J of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by section 2 of this Act) shall be effective only to the extent provided for in advance by appropriation Acts.

SEC. 5. If the provisions of any part of this Act are found invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 6. The amendments made by this Act shall become effective and apply to deaths occurring from injuries sustained on or after the date of enactment of this Act.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

PETER W. RODINO.
 JOSHUA EILBERG.
 PAUL S. SARBANES.
 JOHN F. SEIBERLING.
 TOM RAILSBACK.
 HAMILTON FISH, JR.

Managers on the Part of the House.

JOHN L. McCLELLAN.
 PHILIP A. HART.
 EDWARD M. KENNEDY.
 ROMAN L. HRUSKA.
 STROM THURMOND.

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 366), to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to certain public safety officers who die in the performance of duty, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Conferees, and minor drafting and clarifying changes.

OCCUPATIONAL COVERAGE

The House bill provided a \$50,000 death benefit to the survivors of law enforcement officers who die in the performance of duty.

The Senate amendment provided a \$50,000 death benefit to the survivors of both law enforcement officers and firemen who die in the line of duty.

The Conference substitute conforms to the Senate amendment.

The Managers believe that coverage should be provided to both categories of public safety officers (law enforcement officers and firemen); and it is noted that the House approved separate legislation (H.R. 365) which would have provided a similar benefit to firemen.

SCOPE OF COVERAGE

The House bill authorized payment if the public safety officer's death was the result of a personal injury sustained in the line of certain hazardous duties which are specified in the bill. Such duties included: apprehending or guarding criminals; preventing crime; and other activities determined by the Law Enforcement Assistance Administration to be potentially dangerous. The parallel House bill for firemen (H.R. 365) authorized payment whenever a fireman sustained fatal injuries while actually and directly engaged in fighting fires or in other activities determined by the Law Enforcement Assistance Administration to be potentially dangerous.

The Senate amendment authorized payment of the death benefit to the survivors of law enforcement officers and firemen for all line of duty deaths.

The Conference substitute conforms to the Senate amendment.

The Managers believe that "line of duty" is a well established concept and that it is appropriate to extend coverage to all acts performed by the public safety officer in the discharge of those duties which are required of him in his capacity as a law enforcement officer or as a fireman.

DEFINITION OF "LAW ENFORCEMENT OFFICER"

The House bill defined "law enforcement officer" to specifically include police, corrections, probation, and parole officers as well as officials engaged in programs relating to the prevention, control, and reduction of juvenile delinquency or narcotics addiction.

The Senate amendment defined "law enforcement officer" to specifically include police, corrections, probation, parole, and judicial officers.

The Conference substitute is a combination of both the House and Senate definitions. It defines "law enforcement officer" to mean "a person involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers."

The Managers have not expressly included officials engaged in programs relating to narcotics addiction. It is, however, the intent of the Managers that the definition of "law enforcement officer" be construed to cover such individuals if they are exposed, on a regular basis, to criminal offenders such as those responsible for screening arrestees or prisoners for possible diversion into drug treatment programs.

DEPENDENCY TEST

The House bill required survivors of the public safety officer (other than children who are a defined category) to be dependent for more than one half of their support on the public safety officer in order to be eligible for the death benefit.

The Senate amendment provided that only a parent must be dependent on the public safety officer in order to be eligible for the death benefit, and "dependent" is defined as being "substantially reliant for support upon the income of the deceased public safety officer".

The Conference substitute conforms to the Senate amendment. It was felt that the Senate provision was more flexible than that contained in the House bill, and the Managers agreed that the language contained in the Conference substitute should be liberally interpreted.

EFFECTIVE DATE FOR DEATH BENEFITS

The House bill provided that death benefits shall apply with respect to any eligible public safety officer who dies as the direct and proximate result of a personal injury sustained on or after October 11, 1972.

The Senate amendment provided that the bill would become effective for deaths resulting from injuries sustained on or after the date of enactment of the bill.

The Conference substitute conforms to the Senate amendment.

GROUP LIFE INSURANCE PROGRAM

The Senate amendment contained provisions establishing a Group Life Insurance Program for public safety officers.

The House bill contained no comparable provision.

The Conference substitute does not include the provisions contained in the Senate amendment.

VICTIMS OF CRIME

The Senate amendment contained provisions authorizing Federal funds to compensate the victims of crime.

The House bill contained no comparable provision.

The Conference substitute does not include the provisions contained in the Senate amendment, and the Managers agreed that this subject should be handled through separate legislation.

PETER W. RODINO.

JOSHUA EILBERG.

PAUL S. SARBANES.

JOHN F. SEIBERLING.

TOM RAILSBACK.

HAMILTON FISH, Jr.

Managers on the Part of the House.

JOHN L. McCLELLAN.

PHILIP A. HART.

EDWARD M. KENNEDY.

ROMAN L. HRUSKA.

STROM THURMOND.

Managers on the Part of the Senate.

○

PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE ACT OF 1976

MAY 13, 1976.—Ordered to be printed

Mr. KENNEDY, from the Committee on the Judiciary,
submitted the following

REPORT

together with
ADDITIONAL VIEWS

[To accompany S. 230]

The Committee on the Judiciary, to which referred the bill (S. 230) to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

On page 1, line 4, strike out "1974" and insert in lieu thereof "1976".
On page 23, line 5, strike out "June 30, 1973" and insert in lieu thereof "September 30, 1977".

PURPOSE OF AMENDMENTS

The amendments to S. 230 are technical and perfecting in nature, adjusting the title of the Act and the date of authorization to conform with the year in which the bill is reported and the budget cycle currently utilized by the Congress.

HISTORY OF THE BILL

S. 230 was introduced by Senator Kennedy to provide a group life insurance program for State and local government law enforcement officers. A similar program was initially reported and passed by the

Senate as part of the Omnibus Crime Control Act of 1970,¹ but the measure was not enacted into law.

Senator Kennedy reintroduced his proposal as S. 33 in the 92nd Congress. This bill was approved by the Committee on the Judiciary with an amendment in the nature of a substitute, placing the program within the Law Enforcement Assistance Administration, expanding the class of eligible persons, and improving the bill in other ways.² The Senate approved S. 33 on September 18, 1972, but the bill was not acted upon by the House.

On January 17, 1975, Senator Kennedy introduced S. 230, which was referred to and considered by the Committee on the Judiciary. The Committee ordered the bill reported May 5, 1976.

STATEMENT

S. 230 in many respects follows the provisions contained in the Servicemen's Group Life Insurance statute (SGLI) (38 U.S.C. 765, et seq.) and the Federal Employees' Group Life Insurance statute (FEGLI) (5 U.S.C. 8701, et seq.) Its purpose is to make group life, accidental death, and dismemberment insurance available to public safety officers, as defined below. Risks would be assumed by commercial insurance companies with a contribution to premiums made by the Federal Government.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice addressed itself to the need for professionalism and dignity in law enforcement work. It stated:

In addition to competitive salaries, all police departments should insure that fringe benefits such as retirement plans, group health and life insurance, and vacation and sick leave are comparable to those offered in private industry.

Despite this call for action the subcommittee hearings on S. 230 and related measures revealed that under current conditions, public safety officers have been unable to acquire adequate life insurance. Senator Kennedy pointed out:

My research showed that for some police officers such as pilots, vice squads, traffic patrolmen, and motorcycle policemen, life insurance was either extremely expensive or inaccessible and double indemnity was impossible to obtain. Therefore because of their jobs, they and their families were completely unprotected against death or disability on or off the job. This is one important factor that is sometimes overlooked—that policemen's hazardous duty makes it difficult or impossible for many to obtain adequate life insurance to cover them on or off duty. In other words, if we wish to respond adequately to the problems created by the risks of a policeman's work, we must enact legislation which will help policemen, whether they are on the job or not.

Even for those in less hazardous areas of law enforcement the premiums for life insurance policies, which must still in many cases be high-risk plans, are often a luxury which they simply cannot afford. Many States and localities have no

¹ S. Rept. No. 91-1253, 91st Cong., 2d Sess., pp. 38-39 (1970).

² S. Rept. No. 92-1124, 92d Cong., 2d Sess., (1972).

group plans, and in those which do the premiums are often high and the coverage limited.³

Senator McClellan, addressing himself to a similar proposal, pointed out that society has a special moral obligation to policemen and to other public safety officers who take special risks in its behalf. He stated:

. . . [S]ociety [does] have a special obligation to meet the needs of public safety officers—policemen, firemen, correctional officers, and others who daily put their lives on the line for each of us. These brave men and women deserve not only up-to-date training and equipment, but also up-to-date benefits.⁴

S. 230 will guarantee these people adequate amounts of life insurance at reasonable cost that would not be beyond the financial reach of the vast majority of eligible participants.

The bill has endorsement of the National Sheriffs Association, the International Association of Chiefs of Police, the Fraternal Order of Police, the International Conference of Police Associations, the International Association of Fire Fighters, and hundreds of sheriffs, policemen, correctional guards, court marshals, and firemen from across the country who responded to a nationwide survey conducted by the subcommittee or who communicated directly with the subcommittee.⁵

In refining the bill, the committee has also been able to call upon the expertise of the Life Insurance Association of America and a number of major group underwriters who have assisted in guaranteeing that the program will benefit from relevant experience and meet with sound insurance industry practices.⁶

POSITION OF THE ADMINISTRATION

The Department of Justice does not support the enactment of S. 230, urging that the Administration sponsored provisions of S. 2572 "would be easier to administer and would accomplish, to a large extent, the purposes of the present bill. . . ." ⁷ It is the committee's view, however, that the provisions of S. 2572 would logically supplement rather than supplant the instant measure. As the committee observed in reporting favorably upon a similar measure as part of the Omnibus Crime Control Act of 1970; "The police are asked to risk their lives in an exacting job now. They deserve appropriate benefits now."⁸ The committee still holds this view toward public safety officers generally.

SUBPART 1—NATIONWIDE PROGRAM

Subpart 1 would establish a nationwide program of group life insurance for public safety officers that would be under the control of the Law Enforcement Assistance Administration but purchased from one

³ See *Victims of Crime*, hearings before the Subcommittee on Criminal Law and Procedures, Committee on the Judiciary, U.S. Senate (92d Cong., 1st sess.) at p. 147. For a chart of State benefits, see *id.* at 531-532. (Hereinafter cited as *Hearings*.)

⁴ *Hearings* at p. 667 (Title II of S. 2994 parallels the bill herein reported.)

⁵ See *Hearings* at pp. 108, 115, 148, 149, 168 and 755-954.

⁶ *Hearings* at pp. 477 and 955-1003. Among those insurance companies who gave assistance to the subcommittee, the following deserve special mention and thanks: Metropolitan Life, Equitable Life Assurance Society of the United States, the Travelers Insurance Co., the Prudential Insurance Co., the New York Life Insurance Co., and Aetna Life & Casualty Co.

⁷ *Hearings* at p. 11.

⁸ S. Rept. No. 91-1253, 91st Cong., second sess., at 39 (1970), on S. 2087, which was the predecessor to S. 2572.

or more life insurance companies, with provision for reinsurance by other underwriters.

The term "public safety officer" generally includes any person employed full time by a State or unit of general local government as a policeman, corrections officer, criminal or juvenile delinquency court officer, or firefighter. Those already eligible under the FEGLI program or participating in the SGLI program are excluded from coverage.⁹

A State or unit of general local government could apply for participation in this Federal program, if it is agreed that they will deduct from the pay of participating officers any necessary contributions to premiums.¹⁰

The amount of group life and accidental death and dismemberment insurance provided would be the amount of the officer's salary plus \$2,000, with a minimum coverage of \$10,000 and a Maximum of \$32,000.¹¹

A policy purchased under this subpart would terminate 2 months after separation or discontinuance of pay.¹² However, provision is made for conversion to an individual policy for the group life portion without medical examination at prevailing rates.¹³

There are three possible contributors to the premiums due under subpart 1. The contribution of the Federal Government may not exceed one-third of the premiums due.¹⁴ The applicable State or unit of general local government may contribute some portion or all of the premium not covered by the Federal Government.¹⁵ Any balance yet due after government contributions would be withheld from the officer's salary.¹⁶

Insurance in force on the date of death of an enrolled officer would be paid to the beneficiary designated in writing received in his employer's office prior to his death. If there is no beneficiary designated, the funds would pass under criteria set out in the bill. Settlement could be elected in lump sum or in 36 equal monthly installments.

Administration of the insurance program would be effected by the primary insurer on a day-to-day basis, but ultimate authority over the program shall repose with the Administration.¹⁷

SUBPART 2—ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Section 512 of the bill recognizes an alternative method for providing low-cost group life insurance for public safety officers.

By this provision, a State or unit of general local government with a program of group life insurance in existence at any time during the first year after the effective date of this act would be eligible for assistance. The amount of assistance generally parallels the amount of the Federal contribution authorized under subpart 1, that is, up to one-third of the total premium, or the amount that would be available under subpart 1 to the extent the amount of coverage is coextensive with that authorized under the direct Federal program, whichever is

⁹ Sec. 500(3).

¹⁰ Sec. 503(a).

¹¹ Sec. 503(b).

¹² Sec. 504.

¹³ Sec. 505.

¹⁴ Sec. 507.

¹⁵ Sec. 515.

¹⁶ Sec. 506.

¹⁷ Sec. 510(b)-(d).

less. Thus, current State and local programs would not be discriminated against and would be left untouched. Further, in those instances where a separate program would be preferable for one reason or another, a period of time would exist during which such a program could be established.

Group life insurance programs for public safety officers which are not already in existence or established during the year following the effective date of this act would have to come within the purview of subpart 1 in order to qualify for a Federal contribution under this part. This is necessary to guarantee the viability of the Federal group.

Assistance under this part would be used to reduce proportionately the contributions paid by the State or unit of general local government and by the appropriate public safety officers.

Subparts 1 and 2, taken together, assure public safety officers of the availability of relatively inexpensive insurance and at the same time maximize options by authorizing the utilization of available State or local programs or the Federal program.

SUBPART 3—GENERAL PROVISIONS

Section 513 authorizes LEAA to utilize other agencies of Federal or State and local government to achieve the purposes of S. 230.

Section 514 establishes an Advisory Council on Public Safety Officers Group Life Insurance to review the administration of the program and advise the LEAA on matters of policy.

Section 516 waives sovereign immunity to obviate any civil suit problems in this area. Jurisdiction already exists in the U.S. district courts for a suit against the United States under the proposed act by virtue of 28 U.S.C. §§ 1331 and 1346.

Finally, section 517 creates on the books of the United States Treasury a fund to be known as the Public Safety Officers' Group Insurance Revolving Fund.

SUBPART 4—MISCELLANEOUS

Section 103 of S. 230 carries an authorized appropriation as discussed below.

Section 104 authorizes the use of appropriated LEAA funds for the purposes of this act in the discretion of the Attorney General.

Section 105 contains the customary severability clause.

Section 106 provides that the act shall be effective upon enactment.

PROJECTED COSTS

Total annual costs including premium share and administrative costs for S. 230 are estimated at a maximum of \$22 million.¹⁸ The increase toward stabilization will occur over a period of approximately 3 years. Stabilized costs will then be subject to upward adjustments generally based only on increasing numbers of public safety officers and increasing salaries. Section 103, however, only authorizes \$20 million for the fiscal year ending September 30, 1977, since it is expected that the program will not reach its outside cost during its initial year.

¹⁸ Hearings, at pp. 748-751 and 153-155.

SECTION-BY-SECTION ANALYSIS

Section 101 sets out the purpose for this title.

Section 102—Insurance Program Authorized

Section 202 amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 by adding a new part entitled, "Part G—Public Safety Officers' Group Life Insurance."

Section 500—Definitions

Paragraph (1) defines "child" to include a stepchild, an adopted child, an illegitimate child, and a posthumous child.

Paragraph (2) defines "month" as a month that runs from a given day in 1 month to a day of the corresponding number in the next or specified succeeding month, except when the last month has not so many days, in which event it expires on the last day of the month.

Paragraph (3) defines "public safety officer" as a person who is employed full time by a State or unit of general local government in—(A) the enforcement of the criminal laws, including highway patrol, (B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers or parolees, (C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers or parolees, or (D) firefighting, but does not include any person eligible to participate in the insurance program established by chapter 87 of title 5 of the United States Code. It is expected that the Administration by its general rulemaking powers will issue regulations governing the scope of "potentially dangerous."

SUBPART 1—NATIONWIDE PROGRAM OF GROUP LIFE INSURANCE FOR PUBLIC SAFETY OFFICERS

Section 501—Eligible Insurance Companies

Section 501, Subsection (a) authorizes the Administration without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. § 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subpart. Each such life insurance company must (1) be licensed to issue life, accidental death, and dismemberment insurance in each of the 50 States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Administration, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

Subsection (b) provides that any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Administration.

Subsection (c) provides that the Administration may at any time discontinue any policy which it has purchased from any insurance company under this subpart.

Section 502—Reinsurance

Section 502, Subsection (a) provides that the Administration shall arrange with each life insurance company issuing a policy under this subpart for the reinsurance, under conditions approved by the Administration, of portions of the total amount of insurance under the policy, determined under this section, with other life insurance companies which elect to participate in the reinsurance.

Subsection (b) provides that the Administration shall determine for and in advance of a policy year which companies are eligible to participate as reinsurers and the amount of insurance under a policy which is to be allocated to the issuing company and to reinsurers. The Administration shall make this determination at least every 3 years and when a participating company withdraws.

Subsection (c) provides that the Administration shall establish a formula under which the amount of insurance retained by an issuing company after ceding reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each company's group life insurance, excluding insurance purchased under this subpart, in force in the United States on the determination date, which is the most recent December 31 for which information is available to the Administration. In determining the proportions, the portion of a company's group life insurance in force on the determination date in excess of \$100,000,000 shall be reduced by—(1) 25 percent of the first \$100,000,000 of the excess; (2) 50 percent of the second \$100,000,000 of the excess; (3) 75 percent of the third \$100,000,000 of the excess; and (4) 95 percent of the remaining excess. However, the amount retained by or ceded to a company may not exceed 25 percent of the amount of the company's total life insurance in force in the United States on the determination date.

Subsection (d) provides that the Administration may modify the computations under this section as necessary to carry out the intent of this section.

Section 503—Persons Insured: Amount

Section 503, Subsection (a) provides that any policy of insurance purchased by the Administration under this subpart shall automatically insure any public safety officer employed on a full-time basis by a State or unit of general local government which has (1) applied to the Administration for participation in the insurance program under this subpart, and (2) agreed to deduct from such officer's pay the amount of such officer's contribution, if any, and forward such amount to the Administration or such other agency or office as is designated by the Administration as the collection agency or office for such contributions. The insurance provided under this subpart shall take effect from the first day agreed upon by the Administration, and the responsible officials of the State or unit of general local government making application for participation in the program as to public safety officers then on the payroll, and as to public safety officers thereafter entering on full time duty from the first day of such duty. The insurance provided by this subpart shall so insure all such public safety officers unless any such officer elects in writing not to be insured under this subpart. If any such officer elects not to be insured under this

subpart he may thereafter, if eligible, be insured under this subpart upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administration.

Subsection (b) provides that a public safety officer eligible for insurance under this subpart is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance. The amount of the insurance would be \$2,000 more than the pay of the officer, with a minimum of \$10,000 and a maximum of \$32,000. The amount of such insurance shall automatically increase at any time the amount of increase in the annual basic rate of pay places any such officer in a new pay bracket of the schedule and any necessary adjustment is made in his contribution to the total premium.

Subsection (c) provides that, subject to conditions and limitations approved by the Administration which shall be included in any policy purchased by it, the group accidental death and dismemberment insurance would provide that in addition to the life insurance, an equal amount of accidental death insurance would be payable for loss of life by accident. For the loss of hand, foot, or eye, one-half of the life insurance would be payable as dismemberment insurance. For the loss of two or more such members, the full amount of insurance would be payable. Regardless of the number of such losses the amount payable could not exceed the face amount of insurance. The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

Subsection (d) provides that any policy purchased under this subpart may provide for adjustments to prevent duplication of payments under any program of federal gratuities for killed or injured public safety officers, such as is contemplated in S. 2572. (See Hearings at 26.) This subsection confers on the Administration a discretionary authority which it may exercise, partially exercise (as by providing for nonpayment of accidental death and disability payments in such cases), or refrain from exercising.

Subsection (e) provides that group life insurance shall include provisions approved by the Administration for continuance of such life insurance without requirement of contribution payment during a period of disability of a public safety officer covered for such life insurance.

Subsection (f) provides that the Administration shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

Section 504—Termination of coverage

Section 504 provides that each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, to the effect that any insurance thereunder on any public safety officer shall cease 2 months after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier: *Provided, however*, That coverage shall be continued during periods of leave or limited disciplinary suspension if

such an officer authorizes or otherwise agrees to make or continue to make any required contribution for the insurance provided by this subpart.

Section 505—Conversion

This section provides that each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, for the conversion of the group life insurance portion of the policy to an individual policy of life insurance effective the day following the date such insurance would cease as provided in section 504 of this subpart. During the period such insurance is in force, the insured, upon request to the Administration, shall be furnished a list of life insurance companies participating in the program established under this subpart and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums, the insured shall be granted life insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof. In addition to the life insurance companies participating in the program established under this subpart, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administration and agree to sell insurance to any eligible in accordance with the provisions of this section.

Section 506—Withholding of Premiums from Pay

This section provides that during any period in which a public safety officer is insured under a policy of insurance purchased by the Administration under this subpart, his employer shall withhold each pay period from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Administration to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this subpart while on full-time duty as a public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial amount determined by the Administration to be charged any public safety officer for each unit of insurance under this subpart may be continued from year to year, except that the Administration may redetermine such amount from time to time in accordance with experience.

Section 507—Sharing of Cost of Insurance

This section provides that, for each month any public safety officer is insured under this subpart, the Administration shall bear not more than one-third of the cost of insurance for such officer, or such lesser amount as may from time to time be determined by the Administration to be a practicable and equitable obligation of the United States in assisting the States and units of general local government in recruiting and retaining their public safety officers.

Section 508—Investments and Expenses

Section 508, Subsection (a) provides that the amounts withheld from the basic or other pay of public safety officers as contributions to premiums for insurance under section 506 of this subpart, any sums

contributed by the Administration under section 507 of this subpart, and any sums contributed for insurance under this subpart by States and units of general local government under section 515 of this part, together with the income derived from any dividends or premium rate readjustment from insurers, shall be deposited to the credit of a revolving fund established by section 517 of this part. All premium payments on any insurance policy or policies purchased under this subpart and the administrative costs to the Administration of the insurance program established by this subpart shall be paid from the revolving fund by the Administration.

Subsection (b) provides that the Administration is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative costs to the Administration of the program and all current premium payments on any policy purchased under this subpart. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of 4 years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 percent, the rate of interest of such obligation shall be the multiple of one-eighth of 1 percent nearest market yield. The interest on and the proceeds from the sale of these obligations, and the income derived from dividends or premium rate adjustments from insurers, shall become a part of the revolving fund.

Section 509—Beneficiaries; payments-of insurance

Section 509, subsection (a) provides that any amount of insurance in force under this subpart on any public safety officer or former public safety officer on the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence: (1) to the beneficiary or beneficiaries as the public safety officer or former public safety officer may have designated by a writing received in his employer's office prior to his death; (2) if there is no such beneficiary, to the surviving spouse of such officer or former officer; (3) if there is no such surviving spouse, to the child or children of such officer or former officer and to the descendants of deceased children by representation, in equal shares; (4) if none of the above, to the parent or parents of such officer or former officer, in equal shares; or (5) if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer. It is provided, however, that if a claim has not been made within the period set forth in subsection (b) of this section, the amount payable shall escheat to the credit of the revolving fund established by section 517 of this part.

Subsection (b) provides that a claim for payment shall be made by a person entitled under the order of precedence set forth in subsection (a) of this section within 2 years from the date of death of a public safety officer or former public safety officer.

Subsection (c) provides that the public safety officer may elect settlement of insurance under this subpart either in a lump sum or in 36 equal monthly installments. If no such election is made by such officer, the beneficiary or other person entitled to payment under this section may elect settlement either in a lump sum or in 36 equal monthly installments. If any such officer has elected settlement in lump sum, the beneficiary or other person entitled to payment under this section may elect settlement in 36 equal monthly installments.

Section 510—Basic tables of premiums; readjustment of rates

Section 510, subsection (a) provides that each policy or policies purchased under this subpart shall include for the first policy year a schedule of basic premium rates by age which the Administration shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, taking into account expense and risk charges and other rates based on the special characteristics of the group. This schedule of basic premium rates by age shall be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per \$1,000 of insurance, taking into account all savings based on the size of the group established by this subpart. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Administration in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

Subsection (b) provides that each policy so purchased shall include a provision that, in the event the Administration determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Administration may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate may be increased by the Administration during any policy year upon a showing by the insurance company issuing the policy that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

Subsection (c) provides that each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Administration on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers, taking into consideration peculiar characteristics of the group. Such maximum charges shall be continued from

year to year, except that the Administration may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Administration to such companies at least 1 year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

Subsection (d) provides that each such policy shall provide for an accounting to the Administration not later than 90 days after the end of each policy year, which shall set forth, in a form approved by the Administration, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of item (1) over the sum of items (2) and (3) shall be held by the insurance company, issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Administration as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Administration determines that such special contingency reserve has attained an amount estimated by the Administration to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under this subpart. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than 2 years.

Section 511—Benefit certificates

This section provides that the Administration shall arrange to have each public safety officer insured under a policy purchased under this subpart receive a certificate setting for the benefits to which such officer is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the officer. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

SUBPART 2—ASSISTANCE TO STATES AND LOCALITIES FOR PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE PROGRAMS

Section 512, Subsection (a) provides that any State or unit of general local government having an existing program of group life insurance for, or including as eligible, public safety officers during the first year after the effective date of this part, which desires to receive assistance under the provisions of this subpart shall (1) inform the public safety officers of the benefits and allocation of premium costs under both the Federal program established by subpart 1 of this part and the existing State or unit of general local government program; (2) hold a refer-

endum of the eligible public safety officers of the State or unit of general local government to determine whether such officers want to continue in the existing group life insurance program or apply for inclusion in the Federal program under the provisions of subpart 1 of this part; and (3) recognize the results of the referendum as finally binding on the State or unit of general local government for the purposes of this part.

Nothing in this subsection should prevent a local unit from keeping its own coverage—minus subsidy—and joining the national program.

Subsection (b) provides that upon an affirmative vote of a majority of such officers to continue in such State or unit of general local government program, a State or unit of general local government may apply for assistance for such program of group life insurance and the Administration shall provide assistance in accordance with this subpart.

Subsection (c) provides that assistance under this subpart shall not exceed one-third of the premiums attributable to the public safety officers enrolled in such State or unit of general local government program or such assistance as would be available to the public safety officers if they were enrolled under subpart 1 of this part, whichever is less, to the extent the amount of coverage under the State or unit of general local government program is comparable with the amount of coverage available under subpart 1 of this part.

Subsection (d) provides that assistance under this subpart shall be used to reduce proportionately the contributions paid by the State or unit of general local government and by the appropriate public safety officers to the total premium under such program. It is provided, however, that the State or unit of general local government and the insured public safety officers may by agreement change the contributions to premium costs paid by each, but not so that such officers must pay a higher fraction of the total premium than before the granting of assistance under this subpart.

SUBPART 3—GENERAL PROVISIONS

Section 513—Utilization of other agencies

This section provides that, in administering the provisions of this part, the Administration is authorized to utilize the services and facilities of any agency of the Federal Government or a State or unit of general local government or a company from which insurance is purchased under this part, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

Section 514—Advisory council on public safety officers' group life insurance

This section establishes that an advisory council on public safety officers' group life insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet not less than once a year, at the call of the chairman, and shall review the administration of this part and advise the Administration on matters of policy relating to its activity thereunder. In addition, the Administration may solicit advice and

recommendations from any State or unit of general local government participating in a public safety officers' group life insurance program under this part, from any insurance company underwriting programs under this part, and from public safety officers participating in group life insurance programs under this part.

Section 515—Premium payments on behalf of public safety officers

This section provides that nothing in this part shall be construed to preclude any State or unit of general local government from making contributions on behalf of public safety officers to the premiums required to be paid by them for any group life insurance program receiving assistance under this part.

Section 516—Waiver of sovereign immunity

This section provides that the Administration may sue or be sued on any cause of action arising under this part. Thus, persons aggrieved by actions of the Administration in the carrying out of this part may seek judicial review in the appropriate Federal court. The purpose of this section is to eliminate the defense of sovereign immunity in suits against the Government arising out of the administration of this part, without affecting existing statutory jurisdictional arrangements, defenses available other than sovereign immunity, or scope of review.

Section 517—Public Safety Officers' Group Insurance Revolving Fund

This section creates on the books of the Treasury of the United States a fund known as the Public Safety Officers' Group Insurance Revolving Fund which may be utilized only for the purposes of subpart 1 of this part.

SUBPART 4—MISCELLANEOUS

Section 103—Authorizations

This section amends section 569 of the Omnibus Crime Control and Safe Streets Act of 1968 by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated \$20,000,000 for the fiscal year ending September 30, 1977, for the purposes of part G."

Section 104—Use of appropriations

This section provides that until specific appropriations are made for carrying out the purposes of the act, any appropriations made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this act.

Section 105—Severability

This section is the severability clause.

Section 106—Effective date

This section provides that this act shall become effective on the date of enactment.

CHANGES IN EXISTING LAW

It is the opinion of the Committee that it is necessary to dispense with the requirement of subsection (4) of rule XXIX of the Standing Rules of the Senate, to expedite the business of the Senate.

The full text of the bill, as reported with amendments by the Committee, follows:

A BILL To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group life insurance programs for public safety officers and to assist State and local governments to provide such insurance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Safety Officers' Group Life Insurance Act of 1976".

SEC. 101. It is the declared purpose of Congress in this Act to promote the public welfare by establishing a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance, and to assist State and local governments to provide such insurance.

INSURANCE PROGRAM AUTHORIZED

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 522, respectively, as sections 550 through 571;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part F of title I, as amended by this Act, the following new part:

"PART G—PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"DEFINITIONS

"SEC. 500. For the purposes of this part—

"(1) 'child' includes a stepchild, an adopted child, an illegitimate child, and a posthumous child;

"(2) 'month' means a month that runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except when the last month has not so many days, in which event it expires on the last day of the month; and

"(3) 'public safety officer' means a person who is employed full time by a State or unit of general local government in—

"(A) the enforcement of the criminal laws, including highway patrol,

"(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

"(D) firefighting,

but does not include any person eligible to participate in the insurance program established by chapter 87 of title 5 of the United States Code, or any person participating in the program established by subchapter III of chapter 19 of title 38 of the United States Code.

“Subpart 1—Nationwide Program of Group Life Insurance for Public Safety Officers

“ELIGIBLE INSURANCE COMPANIES

“SEC. 501. (a) The Administration is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subpart. Each such life insurance company must (1) be licensed to issue life, accidental death, and dismemberment insurance in each of the fifty States of the United States and the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Administration, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

“(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Administration.

“(c) The Administration may at any time discontinue any policy which it has purchased from any insurance company under this subpart.

“REINSURANCE

“SEC. 502. (a) The Administration shall arrange with each life insurance company issuing a policy under this subpart for the reinsurance, under conditions approved by the Administration, of portions of the total amount of insurance under the policy, determined under this section, with other life insurance companies which elect to participate in the reinsurance.

“(b) The Administration shall determine for and in advance of a policy year which companies are eligible to participate as reinsurers and the amount of insurance under a policy which is to be allocated to the issuing company and to reinsurers. The Administration shall make this determination at least every three years and when a participating company withdraws.

“(c) The Administration shall establish a formula under which the amount of insurance retained by an issuing company after ceding reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each company's group life insurance, excluding insurance purchased under this subpart, in force in the United States on the determination date, which is the most recent December 31 for which information is available to the Administration. In determining the proportions, the portion of a company's group life insurance in force on the determination date in excess of \$100,000,000 shall be reduced by—

- “(1) 25 per centum of the first \$100,000,000 of the excess;
- “(2) 50 per centum of the second \$100,000,000 of the excess;
- “(3) 75 per centum of the third \$100,000,000 of the excess; and
- “(4) 95 per centum of the remaining excess.

However, the amount retained by or ceded to a company may not exceed 25 per centum of the amount of the company's total life insurance in force in the United States on the determination date.

“(d) The Administration may modify the computations under this section as necessary to carry out the intent of this section.

“PERSONS INSURED; AMOUNT

“SEC. 503. (a) Any policy of insurance purchased by the Administration under this subpart shall automatically insure any public safety officer employed on a full-time basis by a State or unit of general local government which has (1) applied to the Administration for participation in the insurance program under this subpart, and (2) agreed to deduct from such officer's pay the amount of such officer's contribution, if any, and forward such amount to the Administration or such other agency or office as is designated by the Administration as the collection agency or office for such contributions. The insurance provided under this subpart shall take effect from the first day agreed upon by the Administration and the responsible officials of the State or unit of general local government making application for participation in the program as to public safety officers then on the payroll, and as to public safety officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this subpart shall so insure all such public safety officers unless any such officer elects in writing not to be insured under this subpart. If any such officer elects not to be insured under this subpart he may thereafter, if eligible, be insured under this subpart upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administration.

“(b) A public safety officer eligible for insurance under this subpart is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

“If annual pay is—	The amount of group insurance is—		
	Greater than—	But not greater than—	Life Accidental death and dismemberment
0		\$8,000	\$10,000
\$8,000		9,000	11,000
\$9,000		10,000	12,000
\$10,000		11,000	13,000
\$11,000		12,000	14,000
\$12,000		13,000	15,000
\$13,000		14,000	16,000
\$14,000		15,000	17,000
\$15,000		16,000	18,000
\$16,000		17,000	19,000
\$17,000		18,000	20,000
\$18,000		19,000	21,000
\$19,000		20,000	22,000
\$20,000		21,000	23,000
\$21,000		22,000	24,000
\$22,000		23,000	25,000
\$23,000		24,000	26,000
\$24,000		25,000	27,000
\$25,000		26,000	28,000
\$26,000		27,000	29,000
\$27,000		28,000	30,000
\$28,000		29,000	31,000
\$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increase in the annual basic rate of pay places any such officer in a new pay bracket of the schedule and any necessary adjustment is made in his contribution to the total premium.

“(c) Subject to conditions and limitations approved by the Administration which shall be included in any policy purchased by it, the group accidental death and dismemberment insurance shall provide for the following payments:

“Loss	Amount payable
For loss of life-----	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more such members.	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

“(d) Any policy purchased under this subpart may provide for adjustments to prevent duplication of payments under any program of Federal gratuities for killed or injured public safety officers.

“(e) Group life insurance shall include provisions approved by the Administration for continuance of such life insurance without requirement of contribution payment during a period of disability of a public safety officer covered for such life insurance.

“(f) The Administration shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

“TERMINATION OF COVERAGE

“SEC. 504. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, to the effect that any insurance thereunder on any public safety officer shall cease two months after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier: *Provided, however,* That coverage shall be continued during periods of leave or limited disciplinary suspension if such an officer authorizes or otherwise agrees to make or continue to make any required contribution for the insurance provided by this subpart.

“CONVERSION

“SEC. 505. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, for the conversion of the group life insurance portion of the policy to an individual policy of life insurance effective the day following the date such insurance would cease as provided in section 504 of this subpart. During the period such insurance is in force, the insured, upon request to the Administration, shall be furnished a list of life insurance companies participating in the program established under this subpart and upon written application (with such period) to the participating company selected by the insured and payment of the required premiums, the insured shall be granted life insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof. In addition to the life insurance companies

participating in the program established under this subpart, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions, established by the Administration and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

“WITHHOLDING OF PREMIUMS FROM PAY

“SEC. 506. During any period in which a public safety officer is insured under a policy of insurance purchased by the Administration under this subpart, his employer shall withhold each pay period from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Administration to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this subpart while on full-time duty as a public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial amount determined by the Administration to be charged any public safety officer for each unit of insurance under this subpart may be continued from year to year, except that the Administration may redetermine such amount from time to time in accordance with experience.

“SHARING OF COST OF INSURANCE

“SEC. 507. For each month any public safety officer is insured under this subpart, the Administration shall bear not more than one-third of the cost of insurance for such officer, or such lesser amount as may from time to time be determined by the Administration to be a practicable and equitable obligation of the United States in assisting the States and units of general local government in recruiting and retaining their public safety officers.

“INVESTMENTS AND EXPENSES

“SEC. 508. (a) The amounts withheld from the basic or other pay of public safety officers as contributions to premiums for insurance under section 506 of this subpart, any sums contributed by the Administration under section 507 of this subpart, and any sums contributed for insurance under this subpart by States and units of general local government under section 515 of this part, together with the income derived from any dividends or premium rate readjustment from insurers, shall be deposited to the credit of a revolving fund established by section 517 of this part. All premium payments on any insurance policy or policies purchased under this subpart and the administrative costs to the Administration of the insurance program established by this subpart shall be paid from the revolving fund by the Administration.

“(b) The Administration is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative costs to the Administration of the program and all current premium payments on any policy purchased under this subpart. The Secretary of the Treasury is authorized to invest in and to sell and

retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield. The interest on and the proceeds from the sale of these obligations, and the income derived from dividends or premium rate adjustments from insurers, shall become a part of the revolving fund.

“BENEFICIARIES; PAYMENT OF INSURANCE

“SEC. 509. (a) Any amount of insurance in force under this subpart on any public safety officer or former public safety officer on the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

“(1) to the beneficiary or beneficiaries as the public safety officer or former public safety officer may have designated by a writing received in his employer’s office prior to his death;

“(2) if there is no such beneficiary, to the surviving spouse of such officer or former officer;

“(3) if none of the above, to the child or children of such officer or former officer and to the descendants of deceased children by representation in equal shares;

“(4) if none of the above, to the parent or parents of such officer or former officer, in equal shares; or

“(5) if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer.

Provided, however, That if a claim has not been made by a person under this section within the period set forth in subsection (b) of this section, the amount payable shall escheat to the credit of the revolving fund established by section 517 of this part.

“(b) A claim for payment shall be made by a person entitled under the order of precedence set forth in subsection (a) of this section within two years from the date of death of a public safety officer or former public safety officer.

“(c) The public safety officer may elect settlement of insurance under this subpart either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer, the beneficiary or other person entitled to payment under this section may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary or other person entitled to payment under this section may elect settlement in thirty-six equal monthly installments.

“BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

“SEC. 510. (a) Each policy or policies purchased under this subpart shall include for the first policy year a schedule of basic premium rates by age which the Administration shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, taking into account expense and risk charges and other rates based on the special characteristics of the group. The schedule of basic premium rates by age shall be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per \$1,000 of insurance, taking into account all savings based on the size of the group established by this subpart. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Administration in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

“(b) Each policy so purchased shall include a provision that, in the event the Administration determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Administration may approve the determination of a tentative average group life premium, for the first of any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate may be increased by the Administration during any policy year upon a showing by the insurance company issuing the policy that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

“(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Administration on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers, taking into consideration peculiar characteristics of the group. Such maximum charges shall be continued from year to year, except that the Administration may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Administration to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

“(d) Each such policy shall provide for an accounting to the Administration not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Administration, (1) the amounts of premiums actually accrued under the policy from its

date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Administration as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Administration determines that such special contingency reserve has attained an amount estimated by the Administration to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under this subpart. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"SEC. 511. The Administration shall arrange to have each public safety officer insured under a policy purchased under this subpart receive a certificate setting forth the benefits to which such officer is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the officer. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"Subpart 2—Assistance to States and Localities for Public Safety Officers' Group Life Insurance Programs

"SEC. 512. (a) Any State or unit of general local government having an existing program of group life insurance for, or including as eligible, public safety officers during the first year after the effective date of this part, which desires to receive assistance under the provisions of this subpart shall—

"(1) inform the public safety officers of the benefits and allocation of premium costs under both the Federal program established by subpart 1 of this part and the existing State or unit of general local government program;

"(2) hold a referendum of the eligible public safety officers of the State or unit of general local government to determine whether such officers want to continue in the existing group life insurance program or apply for inclusion in the Federal program under the provisions of subpart 1 of this part; and

"(3) recognize the results of the referendum as finally binding on the State or unit of general local government for the purposes of this part.

"(b) Upon an affirmative vote of a majority of such officers to continue in such State or unit of general local government program, a State or unit of general local government may apply for assistance for such program of group life insurance and the Administration shall provide assistance in accordance with this subpart.

"(c) State and unit of general local government programs eligible for assistance under this subpart shall receive assistance on the same basis as if the officer were enrolled under subpart 1 of this part, subject to proportionate reduction if—

"(1) the program offers a lesser amount of coverage than is available under subpart 1 of this part, in which case assistance shall be available only to the extent of coverage actually afforded;

"(2) the program offers a greater amount of coverage than is available under subpart 1 of this part, in which case assistance shall be available only for the amount of coverage afforded under subpart 1 of this part;

"(3) the cost per unit of insurance is greater than for the program under subpart 1 of this part, in which case assistance shall be available only at the rate per unit of insurance provided under subpart 1 of this part; or

"(4) the amount of assistance would otherwise be a larger fraction of the total cost of the State or unit of general local government program than is granted under subpart 1 of this part, in which case assistance shall not exceed the fraction of total cost available under subpart 1 of this part.

"(d) Assistance under this subpart shall be used to reduce proportionately the contributions paid by the State or unit of general local government and by the appropriate public safety officers to the total premium under such program: *Provided, however,* That the State or unit of general local government and the insured public safety officers may be agreement change the contributions to premium costs paid by each, but not so that such officers must pay a higher fraction of the total premium than before the granting of assistance.

"Subpart 3—General Provisions

"UTILIZATION OF OTHER AGENCIES

"SEC. 513. In administering the provisions of this part, the Administration is authorized to utilize the services and facilities of any agency of the Federal Government or a State or unit of general local government or a company from which insurance is purchased under part, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"ADVISORY COUNCIL ON PUBLIC SAFETY OFFICER'S GROUP LIFE INSURANCE

"SEC. 514. There is hereby created an Advisory Council on Public Safety Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without addi-

tional compensation. The Council shall meet not less than once a year, at the call of the Chairman, and shall review the administration of this part and advise the Administration on matters of policy relating to its activity thereunder. In addition, the Administration may solicit advice and recommendations from any State or unit of general local government participating in a public safety officers' group life insurance program under this part, from any insurance company underwriting programs under this part, and from public safety officers participating in group life insurance programs under this part.

"PREMIUM PAYMENTS ON BEHALF OF PUBLIC SAFETY OFFICERS"

"SEC. 515. Nothing in this part shall be construed to preclude any State or unit of general local government from making contributions on behalf of public safety officers to the premiums required to be paid by them for any group life insurance program receiving assistance under this part.

"WAIVER OF SOVEREIGN IMMUNITY"

"SEC. 516. The Administration may sue or be sued on any cause of action arising under this part.

"PUBLIC SAFETY OFFICERS' GROUP INSURANCE REVOLVING FUND"

"SEC. 517. There is hereby created on the books of the Treasury of the United States a fund known as the Public Safety Officers' Group Life Insurance Revolving Fund which may be utilized only for the purposes of subpart 1 of this part."

Subpart 4—Miscellaneous

SEC. 103. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated \$20,000,000 for the fiscal year ending September 30, 1977, for the purposes of part G."

SEC. 104. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

SEC. 105. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 106. This Act shall become effective on date of enactment.

**ADDITIONAL VIEWS OF MR. HRUSKA AND
MR. THURMOND**

We are opposed to the enactment of S. 230.

This opposition does not stem from any lack of appreciation or understanding for the contributions made by public safety officers of the nation. Indeed, we were original sponsors of S. 2087, the Public Safety Officers Benefits Act of 1972. Although that bill was not enacted in the 92nd Congress, a similar bill, S. 15, was introduced into the 93rd Congress. S. 15 was passed by the Senate and the House, but did not survive adjournment of the 93rd Congress.

The bill was again introduced in this Congress as S. 2572. It was approved by the Committee on the Judiciary on May 5, 1976. It has been reported to the Senate by the Committee.

S. 2572 would provide for a \$50,000 gratuity for public safety officers killed in the line of duty as a result of a criminal act or an apparent criminal act. To us S. 2572 is an appropriate recognition by the Congress of its responsibility to provide support for those of our citizens who are in the front line of our efforts to deter crime in this nation.

Our opposition to S. 230 is, rather, based on our feeling that the provision of life insurance for public safety officers is not the responsibility of the federal government. Let us cite several factors which back up this statement.

First, contrary to the statements made by some of the sponsors of S. 230, life insurance is readily available to public safety officers from the same sources that provide insurance to the remainder of our citizens. The evidence contained in the Subcommittee's hearings on this bill document in instance after instance that private insurance companies in this country are ready, willing and able to supply insurance to law enforcement personnel. Most are already covered. Anyone interested in coverage has but to look around him to find numerous insurers looking for an opportunity to serve him.

Second, many of these insurers are prepared to offer coverage to public safety personnel under the same terms and at the same prices as it is offered to citizens in other types of endeavor. This, too, is documented in the hearings. Other companies which feel that there is a certain added hazard in insuring this type of occupation charge an additional fee amounting in most instances to a few pennies.

Third, with Senate approval of S. 2572 to provide protection against the extraordinary risks taken by these officers, all that the adoption of S. 230 would mean is that Congress is approving the purchase out of federal funds of ordinary life insurance to protect against off-duty mishaps and natural events that are not a function of these occupations. Having provided for protection against the risks that are a function of the public safety professions, why should these citizens be singled out for federal insurance against an automobile accident which occurs on the way to the grocery store or the movie, a fall sustained

on a family picnic, or even simply death in bed? There are numerous other citizens, particularly other public service employees, who legitimately may feel that they are entitled to the same consideration.

Fourth, recent studies indicate that more than 310,000 police officers are already benefiting from life insurance programs in which at least a portion of the premiums are paid by the employer. This amounts to approximately 68 percent of the state and local police officers in the nation. Similar figures pertain in the other professions covered by S. 230. I do not maintain that in all cases these benefits are adequate or that we should be satisfied with a 68 percent figure. However, these statistics do bear out our contention that insurance is available and is already widely in effect. In addition, it is apparent that units of state and local government are recognizing their responsibilities to protect their personnel and are undertaking programs to meet this duty.

Fifth, as with so many other aspects of life in this country, federal assumption of responsibility is not the answer. Law enforcement has always been primarily a non-federal responsibility of function in the United States. It was so conceived at the time of the founding of the nation and it has remained so. This local responsibility for law enforcement has been an instrumental factor throughout our history in preserving justice and equality during periods of war and peace. Any effort to establish a national police force has always been strongly resisted by Congress and the great bulk of the citizenry. As recently as the establishment of the Law Enforcement Assistance Administration in 1968 and the numerous crime bills approved in 1970, Congress went on record as approving and adhering to the traditional allocation of law enforcement responsibility to state and local governments. We do not contend that federal life insurance policies will *ipso facto* result in the creation of a national police force; such a simplistic analysis would be wide of the mark. However, we should be mindful of the maxim that "he who pays the piper calls the tune." A federal insurance program as envisioned by S. 230 is an additional step away from traditional policy of having local officials supported primarily by local funds and under local control.

Sixth, appropriate benefits for public safety officers will differ from one jurisdiction to another. Costs and expenses vary from region to region across the country and are appreciably different in rural and urban areas. Rather than a single national program of life insurance, separate ones molded to meet the specific and individual needs of the state or community would be far more equitable, workable and realistic. Other aspects of public safety employment—pay, working conditions, pension plans, types of hospitalization coverage—are allowed differing regulation from jurisdiction to jurisdiction. Why should life insurance be singled out for special national treatment?

Seventh, in addition to the obvious and substantial cost of providing the insurance specified in the bill, there are indications that large administrative and additional expenses would be involved. As public safety officers are now defined the one-third federal share of the premium for all public safety officers would be more than \$20 million annually. However, this figure does not include the extra expense of collecting the premiums from state and local units of government or administrative costs. One estimate of this cost of collection and admin-

istration is one dollar (\$1) per month for every public safety officer insured. This expense would have to be borne by the employing agency or the federal government and could amount to approximately \$8 million annually for the more than 700,000 public safety officers who would be eligible for insurance under this bill. The appropriation necessary to carry out the purposes of S. 230 should be borne in mind as the Senate considers this bill. This is especially true in view of the fact that a revenue sharing proposal to assist state and local governments in areas including law enforcement support is under review by Congress at the present moment.

We believe that these seven factors are compelling arguments which require opposition to S. 230.

ROMAN L. HRUSKA.
STROM THURMOND.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Safety Officers' Benefits Act of 1976".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new part:

"PART J.—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"PAYMENTS

"SEC. 701. (a) In any case in which the Administration determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Administration shall pay a benefit of \$50,000 as follows:

"(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

"(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

"(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

"(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

"(b) Whenever the Administration determines, upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person entitled to receive a benefit under subsection (a) of this section.

"(c) The amount of an interim payment under subsection (b) of this section shall be deducted from the amount of any final benefit paid to such person.

"(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(e) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 8191 of title 5, United States Code;

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“(2) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)).

“(f) No benefit paid under this part shall be subject to execution or attachment.

“LIMITATIONS

“SEC. 702. No benefit shall be paid under this part—

“(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

“(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

“(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

“DEFINITIONS

“SEC. 703. As used in this part—

“(1) ‘child’ means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is—

“(A) eighteen years of age or under;

“(B) over eighteen years of age and a student as defined in section 8101 of title 5, United States Code; or

“(C) over eighteen years of age and incapable of self-support because of physical or mental disability;

“(2) ‘dependent’ means a person who was substantially reliant for support upon the income of the deceased public safety officer;

“(3) ‘fireman’ includes a person serving as an officially recognized or designated member of a legally organized volunteer fire department;

“(4) ‘intoxication’ means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

“(5) ‘law enforcement officer’ means a person involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws. This includes, but is not limited to, police, corrections, probation, parole, and judicial officers;

“(6) ‘public agency’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, or any unit of local government, combination of such States, or units, or any department, agency, or instrumentality of any of the foregoing; and

“(7) ‘public safety officer’ means a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or as a fireman.

“ADMINISTRATIVE PROVISIONS

“SEC. 704. (a) The Administration is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Administration. The Adminis-

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tration may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Administration, and any agreement in violation of such rules and regulations shall be void.

“(b) In making determinations under section 701, the Administration may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Administration.”

MISCELLANEOUS PROVISIONS

SEC. 3. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by adding at the end thereof the following new subsection:

“(c) There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part J.”

SEC. 4. The authority to make payments under part J of the Omnibus Crime Control and Safe Streets Act of 1968 (as added by section 2 of this Act) shall be effective only to the extent provided for in advance by appropriation Acts.

SEC. 5. If the provisions of any part of this Act are found invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 6. The amendments made by this Act shall become effective and apply to deaths occurring from injuries sustained on or after the date of enactment of this Act.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

September 29, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have today signed into law H.R. 366, the Public Safety Officers' Benefits Act of 1976.

This law establishes a new program providing for the payment by the Federal government of a \$50,000 death benefit to the survivors of any State or local public safety officer who loses her or his life as a result of injuries sustained in the line of duty.

I fully recognize that no amount of money can fill the void left when these brave officers make the supreme sacrifice in pursuit of their duties. The least the Federal government can do is to assure that their dependents have adequate financial assistance to see them through their difficulties.

The signing into law of this bill is a solemn action by a grateful people and their government. It demonstrates the esteem of a free society for those of its members entrusted with public safety.

While it is important that the survivors of public safety officers who die in the line of duty be provided for, it is infinitely more important that steps be taken to avoid unnecessary death or injury to those who protect our safety. This is why I have pledged that a top priority during the first 100 days of my next Administration will be devoted to rallying the American people behind the legislative proposals I have submitted to the Congress so that the Federal government may better do its part to reduce crime in the United States.

It is with great pride and pleasure that I have signed this act into law.

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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
UPON SIGNING H. R. 366
THE PUBLIC SAFETY OFFICERS
BENEFITS ACT OF 1976

THE ROSE GARDEN

12:00 NOON EDT

Good morning, everybody.

Distinguished Members of the House and Senate, members of the Cabinet, distinguished guests, ladies and gentlemen:

Two days ago in Miami, Florida, I declared a major new escalation in America's war on crime. I outlined plans as follows: To completely revise the Federal Criminal Code; to expand the demonstrably successful career criminal program; to impose mandatory sentences for certain Federal crimes; to explore new ways of preventing juvenile crime; and to take other steps to make the Federal fight against crime a model for State and local efforts throughout the Nation.

There is no more important work to be done in our society than insuring domestic tranquility, as the Constitution requires, and protecting the lives and property of the American people. This means that America's 600,000 Federal, State and local public service officers are among our most important and valuable citizens.

We owe these dedicated public servants more than gratitude, more than praise. We owe them, as well as their families, the fullest measure of protection that we can provide.

We are now providing the most sophisticated equipment, the best training and the greatest financial and moral support that we can. But it is these courageous men and women themselves who stand on the front lines of America's war on crime. They take the risks, they suffer the injuries and they are the ones who lay their lives on the line every day for the rest of us in this country.

MORE

In 1975, 126 officers were killed in the line of duty; 49 were killed in the first four months of this year. Violent death has also claimed its grim toll of firefighters and other public safety officers whose courage is equally admirable, whose jobs are no less essential and whose lives are just as precious.

There is no way that we can fully compensate for this loss of life in our public service, but we have a clear obligation to help as much as we can.

The Congress has passed -- and I congratulate the Members of the House and Senate on both sides of the aisle -- the Public Service Officers Benefits Act of 1976. This legislation provides that the Federal Government will pay a \$50,000 benefit to the surviving dependents of public service officers who are killed in the line of duty. This includes not only policemen, but firemen, prison guards, parole and probation officers and court officials.

This Act demonstrates the esteem of a free society for those whom it entrusts with our public and personal safety.

It is with great pride and pleasure that I sign this legislation, and I congratulate the Congress for its efforts which I think are long overdue in this regard.

END (AT 12:05 P.M. EDT)

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976

President Ford today signed H.R. 366, the Public Safety Officers' Benefits Act of 1976, establishing a new Federal program to provide benefits to the survivors of State and local policemen and firemen killed in the line of duty.

HIGHLIGHTS OF H.R. 366

The new law would:

- Establish within the Law Enforcement Assistance Administration an entirely federally funded death benefits program.
- Authorize payment of a \$50,000 death benefit to the survivors of State and local "public safety officers" who have died "as the direct and proximate result of a personal injury sustained in the line of duty." Eligible "public safety officers" would include all persons serving with or without compensation as law enforcement officers (e.g., police, corrections, probation, parole, and judicial officers), or as firemen.
- Provide that death benefits be in addition to any other benefits to which the decedent's survivors would be entitled, except that they would be reduced by payments made under (1) the Federal Employees Compensation Act (FECA) to State and local law enforcement officers for injury or death resulting from apprehending persons suspected of committing Federal crimes or (2) the District of Columbia's statutorily authorized death benefits' program for police and firemen.
- Bar payment of the benefit if the public safety officer's death was the result of his or her intentional misconduct, suicidal act, or voluntary intoxication, or the actions of a potential beneficiary.
- Authorize "such sums as may be necessary" for each fiscal year.

The Department of Justice has estimated an annual Federal cost of \$19.3 million.

BACKGROUND

Legislation to establish a Federal death gratuity program for public safety officers was proposed in partial response to a shocking wave of public safety officer killings and the fact that some officers were inadequately covered by job-related benefits. Although bills were passed by both the House and Senate in the Ninety-second and Ninety-third Congresses, the legislation was never finally cleared for Presidential action.

more

The original Administration proposal to provide a Federal benefit to the survivors of public safety officers covered only officers killed as the result of a criminal act. The present legislation expands this scope significantly by providing coverage for all deaths resulting from a personal injury sustained in the line of duty.

The Administration plans to seek appropriations for this program as quickly as possible.

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