

8-06184

II

100TH CONGRESS
1ST SESSION

S. 1975

To better enable Federal law enforcement officers to accomplish their missions, to assist Federal law enforcement agencies in attracting and retaining the most qualified personnel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 15), 1987

Mr. DECONCINI (for himself, Mr. DOMENICI, Mr. D'AMATO, and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To better enable Federal law enforcement officers to accomplish their missions, to assist Federal law enforcement agencies in attracting and retaining the most qualified personnel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Comprehensive Federal
5 Law Enforcement Improvements Act of 1987".

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TITLE I—SPECIAL IMPROVEMENTS

SEC. 101. RESTORATION OF HAZARDOUS DUTY EARLY
RETIREMENT OPTION UNDER FEDERAL EM-
PLOYEES' RETIREMENT SYSTEM.

Section 8401(17)(B) of title 5, United States Code, is amended by striking out "for at least 10 years" and inserting in lieu thereof "for at least three years."

SEC. 102. TRAVEL AND TRANSPORTATION EXPENSES TO FIRST
DUTY STATIONS.

(a) The head of an agency may provide travel and transportation expenses to a newly appointed law enforcement officer, including the transportation expenses of his or her immediate family, household goods, and personal effects, from place of residence at the time of appointment to the first duty station, to the extent that payment of such expenses is authorized by section 5723 of title 5, United States Code, for a new appointee who may receive payments under that section.

(b) For purposes of this section—

(1) The term "agency" shall have the same meaning as provided in section 5721(1) of title 5, United States Code.

(2) The term "law enforcement officer" shall have the same meaning as provided in section 8401(17) of title 5, United States Code.

1 SEC. 103. LAW ENFORCEMENT AUTHORITY FOR CRIMINAL IN-
2 VESTIGATORS OF OFFICERS OF INSPECTOR
3 GENERAL.

4 Section 6 of the Inspector General Act of 1978 (5
5 U.S.C. App. 3) is amended by inserting immediately after
6 subsection (c) the following new subsection:

7 “(d) Subject to guidelines promulgated by the Attorney
8 General of the United States, and under such regulations as
9 the Inspector General may prescribe, investigators of the
10 Office of Inspector General may—

11 “(1) conduct investigations concerning any viola-
12 tions of United States law related to the programs,
13 personnel, or operations of the establishments;

14 “(2) for the purpose of conducting such investiga-
15 tions—

16 “(A) obtain and serve subpoenas and sum-
17 monses issued under the authority of the United
18 States; and

19 “(B) obtain and execute search and arrest
20 warrants;

21 “(3) if designated by the Inspector General, and
22 qualified under approved regulations governing the use
23 of firearms, carry firearms for the purpose of perform-
24 ing the duties authorized by this Act; and

1 “(4) arrest without warrant any person for any
2 violation of United States law related to the programs,
3 personnel, or operations of the establishments—

4 “(A) in the case of a felony violation; and

5 “(B) in the case of a felony or misdemeanor
6 violation, if the violation is committed in the pres-
7 ence of the investigator.”.

8 **SEC. 104. AMENDMENTS TO THE OMNIBUS CRIME CONTROL**
9 **AND SAFE STREETS ACT OF 1968.**

10 (a) **BASIC LEVEL OF DEATH BENEFIT PAYABLE.—**

11 Section 1201(a) of title I of the Omnibus Crime Control and
12 Safe Streets Act of 1968 (42 U.S.C. 3796(a)) is amended by
13 striking out “\$50,000” and inserting in lieu thereof
14 “\$100,000, adjusted in accordance with subsection (g),”.

15 (b) **PARENTS AS BENEFICIARIES.—**Section 1201(a)(4)
16 of title I of the Omnibus Crime Control and Safe Streets Act
17 of 1968 (42. U.S.C. 3796(a)(4)) is amended by striking out
18 “dependent”.

19 **SEC. 105. INVESTIGATIVE AUTHORITY OF THE COMPTROLLER**
20 **GENERAL.**

21 Section 712 of title 31, United States Code, is amended
22 by—

23 (1) inserting “(a)” before “The Comptroller Gen-
24 eral”; and

25 (2) adding at the end thereof the following:

1 “(b)(1) The Comptroller General may assign employees
2 of the General Accounting Office to carry out special investi-
3 gations related to Federal programs or activities carried out
4 under the laws of the United States, and potential criminal
5 violations thereof.

6 “(2) In connection with any investigation conducted by
7 employees referred to in paragraph (1), the Comptroller Gen-
8 eral may require by subpoena the attendance and testimony
9 of any person and the production of any records or other
10 evidence, except that the Comptroller General may only
11 demand production of agency records pursuant to the provi-
12 sions of section 716. The Comptroller General may subpoena
13 the attendance and testimony of an agency officer or employ-
14 ee, except that the Comptroller General may not compel the
15 testimony of an agency officer or employee concerning the
16 contents of an agency record to which the Comptroller Gen-
17 eral does not have access pursuant to the provisions of sec-
18 tion 716.

19 “(3) The attendance of any person to give testimony and
20 the production of any records or other evidence may be re-
21 quired from any place in the United States or its territories at
22 such reasonable places as may be designated. In case of dis-
23 obedience to a subpoena for the testimony of an agency offi-
24 cer or employee, the Comptroller General may bring a civil
25 action in the United States District Court for the District of

1 Columbia to compel the testimony. In case of disobedience to
2 a subpoena for the records or testimony of a person not in the
3 United States Government, the Comptroller General may
4 bring a civil action in the United States district court for the
5 judicial district or territory where the person resides, is
6 found, or carries on business, or where the records or other
7 evidence are located, to require the attendance and testimony
8 of any person and the production of any records or other
9 evidence. Failure to obey an order requiring the production of
10 testimony, records, or other evidence, may be punished as a
11 contempt of court.

12 “(4) Except with respect to an employee as defined in
13 section 2105 of title 5, United States Code, any person sub-
14 poenaed or deposed under this subsection shall be paid the
15 same fees and mileage that are paid witnesses in the district
16 courts of the United States.

17 “(5) The Comptroller General may authorize employees
18 of the General Accounting Office referred to in paragraph (1),
19 qualified for the use of firearms, to carry firearms.

20 “(6) Any department or agency of the United States,
21 including any law enforcement agency of the United States,
22 may cooperate with, and provide assistance, on a reimburse-
23 ble or nonreimbursable basis, in connection with any investi-
24 gation, audit, or evaluation.”.

1 SEC. 106. ASSAULTS ON PERSONNEL OF THE GENERAL
2 ACCOUNTING OFFICE.

3 Section 1114 of title 18, United States Code, is amend-
4 ed by inserting after "National Credit Union Administra-
5 tion," the following: "or any officer or employee of the Gen-
6 eral Accounting Office assigned to perform audits, investiga-
7 tions, or evaluations,".

8 SEC. 107. OBSTRUCTION OF AUDITS AND INVESTIGATIONS OF
9 THE GENERAL ACCOUNTING OFFICE.

10 Section 1505 of title 18, United States Code, is amend-
11 ed by striking "Congress" and the dash and inserting "Con-
12 gress or any officer or employee of the General Accounting
13 Office assigned to perform audits, investigations or evalua-
14 tions—".

15 SEC. 108. INCLUSION OF INVESTIGATORS OF THE GENERAL
16 ACCOUNTING OFFICE UNDER THE FEDERAL
17 TORTS CLAIM ACT.

18 The last sentence of section 2680(h), of title 28, United
19 States Code, is amended by—

20 (1) striking out "or" after "seize evidence,"; and

21 (2) striking the period at the end thereof and in-
22 serting ", or to conduct investigations pursuant to sec-
23 tion 712(b)(1) of title 31."

24 SEC. 109. OATHS AND AFFIRMATION.

25 Section 711(4) of title 31, United States Code, is
26 amended to read as follows:

1 “(4) administer oaths and affirmations whe
2 ducting an investigation, audit, or evaluation.”.

3 **TITLE II—NATIONAL ADVISORY**
4 **COMMISSION ON LAW**
5 **ENFORCEMENT**

6 **SEC. 201. DEFINITIONS.**

7 As used in this title—

8 (1) the term “Commission” means the N
9 Advisory Commission on Law Enforcement;

10 (2) the term “Commissioner” means a mem
11 ber of the National Advisory Commission on Law E
12 nforcement; and

13 (3) the term “law enforcement officer” h
14 as the same meaning as provided in section 8401(17)
15 of title 5, United States Code.

16 **SEC. 202. ESTABLISHMENT AND PURPOSES OF THE NATI**
17 **ONAL ADVISORY COMMISSION ON LAW ENFORCE-**
18 **MENT.**

19 (a) **ESTABLISHMENT.**—There is established as an
20 independent commission in the legislative branch of the
21 United States a National Advisory Commission on Law En
22 forcement, which shall consist of the following members:

23 (1) four members of the United States S
24 enate, two of whom shall be selected by the Majority J

1 and two of whom shall be selected by the Minority
2 Leader;

3 (2) four members of the United States House of
4 Representatives, two of whom shall be selected by the
5 Majority Leader and two of whom shall be selected by
6 the Minority Leader;

7 (3) the Comptroller General of the United States,
8 who shall also serve as Chairman of the Commission;

9 (4) the Director of the Office of Personnel Man-
10 agement;

11 (5) the Attorney General of the United States and
12 three other officials of the Department of Justice who
13 shall be designated by the Attorney General;

14 (6) the Secretary of the Treasury and two other
15 officials of the Department of the Treasury who shall
16 be designated by the Secretary of the Treasury;

17 (7) the Inspector Generals of three departments or
18 agencies of the executive branch of the United States
19 who shall be designated by the President of the United
20 States; and

21 (8) three representatives from Federal employee
22 groups.

23 (b) PURPOSES OF THE COMMISSION.—The Commis-
24 sion shall study the methods and rates of compensation in-
25 cluding salary, overtime pay, and other benefits of law en-

1 enforcement officers in all Federal agencies, as well as the
2 methods and rates of compensation of State and local law
3 enforcement officers in a representative number of areas
4 where Federal law enforcement officers are assigned, in order
5 to determine—

6 (1) the differences which exist among Federal
7 agencies with regard to the methods and rates of com-
8 pensation for law enforcement officers;

9 (2) the rational basis, if any, for such differences,
10 considering the nature of the responsibilities of the law
11 enforcement officers in each agency; the qualifications
12 and training required to perform such responsibilities;
13 the degree of personal risk to which the law enforce-
14 ment officers in each agency are normally exposed in
15 the performance of their duties; and such other factors
16 as the Commission deems relevant in evaluating the
17 differences in compensation among the various agen-
18 cies;

19 (3) the extent to which inequities appear to exist
20 among Federal agencies with regard to the methods
21 and rates of compensation of law enforcement officers,
22 based on consideration of the factors mentioned in
23 paragraph (2) of this subsection;

24 (4) the feasibility of devising a uniform system of
25 overtime compensation for law enforcement officers in

1 all or most Federal agencies, with due regard for both
2 the special needs of law enforcement officers and the
3 relative cost effectiveness to the Government of such a
4 system compared to those currently in use;

5 (5) how the salaries paid to Federal law enforce-
6 ment officers compare to those of State and local offi-
7 cers in the same geographical area, especially those in
8 "high cost-of-living" areas;

9 (6) the impact of the rates of compensation paid
10 by various Federal agencies on the lifestyle, morale,
11 and general well-being of law enforcement officers, in-
12 cluding their ability to subsist;

13 (7) the recruiting and retention problems experi-
14 enced by Federal agencies due to: inequities in
15 compensation among such agencies; the differences be-
16 tween rates of compensation paid to Federal law en-
17 forcement officers and State and local officers in the
18 same geographical areas; and other factors related to
19 compensation; and

20 (8) the extent to which Federal legislation and ad-
21 ministrative regulations may be necessary or appropri-
22 ate to rectify inequities among Federal agencies in the
23 methods and rates of compensation for law enforcement
24 officers; to address the lack of uniformity among agen-
25 cies with regard to overtime pay; to provide premiums

1 or special rates of pay for Federal law enforcement of-
2 ficers in high cost-of-living areas; to ensure that the
3 levels of compensation paid to Federal law enforcement
4 officers will be competitive with those paid to State
5 and local officers in the same geographical areas; and
6 to address such other matters related to the determina-
7 tions made under this subsection as the Commission
8 deems appropriate in the interests of enhancing the
9 ability of Federal agencies to recruit and retain the
10 most qualified and capable law enforcement officers.

11 **SEC. 203. POWERS OF THE COMMISSION.**

12 (a) **SPECIFIC POWERS.**—The Commission shall have
13 the power to—

14 (1) utilize, with their consent, the services, equip-
15 ment, personnel, information, and facilities of other
16 Federal, State, local, and private agencies and instru-
17 mentalities with or without reimbursement therefor;

18 (2) enter into and perform, without regard to 31
19 United States Code, section 3324, such contracts,
20 leases, cooperative agreements, and other transactions
21 as may be necessary in the conduct of the functions of
22 the Commission, with any public agency, or with any
23 person, firm, association, corporation, educational insti-
24 tution, or nonprofit organization;

1 (3) request such information, data, and reports
2 from any Federal agency or instrumentality as the
3 Commission may from time to time require and as may
4 be produced consistent with other law; and

5 (4) hold hearings and call witnesses that might
6 assist the Commission in the exercise of its powers or
7 duties.

8 (b) **OTHER NECESSARY POWERS.**—The Commission
9 shall have such other powers as may be necessary to carry
10 out its functions under this Act and may delegate to any
11 member or designated person such powers as may be appro-
12 priate in the conduct of its functions.

13 (c) **RESOURCES FROM OTHER FEDERAL AGENCIES.**—
14 Upon the request of the Commission, each Federal agency is
15 authorized and directed to make its resources, services,
16 equipment, personnel, facilities, and information available to
17 the greatest practicable extent to the Commission in the exe-
18 cution of its functions.

19 (d) **RESOURCES OF INDIVIDUAL COMMISSIONERS.**—
20 Each Commissioner may utilize the resources, services,
21 equipment, personnel, information, and facilities of his or her
22 Federal agency or, in the case of the Commissioners who are
23 members of Congress, his or her congressional office, as may
24 be necessary in the conduct of the Commissioner's respective
25 functions as a member of the Commission.

1 (e) QUORUM AND VOTING.—A simple majority of the
2 Commissioners then serving shall constitute a quorum for the
3 conduct of business by the Commission, and the Commission
4 may exercise its powers and fulfill its duties by the vote of a
5 simple majority of the Commissioners present.

6 (f) DUTIES OF CHAIRMAN.—The Chairman of the
7 Commission shall call and preside at meetings of the Com-
8 mission: *Provided, however,* That the Chairman may delegate
9 to any other Commissioner the authority to preside at meet-
10 ings of the Commission.

11 SEC. 204. REPORT AND DISSOLUTION OF COMMISSION.

12 (a) REPORT.—Within six months following the date of
13 enactment of this Act, the Commission shall prepare and de-
14 liver to the President of the United States, the President of
15 the Senate, and the Speaker of the House of Representatives,
16 a written report setting forth—

17 (1) the findings and determinations made by the
18 Commission pursuant to section 201(b); and

19 (2) specific proposals for such legislation and ad-
20 ministrative regulations as the Commission has deter-
21 mined to be necessary or appropriate pursuant to sec-
22 tion 201(b)(8).

23 (b) TERMINATION OF COMMISSION.—The Commission
24 shall be terminated upon the adjournment, sine die, of the
25 100th Congress.

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