

FBI FAMILIES OF FALLEN HEROES ACT

SEPTEMBER 29, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TOWNS, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 2711]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 2, line 21, strike “continental”.
Page 3, line 19, insert “and” after the semicolon.
Page 3, line 24, strike “; and” and insert the following: “.’”.
Page 4, strike lines 1–2.

PURPOSE AND SUMMARY

H.R. 2711, the “FBI Families of Fallen Heroes Act,” was introduced by Congressman Mike Rogers (R–MI), Oversight and Government Reform Committee Chairman Edolphus Towns (D–NY), and 8 additional original co-sponsors on June 4, 2009. H.R. 2711 would amend section 5724 of title 5, U.S.C., to provide the Attorney General or a designee with the authority to pay the moving and relocation expenses for the family of a Federal Bureau of Investigation (FBI) employee if the employee dies while performing official duties or as a result of the performance of official duties.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2711, the FBI Families of Fallen Heroes Act, provides the Attorney General or a designee with the authority to pay certain moving and relocation expenses for the family of an FBI employee if the employee is killed in the line of duty. FBI employees, particularly agents, police officers, and other employees who directly support field investigations, may be required to move their families throughout their careers. If the employee dies while performing his or her duties, the family may find itself far from other family members, supportive neighbors and friends, religious communities, and other support systems. Congress has authorized Federal agencies to pay the moving or relocation expenses for an employee’s family in a number of circumstances, including in the case of an employee who dies while performing official duties outside the continental United States (pursuant to 5 U.S.C. §5742). However, under current law, the government is not authorized to pay for moving and relocation of an employee’s family if the death occurs in the United States.

Specific statutory authority is needed to authorize payment of moving and relocation expenses in the event of a tragic and untimely death of an FBI employee that occurs in the United States. For instance, Special Agent Sam Hicks, 33, was assigned to the Pittsburgh FBI office and was fatally shot on November 19, 2008, while executing a federal search warrant associated with a drug distribution ring. He was survived by his wife and 2-year-old son. Special Agent Hicks was a former police officer with the Baltimore Police Department. He and his family relocated to Pittsburgh when he became an Agent. The Bureau was unable to assist the Hicks family in moving back to Baltimore. The authority provided in H.R. 2711 is necessary to allow the Bureau to assist families like the Hicks’ in a time of need.

LEGISLATIVE HISTORY

The Oversight and Government Reform Committee held a markup of H.R. 2711 on September 10, 2009, and ordered the bill, as amended, to be reported by voice vote.

Similar authority for the Justice Department to pay moving and relocation expenses for families of FBI employees was passed by

the House of Representatives on June 18, 2009, as section 534 of the Commerce, Justice, Science, and Related Agencies Appropriations bill for the fiscal year 2010.

SECTION-BY-SECTION

Sec.1. Short title

The short title of the bill is the FBI Families of Fallen Heroes Act.

Sec.2. Transportation of dependents, remains, and effects of certain Federal employees

This section would amend Subchapter II of chapter 57 of title 5, United States Code, by providing the Attorney General or a designee with the authority to pay the qualified expenses for the family of an employee of the FBI, if the employee dies while performing official duties or as a result of the performance of official duties. Qualified expenses include the moving expenses, transportation expenses, and relocation expenses of the family which are attributable to a change in the place of residence after the death of an employee. The Attorney General or a designee is also authorized to pay the expenses of preparing and transporting the remains of the deceased employee.

Subsection (c) defines moving expenses to include the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking the household goods and personal effects of such family, not in excess of 18,000 pounds net weight. Relocation expenses have the same meaning given such term under regulations prescribed by the General Services Administration under section 5738 of title 5.

EXPLANATION OF AMENDMENTS

Rep. Jason Chaffetz offered an amendment to the bill, which was adopted by voice vote. The amendment will allow the Attorney General or a designee to pay moving and relocation expenses for a family if the family moves or relocates outside the continental United States.

COMMITTEE CONSIDERATION

On Thursday, September 10, 2009, the Committee met in open session and favorably ordered H.R. 2711, as amended, to be reported to the House by a voice vote.

ROLLCALL VOTES

No rollcall votes were taken.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to terms and conditions of employment or access to public services and accommodations.

H.R. 2711 amends title 5 of the United States Code to provide the Attorney General or a designee to pay the moving and relocation expenses for the family of an employee of the FBI if the em-

employee is killed in the line of duty. This bill does not relate to employment or access to public services and accommodations in the legislative branch.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report, including the need to provide the Attorney General or a designee with the authority to pay moving and relocation expenses for the family of an FBI employee, if the employee is killed in the United States.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report, including the need to provide the Attorney General or a designee with the authority to pay moving and relocation expenses for FBI families to better serve these families in a time of need.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress to enact the law proposed by H.R. 2711. Article I, Section 8, Clause 18 of the Constitution of the United States grants the Congress the power to enact this law.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, Public Law 104-4) requires a statement on whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

H.R. 2711 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 2711. However, clause 3(d)(3)(B) of that rule provides that this re-

quirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2711 from the Director of the Congressional Budget Office:

SEPTEMBER 25, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2711, the FBI Families of Fallen Heroes Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 2711—FBI Families of Fallen Heroes Act

CBO estimates that implementing H.R. 2711 would have no significant cost to the federal government. Enacting the bill would not affect direct spending or revenues. H.R. 2711 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

H.R. 2711 would authorize the Department of Justice to use appropriated funds to pay certain relocation expenses for the families of Federal Bureau of Investigation (FBI) employees who have died as a result of performing official duties. Since 1986, 17 FBI agents have died under such circumstances. Based on this information CBO expects that no more than one family per year, on average, would be affected by the provisions of H.R. 2711.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

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CHAPTER 57—TRAVEL, TRANSPORTATION, AND
SUBSISTENCESUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE
ALLOWANCES

Sec.

5701. Definitions.

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SUBCHAPTER II—TRAVEL AND TRANSPORTATION EXPENSES; NEW
APPOINTEES, STUDENT TRAINEES, AND TRANSFERRED EMPLOYEES

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5724d. *Transportation of dependents, remains, and effects of certain Federal employ-*
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SUBCHAPTER II—TRAVEL AND TRANSPORTATION EX-
PENSES; NEW APPOINTEES, STUDENT TRAINEES, AND
TRANSFERRED EMPLOYEES

* * * * *

**§ 5724d. *Transportation of dependents, remains, and effects
of certain Federal employees***

(a) *IN GENERAL.*—Under regulations prescribed under section 5738 and to the extent that the Attorney General (or a designee) authorizes or approves, if an employee of the Federal Bureau of Investigation dies while performing official duties or as a result of the performance of official duties, the Department of Justice may pay from Government funds—

(1) *the qualified expenses of the immediate family of the employee, if the place where the family will reside following the death of the employee is—*

(A) *different from the place where the family resided at the time of the employee's death; and*

(B) *within the United States; and*

(2) *the expenses of preparing and transporting the remains of the deceased to—*

(A) *the place where the immediate family will reside following the death of the employee; or*

(B) *such other place, appropriate for interment, as is determined by the Attorney General (or designee).*

(b) *QUALIFIED EXPENSES.*—For purposes of this section, the term “qualified expenses”, as used with respect to a family changing its place of residence, means the moving expenses, transportation ex-

penses, and relocation expenses of the family which are attributable to the change in place of residence.

(c) *DEFINITIONS.*—For purposes of this section—

(1) the term “moving expenses”, as used with respect to a family, includes the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking the household goods and personal effects of such family, not in excess of 18,000 pounds net weight; and

(2) the term “relocation expenses” has the meaning given such term under regulations prescribed under section 5738, including relocation expenses and relocation services described in sections 5724a and 5724c, respectively.

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