

(5) with respect to any individual employed in a capacity other than a civilian capacity.

**(b) Presumption**

In determining whether a benefit is payable under this subchapter, the Bureau—

(1) shall presume that none of the limitations described in subsection (a) apply; and

(2) shall not determine that a limitation described in subsection (a) applies, absent clear and convincing evidence.

(Pub. L. 90-351, title I, §1202, as added Pub. L. 98-473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 101-647, title XIII, §1301(b), Nov. 29, 1990, 104 Stat. 4834; Pub. L. 109-162, title XI, §1164(b), Jan. 5, 2006, 119 Stat. 3120; Pub. L. 112-239, div. A, title X, §1086(b)(1)(C), Jan. 2, 2013, 126 Stat. 1966; Pub. L. 115-36, §5, June 2, 2017, 131 Stat. 852.)

CODIFICATION

Section was formerly classified to section 3796a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1202 of title I of Pub. L. 90-351, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1220; amended Pub. L. 98-411, title II, §204(a)(2), Aug. 30, 1984, 98 Stat. 1561; Pub. L. 98-473, title II, §609Z, Oct. 12, 1984, 98 Stat. 2107, contained provisions similar to this section, prior to the general amendment of part L of title I of Pub. L. 90-351 by section 609F of Pub. L. 98-473.

Another prior section 1202 of Pub. L. 90-351, title VII, June 19, 1968, 82 Stat. 236, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99-308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

2017—Pub. L. 115-36 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2013—Pub. L. 112-239, §1086(b)(1)(C)(i), substituted “fatal” for “death” wherever appearing except in par. (1) following “bring about his”.

Par. (1). Pub. L. 112-239, §1086(b)(1)(C)(ii), substituted “bring about his death, disability, or injury” for “bring about his death or catastrophic injury”.

2006—Par. (5). Pub. L. 109-162 inserted “with respect” before “to any individual”.

1990—Pars. (1) to (4). Pub. L. 101-647 inserted “or catastrophic injury” after “death” wherever appearing.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-36, §6, June 2, 2017, 131 Stat. 852, provided that: “The amendments made by this Act [enacting section 10288 of this title and amending this section and sections 10285 and 10302 of this title] shall—

“(1) take effect on the date of enactment of this Act [June 2, 2017]; and

“(2) apply to any benefit claim or application under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) [now 34 U.S.C. 10281 et seq.] that is—

“(A) pending before the Bureau of Justice Assistance on the date of enactment; or

“(B) received by the Bureau on or after the date of enactment of this Act.”

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 10251 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring

before Nov. 29, 1990, see section 1303 of Pub. L. 101-647, set out as a note under section 10281 of this title.

**§ 10283. National programs for families of public safety officers who have sustained fatal or catastrophic injury in the line of duty**

The Director is authorized to use no less than \$150,000 of the funds appropriated for this subchapter to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have sustained fatal or catastrophic injury in the line of duty.

(Pub. L. 90-351, title I, §1203, as added Pub. L. 100-690, title VI, §6106(a)(2), Nov. 18, 1988, 102 Stat. 4341; amended Pub. L. 105-180, §2(a), June 16, 1998, 112 Stat. 511; Pub. L. 112-239, div. A, title X, §1086(b)(1)(D), Jan. 2, 2013, 126 Stat. 1966.)

CODIFICATION

Section was formerly classified to section 3796a-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1203 of Pub. L. 90-351 was renumbered section 1204 and is classified to section 10284 of this title.

Another prior section 1203 of Pub. L. 90-351, title VII, June 19, 1968, 82 Stat. 237, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99-308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

2013—Pub. L. 112-239 substituted “who have sustained fatal or catastrophic injury in the line of duty” for “who have died in the line of duty” in section catchline and text.

1998—Pub. L. 105-180 amended text generally. Prior to amendment, text read as follows: “The Director is authorized and directed to use up to \$150,000 of the funds appropriated for this subchapter to establish national programs to assist the families of public safety officers who have died in the line of duty.”

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 10251 of this title.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 10142(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 10141 of this title.

**§ 10284. Definitions**

As used in this subchapter—

(1) “catastrophic injury” means an injury, the direct and proximate consequences of which permanently prevent an individual from performing any gainful work;

(2) “chaplain” includes any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;

(3) “child” means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased or permanently and totally disabled public safety officer who, at the time of the public safety officer’s fatal or catastrophic injury, is—

(A) 18 years of age or under;

(B) over 18 years of age and a student as defined in section 8101 of title 5; or

(C) over 18 years of age and incapable of self-support because of physical or mental disability;

(4) “firefighter” includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department;

(5) “intoxication” means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

(A) a post-injury blood alcohol level of .20 per centum or greater; or

(B) a post-injury blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his fatal or catastrophic injury;

or resulting from drugs or other substances in the body;

(6) “law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency),<sup>1</sup> including, but not limited to, police, corrections, probation, parole, and judicial officers;

(7) “member of a rescue squad or ambulance crew” means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

(A) is a public agency; or

(B) is (or is a part of) a nonprofit entity serving the public that—

(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;

(8) “public agency” means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

(9) “public safety officer” means—

(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain;

(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the Administrator of the Federal Emergency Management Agency to be hazardous duties;

(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the head of the agency to be hazardous duties;

(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services; or

(E) an individual appointed to the National Disaster Medical System under section 300hh-11 of title 42 who is performing official duties of the Department of Health and Human Services, if those official duties are—

(i) related to responding to a public health emergency or potential public health emergency, or other activities for which the Secretary of Health and Human Services has activated such National Disaster Medical System; and

(ii) determined by the Secretary of Health and Human Services to be hazardous.

(Pub. L. 90-351, title I, §1204, formerly §1203, as added Pub. L. 98-473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 99-500, §101(b) [title II, §207], Oct. 18, 1986, 100 Stat. 1783-39, 1783-56, and Pub. L. 99-591, §101(b) [title II, §207], Oct. 30, 1986, 100 Stat. 3341-39, 3341-56; renumbered §1204 and amended Pub. L. 100-690, title VI, §§6105(d), 6106(a)(1), Nov. 18, 1988, 102 Stat. 4341; Pub. L. 101-647, title XIII, §§1301(c), 1302, Nov. 29, 1990, 104 Stat. 4834; Pub. L. 103-322, title XXXIII, §330001(e)(2), Sept. 13, 1994, 108 Stat. 2139; Pub. L. 106-390, title III, §305(a), Oct. 30, 2000, 114 Stat. 1573; Pub. L. 107-196, §2(a), June 24, 2002, 116 Stat. 719; Pub. L. 109-162, title XI, §1164(a), Jan. 5, 2006, 119 Stat. 3120; Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 112-239, div. A, title X, §1086(b)(1)(E), Jan. 2, 2013, 126 Stat. 1967; Pub. L. 116-22, title III, §301(d)(2), June 24, 2019, 133 Stat. 933.)

<sup>1</sup> So in original. The period probably should not appear.

## AMENDMENT OF SECTION

*For termination of amendment by section 301(d)(3) of Pub. L. 116-22, see Termination Date of 2019 Amendment note below.*

## REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in par. (9), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

## CODIFICATION

Section was formerly classified to section 3796b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

## PRIOR PROVISIONS

A prior section 1204 of Pub. L. 90-351 was renumbered section 1205 and is classified to section 10285 of this title.

## AMENDMENTS

2019—Par. (9)(E). Pub. L. 116-22, §301(d)(2), (3), temporarily added subpar. (E). See Termination Date of 2019 Amendment note below.

2013—Par. (1). Pub. L. 112-239, §1086(b)(1)(E)(i), substituted “an injury, the direct and proximate consequences of which” for “consequences of an injury that”.

Par. (3). Pub. L. 112-239, §1086(b)(1)(E)(ii), inserted “or permanently and totally disabled” after “deceased” and substituted “fatal or catastrophic injury” for “death” in introductory provisions and redesignated cls. (i) to (iii) as subpars. (A) to (C), respectively.

Par. (5). Pub. L. 112-239, §1086(b)(1)(E)(iii)(II), (III), redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively, and, in subpar. (B), substituted “fatal or catastrophic injury” for “death”.

Pub. L. 112-239, §1086(b)(1)(E)(iii)(I), substituted “post-injury” for “post-mortem” in cls. (i) and (ii).

Par. (7). Pub. L. 112-239, §1086(b)(1)(E)(iv), substituted “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—” for “public employee member of a rescue squad or ambulance crew;” and added subpars. (A) and (B).

Par. (9)(A). Pub. L. 112-239, §1086(b)(1)(E)(v)(I), substituted “or as a chaplain;” for “as a chaplain, or as a member of a rescue squad or ambulance crew;”.

Par. (9)(D). Pub. L. 112-239, §1086(b)(1)(E)(v)(II)–(IV), added subpar. (D).

2006—Par. (4). Pub. L. 109-162, §1164(a)(3), struck out “and an officially recognized or designated public employee member of a rescue squad or ambulance crew” before semicolon at end.

Par. (6). Pub. L. 109-162, §1164(a)(4), substituted “enforcement of the criminal laws (including juvenile delinquency).” for “enforcement of the laws”.

Pars. (7) to (9). Pub. L. 109-162, §1164(a)(1), (2), added par. (7) and redesignated former pars. (7) and (8) as (8) and (9), respectively.

2002—Pars. (2) to (7). Pub. L. 107-196, §2(a)(1), (2), added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively. Former par. (7) redesignated (8).

Par. (8). Pub. L. 107-196, §2(a)(1), (3), redesignated par. (7) as (8) and inserted “as a chaplain,” after “firefighter,” in subpar. (A).

2000—Par. (7). Pub. L. 106-390 added par. (7) and struck out former par. (7) which read as follows: “‘public safety officer’ means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, a firefighter, or rescue squad or ambulance crew”.

1994—Par. (3). Pub. L. 103-322 struck out before semicolon at end “who was responding to a fire, rescue or police emergency”.

1990—Par. (1). Pub. L. 101-647, §1301(c), added par. (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 101-647, §1302, which directed amendment of par. (2) by inserting a period after “ambulance crew” and striking out “who was responding to a fire, rescue or police emergency.”, could not be executed because the phrases “ambulance crew” and “who was responding to a fire, rescue or police emergency.” did not appear in text of par. (2).

Pub. L. 101-647, §1301(c)(1), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pars. (3) to (7). Pub. L. 101-647, §1301(c)(1), redesignated pars. (2) to (6) as (3) to (7), respectively.

1988—Pars. (2) to (7). Pub. L. 100-690, §6105(d), redesignated pars. (3) to (7) as (2) to (6), respectively, and struck out former par. (2) defining a “dependent” as any individual substantially reliant for support upon income of deceased public safety officer.

1986—Pub. L. 99-500 and Pub. L. 99-591 inserted “and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire, rescue or police emergency” in par. (3), and substituted “, a firefighter, or rescue squad or ambulance crew” for “or a firefighter.” in par. (7).

## CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in par. (9)(B)(ii) on authority of section 612(c) of Pub. L. 109-295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of Title 6.

## TERMINATION DATE OF 2019 AMENDMENT

Pub. L. 116-22, title III, §301(d)(3), June 24, 2019, 133 Stat. 933, provided that: “The amendments made by paragraphs (1) and (2) [amending this section and section 300hh-11 of Title 42, The Public Health and Welfare] shall cease to have force or effect on October 1, 2021.”

## EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 10251 of this title.

## EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-196 effective Sept. 11, 2001, and applicable to injuries or deaths that occur in the line of duty on or after such date, see section 2(c) of Pub. L. 107-196, set out as a note under section 10281 of this title.

## EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-390, title III, §305(b), Oct. 30, 2000, 114 Stat. 1574, provided that: “The amendment made by subsection (a) [amending this section] applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10284(7)(B), (C)] (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act [Oct. 30, 2000].”

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring before Nov. 29, 1990, see section 1303 of Pub. L. 101-647, set out as a note under section 10281 of this title.

## EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6105(d) of Pub. L. 100-690 effective June 1, 1988, see section 6105(e) of Pub. L. 100-690, set out as a note under section 10281 of this title.

## TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

## TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

**§ 10285. Administrative provisions****(a) Rules, regulations, and procedures**

The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this subchapter. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this subchapter. Rules, regulations, and procedures issued under this subchapter may include regulations governing the recognition of agents or other persons representing claimants under this subchapter before the Bureau. Rules, regulations, and procedures issued under this subchapter may include regulations based on standards developed by another Federal agency for programs related to public safety officer death or disability claims. The Bureau may prescribe the maximum fees which may be charged for services performed in connection with any claim under this subchapter before the Bureau, and any agreement in violation of such rules and regulations shall be void.

**(b) Use of State and local administrative and investigative assistance**

(1) In making determinations under section 10281 of this title, the Bureau 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 Bureau.

(2) In making a determination under section 10281 of this title, the Bureau shall give substantial weight to the evidence and all findings of fact presented by a State, local, or Federal administrative or investigative agency regarding eligibility for death or disability benefits.

(3) If the head of a State, local, or Federal administrative or investigative agency, in consultation with the principal legal officer of the agency, provides a certification of facts regarding eligibility for death or disability benefits, the Bureau shall adopt the factual findings, if

the factual findings are supported by substantial evidence.

**(c) Use of appropriated funds to conduct appeals**

Notwithstanding any other provision of law, the Bureau is authorized to use appropriated funds to conduct appeals of public safety officers' death and disability claims.

**(d) References to provisions outside this subchapter**

Unless expressly provided otherwise, any reference in this subchapter to any provision of law not in this subchapter shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.

**(e) Reports on claims under this subchapter**

(1)(A) Not later than 30 days after June 2, 2017, the Bureau shall make available on the public website of the Bureau information on all death, disability, and educational assistance claims submitted under this subchapter that are pending as of the date on which the information is made available.

(B) Not less frequently than once per week, the Bureau shall make available on the public website of the Bureau updated information with respect to all death, disability, and educational assistance claims submitted under this subchapter that are pending as of the date on which the information is made available.

(C) The information made available under this paragraph shall include—

(i) for each pending claim—

(I) the date on which the claim was submitted to the Bureau;

(II) the State of residence of the claimant;

(III) an anonymized, identifying claim number; and

(IV) the nature of the claim; and

(ii) the total number of pending claims that were submitted to the Bureau more than 1 year before the date on which the information is made available.

(2) Not later than 180 days after June 2, 2017, the Bureau shall publish on the public website of the Bureau a report, and shall update such report on such website not less than once every 180 days thereafter, containing—

(A) the total number of claims for which a final determination has been made during the 180-day period preceding the report;

(B) the amount of time required to process each claim for which a final determination has been made during the 180-day period preceding the report;

(C) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before that date for which a final determination has not been made;

(D) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before the date that is 1 year before that date for which a final determination has not been made;

(E) for each claim described in subparagraph (D), a detailed description of the basis for delay;