

110TH CONGRESS
2D SESSION

S. 3397

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, 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 “First Responders Sup-
5 port Act of 2008”.

1 **SEC. 2. EXPANDING DISABILITY BENEFITS.**

2 (a) IN GENERAL.—Section 1201 of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
4 3796) is amended—

5 (1) in subsection (a)—

6 (A) by striking “\$250,000” and inserting
7 “\$350,000”; and

8 (B) by striking “subsection (h)” and in-
9 serting “subsection (h)(1)”;

10 (2) in subsection (b)—

11 (A) by striking “permanently and totally”;
12 and

13 (B) by striking “, to the extent that appro-
14 priations are provided” and all that follows and
15 inserting “a benefit in an amount determined in
16 accordance with subsection (h)(2) to such offi-
17 cer.”; and

18 (3) in subsection (h)—

19 (A) by striking “the effective date of this
20 subsection” and inserting “the date of enact-
21 ment of the First Responders Support Act of
22 2008”;

23 (B) by inserting “(1)” after “(h)”; and

24 (C) by adding at the end the following:

25 “(2)(A) Subject to subsection (b) and subparagraph
26 (B) of this paragraph, the amount of a benefit paid under

1 subsection (b) to a public safety officer who has become
 2 disabled as the direct result of a catastrophic injury sus-
 3 tained in the line of duty shall be in an amount equal to
 4 the benefit that is payable under subsection (a) in the ap-
 5 plicable year multiplied by the level of disability of the
 6 public safety officer, as determined in accordance with
 7 subparagraph (C).

8 “(B) No benefit shall be paid under subsection (b)
 9 if the level of disability of the public safety officer is less
 10 than 50 percent.

11 “(C) The Director shall adopt and apply a schedule
 12 of levels of disability of public safety officers associated
 13 with specific injuries or combinations of injuries, based
 14 upon the average impairments of earning capacity result-
 15 ing from the injuries concerned.”.

16 (b) DEFINITION OF CATASTROPHIC INJURY.—Sec-
 17 tion 1204(1) of the Omnibus Crime Control and Safe
 18 Streets Act of 1968 (42 U.S.C. 3796b(1)) is amended by
 19 striking “permanently prevent an individual from per-
 20 forming any gainful work” and inserting “substantially di-
 21 minishes the ability of an individual to perform gainful
 22 work”.

23 (c) EXPEDITING BENEFITS.—Section 1201 of the
 24 Omnibus Crime Control and Safe Streets Act of 1968 (42

1 U.S.C. 3796) is amended by adding at the end the fol-
 2 lowing:

3 “(n) Not later than 3 months after the date on which
 4 a claimant submits all information required for a claim
 5 under this subpart, the Bureau shall determine whether
 6 the claimant is eligible to receive a benefit under this sub-
 7 part.”.

8 (d) REGULATIONS.—Not later than 9 months after
 9 the date of enactment of this Act, the Attorney General
 10 shall promulgate regulations to carry out the amendments
 11 made by this section.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to the Attorney General,
 14 in addition to any other amounts otherwise authorized to
 15 be appropriated, \$3,000,000 for each of fiscal years 2009
 16 through 2013 to hire employees for the Bureau of Justice
 17 Assistance and obtain the technology and equipment nec-
 18 essary to expedite the processing of claims and make dis-
 19 ability determinations under subpart 1 of part L of the
 20 Omnibus Crime Control and Safe Streets Act of 1968 (42
 21 U.S.C. 3796 et seq.), as amended by this section.

22 **SEC. 3. EDUCATIONAL BENEFITS.**

23 (a) IN GENERAL.—Section 1212(a) of the Omnibus
 24 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 25 3796d–1(a)) is amended—

1 (1) by striking paragraph (2) and inserting the
2 following:

3 “(2)(A) Except as provided in paragraph (3), and
4 subject to subparagraph (C) of this paragraph, financial
5 assistance under this subpart shall—

6 “(i) consist of direct payments to an eligible de-
7 pendent; and

8 “(ii) be paid at the monthly rate of not more
9 than \$1,500.

10 “(B) The Director shall promulgate regulations to es-
11 tablish the amount of financial assistance under subpara-
12 graph (A) for an eligible dependent, which shall be based
13 on the portion of the normal full-time academic workload
14 for the course of study, as determined by the eligible edu-
15 cational institution, that the eligible dependent is pur-
16 suing.

17 “(C) On October 1 of each fiscal year beginning after
18 the date of enactment of the First Responders Support
19 Act of 2008, the Director shall adjust the level of the ben-
20 efit payable during that fiscal year under subparagraph
21 (A)(ii), to reflect the annual percentage change in the
22 Consumer Price Index for All Urban Consumers, pub-
23 lished by the Bureau of Labor Statistics, occurring in the
24 1-year period ending on June 1 immediately preceding
25 such October 1.”; and

1 (2) in paragraph (3)(A), by striking “to which
2 the eligible dependent would otherwise be entitled to
3 receive” and inserting “that the eligible dependent
4 receives”.

5 (b) CHILDREN.—Section 1212(a)(1) of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
7 3796d–1(a)(1)) is amended—

8 (1) in subparagraph (A), by striking “or” at
9 the end;

10 (2) in subparagraph (B), by striking “a totally
11 and permanently disabling injury” and inserting
12 “the officer’s catastrophic injury”;

13 (3) by redesignating subparagraph (B) as sub-
14 paragraph (C); and

15 (4) by inserting after subparagraph (A) the fol-
16 lowing:

17 “(B) the child of the spouse of an officer de-
18 scribed in subparagraph (A) at the time of the offi-
19 cer’s death or on the date of the officer’s cata-
20 strophic injury; or”.

21 **SEC. 4. CREDIT FOR CONTINUING CARE OF FIRST RE-**
22 **SPONDERS.**

23 (a) IN GENERAL.—Subpart C of part IV of sub-
24 chapter A of chapter 1 of the Internal Revenue Code of
25 1986 (relating to refundable credits) is amended by redess-

ignating section 36 as section 37 and by inserting after section 35 the following new section:

“SEC. 36. CONTINUING CARE FOR INJURED FIRST RESPONDERS.

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the qualified medical expenses paid or incurred during such taxable year by a qualified injured first responder or a family member of a qualified injured first responder.

“(b) LIMITATIONS.—

“(1) IN GENERAL.—The amount of the credit allowed under subsection (a) for any taxable year shall not exceed \$7,500.

“(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer’s adjusted gross income as exceeds \$75,000 (\$150,000 in the case of a joint return).

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

“(1) QUALIFIED INJURED FIRST RESPONDER.—The term ‘qualified injured first responder’ means any public safety officer who has suffered an injury

1 that substantially diminishes the ability of the public
2 safety officer to perform gainful work while per-
3 forming an official duty as a public safety officer.

4 “(2) FAMILY MEMBER.—The term ‘family
5 member’ includes family members described in sec-
6 tion 267(c)(4).

7 “(3) QUALIFIED MEDICAL EXPENSES.—The
8 term ‘qualified medical expenses’ means expenses
9 paid or incurred, not compensated for by insurance
10 or otherwise, for medical care (within the meaning
11 of section 213(d)) in connection with an injury of a
12 qualified injured first responder which was incurred
13 while the qualified injured first responder was per-
14 forming an official duty as a public safety officer.

15 “(4) PUBLIC SAFETY OFFICER.—The term
16 ‘public safety officer’ has the meaning given such
17 term by section 1204(9) of the Omnibus Crime Con-
18 trol and Safe Streets Act of 1968.

19 “(d) NO DOUBLE BENEFIT.—No credit or deduction
20 shall be allowed under this chapter with respect to any
21 expenses which are taken into account under this sec-
22 tion.”.

23 (b) CONFORMING AMENDMENTS.—

1 (1) Paragraph (2) of section 1324(b) of title
 2 31, United States Code, is amended by striking “or
 3 6428” and inserting “, 36, or 6428”.

4 (2) The table of sections for subpart C of part
 5 IV of subchapter A of chapter 1 of the Internal Rev-
 6 enue Code of 1986 is amended by striking the item
 7 relating to section 36 and inserting the following
 8 new items:

“Sec. 36. Continuing care for injured first responders.

“Sec. 37. Overpayments of tax.”.

9 (c) **EFFECTIVE DATE.**—The amendments made by
 10 this section shall apply to taxable years beginning after
 11 December 31, 2008.

12 **SEC. 5. EXPANDING COUNSELING AND MENTAL HEALTH**
 13 **SERVICES.**

14 (a) **DEFINITIONS.**—In this section—

15 (1) the term “Director” means the Director of
 16 the Bureau of Justice Assistance;

17 (2) the term “eligible organization” means an
 18 organization that provides free or reduced cost men-
 19 tal health services or counseling to public safety offi-
 20 cers seriously injured in the line of duty and the
 21 family members of public safety officers killed or se-
 22 riously injured in the line of duty;

23 (3) the term “public safety officer” has the
 24 meaning given that term in section 1204 of the Om-

1 nibus Crime Control and Safe Streets Act of 1968
2 (42 U.S.C. 3796b); and

3 (4) the term “reduced cost”, relating to mental
4 health services or counseling, means that the organi-
5 zation providing the services or counseling charges
6 not more than 50 percent of the amount that the or-
7 ganization would otherwise charge for the services or
8 counseling.

9 (b) AUTHORIZATION TO MAKE GRANTS.—The Direc-
10 tor may make grants to eligible organizations to provide
11 mental health services or counseling to public safety offi-
12 cers seriously injured in the line of duty and the family
13 members of public safety officers killed or seriously in-
14 jured in the line of duty.

15 (c) APPLICATION.—An eligible organization desiring
16 a grant under this section shall submit an application at
17 such time, in such manner, and accompanied by such in-
18 formation as the Director may establish.

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