

111TH CONGRESS
1ST SESSION

H. R. 4338

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 HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. MELANCON introduced the following bill; which was referred to the Committee on the Judiciary

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 2009”.

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

7 (2) in subsection (h), by striking “the effective
8 date of this subsection” and inserting “the date of
9 enactment of the First Responders Support Act of
10 2009”.

11 (b) EXPEDITING BENEFITS.—Section 1201 of the
12 Omnibus Crime Control and Safe Streets Act of 1968 (42
13 U.S.C. 3796) is amended by adding at the end the fol-
14 lowing:

15 “(n) Not later than 12 months after the date on
16 which a claimant submits all information required for a
17 claim under this subpart, the Bureau shall determine
18 whether the claimant is eligible to receive a benefit under
19 this subpart.”.

20 (c) REGULATIONS.—Not later than 9 months after
21 the date of enactment of this Act, the Attorney General
22 shall promulgate regulations to carry out the amendments
23 made by this section.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Attorney General,

1 in addition to any other amounts otherwise authorized to
2 be appropriated—

3 (1) \$2,000,000 for each of fiscal years 2011
4 through 2015 to hire employees for the Bureau of
5 Justice Assistance and obtain the technology and
6 equipment necessary to educate and assist eligible
7 agencies with the filing and application of claims for
8 the Public Safety Officer Benefits Programs and to
9 provide supplemental materials for continuing edu-
10 cation of claims information and procedure; and

11 (2) \$800,000 for each of fiscal years 2011
12 through 2015 for the education and assistance to
13 public safety officers and first responders in jurisdic-
14 tions located in rural areas and urban areas with a
15 population of less than 25,000.

16 **SEC. 3. EDUCATIONAL BENEFITS.**

17 Section 1212(a) of the Omnibus Crime Control and
18 Safe Streets Act of 1968 (42 U.S.C. 3796d–1(a)) is
19 amended—

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

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

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

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

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

12 “(C) On October 1 of each fiscal year beginning after
13 the date of enactment of the First Responders Support
14 Act of 2009, the Director shall adjust the level of the ben-
15 efit payable during that fiscal year under subparagraph
16 (A)(ii), to reflect the annual percentage change in the
17 Consumer Price Index for All Urban Consumers, pub-
18 lished by the Bureau of Labor Statistics, occurring in the
19 1-year period ending on June 1 immediately preceding
20 such October 1.”; and

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

1 **SEC. 4. PRIORITIZATION OF CLAIMS.**

2 Section 1205 of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3796c) is amended by add-
4 ing at the end the following:

5 “(d)(1) The Bureau shall adopt and apply a system
6 of prioritization of claims for benefits under this part
7 based on the severity of the claim and the likelihood of
8 approval of the claim.

9 “(2) For purposes of this subsection, a claim for a
10 death benefit or 100 percent disability shall be considered
11 more severe and given priority.”.

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-
25 nibus Crime Control and Safe Streets Act of 1968
26 (42 U.S.C. 3796b); and

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

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

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

17 **SEC. 6. OVERSIGHT OF THE PSOB PROGRAM.**

18 The Director of the Bureau of Justice Assistance
19 shall—

20 (1) not later than 12 months after the date of
21 enactment of this Act, structure, design, and imple-
22 ment a performance measure for the Public Safety
23 Officers Benefits program to monitor the claims
24 process and payment of benefits to officers and
25 beneficiaries; and

1 (2) report to Congress annually on the perform-
2 ance of the program, and its activities, including
3 technological updates, the status of payments and
4 claims, and the results of any education and out-
5 reach activities performed in accordance to this Act.

○