

111TH CONGRESS
1ST SESSION

S. 1037

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

MAY 14, 2009

Ms. LANDRIEU introduced the following bill; which was read twice and 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)—

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 2009”;

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

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)(i) 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 “(ii) For purposes of the schedule required by this
 17 subparagraph, the levels of disability eligible for benefits
 18 shall be—

19 “(I) based on the average impairment of earn-
 20 ing capacity resulting from the injuries; and

21 “(II) set at 50, 75, and 100 percent of dis-
 22 ability with a minimum threshold of 50 percent.”.

23 (b) DEFINITION OF CATASTROPHIC INJURY.—Sec-
 24 tion 1204(1) of the Omnibus Crime Control and Safe
 25 Streets Act of 1968 (42 U.S.C. 3796b(1)) is amended by

1 striking “permanently prevent an individual from per-
 2 forming any gainful work” and inserting “sufficiently di-
 3 minishes the ability of an individual to perform substan-
 4 tially gainful work (for purposes of this paragraph mar-
 5 ginal employment shall not be considered gainful work)”.

6 (c) EXPEDITING BENEFITS.—Section 1201 of the
 7 Omnibus Crime Control and Safe Streets Act of 1968 (42
 8 U.S.C. 3796) is amended by adding at the end the fol-
 9 lowing:

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

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

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 20 are authorized to be appropriated to the Attorney General,
 21 in addition to any other amounts otherwise authorized to
 22 be appropriated, \$6,000,000 for each of fiscal years 2010
 23 through 2014 to hire employees for the Bureau of Justice
 24 Assistance and obtain the technology and equipment nec-
 25 essary to expedite the processing of claims and make dis-

1 ability determinations under subpart 1 of part L of the
2 Omnibus Crime Control and Safe Streets Act of 1968 (42
3 U.S.C. 3796 et seq.), as amended by this section.

4 **SEC. 3. EDUCATIONAL BENEFITS.**

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

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

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

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

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

17 “(B) The Director shall promulgate regulations to es-
18 tablish the amount of financial assistance under subpara-
19 graph (A) for an eligible dependent, which shall be based
20 on the portion of the normal full-time academic workload
21 for the course of study, as determined by the eligible edu-
22 cational institution, that the eligible dependent is pur-
23 suing.

24 “(C) On October 1 of each fiscal year beginning after
25 the date of enactment of the First Responders Support

1 Act of 2009, the Director shall adjust the level of the ben-
 2 efit payable during that fiscal year under subparagraph
 3 (A)(ii), to reflect the annual percentage change in the
 4 Consumer Price Index for All Urban Consumers, pub-
 5 lished by the Bureau of Labor Statistics, occurring in the
 6 1-year period ending on June 1 immediately preceding
 7 such October 1.”; and

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

12 (b) CHILDREN.—Section 1212(a)(1) of the Omnibus
 13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 14 3796d–1(a)(1)) is amended—

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

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

20 (3) by redesignating subparagraph (B) as sub-
 21 paragraph (C); and

22 (4) by inserting after subparagraph (A) the fol-
 23 lowing:

24 “(B) the child of the spouse of an officer de-
 25 scribed in subparagraph (A) at the time of the offi-

cer's death or on the date of the officer's catastrophic injury; or".

SEC. 4. PRIORITIZATION OF CLAIMS.

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

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

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

SEC. 5. CREDIT FOR CONTINUING CARE OF FIRST RESPONDERS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating 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 med-

1 ical expenses paid or incurred during such taxable year
 2 by a qualified injured first responder or a family member
 3 of a qualified injured first responder.

4 “(b) LIMITATIONS.—

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

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

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

16 “(1) QUALIFIED INJURED FIRST RESPONDER.—
 17 The term ‘qualified injured first responder’ means
 18 any public safety officer who has suffered an injury
 19 that substantially diminishes the ability of the public
 20 safety officer to perform gainful work while per-
 21 forming an official duty as a public safety officer.

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

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

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

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

17 (b) CONFORMING AMENDMENTS.—

18 (1) Paragraph (2) of section 1324(b) of title
 19 31, United States Code, is amended by striking “or
 20 6428” and inserting “, 36, or 6428”.

21 (2) The table of sections for subpart C of part
 22 IV of subchapter A of chapter 1 of the Internal Rev-
 23 enue Code of 1986 is amended by striking the item
 24 relating to section 36 and inserting the following
 25 new items:

“Sec. 36. Continuing care for injured first responders.
 “Sec. 37. Overpayments of tax.”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to taxable years beginning after
 3 December 31, 2009.

4 **SEC. 6. EXPANDING COUNSELING AND MENTAL HEALTH**
 5 **SERVICES.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “Director” means the Director of
 8 the Bureau of Justice Assistance;

9 (2) the term “eligible organization” means an
 10 organization that provides free or reduced cost men-
 11 tal health services or counseling to public safety offi-
 12 cers seriously injured in the line of duty and the
 13 family members of public safety officers killed or se-
 14 riously injured in the line of duty;

15 (3) the term “public safety officer” has the
 16 meaning given that term in section 1204 of the Om-
 17 nibus Crime Control and Safe Streets Act of 1968
 18 (42 U.S.C. 3796b); and

19 (4) the term “reduced cost”, relating to mental
 20 health services or counseling, means that the organi-
 21 zation providing the services or counseling charges
 22 not more than 50 percent of the amount that the or-
 23 ganization would otherwise charge for the services or
 24 counseling.

1 (b) AUTHORIZATION TO MAKE GRANTS.—The Direc-
2 tor may make grants to eligible organizations to provide
3 mental health services or counseling to public safety offi-
4 cers seriously injured in the line of duty and the family
5 members of public safety officers killed or seriously in-
6 jured in the line of duty.

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

