

116TH CONGRESS
1ST SESSION

S. 1208

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2019

Referred to the Committee on the Judiciary

AN ACT

To amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to payments to certain public safety officers who have become permanently and totally disabled as a result of personal injuries sustained 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting America’s
3 First Responders Act”.

4 **SEC. 2. PAYMENT OF DEATH AND DISABILITY BENEFITS**
5 **UNDER THE PUBLIC SAFETY OFFICERS’**
6 **DEATH BENEFITS PROGRAM.**

7 Section 1201 of title I of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (34 U.S.C. 10281) is amend-
9 ed—

10 (1) in subsection (b), by striking the period at
11 the end and inserting the following: “, unless the
12 claim under this subsection has been pending for
13 more than 1 year, in which case the amount payable
14 shall be the amount that would be payable if the cat-
15 astrophic injury occurred on the date on which the
16 Bureau makes a final determination that the public
17 safety officer is entitled to a benefit payment under
18 this subsection.”;

19 (2) in subsection (c), by striking “\$3,000” and
20 inserting “\$6,000, adjusted in accordance with sub-
21 section (h),”;

22 (3) in subsection (h), by inserting “and the
23 level of the interim benefit payable immediately be-
24 fore such October 1 under subsection (c)” after
25 “subsection (a)”;

1 (4) by striking subsection (i) and inserting the
2 following:

3 “(i) The amount payable under subsection (a), with
4 respect to the death of a public safety officer, shall be the
5 greater of—

6 “(1) the amount payable under that subsection
7 as of the date of death of the public safety officer;
8 or

9 “(2) the amount that would be payable under
10 that subsection if the death of the public safety offi-
11 cer occurred on the date on which the Bureau makes
12 a final determination that the public safety officer is
13 entitled to a benefit payment under that sub-
14 section.”; and

15 (5) in subsection (m), by inserting “, (b),” after
16 “subsection (a)”.

17 **SEC. 3. DEFINITIONS FOR THE PURPOSES OF THE PUBLIC**
18 **SAFETY OFFICERS’ DEATH BENEFITS PRO-**
19 **GRAM.**

20 Section 1204 of title I of the Omnibus Crime Control
21 and Safe Streets Act of 1968 (34 U.S.C. 10284) is amend-
22 ed—

23 (1) by striking paragraph (1) and inserting the
24 following:

1 “(1) ‘catastrophic injury’ means an injury, the
2 direct and proximate consequences of which—

3 “(A) permanently prevent an individual
4 from performing any gainful work; or

5 “(B) cause an individual to become—

6 “(i) paraplegic;

7 “(ii) quadriplegic; or

8 “(iii) blind;”;

9 (2) in paragraph (3), in the matter preceding
10 subparagraph (A), by striking “at the time of the
11 public safety officer’s fatal or catastrophic injury”
12 and inserting “as of the date of the public safety of-
13 ficer’s death from a fatal injury or the date of deter-
14 mination of the public safety officer’s disability from
15 a catastrophic injury”;

16 (3) in paragraph (4), by inserting “, including
17 an individual who, in the capacity of the individual
18 as such a member, engages in scene security or traf-
19 fic management as the primary or only duty of the
20 individual during emergency response” before the
21 semicolon;

22 (4) by redesignating paragraphs (5) through
23 (9) as paragraphs (6) through (10), respectively;
24 and

1 (5) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) ‘gainful work’—

4 “(A) means any activity usually performed
5 for pay or profit, regardless of whether a profit
6 is realized; and

7 “(B) does not include work performed in a
8 situation in which, after an individual sustains
9 an injury—

10 “(i) the individual—

11 “(I) re-enters the workforce; and

12 “(II) leaves the workforce after
13 less than 90 days because of the in-
14 ability of the individual to overcome
15 the injury;

16 “(ii) because of the injury—

17 “(I) the individual is permitted,
18 in carrying out work, to—

19 “(aa) perform at a lower
20 standard of productivity or effi-
21 ciency than other similarly situ-
22 ated employees;

23 “(bb) work irregular hours;

24 or

1 “(cc) take frequent rest pe-
2 riods; or

3 “(II) the individual is only able
4 to work within a framework of spe-
5 cially arranged circumstances, such as
6 a circumstance in which 1 or more
7 other individuals are required to assist
8 the individual in preparing for work
9 or traveling to and from work;

10 “(iii)(I) the individual practices a
11 hobby usually performed for pay or profit,
12 regardless of whether a profit is realized;
13 and

14 “(II) the primary intent of the indi-
15 vidual in practicing the hobby described in
16 subclause (I)—

17 “(aa) is physical, mental, or emo-
18 tional rehabilitation of the individual
19 from the injury; and

20 “(bb) is not realization of profit;
21 or

22 “(iv) the individual is given the oppor-
23 tunity to work—

24 “(I) despite the injury of the in-
25 dividual; and

1 “(II) on the basis of—

2 “(aa) a family relationship
3 of the individual;

4 “(bb) a past association of
5 the individual with the employer
6 giving the individual the oppor-
7 tunity to work; or

8 “(cc) any other altruistic
9 reason;”.

10 **SEC. 4. RETROACTIVE APPLICABILITY.**

11 (a) DEFINITIONS.—For the purposes of this sec-
12 tion—

13 (1) the term “covered beneficiary” means an in-
14 dividual who—

15 (A) is, or was, a child or spouse of a cov-
16 ered individual described in paragraph (3)(B);
17 and

18 (B) would have been eligible for edu-
19 cational assistance under subpart 2 of part L of
20 title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (34 U.S.C. 10301 et seq.)
22 if the amendments made by section 3 of this
23 Act had been in effect on the date on which the
24 determination described in paragraph (3)(B)(i)
25 of this subsection was made;

1 (2) the term “covered claimant” means an indi-
2 vidual who is a claimant on the estate of a deceased
3 covered individual—

4 (A) described in paragraph (3)(B); and

5 (B) who died on or before the date of en-
6 actment of this Act;

7 (3) the term “covered individual” means—

8 (A) a beneficiary of a benefit under the
9 Public Safety Officers’ Death Benefit Program
10 that was paid—

11 (i) with respect to a death or dis-
12 ability of a public safety officer sustained
13 as the direct or proximate result of a per-
14 sonal injury sustained in the line of duty;
15 and

16 (ii) during the covered period; or

17 (B) a public safety officer who—

18 (i) was determined during the covered
19 period to be ineligible for a benefit pay-
20 ment under section 1201(b) of title I of
21 the Omnibus Crime Control and Safe
22 Streets Act of 1968 (34 U.S.C. 10281(b));
23 and

24 (ii) would have been eligible for a ben-
25 efit payment under subpart L of that title

1 due to the disability of the public safety of-
2 ficer if the amendments made by section 3
3 had been in effect on the date on which the
4 determination described in clause (i) was
5 made;

6 (4) the term “covered period” means the pe-
7 riod—

8 (A) beginning on the date of enactment of
9 title XIII of the Crime Control Act of 1990
10 (Public Law 101–647; 104 Stat. 4834); and

11 (B) ending on the day before the date of
12 enactment of the Protecting America’s First
13 Responders Act;

14 (5) the term “public safety officer” has the
15 meaning given the term in section 1204 of title I of
16 the Omnibus Crime Control and Safe Streets Act of
17 1968 (34 U.S.C. 10284); and

18 (6) the term “Public Safety Officers’ Death
19 Benefit Program” means the program established
20 under part L of title I of the Omnibus Crime Con-
21 trol and Safe Streets Act of 1968 (34 U.S.C. 10281
22 et seq.).

23 (b) APPLICABILITY.—The amendments made by sec-
24 tions 2 and 3 shall apply to a death or disability of a public

1 safety officer sustained as the direct or proximate result
2 of a personal injury sustained in the line of duty—

3 (1) subject to subsection (c), during the covered
4 period; or

5 (2) on or after the date of enactment of this
6 Act.

7 (c) PAYMENT.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 upon application of a covered individual, covered
10 beneficiary, or covered claimant, the Bureau of Jus-
11 tice Assistance shall make a lump sum payment to
12 the covered individual, covered beneficiary, or cov-
13 ered claimant in the amount equal to the difference,
14 if any, between—

15 (A) in the case of a covered individual—

16 (i) the amount of the total benefit
17 payment the covered individual would have
18 received under the Public Safety Officers'
19 Death Benefit Program as of the date of
20 the lump sum payment, if the amendments
21 made by sections 2 and 3 had been in ef-
22 fect on the date on which the covered indi-
23 vidual—

1 (I) received the final benefit pay-
2 ment under the Public Safety Offi-
3 cers' Death Benefit Program; or

4 (II) was determined to be ineli-
5 gible for a benefit payment under sec-
6 tion 1201(b) of title I of the Omnibus
7 Crime Control and Safe Streets Act of
8 1968 (34 U.S.C. 10281(b)); and

9 (ii) the amount of the total benefit
10 payment the covered individual received
11 under the Public Safety Officers' Death
12 Benefit Program before the date of enact-
13 ment of this Act;

14 (B) in the case of a covered beneficiary,
15 the amount of the total benefit payment the
16 covered beneficiary would have received under
17 subpart 2 of part L of title I of the Omnibus
18 Crime Control and Safe Streets Act of 1968
19 (34 U.S.C. 10301 et seq.) if the amendments
20 made by section 3 of this Act had been in effect
21 on the date on which the determination de-
22 scribed in subsection (a)(3)(B)(i) of this section
23 was made; and

24 (C) in the case of a covered claimant, the
25 amount of the total benefit payment the covered

1 individual on whose estate the covered claimant
 2 is a claimant would have received under the
 3 Public Safety Officers' Death Benefit Program
 4 as of the date of the lump sum payment, if the
 5 amendments made by sections 2 and 3 had
 6 been in effect on the date on which the deter-
 7 mination described in subsection (a)(3)(B)(i) of
 8 this section was made.

9 (2) APPLICATION.—A covered individual, cov-
 10 ered beneficiary, or covered claimant desiring a lump
 11 sum payment under paragraph (1) shall apply to the
 12 Bureau of Justice Assistance for such lump sum
 13 payment not later than 3 years after the date of en-
 14 actment of this Act.

15 **SEC. 5. DUE DILIGENCE IN PAYING BENEFIT CLAIMS**
 16 **UNDER THE PUBLIC SAFETY OFFICERS'**
 17 **DEATH BENEFITS PROGRAM.**

18 Section 1206(b) of title I of the Omnibus Crime Con-
 19 trol and Safe Streets Act of 1968 (34 U.S.C. 10288(b))
 20 is amended by striking “the Bureau may not” and all that
 21 follows and inserting the following: “the Bureau—

22 “(1) shall use all available investigative tools,
 23 including subpoenas, to—

24 “(A) expedite the processing of the benefit
 25 claim; and

1 “(B) obtain necessary information or docu-
2 mentation from third parties, including public
3 agencies; and

4 “(2) may not abandon the benefit claim unless
5 the Bureau has used the investigative tools available
6 to the Bureau to obtain the necessary information or
7 documentation, including subpoenas.”.

8 **SEC. 6. EDUCATIONAL ASSISTANCE TO DEPENDENTS OF**
9 **PUBLIC SAFETY OFFICERS KILLED OR DIS-**
10 **ABLED IN THE LINE OF DUTY.**

11 Section 1216(b) of title I of the Omnibus Crime Con-
12 trol and Safe Streets Act of 1968 (34 U.S.C. 10306(b))
13 is amended, in the first sentence, by striking “may” and
14 inserting “shall”.

15 **SEC. 7. COLLECTION OF DATA ON KILLED OR DISABLED**
16 **LAW ENFORCEMENT OFFICERS.**

17 Section 534(a) of title 28, United States Code, is
18 amended—

19 (1) in paragraph (3), by striking “and” at the
20 end;

21 (2) in paragraph (4), by striking the period at
22 the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(5) operate a central clearinghouse for statis-
25 tics on law enforcement officers under the Uniform

1 Crime Reporting Program, including data on law en-
2 forcement officers who, while performing their du-
3 ties, were—

4 “(A) feloniously killed;

5 “(B) accidentally killed;

6 “(C) feloniously assaulted; or

7 “(D) severely and permanently disabled.”.

8 **SEC. 8. GAO REPORT ON MEDICAL COSTS.**

9 (a) DEFINITION.—In this section, the term “disabled
10 officer” means a public safety officer to whom a benefit
11 is payable under subpart 1 of part L of title I of the Omni-
12 bus Crime Control and Safe Streets Act of 1968 (34
13 U.S.C. 10281 et seq.) based on the permanent and total
14 disability of the officer, as described in section 1201(b)
15 of that subpart (34 U.S.C. 10281(b)).

16 (b) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, the Comptroller General of the
18 United States shall submit to the Committee on the Judi-
19 ciary of the Senate and the Committee on the Judiciary
20 of the House of Representatives a report that estimates
21 the average medical costs incurred by a disabled officer

- 1 over the lifetime of the officer after sustaining the injury
- 2 that caused the disability.

Passed the Senate May 16, 2019.

Attest:

JULIE E. ADAMS,

Secretary.