

116TH CONGRESS
1ST SESSION

S. 465

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to make reforms to the benefits for Public Service Officers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2019

Ms. DUCKWORTH (for herself, Mr. DURBIN, Ms. KLOBUCHAR, Mr. BOOKER, Mr. PETERS, and Mr. BLUMENTHAL) 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 make reforms to the benefits for Public Service Officers, 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 “Heroes Lesley Zerebny
5 and Gilbert Vega First Responders Survivors Support Act
6 of 2019”.

7 **SEC. 2. AMOUNT OF BENEFIT INCREASED.**

8 Section 1201(a) of title I of the Omnibus Crime Con-
9 trol and Safe Streets Act of 1968 (34 U.S.C. 10281(a))

1 is amended in the matter preceding paragraph (1) by
 2 striking “\$250,000” and inserting “\$500,000”.

3 **SEC. 3. DATE OF DETERMINATION OF AMOUNT OF BEN-**
 4 **EFIT.**

5 (a) DISABILITY BENEFIT.—Section 1201(b) of title
 6 I of the Omnibus Crime Control and Safe Streets Act of
 7 1968 (34 U.S.C. 10281(b)) is amended by striking “with
 8 respect to the date on which the catastrophic injury oc-
 9 curred” and inserting “with respect to the date that a de-
 10 termination is made to make such payment”.

11 (b) DEATH BENEFIT.—Section 1201(i) of title I of
 12 the Omnibus Crime Control and Safe Streets Act of 1968
 13 (34 U.S.C. 10281(i)) is amended by striking “as of the
 14 date of death of such officer” and inserting “as of the
 15 date that a determination is made to make such payment
 16 subsequent to an application”.

17 **SEC. 4. AMOUNT OF EDUCATIONAL ASSISTANCE.**

18 Section 1212(a)(2) of title I of the Omnibus Crime
 19 Control and Safe Streets Act of 1968 (34 U.S.C.
 20 10302(a)(2)) is amended by striking “shall be computed
 21 on the basis set forth in section 3532 of title 38, United
 22 States Code” and inserting “shall be computed on the
 23 basis set forth in section 1219”.

1 **SEC. 5. COMPUTATION OF EDUCATIONAL ASSISTANCE AL-**
 2 **LOWANCE.**

3 Subpart 2 of part L of title I of the Omnibus Crime
 4 Control and Safe Streets Act of 1968 (34 U.S.C. 10301
 5 et seq.) is amended by adding at the end the following:

6 **“SEC. 1219. COMPUTATION OF EDUCATIONAL ASSISTANCE**
 7 **ALLOWANCE.**

8 “(a) IN GENERAL.—

9 “(1) MONTHLY RATES.—The financial assist-
 10 ance to be paid on behalf of an eligible person who
 11 is pursuing a program of education consisting of in-
 12 stitutional courses shall be computed at the rate
 13 of—

14 “(A) \$2,000 per month for full-time pur-
 15 suit;

16 “(B) \$1,600 per month for three-quarter-
 17 time pursuit; or

18 “(C) \$1,160 per month for half-time pur-
 19 suit.

20 “(2) LESS THAN HALF-TIME BASIS.—The fi-
 21 nancial assistance to be paid on behalf of an eligible
 22 person pursuing a program of education on less than
 23 a half-time basis shall be computed at the rate of
 24 the lesser of—

25 “(A) the established charges for tuition
 26 and fees that the eligible educational institution

1 involved requires to be paid by similarly
 2 circumstanced noneligible persons enrolled in
 3 the same program; or

4 “(B) \$2,000 per month for a full-time
 5 course.

6 “(b) TRAINING.—The financial assistance to be paid
 7 on behalf of an eligible person who is pursuing a full-time
 8 program of education which consists of institutional
 9 courses and alternate phases of training in a business or
 10 industrial establishment under which the training in the
 11 business or industrial establishment is strictly supple-
 12 mental to the institutional portion, shall be computed at
 13 the rate of \$2,000 per month.

14 “(c) FARM COOPERATIVE.—

15 “(1) DEFINITION.—In this subsection, the term
 16 ‘enrolled in a farm cooperative program’, relating to
 17 an eligible person, means that the eligible person—

18 “(A) is enrolled in an eligible educational
 19 institution for a farm cooperative program con-
 20 sisting of institutional agricultural courses
 21 prescheduled to fall within 44 weeks of any pe-
 22 riod of 12 consecutive months;

23 “(B) pursues such program on—

24 “(i) a full-time basis (consisting of a
 25 minimum of 10 clock hours per week or

1 440 clock hours per year prescheduled to
 2 provide not less than 80 clock hours in any
 3 3-month period);

4 “(ii) a three-quarter-time basis (con-
 5 sisting of a minimum of 7 clock hours per
 6 week); or

7 “(iii) a half-time basis (consisting of a
 8 minimum of 5 clock hours per week); and

9 “(C) is concurrently engaged in agricul-
 10 tural employment which is relevant to such in-
 11 stitutional agricultural courses, as determined
 12 under standards prescribed by the Attorney
 13 General.

14 “(2) COMPUTATION.—The financial assistance
 15 to be paid on behalf of an eligible person who is en-
 16 rolled in a farm cooperative program shall be com-
 17 puted at the rate of—

18 “(A) \$636 per month for full-time pursuit;

19 “(B) \$477 per month for three-quarter-
 20 time pursuit; or

21 “(C) \$319 per month for half-time pursuit.

22 “(3) CALCULATION OF HOURS.—In calculating
 23 the number of clock hours for purposes of paragraph
 24 (1), the Attorney General shall include the time in-
 25 volved in field trips and individual and group in-

1 instruction sponsored and conducted by the eligible
 2 educational institution through a duly authorized in-
 3 structor of such institution in which the eligible per-
 4 son is enrolled.

5 “(d) PROGRAMS IN REPUBLIC OF PHILIPPINES.—

6 The financial assistance to be paid on behalf of an eligible
 7 person who is enrolled in a program of education at an
 8 eligible educational institution located in the Republic of
 9 the Philippines, shall be computed at the rate of \$0.50
 10 for each \$1.00 otherwise payable under this subpart.

11 “(e) LICENSING OR CERTIFICATION.—

12 “(1) DEFINITION.—In this subsection, the term
 13 ‘licensing or certification test’ means a licensing or
 14 certification test described in section 3501(a)(5) of
 15 title 38, United States Code.

16 “(2) COMPUTATION.—Subject to paragraph (4),
 17 the amount of financial assistance payable under
 18 this subpart for a licensing or certification test is
 19 the lesser of \$2,000 or the fee charged for the li-
 20 censing or certification test.

21 “(3) NUMBER OF MONTHS.—The number of
 22 months of entitlement charged in the case of an eli-
 23 gible person for a licensing or certification test is
 24 equal to the quotient (including any fraction) ob-
 25 tained by dividing—

1 “(A) the total amount paid to the eligible
2 person for the licensing or certification test; by

3 “(B) the full-time monthly institutional
4 rate of the financial assistance which, but for
5 paragraph (2), the eligible person would other-
6 wise be paid under this subpart.

7 “(4) LIMITATION.—In no event shall payment
8 of financial assistance under this subsection for a li-
9 censing or certification test exceed the amount of the
10 amount to which an eligible individual is entitled
11 under this subpart.

12 “(f) NATIONAL TESTS FOR ADMISSION OR OPPOR-
13 TUNITY.—

14 “(1) DEFINITION.—In this subsection, the term
15 ‘national test’ means a national test for admission or
16 national test providing an opportunity for course
17 credit at institutions of higher learning described in
18 section 3501(a)(5) of title 38, United States Code.

19 “(2) NATIONAL TESTS.—Subject to paragraph
20 (4), the amount of financial assistance payable
21 under this subpart for a national test is the amount
22 of the fee charged for the national test.

23 “(3) NUMBER OF MONTHS.—The number of
24 months of entitlement charged in the case of an eli-
25 gible person for a national test is equal to the

1 quotient (including any fraction) obtained by divid-
2 ing—

3 “(A) the total amount of financial assist-
4 ance paid to the eligible person for the national
5 test; by

6 “(B) the full-time monthly institutional
7 rate of financial assistance which, but for para-
8 graph (2), the eligible person would otherwise
9 be paid under this subpart.

10 “(4) LIMITATION.—In no event shall payment
11 of financial assistance under this subsection for a
12 national test exceed the amount of the amount to
13 which an eligible individual is entitled under this
14 subpart.

15 “(g) ADJUSTMENT FOR INFLATION.—Amounts under
16 this section shall be indexed annually to the college tuition
17 and fees component of the Consumer Price Index for All
18 Urban Consumers.”.

19 **SEC. 6. GAO STUDY.**

20 (a) IN GENERAL.—Not later than 3 years after the
21 date of enactment of this Act, the Comptroller General
22 of the United States shall submit a report examining and
23 identifying ways to improve access to and the processing
24 of claims under the Public Safety Officers’ Benefit pro-
25 gram under part L of title I of the Omnibus Crime Control

1 and Safe Streets Act of 1968 (34 U.S.C. 10281 et seq.)
 2 to—

3 (1) the Committee on the Judiciary and the
 4 Committee on Health, Education, Labor, and Pen-
 5 sions of the Senate; and

6 (2) the Committee on the Judiciary and the
 7 Committee on Education and Labor of the House of
 8 Representatives.

9 (b) CONTENTS.—The report submitted under sub-
 10 section (a) shall examine—

11 (1) factors that may hinder access to the edu-
 12 cation assistance benefit under subpart 2 of part L
 13 of title I of the Omnibus Crime Control and Safe
 14 Streets Act of 1968 (34 U.S.C. 10301 et seq.), such
 15 as lack of awareness, delays in the application proc-
 16 ess, or the timely processing of deaths and disability
 17 claims; and

18 (2) the extent to which eligibility for benefits
 19 and assistance under the Public Safety Officers’
 20 Benefit program under part L of title I of the Omni-
 21 bus Crime Control and Safe Streets Act of 1968 (34
 22 U.S.C. 10281 et seq.) is communicated to officers
 23 upon employment and to eligible family members fol-
 24 lowing the loss of a public safety officer.

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