

Calendar No. 420

117TH CONGRESS
2^D SESSION

S. 3635

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize public safety officer death benefits to officers suffering from post-traumatic stress disorder or acute stress disorder, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2022

Ms. DUCKWORTH (for herself, Mr. CORNYN, Mr. DURBIN, Mr. TILLIS, Mr. KAINE, Ms. COLLINS, Mr. INHOFE, Mr. BOOKER, Mr. LEAHY, Mr. COONS, Mr. BLUMENTHAL, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 14, 2022

Reported by Mr. DURBIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize public safety officer death benefits to officers suffering from post-traumatic stress disorder or acute stress disorder, 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 “Public Safety Officer
3 Support Act of 2022”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Every day, public safety officers, including
7 police officers, firefighters, emergency medical tech-
8 nicians, and others, work to maintain the safety,
9 health, and well-being of the communities they serve.

10 (2) This means public safety officers are rou-
11 tinely called to respond to stressful and potentially
12 traumatic situations, often putting their own lives in
13 danger.

14 (3) This work not only puts public safety offi-
15 cers at risk for experiencing harm, serious injury,
16 and cumulative and acute trauma, but also places
17 them at up to 25.6 times higher risk for developing
18 post-traumatic stress disorder when compared to in-
19 dividuals without such experiences.

20 (4) Psychological evidence indicates that law
21 enforcement officers experience significant job-re-
22 lated stressors and exposures that may confer in-
23 creased risk for mental health morbidities (such as
24 post-traumatic stress disorder and suicidal thoughts,
25 ideation, intents, and behaviors) and hastened mor-
26 tality.

1 (5) Public safety officers often do not have the
2 resources or support they need, leaving them at
3 higher risk for long-term mental health con-
4 sequences.

5 (6) Whereas, although the Department of De-
6 fense already considers servicemember suicides to be
7 line-of-duty deaths and provides Federal support to
8 eligible surviving families, the Federal Government
9 does not recognize public safety officer suicides as
10 deaths in the line of duty.

11 (7) In 2017, the Department of Justice ap-
12 proved 481 claims under the Public Safety Officers'
13 Benefits Program under subpart 1 of part L of title
14 I of the Omnibus Crime Control and Safe Streets
15 Act of 1968 (34 U.S.C. 10281 et seq.); but not one
16 of them for the more than 240 public safety officers
17 who died by suicide that year.

18 (8) Public safety officers who have died or are
19 disabled as a result of suicide or post-traumatic
20 stress disorder do not qualify for the Public Safety
21 Officers' Benefits Program, despite the fact that
22 public safety officers are more likely to die by sui-
23 cide than from any other line-of-duty cause of death.

1 **SEC. 3. PUBLIC SAFETY OFFICER DEATH BENEFITS FOR**
 2 **POST-TRAUMATIC STRESS DISORDER AND**
 3 **ACUTE STRESS DISORDER.**

4 (a) **IN GENERAL.**—Section 1201 of title I of the Om-
 5 nibus Crime Control and Safe Streets Act of 1968 (34
 6 U.S.C. 10281) is amended by adding at the end the fol-
 7 lowing:

8 **“(o) POST-TRAUMATIC STRESS DISORDER AND**
 9 **ACUTE STRESS DISORDER.—**

10 **“(1) DEFINITIONS.**—In this section:

11 **“(A) MASS CASUALTY EVENT.**—The term
 12 ‘mass casualty event’ means an incident result-
 13 ing in casualties to not fewer than 3 victims, in-
 14 cluding—

15 **“(i)** an incident that exceeds the nor-
 16 mal resources for emergency response
 17 available in the jurisdiction where the inci-
 18 dent takes place; and

19 **“(ii)** an incident that results in a sud-
 20 den temporal surge of injured individuals
 21 necessitating emergency services.

22 **“(B) MASS FATALITY EVENT.**—The term
 23 ‘mass fatality event’ means an incident result-
 24 ing in the fatalities of not fewer than 3 individ-
 25 uals at 1 or more locations close to one another
 26 with a common cause.

1 “(C) MASS SHOOTING.—The term ‘mass
2 shooting’ means a multiple homicide incident in
3 which not fewer than 3 victims are killed—

4 “(i) with a firearm;

5 “(ii) within 1 event; and

6 “(iii) in 1 or more locations in close
7 proximity.

8 “(2) PERSONAL INJURY SUSTAINED IN LINE OF
9 DUTY.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), as determined by the Bu-
12 reau—

13 “(i) post-traumatic stress disorder or
14 acute stress disorder suffered by a public
15 safety officer, and diagnosed by a licensed
16 medical or mental health professional, shall
17 be presumed to constitute a personal in-
18 jury within the meaning of subsection (a),
19 sustained in the line of duty by the officer,
20 if the officer, while on duty, engages in sit-
21 uations involving stressful, tensional, or
22 traumatic law enforcement, fire suppres-
23 sion, rescue, hazardous material response,
24 emergency medical services (including re-
25 sponding to opioid overdoses, or traumatic

1 psychological or psychiatric distress calls);
2 prison security, disaster relief, or other
3 emergency response activity;

4 “(ii) post-traumatic stress disorder or
5 acute stress disorder suffered by a public
6 safety officer who has contacted or at-
7 tempted to contact the employee assistance
8 program of the agency or entity that the
9 officer serves, a licensed medical or mental
10 health professional, suicide prevention serv-
11 ices, or another mental health assistance
12 service in order to receive help, treatment,
13 or diagnosis for post-traumatic stress dis-
14 order or acute stress disorder, shall be pre-
15 sumed to constitute a personal injury with-
16 in the meaning of subsection (a), sustained
17 in the line of duty by the officer, if the of-
18 ficer, while on duty, engages in situations
19 involving stressful, tensional, or traumatic
20 law enforcement, fire suppression, rescue,
21 hazardous material response, emergency
22 medical services (including responding to
23 opioid overdoses, or traumatic psycho-
24 logical or psychiatric distress calls); prison

1 security, disaster relief, or other emergency
2 response activity; and

3 “(iii) ~~post-traumatic stress disorder or~~
4 acute stress disorder suffered by a public
5 safety officer who engages in a response to
6 a mass casualty incident, mass death inci-
7 dent, or mass shooting involving stressful,
8 tensional, or traumatic law enforcement,
9 fire suppression, rescue, hazardous mate-
10 rial response, prison security, disaster re-
11 lief, or other emergency response activity
12 shall be presumed to constitute a personal
13 injury within the meaning of subsection
14 (a), sustained in the line of duty by the of-
15 ficer.

16 “(B) EXCEPTIONS.—

17 “(i) DISORDER UNRELATED TO EN-
18 GAGEMENT.—Subparagraph (A) shall not
19 apply if the Bureau establishes, by clear
20 and convincing evidence, and based on
21 competent psychological or medical evi-
22 dence, that the post-traumatic stress dis-
23 order or acute stress disorder was com-
24 pletely unrelated to engagement in situa-

tions described in clause (i), (ii), or (iii) of that subparagraph.

“(ii) OTHER DIRECT AND PROXIMATE CAUSE.—Subparagraph (A) shall not apply if competent psychological or medical evidence establishes that the post-traumatic stress disorder or acute stress disorder was directly and proximately caused by something other than the mere presence of post-traumatic stress disorder or acute stress disorder risk factors.

“(3) DEATH OR DISABILITY.—

“(A) IN GENERAL.—

“(i) DEATH BY SUICIDE OF ANY OFFICER.—For purposes of a claim under subsection (a), if a public safety officer described in clause (i), (ii), or (iii) of paragraph (2)(A) of this subsection dies by suicide, that death shall be presumed to be a direct and proximate result of the post-traumatic stress disorder or acute stress disorder suffered by the public safety officer.

“(ii) DISABILITY OF DIAGNOSED OFFICERS.—For purposes of a claim under sub-

1 section (b), if a public safety officer de-
 2 scribed in paragraph (2)(A)(i) of this sub-
 3 section is permanently and totally disabled
 4 as a result of the post-traumatic stress dis-
 5 order or acute stress disorder suffered by
 6 the public safety officer, including as a re-
 7 sult of attempted suicide, that disability
 8 shall be presumed to be a direct and proxi-
 9 mate result of the post-traumatic stress
 10 disorder or acute stress disorder suffered
 11 by the public safety officer.

12 “(iii) ~~DISABILITY OF NON-DIAGNOSED~~
 13 ~~OFFICERS DUE TO ATTEMPTED SUICIDE.—~~
 14 For purposes of a claim under subsection
 15 (b), if a public safety officer described in
 16 clause (ii) or (iii) of paragraph (2)(A) of
 17 this subsection is permanently and totally
 18 disabled as a result of attempted suicide,
 19 that disability shall be presumed to be a
 20 direct and proximate result of the post-
 21 traumatic stress disorder or acute stress
 22 disorder suffered by the public safety offi-
 23 cer.

24 “(B) ~~PERMANENT AND TOTAL DIS-~~
 25 ~~ABILITY.—~~For purposes of clauses (ii) and (iii)

1 of subparagraph (A), an individual shall be con-
 2 sidered permanently and totally disabled as a
 3 result of an attempted suicide or of post-trau-
 4 matic stress disorder or acute stress disorder if
 5 the individual is unable to serve as a public
 6 safety officer in the same or a substantially
 7 similar role as the individual was serving prior
 8 to the attempted suicide or prior to suffering
 9 from post-traumatic stress disorder or acute
 10 stress disorder, respectively.

11 ~~“(4) APPLICABILITY OF LIMITATIONS ON BENE-~~
 12 ~~FITS.—~~

13 ~~“(A) INTENTIONAL ACTIONS.—Section~~
 14 ~~1202(a)(1) shall not apply to any claim for a~~
 15 ~~benefit under this part that is payable in ac-~~
 16 ~~cordance with this subsection.~~

17 ~~“(B) SUBSTANCE USE.—Section~~
 18 ~~1202(a)(2) shall not preclude the payment of a~~
 19 ~~benefit under this part if the benefit is other-~~
 20 ~~wise payable in accordance with this sub-~~
 21 ~~section.”.~~

22 (b) ~~RETROACTIVE APPLICABILITY.—The amendment~~
 23 ~~made by subsection (a) shall take effect as if enacted on~~
 24 ~~January 1, 2019, and shall apply to any public safety offi-~~

1 cer who dies or is permanently and totally disabled on or
2 after that date.

3 **SEC. 4. GAO REPORT.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Comptroller General of the United States
6 shall submit to Congress a report that details benefits
7 issued pursuant to subsection (o) of section 1201 of title
8 I of the Omnibus Crime Control and Safe Streets Act of
9 1968 (34 U.S.C. 10281), as added by section 3, and in-
10 cludes any recommendations to improve that subsection.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Public Safety Officer*
13 *Support Act of 2022”.*

14 **SEC. 2. FINDINGS.**

15 *Congress finds the following:*

16 *(1) Every day, public safety officers, including*
17 *police officers, firefighters, emergency medical techni-*
18 *cians, and others, work to maintain the safety, health,*
19 *and well-being of the communities they serve.*

20 *(2) This means public safety officers are rou-*
21 *tinely called to respond to stressful and potentially*
22 *traumatic situations, often putting their own lives in*
23 *danger.*

24 *(3) This work not only puts public safety officers*
25 *at risk for experiencing harm, serious injury, and cu-*

1 *mulative and acute trauma, but also places them at*
2 *up to 25.6 times higher risk for developing post-trau-*
3 *matic stress disorder when compared to individuals*
4 *without such experiences.*

5 *(4) Psychological evidence indicates that law en-*
6 *forcement officers experience significant job-related*
7 *stressors and exposures that may confer increased risk*
8 *for mental health morbidities (such as post-traumatic*
9 *stress disorder and suicidal thoughts, ideation, in-*
10 *tents, and behaviors) and hastened mortality.*

11 *(5) Public safety officers often do not have the re-*
12 *sources or support they need, leaving them at higher*
13 *risk for long-term mental health consequences.*

14 *(6) Although the Department of Defense already*
15 *considers servicemember suicides to be line-of-duty*
16 *deaths and provides Federal support to eligible sur-*
17 *viving families, the Federal Government does not rec-*
18 *ognize public safety officer suicides as deaths in the*
19 *line of duty.*

20 *(7) In 2017, the Department of Justice approved*
21 *481 claims under the Public Safety Officers' Benefits*
22 *Program under subpart 1 of part L of title I of the*
23 *Omnibus Crime Control and Safe Streets Act of 1968*
24 *(34 U.S.C. 10281 et seq.), but not one of them for the*

1 *more than 240 public safety officers who died by sui-*
 2 *cide that year.*

3 (8) *Public safety officers who have died or are*
 4 *disabled as a result of suicide or post-traumatic stress*
 5 *disorder do not qualify for the Public Safety Officers’*
 6 *Benefits Program, despite the fact that public safety*
 7 *officers are more likely to die by suicide than from*
 8 *any other line-of-duty cause of death.*

9 **SEC. 3. PUBLIC SAFETY OFFICER DEATH BENEFITS FOR**
 10 **POST-TRAUMATIC STRESS DISORDER, ACUTE**
 11 **STRESS DISORDER, AND TRAUMA- AND**
 12 **STRESS-RELATED DISORDERS.**

13 (a) *IN GENERAL.*—*Section 1201 of title I of the Omni-*
 14 *bus Crime Control and Safe Streets Act of 1968 (34 U.S.C.*
 15 *10281) is amended by adding at the end the following:*

16 “(o) *POST-TRAUMATIC STRESS DISORDER, ACUTE*
 17 *STRESS DISORDER, AND TRAUMA- AND STRESS-RELATED*
 18 *DISORDERS.*—

19 “(1) *DEFINITIONS.*—*In this section:*

20 “(A) *COVERED DISORDER.*—*The term ‘cov-*
 21 *ered disorder’ means post-traumatic stress dis-*
 22 *order, acute stress disorder, or a trauma- and*
 23 *stress-related disorder.*

24 “(B) *EXPOSED.*—*The term ‘exposed’, with*
 25 *respect to an event, includes—*

1 “(i) *directly experiencing or witnessing*
2 *the event; or*

3 “(ii) *being subjected, in an intense*
4 *way, to aversive consequences of the event*
5 *(including a public safety officer collecting*
6 *human remains).*

7 “(C) *MASS CASUALTY EVENT.—The term*
8 *‘mass casualty event’ means an incident result-*
9 *ing in casualties to not fewer than 3 victims, in-*
10 *cluding—*

11 “(i) *an incident that exceeds the nor-*
12 *mal resources for emergency response avail-*
13 *able in the jurisdiction where the incident*
14 *takes place; and*

15 “(ii) *an incident that results in a sud-*
16 *den temporal surge of injured individuals*
17 *necessitating emergency services.*

18 “(D) *MASS FATALITY EVENT.—The term*
19 *‘mass fatality event’ means an incident resulting*
20 *in the fatalities of not fewer than 3 individuals*
21 *at 1 or more locations close to one another with*
22 *a common cause.*

23 “(E) *MASS SHOOTING.—The term ‘mass*
24 *shooting’ means a multiple homicide incident in*
25 *which not fewer than 3 victims are killed—*

1 “(i) *with a firearm;*

2 “(ii) *within 1 event; and*

3 “(iii) *in 1 or more locations in close*
4 *proximity.*

5 “(F) *TRAUMATIC EVENT.—The term ‘trau-*
6 *matic event’ means an event that is—*

7 “(i) *a homicide, a suicide, or the vio-*
8 *lent or gruesome death of another indi-*
9 *vidual (including such a death resulting*
10 *from a mass casualty event, mass fatality*
11 *event, or mass shooting);*

12 “(ii) *a harrowing circumstance posing*
13 *an extraordinary and significant danger or*
14 *threat to the life of or of serious bodily*
15 *harm to any individual (including a mass*
16 *casualty event, mass fatality event, or mass*
17 *shooting); or*

18 “(iii) *an act of criminal sexual vio-*
19 *lence committed against any individual.*

20 “(2) *PERSONAL INJURY SUSTAINED IN LINE OF*
21 *DUTY.—As determined by the Bureau—*

22 “(A) *a covered disorder suffered by a public*
23 *safety officer and diagnosed by a licensed med-*
24 *ical or mental health professional shall be pre-*
25 *sumed to constitute a personal injury within the*

1 *meaning of subsection (a), sustained in the line*
2 *of duty by the officer, if the officer was exposed,*
3 *while on duty, to 1 or more traumatic events*
4 *and that exposure was a substantial factor in the*
5 *covered disorder;*

6 “(B) a covered disorder suffered by a public
7 safety officer who has contacted or attempted to
8 contact the employee assistance program of the
9 agency or entity that the officer serves, a licensed
10 medical or mental health professional, suicide
11 prevention services, or another mental health as-
12 sistance service in order to receive help, treat-
13 ment, or diagnosis for the covered disorder shall
14 be presumed to constitute a personal injury
15 within the meaning of subsection (a), sustained
16 in the line of duty by the officer, if the officer
17 was exposed, while on duty, to 1 or more trau-
18 matic events and that exposure was a substantial
19 factor in the covered disorder; and

20 “(C) a covered disorder suffered by a public
21 safety officer who was exposed, while on duty, to
22 1 or more traumatic events shall be presumed to
23 constitute a personal injury within the meaning
24 of subsection (a), sustained in the line of duty by

1 *the officer if that exposure was a substantial fac-*
 2 *tor in the covered disorder.*

3 “(3) *PRESUMPTION OF DEATH OR TOTAL DIS-*
 4 *ABILITY.—A public safety officer shall be presumed to*
 5 *have died or become permanently and totally disabled*
 6 *(within the meaning of subsection (a) or (b)) as the*
 7 *direct and proximate result of a personal injury sus-*
 8 *tained in the line of duty, if (as determined by the*
 9 *Bureau)—*

10 “(A)(i) *the officer took an action that—*

11 “(I) *was intended to bring about the*
 12 *officer’s death; and*

13 “(II) *directly and proximately resulted*
 14 *in the officer’s death or permanent and*
 15 *total disability; and*

16 “(ii) *the officer’s exposure to 1 or more*
 17 *traumatic events was a substantial factor in the*
 18 *action described in clause (i); or*

19 “(B)(i) *the officer took an action, within 45*
 20 *days of the end of the officer’s exposure to a*
 21 *traumatic event, that—*

22 “(I) *was intended to bring about the*
 23 *officer’s death; and*

1 “(II) directly and proximately resulted
2 in the officer’s death or permanent and
3 total disability; and

4 “(ii) the action described in clause (i) was
5 not inconsistent with a psychiatric disorder.

6 “(4) *APPLICABILITY OF LIMITATIONS ON BENE-*
7 *FITS.—*

8 “(A) *INTENTIONAL ACTIONS.—*Section
9 1202(a)(1) shall not apply to any claim for a
10 benefit under this part that is payable in accord-
11 ance with this subsection.

12 “(B) *SUBSTANCE USE.—*Section 1202(a)(2)
13 shall not preclude the payment of a benefit under
14 this part if the benefit is otherwise payable in
15 accordance with this subsection.”.

16 (b) *RETROACTIVE APPLICABILITY.—*

17 (1) *IN GENERAL.—*Except as provided in para-
18 graph (2), the amendments made by this section
19 shall—

20 (A) take effect on the date of enactment of
21 this Act; and

22 (B) apply to any matter pending, before the
23 Bureau of Justice Assistance or otherwise, on the
24 date of enactment of this Act, or filed (consistent

1 with pre-existing effective dates) or accruing
2 after that date.

3 (2) *EXCEPTION.*—The amendments made by this
4 section shall apply to any action taken by a public
5 safety officer described in subsection (o)(3) of section
6 1201 of title I of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (34 U.S.C. 10281), as added
8 by this section, that occurred on or after January 1,
9 2019.

10 **SEC. 4. TECHNICAL FIXES.**

11 (a) *SUBPOENA POWER; EMPLOYMENT OF HEARING*
12 *OFFICERS; AUTHORITY TO HOLD HEARINGS.*—Section 806
13 of title I of the Omnibus Crime Control and Safe Streets
14 Act of 1968 (34 U.S.C. 10225) is amended—

15 (1) in the first sentence—

16 (A) by striking “The” and all that follows
17 through “Assistance” and inserting “The Assist-
18 ant Attorney General, the Bureau of Justice As-
19 sistance”;

20 (B) by striking “by the Attorney General”;

21 (C) by striking “Code)” and inserting
22 “Code (without regard to the days limitation
23 prescribed therein), but shall, in no event, be un-
24 derstood to be (or to have the authority of) offi-
25 cers of the United States)”;

1 (D) by striking “such hearing examiners or
2 administrative law judges” and inserting “or
3 administrative law judges”; and

4 (E) by striking “necessary to carry out”
5 and all that follows and inserting the following:
6 “necessary or convenient to assist them in car-
7 rying out their respective powers and duties
8 under any law administered by or under the Of-
9 fice.”; and

10 (2) in the second sentence—

11 (A) by striking “The” and all that follows
12 through “Assistance” and inserting “The Assist-
13 ant Attorney General, the Bureau of Justice As-
14 sistance”;

15 (B) by striking “or any” and inserting “,
16 or (subject to such limitations as the appointing
17 authority may, in its sole discretion, impose
18 from time to time) any”;

19 (C) by inserting a comma after “thereby”;
20 and

21 (D) by striking “examinations and” and
22 inserting “examinations, and”.

23 (b) *DEFINITIONS.*—Section 1204 of title I of the Omni-
24 bus Crime Control and Safe Streets Act of 1968 (34 U.S.C.
25 10284) is amended—

1 (1) in paragraph (11), by striking “and” at the
2 end;

3 (2) in paragraph (12)(B), by striking “basis.”
4 and inserting “basis;”; and

5 (3) in paragraph (14), by redesignating the sec-
6 ond subparagraph (F) as subparagraph (G).

7 **SEC. 5. GAO REPORT.**

8 Not later than 1 year after the date of enactment of
9 this Act, the Comptroller General of the United States shall
10 submit to Congress a report that details benefits issued pur-
11 suant to subsection (o) of section 1201 of title I of the Omni-
12 bus Crime Control and Safe Streets Act of 1968 (34 U.S.C.
13 10281), as added by section 3, and includes any rec-
14 ommendations to improve that subsection.

Calendar No. 420

117TH CONGRESS
2^D SESSION

S. 3635

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize public safety officers death benefits to officers suffering from post-traumatic stress disorder or acute stress disorder, and for other purposes.

JUNE 14, 2022

Reported with an amendment