

Suspend the Rules and Pass the Bill, H.R. 6943, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
2^D SESSION

H. R. 6943

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 HOUSE OF REPRESENTATIVES

MARCH 7, 2022

Mr. TRONE (for himself and Mr. RESCHENTHALER) 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Safety Officer
5 Support Act of 2022”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

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

24 (5) Public safety officers often do not have the
25 resources or support they need, leaving them at

1 higher risk for long-term mental health con-
2 sequences.

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

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

16 (8) Public safety officers who have died or are
17 disabled as a result of suicide or post-traumatic
18 stress disorder do not qualify for the Public Safety
19 Officers' Benefits Program, despite the fact that
20 public safety officers are more likely to die by sui-
21 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, ACUTE**
3 **STRESS DISORDER, OR TRAUMA AND STRESS**
4 **RELATED DISORDERS.**

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

9 “(o) POST-TRAUMATIC STRESS DISORDER, ACUTE
10 STRESS DISORDER, OR TRAUMA AND STRESS RELATED
11 DISORDERS.—

12 “(1) DEFINITIONS.—In this section:

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

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

21 “(ii) an incident that results in a sud-
22 den and timely surge of injured individuals
23 necessitating emergency services.

24 “(B) MASS FATALITY EVENT.—The term
25 ‘mass fatality event’ means an incident result-
26 ing in the fatalities of not fewer than 3 individ-

1 uals at 1 or more locations close to one another
2 with a common cause.

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

6 “(i) with a firearm;

7 “(ii) during one event; and

8 “(iii) in one or more locations in close
9 proximity.

10 “(D) EXPOSED.—The term ‘exposed’ in-
11 cludes—

12 “(i) directly experiencing or wit-
13 nessing an event; or

14 “(ii) being subjected, in an intense
15 way, to aversive consequences of the event
16 (including a public safety officer collecting
17 human remains).

18 “(E) TRAUMATIC EVENT.—The term ‘trau-
19 matic event’ means, in the case of a public safe-
20 ty officer exposed to an event, an event that
21 is—

22 “(i) a homicide, suicide, or the violent
23 or gruesome death of another individual
24 (including such a death resulting from a

1 mass casualty event, mass fatality event,
2 or mass shooting);

3 “(ii) a harrowing circumstance posing
4 an extraordinary and significant danger or
5 threat to the life of or of serious bodily
6 harm to any individual (including such a
7 circumstance as a mass casualty event,
8 mass fatality event, or mass shooting); or

9 “(iii) an act of criminal sexual vio-
10 lence committed against any individual.

11 “(2) PERSONAL INJURY SUSTAINED IN LINE OF
12 DUTY.—As determined by the Bureau—

13 “(A) post-traumatic stress disorder, acute
14 stress disorder, or trauma and stress related
15 disorders suffered by a public safety officer and
16 diagnosed by a licensed medical or mental
17 health professional, shall be presumed to con-
18 stitute a personal injury within the meaning of
19 subsection (a), sustained in the line of duty by
20 the officer, if the officer was exposed, while on
21 duty, to one or more traumatic events and such
22 exposure was a substantial factor in the dis-
23 order;

24 “(B) post-traumatic stress disorder, acute
25 stress disorder, or trauma and stress related

1 disorders, suffered by a public safety officer
2 who has contacted or attempted to contact the
3 employee assistance program of the agency or
4 entity that the officer serves, a licensed medical
5 or mental health professional, suicide preven-
6 tion services, or another mental health assist-
7 ance service in order to receive help, treatment,
8 or diagnosis for post-traumatic stress disorder
9 or acute stress disorder, shall be presumed to
10 constitute a personal injury within the meaning
11 of subsection (a), sustained in the line of duty
12 by the officer, if the officer, was exposed, while
13 on duty, to one or more traumatic events and
14 such exposure was a substantial factor in the
15 disorder; and

16 “(C) post-traumatic stress disorder, acute
17 stress disorder, or trauma and stress related
18 disorders, suffered by a public safety officer
19 who was exposed, while on duty, to one or more
20 traumatic events shall be presumed to con-
21 stitute a personal injury within the meaning of
22 subsection (a), sustained in the line of duty by
23 the officer if such exposure was a substantial
24 factor in the disorder.

1 “(3) PRESUMPTION OF DEATH OR TOTAL DIS-
2 ABILITY.—A public safety officer shall be presumed
3 to have died or become permanently and totally dis-
4 abled (within the meaning of subsection (a) or (b))
5 as the direct and proximate result of a personal in-
6 jury sustained in the line of duty, if (as determined
7 by the Bureau) the officer either—

8 “(A) took an action, which action was in-
9 tended to bring about the officer’s death and di-
10 rectly and proximately resulted in such officer’s
11 death or permanent and total disability and ex-
12 posure, while on duty, to one or more traumatic
13 events was a substantial factor in the action
14 taken by the officer; or

15 “(B) took an action within 45 days of the
16 end of exposure, while on duty, to a traumatic
17 event, which action was intended to bring about
18 the officer’s death and directly and proximately
19 resulted in such officer’s death or permanent
20 and total disability, if such action was not in-
21 consistent with a psychiatric disorder.

22 “(4) APPLICABILITY OF LIMITATIONS ON BENE-
23 FITS.—

24 “(A) INTENTIONAL ACTIONS.—Section
25 1202(a)(1) shall not apply to any claim for a

1 benefit under this part that is payable in ac-
2 cordance with this subsection.

3 “(B) SUBSTANCE USE.—Section
4 1202(a)(2) shall not preclude the payment of a
5 benefit under this part if the benefit is other-
6 wise payable in accordance with this sub-
7 section.”.

8 (b) RETROACTIVE APPLICABILITY.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the amendments made by this section
11 shall—

12 (A) take effect on the date of enactment of
13 this Act; and

14 (B) apply to any matter pending, before
15 the Bureau of Justice Assistance or otherwise,
16 on the date of enactment of this Act, or filed
17 (consistent with pre-existing effective dates) or
18 accruing after that date.

19 (2) EXCEPTIONS.—The amendments made by
20 this section shall apply to any action taken by a
21 public safety officer described in paragraph (3) of
22 section 1201(o) of title I of the Omnibus Crime Con-
23 trol and Safe Streets Act of 1968 (as added by this
24 Act) that occurred on or after January 1, 2019.

1 **SEC. 4. TECHNICAL FIXES.**

2 (a) SUBPOENA POWER; EMPLOYMENT OF HEARING
3 OFFICERS; AUTHORITY TO HOLD HEARINGS.—Section
4 806 of title I of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (34 U.S.C. 10225) is amended—

6 (1) in the first sentence—

7 (A) by striking “The” and all that follows
8 through “Assistance” and inserting “The As-
9 sistant Attorney General, the Bureau of Justice
10 Assistance”;

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

12 (C) by striking “Code)” and inserting
13 “Code (without regard to the days limitation
14 prescribed therein), but shall, in no event, be
15 understood to be (or to have the authority of)
16 officers of the United States)”;

17 (D) by striking “such hearing examiners or
18 administrative law judges” and inserting “or
19 administrative law judges”; and

20 (E) by striking “necessary to carry out
21 their respective powers and duties under this
22 title” and inserting the following: “necessary or
23 convenient to assist them in carrying out their
24 respective powers and duties under any law ad-
25 ministered by or under the Office”; and

26 (2) in the second sentence—

1 (A) by striking “The” and all that follows
2 through “Assistance” and inserting “The As-
3 sistant Attorney General, the Bureau of Justice
4 Assistance”;

5 (B) by striking “or any” and inserting “,
6 or (subject to such limitations as the appointing
7 authority may, in its sole discretion, impose
8 from time to time) any”;

9 (C) by inserting a comma after “thereby”;
10 and

11 (D) by striking “examinations and” and
12 inserting “examinations, and”.

13 (b) DEFINITIONS.—Section 1204 of title I of the Om-
14 nibus Crime Control and Safe Streets Act of 1968 (34
15 U.S.C. 10284) is amended—

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

18 (2) in paragraph (12)(B), strike the period at
19 the end and insert a semicolon; and

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

22 **SEC. 5. GAO REPORT.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Comptroller General of the United States
25 shall submit to Congress a report that details benefits

1 issued pursuant to subsection (o) of section 1201 of title
2 I of the Omnibus Crime Control and Safe Streets Act of
3 1968 (34 U.S.C. 10281), as added by section 3, and in-
4 cludes any recommendations to improve that subsection.