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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds the following:
(1) Every day, public safety officers, including police officers, firefighters, emergency medical technicians, and others, work to maintain the safety, health, and well-being of the communities they serve.

(2) This means public safety officers are routinely called to respond to stressful and potentially traumatic situations, often putting their own lives in danger.

(3) This work not only puts public safety officers at risk for experiencing harm, serious injury, and cumulative and acute trauma, but also places them at up to 25.6 times higher risk for developing post-traumatic stress disorder when compared to individuals without such experiences.

(4) Psychological evidence indicates that law enforcement officers experience significant job-related stressors and exposures that may confer increased risk for mental health morbidities (such as post-traumatic stress disorder and suicidal thoughts, ideation, intents, and behaviors) and hastened mortality.

(5) Public safety officers often do not have the resources or support they need, leaving them at higher risk for long-term mental health consequences.
(6) Whereas, although the Department of Defense already considers servicemember suicides to be line-of-duty deaths and provides Federal support to eligible surviving families, the Federal Government does not recognize public safety officer suicides as deaths in the line of duty.

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

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

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

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

“(o) Post-Traumatic Stress Disorder and Acute Stress Disorder.—

“(1) Definitions.—In this section:

“(A) Mass Casualty Event.—The term ‘mass casualty event’ means an incident resulting in casualties to not fewer than 3 victims, including—

“(i) an incident that exceeds the normal resources for emergency response available in the jurisdiction where the incident takes place; and

“(ii) an incident that results in a sudden temporal surge of injured individuals necessitating emergency services.

“(B) Mass Fatality Event.—The term ‘mass fatality event’ means an incident resulting in the fatalities of not fewer than 3 individuals at 1 or more locations close to one another with a common cause.

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

“(i) with a firearm;
“(ii) within 1 event; and

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

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

“(A) IN GENERAL.—Except as provided in subparagraph (B), as determined by the Bureau—

“(i) post-traumatic stress disorder or acute stress disorder suffered by a public safety officer, and diagnosed by a licensed medical or mental health professional, shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer, if the officer, while on duty, engages in situations involving stressful, tensional, or traumatic law enforcement, fire suppression, rescue, hazardous material response, emergency medical services (including responding to opioid overdoses, or traumatic psychological or psychiatric distress calls), prison security, disaster relief, or other emergency response activity;
“(ii) post-traumatic stress disorder or acute stress disorder suffered by a public safety officer who has contacted or attempted to contact the employee assistance program of the agency or entity that the officer serves, a licensed medical or mental health professional, suicide prevention services, or another mental health assistance service in order to receive help, treatment, or diagnosis for post-traumatic stress disorder or acute stress disorder, shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer, if the officer, while on duty, engages in situations involving stressful, tensional, or traumatic law enforcement, fire suppression, rescue, hazardous material response, emergency medical services (including responding to opioid overdoses, or traumatic psychological or psychiatric distress calls), prison security, disaster relief, or other emergency response activity; and

“(iii) post-traumatic stress disorder or acute stress disorder suffered by a public
safety officer who engages in a response to a mass casualty incident, mass death incident, or mass shooting involving stressful, tensional, or traumatic law enforcement, fire suppression, rescue, hazardous material response, prison security, disaster relief, or other emergency response activity shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer.

“(B) EXCEPTIONS.—

“(i) DISORDER UNRELATED TO ENGAGEMENT.—Subparagraph (A) shall not apply if the Bureau establishes, by clear and convincing evidence, and based on competent psychological or medical evidence, that the post-traumatic stress disorder or acute stress disorder was completely unrelated to engagement in situations 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 evi-
ence 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 subsection (b), if a public safety officer described in paragraph (2)(A)(i) of this subsection is permanently and totally disabled as a result of the post-traumatic stress disorder or acute stress disorder suffered by
the public safety officer, including as a result of attempted suicide, that disability 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.

“(iii) Disability of non-diagnosed officers due to attempted suicide.—For purposes of a claim under subsection (b), if a public safety officer described in clause (ii) or (iii) of paragraph (2)(A) of this subsection is permanently and totally disabled as a result of attempted suicide, that disability 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.

“(B) Permanent and total disability.—For purposes of clauses (ii) and (iii) of subparagraph (A), an individual shall be considered permanently and totally disabled as a result of an attempted suicide or of post-traumatic stress disorder or acute stress disorder if the individual is unable to serve as a public
safety officer in the same or a substantially similar role as the individual was serving prior to the attempted suicide or prior to suffering from post-traumatic stress disorder or acute stress disorder, respectively.

“(4) APPLICABILITY OF LIMITATIONS ON BENEFITS.—

“(A) INTENTIONAL ACTIONS.—Section 1202(a)(1) shall not apply to any claim for a benefit under this part that is payable in accordance with this subsection.

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

(b) RETROACTIVE APPLICABILITY.—The amendment made by subsection (a) shall take effect as if enacted on January 1, 2019, and shall apply to any public safety officer who dies or is permanently and totally disabled on or after that date.

SEC. 4. GAO REPORT.

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