

Union Calendar No. 252

117TH CONGRESS
2^D SESSION

H. R. 6943

[Report No. 117-335]

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. RESCENTIALER) introduced the following bill; which was referred to the Committee on the Judiciary

MAY 18, 2022

Additional sponsors: Mr. FITZPATRICK, Ms. CRAIG, Mr. BEYER, Mr. HUDSON, Mr. GARBARINO, Ms. STEFANIK, Ms. BASS, Miss GONZÁLEZ-COLÓN, Mr. LAMALFA, Mr. CRENSHAW, Mr. SCHNEIDER, Ms. JACKSON LEE, Ms. HERRELL, Mrs. MCBATH, Mr. CICILLINE, Mr. RUPPERSBERGER, Mrs. WATSON COLEMAN, Mr. THOMPSON of Pennsylvania, Mr. PAPPAS, Mr. SUOZZI, Mr. DIAZ-BALART, Mr. BACON, Mr. COLE, Ms. WILD, Ms. BLUNT ROCHESTER, Mr. ROGERS of Kentucky, Mr. PHILLIPS, Ms. NORTON, Mrs. TRAHAN, Mr. KEATING, Mrs. LESKO, Mrs. BEATTY, Mr. THOMPSON of California, Ms. PORTER, Mr. MOULTON, Mr. TONKO, Ms. SCHRIER, Ms. KELLY of Illinois, Mr. NEHLS, Mr. JEFFRIES, Ms. UNDERWOOD, Mr. RUTHERFORD, Mr. SWALWELL, Mr. TIMMONS, Mr. QUIGLEY, Mr. PERLMUTTER, and Mr. LARSON of Connecticut

MAY 18, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on March 7, 2022]

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”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

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

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

16 *(3) This work not only puts public safety officers*
17 *at-risk for experiencing harm, serious injury, and cu-*
18 *mulative and acute trauma, but also places them at*
19 *up to 25.6 times higher risk for developing post-trau-*
20 *matic stress disorder when compared to individuals*
21 *without such experiences.*

22 *(4) Psychological evidence indicates that law en-*
23 *forcement officers experience significant job-related*
24 *stressors and exposures that may confer increased risk*
25 *for mental health morbidities (such as post-traumatic*

1 *stress disorder and suicidal thoughts, ideation, in-*
2 *tents, and behaviors) and hastened mortality.*

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

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

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

19 *(8) Public safety officers who have died or are*
20 *disabled as a result of suicide or post-traumatic stress*
21 *disorder do not qualify for the Public Safety Officers'*
22 *Benefits Program, despite the fact that public safety*
23 *officers are more likely to die by suicide than from*
24 *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 Omni-
5 bus Crime Control and Safe Streets Act of 1968 (34 U.S.C.
6 10281) is amended by adding at the end the following:

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

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

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

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

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

21 “(B) *MASS FATALITY EVENT.*—*The term*
22 *‘mass fatality event’ means an incident resulting*
23 *in the fatalities of not fewer than 3 individuals*
24 *at 1 or more locations close to one another with*
25 *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 “(D) *EXPOSED.*—*The term ‘exposed’ in-*
9 *cludes—*

10 “(i) *directly experiencing or witnessing*
11 *an event; or*

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

16 “(E) *TRAUMATIC EVENT.*—*The term ‘trau-*
17 *matic event’ means, in the case of a public safety*
18 *officer exposed to an event, an event that is—*

19 “(i) *a homicide, suicide, or the violent*
20 *or gruesome death of another individual*
21 *(including such a death resulting from a*
22 *mass casualty event, mass fatality event, or*
23 *mass shooting);*

24 “(ii) *a harrowing circumstance posing*
25 *an extraordinary and significant danger or*

1 *threat to the life of or of serious bodily*
2 *harm to any individual (including such a*
3 *circumstance as a mass casualty event,*
4 *mass fatality event, or mass shooting); or*
5 *“(iii) an act of criminal sexual vio-*
6 *lence committed against any individual.*

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

9 “(A) *post-traumatic stress disorder, acute*
10 *stress disorder, or trauma and stress related dis-*
11 *orders suffered by a public safety officer and di-*
12 *agnosed by a licensed medical or mental health*
13 *professional, shall be presumed to constitute a*
14 *personal injury within the meaning of subsection*
15 *(a), sustained in the line of duty by the officer,*
16 *if the officer was exposed, while on duty, to one*
17 *or more traumatic events and such exposure was*
18 *a substantial factor in the disorder;*

19 “(B) *post-traumatic stress disorder, acute*
20 *stress disorder, or trauma and stress related dis-*
21 *orders, suffered by a public safety officer who has*
22 *contacted or attempted to contact the employee*
23 *assistance program of the agency or entity that*
24 *the officer serves, a licensed medical or mental*
25 *health professional, suicide prevention services,*

1 *or another mental health assistance service in*
2 *order to receive help, treatment, or diagnosis for*
3 *post-traumatic stress disorder or acute stress dis-*
4 *order, shall be presumed to constitute a personal*
5 *injury within the meaning of subsection (a), sus-*
6 *tained in the line of duty by the officer, if the*
7 *officer, was exposed, while on duty, to one or*
8 *more traumatic events and such exposure was a*
9 *substantial factor in the disorder; and*

10 “(C) *post-traumatic stress disorder, acute*
11 *stress disorder, or trauma and stress related dis-*
12 *orders, suffered by a public safety officer who*
13 *was exposed, while on duty, to one or more trau-*
14 *matic events shall be presumed to constitute a*
15 *personal injury within the meaning of subsection*
16 *(a), sustained in the line of duty by the officer*
17 *if such exposure was a substantial factor in the*
18 *disorder.*

19 “(3) *PRESUMPTION OF DEATH OR TOTAL DIS-*
20 *ABILITY.—A public safety officer shall be presumed to*
21 *have died or become permanently and totally disabled*
22 *(within the meaning of subsection (a) or (b)) as the*
23 *direct and proximate result of a personal injury sus-*
24 *tained in the line of duty, if (as determined by the*
25 *Bureau) the officer either—*

1 “(A) took an action, which action was in-
2 tended to bring about the officer’s death and di-
3 rectly and proximately resulted in such officer’s
4 death or permanent and total disability and ex-
5 posure to one or more traumatic events was a
6 substantial factor in the action taken by the offi-
7 cer; or

8 “(B) took an action within 45 days of the
9 end of exposure to a traumatic event, which ac-
10 tion was intended to bring about the officer’s
11 death and directly and proximately resulted in
12 such officer’s death or permanent and total dis-
13 ability, if such action was not inconsistent with
14 a psychiatric disorder.

15 “(4) *APPLICABILITY OF LIMITATIONS ON BENE-*
16 *FITS.—*

17 “(A) *INTENTIONAL ACTIONS.—*Section
18 1202(a)(1) shall not apply to any claim for a
19 benefit under this part that is payable in accord-
20 ance with this subsection.

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

25 (b) *RETROACTIVE APPLICABILITY.—*

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

4 (A) *take effect on the date of enactment of*
5 *this Act; and*

6 (B) *apply to any matter pending, before the*
7 *Bureau of Justice Assistance or otherwise, on the*
8 *date of enactment of this Act, or filed (consistent*
9 *with pre-existing effective dates) or accruing*
10 *after that date.*

11 (2) *EXCEPTIONS.*—*The amendments made by*
12 *this section shall apply to any action taken by a pub-*
13 *lic safety officer described in paragraph (3) of section*
14 *1201(o) of title I of the Omnibus Crime Control and*
15 *Safe Streets Act of 1968 (as added by this Act) that*
16 *occurred on or after January 1, 2019.*

17 **SEC. 4. TECHNICAL FIXES.**

18 (a) *SUBPOENA POWER; EMPLOYMENT OF HEARING*
19 *OFFICERS; AUTHORITY TO HOLD HEARINGS.*—*Section 806*
20 *of title I of the Omnibus Crime Control and Safe Streets*
21 *Act of 1968 is amended by—*

22 (1) *striking “by the Attorney General”;*

23 (2) *inserting “Assistant” before “Attorney” ev-*
24 *erywhere it appears;*

1 (3) striking “Code)” and inserting “Code (with-
2 out regard to the days limitation prescribed therein),
3 but shall, in no event, be understood to be (or to have
4 the authority of) officers of the United States)”;

5 (4) striking “necessary to carry out” and insert-
6 ing “necessary or convenient to assist them in car-
7 rying out”;

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

11 (6) inserting a comma after “thereby”;

12 (7) striking “duties under this title” and insert-
13 ing “duties under any law administered by or under
14 the Office”;

15 (8) striking “such hearing examiners” the second
16 place it appears; and

17 (9) striking “examinations and” and inserting
18 “examinations, and”.

19 (b) *DEFINITIONS.*—Section 1204 of title I of the Omni-
20 bus Crime Control and Safe Streets Act of 1968 is amend-
21 ed—

22 (1) in paragraph (11), by striking “; and” and
23 inserting “;”;

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

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

3 **SEC. 5. GAO REPORT.**

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

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