

117TH CONGRESS
2D 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, and Mr. BOOKER) 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 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:

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

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

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

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

22 (5) Public safety officers often do not have the
23 resources or support they need, leaving them at
24 higher risk for long-term mental health con-
25 sequences.

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

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

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

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

23 (a) IN GENERAL.—Section 1201 of title I of the Om-
 24 nibus Crime Control and Safe Streets Act of 1968 (34

1 U.S.C. 10281) is amended by adding at the end the fol-
 2 lowing:

3 “(o) POST-TRAUMATIC STRESS DISORDER AND
 4 ACUTE STRESS DISORDER.—

5 “(1) DEFINITIONS.—In this section:

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

10 “(i) an incident that exceeds the nor-
 11 mal resources for emergency response
 12 available in the jurisdiction where the inci-
 13 dent takes place; and

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

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

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

25 “(i) with a firearm;

1 “(ii) within 1 event; and

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

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

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), as determined by the Bu-
8 reau—

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

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

24 “(iii) post-traumatic stress disorder or
25 acute stress disorder suffered by a public

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

12 “(B) EXCEPTIONS.—

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

23 “(ii) OTHER DIRECT AND PROXIMATE
24 CAUSE.—Subparagraph (A) shall not apply
25 if competent psychological or medical evi-

dence 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

1 safety officer in the same or a substantially
2 similar role as the individual was serving prior
3 to the attempted suicide or prior to suffering
4 from post-traumatic stress disorder or acute
5 stress disorder, respectively.

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 ac-
11 cordance with this subsection.

12 “(B) SUBSTANCE USE.—Section
13 1202(a)(2) shall not preclude the payment of a
14 benefit under this part if the benefit is other-
15 wise payable in accordance with this sub-
16 section.”.

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

22 **SEC. 4. 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.

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