111TH CONGRESS 1ST SESSION H.R.4338

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009 Mr. MELANCON 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 provide adequate benefits for public safety officers injured or killed in the line of duty, 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 "First Responders Sup-
- 5 port Act of 2009".

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1 SEC. 2. EXPANDING DISABILITY BENEFITS.

2 (a) IN GENERAL.—Section 1201 of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
4 3796) is amended—

5 (1) in subsection (a), by striking "\$250,000"
6 and inserting "\$350,000"; and

7 (2) in subsection (h), by striking "the effective
8 date of this subsection" and inserting "the date of
9 enactment of the First Responders Support Act of
10 2009".

(b) EXPEDITING BENEFITS.—Section 1201 of the
Omnibus Crime Control and Safe Streets Act of 1968 (42)
U.S.C. 3796) is amended by adding at the end the following:

15 "(n) Not later than 12 months after the date on 16 which a claimant submits all information required for a 17 claim under this subpart, the Bureau shall determine 18 whether the claimant is eligible to receive a benefit under 19 this subpart.".

(c) REGULATIONS.—Not later than 9 months after
the date of enactment of this Act, the Attorney General
shall promulgate regulations to carry out the amendments
made by this section.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There25 are authorized to be appropriated to the Attorney General,

in addition to any other amounts otherwise authorized to
 be appropriated—

3 (1) \$2,000,000 for each of fiscal years 2011 4 through 2015 to hire employees for the Bureau of 5 Justice Assistance and obtain the technology and 6 equipment necessary to educate and assist eligible 7 agencies with the filing and application of claims for 8 the Public Safety Officer Benefits Programs and to 9 provide supplemental materials for continuing edu-10 cation of claims information and procedure; and

(2) \$800,000 for each of fiscal years 2011
through 2015 for the education and assistance to
public safety officers and first responders in jurisdictions located in rural areas and urban areas with a
population of less than 25,000.

16 SEC. 3. EDUCATIONAL BENEFITS.

Section 1212(a) of the Omnibus Crime Control and
Safe Streets Act of 1968 (42 U.S.C. 3796d–1(a)) is
amended—

20 (1) by striking paragraph (2) and inserting the21 following:

"(2)(A) Except as provided in paragraph (3), and
subject to subparagraph (C) of this paragraph, financial
assistance under this subpart shall—

"(i) consist of direct payments to an eligible de pendent; and

3 "(ii) be paid at the monthly rate of not more4 than \$1,500.

5 "(B) The Director shall promulgate regulations to es-6 tablish the amount of financial assistance under subpara-7 graph (A) for an eligible dependent, which shall be based 8 on the portion of the normal full-time academic workload 9 for the course of study, as determined by the eligible edu-10 cational institution, that the eligible dependent is pur-11 suing.

"(C) On October 1 of each fiscal year beginning after 12 13 the date of enactment of the First Responders Support Act of 2009, the Director shall adjust the level of the ben-14 15 efit payable during that fiscal year under subparagraph (A)(ii), to reflect the annual percentage change in the 16 17 Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 18 1-year period ending on June 1 immediately preceding 19 20 such October 1."; and

(2) in paragraph (3)(A), by striking "to which
the eligible dependent would otherwise be entitled to
receive" and inserting "that the eligible dependent
receives".

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1 SEC. 4. PRIORITIZATION OF CLAIMS.

2 Section 1205 of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3796c) is amended by add4 ing at the end the following:

5 "(d)(1) The Bureau shall adopt and apply a system
6 of prioritization of claims for benefits under this part
7 based on the severity of the claim and the likelihood of
8 approval of the claim.

9 "(2) For purposes of this subsection, a claim for a
10 death benefit or 100 percent disability shall be considered
11 more severe and given priority.".

12 SEC. 5. EXPANDING COUNSELING AND MENTAL HEALTH 13 SERVICES.

14 (a) DEFINITIONS.—In this section—

15 (1) the term "Director" means the Director of16 the Bureau of Justice Assistance;

(2) the term "eligible organization" means an
organization that provides free or reduced cost mental health services or counseling to public safety officers seriously injured in the line of duty and the
family members of public safety officers killed or seriously injured in the line of duty;

(3) the term "public safety officer" has the
meaning given that term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968
(42 U.S.C. 3796b); and

(4) the term "reduced cost", relating to mental
 health services or counseling, means that the organi zation providing the services or counseling charges
 not more than 50 percent of the amount that the or ganization would otherwise charge for the services or
 counseling.

7 (b) AUTHORIZATION TO MAKE GRANTS.—The Direc-8 tor may make grants to eligible organizations to provide 9 mental health services or counseling to public safety offi-10 cers seriously injured in the line of duty and the family 11 members of public safety officers killed or seriously in-12 jured in the line of duty.

(c) APPLICATION.—An eligible organization desiring
a grant under this section shall submit an application at
such time, in such manner, and accompanied by such information as the Director may establish.

17 SEC. 6. OVERSIGHT OF THE PSOB PROGRAM.

18 The Director of the Bureau of Justice Assistance19 shall—

(1) not later than 12 months after the date of
enactment of this Act, structure, design, and implement a performance measure for the Public Safety
Officers Benefits program to monitor the claims
process and payment of benefits to officers and
beneficiaries; and

1 (2) report to Congress annually on the perform-2 ance of the program, and its activities, including 3 technological updates, the status of payments and 4 claims, and the results of any education and out-5 reach activities performed in accordance to this Act.