

Protecting America's First Responders Act of 2021

Section 1. SHORT TITLE

This bill can be cited as the Protecting America's First Responders Act of 2021.

Section 2. PAYMENT OF DEATH AND DISABILITY BENEFITS UNDER THE PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAM

PSOB awards are issued as a statutorily specified one-time lump sum payment of \$370,000 that automatically adjusts every year based on the consumer price index. The amount the claimant receives is based on the date of death or injury. The Protecting America's First Responders Act (PAFRA) establishes that both death and disability claims which have been pending for over one year shall be awarded based on the date of the agency determination rather than the date of death or injury.

PSOB also provides interim payments for death claims if the claimant is likely to receive an award. PAFRA will increase the size of interim payments for the first time since 1976 from \$3,000 to \$6,000 and ties it to the consumer price index so Congress does not have to readjust it again in the future.

SECTION 3. DEFINITIONS FOR THE PURPOSES OF THE PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAM

Under the current law, individuals capable of performing any commonly compensated activity are not considered permanently disabled and thus ineligible for a payout. PAFRA extends the term "disability" such that disabled officers performing sedentary work involving simple tasks with minimal duties or work performed for therapeutic purposes or with special accommodations still receive the disability payout. The extension also applies to those rendered blind, paraplegic, or quadriplegic.

This section further extends PSOB to certain public safety officers not currently covered under the program: officers who act outside of their jurisdiction in an emergency situation, trainee officers, members of a rescue squad or ambulance crew licensed by an applicable agency, and fire-police who handle traffic and scene management.

The definition of child is also expanded to include children that are born after the death or disability of the public safety officer.

SECTION 4. DUE DILIGENCE IN PAYING BENEFIT CLAIMS UNDER THE PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAM

The average PSOB claim takes over a year to resolve, with delays often caused by third party agencies refusing to provide documentation for fear of liability. Currently, DOJ has only a limited subpoena power to use as a last resort. PAFRA permits DOJ to issue subpoenas earlier in the claims process to expedite the process.

SECTION 5. EDUCATIONAL ASSISTANCE TO DEPENDENTS OF CERTAIN PUBLIC SAFETY OFFICERS

PSOB provides educational benefits of \$1200 a month to children of public safety officers killed or disabled in the line of duty. However, due to long processing times, many children lose this opportunity and pay for college themselves. PAFRA mandates that DOJ provide back pay to the children of dead or disabled officers who qualify but failed to receive a payout in time due to these delays.

SECTION 6. TECHNICAL CORRECTION

This section makes a technical correction to address a drafting error existing in the original statute.

SECTION 7. SUBPOENA POWER

Under current law, the legal status of PSOB Hearing Officers under government-wide ethics rules is ambiguous, thus making it unclear what rules they are required to follow. This section clarifies how PSOB Hearing Officers are to be appointed and how their work is conducted.

SECTION 8. EFFECTIVE DATE; APPLICABILITY

This section makes provisions of the bill upon enactment, including clarification of dates and cases which may apply or reapply for the PSOB program. It also stipulates that PAFRA must provide retroactive disability payments to 9/11 first responders who are able to re-apply for PSOB benefits under the newly expanded definition of disability.