

At a Glance

S. 3635, Public Safety Officer Support Act of 2022

As reported by the Senate Committee on the Judiciary on June 14, 2022

By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	199	368
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	199	368
Spending Subject to Appropriation (Outlays)	0	172	326
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

The bill would

- Expand eligibility for death and education benefits to spouses, children, and other beneficiaries of public safety officers who have died by suicide or become disabled as a result of post-traumatic stress disorder or certain other mental health disorders
- Expand eligibility for disability benefits under the Public Safety Officers' Benefits Program to include public safety officers who have become permanently and totally disabled as a result of post-traumatic stress disorder or certain other mental health disorders

Estimated budgetary effects would mainly stem from

- Payments to eligible beneficiaries for death, disability, and education benefits
- Costs to review claims and administer benefit payments

Areas of significant uncertainty include

- Identifying incidence rates of suicide and disability attributable to qualifying mental health disorders
- Projecting the number of people filing claims and the proportion of claims approved for benefits
- Anticipating the timing of claim submissions and the period needed for review and processing

Detailed estimate begins on the next page.

Bill Summary

S. 3635 would expand eligibility for death, disability, and education benefits provided by the Public Safety Officers’ Benefits (PSOB) Program to public safety officers and their beneficiaries if an officer has died by suicide or become permanently and totally disabled as a result of post-traumatic stress disorder (PTSD) or another mental health disorder covered under the bill. S. 3635 would apply prospectively and retroactively to officers who die by suicide or become disabled on or after January 1, 2019.

The bill also would require the Government Accountability Office (GAO) to report to the Congress on benefits provided under the bill.

Estimated Federal Cost

The estimated budgetary effect of S. 3635 is shown in Table 1. The costs of the legislation fall within budget function 750 (administration of justice).

Table 1. Estimated Budgetary Effects of S. 3635													
	By Fiscal Year, Millions of Dollars											2022- 2027	2022- 2032
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032		
	Increases in Direct Spending												
Estimated Budget Authority	0	23	45	53	51	41	35	33	33	33	33	213	379
Estimated Outlays	0	15	38	50	52	44	37	33	33	33	33	199	368
	Increases in Spending Subject to Appropriation												
Estimated Authorization	0	22	35	43	42	37	33	31	30	29	30	179	332
Estimated Outlays	0	19	32	41	42	38	34	31	30	29	30	172	326

Components may not sum to totals because of rounding.

Background

The PSOB Program is administered by the Department of Justice (DOJ) to provide cash benefits to federal, state, and local public safety officers working in law enforcement, firefighting, emergency medical services, and emergency management and to their beneficiaries in the event of death or permanent and total disability resulting from physical injuries in the line of duty. Education benefits are available to eligible family members of officers who die or become disabled in the line of duty. The program does not provide benefits to officers or to their beneficiaries in the case of a suicide or disability resulting from PTSD or another mental health disorder.

Basis of Estimate

For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2022 and that the estimated amounts will be provided each year. The estimate is based on CBO's analyses of data on rates of suicide and disability among public safety officers, the proportion of deaths or disabilities among that group that are likely to be related to PTSD or another mental health disorder, and the number of officers or their beneficiaries who apply for and receive benefits under the current PSOB Program.

Eligibility

Under S. 3635, PTSD, acute stress disorder, and other trauma- and stress-related disorders would qualify as injuries in the line of duty for an officer exposed to a traumatic event—such as a homicide or mass fatality—if that exposure was identified as a substantial factor in the officer's death or disability. The bill would direct DOJ to presume that a qualifying injury caused a death or disability if the officer was exposed to a traumatic event and:

- Has received a medical diagnosis of a covered disorder;
- Has contacted or attempted to contact a medical professional, suicide prevention service, or other mental health agency to receive a diagnosis, help, or treatment; or
- If officials determine that the traumatic event was likely a substantial factor in causing the covered disorder.

Death Benefits

The PSOB Program pays one-time death benefits to spouses and children or other designated beneficiaries of officers who die in the line of duty. The cost of those benefits is classified in the budget as direct spending. S. 3635 would expand eligibility to include beneficiaries of some officers who die by suicide.

Over the 2017-2021 period, DOJ compensated between 200 and 400 claimants annually at an average annual cost of \$100 million. In 2022, the one-time death benefit is \$390,000.

On the basis of data from the 2017-2021 period, CBO estimates that, on average, 225 public safety officers die by suicide each year. However, both the number of those deaths that would meet the bill's criteria for covered disorders and the proportion of cases for which families would submit claims and be approved for benefits are subject to significant uncertainty.

Using information provided by experts in the nonprofit sector and DOJ, CBO expects that most deaths ultimately would not result in the payment of benefits. Most officers with covered disorders have not received a diagnosis from a medical professional, and many do not seek mental health care. In addition, the data indicate that many would die by suicide years after leaving active duty and that their employers and families would, in many cases,

have difficulty establishing an evidentiary nexus between a suicide, a covered disorder, and exposure to a traumatic event. Based on application and approval rates for a similar program, the September 11th Victim Compensation Fund, CBO also expects that some officers (and their relatives) either would not be aware of the benefits or would choose for other reasons not to seek compensation.

For this estimate, CBO expects that roughly one-third of suicides among public safety officers would ultimately result in benefits being paid to family members or designated beneficiaries. Under that assumption, CBO estimates that about 70 claims for death benefits would be newly approved annually after the date of enactment.

S. 3635 also would require death benefits to be awarded retroactively for some suicides occurring between January 1, 2019, and the date of enactment. CBO estimates that roughly 200 of the 600 estimated deaths during that period would result in payment of benefits, that the claims would be submitted over several years, and that those payments would be made by 2026.

In total, CBO expects, about 860 claims would be approved for death benefits over the next decade under S. 3635. Approved claims would result in a one-time payment of \$390,000, adjusted annually for inflation for future years. Therefore, CBO estimates that in total enactment would increase direct spending by about \$368 million over the 2022-2032 period.

Spending Subject to Appropriation

By expanding the scope of qualifying deaths and injuries, S. 3635 also would increase the number of claimants who are eligible for disability and education benefits. In addition, DOJ and GAO would incur administrative and reporting expenses. In total, CBO estimates, implementing S. 3635 would cost \$172 million over the 2022-2027 period, subject to the availability of appropriated funds (see Table 2).

Table 2.
Estimated Increases in Spending Subject to Appropriation Under S. 3635

	By Fiscal Year, Millions of Dollars						2022-2027
	2022	2023	2024	2025	2026	2027	
Disability Benefits							
Estimated Authorization	0	15	23	29	29	25	121
Estimated Outlays	0	13	21	27	28	26	116
Education Benefits							
Estimated Authorization	0	6	10	12	12	10	50
Estimated Outlays	0	5	9	12	12	10	48
Administrative Costs							
Estimated Authorization	0	2	2	2	2	2	9
Estimated Outlays	0	1	2	2	2	2	8
Total Changes							
Estimated Authorization	0	22	35	43	42	37	179
Estimated Outlays	0	19	32	41	42	38	172

Components may not sum to totals because of rounding.

Disability Benefits. Under current law, the PSOB Program pays benefits only for permanent and total disability resulting from physical injuries suffered in the line of duty. S. 3635 would direct the program to designate mental health disorders as qualifying injuries according to the same eligibility criteria that would apply to death by suicide. To be eligible, a claimant would need to be permanently and totally disabled by a covered mental health disorder that is substantially caused by exposure to a traumatic event.

Although thousands of public safety officers likely are affected, to varying degrees, by mental health disorders, CBO expects that the number who would apply for disability benefits each year would be relatively small at roughly 100 claims per year, partly because of limited awareness of the benefits. As a point of comparison, claims for disability benefits tied to physical injuries numbered between 75 and 180 claims annually over the 2017-2021 period.

As in the case of death benefits, CBO expects that the majority of disability claims ultimately would not be approved because the cases would not meet the bill’s requirements, including the underlying requirement that a claimant be permanently and totally disabled by the mental health disorder. Based on conversations with experts in the nonprofit sector and DOJ, CBO expects that most officers who are affected by the covered disorders would not meet that threshold because they would continue to work, work in jobs that are less stressful than front-line duty, or leave public safety altogether for other work.

According to data provided by the program, about 50 percent of claims filed over the 2015-2019 period for disabilities caused by physical injuries were ultimately approved for

benefits. Because CBO expects that demonstrating permanent and total disability would be more difficult for mental health disorders than for physical injuries, CBO assumes that the approval rate for claims submitted under the bill would be lower, at 40 percent. Under that assumption, CBO estimates that about 40 claims would be approved annually, compared to an average of about 50 claims for physical disabilities that were approved over the 2015-2019 period. CBO estimates that about 120 claims would be approved retroactively for disabilities occurring between January 1, 2019, and enactment. As with death benefits, CBO expects that those claims would be submitted over several years and that those claims would be cleared by 2026.

Under the bill, CBO estimates, about 510 claims would be approved for disability benefits over the next decade. Under current law, claimants receive one-time payments of \$390,000, adjusted annually for inflation. CBO estimates that under S. 3635, the cost of disability benefits would be \$13 million to \$28 million annually, for a total of \$222 million over the 2022-2032 period.

Education Benefits. Under current law, the spouse or children of a public safety officer who is eligible for death or disability benefits also may be eligible for education benefits to cover tuition, fees, books, supplies, and room and board. The monthly benefit for a full-time student in 2022 is about \$1,300.

Data on historic approval rates indicate that about three claims for education benefits have been approved for every two claims that have been approved for death and disability benefits. As previously noted, CBO estimates that an additional 860 people would be approved for death benefits, and 510 people would be approved for disability benefits over the 2022-2032 period under S. 3635. Using historical approval ratios for education benefits, CBO estimates that about 2,100 additional people would receive education benefits under the bill, between 140 and 290 people each year. Those benefits would cost \$5 million to \$12 million annually and total \$89 million over the 2022-2032 period.

Administrative Costs. Under S. 3635, the PSOB Program would review hundreds of additional claims annually. In 2022, DOJ allocated 13 staff, including attorneys and analysts, to review submitted claims at an average annual cost of \$180,000 each. Using information from DOJ about the number of staff required to process claims under current law, CBO estimates that under the bill, the program would require an additional 6 to 9 employees to process the new claims at a cost of about \$2 million annually, and a total cost of \$15 million over the 2022-2032 period. Because CBO expects that claims related to mental health disorders will entail greater complexity and require more documentation and time to review than claims submitted for physical injuries, that estimate assumes that the time needed to review claims under the bill will be 50 percent greater than for physical injuries. CBO expects that those costs would be highest during the 2024-2026 period, when the largest number of retroactive claims would be processed.

The bill also would require GAO to report to the Congress on benefits provided under the bill. Using information about similar reports, CBO estimates that implementing the requirement would cost less than \$500,000.

Uncertainty

CBO's cost estimate for S. 3635 reflects considerable uncertainty in several areas:

- Identifying public safety officers' rates of suicide, service-connected disabilities, PTSD, and other qualifying mental health disorders;
- Projecting the number of people—including officers, their family members, and other beneficiaries—who would claim benefits under the bill and the proportion of claims that would meet eligibility criteria; and
- Anticipating the timing of submissions and the period required to review applications and process claims.

Depending on those factors, the bill could result in higher or lower costs than CBO estimates.

Higher Eligibility Scenario

If the survivors of 50 percent of the public safety officers who die by suicide each year ultimately receive death benefits—compared with the 33 percent assumed for this estimate—the legislation would increase direct spending by \$557 million over the 2022-2032 period, or by about \$189 million more than shown in this estimate.

If 50 percent of officers who file disability claims for covered disorders are approved for benefits—rather than the 40 percent assumed for this estimate—then the costs of implementing the legislation that would be paid subject to the availability of appropriated funds would total \$423 million over that period, or \$97 million more than shown in this estimate.

Lower Eligibility Scenario

If the survivors of 20 percent of the officers who die by suicide each year ultimately receive death benefits, the legislation would increase direct spending by \$223 million over the 2022-2032 period, or by roughly \$145 million less than shown in this estimate.

If 20 percent of officers who file disability claims for covered disorders are approved for benefits, then the costs of implementing the legislation that would be paid subject to the availability of appropriated funds would total \$236 million over that period, or \$90 million less than shown in this estimate.

Pay-As-You-Go Considerations

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 3.

Table 3.
CBO’s Estimate of the Statutory Pay-As-You-Go Effects of S. 3635, the Public Safety Officer Support Act, as Reported by the Senate Committee on the Judiciary on June 14, 2022

	By Fiscal Year, Millions of Dollars											2022-2027	2022-2032
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032		
	Net Increase in the Deficit												
Pay-As-You-Go Effect	0	15	38	50	52	44	37	33	33	33	33	199	368

Increase in Long-Term Deficits

CBO estimates that enacting S. 3635 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2033.

Mandates: None.

Previous CBO Estimate

On May 16, 2022, CBO transmitted an [estimate of the effects on direct spending and revenues for H.R. 6943](#), the Public Safety Officer Support Act of 2022, as amended, as one of a list of legislation to be considered under suspension of the rules in the House of Representatives. This detailed estimate is consistent with that earlier estimate.

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