

(1) shall presume that none of the limitations described in subsection (a) apply; and

(2) shall not determine that a limitation described in subsection (a) applies, absent clear and convincing evidence.

(Pub. L. 90–351, title I, §1202, as added Pub. L. 98–473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 101–647, title XIII, §1301(b), Nov. 29, 1990, 104 Stat. 4834; Pub. L. 109–162, title XI, §1164(b), Jan. 5, 2006, 119 Stat. 3120; Pub. L. 112–239, div. A, title X, §1086(b)(1)(C), Jan. 2, 2013, 126 Stat. 1966; Pub. L. 115–36, §5, June 2, 2017, 131 Stat. 852.)

CODIFICATION

Section was formerly classified to section 3796a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1202 of title I of Pub. L. 90–351, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1220; amended Pub. L. 98–411, title II, §204(a)(2), Aug. 30, 1984, 98 Stat. 1561; Pub. L. 98–473, title II, §609Z, Oct. 12, 1984, 98 Stat. 2107, contained provisions similar to this section, prior to the general amendment of part L of title I of Pub. L. 90–351 by section 609F of Pub. L. 98–473.

Another prior section 1202 of Pub. L. 90–351, title VII, June 19, 1968, 82 Stat. 236, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99–308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

2017—Pub. L. 115–36 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2013—Pub. L. 112–239, §1086(b)(1)(C)(i), substituted “fatal” for “death” wherever appearing except in par. (1) following “bring about his”.

Par. (1). Pub. L. 112–239, §1086(b)(1)(C)(ii), substituted “bring about his death, disability, or injury” for “bring about his death or catastrophic injury”.

2006—Par. (5). Pub. L. 109–162 inserted “with respect” before “to any individual”.

1990—Pars. (1) to (4). Pub. L. 101–647 inserted “or catastrophic injury” after “death” wherever appearing.

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–36, §6, June 2, 2017, 131 Stat. 852, provided that: “The amendments made by this Act [enacting section 10288 of this title and amending this section and sections 10285 and 10302 of this title] shall—

“(1) take effect on the date of enactment of this Act [June 2, 2017]; and

“(2) apply to any benefit claim or application under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) [now 34 U.S.C. 10281 et seq.] that is—

“(A) pending before the Bureau of Justice Assistance on the date of enactment; or

“(B) received by the Bureau on or after the date of enactment of this Act.”

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112–239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112–239, set out as a note under section 10251 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring before Nov. 29, 1990, see section 1303 of Pub. L. 101–647, set out as a note under section 10281 of this title.

§ 10283. National programs for families of public safety officers who have sustained fatal or catastrophic injury in the line of duty

The Director is authorized to use no less than \$150,000 of the funds appropriated for this subchapter to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have sustained fatal or catastrophic injury in the line of duty.

(Pub. L. 90–351, title I, §1203, as added Pub. L. 100–690, title VI, §6106(a)(2), Nov. 18, 1988, 102 Stat. 4341; amended Pub. L. 105–180, §2(a), June 16, 1998, 112 Stat. 511; Pub. L. 112–239, div. A, title X, §1086(b)(1)(D), Jan. 2, 2013, 126 Stat. 1966.)

CODIFICATION

Section was formerly classified to section 3796a–1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1203 of Pub. L. 90–351 was renumbered section 1204 and is classified to section 10284 of this title.

Another prior section 1203 of Pub. L. 90–351, title VII, June 19, 1968, 82 Stat. 237, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99–308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

2013—Pub. L. 112–239 substituted “who have sustained fatal or catastrophic injury in the line of duty” for “who have died in the line of duty” in section catchline and text.

1998—Pub. L. 105–180 amended text generally. Prior to amendment, text read as follows: “The Director is authorized and directed to use up to \$150,000 of the funds appropriated for this subchapter to establish national programs to assist the families of public safety officers who have died in the line of duty.”

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112–239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112–239, set out as a note under section 10251 of this title.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 10142(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106–113, set out as a note under section 10141 of this title.

§ 10284. Definitions

As used in this subchapter—

(1) “catastrophic injury” means an injury, the direct and proximate consequences of which permanently prevent an individual from performing any gainful work;

(2) “chaplain” includes any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;

(3) “child” means any natural, illegitimate, adopted, or posthumous child or stepchild of a

deceased or permanently and totally disabled public safety officer who, at the time of the public safety officer's fatal or catastrophic injury, is—

(A) 18 years of age or under;

(B) over 18 years of age and a student as defined in section 8101 of title 5; or

(C) over 18 years of age and incapable of self-support because of physical or mental disability;

(4) “firefighter” includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department;

(5) “intoxication” means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

(A) a post-injury blood alcohol level of .20 per centum or greater; or

(B) a post-injury blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his fatal or catastrophic injury;

or resulting from drugs or other substances in the body;

(6) “law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency),¹ including, but not limited to, police, corrections, probation, parole, and judicial officers;

(7) “member of a rescue squad or ambulance crew” means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

(A) is a public agency; or

(B) is (or is a part of) a nonprofit entity serving the public that—

(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;

(8) “public agency” means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

(9) “public safety officer” means—

(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain;

(B) an employee of the Federal Emergency Management Agency who is performing offi-

cial duties of the Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the Administrator of the Federal Emergency Management Agency to be hazardous duties;

(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the head of the agency to be hazardous duties; or

(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.

(Pub. L. 90-351, title I, §1204, formerly §1203, as added Pub. L. 98-473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 99-500, §101(b) [title II, §207], Oct. 18, 1986, 100 Stat. 1783-39, 1783-56, and Pub. L. 99-591, §101(b) [title II, §207], Oct. 30, 1986, 100 Stat. 3341-39, 3341-56; renumbered §1204 and amended Pub. L. 100-690, title VI, §§6105(d), 6106(a)(1), Nov. 18, 1988, 102 Stat. 4341; Pub. L. 101-647, title XIII, §§1301(c), 1302, Nov. 29, 1990, 104 Stat. 4834; Pub. L. 103-322, title XXXIII, §330001(e)(2), Sept. 13, 1994, 108 Stat. 2139; Pub. L. 106-390, title III, §305(a), Oct. 30, 2000, 114 Stat. 1573; Pub. L. 107-196, §2(a), June 24, 2002, 116 Stat. 719; Pub. L. 109-162, title XI, §1164(a), Jan. 5, 2006, 119 Stat. 3120; Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 112-239, div. A, title X, §1086(b)(1)(E), Jan. 2, 2013, 126 Stat. 1967.)

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in par. (9), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 3796b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 1204 of Pub. L. 90-351 was renumbered section 1205 and is classified to section 10285 of this title.

AMENDMENTS

2013—Par. (1). Pub. L. 112-239, §1086(b)(1)(E)(i), substituted “an injury, the direct and proximate conse-

¹ So in original. The period probably should not appear.

quences of which” for “consequences of an injury that”.

Par. (3). Pub. L. 112-239, §1086(b)(1)(E)(ii), inserted “or permanently and totally disabled” after “deceased” and substituted “fatal or catastrophic injury” for “death” in introductory provisions and redesignated cls. (i) to (iii) as subpars. (A) to (C), respectively.

Par. (5). Pub. L. 112-239, §1086(b)(1)(E)(iii)(II), (III), redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively, and, in subpar. (B), substituted “fatal or catastrophic injury” for “death”.

Pub. L. 112-239, §1086(b)(1)(E)(iii)(I), substituted “post-injury” for “post-mortem” in cls. (i) and (ii).

Par. (7). Pub. L. 112-239, §1086(b)(1)(E)(iv), substituted “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—” for “public employee member of a rescue squad or ambulance crew;” and added subpars. (A) and (B).

Par. (9)(A). Pub. L. 112-239, §1086(b)(1)(E)(v)(I), substituted “or as a chaplain;” for “as a chaplain, or as a member of a rescue squad or ambulance crew;”.

Par. (9)(D). Pub. L. 112-239, §1086(b)(1)(E)(v)(II)–(IV), added subpar. (D).

2006—Par. (4). Pub. L. 109-162, §1164(a)(3), struck out “and an officially recognized or designated public employee member of a rescue squad or ambulance crew” before semicolon at end.

Par. (6). Pub. L. 109-162, §1164(a)(4), substituted “enforcement of the criminal laws (including juvenile delinquency).” for “enforcement of the laws”.

Pars. (7) to (9). Pub. L. 109-162, §1164(a)(1), (2), added par. (7) and redesignated former pars. (7) and (8) as (8) and (9), respectively.

2002—Pars. (2) to (7). Pub. L. 107-196, §2(a)(1), (2), added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively. Former par. (7) redesignated (8).

Par. (8). Pub. L. 107-196, §2(a)(1), (3), redesignated par. (7) as (8) and inserted “as a chaplain,” after “firefighter,” in subpar. (A).

2000—Par. (7). Pub. L. 106-390 added par. (7) and struck out former par. (7) which read as follows: “‘public safety officer’ means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, a firefighter, or rescue squad or ambulance crew”.

1994—Par. (3). Pub. L. 103-322 struck out before semicolon at end “who was responding to a fire, rescue or police emergency”.

1990—Par. (1). Pub. L. 101-647, §1301(c), added par. (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 101-647, §1302, which directed amendment of par. (2) by inserting a period after “ambulance crew” and striking out “who was responding to a fire, rescue or police emergency.”, could not be executed because the phrases “ambulance crew” and “who was responding to a fire, rescue or police emergency.” did not appear in text of par. (2).

Pub. L. 101-647, §1301(c)(1), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pars. (3) to (7). Pub. L. 101-647, §1301(c)(1), redesignated pars. (2) to (6) as (3) to (7), respectively.

1988—Pars. (2) to (7). Pub. L. 100-690, §6105(d), redesignated pars. (3) to (7) as (2) to (6), respectively, and struck out former par. (2) defining a “dependent” as any individual substantially reliant for support upon income of deceased public safety officer.

1986—Pub. L. 99-500 and Pub. L. 99-591 inserted “and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire, rescue or police emergency” in par. (3), and substituted “, a firefighter, or rescue squad or ambulance crew” for “or a firefighter.” in par. (7).

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in par. (9)(B)(i) on authority of section 612(c) of Pub. L. 109-295, set out as

a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of Title 6.

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013, and applicable to matters pending on Jan. 2, 2013, or filed or accruing after that date, with certain exceptions, see section 1086(d) of Pub. L. 112-239, set out as a note under section 10251 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-196 effective Sept. 11, 2001, and applicable to injuries or deaths that occur in the line of duty on or after such date, see section 2(c) of Pub. L. 107-196, set out as a note under section 10281 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-390, title III, §305(b), Oct. 30, 2000, 114 Stat. 1574, provided that: “The amendment made by subsection (a) [amending this section] applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10284(7)(B), (C)] (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act [Oct. 30, 2000].”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring before Nov. 29, 1990, see section 1303 of Pub. L. 101-647, set out as a note under section 10281 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6105(d) of Pub. L. 100-690 effective June 1, 1988, see section 6105(e) of Pub. L. 100-690, set out as a note under section 10281 of this title.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 10285. Administrative provisions

(a) Rules, regulations, and procedures

The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this subchapter. Such rules, regulations, and procedures