

119TH CONGRESS
2D SESSION

S. 3897

AN ACT

To revise administrative procedures relating to public safety
officers' death benefits, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Officer John Barnes
3 and Chief Michael Ansbro Public Safety Officers’ Benefit
4 Program Expansion Act of 2026”.

5 **SEC. 2. ELIGIBILITY DETERMINATION FOR PUBLIC SAFETY**
6 **OFFICER BENEFITS.**

7 (a) IN GENERAL.—Section 1205 of title I of the Om-
8 nibus Crime Control and Safe Streets Act of 1968 (34
9 U.S.C. 10285) is amended—

10 (1) in subsection (e)(2)(E), by inserting “, in-
11 cluding whether the delay is due to the inaction of
12 the claimant or an agency from which information is
13 required” after “basis for delay”; and

14 (2) by adding at the end the following:

15 “(f) NOTICE AND INTERIM BENEFITS.—

16 “(1) NOTICE OF MISSING INFORMATION.—Not
17 later than 90 calendar days after receiving a claim
18 filed under this subpart, the Bureau shall notify the
19 claimant or the relevant agency of any missing infor-
20 mation required to process the claim.

21 “(2) NOTICE OF DETERMINATION.—

22 “(A) IN GENERAL.—Not later than 270
23 calendar days after receiving all information re-
24 quired to process the claim, the Bureau shall
25 inform the claimant of the Bureau’s final, ap-

1 pealable determination as to the claimant’s ben-
2 efit eligibility.

3 “(B) INTERIM BENEFITS AS NOTICE.—
4 Provision of interim benefits under section
5 1201(c) shall be deemed to be notice under sub-
6 paragraph (A).

7 “(3) INTERIM BENEFITS.—

8 “(A) ENTITLEMENT.—If the Bureau fails
9 to inform a claimant of the Bureau’s deter-
10 mination on or before the date that is 270 cal-
11 endar days after receiving all information re-
12 quired to process the claim, the Bureau shall
13 issue a single interim benefit payment with re-
14 spect to the claim, payable only to—

15 “(i) a claimant whose status as an eli-
16 gible beneficiary is undisputed; or

17 “(ii) if beneficiary status remains un-
18 resolved, an escrow or fiduciary account,
19 pending final determination under section
20 1201.

21 “(B) RESCISSION OR REPAYMENT.—Any
22 interim benefits paid under this subsection—

23 “(i) shall be credited against any final
24 benefit determination made under section
25 1201;

1 “(ii) shall not be subject to
 2 recoupment or affirmative repayment by
 3 the Bureau, except in cases of fraud or
 4 material misrepresentation; and

5 “(iii) shall not be construed to create
 6 an entitlement to benefits if the claimant
 7 or decedent is determined to be ineligible
 8 under this part.

9 “(4) RULE OF CONSTRUCTION.—Nothing in
 10 this subsection shall be construed to—

11 “(A) limit the Bureau’s authority to deny
 12 a claim for failure to meet statutory eligibility
 13 requirements;

14 “(B) alter the determination of eligible
 15 beneficiaries under section 1201; or

16 “(C) require payment of interim benefits to
 17 multiple claimants if the statute authorizes pay-
 18 ment to only 1 or more mutually exclusive bene-
 19 ficiaries.

20 “(g) OUTREACH.—The Bureau shall—

21 “(1) conduct outreach efforts on an ongoing
 22 basis to ensure that public safety officers and under-
 23 served public agencies are aware of the program
 24 under this part, including outreach efforts for dis-
 25 abled public safety officers; and

1 “(2) include in the outreach efforts under para-
2 graph (1) regular communications with national
3 public safety organizations, public safety agencies,
4 and organizations supporting disabled public safety
5 officers and the families of fallen officers.

6 “(h) SUMMARY OF BACKLOGGED CLAIMS.—Not later
7 than 30 days after publishing the report required under
8 subsection (e)(2), the Bureau shall submit a summary of
9 the information required to be reported under subsection
10 (e)(2)(E) to the Committee on the Judiciary of the Senate
11 and the Committee on the Judiciary of the House of Rep-
12 resentatives.

13 “(i) AUDIT OF BACKLOGGED CLAIMS.—On an annual
14 basis, the Comptroller General shall conduct an audit of
15 any pending claims under this part that were submitted
16 to the Bureau more than 1 year before the date on which
17 the audit is commenced, to identify programmatic chal-
18 lenges to the timely processing of death, disability, and
19 educational assistance claims. As part of the audit, the
20 Comptroller General shall also review—

21 “(1) where the claim is in the determination
22 process;

23 “(2) the reasons for delay, including any proc-
24 esses, such as legal review, that prevent timely proc-
25 essing of claims;

1 “(3) whether the agency has used its subpoena
2 authority for the claims;

3 “(4) the frequency of outreach to the claimant
4 and efforts to evaluate and improve the effectiveness
5 of outreach and claims assistance efforts;

6 “(5) the efforts of the Bureau of Justice Assist-
7 ance to implement a claims processing manual to en-
8 sure consistency across staff in determining claims;
9 and

10 “(6) efforts to evaluate and improve the effec-
11 tiveness of outreach and claims assistance efforts.”.

12 (b) SUBPOENA REQUIREMENT.—Section 1206(b) of
13 the Omnibus Crime Control and Safe Streets Act of 1968
14 (34 U.S.C. 10288(b)) is amended—

15 (1) in paragraph (1)(B), by striking “and” at
16 the end;

17 (2) in paragraph (2), by striking the period at
18 the end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(3) with respect to information or documenta-
21 tion in the possession of a public agency that the
22 Bureau has determined is necessary to adjudicate
23 the claim that the public agency has failed to pro-
24 vide by the date that is 30 days after the date of
25 the Bureau’s or the claimant’s request to provide the

information or documentation, shall issue a subpoena to the public agency to obtain the information or documentation, unless the Bureau has approved an extension not exceeding 60 days.”.

(c) DEFINITIONS.—

(1) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284) is amended—

(A) in paragraph (4)(B)(ii), by striking “parapalegic” and inserting “paraplegic”;

(B) by redesignating paragraphs (8) through (14) as paragraphs (9) through (15), respectively; and

(C) by inserting after paragraph (7) the following:

“(8) ‘gainful work’ means gainful work activity, as defined in section 32.23 of title 28, Code of Federal Regulations, or successor regulation;”.

(2) CONFORMING AMENDMENTS.—

(A) INTERNAL REVENUE CODE.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended by striking “(42 U.S.C. 3796b(9)(A))”.

(B) TITLE 28.—Section 1863(b)(5)(B) of title 28, United States Code, is amended by

1 striking “section 1203(6)” and inserting “sec-
2 tion 1204”.

3 **SEC. 3. EXPEDITED PAYMENT FOR VCF OR WTCHP DETER-**
4 **MINATIONS.**

5 Section 1205(b) of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (34 U.S.C. 10285(b))
7 is amended by adding at the end the following:

8 “(4) In making determinations under section
9 1201(a), the Bureau shall, absent clear and con-
10 vincing evidence to the contrary, as determined by
11 the Bureau, approve any claim if the September
12 11th Victim Compensation Fund of 2001 (49 U.S.C.
13 40101 note; Public Law 107–42) (commonly re-
14 ferred to as the ‘VCF’) or the World Trade Center
15 Health Program under title XXXIII of the Public
16 Health Service Act (42 U.S.C. 300mm et seq.) pro-
17 vides a certification of facts that—

18 “(A) the claim is eligible for death benefits
19 under the Victim Compensation Fund; or

20 “(B) the cause of claimant’s death is a
21 World Trade Center Health Program-related
22 condition.”.

1 **SEC. 4. IMPLEMENTATION OF CERTAIN GAO REC-**
2 **COMMENDATIONS.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Attorney General shall ensure that the
5 Director of the Bureau of Justice Assistance implements
6 the recommendations provided in the report of the Govern-
7 ment Accountability Office entitled “Public Safety Offi-
8 cers’ Benefits Program: Transparency, Claims Assistance,
9 and Program Management Improvements Needed”
10 (GAO–24–105549), published on September 27, 2024.

Passed the Senate August 7, 2026.

Attest:

Secretary.

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