

114TH CONGRESS
2D SESSION

H. R. 5743

To require adequate reporting on the Public Safety Officers' Benefit program,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2016

Mr. KING of New York (for himself, Mr. PASCRELL, and Mr. REICHERT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require adequate reporting on the Public Safety Officers' Benefit program, 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 "Public Safety Officers'
5 Benefits Improvement Act of 2016".

6 **SEC. 2. REPORTS.**

7 Section 1205 of title I of the Omnibus Crime Control
8 and Safe Streets Act of 1968 (42 U.S.C. 3796c) is amend-
9 ed—

1 (1) in subsection (a), by inserting “Rules, regu-
2 lations, and procedures issued under this part may
3 include regulations based on standards developed by
4 another Federal agency for programs related to pub-
5 lic safety officer death or disability claims.” before
6 the last sentence;

7 (2) in subsection (b)—

8 (A) by inserting “(1)” before “In making”;
9 and

10 (B) by adding at the end the following:

11 “(2) In making a determination under section 1201,
12 the Bureau shall give substantial weight to the evidence
13 and all findings of fact presented by a State, local, or Fed-
14 eral administrative or investigative agency regarding eligi-
15 bility for death or disability benefits.”; and

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

17 “(e)(1)(A) Not later than 30 days after the date of
18 enactment of this subsection, the Bureau shall make avail-
19 able on the public website of the Bureau information on
20 all death, disability, and educational assistance claims sub-
21 mitted under this part that are pending as of the date
22 on which the information is made available.

23 “(B) Not less frequently than once per week, the Bu-
24 reau shall make available on the public website of the Bu-
25 reau updated information with respect to all death, dis-

1 ability, and educational assistance claims submitted under
2 this part that are pending as of the date on which the
3 information is made available.

4 “(C) The information made available under this para-
5 graph shall include—

6 “(i) for each pending claim—

7 “(I) the date on which the claim was sub-
8 mitted to the Bureau;

9 “(II) the State of residence of the claim-
10 ant;

11 “(III) an anonymized, identifying claim
12 number; and

13 “(IV) the nature of the claim; and

14 “(ii) the total number of pending claims that
15 were submitted to the Bureau more than 1 year be-
16 fore the date on which the information is made
17 available.

18 “(2)(A) Not later than 180 days after the date of
19 enactment of this subsection, and every 180 days there-
20 after, the Bureau shall submit to Congress a report on
21 the death, disability, and educational assistance claims
22 submitted under this part.

23 “(B) Each report submitted under subparagraph (A)
24 shall include information on—

1 “(i) the total number of claims for which a final
2 determination has been made during the 180-day pe-
3 riod preceding the report;

4 “(ii) the amount of time required to process
5 each claim for which a final determination has been
6 made during the 180-day period preceding the re-
7 port;

8 “(iii) as of the last day of the 180-day period
9 preceding the report, the total number of claims sub-
10 mitted to the Bureau on or before that date for
11 which a final determination has not been made;

12 “(iv) as of the last day of the 180-day period
13 preceding the report, the total number of claims sub-
14 mitted to the Bureau on or before the date that is
15 1 year before that date for which a final determina-
16 tion has not been made;

17 “(v) for each claim described in clause (iv), a
18 detailed description of the basis for delay;

19 “(vi) as of the last day of the 180-day period
20 preceding the report, the total number of claims sub-
21 mitted to the Bureau on or before that date relating
22 to exposure due to the September 11, 2001, ter-
23 rorism attacks for which a final determination has
24 not been made;

1 “(vii) as of the last day of the 180-day period
2 preceding the report, the total number of claims sub-
3 mitted to the Bureau on or before the date that is
4 1 year before that date relating to exposure due to
5 the September 11, 2001, terrorism attacks for which
6 a final determination has not been made;

7 “(viii) for each claim described in clause (vii),
8 a detailed description of the basis for delay;

9 “(ix) the total number of claims submitted to
10 the Bureau relating to exposure due to the Sep-
11 tember 11, 2001, terrorism attacks for which a final
12 determination was made during the 180-day period
13 preceding the report, and the average award amount
14 for any such claims that were approved;

15 “(x) the result of each claim for which a final
16 determination was made during the 180-day period
17 preceding the report, including the number of claims
18 rejected and the basis for any denial of benefits;

19 “(xi) the number of final determinations which
20 were appealed during the 180-day period preceding
21 the report, regardless of when the final determina-
22 tion was first made;

23 “(xii) the average number of claims processed
24 per reviewer of the Bureau during the 180-day pe-
25 riod preceding the report;

1 “(xiii) for any claim submitted to the Bureau
2 that required the submission of additional informa-
3 tion from a public agency, and for which the public
4 agency completed providing all of the required infor-
5 mation during the 180-day period preceding the re-
6 port, the average length of the period beginning on
7 the date the public agency was contacted by the Bu-
8 reau and ending on the date on which the public
9 agency submitted all required information to the Bu-
10 reau;

11 “(xiv) for any claim submitted to the Bureau
12 for which the Bureau issued a subpoena to a public
13 agency during the 180-day period preceding the re-
14 port in order to obtain information or documentation
15 necessary to determine the claim, the name of the
16 public agency, the date on which the subpoena was
17 issued, and the dates on which the public agency
18 was contacted by the Bureau before the issuance of
19 the subpoena; and

20 “(xv) information on the compliance of the Bu-
21 reau with the obligation to offset award amounts
22 under section 1201(f)(3), including—

23 “(I) the number of claims that are eligible
24 for compensation under both this part and the
25 September 11th Victim Compensation Fund of

1 2001 (49 U.S.C. 40101 note; Public Law 107–
2 42) (commonly referred to as the ‘VCF’);

3 “(II) for each claim described in subclause
4 (I) for which compensation has been paid under
5 the VCF, the amount of compensation paid
6 under the VCF;

7 “(III) the number of claims described in
8 subclause (I) for which the Bureau has made a
9 final determination; and

10 “(IV) the number of claims described in
11 subclause (I) for which the Bureau has not
12 made a final determination.

13 “(3) Not later than 5 years after the date of enact-
14 ment of the Public Safety Officers’ Benefits Improvement
15 Act of 2016, and every 5 years thereafter, the Comptroller
16 General of the United States shall—

17 “(A) conduct a study on the compliance of the
18 Bureau with the obligation to offset award amounts
19 under section 1201(f)(3); and

20 “(B) submit to Congress a report on the study
21 conducted under subparagraph (A) that includes an
22 assessment of whether the Bureau has provided the
23 information required under subparagraph (B)(ix) of
24 paragraph (2) of this subsection in each report re-
25 quired under that paragraph.

1 “(4) In this subsection, the term ‘nature of the claim’
2 means whether the claim is a claim for—

3 “(A) benefits under this subpart with respect to
4 the death of a public safety officer;

5 “(B) benefits under this subpart with respect to
6 the disability of a public safety officer; or

7 “(C) education assistance under subpart 2.”.

8 **SEC. 3. AGE LIMITATION FOR CHILDREN.**

9 Section 1212(c) of title I of the Omnibus Crime Con-
10 trol and Safe Streets Act of 1968 (42 U.S.C. 3796d–1(c))
11 is amended—

12 (1) by striking “No child” and inserting the fol-
13 lowing:

14 “(1) IN GENERAL.—Subject to paragraph (2),
15 no child”; and

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

17 “(2) DELAYED APPROVALS.—

18 “(A) EDUCATIONAL ASSISTANCE APPLICA-
19 TION.—If a claim for assistance under this sub-
20 part is approved more than 1 year after the
21 date on which the application for such assist-
22 ance is filed with the Attorney General, the age
23 limitation under this subsection shall be ex-
24 tended by the length of the period—

1 “(i) beginning on the day after the
2 date that is 1 year after the date on which
3 the application is filed; and

4 “(ii) ending on the date on which the
5 application is approved.

6 “(B) CLAIM FOR BENEFITS FOR DEATH OR
7 PERMANENT AND TOTAL DISABILITY.—In addi-
8 tion to an extension under subparagraph (A), if
9 any, for an application for assistance under this
10 subpart that relates to a claim for benefits
11 under subpart 1 that was approved more than
12 1 year after the date on which the claim was
13 filed with the Attorney General, the age limita-
14 tion under this subsection shall be extended by
15 the length of the period—

16 “(i) beginning on the day after the
17 date that is 1 year after the date on which
18 the claim for benefits is submitted; and

19 “(ii) ending on the date on which the
20 claim for benefits is approved.”.

21 **SEC. 4. DUE DILIGENCE IN PAYING BENEFIT CLAIMS.**

22 Subpart 1 of part L of title I of the Omnibus Crime
23 Control and Safe Streets Act of 1968 (42 U.S.C. 3796
24 et seq.) is amended by adding at the end the following:

1 **“SEC. 1206. DUE DILIGENCE IN PAYING BENEFIT CLAIMS.**

2 “(a) IN GENERAL.—The Bureau, with all due dili-
3 gence, shall expeditiously attempt to obtain the informa-
4 tion and documentation necessary to adjudicate a benefit
5 claim filed under this part, including a claim for financial
6 assistance under subpart 2.

7 “(b) SUFFICIENT INFORMATION UNAVAILABLE.—If
8 a benefit claim filed under this part, including a claim for
9 financial assistance under subpart 2, is unable to be adju-
10 dicated by the Bureau because of a lack of information
11 or documentation from a third party, such as a public
12 agency, the Bureau may not abandon the benefit claim
13 unless the Bureau has utilized the investigative tools avail-
14 able to the Bureau to obtain the necessary information
15 or documentation, including subpoenas.”.

16 **SEC. 5. PRESUMPTION THAT OFFICER ACTED PROPERLY.**

17 Section 1202 of title I of the Omnibus Crime Control
18 and Safe Streets Act of 1968 (42 U.S.C. 3796a) is amend-
19 ed—

20 (1) by striking “No benefit” and inserting the
21 following:

22 “(a) IN GENERAL.—No benefit”; and

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

24 “(b) PRESUMPTION.—In determining whether a ben-
25 efit is payable under this part, the Bureau shall—

1 “(1) presume that none of the limitations de-
2 scribed in subsection (a) apply; and

3 “(2) have the burden of establishing by clear
4 and convincing evidence that a limitation described
5 in subsection (a) applies.”.

6 **SEC. 6. EFFECTIVE DATE; APPLICABILITY.**

7 The amendments made by this Act shall—

8 (1) take effect on the date of enactment of this
9 Act; and

10 (2) apply to any benefit claim or application
11 under part L of title I of the Omnibus Crime Con-
12 trol and Safe Streets Act of 1968 (42 U.S.C. 3796
13 et seq.) that is—

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

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

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