

114TH CONGRESS  
2D SESSION

# S. 2944

---

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2016

Referred to the Committee on the Judiciary

---

## AN ACT

To require adequate reporting on the Public Safety Officers’  
Benefits 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Public Safety Officers’  
3 Benefits Improvement Act of 2016”.

4 **SEC. 2. REPORTS.**

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

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

14 (2) in subsection (b)—

15 (A) by inserting “(1)” before “In making”;

16 and

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

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

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

24 “(e)(1)(A) Not later than 30 days after the date of  
25 enactment of this subsection, the Bureau shall make avail-  
26 able on the public website of the Bureau information on

1 all death, disability, and educational assistance claims sub-  
2 mitted under this part that are pending as of the date  
3 on which the information is made available.

4 “(B) Not less frequently than once per week, the Bu-  
5 reau shall make available on the public website of the Bu-  
6 reau updated information with respect to all death, dis-  
7 ability, and educational assistance claims submitted under  
8 this part that are pending as of the date on which the  
9 information is made available.

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

12 “(i) for each pending claim—

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

15 “(II) the State of residence of the claim-  
16 ant;

17 “(III) an anonymized, identifying claim  
18 number; and

19 “(IV) the nature of the claim; and

20 “(ii) the total number of pending claims that  
21 were submitted to the Bureau more than 1 year be-  
22 fore the date on which the information is made  
23 available.

24 “(2)(A) Not later than 180 days after the date of  
25 enactment of this subsection, and every 180 days there-

1 after, the Bureau shall submit to Congress a report on  
2 the death, disability, and educational assistance claims  
3 submitted under this part.

4 “(B) Each report submitted under subparagraph (A)  
5 shall include information on—

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

9 “(ii) the amount of time required to process  
10 each claim for which a final determination has been  
11 made during the 180-day period preceding the re-  
12 port;

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

17 “(iv) as of the last day of the 180-day period  
18 preceding the report, the total number of claims sub-  
19 mitted to the Bureau on or before the date that is  
20 1 year before that date for which a final determina-  
21 tion has not been made;

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

24 “(vi) as of the last day of the 180-day period  
25 preceding the report, the total number of claims sub-

1       mitted to the Bureau on or before that date relating  
2       to exposure due to the September 11th, 2001, ter-  
3       rorism attacks for which a final determination has  
4       not been made;

5           “(vii) as of the last day of the 180-day period  
6       preceding the report, the total number of claims sub-  
7       mitted to the Bureau on or before the date that is  
8       1 year before that date relating to exposure due to  
9       the September 11th, 2001, terrorism attacks for  
10      which a final determination has not been made;

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

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

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

23           “(xi) the number of final determinations which  
24      were appealed during the 180-day period preceding

1 the report, regardless of when the final determina-  
2 tion was first made;

3 “(xii) the average number of claims processed  
4 per reviewer of the Bureau during the 180-day pe-  
5 riod preceding the report;

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

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

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

4 “(I) the number of claims that are eligible  
 5 for compensation under both this part and the  
 6 September 11th Victim Compensation Fund of  
 7 2001 (49 U.S.C. 40101 note; Public Law 107–  
 8 42) (commonly referred to as the ‘VCF’);

9 “(II) for each claim described in subclause  
 10 (I) for which compensation has been paid under  
 11 the VCF, the amount of compensation paid  
 12 under the VCF;

13 “(III) the number of claims described in  
 14 subclause (I) for which the Bureau has made a  
 15 final determination; and

16 “(IV) the number of claims described in  
 17 subclause (I) for which the Bureau has not  
 18 made a final determination.

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

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

1 “(B) submit to Congress a report on the study  
 2 conducted under subparagraph (A) that includes an  
 3 assessment of whether the Bureau has provided the  
 4 information required under subparagraph (B)(ix) of  
 5 paragraph (2) of this subsection in each report re-  
 6 quired under that paragraph.

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

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

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

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

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

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

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

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

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

23 “(2) DELAYED APPROVALS.—

24 “(A) EDUCATIONAL ASSISTANCE APPLICA-  
 25 TION.—If a claim for assistance under this sub-



part is approved more than 1 year after the date on which the application for such assistance is filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

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

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

“(B) CLAIM FOR BENEFITS FOR DEATH OR PERMANENT AND TOTAL DISABILITY.—In addition to an extension under subparagraph (A), if any, for an application for assistance under this subpart that relates to a claim for benefits under subpart 1 that was approved more than 1 year after the date on which the claim was filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

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

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

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

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

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

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

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

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

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

24 (1) by striking “No benefit” and inserting the  
25 following:

26 “(a) IN GENERAL.—No benefit”; and

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

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

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

6 “(2) have the burden of establishing by clear  
7 and convincing evidence that a limitation described  
8 in subsection (a) applies.”.

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

10 The amendments made by this Act shall—

11 (1) take effect on the date of enactment of this  
12 Act; and

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

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

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

Passed the Senate November 29, 2016.

Attest:

JULIE E. ADAMS,

*Secretary.*