

115TH CONGRESS
1ST SESSION

S. 419

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 2017”.

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.

23 “(3) If the head of a State, local, or Federal adminis-
24 trative or investigative agency, in consultation with the
25 principal legal officer of the agency, provides a certifi-
26 cation of facts regarding eligibility for death or disability

1 benefits, the Bureau shall adopt the factual findings, if
2 the factual findings are supported by substantial evi-
3 dence.”; and

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

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

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

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

19 (i) for each pending claim—

20 (I) the date on which the claim was sub-
21 mitted to the Bureau;

22 (II) the State of residence of the claim-
23 ant;

24 (III) an anonymized, identifying claim
25 number; and

1 “(IV) the nature of the claim; and

2 “(ii) the total number of pending claims that
3 were submitted to the Bureau more than 1 year be-
4 fore the date on which the information is made
5 available.

6 “(2) Not later than 180 days after the date of enact-
7 ment of this subsection, the Bureau shall publish on the
8 public website of the Bureau a report, and shall update
9 such report on such website not less than once every 180
10 days thereafter, containing—

11 “(A) the total number of claims for which a
12 final determination has been made during the 180-
13 day period preceding the report;

14 “(B) the amount of time required to process
15 each claim for which a final determination has been
16 made during the 180-day period preceding the re-
17 port;

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

22 “(D) as of the last day of the 180-day period
23 preceding the report, the total number of claims sub-
24 mitted to the Bureau on or before the date that is

1 1 year before that date for which a final determina-
2 tion has not been made;

3 “(E) for each claim described in subparagraph
4 (D), a detailed description of the basis for delay;

5 “(F) 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 that date relating
8 to exposure due to the September 11th, 2001, ter-
9 rorism attacks for which a final determination has
10 not been made;

11 “(G) as of the last day of the 180-day period
12 preceding the report, the total number of claims sub-
13 mitted to the Bureau on or before the date that is
14 1 year before that date relating to exposure due to
15 the September 11th, 2001, terrorism attacks for
16 which a final determination has not been made;

17 “(H) for each claim described in subparagraph
18 (G), a detailed description of the basis for delay;

19 “(I) the total number of claims submitted to
20 the Bureau relating to exposure due to the Sep-
21 tember 11th, 2001, terrorism attacks for which a
22 final determination was made during the 180-day
23 period preceding the report, and the average award
24 amount for any such claims that were approved;

1 “(J) the result of each claim for which a final
2 determination was made during the 180-day period
3 preceding the report, including the number of claims
4 rejected and the basis for any denial of benefits;

5 “(K) the number of final determinations which
6 were appealed during the 180-day period preceding
7 the report, regardless of when the final determina-
8 tion was first made;

9 “(L) the average number of claims processed
10 per reviewer of the Bureau during the 180-day pe-
11 riod preceding the report;

12 “(M) for any claim submitted to the Bureau
13 that required the submission of additional informa-
14 tion from a public agency, and for which the public
15 agency completed providing all of the required infor-
16 mation during the 180-day period preceding the re-
17 port, the average length of the period beginning on
18 the date the public agency was contacted by the Bu-
19 reau and ending on the date on which the public
20 agency submitted all required information to the Bu-
21 reau;

22 “(N) for any claim submitted to the Bureau for
23 which the Bureau issued a subpoena to a public
24 agency during the 180-day period preceding the re-
25 port in order to obtain information or documentation

1 necessary to determine the claim, the name of the
2 public agency, the date on which the subpoena was
3 issued, and the dates on which the public agency
4 was contacted by the Bureau before the issuance of
5 the subpoena; and

6 “(O) information on the compliance of the Bu-
7 reau with the obligation to offset award amounts
8 under section 1201(f)(3), including—

9 “(i) the number of claims that are eligible
10 for compensation under both this part and the
11 September 11th Victim Compensation Fund of
12 2001 (49 U.S.C. 40101 note; Public Law 107–
13 42) (commonly referred to as the ‘VCF’);

14 “(ii) for each claim described in clause (i)
15 for which compensation has been paid under
16 the VCF, the amount of compensation paid
17 under the VCF;

18 “(iii) the number of claims described in
19 clause (i) for which the Bureau has made a
20 final determination; and

21 “(iv) the number of claims described in
22 clause (i) for which the Bureau has not made
23 a final determination.

1 “(3) Not later than 2 years after the date of enact-
2 ment of this subsection, and 2 years thereafter, the Comp-
3 troller General of the United States shall—

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

7 “(B) submit to Congress a report on the study
8 conducted under subparagraph (A) that includes an
9 assessment of whether the Bureau has provided the
10 information required under subparagraph (B)(ix) of
11 paragraph (2) of this subsection in each report re-
12 quired under that paragraph.

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

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

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

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

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

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

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

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

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

4 “(2) DELAYED APPROVALS.—

5 “(A) EDUCATIONAL ASSISTANCE APPLICA-
6 TION.—If a claim for assistance under this sub-
7 part is approved more than 1 year after the
8 date on which the application for such assist-
9 ance is filed with the Attorney General, the age
10 limitation under this subsection shall be ex-
11 tended by the length of the period—

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

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

17 “(B) CLAIM FOR BENEFITS FOR DEATH OR
18 PERMANENT AND TOTAL DISABILITY.—In addi-
19 tion to an extension under subparagraph (A), if
20 any, for an application for assistance under this
21 subpart that relates to a claim for benefits
22 under subpart 1 that was approved more than
23 1 year after the date on which the claim was
24 filed with the Attorney General, the age limita-

1 tion under this subsection shall be extended by
2 the length of the period—

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

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

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

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

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

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

18 “(b) SUFFICIENT INFORMATION UNAVAILABLE.—If
19 a benefit claim filed under this part, including a claim for
20 financial assistance under subpart 2, is unable to be adju-
21 dicated by the Bureau because of a lack of information
22 or documentation from a third party, such as a public
23 agency, and such information is not readily available to
24 the claimant, the Bureau may not abandon the benefit
25 claim unless the Bureau has utilized the investigative tools

1 available to the Bureau to obtain the necessary informa-
2 tion or documentation, including subpoenas.”.

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

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

7 (1) by striking “No benefit” and inserting the
8 following:

9 “(a) IN GENERAL.—No benefit”; and

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

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

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

15 “(2) shall not determine that a limitation de-
16 scribed in subsection (a) applies, absent clear and
17 convincing evidence.”.

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

19 The amendments made by this Act shall—

20 (1) take effect on the date of enactment of this
21 Act; and

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

- 1 (A) pending before the Bureau of Justice
- 2 Assistance on the date of enactment; or
- 3 (B) received by the Bureau on or after the
- 4 date of enactment of this Act.

Passed the Senate May 16, 2017.

Attest:

Secretary.

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