

Calendar No. 513

114TH CONGRESS
2D SESSION**S. 2944**

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

IN THE SENATE OF THE UNITED STATES

MAY 18, 2016

Mr. GRASSLEY (for himself, Mrs. GILLIBRAND, Mr. HATCH, Mr. BLUNT, Mr. SCHUMER, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 9, 2016

Reported by Mr. GRASSLEY, with amendments

[Omit the part struck through and insert the part printed in italic]

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".

1 **SEC. 2. REPORTS.**

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

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

11 (2) in subsection (b)—

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

13 and

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

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

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

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

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

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

9 “(i) for each pending claim—

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

12 “(II) the State of residence of the claim-
13 ant;

14 “(III) an anonymized, identifying claim
15 number; and

16 “(IV) the nature of the claim; and

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

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

1 submitted under this part during the 180-day period pre-
2 ceding the report.

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

5 “(i) the total number of claims, and the nature
6 of each claim, submitted to the Bureau;

7 “(ii) the number of claims for which a final de-
8 termination has been made;

9 “(iii) the number of claims for which a final de-
10 termination has not been reached and the basis for
11 the delay;

12 “(iv) the amount of time required to process
13 each claim for which a final determination has been
14 made ~~and, for any claim which could not be proe-~~
15 ~~essed within 1 year of being submitted to the Bu-~~
16 ~~reau, the basis for any delay;~~

17 “(v) the number of claims submitted that are
18 related to exposure due to the September 11th,
19 2001, terrorism attacks and the average award
20 amount for any such claims for which a final deter-
21 mination has been made;

22 “(vi) the result of each claim *for which a final*
23 *determination was made during the 180-day period,*
24 including the number of claims rejected and the
25 basis for any denial of benefits;

1 “(vii) the number of claims ~~that were appealed~~
2 *for which a final determination was made and ap-*
3 *pealed during the 180-day period;*

4 “(viii) the *average* number of claims processed
5 per reviewer of the Bureau; and

6 ~~“(ix) the average amount of time each agency~~
7 ~~takes to submit all required information and docu-~~
8 ~~ments to the Bureau.~~

9 “(ix) *information on the compliance of the Bu-*
10 *reau with the obligation to offset award amounts*
11 *under section 1201(f)(3), including—*

12 “(I) *the number of claims that are eligible*
13 *for compensation under both this part and the*
14 *September 11th Victim Compensation Fund of*
15 *2001 (49 U.S.C. 40101 note; Public Law 107-*
16 *42) (commonly referred to as the ‘VCF’);*

17 “(II) *for each claim described in subclause*
18 *(I) for which compensation has been paid under*
19 *the VCF, the amount of compensation paid*
20 *under the VCF;*

21 “(III) *the number of claims described in*
22 *subclause (I) for which the Bureau has made a*
23 *final determination; and*

1 “(IV) the number of claims described in
2 subclause (I) for which the Bureau has not made
3 a final determination.

4 “(3) Not later than 5 years after the date of enactment
5 of the Public Safety Officers’ Benefits Improvement Act of
6 2016, and every 5 years thereafter, the Comptroller General
7 of the United States shall—

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

11 “(B) submit to Congress a report on the study
12 conducted under subparagraph (A) that includes an
13 assessment of whether the Bureau has provided the in-
14 formation required under subparagraph (B)(ix) of
15 paragraph (2) of this subsection in each report re-
16 quired under that paragraph.

17 “~~(3)~~(4) In this subsection, the term ‘nature of the
18 claim’ means whether the claim is a claim for—

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

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

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

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

2 *Section 1212(c) of title I of the Omnibus Crime Con-*
 3 *trol and Safe Streets Act of 1968 (42 U.S.C. 3796d-1(c))*
 4 *is amended—*

5 *(1) by striking “No child” and inserting the fol-*
 6 *lowing:*

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

9 *(2) by adding at the end the following:*

10 *“(2) DELAYED APPROVALS.—*

11 *“(A) EDUCATIONAL ASSISTANCE APPLICA-*
 12 *TION.—If a claim for assistance under this sub-*
 13 *part is approved more than 1 year after the date*
 14 *on which the application for such assistance is*
 15 *filed with the Attorney General, the age limita-*
 16 *tion under this subsection shall be extended by*
 17 *the length of the period—*

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

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

23 *“(B) CLAIM FOR BENEFITS FOR DEATH OR*
 24 *PERMANENT AND TOTAL DISABILITY.—In addi-*
 25 *tion to an extension under subparagraph (A), if*
 26 *any, for an application for assistance under this*

1 *subpart that relates to a claim for benefits under*
 2 *subpart 1 that was approved more than 1 year*
 3 *after the date on which the claim was filed with*
 4 *the Attorney General, the age limitation under*
 5 *this subsection shall be extended by the length of*
 6 *the period—*

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

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

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

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

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

17 *“(a) IN GENERAL.—The Bureau, with all due dili-*
 18 *gence, shall expeditiously attempt to obtain the information*
 19 *and documentation necessary to adjudicate a benefit claim*
 20 *filed under this part, including a claim for financial assist-*
 21 *ance under subpart 2.*

22 *“(b) SUFFICIENT INFORMATION UNAVAILABLE.—If a*
 23 *benefit claim filed under this part, including a claim for*
 24 *financial assistance under subpart 2, is unable to be adju-*
 25 *dicated by the Bureau because of a lack of information or*

1 *documentation from a third party, such as a public agency,*
 2 *the Bureau may not abandon the benefit claim unless the*
 3 *Bureau has utilized the investigative tools available to the*
 4 *Bureau to obtain the necessary information or documenta-*
 5 *tion, including subpoenas.”.*

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

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

10 *(1) by striking “No benefit” and inserting the*
 11 *following:*

12 *“(a) IN GENERAL.—No benefit”; and*

13 *(2) by adding at the end the following:*

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

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

18 *“(2) have the burden of establishing by clear and*
 19 *convincing evidence that a limitation described in*
 20 *subsection (a) applies.”.*

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

22 *The amendments made by this Act shall—*

23 *(1) take effect on the date of enactment of this*
 24 *Act; and*

1 (2) *apply to any benefit claim or application*
2 *under part L of title I of the Omnibus Crime Control*
3 *and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.)*
4 *that is—*

5 (A) *pending before the Bureau of Justice*
6 *Assistance on the date of enactment; or*

7 (B) *received by the Bureau on or after the*
8 *date of enactment of this Act.*

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