

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

S. 419

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. GRASSLEY

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Safety Officers’
5 Benefits Improvement Act of 2017”.

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—

10 (1) in subsection (a), by inserting “Rules, regu-
11 lations, and procedures issued under this part may
12 include regulations based on standards developed by

1 another Federal agency for programs related to pub-
2 lic safety officer death or disability claims.” before
3 the last sentence;

4 (2) in subsection (b)—

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

6 and

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

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

13 “(3) If the head of a State, local, or Federal adminis-
14 trative or investigative agency, in consultation with the
15 principal legal officer of the agency, provides a certifi-
16 cation of facts regarding eligibility for death or disability
17 benefits, the Bureau shall adopt the factual findings, if
18 the factual findings are supported by substantial evi-
19 dence.”; 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-

1 mitted under this part that are pending as of the date
2 on which the information is made available.

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

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

11 “(i) for each pending claim—

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

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

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

18 “(IV) the nature of the claim; and

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

23 “(2) Not later than 180 days after the date of enact-
24 ment of this subsection, the Bureau shall publish on a
25 public website a report, and shall update such report on

1 such website not less than once every 180 days thereafter,
2 containing—

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

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

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

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

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

21 “(F) as of the last day of the 180-day period
22 preceding the report, the total number of claims sub-
23 mitted to the Bureau on or before that date relating
24 to exposure due to the September 11th, 2001, ter-

1 rorism attacks for which a final determination has
2 not been made;

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

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

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

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

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

1 “(L) the average number of claims processed
2 per reviewer of the Bureau during the 180-day pe-
3 riod preceding the report;

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

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

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

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

6 “(ii) for each claim described in clause (i)
7 for which compensation has been paid under
8 the VCF, the amount of compensation paid
9 under the VCF;

10 “(iii) the number of claims described in
11 clause (i) for which the Bureau has made a
12 final determination; and

13 “(iv) the number of claims described in
14 clause (i) for which the Bureau has not made
15 a final determination.

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

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

22 “(B) submit to Congress a report on the study
23 conducted under subparagraph (A) that includes an
24 assessment of whether the Bureau has provided the
25 information required under subparagraph (B)(ix) of

1 paragraph (2) of this subsection in each report re-
2 quired under that paragraph.

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

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

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

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

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

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

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

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

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

19 “(2) DELAYED APPROVALS.—

20 “(A) EDUCATIONAL ASSISTANCE APPLICA-
21 TION.—If a claim for assistance under this sub-
22 part is approved more than 1 year after the
23 date on which the application for such assist-
24 ance is filed with the Attorney General, the age

1 limitation under this subsection shall be ex-
2 tended by 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 application is filed; and

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

8 “(B) CLAIM FOR BENEFITS FOR DEATH OR
9 PERMANENT AND TOTAL DISABILITY.—In addi-
10 tion to an extension under subparagraph (A), if
11 any, for an application for assistance under this
12 subpart that relates to a claim for benefits
13 under subpart 1 that was approved more than
14 1 year after the date on which the claim was
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 claim for benefits is submitted; and

21 “(ii) ending on the date on which the
22 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, and such information is not readily available to
17 the claimant, the Bureau may not abandon the benefit
18 claim unless the Bureau has utilized the investigative tools
19 available to the Bureau to obtain the necessary informa-
20 tion or documentation, including subpoenas.”.

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

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

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

1 “(a) IN GENERAL.—No benefit”; and

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

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

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

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

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

11 The amendments made by this Act shall—

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

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

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

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