

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.**

**S. 3897**

To revise administrative procedures relating to public safety officers' death benefits, 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 \_\_\_\_\_

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 “Officer John Barnes  
5 and Chief Michael Ansbro Public Safety Officers’ Benefit  
6 Program Expansion Act of 2026”.

7 **SEC. 2. ELIGIBILITY DETERMINATION FOR PUBLIC SAFETY**

8 **OFFICER BENEFITS.**

9 (a) IN GENERAL.—Section 1205 of title I of the Om-  
10 nibus Crime Control and Safe Streets Act of 1968 (34  
11 U.S.C. 10285) is amended—

1           (1) in subsection (e)(2)(E), by inserting “, in-  
2           cluding whether the delay is due to the inaction of  
3           the claimant or an agency from which information is  
4           required” after “basis for delay”; and

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

6           “(f) NOTICE AND INTERIM BENEFITS.—

7           “(1) NOTICE OF MISSING INFORMATION.—Not  
8           later than 90 calendar days after receiving a claim  
9           filed under this subpart, the Bureau shall notify the  
10          claimant or the relevant agency of any missing infor-  
11          mation required to process the claim.

12          “(2) NOTICE OF DETERMINATION.—

13                 “(A) IN GENERAL.—Not later than 270  
14                 calendar days after receiving all information re-  
15                 quired to process the claim, the Bureau shall  
16                 inform the claimant of the Bureau’s final, ap-  
17                 pealable determination as to the claimant’s ben-  
18                 efit eligibility.

19                 “(B) INTERIM BENEFITS AS NOTICE.—  
20                 Provision of interim benefits under section  
21                 1201(c) shall be deemed to be notice under sub-  
22                 paragraph (A).

23          “(3) INTERIM BENEFITS.—

24                 “(A) ENTITLEMENT.—If the Bureau fails  
25                 to inform a claimant of the Bureau’s deter-

1           mination on or before the date that is 270 cal-  
2           endar days after receiving all information re-  
3           quired to process the claim, the Bureau shall  
4           issue a single interim benefit payment with re-  
5           spect to the claim, payable only to—

6                   “(i) a claimant whose status as an eli-  
7                   gible beneficiary is undisputed; or

8                   “(ii) if beneficiary status remains un-  
9                   resolved, an escrow or fiduciary account,  
10                  pending final determination under section  
11                  1201.

12                  “(B) RESCISSION OR REPAYMENT.—Any  
13                  interim benefits paid under this subsection—

14                   “(i) shall be credited against any final  
15                   benefit determination made under section  
16                   1201;

17                   “(ii) shall not be subject to  
18                   recoupment or affirmative repayment by  
19                   the Bureau, except in cases of fraud or  
20                   material misrepresentation; and

21                   “(iii) shall not be construed to create  
22                   an entitlement to benefits if the claimant  
23                   or decedent is determined to be ineligible  
24                   under this part.

1           “(4) RULE OF CONSTRUCTION.—Nothing in  
2 this subsection shall be construed to—

3           “(A) limit the Bureau’s authority to deny  
4 a claim for failure to meet statutory eligibility  
5 requirements;

6           “(B) alter the determination of eligible  
7 beneficiaries under section 1201; or

8           “(C) require payment of interim benefits to  
9 multiple claimants if the statute authorizes pay-  
10 ment to only 1 or more mutually exclusive bene-  
11 ficiaries.

12       “(g) OUTREACH.—The Bureau shall—

13           “(1) conduct outreach efforts on an ongoing  
14 basis to ensure that public safety officers and under-  
15 served public agencies are aware of the program  
16 under this part, including outreach efforts for dis-  
17 abled public safety officers; and

18           “(2) include in the outreach efforts under para-  
19 graph (1) regular communications with national  
20 public safety organizations, public safety agencies,  
21 and organizations supporting disabled public safety  
22 officers and the families of fallen officers.

23       “(h) SUMMARY OF BACKLOGGED CLAIMS.—Not later  
24 than 30 days after publishing the report required under  
25 subsection (e)(2), the Bureau shall submit a summary of

1 the information required to be reported under subsection  
2 (e)(2)(E) to the Committee on the Judiciary of the Senate  
3 and the Committee on the Judiciary of the House of Rep-  
4 resentatives.

5 “(i) **AUDIT OF BACKLOGGED CLAIMS.**—On an annual  
6 basis, the Comptroller General shall conduct an audit of  
7 any pending claims under this part that were submitted  
8 to the Bureau more than 1 year before the date on which  
9 the audit is commenced, to identify programmatic chal-  
10 lenges to the timely processing of death, disability, and  
11 educational assistance claims. As part of the audit, the  
12 Comptroller General shall also review—

13 “(1) where the claim is in the determination  
14 process;

15 “(2) the reasons for delay, including any proc-  
16 esses, such as legal review, that prevent timely proc-  
17 essing of claims;

18 “(3) whether the agency has used its subpoena  
19 authority for the claims;

20 “(4) the frequency of outreach to the claimant  
21 and efforts to evaluate and improve the effectiveness  
22 of outreach and claims assistance efforts;

23 “(5) the efforts of the Bureau of Justice Assist-  
24 ance to implement a claims processing manual to en-

1       sure consistency across staff in determining claims;  
2       and

3               “(6) efforts to evaluate and improve the effec-  
4       tiveness of outreach and claims assistance efforts.”.

5       (b) SUBPOENA REQUIREMENT.—Section 1206(b) of  
6 the Omnibus Crime Control and Safe Streets Act of 1968  
7 (34 U.S.C. 10288(b)) is amended—

8               (1) in paragraph (1)(B), by striking “and” at  
9       the end;

10              (2) in paragraph (2), by striking the period at  
11       the end and inserting “; and”; and

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

13               “(3) with respect to information or documenta-  
14       tion in the possession of a public agency that the  
15       Bureau has determined is necessary to adjudicate  
16       the claim that the public agency has failed to pro-  
17       vide by the date that is 30 days after the date of  
18       the Bureau’s or the claimant’s request to provide the  
19       information or documentation, shall issue a sub-  
20       poena to the public agency to obtain the information  
21       or documentation, unless the Bureau has approved  
22       an extension not exceeding 60 days.”.

23       (c) DEFINITIONS.—

1           (1) IN GENERAL.—Section 1204 of the Omni-  
2           bus Crime Control and Safe Streets Act of 1968 (34  
3           U.S.C. 10284) is amended—

4                   (A) in paragraph (4)(B)(ii), by striking  
5           “parapalegic” and inserting “paraplegic”;

6                   (B) by redesignating paragraphs (8)  
7           through (14) as paragraphs (9) through (15),  
8           respectively; and

9                   (C) by inserting after paragraph (7) the  
10          following:

11                   “(8) ‘gainful work’ means gainful work activity,  
12          as defined in section 32.23 of title 28, Code of Fed-  
13          eral Regulations, or successor regulation;”.

14          (2) CONFORMING AMENDMENTS.—

15                   (A) INTERNAL REVENUE CODE.—Section  
16          402(l)(4)(C) of the Internal Revenue Code of  
17          1986 is amended by striking “(9)(A)” each  
18          place it appears.

19                   (B) TITLE 28.—Section 1863(b)(5)(B) of  
20          title 28, United States Code, is amended by  
21          striking “section 1203(6)” and inserting “sec-  
22          tion 1204”.

1 **SEC. 3. EXPEDITED PAYMENT FOR VCF OR WTCHP DETER-**  
2 **MINATIONS.**

3 Section 1205(b) of title I of the Omnibus Crime Con-  
4 trol and Safe Streets Act of 1968 (34 U.S.C. 10285(b))  
5 is amended by adding at the end the following:

6 “(4) In making determinations under section  
7 1201(a), the Bureau shall, absent clear and con-  
8 vincing evidence to the contrary, as determined by  
9 the Bureau, approve any claim if the September  
10 11th Victim Compensation Fund of 2001 (49 U.S.C.  
11 40101 note; Public Law 107–42) (commonly re-  
12 ferred to as the ‘VCF’) or the World Trade Center  
13 Health Program under title XXXIII of the Public  
14 Health Service Act (42 U.S.C. 300mm et seq.) pro-  
15 vides a certification of facts that—

16 “(A) the claim is eligible for death benefits  
17 under the Victim Compensation Fund; or

18 “(B) the cause of claimant’s death is a  
19 World Trade Center Health Program-related  
20 condition.”.

21 **SEC. 4. IMPLEMENTATION OF CERTAIN GAO REC-**  
22 **COMMENDATIONS.**

23 Not later than 180 days after the date of enactment  
24 of this Act, the Attorney General shall ensure that the  
25 Director of the Bureau of Justice Assistance implements  
26 the recommendations provided in the report of the Govern-

1 ment Accountability Office entitled “Public Safety Offi-  
2 cers’ Benefits Program: Transparency, Claims Assistance,  
3 and Program Management Improvements Needed”  
4 (GAO–24–105549), published on September 27, 2024.