

119TH CONGRESS
2D SESSION

S. _____

To revise administrative procedures relating to public safety officers’ death benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. GILLIBRAND (for herself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To revise administrative procedures relating to public safety officers’ death benefits, 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 “Officer John Barnes
5 and Chief Michael Ansbro Public Safety Officers’ Benefit
6 Program Expansion Act of 2026”.

1 **SEC. 2. ELIGIBILITY DETERMINATION FOR PUBLIC SAFETY**
2 **OFFICER BENEFITS.**

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

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

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

12 “(f) NOTICE AND INTERIM BENEFITS.—

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

18 “(2) NOTICE OF DETERMINATION.—

19 “(A) IN GENERAL.—Not later than 270
20 calendar days after receiving a complete claim,
21 the Bureau shall inform the claimant of the Bu-
22 reau’s determination as to the claimant’s ben-
23 efit eligibility.

24 “(B) INTERIM BENEFITS AS NOTICE.—
25 Provision of interim benefits under section

1 1201(d) shall be deemed to be notice under
2 subparagraph (A).

3 “(3) INTERIM BENEFITS.—

4 “(A) ENTITLEMENT.—If the Bureau fails
5 to inform a claimant of the Bureau’s deter-
6 mination on or before the date that is 270 cal-
7 endar days after receiving a complete claim, the
8 Bureau shall issue a single interim benefit pay-
9 ment with respect to the claim, payable only
10 to—

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

13 “(ii) if beneficiary status remains un-
14 resolved, an escrow or fiduciary account,
15 pending final determination under section
16 1201.

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

19 “(i) shall be credited against any final
20 benefit determination made under section
21 1201;

22 “(ii) shall not be subject to
23 recoupment or affirmative repayment by
24 the Bureau, except in cases of fraud or
25 material misrepresentation; and

1 “(iii) shall not be construed to create
2 an entitlement to benefits if the claimant
3 or decedent is determined to be ineligible
4 under this part.

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

7 “(A) limit the Bureau’s authority to deny
8 a claim for failure to meet statutory eligibility
9 requirements;

10 “(B) alter the determination of eligible
11 beneficiaries under section 1201; or

12 “(C) require payment of interim benefits to
13 multiple claimants if the statute authorizes pay-
14 ment to only 1 or more mutually exclusive bene-
15 ficiaries.

16 “(g) OUTREACH.—The Bureau shall—

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

22 “(2) include in the outreach efforts under para-
23 graph (1) regular communications with national
24 public safety organizations, public safety agencies,

1 and organizations supporting disabled public safety
2 officers and the families of fallen officers.

3 “(h) SUMMARY OF BACKLOGGED CLAIMS.—Not later
4 than 30 days after publishing the report required under
5 subsection (e)(2), the Bureau shall submit a summary of
6 the information required to be reported under subsection
7 (e)(2)(E) to the Committee on the Judiciary of the Senate
8 and the Committee on the Judiciary of the House of Rep-
9 resentatives.

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

18 “(1) where the claim is in the determination
19 process;

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

23 “(3) whether the agency has used its subpoena
24 authority for the claims;

1 “(4) the frequency of outreach to the claimant
2 and efforts to evaluate and improve the effectiveness
3 of outreach and claims assistance efforts;

4 “(5) the efforts of the Bureau of Justice Assist-
5 ance to implement a claims processing manual to en-
6 sure consistency across staff in determining claims;
7 and

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

10 (b) SUBPOENA REQUIREMENT .—Section 1206(b) of
11 the Omnibus Crime Control and Safe Streets Act of 1968
12 (34 U.S.C. 10288(b)) is amended—

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

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

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

18 “(3) with respect to information or documenta-
19 tion in the possession of a public agency that the
20 Bureau has determined is necessary to adjudicate
21 the claim that the public agency has failed to pro-
22 vide by the date that is 30 days after the date of
23 the Bureau’s or the claimant’s request to provide the
24 information or documentation, shall issue a sub-
25 poena to the public agency to obtain the information

1 or documentation, unless the Bureau has approved
2 an extension not exceeding 60 days.”.

3 (c) DEFINITIONS.—

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

7 (A) in paragraph (4)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “or gainful work as
10 a public safety officer” after “including
11 sedentary work” each place it appears; and

12 (ii) in subparagraph (B)(ii), by strik-
13 ing “parapalegic” and inserting “para-
14 plegic”;

15 (B) by redesignating paragraph (7) as
16 paragraph (8) and paragraphs (8) through (14)
17 as paragraphs (10) through (16), respectively;

18 (C) by inserting after paragraph (6) the
19 following:

20 “(7) ‘complete claim’ means any claim that—

21 “(A) contains all required documents from
22 the claimant and the relevant agency for proc-
23 essing; and

24 “(B) has been assigned a claim number by
25 the Bureau;” and

1 (D) by inserting after paragraph (8), as so
2 redesignated, the following:

3 “(9) ‘gainful work’ means gainful work activity,
4 as defined in section 416.972 of title 20, Code of
5 Federal Regulations, or successor regulation;”.

6 (2) CONFORMING AMENDMENTS.—

7 (A) INTERNAL REVENUE CODE.—Section
8 402(l)(4)(C) of the Internal Revenue Code of
9 1986 is amended by striking “(9)(A)” each
10 place it appears.

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

15 **SEC. 3. BENEFITS FOR PERMANENT AND PARTIAL DIS-**
16 **ABILITY.**

17 (a) IN GENERAL.—Section 1201 of title I of the Om-
18 nibus Crime Control and Safe Streets Act of 1968 (34
19 U.S.C. 10281) is amended—

20 (1) by redesignating subsections (e) through (q)
21 as subsections (d) through (r), respectively;

22 (2) by inserting after subsection (b) the fol-
23 lowing:

1 “(c) BENEFITS FOR PERMANENT AND PARTIAL DIS-
2 ABILITY WITH INABILITY TO CONTINUE PREVIOUS
3 WORK.—

4 “(1) IN GENERAL.—In accordance with regula-
5 tions issued pursuant to this part, in any case in
6 which the Bureau determines that a public safety of-
7 ficer has become permanently, but not totally, dis-
8 abled as the direct and proximate result of a per-
9 sonal injury sustained in the line of duty that has
10 caused a physical or mental impairment of such se-
11 verity that the public safety officer is prevented from
12 performing any gainful work as a public safety offi-
13 cer, including if the individual is medically retired by
14 the public safety agency, a benefit shall be payable
15 to the public safety officer (if living on the date on
16 which the determination is made) of half of the
17 amount that would be payable, as of the date such
18 injury was sustained (including as adjusted in ac-
19 cordance with subsection (i), and calculated in ac-
20 cordance with subsection (j)), if such determination
21 were a determination under subsection (a).

22 “(2) PROGRESSION OF DISABILITY.—If, not
23 later than 3 years after the date of sustaining the
24 injury described in paragraph (1), the severity of the
25 impairment of the public safety officer progresses to

1 that of permanent and total disability, as described
2 in subsection (b), the public safety officer may apply
3 for a benefit under that subsection and, if the Bu-
4 reau determines that a permanent and total dis-
5 ability exists, the Bureau shall pay the public safety
6 officer a benefit in the amount of the benefit to
7 which the public safety officer would have been enti-
8 tled under that subsection, less any benefit provided
9 under this subsection.

10 “(3) OFFSET IN THE EVENT OF DEATH.—If a
11 public safety officer who has received a benefit
12 under this subsection subsequently dies as a direct
13 and proximate result of the same line-of-duty injury,
14 any death benefit payable under subsection (a) shall
15 be reduced by the amount of any benefit previously
16 paid under this subsection.

17 “(4) RULE OF CONSTRUCTION.—

18 “(A) AVAILABILITY OF BENEFITS.—Noth-
19 ing in this subsection shall be construed to af-
20 fect the availability of full benefits under sub-
21 section (a) or (b), nor shall this subsection
22 apply to temporary disabilities or injuries that
23 do not result in permanent impairment at the
24 time of filing.

1 section (i)” and inserting “adjusted in ac-
2 cordance with subsection (i), and cal-
3 culated in accordance with subsection (j)”;
4 (ii) in subsection (b), by striking “ad-
5 justed in accordance with subsection (h),
6 and calculated in accordance with sub-
7 section (i)” and inserting “adjusted in ac-
8 cordance with subsection (i), and cal-
9 culated in accordance with subsection (j)”;
10 (iii) in subsection (d), as so redesign-
11 nated, by striking “subsection (h)” and in-
12 sserting “subsection (i)”;
13 (iv) in subsection (e), as so redesign-
14 nated, by striking “subsection (c)” and in-
15 sserting “subsection (d)”;
16 (v) in subsection (i), as so redesign-
17 nated—
18 (I) by striking “subsection (c)”
19 and inserting “subsection (d)”;
20 (II) by striking “subsections (a)
21 and (b)” and inserting “subsections
22 (a), (b), and (c)”;
23 (vi) in subsection (j), as so redesign-
24 nated, by striking “and total” after “death
25 or permanent”;

1 (vii) in subsection (m), as so redesignated,
2 nated, by striking “subsection (k)” and inserting
3 “subsection (l)”;

4 (viii) in subsection (n), as so redesignated,
5 nated, by striking “subsection (a), (b), or
6 (c)” and inserting “subsection (a), (b), (c),
7 or (d)”;

8 (ix) in subsection (p)(3), as so redesignated—
9

10 (I) in the paragraph heading, by
11 striking “AND TOTAL DISABILITY”
12 and inserting “OR PERMANENT DIS-
13 ABILITY”;

14 (II) in the matter preceding sub-
15 paragraph (A), by striking “sub-
16 section (a) or (b)” and inserting “sub-
17 section (a), (b), or (c)”;

18 (III) in subparagraph (A), by
19 striking “and total” after “death or
20 permanent”; and

21 (IV) in subparagraph (B), by
22 striking “and total” after “death or
23 permanent”; and

24 (x) in subsection (r)(2)(A), as so re-
25 designated—

1 (I) by striking “subsection (a) or
2 (b)” and inserting “subsection (a),
3 (b), or (c)”; and

4 (II) by striking “and total” each
5 place it appears; and

6 (B) in section 1205(e)—

7 (i) in paragraph (2), by striking
8 “(f)(3)” and inserting “(g)(3)”; and

9 (ii) in paragraph (3)(A), by striking
10 “(f)(3)” and inserting “(g)(3)”.

11 (2) OTHER AMENDMENTS.—

12 (A) PUBLIC SAFETY OFFICER SUPPORT
13 ACT.—Section 3(b)(2) of the Public Safety Offi-
14 cer Support Act of 2022 (34 U.S.C. 10281
15 note; Public Law 117–172; 136 Stat. 2101) is
16 amended—

17 (i) by striking “section 1201(o)” and
18 inserting “section 1201(p)”; and

19 (ii) by striking “January 1, 2019”
20 and inserting “January 1, 2018”.

21 (B) DALE LONG PUBLIC SAFETY OFFI-
22 CERS’ BENEFITS IMPROVEMENTS ACT OF
23 2012.—Section 1086(d)(2)(B) of the National
24 Defense Authorization Act for Fiscal Year 2013
25 (Public Law 112–239; 126 Stat. 1969) is

1 amended by striking “Section 1201(k)” and in-
2 serting “Section 1201(l)”.

3 (C) USA PATRIOT ACT OF 2001.—Section
4 611(a) of the Uniting and Strengthening Amer-
5 ica by Providing Appropriate Tools Required to
6 Intercept and Obstruct Terrorism Act of 2001
7 (34 U.S.C. 10286(a)) is amended by striking
8 “and total” after “producing permanent”.

9 (D) NDAA FY26.—Section 8204(b)(2) of
10 the National Defense Authorization Act for Fis-
11 cal Year 2026 (Public Law 119–60) is amended
12 by striking “section 1201(p)” and inserting
13 “section 1201(q)”.

14 **SEC. 4. EXPEDITED PAYMENT FOR VCF OR WTCHP DETER-**
15 **MINATIONS.**

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

19 “(4) In making determinations under section
20 1201(a), the Bureau shall, absent clear and con-
21 vincing evidence to the contrary, as determined by
22 the Bureau, approve any claim if the September
23 11th Victim Compensation Fund of 2001 (49 U.S.C.
24 40101 note; Public Law 107–42) (commonly re-
25 ferred to as the ‘VCF’) or the World Trade Center

1 Health Program under title XXXIII of the Public
2 Health Service Act (42 U.S.C. 300mm et seq.) pro-
3 vides a certification of facts that—

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

6 “(B) the cause of claimant’s death is a
7 World Trade Center Health Program-related
8 condition.”.

9 **SEC. 5. IMPLEMENTATION OF CERTAIN GAO REC-**
10 **COMMENDATIONS.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Attorney General shall ensure that the
13 Director of the Bureau of Justice Assistance implements
14 the recommendations provided in the report of the Govern-
15 ment Accountability Office entitled “Public Safety Offi-
16 cers’ Benefits Program: Transparency, Claims Assistance,
17 and Program Management Improvements Needed”
18 (GAO–24–105549), published on September 27, 2024.

19 **SEC. 6. EDUCATIONAL BENEFITS.**

20 Nothing in this Act, or the amendments made by this
21 Act shall be construed as expanding or altering any bene-
22 fits available to dependents under subpart 2 of part L of
23 title I of the Omnibus Crime Control and Safe Streets Act
24 of 1968 (34 U.S.C. 10281 et seq.).