

Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Hearing on “The Need for More Timeliness and Transparency: Oversight of the Public Safety Officers’ Benefits (PSOB) Program”
April 26, 2016

In 1976, Congress passed the Public Safety Officers’ Benefits Act. The goal of this law was to provide death benefits to survivors of officers who die in the line of duty. Over the years, the law has been amended to provide disability and education benefits, and to expand the pool of officers who are eligible for these benefits.

Looking at the 40-year history of this law, the overall intent of Congress is clear. Men and women who dedicate their lives to protecting our communities deserve honor and respect. That means they deserve a fair and timely consideration of their application for Public Safety Officers’ Benefits – or PSOB.

Families of fallen officers should not have to wait years in limbo, because bureaucrats in the Justice Department can’t get the job done on time. These are real people, who have suffered real loss. If we were in their situation, we would want an answer too—YES or NO. Not years of uncertainty and waiting.

The public understands that. Lawmakers understand that. And Attorney General Ashcroft understood that. In 2004, he ordered that all PSOB claims should be processed within 90 days of receiving the application and supporting documents. That seems like a reasonable goal.

However, in 2009, the Government Accountability Office found that PSOB was not even tracking whether they met that 90-day goal. Five years after the Attorney General had ordered it, the bureaucrats weren’t even checking to see if they complied. A 2008 Inspector General found the same thing. Apparently, lawyers reviewing PSOB claims were asking for the same information over and over. They had no established timelines standards for conducting its reviews. So, both GAO and OIG recommended correcting these problems, and DOJ agreed to implement them. DOJ even established a new performance goal: to process PSOB claims within 1 year of filing.

However, in the five years immediately following that OIG audit, DOJ failed to meet this goal 27% of the time. In other words, from 2008 to 2013, more than one in four PSOB claims took more than a year to process.

In January 2015, I began writing oversight letters to DOJ after constituents informed me that families in Iowa had been waiting for more than 3 years for DOJ to decide their death benefit claims. Since then, I have been writing regularly to get status updates on all pending claims at PSOB.

What I have found is troubling.

According to DOJ's most recent response, there is a total of 693 death benefit claims pending at the PSOB Office. Of these 693 claims, 423 have been pending for more than a year.

If you do the math, it appears that the DOJ is currently failing to meet its own 1-year deadline in 61% of the cases. So, it looks like the failure rate may have actually increased dramatically from the 27% that the Inspector General found for the period ending in 2013.

Somehow, the situation at the PSOB Office has gone from bad to worse. It is hard to understand how that could happen.

Since 2009, DOJ spent over \$22 million paying outside contractors to help. This was supposed to speed up the claims process. Clearly, it did not.

If you do the math once again, \$22 million is enough to pay the death benefit to 63 families of fallen safety officers. That seems like awfully expensive paper pushing.

So, what's going on here?

Unfortunately, the systemic delays at PSOB go back at least 13 years, and across multiple administrations. The delays persist, despite multiple independent audits and despite the 2004 Attorney General guidelines. And today's hearing is actually not the first time this Committee has tried to hold the PSOB Office accountable.

Nine years ago, in 2007, we held a hearing on this very issue. Congress had passed a law 4 years earlier, called the Hometown Heroes Act. The purpose of that law was to expand PSOB coverage to officers who died of heart attacks or stroke in the line of duty. But, it took DOJ three years to issue regulations implementing the act. The regulations actually made it more difficult for families to obtain benefits, according to one of today's witnesses.

The same regulatory foot-dragging that occurred from 2003 to 2006, seems to have reoccurred in the past 5 years following the enactment of the James Zadroga Act in 2011. That law reopened the September 11th Victims Compensation Fund, or VCF, that had closed in 2004. It was meant to help those who died or got sick years after being exposed to harmful debris during the 9/11 response efforts.

The VCF and PSOB are separate funds. Both are administered by the Justice Department, but by different components. In processing 9/11 related claims, both PSOB and VCF have to determine whether the exposure can be linked to a particular health condition—like cancer—that develops years later. But the law set up an agency to help do that. It's called the World Trade Center Health Program, or WTCHP.

In 2012, for example, 58 types of cancer were added to its list of diseases linked to 9/11 exposure. The Victims Compensation Fund simply relies on these findings, and has been doing so since 2011. But for some reason, it took PSOB 5 years longer to come up with a similar process.

PSOB announced its new protocols just a few weeks ago. But, why did it take so long for PSOB to catch up? Meanwhile, there is a backlog of at least 175 PSOB claims related to 9/11.

As you can see, there are many questions here that need to be answered. So, I want to thank all the witnesses in advance for their testimony today.

Unfortunately, Ranking Member Leahy will not be able to join us, but I want to thank him for his work in this area of the law. His statement will be submitted for the record, without objection. And no other Democratic member is available to serve as Ranking today, so we will proceed directly to the introduction of the first panel of witnesses.

But before we do that, I want to let everyone know that a series of votes have been scheduled at 11 am today. So, if we have no other member here when I have to go vote, we may have to take a short recess, unless we've been able to conclude beforehand.