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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 24, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Pamela J. Bondi
Attorney General
Department of Justice

Maureen Henneberg
Deputy Assistant Attorney General
Office of Justice Programs

Dear Attorney General Bondi and Ms. Henneberg:

I write to you concerning the current state of the Public Safety Officers' Benefits (PSOB) program. The PSOB program is intended to provide death, disability, and education benefits to eligible public safety officers (PSO)—law enforcement and first responders—or their families.¹ On September 27, 2024, the U.S. Government Accountability Office (GAO) published a review of the PSOB program.² Instead of finding the program fulfills its mission to support the bravery and sacrifices made by hometown heroes, GAO found thousands of PSOB claims were pending at the end of 2023 and applicants received little to no information about the status of their claims.³ The GAO report found that the PSOB office had no standard operating procedures to review applications and claims or usable data to analyze.⁴ These are the similar problems that have plagued the PSOB program for nearly a decade and a half, and it's more than time to fix them. The families of our fallen heroes deserve better, and you're in the position to deliver for them.

GAO found substantial deficiencies with the management, administration, and lack of internal controls within the PSOB program.⁵ Yet after the findings in the GAO report were released, the Biden administration Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) failed to hold PSOB officials accountable for continuously failing to implement or continue improvements recommended by GAO, the DOJ Office of Inspector General (DOJ OIG), OJP, and Congress. These serious deficiencies have caused significant hardships on the spouses and family members of our nations fallen and disabled PSOs who have experienced significant delays with the PSOB Office processing their applications and claims. This is absolutely unacceptable.

¹ GAO completed this work at Senator Grassley's request. Government Accountability Office, GAO-24-105549 *Public Safety Officers' Benefits Program: Transparency, Claims Assistance, and Program Management Improvements Needed* (September 27, 2024). <https://www.gao.gov/products/gao-24-105549>. (The PSOB program supports survivors of PSOs killed in the line of duty and PSOs permanently and totally disabled as the direct and proximate result of an injury sustained in the line of duty by providing death, disability, and education benefits to eligible officers or their families).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

In addition to lacking basic program management practices, the findings in the GAO report show failures of leadership and accountability by the government bureaucrats responsible for overseeing the PSOB program, whom appear to have remained unchanged for the past decade and a half. For example, the GAO report highlighted that:

- OJP, BJA, and PSOB leadership failed to document any of its policies and procedures concerning how PSOB staff and contractors process PSOB applications and claims.⁶ Without these documents, it is unclear how staff and contractors can make consistent benefit determinations.⁷
- Congress enacted legislation giving the PSOB Office subpoena authority so it can obtain missing documentation from entities, such as public safety agencies, to speed up the PSOB application process for our hometown heroes and their families.⁸ However, GAO found that from 2021-2023, PSOB only used its subpoena authority 12 times, despite having thousands of pending claims at the end of 2023.⁹
- BJA and OJP officials claimed they “conduct program oversight by holding internal meetings with PSOB and reviewing PSOB’s public reports”; however, PSOB officials said that “they do not regularly submit performance reports to OJP or BJA because they are not required.”¹⁰ Further, BJA and OJP officials could not provide GAO with any written procedures documenting their process for overseeing the PSOB program “to gain insight on the program’s claim inventory, processing times, and other related issues, including ways to accelerate determinations in the future.”¹¹
- BJA said they concurred and implemented all of GAO’s recommendations from 2009 and 2019 and DOJ OIG recommendations from 2015 related to improving the PSOB program; however, GAO found the PSOB Office implemented and later discontinued some of these recommendations.¹²
- OJP completed an internal review of the PSOB program on October 20, 2015, that analyzed the PSOB Office’s processes to identify areas for improvement related to the internal operations, payment processes, and customer service of the PSOB Program.¹³ However, PSOB officials told GAO “they did not concur with or implement all of the recommendations from OJP’s internal review and that they were not required to do so.”¹⁴

Even though the GAO report shows that the PSOB program continues to be plagued by the same problems GAO first identified in 2009, the government bureaucrats, which records show have been at the helm of the PSOB Office since at least 2007, have yet to be held accountable for their failures and continued to lead the PSOB Office.¹⁵

For example, on October 4, 2007, the Senate Judiciary Committee held a hearing on BJA’s implementation of the bipartisan legislation “Hometown Heroes Survivors Benefits Act of 2003,” which

⁶ *Id.* at 21

⁷ *Id.*

⁸ *Id.* at 14.

⁹ *Id.*

¹⁰ *Id.* at 18.

¹¹ *Id.*

¹² *Id.* at 16.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See Id.* at 15. (According to the GAO report, “Since 2009, GAO, DOJ’s OIG, and an internal DOJ program review have identified deficiencies in PSOB’s program management activities, including its program goals and data quality.”)

I supported, that created a presumption that first responders who suffer a fatal heart attack or stroke while participating in non-routine physical activities was a line of duty death for PSOB eligibility.¹⁶ Yet, more than three years had passed before the Justice Department created regulations to implement the bipartisan legislation, the PSOB Office processed applications and claims at a “glacial” pace, and the PSOB Office unnecessarily denied these benefit claims after the legislation was passed.¹⁷ At the time, Hope Janke served as the Director of the PSOB program and she continues in that role to this day.¹⁸ Ms. Susan Falkouski, the widow of a fallen firefighter, provided the following testimony before the Committee about her experience with the PSOB Office denying her survivors benefit claim:

In March, I received a letter from Hope Janke of the Department of Justice informing me that they had denied my claim for death benefits under PSOB. The letter stated that the ‘act of responding at any hour of the day or night to the scene of a fire event is a routine engagement.’ The letter also said that the below-zero weather, high winds, and 20 inches of snow had no significance. They [DOJ] failed to appreciate the added stress that the reported heavy fire, explosions, burned victim, low manpower, and frozen hydrants would have had on a chief as he made his way to the scene.

I must tell you, I am not only offended, but angry at this letter. I feel that the Department of Justice trivialized my husband’s service, and it seems to me it was written by someone who has no idea of what it’s like to respond to an emergency.

...

I want to finish by saying that I hope you can change this thinking in the Department of Justice. If not for me, for all of the thousands of firefighters and their families out there who continue to respond at a moment’s notice to dangerous situations. I am sure that most of them think, like Mike and I did, that if tragedy ever came to them their family would be taken care of. If they are not, what kind of message does that send?¹⁹

During the Biden administration Ms. Janke continued to serve as the Director of the PSOB Office, and according to the BJA website, she currently occupies the role as its Deputy Director.²⁰ Indeed, what message does it send to our first responders and PSOs when Ms. Janke continues to serve as one of the leaders of the PSOB program after decades of failure?

¹⁶ Senate Committee on the Judiciary Hearing, *Justice Denied: Implementation of The Hometown Heroes Survivors Benefits Act*, Committee Report Serial No. J-110-46 (Oct. 4, 2007) <https://www.govinfo.gov/content/pkg/CHRG-110shrg41157/pdf/CHRG-110shrg41157.pdf>.

¹⁷ *Id.* at 1.

¹⁸ *Id.* at 26.

¹⁹ *Id.* at 10 and 26.

²⁰ Bureau of Justice Assistance, *Staff List: Hope Janke, Deputy Director, PSOB Program*, https://bja.ojp.gov/about/staff?field_contact_office_target_id=All&combine=hope#staff-directory-staff-directory-block-ckhglnpjriqouyvr.

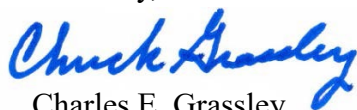
PSOs around the country put their lives and wellbeing on the line to make our communities better and safer, and we owe them and their families our gratitude, respect, and help. We must do better by our PSOs and their families to ensure their PSOB benefit claims are processed in a timely and fair manner. I want to work with you to help improve the PSOB program and to do right by our disabled and fallen PSOs and their families. However, it's up to the Justice Department to get rid of the institutional inertia, roadblocks, and red tape perpetrated by career bureaucrats who have consistently failed to follow through on implementing needed reforms to improve the PSOB program.

Accordingly, so Congress can conduct oversight to help ensure that PSOB applications and claims are processed in a timely and fair manner to better serve our hometown heroes and their families, and to ensure OJP and Justice Department officials hold PSOB Office leadership accountable for the continued deficiencies in the PSOB program, please provide answers to the following questions no later than July 8, 2025:

- 1) Please provide rolling status updates on the implementation of GAO's five recommendations in its September 2024 report.
- 2) In regards to the PSOB 2.0 system, provide the following:
 - a. Name of the contractor(s) that created, deployed, and maintain the system;
 - b. The contract solicitation(s) and the agency managing the contract(s);
 - c. Cost of the contract(s) to date by year for the creation, deployment, and maintenance of the system;
 - d. Why the contractor(s) were selected to create, deploy, and maintain the system; and
 - e. Copies of all contracts.
- 3) Provide all emails between and among Hope Janke, OJP, and DOJ related to the deployment and implementation of the PSOB 2.0 system.
- 4) Provide a copy of the 2015 Justice Department OJP Internal Review of the PSOB program report and recommendations. Why did the PSOB Office not concur or implement all of the recommendations and under what authority are PSOB officials able to reject OJP recommendations?
- 5) Provide all emails between and among Hope Janke, OJP, and DOJ related to the 2015 OJP Internal Review.

Thank you for your prompt review and responses. If you have any questions, please contact Brian Randolph and Silvia Symber on my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary