



NATIONAL FRATERNAL ORDER OF POLICE®

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NATIONAL PRESIDENT

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23 February 2017

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Kirsten E. Gillibrand
United States Senate
Washington D.C. 20510

The Honorable Orrin G. Hatch
United States Senate
Washington, D.C. 20510

The Honorable Christopher A. Coons
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for S. 419, the "Public Safety Officers' Benefits (PSOB) Improvements Act," which will be considered by the Committee on the Judiciary.

As demonstrated at the hearing you convened last Congress, Mr. Chairman, the program is severely backlogged and has been in considerable disarray since its regulatory changes were implemented nearly a decade ago. Several Attorneys General have attempted to address the shortcomings of the program to no avail and the FOP agrees it is time for Congress to act.

The legislation you have introduced will provide much needed transparency and accountability. We would ask that you work with us to ensure that the PSOB Office receives sufficient funding and resources to comply with the requirements in this bill so that resources which should be dedicated to help our fallen families are not diverted.

The legislation also makes improvements to the claims process—improvements that should be applied immediately to address the unacceptable claims backlog as well as to future claims. The FOP is particularly supportive of the provision which will allow the U.S. Justice Department to potentially adopt standards developed by other Federal agencies. In fact, we believe the language should be expanded to allow for the PSOB program to be able to review and adopt any Federally administered death and disability claims like those at the U.S. Department of Veterans Affairs and the Social Security Administration.

Similarly, the FOP supports the provision which requires that when making determinations on PSOB claims, the program is to give substantial weight to the evidence and findings of fact

presented by a public agency. In this case, too, we believe that this provision should be interpreted and applied broadly.

In addition to the provisions in this legislation, it is our hope you will consider addressing several other concerns that the FOP has raised with respect to the PSOB program. One issue that remains unaddressed is that of children of fallen officers who "age out" of eligibility because the claim was not settled in a timely fashion. The delays in processing claims is certainly not the fault of the child and it is not fair to them or the family of the fallen hero.

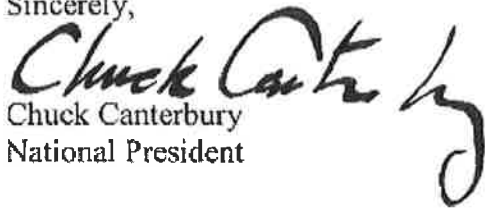
The FOP also hopes that we can work with you all on a statutory change to establish a presumption that the officer acted within his discretion in PSOB claims that may arise from an officer or emergency medical technician making a U-turn in violation of traffic regulations or through a red light to pursue a vehicle or respond to an accident scene. Without this statutory presumption, the FOP is concerned that claims including these and similar elements would undergo lengthy and unnecessary legal review or that the PSOB Office will develop guidelines to deny claims from public safety officers who exceed the posted speed limit while responding to a call for service.

For 40 years, the PSOB program has provided peace of mind for the men and women who serve our communities as law enforcement and other public safety officers. However, for the past decade the PSOB program has been a headache for hundreds of families who are trapped in the backlog as their claims undergo layer after layer after layer of review. These families have sacrificed enough and they do not deserve to be consigned to the current bureaucratic limbo.

On behalf of the more than 330,000 members of the Fraternal Order of Police, I want to thank you both for your leadership and for addressing the problems at the PSOB in a straightforward manner. We share your commitment to the families of the fallen, the integrity of the program and for a more transparent process for all claims administered by the PSOB. We stand in support of this bill and hope you will work with us to address other concerns the FOP has expressed about the program.

Thank you again and please do not hesitate to contact me or my Senior Advisor, Jim Pasco, in my Washington office for any additional assistance or information.

Sincerely,



Chuck Canterbury
National President