

Congress of the United States
Washington, DC 20515

April 23, 2007

The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Gonzales:

We write to express our collective concern about the Department of Justice's (DOJ) administration of the Public Safety Officers Benefit (PSOB) program, particularly with its slow implementation of the Hometown Heroes Survivors Benefit Act (PL 108-182). With the DOJ having made only two positive Hometown Heroes determinations out of the nearly 250 claims it has received, we believe that your agency has misinterpreted the intent of Congress in enacting the law by forcing families to deal with unnecessary bureaucratic hurdles to prove their claims.

The law, which Congress unanimously approved more than three years ago, provides a "presumptive benefit" to the families of public safety officers who die in the line of duty from a heart attack or stroke. As plainly stated in the legislation, Congress intended that the DOJ consider a death resulting from a heart attack or stroke as a line-of-duty injury unless there is strong evidence to the contrary:

"[I]f a public safety officer dies as the direct and proximate result of a heart attack or stroke, the officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty."

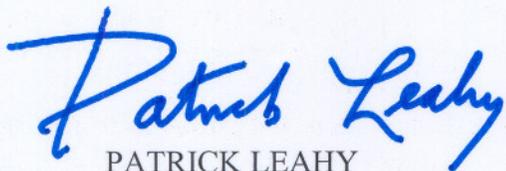
In addition, we are concerned about the DOJ interpretation of the phrase "non-routine stressful or strenuous physical activity." It has been brought to our attention that your Department is asking claimants to provide ten years of medical records and other documentation to substantiate their claims. We believe that placing this unnecessary administrative burden on grieving families contradicts the presumption created by the law. The surviving families of brave first responders who made the ultimate sacrifice deserve no less than our full support, but continued delays by the DOJ in making determinations on pending cases leaves them unable to move forward and uncertain about their futures.

Congress clearly intended that the benefit be paid to dependants of any public safety officer who dies as a result of "law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief or other emergency response activity." Our staff has been told that factors such as general health and compliance with doctors' orders will be used to decline claims. The PSOB should remain true to Congress' intent and provide the benefit without regard to such subjective and burdensome criteria.

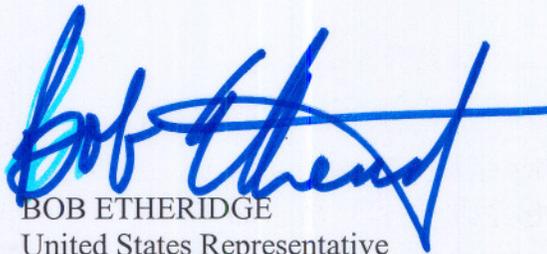
Since some of these claims have been held up for more than three years and the DOJ rule has been in effect for longer than eight months, we find it unacceptable that this situation remains unresolved. Therefore, we call on the Department of Justice to afford the families of public safety officers who die from heart attacks or strokes within the parameters set forth in the Hometown Heroes Survivors Benefit Act their rightful benefits under the law by expediting all of the outstanding claims. Specifically, we request an accounting of the status of the current cases and a plan for how your agency will ensure timely resolutions of future claims. Detailed examples and explanations of claims accepted and denied under DOJ's new PSOB regulations would help shed light on this issue.

Thank you in advance for your consideration of these requests. We look forward to your prompt response.

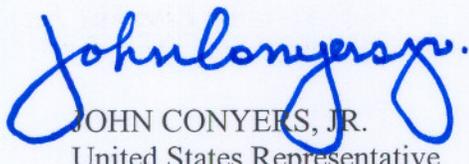
Sincerely,



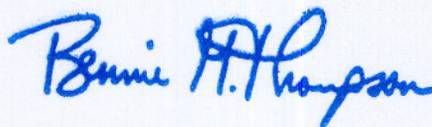
PATRICK LEAHY
United States Senator



BOB ETHERIDGE
United States Representative



JOHN CONYERS, JR.
United States Representative



BENNIE THOMPSON
United States Representative