



# Colorado State Fire Chiefs' Association Member Alert

May 18, 2007

## Urge President Bush to Implement Hometown Heroes Act

**CSFCA President Forsman asks Fire Chiefs to contact their Members of Congress while they are on recess and back in their Districts.**

Congressmen Bob Etheridge (D-NC) and Peter King (R-NY) and Senators Patrick Leahy (D-VT) and Arlen Specter (R-PA) are asking their colleagues to sign onto a letter to President Bush expressing concern with the manner in which the Department of Justice (DOJ) is implementing the Hometown Heroes Survivor Benefits Act. The Act was supposed to make it possible for the families of public safety officers who die from heart attack or stroke within 24 hours of participating in emergency response activities to be able to collect a Public Safety Officer's Benefit (PSOB). PSOB is a one-time death and disability payment to the families of public safety officers who die in the line of duty.

The Hometown Heroes Act passed in December of 2004, but it wasn't until last September that the administration finalized how it would be implemented and began processing applications. Since then, DOJ's Benefits Office has made 40 determinations, 38 negative and two positive, with 200 applications still pending.

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**“Deserving families are having their pain compounded by a failure of the system to act predictably and in a timely manner.” – CSFCA President Douglas Forsman**

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The Congressional letter is similar to a letter sent to the President by the International Association of Fire Chiefs (IAFC) and other fire service groups several weeks ago. One major concern expressed in both letters is the length of time that families of fallen public safety officers have had to wait to have their applications processed, in some instances several years.

The purpose of the Hometown Heroes Act was to create a presumption that a public safety officer who dies within 24 hours of participating in “nonroutine stressful or strenuous physical” training or emergency response activity died in the line of duty. DOJ's interpretation of the law places the burden of proof that the physical activity the officer engaged in was nonroutine stressful or strenuous on the applicant.

CSFCA President Douglas Forsman says that “While we recognize the importance of proper documentation, evaluation and fairness, it is clear that both the spirit and intent of the Law are not being addressed by the current process. Deserving families are having their pain compounded by a failure of the system to act predictably and in a timely manner.”

**CSFCA President Forsman urges you to contact your U.S. Representative and Senators and ask them to sign onto the Etheridge/King/Leahy/Specter letter expressing concern about DOJ's implementation of the Hometown Heroes Survivors Benefits Act.** Congress will be in recess the week of Memorial Day and members will be back in their districts. This would be a good time to approach them on this issue and urge them to sign this letter that is being circulated.

## **Hometown Heroes Survivors Benefits Act**

### **Background Information**

In 2003, Congress passed the Hometown Heroes Survivors Benefits Act, which the President signed into law. The purpose of this act was to ensure that the families of public safety officers who died in the line of duty due to a heart attack or stroke would receive benefits under the U.S. Department of Justice (DOJ)'s Public Safety Officers' Benefits (PSOB) program.

The Hometown Heroes Survivors Benefits Act (P.L. 108-182) states that:

"if a public safety officer dies as the direct and proximate result of a heart attack or stroke, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty, if -

(1) that officer, while on duty –

(A) engaged in a situation, and such engagement involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

(B) participated in a training exercise.... (42 U.S.C. § 3796 (k))"

The presumption of death is clearly defined in the law, the accompanying floor statements, and other legislative history.

Recent press reports have indicated that 38 of the first batch of PSOB claims considered under the Hometown Heroes Survivors Benefits Act have been rejected and only two have been approved. Another 200 cases remain undecided.

The Colorado State Fire Chiefs' Association (CSFCA) is troubled by the appearance that the DOJ is not implementing this legislation properly, and we question whether the DOJ is truly granting a presumption that public safety officers who died in the line of duty met the requirements for the PSOB program.

As a result, the families of America's fallen firefighters, emergency medical personnel, and police officers are not receiving the benefits mandated by law.

On April 20, 2007, the International Association of Fire Chiefs (IAFC), joined by other major fire-service organizations, called on the White House to examine concerns over the administration of a federal program designed to compensate the families of public-safety officers who die in the line of duty. The Public Safety Officers' Benefits (PSOB) program, administered by the U.S. Department of Justice (DOJ), was expanded by the Hometown Heroes Survivors Benefits Act of 2003 to cover the families of public-safety officers who die due to a line-of-duty heart attack or stroke.

On May 9, 2007, Congressman Bob Etheridge (NC-2), Senator Patrick Leahy (VT), Congressman Peter King (NY-3), and Senator Arlen Specter (PA) began circulating a letter in Congress asking their colleagues to sign onto a letter urging President Bush to force the Department of Justice (DOJ) to implement the Hometown Heroes Survivors Benefit Act of 2003.

The CSFCA asks its members to contact your U.S. Representative and Senators and ask them to urge President Bush to compel DOJ to properly implement the Hometown Heroes Act. The easiest way for them to do this is to sign onto the Etheridge/King/Leahy/Specter letter expressing concern about DOJ's implementation of the Hometown Heroes Survivors Benefits Act.

Sample letters for this purpose are included with this Member Alert. Additional background information including a copy of the referenced letters can be found on the CSFCA website at: <http://www.colofirechiefs.org/news2.htm>.

Questions concerning this Member Alert may be directed to CSFCA Executive Director Paul Cooke at (720) 874-8116 or [paul@coloradofirechiefs.org](mailto:paul@coloradofirechiefs.org).

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## Sample Letter to the Members of Congress

May \_\_\_\_, 2007

The Honorable (full name)  
Address

Dear Senator (or Representative):

I write to express my deep 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 it has misinterpreted the intent of Congress in enacting the law by forcing families to deal with unnecessary bureaucratic hurdles to prove their claims.

Hometown Heroes, which passed unanimously in both Houses of Congress three years ago, reflects the intention of Congress to provide a "presumptive benefit" to the families of public safety officers who die from a heart attack or stroke in the line of duty unless there is strong evidence to the contrary:

"If 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."

The legislation was motivated by the fact that firefighters, police officers and other public safety officers put themselves at risk every day, including the risks that their stressful and strenuous activity will result in a heart attack or stroke. This is confirmed by the results of a recent Harvard study, which shows that firefighters are up to 100 times more likely than the general public to die of a heart attack or stroke. These men and women, who serve our country and their communities so valiantly, deserve no less than our full support in ensuring their families are cared for when they make the ultimate sacrifice.

Congressmen Bob Etheridge (D-NC) and Peter King (R-NY) and Senators Patrick Leahy (D-VT) and Arlen Specter (R-PA) are asking their colleagues to sign onto a letter to President Bush expressing concern with the manner in which the Department of Justice (DOJ) is implementing the Hometown Heroes Survivor Benefits Act. I am asking you to sign onto this letter.

While no amount of money can ease the sorrow of losing a loved one, the United States government should keep its commitment to our firefighters, EMS, and law enforcement personnel. The PSOB was created to make sure those individuals who served their communities, and the nation as a whole, had the piece of mind that their families would be cared for should they be called upon to make the ultimate sacrifice.

Thank you in advance for your consideration of this request. I look forward to your prompt response.

Sincerely,

## Sample Letter to the President

May \_\_\_\_, 2007

The Honorable George W. Bush  
President  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20502

Dear Mr. President:

I write to express my deep 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 it has misinterpreted the intent of Congress in enacting the law by forcing families to deal with unnecessary bureaucratic hurdles to prove their claims.

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In 2004, then-Attorney General Ashcroft mandated that all PSOB claims should be processed in no more than 90 days. Unfortunately, more than three years since the passage of the Hometown Heroes law, and more than eight months since DOJ finalized its rule on the law's implementation, 80 percent of the claims still languish. The Department of Justice appears to be giving them less than its full support with its delays and denials. We are disappointed that this situation remains unresolved. The families of our nation's firefighters and other first responders have waited too long.

Therefore, I call on your administration 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 outstanding claims and ensuring that benefits are awarded in line with the intention of Congress.

Thank you in advance for your consideration of this request. I look forward to your prompt response.

Sincerely,

## Colorado's Congressional Delegation Local Contact Information

### Members of Congress from Colorado

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For the Washington, D.C. address or other District Offices, go to the Congressperson's or Senator's website.

If you are unsure of your Congressional District, go to: <http://www.house.gov/>