

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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Statement Of Senator Patrick Leahy,
Chairman, Senate Committee On The Judiciary
Hearing On "Justice Denied? Oversight On Implementation
Of The Hometown Heroes Survivors Benefits Act"
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In November of 2003, Congress unanimously passed the Hometown Heroes Survivors Benefits Act. This important legislation was intended to improve the Public Safety Officers Benefits program by allowing survivors of first responders who suffer fatal heart attacks or strokes while participating in non-routine stressful or strenuous physical activities to qualify for Federal survivor benefits. That December, with great fanfare, the President signed this legislation into law before a large group of firefighters and law enforcement officers. Then, once the camera lights were turned off, the cases began piling up at the Justice Department.

My frustrations, and the frustrations of the surviving families and the first-responder community grow daily over the Justice Department's glacial processing of these applications. We will hear a sampling of those deep and widespread frustrations today. More than three years passed before the Justice Department released its final implementation rule last year - in effect, delaying implementation of the law and disregarding the clear will of Congress to grant these surviving families death benefits in a timely, fair manner. It is no overstatement to conclude that the Administration has worked to erect obstacles between this program and these surviving family members - not to find ways to help them. These thickets of red tape are a painful indignity to these heroes and their families, and they are an offense to our moral obligation to offer them our help and our thanks for all they do for us, day in and day out.

Now, nearly four years after the Hometown Heroes bill became law, the Justice Department has approved only 12 Hometown Heroes claims, all the while denying 50 families this important benefit, and leaving more than 240 applications unanswered.

Is this any way to treat our first responders, those who Congress has appropriately called our Hometown Heroes? It is disturbingly reminiscent of this administration's inexcusable neglect of the needs of those who have returned from the fighting in Iraq and Afghanistan and of our other veterans. President Lincoln's spoke for the ages in his second inaugural address in 1865, in the midst of the Civil War, when he called for binding up the Nation's wounds and caring for those who have borne the battle, and for his widow, and for his orphan. This is the same moral obligation we share when it comes to caring for the families of our first responders.

The Justice Department's adjudication of claims has been nothing but bewildering. It is shocking, for instance, that a U.S. Forest Service firefighter in Florida, who was found dead 45 feet behind a fire line with a shovel in his hand, was denied benefits because those managing this program in Washington could not determine whether he was engaged in strenuous activity at the time of his heart attack.

The Justice Department should immediately expedite all of the outstanding Hometown Heroes claims. In light of the fact that so many individuals who should have been deemed eligible were not, the Department should revise the criteria it has used to evaluate claims. The burdensome information requests made of those who file claims, such as 10 years' worth of past medical records, should stop - immediately. Instead of harassing these grieving families, the White House and the Justice Department should remove the bureaucratic hurdles, the lengthy delays, and the other

obstacles that have prevented surviving families from receiving the benefits Congress intended. The bottom line is that the needs of first responders and their families simply have not been a high enough priority for this administration. We intend to make them a higher priority. Passage of the Hometown Heroes Survivors Benefits Act and this hearing are part of that effort.

At his last hearing before the Judiciary Committee, former Attorney General Gonzales agreed with me that the Justice Department was far too slow in writing regulations for the Hometown Heroes program, and even he apologized. He assured me that he would clear up the delays and the backlog. But that did not happen before he resigned.

I thank Director Herraiz of the Department of Justice for being with us today, and I am hopeful that he comes with better news, that our efforts are beginning to cut through all the red tape.

Heart attacks and strokes are a grim fact of life and death in the high-pressure jobs of police officers, firefighters and medics. These afflictions are killers that these heroes face day in and day out, like speeding bullets and burning buildings. Emergency first responders put their lives on the line for us, and we owe their families our gratitude, our respect and our help. If the Justice Department has been moved by concern from Congress and the first-responder community over the implementation of this law, and if the Department now is prepared to make the changes necessary to ensure that the law is faithfully followed, I welcome any progress we can make.

As we will see again today, the families of our first responders are real people, whose sacrifices have been enormous and who deserve better. We are honored that three surviving widows are here to share their stories with us. They speak as representative of all the families, to insist that the Justice Department end this shameful bureaucratic logjam. Before introducing them, I turn to our Ranking Member, Senator Specter, for any opening remarks he may care to make.

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