

108TH CONGRESS
1ST SESSION

H. R. 3565

To provide that a grantee may not receive the full amount of a block grant under the Local Law Enforcement Block Grant program unless that grantee adopts a health standard establishing a legal presumption that heart, lung, and respiratory disease are occupational diseases for public safety officers and to provide that such diseases are presumed to be sustained in the performance of duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2003

Mr. STUPAK introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that a grantee may not receive the full amount of a block grant under the Local Law Enforcement Block Grant program unless that grantee adopts a health standard establishing a legal presumption that heart, lung, and respiratory disease are occupational diseases for public safety officers and to provide that such diseases are presumed to be sustained in the performance of duty, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Law Enforcement Offi-
3 cers’ Health Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the cumulative stress of a career in law en-
7 forcement contributes significantly to the develop-
8 ment of heart and lung disease of law enforcement
9 officers, giving rise to a presumption that such
10 stress caused such diseases;

11 (2) hearings to determine an officer’s entitle-
12 ment to this presumption usually result in the grant-
13 ing of such presumption;

14 (3) such hearings are expensive, create an ad-
15 versarial relationship between the public employer
16 and employee, and cause delays in receiving critical
17 treatment; and

18 (4) the creation of such a presumption as a na-
19 tional health standard will result in more efficient
20 delivery of law enforcement services nationwide.

21 **SEC. 3. ELIGIBILITY FOR GRANTS.**

22 (a) IN GENERAL.—An entity that fails to have in ef-
23 fect throughout the jurisdiction of that entity the policy
24 described in subsection (b) shall not receive 10 percent
25 of the funds that would otherwise be allocated to that enti-
26 ty under the Local Law Enforcement Block Grant Pro-

1 gram of the Department of Justice, as described in appro-
2 priations Acts.

3 (b) POLICY REQUIRED.—The policy referred to in
4 subsection (a) is a policy that, for each public safety offi-
5 cer (as defined in section 1204 of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (42 U.S.C. 3796b)) em-
7 ployed in the jurisdiction of that entity, the following shall
8 apply:

9 (1) If that officer was so employed for a period
10 of at least 5 years and, prior to the time of initial
11 employment, passed a physical exam that revealed
12 no evidence of heart, lung, or respiratory disease,
13 there shall be a rebuttable presumption that any
14 heart, lung, or respiratory disease resulting in the
15 death or permanent incapacity of that officer is serv-
16 ice connected.

17 (2) If any heart, lung, or respiratory disease re-
18 sulting in the death or permanent incapacity of that
19 officer is service connected, that officer shall be enti-
20 tled to all benefits, including retirement, disability or
21 workers compensation benefits, provided to other
22 public employees in the jurisdiction of that entity for
23 service-connected heart, lung, or respiratory disease.

1 (c) REALLOCATION.—Any funds that are not allo-
2 cated for failure to comply with this Act shall be reallo-
3 cated to entities that comply with this Act.

4 **SEC. 4. FEDERAL LAW ENFORCEMENT OFFICERS.**

5 Chapter 81 of title 5 of the United States Code is
6 amended as follows:

7 (1) By inserting the following new section after
8 section 8143A:

9 **“SEC. 8143B. FEDERAL LAW ENFORCEMENT OFFICERS.**

10 “In the case of each employee who is a public safety
11 officer (as defined in section 1204 of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (42 U.S.C. 3796b))
13 there shall be a rebuttable presumption for purposes of
14 this subchapter that any heart, lung, or respiratory dis-
15 ease resulting in the death or permanent incapacity of that
16 officer was sustained in the performance of duty if such
17 officer—

18 “(1) was so employed for a period of at least
19 5 years, and

20 “(2) prior to the time of initial employment,
21 passed a physical exam that revealed no evidence of
22 heart, lung, or respiratory disease.”

1 **SEC. 5. EFFECTIVE DATE.**

2 The provisions of section 3 of this Act shall apply
3 to any funds allocated for any fiscal year beginning with
4 fiscal year 2005.

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