

107TH CONGRESS  
1ST SESSION

# H. R. 709

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. STUPAK introduced the following bill; which was referred to the Committee on the Judiciary

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## 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.

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

8 (2) hearings to determine an officer's entitle-  
9 ment to this presumption usually result in the grant-  
10 ing of such presumption;

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

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

18 **SEC. 3. ELIGIBILITY FOR GRANTS.**

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

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

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

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

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

1 **SEC. 4. EFFECTIVE DATE.**

2       The provisions of this Act shall apply to any funds  
3 allocated for any fiscal year beginning with fiscal year  
4 2003.

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