

***In the House of Representatives, U. S.,***

*November 22 (legislative day, November 21), 2003.*

*Resolved*, That the bill from the Senate (S. 459) entitled “An Act to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits”, do pass with the following

## **AMENDMENT:**

Strike out all after the enacting clause and insert:

## 1 SECTION 1. SHORT TITLE.

2        *This Act may be cited as the “Hometown Heroes Sur-*  
3        *vivors Benefits Act of 2003”.*

4 SEC. 2. FATAL HEART ATTACK OR STROKE ON DUTY PRE-  
5 SUMED TO BE DEATH IN LINE OF DUTY FOR  
6 PURPOSES OF PUBLIC SAFETY OFFICER SUR-  
7 VIVOR BENEFITS.

8        *Section 1201 of the Omnibus Crime Control and Safe  
9 Streets Act of 1968 (42 U.S.C. 3796) is amended by adding  
10 at the end the following:*

“(k) For purposes of this section, 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

1   *direct and proximate result of a personal injury sustained*

2   *in the line of duty, if—*

3           *“(1) that officer, while on duty—*

4               *“(A) engaged in a situation, and such en-*  
5               *gagement involved nonroutine stressful or stren-*  
6               *uous physical law enforcement, fire suppression,*  
7               *rescue, hazardous material response, emergency*  
8               *medical services, prison security, disaster relief,*  
9               *or other emergency response activity; or*

10              *“(B) participated in a training exercise,*  
11              *and such participation involved nonroutine*  
12              *stressful or strenuous physical activity;*

13              *“(2) that officer died as a result of a heart attack*  
14              *or stroke suffered—*

15              *“(A) while engaging or participating as de-*  
16              *scribed under paragraph (1);*

17              *“(B) while still on that duty after so engag-*  
18              *ing or participating; or*

19              *“(C) not later than 24 hours after so engag-*  
20              *ing or participating; and*

21              *“(3) such presumption is not overcome by com-*  
22              *petent medical evidence to the contrary.*

1       “(l) For purposes of subsection (k), ‘nonroutine stress-  
2 ful or strenuous physical’ excludes actions of a clerical, ad-  
3 ministerative, or nonmanual nature.”.

Attest:

*Clerk.*



108TH CONGRESS  
1ST SESSION **S. 459**

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**AMENDMENT**