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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide public safety officer benefits for exposure-related cancers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PASCRELL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide public safety officer benefits for exposure-related cancers, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honoring Our Fallen
5 Heroes Act of 2023”.

1 **SEC. 2. CANCER-RELATED DEATHS.**

2 Section 1201 of title I of the Omnibus Crime Control
3 and Safe Streets Act of 1968 (34 U.S.C. 10281) is amend-
4 ed by adding at the end the following:

5 (a) IN GENERAL.—

6 “(p) EXPOSURE-RELATED CANCERS.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) CARCINOGEN.—The term ‘carcinogen’
9 means a known or suspected carcinogen, as de-
10 fined by the International Agency for Research
11 on Cancer, that is reasonably linked to an expo-
12 sure-related cancer.

13 “(B) DIRECTOR.—The term ‘Director’
14 means the Director of the Bureau.

15 “(C) EXPOSURE-RELATED CANCER.—The
16 term ‘exposure-related cancer’ means—

17 “(i) bladder cancer;

18 “(ii) brain cancer;

19 “(iii) breast cancer;

20 “(iv) cervical cancer;

21 “(v) colon cancer;

22 “(vi) colorectal cancer;

23 “(vii) esophagus cancer;

24 “(viii) kidney cancer;

25 “(ix) leukemia;

26 “(x) lung cancer;

1 “(xi) malignant melanoma;

2 “(xii) mesothelioma;

3 “(xiii) multiple myeloma;

4 “(xiv) non-Hodgkins lymphoma;

5 “(xv) ovarian cancer;

6 “(xvi) prostate cancer;

7 “(xvii) skin cancer;

8 “(xviii) stomach cancer;

9 “(xix) testicular cancer;

10 “(xx) thyroid cancer;

11 “(xxi) any form of cancer that is con-

12 sidered a WTC-related health condition

13 under section 3312(a) of the Public Health

14 Service Act (42 U.S.C. 300mm–22(a));

15 and

16 “(xxii) any other form of cancer that

17 the Bureau may determine appropriate in

18 accordance with paragraph (3).

19 “(2) PERSONAL INJURY SUSTAINED IN THE

20 LINE OF DUTY.—

21 “(A) IN GENERAL.—Subject to subpara-

22 graph (B), as determined by the Bureau, the

23 death or permanent and total disability of a

24 public safety officer due to an exposure-related

25 cancer shall be presumed to constitute a per-

1 sonal injury within the meaning of subsection
2 (a), sustained in the line of duty by the officer
3 and directly and proximately resulting in death
4 or permanent and total disability, if—

5 “(i) the public safety officer was ex-
6 posed to or in contact with heat, radiation,
7 or a carcinogen that is linked to an expo-
8 sure-related cancer while in the course of
9 the line of duty;

10 “(ii) the public safety officer began
11 serving as a public safety officer not later
12 than 5 years before the date of the diag-
13 nosis of the public safety officer with an
14 exposure-related cancer;

15 “(iii) the public safety officer was di-
16 agnosed with an exposure-related cancer
17 not later than 15 years after the last date
18 of active service as a public safety officer
19 of the public safety officer; and

20 “(iv) the exposure-related cancer di-
21 rectly and proximately results in the death
22 or permanent and total disability of the
23 public safety officer.

24 “(B) EXCEPTION.—The presumption
25 under subparagraph (A) shall not apply to the

1 death or permanent and total disability of a
2 public safety officer due to an exposure-related
3 cancer if competent medical evidence establishes
4 that the exposure-related cancer was unrelated
5 to the exposure or contact described in subpara-
6 graph (A)(i).

7 “(3) ADDITIONAL EXPOSURE-RELATED CAN-
8 CERS.—

9 “(A) IN GENERAL.—The Director shall—

10 “(i) periodically review the definition
11 of ‘exposure-related cancer’ under para-
12 graph (1); and

13 “(ii) add a type of exposure-related
14 cancer to the definition by rule, upon a
15 showing by a petitioner or on the Direc-
16 tor’s own determination, in accordance
17 with this paragraph.

18 “(B) BASIS FOR DETERMINATION.—The
19 Director shall add a type of exposure-related
20 cancer to the definition of ‘exposure-related
21 cancer’ under paragraph (1) upon a showing by
22 a petitioner or the Director’s own determina-
23 tion, based on the weight of the best available
24 scientific evidence, that there is a significant
25 risk to public safety officers engaged in public

1 safety activities of developing the type of expo-
2 sure-related cancer.

3 “(C) AVAILABLE EXPERTISE.—In deter-
4 mining significant risk for the purpose of sub-
5 paragraph (B), the Director may accept as au-
6 thoritative and may rely upon recommenda-
7 tions, risk assessments, and scientific studies by
8 the National Institute for Occupational Safety
9 and Health, the National Toxicology Program,
10 the National Academies of Sciences, Engineer-
11 ing, and Medicine, and the International Agen-
12 cy for Research on Cancer.

13 “(D) PETITIONS TO ADD TO THE LIST OF
14 EXPOSURE-RELATED CANCERS.—

15 “(i) IN GENERAL.—Any person may
16 petition the Director to add a type of expo-
17 sure-related cancer to the definition of ‘ex-
18 posure-related cancer’ under paragraph
19 (1).

20 “(ii) CONTENT OF PETITION.—A peti-
21 tion under clause (i) shall provide informa-
22 tion to show that there is sufficient evi-
23 dence, based on the weight of the best
24 available scientific evidence, of significant
25 risk to public safety officers engaged in

1 public safety activities of developing such
2 exposure-related cancer from their employ-
3 ment.

4 “(iii) **TIMELY AND SUBSTANTIVE DE-**
5 **CISIONS.**—Not later than 180 days after
6 receipt of a petition under this subpara-
7 graph, the Director shall grant or deny the
8 petition by publishing in the Federal Reg-
9 ister a written explanation of the reasons
10 for the Director’s decision. The Director
11 may not deny a petition solely on the basis
12 of competing priorities, inadequate re-
13 sources, or insufficient time for review.

14 “(iv) **NOTIFICATION TO CONGRESS.**—
15 Not later than 30 days after making any
16 decision to approve or deny a petition
17 under this subparagraph, the Director
18 shall notify the Committee on the Judici-
19 ary of the Senate and the Committee on
20 the Judiciary of the House of Representa-
21 tives of the decision.”.

22 (b) **APPLICABILITY.**—The amendment made by sub-
23 section (a) shall apply in the case of any public safety offi-
24 cer who died or became permanently and totally disabled

1 on or after January 1, 2023, as a result of an exposure-
2 related cancer.

3 **SEC. 3. TECHNICAL AMENDMENTS.**

4 (a) IN GENERAL.—Section 3 of the Safeguarding
5 America’s First Responders Act of 2020 (34 U.S.C.
6 10281 note) is amended by adding at the end the fol-
7 lowing:

8 “(d) DEFINITION.—In this section, the term ‘line of
9 duty action’ includes any action in which a public safety
10 officer engages at the direction of the agency served by
11 the public safety officer.”.

12 (b) APPLICABILITY.—

13 (1) IN GENERAL.—The amendment made by
14 subsection (a) shall apply in the case of any public
15 safety officer who died on or after January 1, 2020.

16 (2) TIME FOR FILING CLAIM.—Section
17 32.12(a)(1) of title 28, Code of Federal Regulations,
18 shall not apply to a claimant who otherwise qualifies
19 for support pursuant to the amendment made by
20 subsection (a).