

118TH CONGRESS
1ST SESSION

H. R. 1719

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

MARCH 22, 2023

Mr. PASCARELL (for himself, Mr. GIMENEZ, Mr. FITZPATRICK, and Ms. SCANLON) introduced the following bill; which was referred to the Committee on the Judiciary

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”.

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

7 (a) IN GENERAL.—Section 1201 of title I of the Om-
8 nibus Crime Control and Safe Streets Act of 1968 (34

1 U.S.C. 10281) is amended by adding at the end the fol-
2 lowing:

3 “(p) EXPOSURE-RELATED CANCERS.—

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

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

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

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

14 “(i) bladder cancer;

15 “(ii) brain cancer;

16 “(iii) breast cancer;

17 “(iv) cervical cancer;

18 “(v) colon cancer;

19 “(vi) colorectal cancer;

20 “(vii) esophagus cancer;

21 “(viii) kidney cancer;

22 “(ix) leukemia;

23 “(x) lung cancer;

24 “(xi) malignant melanoma;

25 “(xii) mesothelioma;

1 “(xiii) multiple myeloma;

2 “(xiv) non-Hodgkins lymphoma;

3 “(xv) ovarian cancer;

4 “(xvi) prostate cancer;

5 “(xvii) skin cancer;

6 “(xviii) stomach cancer;

7 “(xix) testicular cancer;

8 “(xx) thyroid cancer;

9 “(xxi) any form of cancer that is con-
10 sidered a WTC-related health condition
11 under section 3312(a) of the Public Health
12 Service Act (42 U.S.C. 300mm–22(a));
13 and

14 “(xxii) any other form of cancer that
15 the Bureau may determine appropriate in
16 accordance with paragraph (3).

17 “(2) PERSONAL INJURY SUSTAINED IN THE
18 LINE OF DUTY.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), as determined by the Bureau, the
21 death or permanent and total disability of a
22 public safety officer due to an exposure-related
23 cancer shall be presumed to constitute a per-
24 sonal injury within the meaning of subsection
25 (a), sustained in the line of duty by the officer

1 and directly and proximately resulting in death
2 or permanent and total disability, if—

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

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

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

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

22 “(B) EXCEPTION.—The presumption
23 under subparagraph (A) shall not apply to the
24 death or permanent and total disability of a
25 public safety officer due to an exposure-related

1 cancer if competent medical evidence establishes
2 that the exposure-related cancer was unrelated
3 to the exposure or contact described in subpara-
4 graph (A)(i).

5 “(3) ADDITIONAL EXPOSURE-RELATED CAN-
6 CERS.—

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

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

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

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

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

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

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

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

1 exposure-related cancer from their employ-
2 ment.

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

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

21 (b) **APPLICABILITY.**—The amendment made by sub-
22 section (a) shall apply in the case of any public safety offi-
23 cer who died or became permanently and totally disabled
24 on or after January 1, 2023, as a result of an exposure-
25 related cancer.

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

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

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

10 (b) APPLICABILITY.—

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

14 (2) TIME FOR FILING CLAIM.—Section
15 32.12(a)(1) of title 28, Code of Federal Regulations,
16 shall not apply to a claimant who otherwise qualifies
17 for support pursuant to the amendment made by
18 subsection (a).

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