

Union Calendar No. 226

117TH CONGRESS
2D SESSION

H. R. 2499

[Report No. 117-306]

To amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employees duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2021

Mr. CARBAJAL (for himself, Mr. BACON, Mr. TAKANO, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Education and Labor

MAY 6, 2022

Additional sponsors: Mr. TURNER, Ms. SCANLON, Mr. FOSTER, Mr. SHERMAN, Ms. NORTON, Mrs. NAPOLITANO, Mr. SWALWELL, Ms. WILD, Ms. BUSH, Ms. PINGREE, Mr. PETERS, Mr. RYAN, Mr. SMITH of New Jersey, Mr. VAN DREW, Mr. HARDER of California, Mr. SEAN PATRICK MALONEY of New York, Mr. COHEN, Ms. CRAIG, Mrs. LURIA, Mr. LAWSON of Florida, Mrs. DEMINGS, Ms. SPANBERGER, Mr. JOHNSON of Ohio, Mr. LARSEN of Washington, Ms. DEAN, Mr. KIM of New Jersey, Mr. BROWN of Maryland, Ms. STRICKLAND, Mr. LAMB, Ms. SHERRILL, Ms. SCHRIER, Mr. RASKIN, Mr. KILDEE, Mr. LAMALFA, Ms. MANNING, Mr. COSTA, Mr. DELGADO, Ms. SLOTKIN, Mr. POCAN, Mr. QUIGLEY, Mr. PERLMUTTER, Ms. WASSERMAN SCHULTZ, Mr. HORSFORD, Ms. JACKSON LEE, Mrs. TRAHAN, Mr. COURTNEY, Mr. MCKINLEY, Mr. TRONE, Ms. BROWNLEY, Mrs. HAYES, Ms. PORTER, Mr. CARTER of Louisiana, Mr. SUOZZI, Mr. RUPPERSBERGER, Ms. LEE of California, Mr. VICENTE GONZALEZ of Texas, Mr. LYNCH, Mr. SARBANES, Mr. GARAMENDI, Mr. VARGAS, Ms. BARRAGÁN, Mrs. AXNE, Ms. STANSBURY, Mr. PANETTA, Mr. FORTENBERRY, Mr. LEVIN of California, Mr. MCNERNEY, Mr. O'HALLERAN, Ms. HOULAHAN, Mr. LOWENTHAL, Mr. GOTTHEIMER, Mr. PASCRELL, Mr. NEGUSE, Mr. GARBARINO, Mr. AGUILAR, Mr. MCGOVERN, Ms. WATERS, Mr. NORCROSS, Mrs. CAROLYN B. MALONEY of New York, Mr. BEYER, Mr. LEVIN of Michigan, Ms. OMAR, Mr. GRIJALVA,

Mr. MORELLE, Ms. ESCOBAR, Mr. DESAULNIER, Ms. TITUS, Mrs. BUSTOS, Mr. CORREA, Ms. SÁNCHEZ, Mr. KAHELE, Mr. CLEAVER, Mr. PAPPAS, Ms. KUSTER, Mrs. WAGNER, Mr. KILMER, Ms. BOURDEAUX, Mr. TONY GONZALES of Texas, Mr. KHANNA, Mr. SOTO, Ms. LOIS FRANKEL of Florida, Mr. YOUNG, Mr. GOLDEN, Mr. CASTEN, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. CÁRDENAS, Ms. WEXTON, Mr. SCHRAEDER, Mr. HUFFMAN, Mr. TORRES of New York, Ms. DEGETTE, Ms. JAYAPAL, Mr. CROW, Ms. MATSUI, Mrs. TORRES of California, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. ADAMS, Mr. CONNOLLY, Mrs. DINGELL, Mr. ESPAILLAT, Mr. HIGGINS of New York, Mr. CUELLAR, Mr. BLUMENAUER, Ms. ROSS, Mr. THOMPSON of Pennsylvania, Mr. RUSH, Ms. WILSON of Florida, Mr. BISHOP of Georgia, Ms. MCCOLLUM, Ms. TLAIB, Ms. BONAMICI, Mr. GALLEG0, Mr. CASTRO of Texas, Mr. CARSON, Ms. DELBENE, Mrs. CHERFILUS-McCORMICK, Mr. DEFazio, Mr. GARCÍA of Illinois, Mr. AUCHINCLOSS, Mr. MALINOWSKI, Mrs. LAWRENCE, Ms. LEGER FERNANDEZ, Ms. NEWMAN, Ms. SALAZAR, Ms. MENG, Mr. SCOTT of Virginia, Ms. HERRERA BEUTLER, Mr. MRVAN, Mr. MFUME, Mr. BOWMAN, Mr. REED, Mr. JONES, Mr. KATKO, Mr. COLE, Ms. LOFGREN, Mr. YARMUTH, Mr. SCHIFF, Mr. JOYCE of Ohio, Mr. WITTMAN, Ms. BROWN of Ohio, Ms. CHENEY, Mr. STANTON, Mr. LANGEVIN, Mr. DAVID SCOTT of Georgia, Mrs. WATSON COLEMAN, Mr. JEFFRIES, Ms. SCHAKOWSKY, Mr. DANNY K. DAVIS of Illinois, Mrs. MCBATH, Ms. VELÁZQUEZ, Ms. KAPTUR, Mr. MCEACHIN, Ms. KELLY of Illinois, Ms. WILLIAMS of Georgia, Ms. CHU, Mr. MOULTON, Mr. HUDSON, Mr. BARR, Mr. LARSON of Connecticut, Mr. VEASEY, Ms. SEWELL, Mr. HIMES, Mr. JOHNSON of Georgia, Mr. SMITH of Washington, Ms. JACOBS of California, Mrs. RADEWAGEN, Mr. CICILLINE, Mr. GREEN of Texas, Mr. WELCH, Mr. BERA, Mr. BOST, Mrs. KIM of California, Mr. EVANS, Ms. CLARK of Massachusetts, Mr. KRISHNAMOORTHY, Mr. THOMPSON of California, Mr. SABLAN, Ms. BLUNT ROCHESTER, and Ms. STEVENS

MAY 6, 2022

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 14, 2021]

A BILL

To amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employees 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Federal Firefighters*
5 *Fairness Act of 2022”.*

6 **SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RE-**
7 **LATED CAUSE OF DISABILITY OR DEATH FOR**
8 **FEDERAL EMPLOYEES IN FIRE PROTECTION**
9 **ACTIVITIES.**

10 *(a) PRESUMPTION RELATING TO EMPLOYEES IN FIRE*
11 *PROTECTION ACTIVITIES.—Subchapter I of chapter 81 of*
12 *title 5, United States Code, is amended by inserting after*
13 *section 8143a the following (and by conforming the table*
14 *of contents of such chapter accordingly):*

15 **“§ 8143b. Employees in fire protection activities.**

16 *“(a) CERTAIN DISEASES DEEMED TO BE PROXI-*
17 *MATELY CAUSED BY EMPLOYMENT IN FIRE PROTECTION*
18 *ACTIVITIES.—*

19 *“(1) IN GENERAL.—For a claim under this sub-*
20 *chapter of disability or death of an employee who has*
21 *been employed for a minimum of 5 years in aggregate*
22 *as an employee in fire protection activities, a disease*
23 *specified on the list established under paragraph (2)*
24 *shall be deemed to be proximately caused by the em-*
25 *ployment of such employee.*

1 “(2) *ESTABLISHMENT OF INITIAL LIST.*—*There*
2 *is established under this section the following list of*
3 *diseases:*

4 “(A) *Bladder cancer.*

5 “(B) *Brain cancer.*

6 “(C) *Chronic obstructive pulmonary disease.*

7 “(D) *Colorectal cancer.*

8 “(E) *Esophageal cancer.*

9 “(F) *Kidney cancer.*

10 “(G) *Leukemias.*

11 “(H) *Lung cancer.*

12 “(I) *Mesothelioma.*

13 “(J) *Multiple myeloma.*

14 “(K) *Non-Hodgkin lymphoma.*

15 “(L) *Prostate cancer.*

16 “(M) *Skin cancer (melanoma).*

17 “(N) *A sudden cardiac event or stroke*
18 *while, or not later than 24 hours after, engaging*
19 *in the activities described in subsection*
20 *(b)(1)(C).*

21 “(O) *Testicular cancer.*

22 “(P) *Thyroid cancer.*

23 “(3) *ADDITIONS TO THE LIST.*—

24 “(A) *IN GENERAL.*—*The Secretary shall pe-*
25 *riodically review the list established under this*

1 *section in consultation with the Director of the*
2 *National Institute on Occupational Safety and*
3 *Health and shall add a disease to the list by*
4 *rule, upon a showing by a petitioner or on the*
5 *Secretary's own determination, in accordance*
6 *with this paragraph.*

7 “(B) *BASIS FOR DETERMINATION.*—*The*
8 *Secretary shall add a disease to the list upon a*
9 *showing by a petitioner or the Secretary's own*
10 *determination, based on the weight of the best*
11 *available scientific evidence, that there is a sig-*
12 *nificant risk to employees in fire protection ac-*
13 *tivities of developing such disease.*

14 “(C) *AVAILABLE EXPERTISE.*—*In deter-*
15 *mining significant risk for purposes of subpara-*
16 *graph (B), the Secretary may accept as authori-*
17 *tative and may rely upon recommendations, risk*
18 *assessments, and scientific studies (including*
19 *analyses of National Firefighter Registry data*
20 *pertaining to Federal firefighters) by the Na-*
21 *tional Institute for Occupational Safety and*
22 *Health, the National Toxicology Program, the*
23 *National Academies of Sciences, Engineering,*
24 *and Medicine, and the International Agency for*
25 *Research on Cancer.*

1 “(4) *PETITIONS TO ADD TO THE LIST.*—

2 “(A) *IN GENERAL.*—*Any person may peti-*
3 *tion the Secretary to add a disease to the list*
4 *under this section.*

5 “(B) *CONTENT OF PETITION.*—*Such peti-*
6 *tion shall provide information to show that there*
7 *is sufficient evidence of a significant risk to em-*
8 *ployees in fire protection activities of developing*
9 *such illness or disease from their employment.*

10 “(C) *TIMELY AND SUBSTANTIVE DECI-*
11 *SIONS.*—*Not later than 18 months after receipt*
12 *of a petition, the Secretary shall either grant or*
13 *deny the petition by publishing in the Federal*
14 *Register a written explanation of the reasons for*
15 *the Secretary’s decision. The Secretary may not*
16 *deny a petition solely on the basis of competing*
17 *priorities, inadequate resources, or insufficient*
18 *time for review.*

19 “(b) *DEFINITIONS.*—*In this section:*

20 “(1) *EMPLOYEE IN FIRE PROTECTION ACTIVI-*
21 *TIES.*—*The term ‘employee in fire protection activi-*
22 *ties’ means an employee employed as a firefighter,*
23 *paramedic, emergency medical technician, rescue*
24 *worker, ambulance personnel, or hazardous material*
25 *worker, who—*

1 “(A) is trained in fire suppression;

2 “(B) has the legal authority and responsi-
3 bility to engage in fire suppression;

4 “(C) is engaged in the prevention, control,
5 and extinguishment of fires or response to emer-
6 gency situations where life, property, or the envi-
7 ronment is at risk, including the prevention,
8 control, suppression, or management of wildland
9 fires; and

10 “(D) performs such activities as a primary
11 responsibility of his or her job.

12 “(2) SECRETARY.—The term ‘Secretary’ means
13 Secretary of Labor.”.

14 (b) RESEARCH COOPERATION.—Not later than 120
15 days after the date of enactment of this Act, the Secretary
16 of Labor shall establish a process by which a Federal em-
17 ployee in fire protection activities filing a claim related to
18 a disease on the list established by section 8143b of title
19 5, United States Code, will be informed about and offered
20 the opportunity to contribute to science by voluntarily en-
21 rolling in the National Firefighter Registry or a similar
22 research or public health initiative conducted by the Centers
23 for Disease Control and Prevention.

1 (c) *REVIEW OF SCIENCE ON BREAST CANCER.*—Not
2 later than 3 years after the date of enactment of this Act,
3 the Secretary shall—

4 (1) *evaluate the best available scientific evidence*
5 *of the risk to an employee in fire protection activities*
6 *of developing breast cancer;*

7 (2) *add breast cancer to the list established under*
8 *section 8143b of title 5, United States Code, by rule*
9 *in accordance with subsection (a)(3) of such section,*
10 *if the Secretary determines that such evidence sup-*
11 *ports such addition; and*

12 (3) *submit a report of the Secretary's findings*
13 *under paragraph (1) and the Secretary's determina-*
14 *tion under paragraph (2) to the Committee on Edu-*
15 *cation and Labor of the House and the Committee on*
16 *Health, Education, Labor, and Pensions of the Sen-*
17 *ate.*

18 (d) *APPLICATION.*—*The amendments made by this sec-*
19 *tion shall apply to claims for compensation filed on or after*
20 *the date of enactment of this Act.*

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