

117TH CONGRESS
2D SESSION

H. R. 2499

IN THE SENATE OF THE UNITED STATES

MAY 12, 2022

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Firefighters
3 Fairness Act of 2022”.

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

8 (a) PRESUMPTION RELATING TO EMPLOYEES IN
9 FIRE PROTECTION ACTIVITIES.—Subchapter I of chapter
10 81 of title 5, United States Code, is amended by inserting
11 after section 8143a the following:

12 **“§ 8143b. Employees in fire protection activities.**

13 “(a) CERTAIN DISEASES DEEMED TO BE PROXI-
14 MATELY CAUSED BY EMPLOYMENT IN FIRE PROTECTION
15 ACTIVITIES.—

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

23 “(2) ESTABLISHMENT OF INITIAL LIST.—There
24 is established under this section the following list of
25 diseases:

26 “(A) Bladder cancer.

1 “(B) Brain cancer.

2 “(C) Chronic obstructive pulmonary dis-
3 ease.

4 “(D) Colorectal cancer.

5 “(E) Esophageal cancer.

6 “(F) Kidney cancer.

7 “(G) Leukemias.

8 “(H) Lung cancer.

9 “(I) Mesothelioma.

10 “(J) Multiple myeloma.

11 “(K) Non-Hodgkin lymphoma.

12 “(L) Prostate cancer.

13 “(M) Skin cancer (melanoma).

14 “(N) A sudden cardiac event or stroke
15 while, or not later than 24 hours after, engag-
16 ing in the activities described in subsection
17 (b)(1)(C).

18 “(O) Testicular cancer.

19 “(P) Thyroid cancer.

20 “(3) ADDITIONS TO THE LIST.—

21 “(A) IN GENERAL.—The Secretary shall
22 periodically review the list established under
23 this section in consultation with the Director of
24 the National Institute on Occupational Safety
25 and Health and shall add a disease to the list

1 by rule, upon a showing by a petitioner or on
2 the Secretary's own determination, in accord-
3 ance with this paragraph.

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

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

23 “(4) PETITIONS TO ADD TO THE LIST.—

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

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

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
15 for the Secretary’s decision. The Secretary may
16 not deny a petition solely on the basis of com-
17 peting priorities, inadequate resources, or insuf-
18 ficient time for review.

19 “(D) NOTIFICATION TO CONGRESS.—Not
20 later than 30 days after making any decision to
21 approve or deny a petition under this para-
22 graph, the Secretary shall notify the Committee
23 on Education and Labor of the House of Rep-
24 resentatives and the Committee on Homeland

1 Security and Government Affairs of the Senate
2 of such decision.

3 “(b) DEFINITIONS.—In this section:

4 “(1) EMPLOYEE IN FIRE PROTECTION ACTIVI-
5 TIES.—The term ‘employee in fire protection activi-
6 ties’ means an employee employed as a firefighter,
7 paramedic, emergency medical technician, rescue
8 worker, ambulance personnel, or hazardous material
9 worker, who—

10 “(A) is trained in fire suppression;

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

13 “(C) is engaged in the prevention, control,
14 and extinguishment of fires or response to
15 emergency situations where life, property, or
16 the environment is at risk, including the pre-
17 vention, control, suppression, or management of
18 wildland fires; and

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

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

23 (b) RESEARCH COOPERATION.—Not later than 120
24 days after the date of enactment of this Act, the Secretary
25 of Labor shall establish a process by which a Federal em-

1 ployee in fire protection activities filing a claim related to
2 a disease on the list established by section 8143b of title
3 5, United States Code, will be informed about and offered
4 the opportunity to contribute to science by voluntarily en-
5 rolling in the National Firefighter Registry or a similar
6 research or public health initiative conducted by the Cen-
7 ters for Disease Control and Prevention.

8 (c) AGENDA FOR FURTHER REVIEW.—Not later than
9 3 years after the date of enactment of this Act, the Sec-
10 retary shall—

11 (1) evaluate the best available scientific evi-
12 dence of the risk to an employee in fire protection
13 activities of developing breast cancer, gynecological
14 cancer, and rhabdomyolysis;

15 (2) add breast cancer, gynecological cancer, and
16 rhabdomyolysis to the list established under section
17 8143b of title 5, United States Code, by rule in ac-
18 cordance with subsection (a)(3) of such section, if
19 the Secretary determines that such evidence sup-
20 ports such addition; and

21 (3) submit a report of the Secretary's findings
22 under paragraph (1) and the Secretary's determina-
23 tion under paragraph (2) to the Committee on Edu-
24 cation and Labor of the House and the Committee

1 on Homeland Security and Governmental Affairs of
2 the Senate.

3 (d) REPORT ON FEDERAL WILDLAND FIRE-
4 FIGHTERS.—The Director of the National Institute for
5 Occupational Safety and Health shall conduct a com-
6 prehensive study on long-term health effects that Federal
7 wildland firefighters who are eligible to receive workers'
8 compensation under chapter 81 of title 5, United States
9 Code, experience after being exposed to fires, smoke, and
10 toxic fumes when in service. Such study shall include—

11 (1) the race, ethnicity, age, gender, and time of
12 service of such Federal wildland firefighters partici-
13 pating in the study; and

14 (2) recommendations to Congress on what legis-
15 lative actions are needed to support such Federal
16 wildland firefighters in preventing health issues from
17 this toxic exposure, similar to veterans that are ex-
18 posed to burn pits.

19 (e) APPLICATION.—The amendments made by this
20 section shall apply to claims for compensation filed on or
21 after the date of enactment of this Act.

22 (f) REPORT ON AFFECTED EMPLOYEES.—Beginning
23 1 year after the date of enactment of this Act, the Sec-
24 retary shall include in each annual report on implementa-
25 tion of the Federal Employees' Compensation Act pro-

1 gram and issues arising under it that the Secretary makes
2 pursuant to section 8152 of title 5, United States Code,
3 the total number and demographics of employees with dis-
4 eases and conditions described in the amendments made
5 by this Act as of the date of such annual report,
6 disaggregated by the specific condition or conditions, for
7 the purposes of understanding the scope of the problem.
8 The Secretary may include any information they deem
9 necessary and, as appropriate, may make recommenda-
10 tions for additional actions that could be taken to mini-
11 mize the risk of adverse health impacts for Federal em-
12 ployees in fire protection activities.

13 **SEC. 3. SUBROGATION OF CONTINUATION OF PAY.**

14 (a) SUBROGATION OF THE UNITED STATES.—Sec-
15 tion 8131 of title 5, United States Code, is amended—

16 (1) in subsection (a), by inserting “continuation
17 of pay or” before “compensation”; and

18 (2) in subsection (c), by inserting “continuation
19 of pay or” before “compensation already paid”.

20 (b) ADJUSTMENT AFTER RECOVERY FROM A THIRD
21 PERSON.—Section 8132 of title 5, United States Code, is
22 amended—

23 (1) by inserting “continuation of pay or” before
24 “compensation” the first and second place it ap-
25 pears;

1 (2) by striking “in his behalf” and inserting
2 “on his behalf”;

3 (3) by inserting “continuation of pay and” be-
4 fore “compensation” the third place it appears; and

5 (4) by striking the 4th sentence and inserting
6 the following: “If continuation of pay or compensa-
7 tion has not been paid to the beneficiary, the money
8 or property shall be credited against continuation of
9 pay or compensation payable to him by the United
10 States for the same injury.”.

11 **SEC. 4. PROTECTION OF FIREFIGHTERS FROM TOXIC**
12 **CHEMICALS AND OTHER CONTAMINANTS.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of the enactment of this Act, the Comptroller General
15 of the United States shall submit to the Committee on
16 Education and Labor of the House of Representatives and
17 the Committee on Health, Education, Labor, and Pen-
18 sions of the Senate a report that evaluates the health and
19 safety impacts on employees engaged in fire protection ac-
20 tivities that result from the employees’ exposure to toxic
21 chemicals and other contaminants that could cause human
22 health problems. The report may include information on—

23 (1) the degree to which such programs and poli-
24 cies include consideration of the possibility of toxic
25 exposure of such employees who may come into con-

1 tact with residue from fibers, combusted building
2 materials such as asbestos, household chemicals,
3 polymers, flame-retardant chemicals, and other po-
4 tentially toxic contaminants;

5 (2) the availability and proper maintenance of
6 professional protective equipment and secure storage
7 of such equipment in employees' homes and auto-
8 motive vehicles;

9 (3) the availability of home instructions for em-
10 ployees regarding toxins and contaminants, and the
11 appropriate procedures to counteract exposure to
12 same;

13 (4) the employees' interests in protecting the
14 health and safety of family members from exposure
15 to toxic chemicals and other contaminants to which
16 the employees may have been exposed; and

17 (5) other related factors.

18 (b) CONTEXT.—In preparing the report required
19 under subsection (a), the Comptroller General of the
20 United States may, as appropriate, provide information in
21 a format that delineates high risk urban areas from rural
22 communities.

23 (c) DEPARTMENT OF LABOR CONSIDERATION.—
24 After issuance of the report required under subsection (a),
25 the Secretary of Labor shall consider such report's find-

1 ings and assess its applicability for purposes of the amend-
2 ments made by section 2.

3 **SEC. 5. INCREASE IN TIME-PERIOD FOR FECA CLAIMANT**
4 **TO SUPPLY SUPPORTING DOCUMENTATION**
5 **TO OFFICE OF WORKER'S COMPENSATION.**

6 Not later than 60 days after the date of enactment
7 of this Act, the Secretary of Labor shall—

8 (1) amend section 10.121 of title 20, Code of
9 Federal Regulations, by striking “30 days” and in-
10 serting “60 days”; and

11 (2) modify the Federal Employees Compensa-
12 tion Act manual to reflect the changes to such sec-
13 tion made by the Secretary pursuant to paragraph
14 (1).

Passed the House of Representatives May 11, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.