

S. 4119 is a clean and simple extension of the existing Radiation Exposure Compensation Act. It represents an incredible and increasingly rare achievement here in Congress: a bipartisan solution to a nonpartisan problem.

During 1945 and 1962, the United States conducted over 100 aboveground nuclear tests, releasing harmful radiation material into the air and literally blanketing parts of the United States, including Utah, with poisonous dust.

RECA, championed by the late Senator Orrin Hatch, was a lifeline for thousands of downwinders whose lives were lost or forever changed because of this exposure.

Unless Congress acts, the program will expire in 2 months. That will leave downwinders like Sara Penny of Cedar City, Utah, behind. Her story was cataloged in the "Downwinders of Utah Archive."

Penny was born in 1953, the same year the "Dirty Harry" bomb was tested in Nevada. She said: "We knew we could die any day from about fifth grade. Our piano teacher's daughter . . . died of leukemia."

Her grandfather died of leukemia. Her aunt died of breast cancer. Her cousin had a bone marrow transplant from his brother but died anyway. Her high school classmate died earlier from a brain tumor. Her cousin got breast cancer.

Her story is tragic but not unique. Too many downwinders are suffering. Just last week, I heard from constituents who were starting the process of applying for RECA benefits. These are individuals who lived in the shadows of radiation released in our beautiful Western skies.

We have a chance to make right what the Federal Government got wrong when it conducted these nuclear tests in our backyard. We just cannot walk away from RECA.

For Sara and the downwinders, please join me, please join us, in voting "yes" on S. 4119, the RECA Extension Act of 2022.

I again thank Congresswoman LEGER FERNANDEZ. It has been an honor to work with her, and we will get this pushed through. I look forward to it.

Mr. Speaker, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, we reiterate that the trust fund expires on July 10 with the need for this vital program to remain present in law. The Representatives from Arizona, New Mexico, and Nevada have all made that clear, as have others.

Madam Speaker, I urge my colleagues to vote "yes" on this important legislation. Now that the gentlewoman from Nevada (Ms. TITUS) has taken the chair, I yield back the balance of my time and ask for a positive "aye" vote.

The SPEAKER pro tempore (Ms. TITUS). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, S. 4119.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1245

FEDERAL FIREFIGHTERS FAIRNESS ACT OF 2022

Mr. SCOTT of Virginia. Madam Speaker, pursuant to House Resolution 1097, I call up the bill (H.R. 2499) 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1097, in lieu of the amendment in the nature of a substitute recommended by the Committee on Education and Labor printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee print 117-41, modified by the amendment printed in part C of House Report 117-320, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Firefighters Fairness Act of 2022".

SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVITIES.

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

"§8143b. Employees in fire protection activities.

"(a) CERTAIN DISEASES DEEMED TO BE PROXIMATELY CAUSED BY EMPLOYMENT IN FIRE PROTECTION ACTIVITIES.—

"(1) IN GENERAL.—For a claim under this subchapter of disability or death of an employee who has been employed for a minimum of 5 years in aggregate as an employee in fire protection activities, a disease specified on the list established under paragraph (2) shall be deemed to be proximately caused by the employment of such employee.

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

- "(A) Bladder cancer.
- "(B) Brain cancer.
- "(C) Chronic obstructive pulmonary disease.
- "(D) Colorectal cancer.
- "(E) Esophageal cancer.
- "(F) Kidney cancer.
- "(G) Leukemias.
- "(H) Lung cancer.
- "(I) Mesothelioma.
- "(J) Multiple myeloma.

"(K) Non-Hodgkin lymphoma.

"(L) Prostate cancer.

"(M) Skin cancer (melanoma).

"(N) A sudden cardiac event or stroke while, or not later than 24 hours after, engaging in the activities described in subsection (b)(1)(C).

"(O) Testicular cancer.

"(P) Thyroid cancer.

"(3) ADDITIONS TO THE LIST.—

"(A) IN GENERAL.—The Secretary shall periodically review the list established under this section in consultation with the Director of the National Institute on Occupational Safety and Health and shall add a disease to the list by rule, upon a showing by a petitioner or on the Secretary's own determination, in accordance with this paragraph.

"(B) BASIS FOR DETERMINATION.—The Secretary shall add a disease to the list upon a showing by a petitioner or the Secretary's own determination, based on the weight of the best available scientific evidence, that there is a significant risk to employees in fire protection activities of developing such disease.

"(C) AVAILABLE EXPERTISE.—In determining significant risk for purposes of subparagraph (B), the Secretary may accept as authoritative and may rely upon recommendations, risk assessments, and scientific studies (including analyses of National Firefighter Registry data pertaining to Federal firefighters) by the National Institute for Occupational Safety and Health, the National Toxicology Program, the National Academies of Sciences, Engineering, and Medicine, and the International Agency for Research on Cancer.

"(4) PETITIONS TO ADD TO THE LIST.—

"(A) IN GENERAL.—Any person may petition the Secretary to add a disease to the list under this section.

"(B) CONTENT OF PETITION.—Such petition shall provide information to show that there is sufficient evidence of a significant risk to employees in fire protection activities of developing such illness or disease from their employment.

"(C) TIMELY AND SUBSTANTIVE DECISIONS.—Not later than 18 months after receipt of a petition, the Secretary shall either grant or deny the petition by publishing in the Federal Register a written explanation of the reasons for the Secretary's decision. The Secretary may not deny a petition solely on the basis of competing priorities, inadequate resources, or insufficient time for review.

"(b) DEFINITIONS.—In this section:

"(1) EMPLOYEE IN FIRE PROTECTION ACTIVITIES.—The term 'employee in fire protection activities' means an employee employed as a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous material worker, who—

"(A) is trained in fire suppression;

"(B) has the legal authority and responsibility to engage in fire suppression;

"(C) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk, including the prevention, control, suppression, or management of wildland fires; and

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

"(2) SECRETARY.—The term 'Secretary' means Secretary of Labor."

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

(c) AGENDA FOR FURTHER REVIEW.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

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

(2) add breast cancer to the list established under section 8143b of title 5, United States Code, by rule in accordance with subsection (a)(3) of such section, if the Secretary determines that such evidence supports such addition; and

(3) submit a report of the Secretary's findings under paragraph (1) and the Secretary's determination under paragraph (2) to the Committee on Education and Labor of the House and the Committee on Homeland Security and Governmental Affairs of the Senate.

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

SEC. 3. SUBROGATION OF CONTINUATION OF PAY.

(a) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—

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

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

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

(1) by inserting “continuation of pay or” before “compensation” the first and second place it appears;

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

(3) by inserting “continuation of pay and” before “compensation” the third place it appears; and

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

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees.

The gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 30 minutes.

The Chair now recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on H.R. 2499, the Federal Firefighters Fairness Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, across the country, roughly 15,000 firefighters employed by the Federal Government currently work to fight wildfires, respond to hurricanes, protect military and Veterans' Affairs facilities, and keep our communities safe.

Like all firefighters, Federal firefighters face enormous health risks in order to carry out their heroic work.

On any given day, a Federal firefighter will be exposed to dangerous levels of carbon monoxide, diesel smoke, toxic chemicals, and other serious hazards.

This routine exposure can have lifelong health consequences for firefighters. Research confirms that firefighters are far more likely than other workers to contract leukemia, non-Hodgkin's lymphoma, and lung, brain, and digestive cancers.

Simply put, firefighting is critical but dangerous work. The least we can do to support firefighters who become injured or sick on the job is to help them secure the compensation and medical care they need for themselves and their families. Unfortunately, we are falling short of fulfilling that obligation to Federal firefighters.

Today, 49 States help firefighters access workers' compensation by providing a presumption that certain diseases are work-related, yet no such protection exists for Federal firefighters. The gap in access is not only fundamentally unfair to Federal firefighters; it also leaves them with the steep challenge of proving, on their own, that their illnesses are work-related.

The Federal Firefighters Fairness Act of 2021, led by the gentleman from California (Mr. CARBAJAL), takes critical steps to address the problem and strengthen Federal firefighters' access to workers' compensation.

By updating Federal law, this bill would provide Federal firefighters with a presumption that certain illnesses are work related. Importantly, it plans for the future by allowing anyone to propose additions to the list of presumed illnesses, and it authorizes the Department of Labor to use the rule-making process to make those additions.

We must swiftly pass this bill to provide Federal firefighters who are injured or become sick on the job, and their families, with the support they have always deserved.

Madam Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I stand in opposition to H.R. 2499, the Federal Firefighters Fairness Act of 2022.

Federal firefighters deserve our utmost respect and admiration for risking their lives every day. Republicans strongly support assisting Federal firefighters and ensuring they have access to medical benefits under the Federal Employees' Compensation Act, FECA, but we are against removing critical oversight measures.

H.R. 2499, the Federal Firefighters Fairness Act, creates a presumption that Federal firefighters diagnosed with certain types of heart disease, lung disease, or cancer contracted the disease at work. FECA has never included such a presumption. The Department of Labor has always determined Federal employees' compensation claims on a case-by-case basis.

This bill throws out crucial program integrity measures, weakening the federal workers' compensation program. Critical oversight measures are important to protect taxpayers against non-meritorious claims and mismanagement.

Currently, all FECA claimants must attest that their disease or illness was the result of their employment and must provide supporting medical evidence to the Department of Labor's Office of Workers' Compensation Programs, OWCP. Without a process to determine whether the disability or illness is work-related, there is nothing to prevent coverage of nonoccupational medical costs from being shifted from the private insurance market to the Federal Government and taxpayers.

H.R. 2499 also plays favorites among Federal workers by picking and choosing which workers automatically receive Federal workers' compensation. For example, if a Federal Border Patrol agent contracts skin cancer from sun exposure due to his or her duties, that agent would go through FECA's claims process. But if a Federal firefighter contracts lung cancer from smoking, he or she is automatically entitled to benefits under this legislation.

The Federal Government should not treat workers differently based on their occupation. We should continue to allow cases to be judged by supporting evidence, not a predetermined list of illnesses. Yet the Democrats' bill gives blanket authority to the Secretary to determine, without oversight, whether a disease poses a significant risk to firefighters. The list of diseases presumed to be caused by employment could expand indefinitely for Federal firefighters while all other Federal employee claims are processed on a case-by-case basis.

Further, OWCP recently announced changes to improve the claims process for Federal firefighters to ensure their needs are met through a special claims unit.

An amendment authored by Representative FRED KELLER proposes making this streamlined claims process permanent. Unfortunately, I'm not optimistic that Democrats will support this commonsense amendment.

Additionally, H.R. 2499 makes changes to FECA without the benefit of data from the National Firefighter Registry. Congress authorized the creation of the registry in 2018 to study and identify cancer risks for firefighters. The registry begins enrollment this year, and Congress should rely on this important data to ensure legislation is following the science and addressing firefighters' needs. Without this important data, H.R. 2499 will not reflect the best available science.

Madam Speaker, I urge my colleagues to oppose this legislation, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3½ minutes to the gentleman from California (Mr. CARBAJAL), the sponsor of the legislation.

Mr. CARBAJAL. Madam Speaker, I rise today as the author of H.R. 2499, the Federal Firefighters Fairness Act, to urge my colleagues to support this commonsense, bipartisan measure.

Madam Speaker, I wonder how many people in this Chamber or watching on C-SPAN today would be able to tell you the difference between a Federal firefighter and a State or municipal one.

I know that when communities in my home State of California call on firefighters to head to the front lines of increasingly dangerous wildfires, they certainly are not worried about what uniform or badge they are wearing.

For example, in 2017, when what was then the largest wildfire in California history, the Thomas fire, struck my district, Federal, State, and local firefighters alike left their families behind during the holiday season to fight tirelessly on the front lines, saving countless lives and property.

Madam Speaker, all of these firefighters face the same challenges and risks. But, unfortunately, there is a glaring inequity in how our firefighters are supported, and that is why we are here today.

Federal firefighters face significant hazards while on the job as they protect life and property, as well as our national interests on military installations, Federal research laboratories, veterans' hospitals, and public lands. Now, in the face of the climate crisis, Federal and municipal firefighters alike face year-round fire seasons and fires that are getting more destructive and harder to contain.

In the course of their heroism fighting these fires, firefighters are often exposed to smoke, toxic substances, high heat, and stress, putting them at an increased risk to develop occupational diseases like cancer and lung problems.

But unlike their State and local counterparts, Federal firefighters must provide the specific incident in their employment which caused their disease if they become sick, even if they fought the same fire as their local counterparts fought.

We have already addressed this issue at the local level. In 49 out of 50 States, municipal and State firefighters who develop health problems that are associated with their firefighting, those illnesses are presumed to be connected with their service. California was actually the first State to pass such a law back in 1982. But today, no such protections or benefits exist for more than 15,000 Federal firefighters across the United States. This is wrong and fundamentally unfair. That is what this bill does, fixes that challenge.

More than 200 Democrats and Republicans in this Chamber have already agreed that we should extend that same parity to our Federal firefighters by cosponsoring my bill. When disaster strikes, firefighters have our backs and keep us safe. It is high time we do the same for all of them.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader of the United States House of Representatives.

Mr. HOYER. Madam Speaker, I thank the sponsor of this bill who just spoke, who has left the floor, and other cosponsors of this bill, for their work.

Madam Speaker, there are thousands of Federal firefighters. There are thousands of Federal firefighters who face danger every day, thousands of Federal firefighters who get out of their bed at some point in time during the day—if they work in the day, or work at night, sleep in bunks in the firehouse—who are there to protect us.

In the course of their duties, they safeguard our military bases, our nuclear facilities, and other critical installations across the country. They serve on the front lines of the climate crisis, fighting wildfires that grow more frequent and more intense with each passing year. They protect both our private property and our public lands. Most importantly, of course, Madam Speaker, they save lives.

□ 1300

In the process, they are often exposed to toxic fumes. We just passed a bill not too long ago that provides for compensation to those members of our Armed Forces who are exposed to toxic fumes. As a result of those exposures, our firefighters can develop deadly diseases and cancers. Nevertheless, our Federal firefighters execute these responsibilities with courage and with dedication.

Federal firefighters are frequently fighting shoulder to shoulder with their State and local counterparts. The Pentagon is a perfect example, where the first responders were county and city of Alexandria, and then subsequently State firefighters and some Federal as well. They were shoulder to shoulder with those folks. The State and local counterparts, however, have benefits and presumptions that our Federal firefighters do not.

As a result, this bill has been introduced, and I am proud to bring it to the floor to help right this wrong and to treat these heroes with the respect they deserve. Currently, our Federal firefighters face an often-insurmountable burden of proof to receive compensation for work-related disabilities.

In just a few days, we are going to be honoring firefighters who have lost their lives over the weeks and months and years of this country's lifetime. We will honor them, but we also need to honor our present firefighters while they are living by responding to their needs and the illnesses they incur as a result of the performance of their duties.

This bipartisan legislation would guarantee that our Federal firefighters have access to disability and retire-

ment benefits they have earned through their service. It would do so by establishing automatic presumptions for heart and lung disease and various types of cancers.

Multiple scientific studies have established a link between these illnesses and the dangers firefighters face during their service. That is why 48 States have passed similar laws creating these assumptions for their municipal, county, and State firefighters.

I, again, thank Mr. CARBAJAL for introducing this commonsense legislation. I thank Chairman SCOTT and his colleagues on the Education and Labor Committee for marking it up expeditiously. Most important, of course, I thank all of our Federal firefighters for continuing to hold the line and go to work facing possible danger in spite of the risks because of their sense of duty and dedication to serving their country and their fellow man, charging toward the flames time and time again.

We saw that so graphically on 9/11 in New York. We saw it at the Pentagon, going into danger's very jaws to save people from almost surely dying and certainly severe injury.

This is the right and proper thing to do for those heroes. They have more than earned these benefits. It is up to us to make sure they get them. I urge my colleagues to vote "yes."

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ), a member of the Committee on Education and Labor.

Ms. LEGER FERNANDEZ. Madam Speaker, I stand in support of the Federal Firefighters Fairness Act. Right now, 340,000 acres are burning in New Mexico, are burning in my district as a result of the Hermits Peak, Cerro Pelado, and Cook fires. The fires have destroyed hundreds of homes and tens of thousands more are at risk and were evacuated. Our towns and villages are engulfed by the billowing smoke that accompanies these fires. The fires threaten generations of livelihoods and culture as well as our watersheds.

There are no words, no words at all that can convey my gratitude for the nearly 3,000 firefighters currently on the ground in New Mexico working to save our lands, our homes, our lives, and our future.

These firefighters have a long road ahead of them. We are told that the fires will not be contained until the monsoon rains come, which we pray is in July. That is more than 2 months from now. They have already been at it for a month. Two more months that firefighters will spend directly exposed to smoke, stress, heat, and toxic substances.

It is simply wrong that the Federal firefighters are not guaranteed the care and compassion as most State firefighters when it comes to health coverage. Firefighters are more likely than any other worker to contract

lung, brain, kidney, and digestive cancers and non-Hodgkin's lymphoma.

The Federal Firefighters Fairness Act would remedy this gross oversight and ensure that Federal firefighters, who risk their lives the same as any other, are afforded the same health care protections. Last month, as we considered this bill in committee, I met with firefighters who shared the story of Chris, who spent his last days fighting to get coverage for his cancer so that his family would not be burdened with that medical debt.

Our firefighters should fight fires. They shouldn't have to fight in the last days of their lives to get medical coverage.

I thank the Federal firefighters who are risking their lives to protect the beautiful land I call home. Sadly, my story of loss is shared across the West. We all owe more than gratitude to our Federal firefighters. They deserve not just our gratitude, but our action and our protections. I urge my colleagues to support this bill.

Madam Speaker, I include in the RECORD a letter from the Congressional Fire Services Institute, which documents the importance of passing this legislation.

CONGRESSIONAL FIRE
SERVICES INSTITUTE,
Arlington, VA, March 30, 2022.

Hon. BOBBY SCOTT,
Chairman, House Committee on Education and Labor, Washington, DC.

Hon. VIRGINIA FOXX,
Ranking Member, House Committee on Education and Labor, Washington, DC.

DEAR CHAIRMAN SCOTT AND RANKING MEMBER FOXX: The Congressional Fire Services Institute (CFSI) has long been an advocate for issues affecting firefighter health and wellness. Due to the nature of their jobs—including exposure to toxic chemicals, stress, and other extreme conditions in the line of duty—firefighters in the United States are at risk for a number of diseases, such as heart disease, lung disease, and various cancers. It is vital that firefighters who are severely impacted by these devastating health conditions receive proper benefits and compensation.

The Federal Firefighters Fairness Act would advance federal firefighter health and safety by creating a rebuttable presumption that federal firefighters who become disabled by heart disease, lung disease, and certain cancers contracted such illnesses on the job. This legislation will go a long way towards helping federal firefighters and their families, as well as ensuring that federal firefighters are eligible to receive the same benefits as their compatriots employed at the state and local levels.

Forty-nine states have already recognized that these illnesses are occupational hazards of fire fighting and have enacted laws providing presumptive disability benefits to firefighters employed by state and local governments who contract such illnesses. It is important that all of our nation's firefighters have the assurance that they can receive the benefits they need and deserve when their health is on the line.

We look forward to working with you on the Federal Firefighters Fairness Act.

Sincerely,

BILL WEBB,
*Executive Director,
Congressional Fire Services Institute.*

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

We are being portrayed as not being sympathetic to firefighters. Republicans are extremely appreciative of what the firefighters have done. They have been put in an untenable position because of the poor management of the forests out West because of Democrats.

But let me say, contrary to my Republican colleagues' claims, the presumption of eligibility for benefits created by H.R. 2499 is much broader than the majority of State laws. Proponents of the bill claim that 49 States have laws with a presumption similar to H.R. 2499 for State and local firefighters. This is not true.

While some States may have a presumption for a certain disease, the majority do not have a presumption for numerous diseases such as those listed in this bill. Moreover, most States allow an employer to challenge that a condition or illness came from firefighting and not from other causes outside of work. For example, an employer may rebut the presumption of occupational illness if other factors such as smoking or genetic causes were the primary cause of the illness. It is also common for States to require that the firefighter had a healthy physical examination before the onset of the disease.

H.R. 2499 contains none of these commonsense safeguards. The Federal workers' compensation program is just that—workers' compensation. We should not expand the program to provide medical treatment for Federal employees regardless of whether their illness is related to their occupation.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1½ minutes to the gentlewoman from Pennsylvania (Ms. WILD), a member of the Committee on Education and Labor.

Ms. WILD. Madam Speaker, I rise today in support of the Federal Firefighters Fairness Act, commonsense, bipartisan legislation that I am proud to cosponsor.

Despite clear evidence that links firefighting to health risks such as cancer, Federal firefighters face an insurmountable burden to prove their illness stems from service in order to receive benefits.

This bill removes the burden by establishing a presumption of illness for certain conditions for Federal firefighters with 5 years of service. Plainly speaking, what that means is the burden of proof in any legal proceeding means that one side has to prove their case by a certain amount of evidence, usually by a preponderance of the evidence. This bill would shift that burden to the other side to prove that the illness is not related to their service so that the firefighter no longer has that burden.

It is past time for the Federal Government to follow 48 States, including Pennsylvania, that have enacted similar laws.

I also want to draw specific attention to a provision of this bill setting a deadline for the Labor Department to review and act on forthcoming research regarding firefighters' risk of developing breast cancer. There have been too few studies focusing on the unique health risks of the women who risk their lives to fight fires. Female firefighters deserve better.

Madam Speaker, I include in the RECORD a letter from the Asbestos Disease Awareness Organization in support of the Federal Firefighters Fairness Act.

ASBESTOS DISEASE
AWARENESS ORGANIZATION,
Redondo Beach, CA, March 25, 2022.

Re Support for H.R. 2499, Federal Firefighter Fairness Act.

Hon. BOBBY SCOTT,
*Chairman, Education & Labor Committee,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN SCOTT: On behalf of the Asbestos Disease Awareness Organization (ADAO), I write in support of H.R. 2499, the Federal Firefighter Fairness Act, a bipartisan bill that would extend a rebuttable presumption of occupational illness to federal firefighters for certain health conditions that have been scientifically proven to be caused by the federal firefighters' emergency response duties.

Asbestos is a known human carcinogen. Without a ban, imports continue and asbestos can be found in homes, schools, workplaces, and on consumer shelves throughout the nation. Each year, an estimated 40,000 Americans die from asbestos-caused diseases. During a fire, these nearly invisible toxic asbestos fibers become airborne. As a result, firefighters unknowingly are exposed during the line of duty as they work to save our lives.

In the 2013 NIOSH "Mortality and cancer incidence in a pooled cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950-2009)" study, researchers found that:

Cancers of the respiratory, digestive, and urinary systems accounted mostly for the higher rates of cancer seen in the study population. The higher rates suggest that firefighters are more likely to develop those cancers.

The population of firefighters in the study had a rate of mesothelioma two times greater than the rate in the U.S. population as a whole. This was the first study ever to identify an excess of mesothelioma in U.S. firefighters. The researchers said it was likely that the findings were associated with exposure to asbestos, a known cause of mesothelioma.

Federal firefighters risk their lives to protect our national interests on military installations, federal research laboratories, homeland security facilities and veterans' hospitals. They have some of the most hazardous and sensitive jobs in the country. While on the job, federal firefighters are routinely exposed to carcinogenic smoke, toxic substances, high heat, and stress. The cumulative effect of repetitive exposures place firefighters at an increased risk of developing occupational diseases such as cancers, heart, and lung disease.

In recognition of causal link, 49 states have enacted laws which provide presumptive benefits to firefighters employed by state and local governments. However, no such law covers federal firefighters, who routinely combat fires and mitigate hazardous materials incidents side by side with firefighters from municipal and state fire departments covered by these presumptive laws.

Securing presumptive benefits is critical to obtaining coverage of occupational illness and disease from the Office of Workers' Compensation Programs. Absent a presumptive benefit, federal firefighters experience delayed access to critically needed medical care, salary and health insurance benefits. Instead, firefighters must engage in a prolonged administrative process in which they are required to demonstrate with specificity the precise exposure(s) which caused their occupational illness.

As a leader in protecting workers' rights and safety, ADAO urges you to support and advance the Federal Firefighters Fairness Act, HR 2499 to help ensure our nation's domestic defenders are provided expedited access to the benefits they need and deserve. Please reach out with any questions you have. Thank you for your attention to this important issue.

Sincerely,

LINDA REINSTEIN,
*ADAO President/CEO,
 Co-Founder and Mesothelioma Widow.*

Ms. WILD. Madam Speaker, I am proud that the House today can stand strong with our frontline firefighters.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), a member of the Committee on Education and Labor and chair of the Subcommittee on Civil Rights and Human Services.

Ms. BONAMICI. Madam Speaker, I rise in strong support of the bipartisan Federal Firefighters Fairness Act of 2022.

Recently, I met with Andrew Robinson, an Oregonian, who served as a wildland firefighter. He fought dangerous fires in the Pacific Northwest. He battled cancer, and then he started the Wildland Firefighter Research and Protection Center to call attention to the health and well-being of firefighters.

I am grateful for Andrew's work and his immense sacrifice, but I remain deeply concerned about the barriers that impede our Nation's Federal firefighting workforce from accessing the compensation, rehabilitation, and healthcare benefits they deserve.

This important legislation will create a presumption that Federal firefighters who become disabled by serious diseases, including wildland firefighters, contracted the illness on the job. This change will help brave firefighters, like Andrew, access the medical treatment and wage-loss compensation they have earned and they need.

We must also support women in the firefighting workforce and build a more inclusive profession that accounts for the unique challenges, to their health and otherwise, that female firefighters experience on and after the job. Only 12 percent of all Federal wildland firefighters identify as women, and this underrepresentation is exacerbated by the lack of research into how firefighting affects women's health. This legislation will improve our understanding of the relationship between fire exposure and diseases, such as

breast cancer and gynecological cancers which very few studies have addressed to date.

I urge all of my colleagues to support this important legislation. I thank the gentleman from California (Mr. CARBAJAL), my friend and colleague, for his leadership on this important policy, and I thank the chairman for bringing this bill forward through the committee.

Madam Speaker, I include in the RECORD a letter from the National Active and Retired Federal Employees Association (NARFE) in support of the Federal Firefighters Fairness Act of 2022.

NARFE,

Alexandria, VA, April 20, 2022.

DEAR REPRESENTATIVE: On behalf of the National Active and Retired Federal Employees Association (NARFE), which is dedicated to advancing the interests of the more than 5 million federal employees and retirees, as well as their spouses and survivors, I urge you to vote in favor of H.R. 2499, the Federal Firefighters Fairness Act of 2021, when it is considered by the House of Representatives.

H.R. 2499 would create a presumption of occupational illness for federal firefighters, covering ailments like cardiovascular disease, cancers and certain infectious diseases that 49 states already presume to be work-related for their state and local firefighters. Passing this bill would bring federal rules in line with the vast majority of states in recognizing the occupational danger placed on firefighters and solve an inequity placed on the brave men and women who choose this line of work.

Federal firefighters face an onerous process to address their occupationally derived illnesses. The current system requires them to go through the Office of Workers' Compensation Programs (OWCP) and prove that their disease is connected to a specific event and carcinogenic exposure. This is a burdensome and time-consuming task that fails to account for the numerous toxic exposures firefighters regularly encounter. To make matters worse, OWCP has a lengthy review process, upwards of 10 months, that delays employee compensation and medical treatment.

Federal firefighters operate in some of the most hazardous environments in the federal service. They respond to threats at military installations, federal research laboratories, veterans' hospitals and other federal sites across the country, and they are exposed to high levels of smoke, heat, stress and toxic elements. The current system fails to adequately take these consistent exposures into account, and it's time for Congress to end this unfair practice. We owe it to them to correct this wrong.

For these reasons, I urge you to vote in favor of the Federal Firefighters Fairness Act of 2021 when it comes to the House floor. Thank you for your consideration of our views. If you have any questions or concerns, please contact NARFE's Staff Vice President for Policy and Programs John Hatton.

Sincerely,

KEN THOMAS,
NARFE National President.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2499 includes 16 diseases on its list presuming they were caused by employment. Many of these diseases can be caused by a wide range of reasons, including diet, environment, and genetics.

For example, skin cancer is one of the most common cancers in the United States. One in five Americans will develop skin cancer in their lifetime, and 9,500 people are diagnosed with skin cancer every day. Factors that increase risks of skin cancer include Sun exposure, family history of melanoma, living in sunny or high-altitude climates, and a history of sunburns.

Lung cancer is the second-most-common cancer. Smoking is by far the leading risk factor for lung cancer, and 80 percent of lung cancer deaths are thought to result from smoking. Yet, unlike 21 State laws, H.R. 2499 does not include a tobacco-use provision, which would disqualify employees who use tobacco products.

□ 1315

Under current law, any employee who contracts skin or lung cancer is eligible for FECA benefits as long as they can demonstrate they contracted their illness through work.

By singling out Federal firefighters, this bill is not fair to postal workers with skin cancer or Federal nurses with lung cancer. This bill throws out integrity measures, weakening the Federal workers' compensation program.

Madam Speaker, I urge my colleagues to oppose the bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, I thank Mr. SCOTT for yielding, and I recognize my friend, Ms. FOXX as well.

Madam Speaker, I have been to the funerals. I know the meaning of "in the line of duty." I have seen the suffering. If I can do anything to help persons who rush in as we rush out, who are willing to put their lives on the line for us, I am going to do it.

Madam Speaker, 48 States have done it. The Federal Government is just a little too late. I have been there.

Madam Speaker, I support the legislation, and I would ask my colleagues to do so as well.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I include in the RECORD two letters: one from the American Federation of Government Employees in support of the legislation, and a joint letter signed by the International Association of Fire Fighters and the International Association of Fire Chiefs.

AFL-CIO, AMERICAN FEDERATION OF
 GOVERNMENT EMPLOYEES,
Washington, DC, March 9, 2022.

Hon. ROBERT C. "BOBBY" SCOTT,
Chairman, House Education and Labor Committee, Washington, DC.

Hon. VIRGINIA FOXX,
Ranking Member, House Education and Labor Committee, Washington, DC.

DEAR CHAIRMAN SCOTT, RANKING MEMBER FOXX, AND MEMBERS OF THE COMMITTEE: On behalf of the American Federation of Government Employees, AFL-CIO (AFGE),

which represents over 700,000 federal and District of Columbia employees including thousands of firefighters across the country, we write to express our strong support for H.R. 2499, the Federal Firefighter Fairness Act and urge the committee to vote to approve this bill through markup and onto the House floor for a vote.

This bipartisan bill introduced by Representative Salud Carbajal would bring parity for federal firefighters with their state, county, and municipal counterparts by creating an automatic presumption of disability for workers compensation for firefighters who develop heart disease or certain forms of cancer. This bill would bring fairness and dignity to firefighters protecting and serving the American people. The difficult pathway to secure workers' compensation would be eased for our nation's heroes. They would finally get the financial support they deserve for putting their lives on the line.

Federal firefighters put their lives on the line every day to protect and serve the American people. Most federal firefighters are located at military facilities. These federal firefighters have specialized training to respond to emergencies involving aircraft, ships, and munitions. Federal firefighters at the Department of Veterans Affairs serve civilians and veterans including chronically ill and bedridden patients. Federal firefighters provide emergency medical services, crash rescue services, and hazardous material containment, as well as fighting fires. Firefighters are frequently exposed to smoke, asbestos, particulate matter, and various toxic chemicals, all of which can cause cancer. These civil servants and American heroes deserve the highest quality data and best public health solutions to help prevent, detect, and treat work-related illnesses.

The National Institute of Occupational Safety and Health (NIOSH) has conducted studies about the prevalence of cancer among firefighters; however, these studies have had two critical flaws: 1) the sample sizes were too small; and 2) they do not include many minority populations. This limited NIOSH's ability to draw productive statistical conclusions from their data. More comprehensive public health data must be collected to develop solutions to preventing the elevated rates of cancer in firefighters. Despite these data limitations, NIOSH researchers recently completed a study of disease incidence and mortality among 30,000 urban firefighters, which confirmed an elevated risk of dying from mesothelioma, lymphoma, and other forms of cancer.

AFGE strongly urges you to support H.R. 2499, the Federal Firefighter Fairness Act and vote to move this bill through the House Education and Labor Committee. For questions or more information please contact Fiona Kohrman.

Sincerely,

JULIE N. TIPPENS,
Legislative Director.

AFL-CIO,
IAFC,
March 14, 2022.

Hon. BOBBY SCOTT,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

Hon. VIRGINIA FOXX,
Ranking Member, Committee on Education and
Labor, House of Representatives, Wash-
ington, DC.

DEAR CHAIRMAN SCOTT AND RANKING MEMBER FOXX: On behalf of the 326,000 professional fire fighters and emergency medical responders of the International Association of Fire Fighters, including 3,500 federal fire fighters, and approximately 12,000 fire and EMS leaders of the International Association of Fire Chiefs, we write in full support of

H.R. 2499, the Federal Firefighters Fairness Act and thank you for marking up the bill. This bipartisan legislation would extend a presumption of occupational illness to federal fire fighters for a limited number of health conditions which studies have indicated are caused by the federal fire fighters' emergency response duties.

Federal fire fighters have some of the most hazardous and sensitive jobs in the country. While protecting our national interests on military installations, federal research laboratories, homeland security facilities, and veterans' hospitals, federal fire fighters are routinely exposed to carcinogenic smoke, toxic substances, high heat, and stress. The cumulative effect of repetitive exposures place fire fighters at an increased risk of developing occupational diseases such as cancers, heart, and lung disease.

In recognition of this fact, 49 states have enacted laws which provide presumptive benefits to fire who routinely combat fires and mitigate hazardous materials incidents side by side with fire fighters from municipal and state fire departments covered by these presumptive laws.

Securing presumptive benefits is critical to obtaining coverage of occupational illness and disease from the Office of Workers' Compensation Programs. Absent a presumptive benefit, federal fire fighters experience delayed access to critically needed medical care, salary, and health insurance benefits. Instead, federal fire fighters must engage in a prolonged administrative process in which they are required to demonstrate with specificity the precise exposure(s) which caused their occupational illness. Cases of cancer are particularly hard to prove—fire fighters must identify the carcinogen to which they were exposed, the duration of each exposure, and the location of the exposure. These requirements fail to recognize the chaotic environment in which fire fighters operate and the cumulative impact of multiple exposures to many different carcinogens over a fire fighter's career. The Federal Firefighters Fairness Act will reduce or eliminate many of the cumbersome and often unattainable requirements currently impeding federal fire fighters from expedited access to the benefits they need and deserve.

Thank you again for your work on this important issue. Labor and management appreciate your consideration of H.R. 2499 and urge the committee to swiftly advance the bill to help ensure all our nation's domestic defenders are provided the care and benefits they need and deserve.

Sincerely,

EDWARD A. KELLY,
General President,
International Association of Fire
Fighters.

FIRE CHIEF KENNETH W.
STUEBING, BHSC, CCP(f),
President and Board
Chair, International
Association of Fire
Chiefs.

Mr. SCOTT of Virginia. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Federal firefighters deserve timely access to critical workers' compensation benefits when they contract an occupational illness. No one is questioning this.

Unfortunately, H.R. 2499 will remove important oversight mechanisms within FECA to create an unequal two-tiered system for Federal firefighters

relative to all other Federal employees.

Further, H.R. 2499 is not grounded in science or, quite frankly, logic. It mandates coverage of certain conditions without sufficient research on their causes and proceeds without the benefit of data from the National Firefighter Registry. This bill also requires the Secretary of Labor to add new diseases to the list of conditions which are presumed to be work-related but are based upon public petitions with no oversight.

Finally, DOL has not indicated any need for a broad presumption of eligibility for Federal firefighters and has directed existing resources to address the needs of Federal firefighters filing occupational illness claims.

My colleagues should support Congressman KELLER's amendment, which would permanently streamline the Department's claim process for Federal firefighters and ensure they receive timely access to medical benefits when they have an occupational illness.

This commonsense solution provides firefighters with the assistance they deserve while preserving the integrity of the Federal Employees' Compensation Program.

For these reasons, my colleagues should reject H.R. 2499 so that Democrats and Republicans can work across the aisle to pursue policies that will help Federal workers, including Federal firefighters, receive the benefits they deserve.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I include in the RECORD the Statement of Administration Policy in support of this legislation.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2499—FEDERAL FIREFIGHTERS FAIRNESS ACT OF 2022—REP. CARBAJAL, D-CA, AND 203 COSPONSORS

The Administration expresses its deep gratitude and admiration for America's firefighters, who brave extraordinarily challenging conditions and dangers to protect our communities, property, and natural resources from increasingly intense and frequent fires. In recognition of their courage and the strong evidence of the physical toll that their service has on their health, the Administration supports passage of H.R. 2499, the Federal Firefighters Fairness Act of 2022.

When a federal employee sustains a work-related injury or disease, the Federal Employees' Compensation Act provides monetary support, medical benefits, and other assistance to help the employee recover and return to work. The program also provides benefits to dependents if a work-related injury or disease causes death.

H.R. 2499 would support federal firefighters by facilitating easier access to critical resources that will help them and their families recover from the trauma and physical harms brought on by their hazardous line of work. Specifically, the bill lists health conditions, such as several forms of cancer or a heart attack or stroke that occurs shortly after battling a fire, that are deemed to be caused by a firefighter's employment. The bill also includes a process for expanding the list as new diseases are identified and linked to firefighting based on scientific evidence.

The President has prioritized addressing the harmful health effects of environmental exposures, particularly among our nation's veterans. This bill is consistent with the Administration's support for expanding access to benefits and services for those harmed by hazards faced in the line of duty.

Additionally, as part of his broader health agenda, the President remains committed to ending cancer as we know it. This includes significant investments in biomedicine and reigniting the cancer moonshot initiative with a goal of reducing the cancer death rate by at least 50 percent over the next 25 years.

Record-setting temperatures, long-term drought, and volatile weather patterns, exacerbated by climate change, have increased the risks and stress for America's 15,000 federal firefighters. When federal firefighters suffer from health conditions associated with their jobs, they and their families deserve the full array of federal benefits to which they are entitled. The Administration looks forward to working with Congress to enact this bipartisan legislation and continue supporting our federal firefighters.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, firefighting has always been a dangerous occupation but in the past few years, it has been particularly difficult for our Nation's firefighters. From battling the unprecedented wildfires across the country to grappling with personnel shortages, Federal firefighters have had to continue their lifesaving work with fewer resources and support.

As we are debating this bill today, Federal firefighters are working alongside others to contain the megafire that is engulfing the State of New Mexico. We thank them for their service, but we should honor them with more than just words. If we are to address the challenges that Federal firefighters face, then we must provide Federal firefighters with at least the same protections that firefighters enjoy at State and local levels.

Simply put, we cannot expect these heroic workers to continue putting themselves in danger for our safety if we cannot ensure that they and their families will have adequate access to compensation and benefits when they need them.

The Federal Firefighters Fairness Act is the solution we need to improve the lives of Federal firefighters and ensure that when they become sick or injured in the line of duty, they will have the support they need to care for themselves and their families.

I thank the gentleman from California (Mr. CARBAJAL) for his leadership on this issue, and I urge all Members to join me in standing behind our Federal firefighters.

Mr. Speaker, I yield back the balance of my time.

Mr. PASCARELL. Mr. Speaker, every day our heroic firefighters risk their lives keeping communities across America safe. We absolutely must have their backs.

As Co-Chair of the Congressional Fire Services Caucus, I led legislation establishing the National Firefighter Cancer Registry to thoroughly study the many occupational hazards and cancer risks that firefighters face.

The link between cancer and firefighting is undeniable. But our nation's more than ten

thousand federal firefighters face a high burden in proving any occupational illness is connected to their job before receiving disability benefits.

I'm proud to cosponsor Rep. CARBAJAL's Federal Firefighter Fairness Act to ensure these brave men and women receive their owed benefits without delay or red tape.

Our federal firefighters work tirelessly to fight behemoth wildfires that grow more extreme each year. The least we can do is protect the benefits they've earned and stand with them.

The SPEAKER pro tempore (Mr. GREEN of Texas). All time for debate has expired.

Each further amendment printed in part D of House Report 117-320 not earlier considered as part of amendments en bloc pursuant to section 6 of House Resolution 1097 shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of further amendments printed in part D of House Report 117-320, not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENTS EN BLOC OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Speaker, pursuant to section 7 of House Resolution 1097, I rise to offer amendments en bloc.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendment Nos. 1, 2, 5, 6, 7 and 8, printed in part D of House Report 117-320, offered by Mr. SCOTT of Virginia:

AMENDMENT NO. 1 OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

Page 6, lines 10 and 11, insert "and gynecological cancer" after "breast cancer" each place it appears.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

At the end of the bill add the following:

SEC. 3. PROTECTION OF FIREFIGHTERS FROM TOXIC CHEMICALS AND OTHER CONTAMINANTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report

that evaluates the health and safety impacts on employees engaged in fire protection activities that result from the employees' exposure to toxic chemicals and other contaminants that could cause human health problems. The report may include information on—

(1) the degree to which such programs and policies include consideration of the possibility of toxic exposure of such employees who may come into contact with residue from fibers, combusted building materials such as asbestos, household chemicals, polymers, flame-retardant chemicals, and other potentially toxic contaminants;

(2) the availability and proper maintenance of professional protective equipment and secure storage of such equipment in employees' homes and automotive vehicles;

(3) the availability of home instructions for employees regarding toxins and contaminants, and the appropriate procedures to counteract exposure to same;

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

(5) other related factors.

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

(c) DEPARTMENT OF LABOR CONSIDERATION.—After issuance of the report required under subsection (a), the Secretary of Labor shall consider such report's findings and assess its applicability for purposes of the amendments made by section 2.

AMENDMENT NO. 5 OFFERED BY MR. STANTON OF ARIZONA

Page 4, after line 24, insert the following:

“(D) NOTIFICATION TO CONGRESS.—Not later than 30 days after making any decision to approve or deny a petition under this paragraph, the Secretary shall notify the Committee on Education and Labor of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate of such decision.”.

AMENDMENT NO. 6 OFFERED BY MS. TLAIB OF MICHIGAN

Page 6, after line 24, insert the following:

(e) REPORT ON AFFECTED EMPLOYEES.—Beginning 1 year after the date of enactment of this Act, the Secretary shall include in each annual report on implementation of the Federal Employees' Compensation Act program and issues arising under it that the Secretary makes pursuant to section 8152 of title 5, United States Code, the total number and demographics of employees with diseases and conditions described in the amendments made by this Act as of the date of such annual report, disaggregated by the specific condition or conditions, for the purposes of understanding the scope of the problem. The Secretary may include any information they deem necessary and, as appropriate, may make recommendations for additional actions that could be taken to minimize the risk of adverse health impacts for Federal employees in fire protection activities.

AMENDMENT NO. 7 OFFERED BY MRS. TORRES OF CALIFORNIA

Page 6, after line 21, insert the following (and redesignate the subsequent subsection accordingly):

(d) REPORT ON FEDERAL WILDLAND FIREFIGHTERS.—The Director of the National Institute for Occupational Safety and Health shall conduct a comprehensive study on long-term health effects that Federal wildland firefighters who are eligible to receive workers' compensation under chapter

81 of title 5, United States Code, experience after being exposed to fires, smoke, and toxic fumes when in service. Such study shall include—

(1) the race, ethnicity, age, gender, and time of service of such Federal wildland firefighters participating in the study; and

(2) recommendations to Congress on what legislative actions are needed to support such Federal wildland firefighters in preventing health issues from this toxic exposure, similar to veterans that are exposed to burn pits.

AMENDMENT NO. 8 OFFERED BY MRS. TORRES OF CALIFORNIA

Page 6, lines 10 and 11, insert “and rhabdomyolysis” after “breast cancer” each place it appears.

The SPEAKER pro tempore. Pursuant to House Resolution 1097, the gentleman from Virginia (Mr. SCOTT) and the gentlewoman from North Carolina (Ms. FOXX) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, there are eight amendments in this en bloc amendment:

One by the gentlewoman from Pennsylvania (Ms. HOULAHAN), which includes a review of the science on gynecological cancers to study the potential risk and connection between fire protection activities and the likelihood of developing those cancers.

One offered by the gentlewoman from Texas (Ms. JACKSON LEE), which adds a study regarding the health and safety impacts on firefighters from exposure to toxic chemicals on the job.

One from the gentleman from Arizona (Mr. STANTON) that requires the Secretary to notify Congress when approving or denying petitions to add diseases to the list.

One from the gentlewoman from Michigan (Ms. TLAIB), to add an annual reporting requirement with data on firefighters with diseases covered by the act and recommendations for additional steps be taken to minimize the risk of adverse health impacts for firefighters.

One by the gentlewoman from California (Mrs. TORRES), to require the National Institute for Occupational Safety and Health to conduct a comprehensive study of long-term health impacts from smoke exposure and other working conditions on Federal wildlands firefighters who receive workers' compensation benefits.

And another by Mrs. TORRES to include a review of the science of rhabdomyolysis and the likelihood of a connection between firefighting work and that disorder.

Mr. Speaker, these amendments make meaningful improvements to the bill. I urge a “yes” vote on en bloc No. 1, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2499 takes away critical oversight of our Federal work-

ers' compensation program, is overly broad, and plays favorites with Federal workers.

Unfortunately, the Democrat amendments take a bad bill and make it worse. These amendments build upon H.R. 2499's flawed policy by directing the Secretary of Labor to consider adding even more diseases to the bill's presumption. H.R. 2499 allows for the Secretary to add diseases unilaterally to the list of diseases presumed to be contracted by Federal firefighters at work. Under the bill, a Federal firefighter with a disease on the list automatically qualifies for FECA benefits, undermining program integrity.

Currently, all FECA claimants must attest that their disease or illness was the result of their employment and must provide supporting medical evidence to the Department of Labor's Office of Workers' Compensation Programs. Without a process to determine whether the illness is work-related, there is nothing to prevent coverage of nonoccupational medical costs from being shifted from private insurance to the Federal Government.

H.R. 2499 is essentially handing over the keys to a nearly \$3 billion program to the Secretary of Labor. The Secretary can add an indefinite number of diseases to the bill's new presumption. The last time Congress gave similar authority to a bureaucrat, the administrator unilaterally added over 60 new diseases without any oversight.

Once this bill is passed, Democrats will move on to creating presumptions for a different group of Federal workers. This bill is a slippery slope, which may result in FECA looking more like a Federal health benefit instead of a workers' compensation program. The studies ordered by the amendment could possibly yield useful information, but it is information we should have before we vote on H.R. 2499. Further, the amendment tacitly acknowledges that we need more information before we vote on this bill.

Congress has already agreed that we need more information on the occupational links between diseases like cancer and firefighting. In fact, in 2018, Congress passed the Firefighter Cancer Registry Act of 2018, which created the National Firefighter Registry. This registry is expected to begin enrollment later this year and will provide reports on its data and findings soon after.

Congress should not legislate on assumptions. We should wait for the CDC's report so we can follow the science and ensure we are addressing the health needs of our Federal workers.

Mr. Speaker, I oppose the Democrats' amendments which are a day late and a dollar short, and I oppose the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Ms. SHERRILL), a

member of the Committee on Education and Labor.

Ms. SHERRILL. Mr. Speaker, I am happy today for the opportunity to speak on this critical legislation that will help thousands of brave, hard-working Americans gain access to the workers' compensation and medical benefits that they so deserve.

Our firefighters in New Jersey and nationwide risk their lives each and every day to keep our communities and families safe, something for which we owe a deep debt of gratitude. But sadly, all too often firefighters contract diseases such as cancer and lung conditions from breathing in smoke or toxic fumes while serving. Then begins a challenging process to receive the compensation and medical benefits that they have earned, causing many to lose out on the benefits they are owed entirely.

□ 1330

Recognizing this injustice, 48 States have enacted legislation to ensure that State and local firefighters are eligible for benefits if they develop these diseases, including New Jersey. But such protections still don't exist for Federal firefighters.

That is why I was so proud to cosponsor this critical bipartisan legislation to finally provide our Nation's Federal firefighters with these long-overdue benefits.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. SHERRILL. This legislation will ensure that these true American heroes are able to afford their medical expenses and provide for their families if their health is harmed while on duty. I strongly encourage my colleagues on both sides of the aisle to vote with me and to pass this legislation today.

Ms. FOXX. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. WESTERMAN).

Mr. WESTERMAN. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I just wanted to point out that there is a glaring issue with this bill that needs to be corrected. On page 5, section D, it has an exemption here. It says that the people who qualify under this legislation, it has to be someone who “performs such activities as a primary responsibility of his or her job.”

Mr. Speaker, we have thousands of forestry technicians, seasonal and temporary firefighters, whose main job is not fighting fires. I believe, the way this legislation is written, they would be excluded from these benefits. These brave men and women fight fires; however, it is not their primary responsibility.

Before legislation like this moves forward, I hope we would be able to at least correct that error. In its current form, I can't support the legislation. I encourage others not to support it in this form.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HOULAHAN).

Ms. HOULAHAN. Mr. Speaker, I rise today in support of my amendment to the Federal Firefighters Fairness Act, which will ensure that our female firefighters can have the healthcare resources that they, too, deserve.

Women have been firefighting in the United States for 200 years—yes, for two centuries. Yet, despite their enormous contributions, female firefighters and first responders have been underrepresented and overlooked when it comes to scientific research and data.

Every day, female firefighters, paramedics, and medical technicians put their lives on the line to keep us and our communities safe. In fact, just last night, firefighters saved the life of a man in West Whiteland, a township that is in my community.

They take care of us, and we need to take care of them, too. As an engineer, I say that it is past time that we use data-driven approaches to keep them safe.

My amendment to include a study on gynecological cancers is very straightforward and common sense. This is how it works: With additional scientific research, we can more thoroughly understand the impact of fire exposure on female firefighters' health, and we can work toward proactive solutions that would minimize those harmful effects.

All frontline workers deserve to be informed about the risks of their work equally. Today, we have an opportunity to fill that knowledge gap that could change the lives of generations of female firefighters and frontline workers to come.

An inclusive workforce is key to fostering innovation and problem-solving and to retaining the very best first responders our community has to offer, and that, of course, includes women.

A better workforce means saving more lives, and it is that simple. Please, let's not leave female firefighters behind.

I urge my colleagues to support my amendment so that we may better equip our researchers, our doctors, our government, our female frontline workers themselves with long-overdue scientific data.

I thank Chairman SCOTT and the leadership for bringing this bill to the floor.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

The underlying bill and this en bloc amendment seem suspiciously to me like run-on bills; that is, somebody has made a commitment to do something in order to enhance his or her reelection. That is what this underlying bill and this en bloc amendment seem like to me.

Let me talk a little more about the en bloc amendment. It combines six amendments offered by Democrats. Three of the amendments would create new studies, examining the prevalence of a certain disease or health impacts

among firefighters, and direct the Secretary of Labor to determine if the disease should be added to the list of presumed illnesses under the bill.

As I have said earlier, if we are going to do studies, for heaven's sake, let's do those studies before we pass a bill like this. We shouldn't be passing studies that might directly affect what it is that is trying to be accomplished by this bill in the bill itself. You know, it is sort of like shutting the barn door after the horse is out.

Another amendment directs the Secretary to report on the demographics of employees with the diseases listed under the bill. One orders a duplicative study.

You know, my colleague from Arkansas made an excellent point when he came in and said, look, there are many other people who are in the area of these fires that are being fought that are not being included in this amendment. So, once again, my colleagues on the other side of the aisle are picking winners and losers among Federal employees.

That is just wrong, Mr. Speaker. That is not our business. This bill is not ready for prime time. There are many things in it that need to be fixed before it is passed. So, I continue to urge my colleagues: Let's not pass this bill.

Republicans are happy to work with our colleagues across the aisle to come up with a good, bipartisan bill that covers the issues that are in this bill and others that are being brought up by our colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, could you advise how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Virginia has 5 minutes remaining. The gentlewoman from North Carolina has 2½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the chairman, and let me also thank the author of this bill, Congressman CARBAJAL, for his leadership.

It is time for this legislation for America's firefighters. I support H.R. 2499, Federal Firefighters Fairness Act of 2022.

Firefighters put their lives on the line, make extraordinary sacrifices, keep us safe, protect us from bodily harm. It is imperative that we return the favor through the Federal Firefighters Fairness Act.

I don't think we can save a life with delay. I don't think we can save a life with putting this bill on the table. What we can say is the time is now.

The legislation has solid bipartisan support because it makes sense to apply to Federal firefighters the same support structure that State and local firefighters have. To do otherwise would be an injustice. It would simply be a shame.

They fight fires alongside each other. When residents are at risk and buildings are ablaze, there is no distinction. There are thousands of them that are dispatched to those wildfires. We need to give them help.

H.R. 2499 levels the playing field. My amendment, however, enhances this bill. It would reinforce that message by elevating awareness of the health and safety impacts that firefighters face through exposure to toxins and other contaminants.

It has been determined through science, research, that firefighters are exposed to more toxins than ever before. As it relates to other health matters, more of them die of cancer, if you will, in the line of duty. But more firefighters are dying overall of cancer.

Such contaminants are encountered at the site of a fire by materials that were incinerated by the fire, particularly carcinogens, asbestos, household chemicals, and polymers, as well as flame-retardant chemicals used to extinguish a fire.

The contaminants also remain with the firefighter thereafter in their clothing, automobiles, and other means of toxic transmission. They take it home. Such lingering toxicity can also impact the health and safety of the firefighters' family members, which this amendment will help look at, which can weigh heavily in the thoughts of a firefighter in the course of their work.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE. The Jackson Lee amendment embodies the important and fundamental idea that we have an obligation to ensure that firefighters who protect our loved ones have the peace of mind that comes from knowing that they and their loved ones are safe while they do their duty, undertaking heroic actions to protect the public.

I am passionate about the work of these firefighters. I work with them all the time in Texas and, particularly, in Houston. They are the ones that are called in a freeze. They are called in a fire. They are called in a tornado. They are called in a hurricane. All these matters expose them to toxins.

It is important that Federal firefighters, along with State and local firefighters, have these protections.

The GAO study will be provided by the Jackson Lee amendment, and all will be better off. I ask my colleagues to support the amendment.

Mr. Speaker, I rise in strong support of H.R. 2499, the "Federal Firefighters Fairness Act of 2022."

Firefighters put their lives on the line and make extraordinary sacrifices to keep us safe and protect us from bodily harm. It's imperative that we return the favor, and through the Federal Firefighters Fairness Act, we take a major step toward preserving their health and securing their lives following their firefighting service.

This legislation has solid bipartisan support because it makes sense to apply to federal firefighters the same support structure as state and local firefighters. To do otherwise would be an injustice. They fight fires alongside each other. When residents are at risk and buildings are ablaze, there is no distinction according to the jurisdiction under which they work.

H.R. 2499 levels the playing field, ensuring that federal firefighters who face health challenges won't also have to face bureaucratic challenges that state and local governments do not impose on their firefighters.

My amendment to H.R. 2499 would reinforce that message by elevating awareness of the health and safety impacts that firefighters face through exposure to toxins and other contaminants.

Such contaminants are encountered at the site of a fire by materials that were incinerated by the fire, such as carcinogens, asbestos, household chemicals, and polymers, as well as flame retardant chemicals used to extinguish a fire.

The contaminants can also remain with the firefighter thereafter in their clothing, automobiles, and other means of toxic transmissions. Such lingering toxicity can also impact the health and safety of a firefighter's family members, which can weigh heavily into the thoughts of a firefighter in the course of their work.

The Jackson Lee amendment embodies the important and fundamental idea that we have an obligation to ensure that firefighters who protect our loved ones have the peace of mind that comes from knowing that they and their loved ones are safe while they do their duty, undertaking heroic actions to protect the public.

I am passionate about the work of those who dedicate themselves to public service, such as firefighters who are among the ultimate public servants, placing their lives in harm's way to save strangers.

In the case of large-scale fires—whether they involve buildings in urban areas, homes in any environment, or forest fires—the risk of firefighters' exposure to a variety of toxins and contaminants is commensurate with the scope and intensity of the fire they are fighting. Large-scale fires thus amplify the risks of exposure.

It is important that federal, state, and local officials consider all of these risks and make plans to preserve health and safety, partly as a matter of fairness and responsibility, and partly to ensure strong morale among firefighters who respond to these emergencies.

The GAO study that will be provided by the Jackson Lee amendment will report on what is being done to address these needs. The review will also consider the effects on high-risk urban areas and rural communities, and may recommend appropriate actions pursuant to their conclusions.

Thank you, Mr. Speaker, for bringing this very important bipartisan legislation to the Floor today.

I urge all my colleagues to support the bill, including the Jackson Lee amendment and the entire en bloc amendment.

Ms. FOXX. Mr. Speaker, may I inquire as to how much time is remaining on the debate. How much time do I have remaining on the debate?

The SPEAKER pro tempore. Each side has 2½ minutes remaining.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I have outlined the problems with the amendment that is under consideration now, the amendments en bloc. My colleague from Arkansas came down to discuss the underlying bill, H.R. 2499. But I am going to make a few more comments about this.

H.R. 2499 creates an unfair, two-tiered system for Federal employees, as I have already pointed out. The bill entitles firefighters who contract certain illnesses to automatic benefits under the Federal Employees' Compensation Act.

Under the bill, if a Federal Border Patrol agent contracts skin cancer from sun exposure due to his or her duties, that agent would go through FECA's claim process, as all Federal employees have done since the program was created, but the agent would not be presumed to have contracted the illness at work. Meanwhile, a Federal firefighter with skin cancer would automatically receive benefits.

If a Federal nurse were to contract chronic obstructive pulmonary disease, COPD, from inhaling medical products, the nurse would go through FECA's claim process, while a Federal firefighter with COPD would automatically receive benefits.

On the other hand, if Federal firefighters contract lung cancer from smoking, they are automatically entitled to benefits under this legislation. Other Federal employees who contract lung cancer from smoking will likely not be eligible for benefits because their disease is not caused by their occupation. The Federal Government should not treat workers differently based on their occupation.

I encourage my colleagues to reject this unfair bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. STANTON).

Mr. STANTON. Mr. Speaker, as we consider this legislation, it is important that we not forget the sacrifices made by all who serve. In my home State of Arizona, we continue to experience unprecedented wildfires year after year.

Our Federal firefighters are on the front lines, putting themselves in harm's way to keep our communities safe. It is time we provide them with the care they need and deserve.

The amendment I am supporting is straightforward. It simply requires the Secretary of Labor to report to Congress when petitions to add diseases to the list of presumptive work-related illnesses for firefighters are approved or denied.

This amendment will ensure Congress is made aware of petitions submitted and changes to the list, ensuring further accountability in the decisionmaking process.

At its core, this amendment aims to promote good governance, reporting, and transparency.

Ms. FOXX. Mr. Speaker, is the gentleman prepared to close? I believe I have the right to close.

The SPEAKER pro tempore. The gentlewoman is correct.

Ms. FOXX. Is the gentleman from Virginia prepared to close?

Mr. SCOTT of Virginia. I have one additional speaker, and then I will close. And I believe that the gentlewoman from North Carolina has the right to close.

The SPEAKER pro tempore. The gentleman is correct.

Ms. FOXX. Mr. Speaker, could I inquire again as to how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman has 30 seconds remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. TLAIB).

Ms. TLAIB. Mr. Speaker, I begin by thanking Congressman CARBAJAL, as well as Chairman SCOTT, for helping and leading this effort, as well as, of course, our committee staff for working with me on this amendment.

□ 1345

This is a commonsense, good-governance amendment that allows for a deep dive into the backgrounds of employees that are experiencing diseases and conditions covered under this act.

The report will help us better understand the health challenges facing firefighters and identify and address any differences in condition prevalence across the different populations.

Additionally, my amendment provides a space for the Secretary to make further recommendations to allow Congress to address some of the additional actions needed to help take care of those in providing health and safety for Federal firefighters.

Mr. Speaker, I am very blessed to have this opportunity to lead this action and to help our firefighters get the protection that they need. I urge my colleagues to please support this amendment.

Ms. FOXX. Mr. Speaker, I will allow the gentleman to close and then I will close, Mr. Speaker.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, these amendments make meaningful improvements to the bill, and I hope they will be adopted. I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague from Virginia and I get along often on legislation, we try very hard to be bipartisan. I have to respectfully disagree that this amendment improves the bill.

What we need to do is put this bill off and come up with a very good bipartisan bill. We want to protect firefighters as much as the other side does. We value them very much, but this is not the legislation we need to do that. There are many Federal employees that need to be valued and appreciated, and we could do much better than this bill.

Mr. Speaker, I urge my colleagues to vote “no” on the en bloc amendment and “no” on the underlying bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1097, the previous question is ordered on the amendments en bloc offered by the gentleman from Virginia (Mr. SCOTT).

The question is on the amendments en bloc.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. GREENE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 3 OFFERED BY MR. JOYCE OF OHIO

The SPEAKER pro tempore. It is now in order to consider amendment No. 3 printed in part D of House Report 117-320.

Mr. JOYCE of Ohio. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

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

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

(1) amend section 10.121 of title 20, Code of Federal Regulations, by striking “30 days” and inserting “60 days”; and

(2) modify the Federal Employees Compensation Act manual to reflect the changes to such section made by the Secretary pursuant to paragraph (1).

The SPEAKER pro tempore. Pursuant to House Resolution 1097, the gentleman from Ohio (Mr. JOYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JOYCE of Ohio. Mr. Speaker, my amendment is to add the text of the Kenneth Meisel Public Servants' Claimant Fairness Act to the underlying text of the legislation.

Currently, the deadline for Federal employees to provide the Office of Workers' Compensation Programs with information supporting a claim for benefits is unrealistically short, just 30 days.

This deprives many employees and their families of the benefits intended to support them through difficult times, including after traumatic injury or death.

The Kenneth Meisel Public Servants' Claimant Fairness Act would amend the Federal Employees Compensation Act to establish that claimants who have been asked to provide additional evidence supporting their occupational illness, traumatic injury, or death

claim have at least 60 days to provide such evidence.

By allowing additional time for employees and their families to provide pertinent information, this bill would ensure that our public servants receive the assistance they are entitled to when they are injured on the job.

Mr. Speaker, I am proud to offer this bipartisan amendment, and I urge my colleagues to support it. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent to claim the time in opposition, even though I am not opposed to it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, for the reasons articulated by the gentleman from Ohio, I support the amendment, and I yield back the balance of my time.

Mr. JOYCE of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Georgia (Mrs. GREENE).

Mrs. GREENE of Georgia. Mr. Speaker, I rise in opposition to the Federal Firefighters Fairness Act, not that we shouldn't be taking care of our firefighters, who are some of the greatest among us, endangering their lives fighting fires—we appreciate everything that they do.

I rise in opposition to this bill because this bill is unfair in the way that it is written. You see, it looks like, and it reads to be really a way to use Federal firefighters but uses them in a way to introduce policies like Medicare for All.

Medicare for All is not something that we should be doing in our country. This is the type of health insurance that would fail every single American. Using Federal firefighters and providing them with treatment automatically for certain diagnoses, even if it doesn't have anything to do with their job, isn't the right type of legislation for Congress to be passing.

We should work together on a bill that can take care of our Federal firefighters without introducing concepts that are found in Medicare for All.

Mr. JOYCE of Ohio. Mr. Speaker, I urge support of my amendment, and I yield back the balance of my time.

Mr. CARSON. Mr. Speaker, I rise today in support of H.R. 2499, the Federal Firefighters Fairness Act of 2022, and the Joyce/Carson amendment. Our bipartisan amendment adds the language of our bill, the Kenneth Meisel Public Servants' Claimant Fairness Act. This important change will increase the time, from 30 days to 60 days, that federal employees have to provide supporting documentation to the Office of Workers' Compensation Programs to support their occupational illness, traumatic injury, or death claim.

This is very important because firefighters have a much higher rate of

cancer than the general public, and this amendment to the Federal Employees Compensation Act will reduce an unnecessary burden on public servants, like our brave men and women who fight fires to keep us safe every day.

I, like my colleagues, have a solemn responsibility to take care of our public servants when they are hurt or injured in the course of carrying out their duties. Firefighters from my district in Indianapolis have shared heart-breaking stories that make it very clear that this amendment can help ensure they're compensated after injuries on the job. We must not let a month's worth of time be the cause of not being able to put food on the table, not being able to pay medical bills, or worrying about how to make ends meet. We're talking about not just our public servants, but also ensuring their families are taken care of when they can't work. This is a problem in all our districts, and it is a problem whose solution is simple and long overdue.

Firefighters know the risk involved in their line of work, but they bravely put lives of others first while they work. We must now put these brave men and women first and pass this bipartisan amendment. I urge my colleagues to vote in favor of this amendment, and the underlying bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1097, the previous question is ordered on the amendment offered by the gentleman from Ohio (Mr. JOYCE).

The question is on the amendment offered by the gentleman from Ohio (Mr. JOYCE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. GREENE of Georgia. Mr. Speaker, on that I demand the yeas and nays. The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENT NO. 4 OFFERED BY MR. KELLER

The SPEAKER pro tempore. It is now in order to consider amendment No. 4 printed in part D of House Report 117-320.

Mr. KELLER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all of the text and insert the following:

SECTION 1. FIREFIGHTER SPECIAL CLAIMS UNIT.

(a) IN GENERAL.—Chapter 81 of title 5, United States Code (known as the “Federal Employees’ Compensation Act”) is amended by inserting after section 8152 the following:

“§ 8153. Firefighter Special Claims Unit.

“There is established in the Office of Workers’ Compensation Programs of the Department of Labor the Firefighter Special Claims Unit. The Firefighter Special Claims Unit shall be responsible for processing any claim relating to occupational disease filed

by a Federal firefighter, including a wildland firefighter or forestry technician, on or after the date of enactment of this Act under this chapter.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8152 the following:

“8153. Firefighter Special Claims Unit.”.

SEC. 2. GAO REPORT.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the health care benefits and treatment under chapter 81 of title 5, United States Code (known as the “Federal Employees’ Compensation Act”) provided to Federal firefighters with the following conditions:

- (1) Bladder cancer.
- (2) Brain cancer.
- (3) Breast cancer.
- (4) Chronic obstructive pulmonary disease.
- (5) Colorectal cancer.
- (6) Esophageal cancer.
- (7) Kidney cancer.
- (8) Leukemias.
- (9) Lung cancer.
- (10) Mesothelioma.
- (11) Multiple myeloma.
- (12) Non-Hodgkin lymphoma.
- (13) Prostate cancer.
- (14) Skin cancer (melanoma).
- (15) A sudden cardiac event or stroke while, or not later than 24 hours after, engaging in activities related to the employee’s occupation.
- (16) Testicular cancer.
- (17) Thyroid cancer.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of any known barriers to the delivery of health care to Federal firefighters submitting an occupational claim under chapter 81 of title 5, United States Code (known as the “Federal Employees’ Compensation Act”), including denials of claims and delays in the processing of claims, and the degree to which such barriers impact the ability of firefighters with legitimate medical needs, including firefighters in rural areas, to access treatment for diseases described in subsection (a);

(2) an evaluation of the claims submitted by firefighters and survivors under such Act that have been approved, denied, or are waiting for a final determination, including—

(A) the percentages of claims approved; and

(B) the average amount of time it takes for a claim to be resolved; and

(3) a description of the standard that the Department of Labor is using to determine causation with respect to such claims, including information on how the Department created such standard and the frequency with which the Department regularly updates the standard to take into account the latest scientific research, if at all.

The SPEAKER pro tempore. Pursuant to House Resolution 1097, the gentleman from Pennsylvania (Mr. KELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all Federal workers deserve timely access to medical benefits under the Federal Employees’ Compensation Act when they contract an

occupational illness, whether the worker is a nurse, a Border Patrol agent, a forestry technician, or a firefighter.

Congress should be doing everything in its power to ensure that the Federal workers’ compensation program is adequately addressing the needs of our Nation’s public servants.

Unfortunately, H.R. 2499 does not do that. It removes critical program integrity measures and treats our Nation’s Federal workers unequally. Republicans want to ensure that FECA treats all Federal workers appropriately while addressing the unique needs of Federal firefighters who have contracted an occupational illness.

My amendment would make permanent a streamlined and improved claims process for Federal firefighters by codifying the Labor Department’s Firefighter Special Claims Unit.

The Firefighter Special Claims Unit builds upon the recent work of the Department to ensure that firefighters who contracted an occupational illness will always have access to a streamlined claims process and will receive assistance when filing claims.

My amendment also directs the GAO to examine whether Federal firefighters filing occupational illness claims face barriers to receiving healthcare benefits under FECA.

A report by the GAO will give us the clarity we need to determine whether a presumption of eligibility is necessary and should be applied to benefit claims by Federal firefighters.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I think the amendment offered by the gentleman from Pennsylvania is eminently sensible and we should all be supporting it. It is a small thing to make a bad bill a little bit better.

As I said before, we should not be voting on this bill, we should put it off until we can have a good bipartisan effort. What he is doing here would make a bad bill better, and I support the amendment.

Mr. KELLER. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to this amendment.

We have heard during the debate that the bill gives too much power to the Department of Labor by giving it unfettered discretion to add diseases to a list of presumptive benefits. That is not correct.

Any decision by the Department of Labor to add or not to add a disease to the list is governed by the Administra-

tive Procedure Act, which prohibits arbitrary or capricious decisions.

The bill also spells out the basis for those decisions: a disease can only be added if the Secretary determines, on the basis of the best available scientific evidence, that firefighters have a significant risk of developing that disease. These are limits on discretion that agencies and the courts are familiar with.

We have also heard that the bill is unnecessary because the Department of Labor published a bulletin sending some high-priority firefighter illness claims to a special claims unit for streamlined claim processing.

There is a significant difference between a bulletin written by one administration that a later administration can simply revoke, and a law with mandatory, nondiscretionary duties.

Instead of depending on decisions by a medical adviser about whether a firefighter has proven that his or her illness was caused by his on-the-job efforts, this bill establishes clear presumptions that workers can actually rely on.

Moreover, the administration’s bulletin cuts off its special claims procedures for diseases that develop more than 10 years after a firefighter left his job. We know that many diseases on the list can take more than 10 years to develop. Mesothelioma, for example, typically takes as much as 30 years to develop after exposure to asbestos.

□ 1400

The underlying bill does not have that shortcoming.

We have heard that we should wait and do more studies. Mr. Speaker, this bill has been introduced in every Congress for 20 years. If we believe that we and our Federal firefighters have waited 20 years and if there are studies that need to be done, those studies should have been done. State and local firefighters have enjoyed the protections of this bill during those 20 years, and it is about time that our Federal firefighters get those same protections.

We have heard that this is extraordinary to provide firefighters with a benefit based on a presumption and that somehow that is unfair. But we have already had other categories of Federal employees who are accorded benefits based on some presumptions.

The energy workers program provides certain Department of Energy employees and contractors presumption-based benefits for the cancers and other illnesses that they are at a heightened risk of developing.

Similarly, the Department of Veterans Affairs presumes that certain conditions and disabilities were caused by military service. For example, Vietnam veterans diagnosed with certain cancers who were exposed to Agent Orange are presumed to have service-related disability. There are other programs such as the black lung benefits program and the program for 9/11 first responders at the World Trade Center which likewise operate in many cases based on presumptions.

Finally, as we have mentioned many times, 49 States already offer presumptive benefits to firefighters diagnosed with certain cancers and heart and lung diseases. This bill is in line with other examples of presumptive benefits available to workers who have a high-risk occupation and a high risk of contracting certain diseases.

Federal firefighters have waited long enough for Congress to respond, and we must finally give them the opportunity to secure the benefits that they need and deserve.

For that reason, Mr. Speaker, I urge a “no” vote on this amendment and a “yes” vote on the underlying bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 1097, the previous question is ordered on the amendment offered by the gentleman from Pennsylvania (Mr. KELLER).

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KELLER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KELLER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SOTO). Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

The following amendments to H.R. 2499:

En bloc amendment offered by Mr. SCOTT of Virginia;

Amendment No. 3;

Amendment No. 4;

Passage of H.R. 2499, if ordered; and Motions to suspend the rules and pass the following bills:

H.R. 847;

H.R. 5324;

S. 66;

H.R. 7077;

H.R. 1437;

S. 1872;

H.R. 5911;

H.R. 5914;

H.R. 935;

H.R. 7066;

H.R. 7081;

H.R. 6891;

H.R. 6899;

H.R. 6531;

H.R. 224;

H.R. 700;

H.R. 5900; and

H.R. 6386.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

AMENDMENTS EN BLOC OFFERED BY MR. SCOTT OF VIRGINIA

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unin-

ished business is the question on amendments en bloc printed in House Report 117-320 offered by the gentleman from Virginia (Mr. SCOTT), on which further proceedings were postponed and on which the yeas and nays were ordered.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

The SPEAKER pro tempore. The question is on the amendments en bloc offered by the gentleman from Virginia (Mr. SCOTT).

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 9, as follows:

[Roll No. 146]

YEAS—224

Adams	Foster	Morelle
Agullar	Frankel, Lois	Moulton
Allred	Galleo	Mrvan
Auchincloss	Garamendi	Murphy (FL)
Axne	Garcia (IL)	Nadler
Barragan	Garcia (TX)	Napolitano
Bass	Golden	Neal
Beatty	Gomez	Neguse
Beyer	Gonzalez,	Newman
Bishop (GA)	Vicente	Norcross
Blumenauer	Gottheimer	O'Halleran
Blunt Rochester	Green, Al (TX)	Obermole
Bonamici	Grijalva	Ocasio-Cortez
Bost	Harder (CA)	Omar
Bourdeaux	Hayes	Pallone
Bowman	Higgins (NY)	Panetta
Boyle, Brendan	Himes	Pappas
F.	Hollingsworth	Pascarell
Brown (MD)	Horsford	Payne
Brown (OH)	Houlahan	Perlmutter
Brownley	Hoyer	Peters
Bush	Huffman	Phillips
Bustos	Jackson Lee	Pingree
Butterfield	Jacobs (CA)	Pocan
Carbajal	Jayapal	Porter
Cardenas	Jeffries	Pressley
Carson	Johnson (GA)	Price (NC)
Carter (LA)	Johnson (TX)	Quigley
Cartwright	Jones	Raskin
Case	Kahle	Rice (NY)
Casten	Kaptur	Ross
Castor (FL)	Katko	Roybal-Allard
Castro (TX)	Keating	Ruiz
Cherfilus-	Kelly (IL)	Ruppersberger
McCormick	Khanna	Rush
Chu	Kildee	Ryan
Ciilline	Kilmer	Sanchez
Clark (MA)	Kim (NJ)	Sarbanes
Clarke (NY)	Kind	Scanlon
Cleaver	Kirkpatrick	Schakowsky
Clyburn	Krishnamoorthi	Schiff
Cohen	Kuster	Schneider
Connolly	Lamb	Schrader
Cooper	Langevin	Schrier
Correa	Larsen (WA)	Scott (VA)
Costa	Larson (CT)	Scott, David
Courtney	Lawrence	Sewell
Craig	Lawson (FL)	Sherman
Crist	Lee (CA)	Sherrill
Crow	Lee (NV)	Sires
Cuellar	Leger Fernandez	Slotkin
Davids (KS)	Levin (CA)	Smith (WA)
Davis, Danny K.	Levin (MI)	Soto
Dean	Lieu	Spanberger
DeFazio	Lofgren	Stansbury
DeGette	Luria	Stanton
DeLauro	Lynch	Stevens
DelBene	Malinowski	Suozzi
Delgado	Malliotakis	Swalwell
Demings	Maloney,	Takano
DeSaulnier	Carolyn B.	Thompson (CA)
Deutch	Maloney, Sean	Thompson (MS)
Dingell	Manning	Titus
Doggett	Matsui	Tlaib
Doyle, Michael	McBath	Tonko
F.	McCollum	Torres (CA)
Emmer	McEachin	Torres (NY)
Escobar	McGovern	Trahan
Eshoo	McNerney	Trone
Espallat	Meeks	Underwood
Evans	Meng	Upton
Fitzpatrick	Mfume	Vargas
Fletcher	Moore (WI)	Veasey

Velázquez
Wasserman
Schultz
Waters

Watson Coleman
Welch
Wexton
Wild

Williams (GA)
Wilson (FL)
Yarmuth

NAYS—195

Aderholt	Gohmert	Mooney
Allen	Gonzales, Tony	Moore (AL)
Amodei	Gonzalez (OH)	Moore (UT)
Armstrong	Good (VA)	Mullin
Arrington	Gooden (TX)	Murphy (NC)
Babin	Gosar	Nehls
Bacon	Granger	Newhouse
Baird	Graves (LA)	Norman
Balderson	Graves (MO)	Owens
Banks	Green (TN)	Palazzo
Barr	Greene (GA)	Palmer
Bentz	Griffith	Pence
Bergman	Grothman	Perry
Bice (OK)	Guest	Pfuger
Biggs	Guthrie	Posey
Bilirakis	Harris	Reschenthaler
Bishop (NC)	Harshbarger	Rice (SC)
Boebert	Hartzler	Rodgers (WA)
Brady	Hern	Rogers (AL)
Brooks	Herrell	Rogers (KY)
Buchanan	Herrera Beutler	Rose
Buck	Hice (GA)	Rosendale
Bucshon	Higgins (LA)	Rouzer
Burchett	Hill	Roy
Burgess	Hinson	Rutherford
Calvert	Hudson	Salazar
Cammack	Huizenga	Scalise
Carey	Issa	Schweikert
Carl	Jackson	Scott, Austin
Carter (GA)	Jacobs (NY)	Sessions
Carter (TX)	Johnson (LA)	Simpson
Cawthorn	Johnson (OH)	Smith (MO)
Chabot	Johnson (SD)	Smith (NE)
Cheney	Jordan	Smith (NJ)
Cline	Joyce (OH)	Smucker
Cloud	Joyce (PA)	Spartz
Clyde	Keller	Staubert
Cole	Kelly (MS)	Steel
Comer	Kelly (PA)	Stefanik
Crawford	Kim (CA)	Steil
Crenshaw	Kustoff	Steube
Curtis	LaHood	Stewart
Davidson	LaMalfa	Taylor
Davis, Rodney	Lamborn	Tenney
DesJarlais	Latta	Thompson (PA)
Diaz-Balart	LaTurner	Tiffany
Duncan	Lesko	Timmons
Dunn	Letlow	Turner
Ellzey	Long	Valadao
Estes	Loudermilk	Van Drew
Fallon	Lucas	Van Duyn
Feenstra	Luetkemeyer	Wagner
Ferguson	Mace	Walberg
Fischbach	Mann	Walorski
Fitzgerald	Massie	Waltz
Fleischmann	Mast	Weber (TX)
Franklin, C.	Fox	Webster (FL)
Scott	McCarthy	Wenstrup
Fulcher	McCaul	Westerman
Gaetz	McClain	Williams (TX)
Gallagher	McClintock	Wilson (SC)
Garbarino	McHenry	Wittman
Garcia (CA)	Meijer	Womack
Gibbs	Meuser	Zeldin
Gimenez	Miller (IL)	
	Miller (WV)	
	Moolenaar	

NOT VOTING—9

Bera	Kinziger	Miller-Meeks
Budd	Lowenthal	Speier
Donalds	McKinley	Strickland

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Mr. WALTZ changed his vote from “yea” to “nay.”

Mr. UPTON changed his vote from “nay” to “yea.”

So the en bloc amendments were agreed to.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Amodei	Brownley	Cawthorn (Moore
(Balderson)	(Kuster)	(AL))
Bourdeaux	Carter (LA)	Correa (Costa)
(Wexton)	(Jeffries)	Cuellar (Garcia
Brown (MD)	Castro (TX)	(TX))
(Trone)	(Garcia (TX))	