

# Calendar No. 415

118TH CONGRESS  
2D SESSION

# S. 930

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2023

Ms. KLOBUCHAR (for herself, Mr. CRAMER, Ms. DUCKWORTH, Mr. BARRASSO, Mr. WELCH, Mrs. FISCHER, Mrs. SHAHEEN, Mr. RUBIO, Mr. WHITEHOUSE, Mr. CRUZ, Mr. DURBIN, Mr. OSSOFF, Mr. COONS, Mr. BLUMENTHAL, Ms. HIRONO, Mr. BOOKER, Mr. PADILLA, Ms. BUTLER, Mr. GRAHAM, Mr. CORNYN, Mr. HAWLEY, Mr. COTTON, Mr. TILLIS, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 5, 2024

Reported by Mr. DURBIN, with an amendment

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

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

8 (a) IN GENERAL.—

9 “(p) EXPOSURE-RELATED CANCERS.—

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

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

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

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

20 “(i) bladder cancer;

21 “(ii) brain cancer;

22 “(iii) breast cancer;

23 “(iv) cervical cancer;

24 “(v) colon cancer;

25 “(vi) colorectal cancer;

26 “(vii) esophagus cancer;

- 1                   “~~(viii)~~ kidney cancer;
- 2                   “~~(ix)~~ leukemia;
- 3                   “~~(x)~~ lung cancer;
- 4                   “~~(xi)~~ malignant melanoma;
- 5                   “~~(xii)~~ mesothelioma;
- 6                   “~~(xiii)~~ multiple myeloma;
- 7                   “~~(xiv)~~ non-Hodgkins lymphoma;
- 8                   “~~(xv)~~ ovarian cancer;
- 9                   “~~(xvi)~~ prostate cancer;
- 10                  “~~(xvii)~~ skin cancer;
- 11                  “~~(xviii)~~ stomach cancer;
- 12                  “~~(xix)~~ testicular cancer;
- 13                  “~~(xx)~~ thyroid cancer;
- 14                  “~~(xxi)~~ any form of cancer that is con-
- 15                  sidered a WTC-related health condition
- 16                  under section ~~3312(a)~~ of the Public Health
- 17                  Service Act (~~42 U.S.C. 300mm-22(a)~~);
- 18                  and
- 19                  “~~(xxii)~~ any other form of cancer that
- 20                  the Bureau may determine appropriate in
- 21                  accordance with paragraph ~~(3)~~.
- 22                  “~~(2)~~ PERSONAL INJURY SUSTAINED IN THE
- 23                  LINE OF DUTY.—
- 24                  “~~(A)~~ IN GENERAL.—Subject to subpara-
- 25                  graph ~~(B)~~, as determined by the Bureau, the

1 death or permanent and total disability of a  
2 public safety officer due to an exposure-related  
3 cancer shall be presumed to constitute a per-  
4 sonal injury within the meaning of subsection  
5 (a), sustained in the line of duty by the officer  
6 and directly and proximately resulting in death  
7 or permanent and total disability, if—

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

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

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

23 “(iv) the exposure-related cancer di-  
24 rectly and proximately results in the death

1 or permanent and total disability of the  
2 public safety officer.

3 “(B) EXCEPTION.—The presumption  
4 under subparagraph (A) shall not apply to the  
5 death or permanent and total disability of a  
6 public safety officer due to an exposure-related  
7 cancer if competent medical evidence establishes  
8 that the exposure-related cancer was unrelated  
9 to the exposure or contact described in subpara-  
10 graph (A)(i).

11 “(3) ADDITIONAL EXPOSURE-RELATED CAN-  
12 CERS.—

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

14 “(i) periodically review the definition  
15 of ‘exposure-related cancer’ under para-  
16 graph (1); and

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

22 “(B) BASIS FOR DETERMINATION.—The  
23 Director shall add a type of exposure-related  
24 cancer to the definition of ‘exposure-related  
25 cancer’ under paragraph (1) upon a showing by

1 a petitioner or the Director's own determina-  
2 tion, based on the weight of the best available  
3 scientific evidence, that there is a significant  
4 risk to public safety officers engaged in public  
5 safety activities of developing the type of expo-  
6 sure-related cancer.

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

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

19 “(i) IN GENERAL.—Any person may  
20 petition the Director to add a type of expo-  
21 sure-related cancer to the definition of ‘ex-  
22 posure-related cancer’ under paragraph  
23 (1).

24 “(ii) CONTENT OF PETITION.—A peti-  
25 tion under clause (i) shall provide informa-

1           tion to show that there is sufficient evi-  
2           dence, based on the weight of the best  
3           available scientific evidence, of significant  
4           risk to public safety officers engaged in  
5           public safety activities of developing such  
6           exposure-related cancer from their employ-  
7           ment.

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

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

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

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

7       (a) **IN GENERAL.**—Section 3 of the Safeguarding  
 8 America’s First Responders Act of 2020 (34 U.S.C.  
 9 10281 note) is amended by adding at the end the fol-  
 10 lowing:

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

15       (b) **APPLICABILITY.**—

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

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



1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Honoring Our Fallen*  
 3 *Heroes Act of 2024”.*

4 **SEC. 2. HONORING OUR FALLEN HEROES.**

5 (a) **CANCER-RELATED DEATHS AND DISABILITIES.**—

6 (1) **IN GENERAL.**—*Section 1201 of title I of the*  
 7 *Omnibus Crime Control and Safe Streets Act of 1968*  
 8 *(34 U.S.C. 10281) is amended by adding at the end*  
 9 *the following:*

10 “(p) **EXPOSURE-RELATED CANCERS.**—

11 “(1) **DEFINITIONS.**—*In this subsection:*

12 “(A) **CARCINOGEN.**—*The term ‘carcinogen’*  
 13 *means an agent that is—*

14 “(i) *classified by the International*  
 15 *Agency for Research on Cancer under*  
 16 *Group 1 or Group 2A; and*

17 “(ii) *reasonably linked to an exposure-*  
 18 *related cancer.*

19 “(B) **DIRECTOR.**—*The term ‘Director’*  
 20 *means the Director of the Bureau.*

21 “(C) **EXPOSURE-RELATED CANCER.**—*As up-*  
 22 *dated from time to time in accordance with*  
 23 *paragraph (3), the term ‘exposure-related cancer’*  
 24 *means—*

25 “(i) *bladder cancer;*

26 “(ii) *brain cancer;*

- 1                   “(iii) breast cancer;
- 2                   “(iv) cervical cancer;
- 3                   “(v) colon cancer;
- 4                   “(vi) colorectal cancer;
- 5                   “(vii) esophageal cancer;
- 6                   “(viii) kidney cancer;
- 7                   “(ix) leukemia;
- 8                   “(x) lung cancer;
- 9                   “(xi) malignant melanoma;
- 10                  “(xii) mesothelioma;
- 11                  “(xiii) multiple myeloma;
- 12                  “(xiv) non-Hodgkins lymphoma;
- 13                  “(xv) ovarian cancer;
- 14                  “(xvi) prostate cancer;
- 15                  “(xvii) skin cancer;
- 16                  “(xviii) stomach cancer;
- 17                  “(xix) testicular cancer;
- 18                  “(xx) thyroid cancer;
- 19                  “(xxi) any form of cancer that is con-
- 20                  sidered a WTC-related health condition
- 21                  under section 3312(a) of the Public Health
- 22                  Service Act (42 U.S.C. 300mm–22(a)); and
- 23                  “(xxii) any form of cancer added to
- 24                  this definition pursuant to an update in ac-
- 25                  cordance with paragraph (3).

1           “(2) *PERSONAL INJURY SUSTAINED IN THE LINE*  
2           *OF DUTY.*—

3           “(A) *IN GENERAL.*—Subject to subpara-  
4           graph (B), as determined by the Bureau, the ex-  
5           posure of a public safety officer to a carcinogen  
6           shall be presumed to constitute a personal injury  
7           within the meaning of subsection (a) or (b) sus-  
8           tained in the line of duty by the officer and di-  
9           rectly and proximately resulting in death or per-  
10          manent and total disability, if—

11           “(i) the exposure occurred while the  
12          public safety officer was engaged in line of  
13          duty action or activity;

14           “(ii) the public safety officer began  
15          serving as a public safety officer not fewer  
16          than 5 years before the date of the diagnosis  
17          of the public safety officer with an exposure-  
18          related cancer;

19           “(iii) the public safety officer was di-  
20          agnosed with the exposure-related cancer not  
21          more than 15 years after the public safety  
22          officer’s last date of active service as a pub-  
23          lic safety officer; and

24           “(iv) the exposure-related cancer di-  
25          rectly and proximately results in the death

1           or permanent and total disability of the  
2           public safety officer.

3           “(B) *EXCEPTION.*—*The presumption under*  
4           *subparagraph (A) shall not apply if competent*  
5           *medical evidence establishes that the exposure of*  
6           *the public safety officer to the carcinogen was*  
7           *not a substantial contributing factor in the death*  
8           *or disability of the public safety officer.*

9           “(3) *ADDITIONAL EXPOSURE-RELATED CAN-*  
10          *CERS.*—

11           “(A) *IN GENERAL.*—*From time to time but*  
12           *not less frequently than once every 3 years, the*  
13           *Director shall—*

14                   “(i) *review the definition of ‘exposure-*  
15                   *related cancer’ under paragraph (1); and*

16                   “(ii) *if appropriate, update the defini-*  
17                   *tion, in accordance with this paragraph—*

18                           “(I) *by rule; or*

19                           “(II) *by publication in the Fed-*  
20                           *eral Register or on the public website*  
21                           *of the Bureau.*

22           “(B) *BASIS FOR UPDATES.*—

23                   “(i) *IN GENERAL.*—*The Director shall*  
24                   *make an update under subparagraph*  
25                   *(A)(ii) in any case in which the Director*

1 *finds such an update to be appropriate*  
2 *based on competent medical evidence of sig-*  
3 *nificant risk to public safety officers of de-*  
4 *veloping the form of exposure-related cancer*  
5 *that is the subject of the update from en-*  
6 *gagement in their public safety activities.*

7 “(ii) *EVIDENCE.—The competent med-*  
8 *ical evidence described in clause (i) may in-*  
9 *clude recommendations, risk assessments,*  
10 *and scientific studies by—*

11 “(I) *the National Institute for Oc-*  
12 *cupational Safety and Health;*

13 “(II) *the National Toxicology Pro-*  
14 *gram;*

15 “(III) *the National Academies of*  
16 *Sciences, Engineering, and Medicine;*  
17 *or*

18 “(IV) *the International Agency*  
19 *for Research on Cancer.*

20 “(C) *PETITIONS TO ADD TO THE LIST OF*  
21 *EXPOSURE-RELATED CANCERS.—*

22 “(i) *IN GENERAL.—Any person may*  
23 *petition the Director to add a form of can-*  
24 *cer to the definition of ‘exposure-related*  
25 *cancer’ under paragraph (1).*

1           “(ii) *CONTENT OF PETITION.*—A peti-  
2           tion under clause (i) shall provide informa-  
3           tion to show that there is sufficient com-  
4           petent medical evidence of significant risk  
5           to public safety officers of developing the  
6           cancer from engagement in their public  
7           safety activities.

8           “(iii) *TIMELY AND SUBSTANTIVE DECI-*  
9           *SIONS.*—

10           “(I) *REFERRAL.*—Not later than  
11           180 days after receipt of a petition sat-  
12           isfying clause (ii), the Director shall  
13           refer the petition to appropriate med-  
14           ical experts for review, analysis (in-  
15           cluding risk assessment and scientific  
16           study), and recommendation.

17           “(II) *CONSIDERATION.*—The Di-  
18           rector shall consider each recommenda-  
19           tion under subclause (I) and promptly  
20           take appropriate action in connection  
21           with the recommendation pursuant to  
22           subparagraph (B).

23           “(iv) *NOTIFICATION TO CONGRESS.*—  
24           Not later than 30 days after taking any  
25           substantive action in connection with a rec-

1                   *ommendation under clause (iii)(II), the Di-*  
2                   *rector shall notify the Committee on the Ju-*  
3                   *diciary of the Senate and the Committee on*  
4                   *the Judiciary of the House of Representa-*  
5                   *tives of the substantive action.”.*

6                   (2) *APPLICABILITY.—The amendment made by*  
7                   *paragraph (1) shall apply to any claim under—*

8                   (A) *section 1201(a) of title I of the Omnibus*  
9                   *Crime Control and Safe Streets Act of 1968 (34*  
10                  *U.S.C. 10281(a)) that is predicated upon the*  
11                  *death of a public safety officer on or after Janu-*  
12                  *ary 1, 2020, that is the direct and proximate re-*  
13                  *sult of an exposure-related cancer; or*

14                  (B) *section 1201(b) of title I of the Omnibus*  
15                  *Crime Control and Safe Streets Act of 1968 (34*  
16                  *U.S.C. 10281(b)) that is filed on or after Janu-*  
17                  *ary 1, 2020, and predicated upon a disability*  
18                  *that is the direct and proximate result of an ex-*  
19                  *posure-related cancer.*

20                  (3) *TIME FOR FILING CLAIM.—Notwithstanding*  
21                  *any other provision of law, an individual who desires*  
22                  *to file a claim that is predicated upon the amendment*  
23                  *made by paragraph (1) shall not be precluded from*  
24                  *filing such a claim within 3 years of the date of en-*  
25                  *actment of this Act.*

1       **(b) CONFIDENTIALITY OF INFORMATION.**—

2               **(1) IN GENERAL.**—Section 812(a) of title I of the  
3       *Omnibus Crime Control and Safe Streets Act of 1968*  
4       *(34 U.S.C. 10231(a)) is amended—*

5               **(A)** *in the first sentence, by striking “fur-*  
6       *nished under this title by any person and identi-*  
7       *fiable to any specific private person” and insert-*  
8       *ing “furnished under any law to any component*  
9       *of the Office of Justice Programs, or furnished*  
10       *otherwise under this title, by any entity or per-*  
11       *son, including any information identifiable to*  
12       *any specific private person,”; and*

13               **(B)** *in the second sentence, by striking “per-*  
14       *son furnishing such information” and inserting*  
15       *“entity or person furnishing such information or*  
16       *to whom such information pertains”.*

17               **(2) EFFECTIVE DATE; APPLICABILITY.**—*The*  
18       *amendments made by paragraph (1) shall—*

19               **(A)** *shall take effect for all purposes as if*  
20       *enacted on December 27, 1979; and*

21               **(B)** *apply to any matter pending, before the*  
22       *Department of Justice or otherwise, as of the*  
23       *date of enactment of this Act.*

24       **(c) TECHNICAL AMENDMENTS.**—



1           (1) *IN GENERAL.*—Section 1201(o)(2) of title I of  
2           the Omnibus Crime Control and Safe Streets Act of  
3           1968 (34 U.S.C. 10281(o)(2)) is amended—

4                   (A) in subparagraph (A), by inserting “or  
5                   (b)” after “subsection (a)”;

6                   (B) in subparagraph (B), by inserting “or  
7                   (b)” after “subsection (a)”; and

8                   (C) in subparagraph (C), by inserting “or  
9                   (b)” after “subsection (a)”.

10           (2) *APPLICABILITY.*—The amendments made by  
11           paragraph (1) shall apply to any matter pending be-  
12           fore the Department of Justice as of the date of enact-  
13           ment of this Act.

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

15           (a) *IN GENERAL.*—Section 3 of the Safeguarding  
16           America’s First Responders Act of 2020 (34 U.S.C. 10281  
17           note) is amended by adding at the end the following:

18                   “(d) *DEFINITION.*—In this section, the term ‘line of  
19                   duty action’ includes any action—

20                           “(1) in which a public safety officer engaged at  
21                           the direction of the agency served by the public safety  
22                           officer; or

23                           “(2) the public safety officer is authorized or ob-  
24                           ligated to perform.”.

25                   (b) *APPLICABILITY.*—

1           (1) *IN GENERAL.*—*The amendment made by sub-*  
2           *section (a) shall apply to any claim under section 3*  
3           *of the Safeguarding America’s First Responders Act*  
4           *of 2020 (34 U.S.C. 10281 note)—*

5                     (A) *that is predicated upon the death of a*  
6                     *public safety officer on or after January 1, 2020;*

7                     *or*

8                     (B) *that is—*

9                             (i) *predicated upon the disability of a*  
10                            *public safety officer; and*

11                           (ii) *filed on or after January 1, 2020.*

12           (2) *TIME FOR FILING CLAIM.*—*Notwithstanding*  
13           *any other provision of law, an individual who desires*  
14           *to file a claim that is predicated upon the amendment*  
15           *made by subsection (a) shall not be precluded from*  
16           *filing such a claim within 3 years of the date of en-*  
17           *actment of this Act.*



**Calendar No. 415**

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**A BILL**

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

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JUNE 5, 2024

Reported with an amendment