AMENDMENT TO RULES COMMITTEE PRINT

117-54

OFFERED BY MR. CARBAJAL OF CALIFORNIA

At the appropriate place in division E, insert:

SECTION ___, UNITED STATES FIRE ADMINISTRATION PRE-

SUMPTION OF CAUSE OF DISABILITY OR

DEATH DUE TO EMPLOYMENT IN FIRE PRO-

TECTION ACTIVITIES.

(a) CERTAIN DISEASES PRESUMED TO BE WORK-RE-

LATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL

EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—

(1) PRESUMPTION RELATING TO EMPLOYEES IN

FIRE PROTECTION ACTIVITIES.—Subchapter I of

chapter 81 of title 5, United States Code, is amend-

ed by inserting after section 8143a the following:

“§ 8143b. Employees in fire protection activities.

“(a) CERTAIN DISEASES DEEMED TO BE PROXI-

MATELY CAUSED BY EMPLOYMENT IN FIRE PRO-

TECTION ACTIVITIES.—

“(1) IN GENERAL.—For a claim under this sub-

chapter of disability or death of an employee who

has been employed for a minimum of 5 years in ag-

gregate 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.

“(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.

“(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.’’.

(2) 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.

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

(A) evaluate the best available scientific evidence of the risk to an employee in fire protection activities of developing breast cancer, gynecological cancer, and rhabdomyolysis;

(B) add breast cancer, gynecological cancer, and rhabdomyolysis 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 deter-
mines that such evidence supports such addition; and

(C) submit a report of the Secretary’s findings under subparagraph (A) and the Secretary’s determination under subparagraph (B) to the Committee on Education and Labor of the House and the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) **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—

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

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

(6) 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.

(b) SUBROGATION OF CONTINUATION OF PAY.—

(1) SUBROGATION OF THE UNITED STATES.—Section 8131 of title 5, United States Code, is amended—
(A) in subsection (a), by inserting “continuation of pay or” before “compensation”; and

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

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

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

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

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

(D) 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.”.
(c) Protection of Firefighters From Toxic Chemicals and Other Contaminants.—

(1) 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—

(A) 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;

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

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

(D) 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

(E) other related factors.

(2) CONTEXT.—In preparing the report required under paragraph (1), the Comptroller General of the United States may, as appropriate, provide information in a format that delineates high risk urban areas from rural communities.

(3) DEPARTMENT OF LABOR CONSIDERATION.—After issuance of the report required under paragraph (1), the Secretary of Labor shall consider such report’s findings and assess its applicability for purposes of the amendments made by subsection (b).

(d) 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).