

April 17, 2023

S1138

## CONGRESSIONAL RECORD—SENATE

for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table; as follows:

On page 1, line 1, strike "2 days" and insert "3 days".

**SA 77.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table; as follows:

At the end add the following:

**SEC. EFFECTIVE DATE.**

This Act shall take effect on the date that is 4 day after the date of enactment of this Act.

**SA 78.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table; as follows:

On page 1, line 3, strike "4 days" and insert "5 days".

**SA 79.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROHIBITION ON AWARD OF FEDERAL FUNDS.**

(a) **IN GENERAL.**—A fire service shall be ineligible to receive any Federal funds made available under this Act and the amendments made by this Act if the fire service dismissed or discharged from employment any individual based solely on—

(1) the failure of the individual to obey an order to receive a vaccine for COVID-19; or

(2) the exercise by the individual of any rights protected under the First Amendment to the Constitution of the United States to speak against the implementation of any mandate to receive a vaccine for COVID-19.

(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply if the fire service has offered reinstatement to all individuals dismissed or discharged based solely on a reason described in paragraph (1) or (2) of that subsection to the position and rank held by the individual on the date of the dismissal or discharge with full back pay calculated from the date of the dismissal or discharge.

(c) **FIRE SERVICE DEFINED.**—The term "fire service" has the meaning given that term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

**SA 80.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ STATE AND TRIBAL USE OF CATEGORICAL EXCLUSION FOR ESTABLISHMENT OF FUEL BREAKS IN FORESTS AND OTHER WILDLAND VEGETATION.**

Section 40806 of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592b) is amended by adding at the end the following:

**"(g) STATE AND TRIBAL PROJECT DELIVERY PROGRAMS.—**

**"(1) IN GENERAL.**—On request of a State or an Indian Tribe, the Secretary concerned shall enter into an agreement (which may be in the form of a memorandum of understanding) with the State or Indian Tribe, under which the Secretary concerned assigns, and the State or Indian Tribe assumes, the responsibilities of the Secretary concerned with respect to—

**"(A)** 1 or more projects under this section using the categorical exclusion established by subsection (b), including—

**"(i)** environmental review, consultation, and any other action required under any Federal environmental law with respect to the review or approval of a project, including the preparation of a supporting decision memorandum in accordance with subsection (b); and

**"(ii)** carrying out the forest management activities described in subsection (c) on public lands or National Forest System land in the State or under the jurisdiction of the Indian Tribe, as applicable; or

**"(B)** any other project on public lands or National Forest System land in the State or under the jurisdiction of the Indian Tribe, as applicable, using any other categorical exclusion that the Secretary concerned determines to be appropriate for use by the State or Indian Tribe, as applicable, to protect communities from wildfire.

**"(2) COLLABORATION.**—A State or an Indian Tribe may enter into an agreement under paragraph (1) in collaboration with a unit of local government, a private entity, or a community organization and associated contractors.

**"(3) REQUIREMENTS.—**

**"(A) IN GENERAL.**—A State or an Indian Tribe that assumes responsibilities under paragraph (1) shall be subject to the same procedural and substantive requirements as to which the Secretary concerned would be subject.

**"(B) RETENTION OF RESPONSIBILITIES.**—Any responsibility of the Secretary concerned that is not explicitly assigned to and assumed by a State or an Indian Tribe under an agreement under paragraph (1) shall remain the responsibility of the Secretary concerned.

**"(C) PROHIBITION.**—The Secretary concerned may not require a State or an Indian Tribe, as a condition on entering into an agreement under paragraph (1), to forgo any other means for carrying out the applicable project that is otherwise permissible under applicable law.

**"(D) VERIFICATION OF RESOURCES.**—As a condition on entering into an agreement under paragraph (1), the Secretary concerned may require a State or an Indian Tribe to verify that the State or Indian Tribe has the financial and personnel resources necessary to carry out the responsibilities described in that paragraph.

**"(4) AGREEMENTS.**—An agreement under paragraph (1) shall—

**"(A)** be executed by the Governor or the top-ranking official of the State or Indian Tribe that is charged with responsibility for the applicable project;

**"(B)** be in such form as the Secretary concerned may prescribe;

**"(C)** provide that the State or Indian Tribe—

**"(i)** agrees to assume all or part of the responsibilities of the Secretary concerned;

**"(ii)** expressly consents to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary concerned assumed by the State or Indian Tribe;

**"(iii)** certifies that State or Tribal laws (including regulations) are in effect that—

**"(I)** authorize the State or Indian Tribe to take the actions necessary to carry out the responsibilities being assumed; and

**"(II)** provide that any decision regarding the public availability of a document under those State or Tribal laws is reviewable by a court of competent jurisdiction; and

**"(iv)** agrees to maintain the financial and personnel resources necessary to carry out the responsibilities being assumed;

**"(D)** require the State or Indian Tribe to provide to the Secretary concerned any information that the Secretary concerned reasonably considers necessary to ensure that the State or Indian Tribe is adequately carrying out the responsibilities assigned to the State or Indian Tribe;

**"(E)** have a term of not more than 5 years; and

**"(F)** be renewable.

**"(5) JUDICIAL REVIEW.—**

**"(A) IN GENERAL.**—The district courts of the United States shall have exclusive jurisdiction over any civil action against a State or an Indian Tribe for a failure to carry out any responsibility assigned to and assumed by the State or Indian Tribe under an agreement under paragraph (1).

**"(B) LEGAL STANDARDS AND REQUIREMENTS.**—A civil action described in subparagraph (A) shall be governed by the legal standards and requirements that would apply if the civil action were against the Secretary concerned had the Secretary concerned taken the relevant actions.

**"(C) INTERVENTION.**—The Secretary concerned may intervene in any civil action described in subparagraph (A).

**"(6) STATE OR TRIBAL RESPONSIBILITY AND LIABILITY.**—A State or an Indian Tribe that assumes responsibilities under an agreement under paragraph (1) shall be—

**"(A)** solely responsible for carrying out the responsibilities; and

**"(B)** solely liable for any action or failure to take an action in carrying out those responsibilities.

**"(7) TERMINATION.—**

**"(A) IN GENERAL.**—A State or an Indian Tribe may terminate an agreement entered into by the State or Indian Tribe under paragraph (1), at any time, by submitting to the Secretary concerned a notice not later than the date that is 90 days before the date of termination.

**"(B) TERMS AND CONDITIONS.**—A termination under subparagraph (A) shall be subject to such terms and conditions as the Secretary concerned may provide.

**"(8) EDUCATION AND OTHER INITIATIVES.**—The Secretary concerned, in cooperation with representatives of State and Tribal officials, may carry out education, training, peer-exchange, and other initiatives, as appropriate—

**"(A)** to assist States and Indian Tribes in developing the capacity to carry out projects under this subsection; and

**"(B)** to promote information-sharing and collaboration among States and Indian Tribes that are carrying out projects under this subsection."

**SA 81.** Mr. SCOTT of Florida submitted an amendment intended to be

proposed by him to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TRANSFER OF UNOBLIGATED COVID FUNDS.**

(a) COVERED FUNDS.—The term “covered funds” means amounts made available under—

(1) the Coronavirus Relief Fund established under section 601 of the Social Security Act (42 U.S.C. 801); and

(2) the Coronavirus State and Local Fiscal Recovery Fund programs established under section 602 or 603 of the Social Security Act (42 U.S.C. 802, 803).

(b) IDENTIFICATION OF FUNDS TO TRANSFER.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall identify unobligated covered funds, which shall be transferred to the Administrator of the United States Fire Administration under subsection (c).

(c) TRANSFER.—Effective on the date that is 60 days after the date of enactment of this Act, the unobligated covered funds identified by the Secretary of the Treasury under subsection (b) shall be transferred to and merged with other amounts made available to the Administrator of the United States Fire Administration to carry out section 17(g)(1)(N) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)(N)).

(d) AVAILABILITY AND USE.—Amounts transferred under subsection (c) shall remain available until expended.

**SA 82. Ms. KLOBUCHAR** (for herself and Mr. CRAMER) submitted an amendment intended to be proposed by her to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PUBLIC SAFETY OFFICER BENEFITS FOR EXPOSURE-RELATED CANCERS.**

(a) SHORT TITLE.—This section may be cited as the “Honoring Our Fallen Heroes Act of 2023”.

(b) CANCER-RELATED DEATHS.—

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

“(D) EXPOSURE-RELATED CANCERS.—

“(1) DEFINITIONS.—In this subsection:

“(A) CARCINOGEN.—The term ‘carcinogen’ means a known or suspected carcinogen, as defined by the International Agency for Research on Cancer, that is reasonably linked to an exposure-related cancer.

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

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

- “(i) bladder cancer;
- “(ii) brain cancer;
- “(iii) breast cancer;
- “(iv) cervical cancer;
- “(v) colon cancer;
- “(vi) colorectal cancer;
- “(vii) esophagus cancer;
- “(viii) kidney cancer;
- “(ix) leukemia;

- “(x) lung cancer;
- “(xi) malignant melanoma;
- “(xii) mesothelioma;
- “(xiii) multiple myeloma;
- “(xiv) non-Hodgkins lymphoma;
- “(xv) ovarian cancer;
- “(xvi) prostate cancer;
- “(xvii) skin cancer;
- “(xviii) stomach cancer;
- “(xix) testicular cancer;
- “(xx) thyroid cancer;
- “(xxi) any form of cancer that is considered a WTC-related health condition under section 3312(a) of the Public Health Service Act (42 U.S.C. 300mm-22(a)); and
- “(xxii) any other form of cancer that the Bureau may determine appropriate in accordance with paragraph (3).

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

“(A) IN GENERAL.—Subject to subparagraph (B), as determined by the Bureau, the death or permanent and total disability of a public safety officer due to an exposure-related cancer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death or permanent and total disability, if—

“(i) the public safety officer was exposed to or in contact with heat, radiation, or a carcinogen that is linked to an exposure-related cancer while in the course of the line of duty;

“(ii) the public safety officer began serving as a public safety officer not later than 5 years before the date of the diagnosis of the public safety officer with an exposure-related cancer;

“(iii) the public safety officer was diagnosed with an exposure-related cancer not later than 15 years after the last date of active service as a public safety officer of the public safety officer; and

“(iv) the exposure-related cancer directly and proximately results in the death or permanent and total disability of the public safety officer.

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

“(3) ADDITIONAL EXPOSURE-RELATED CANCERS.—

“(A) IN GENERAL.—The Director shall—

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

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

“(B) BASIS FOR DETERMINATION.—The Director shall add a type of exposure-related cancer to the definition of ‘exposure-related cancer’ under paragraph (1) upon a showing by a petitioner or the Director’s own determination, based on the weight of the best available scientific evidence, that there is a significant risk to public safety officers engaged in public safety activities of developing the type of exposure-related cancer.

“(C) AVAILABLE EXPERTISE.—In determining significant risk for the purpose of subparagraph (B), the Director may accept as authoritative and may rely upon recommendations, risk assessments, and scientific studies 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.

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

“(i) IN GENERAL.—Any person may petition the Director to add a type of exposure-related cancer to the definition of ‘exposure-related cancer’ under paragraph (1).

“(ii) CONTENT OF PETITION.—A petition under clause (i) shall provide information to show that there is sufficient evidence, based on the weight of the best available scientific evidence, of significant risk to public safety officers engaged in public safety activities of developing such exposure-related cancer from their employment.

“(iii) TIMELY AND SUBSTANTIVE DECISIONS.—Not later than 180 days after receipt of a petition under this subparagraph, the Director shall grant or deny the petition by publishing in the Federal Register a written explanation of the reasons for the Director’s decision. The Director may not deny a petition solely on the basis of competing priorities, inadequate resources, or insufficient time for review.

“(iv) NOTIFICATION TO CONGRESS.—Not later than 30 days after making any decision to approve or deny a petition under this subparagraph, the Director shall notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives of the decision.”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply in the case of any public safety officer who died or became permanently and totally disabled on or after January 1, 2023, as a result of an exposure-related cancer.

(c) TECHNICAL AMENDMENTS.—

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

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

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply in the case of any public safety officer who died on or after January 1, 2020.

(B) TIME FOR FILING CLAIM.—Section 32.12(a)(1) of title 28, Code of Federal Regulations, shall not apply to a claimant who otherwise qualifies for support pursuant to the amendment made by paragraph (1).

**SA 83. Mr. McCONNELL** (for Mr. SULLIVAN) submitted an amendment intended to be proposed by Mr. McConnell to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ELIGIBLE USE FOR GRANT FUNDS.**

Section 33(c)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(c)(3)) is amended—

(1) by redesignating subparagraphs (K) through (N) as subparagraphs (L) through (O), respectively; and

(2) by inserting after subparagraph (J) the following:

“(K) To construct in communities with not more than 10,000 individuals fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.”.

**SA 84. Mr. SCHUMER** (for Ms. CORTEZ MASTO) submitted an amendment